



Class action lawsuit filed over Hyannis well contamination

By Madeleine List

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BOSTON — Two law firms representing residents affected by the contaminated Hyannis water supply filed a class action lawsuit against several companies in U.S. District Court in Massachusetts last week seeking compensation for those who have fallen ill or experienced other negative effects from exposure to the water.

The lawsuit names as defendants five manufacturers of firefighting foams containing perfluorinated chemicals PFOS and PFOA, which are believed to have contaminated wells serving residents in Hyannis, Hyannisport and West Hyannisport. The foams were previously used at the nearby Barnstable County Fire and Rescue Training Academy.

About 200 residents have signed on to the class action suit so far, said Louise Caro, partner at Napoli Shkolnik PLLC, the law firm representing the plaintiffs along with the Law Offices of Brian Cunha & Associates.

The plaintiffs are seeking the establishment of a medical monitoring protocol, which would allow members of the class action suit to receive medical testing for diseases potentially connected to their exposure to the water at the defendants' expense.

“The idea is that you shouldn’t have to pay for the testing,” Caro said. “You shouldn’t have to pay for testing for these diseases that are attributed to the exposure.”

PFOA and PFOS can accumulate in the body and lead to illnesses years down the road, she said. Some diseases linked to high levels of perfluorinated chemicals in the body include kidney and testicular cancer, ulcerative colitis, preeclampsia, thyroid disease and high cholesterol, according to the complaint.

A few plaintiffs are already experiencing some of these illnesses, but plaintiffs don't have to be sick to join the class action suit, Caro said.

Plaintiffs are also asking to be compensated for personal injury as well as declining property values, according to the complaint.

A settlement was reached in a separate, related suit brought by the town of Barnstable against Barnstable County in 2016. Under terms of that agreement, the county will pay the town \$2.95 million to reimburse it for capital costs, including carbon treatment systems, associated with cleanup of the contaminated wells.

In December 2017, U.S. District Judge Denise Casper dismissed five of eight counts brought by Barnstable County against many of the same firefighting foam manufacturers named in the class action lawsuit. Casper dismissed the county's claims that the manufacturers were negligent in selling the products that led to the contamination of soil and groundwater.

Despite the ruling in 2017, Caro said she believes her clients have a strong case. More information has come out recently about what the manufacturing companies, particularly 3M, knew about perfluorinated chemicals and when they knew it, Caro said.

The complaint alleges that manufacturing companies conspired to conceal the true toxic nature of PFOS and PFOA, avoided using alternative and safer designs for firefighting foams and failed to warn communities where the foams were being used of the presence of PFOS and PFOA in their products.

"They did not disclose to the purchasers of the material how dangerous it was, and I think that's going to come out more now," she said. "Likely, they were deliberately vague."

In a statement, 3M denied any wrongdoing.

"3M will vigorously defend this lawsuit," the statement says. "3M acted responsibly at all times and will defend its record of stewardship in connection with firefighting foam."

Caro said the class action suit is still open to plaintiffs who would like to join. Anyone who consumed water from the Hyannis water system on a regular basis is eligible to join the suit, she said.

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