



FIRE DEPARTMENT SERVICE ANNOUNCEMENT

Bulletin #13, Class Action and MDL Litigation of PFAS Firefighting Foams, March 5, 2021

PFAS chemicals have been used widely in aqueous film-forming foam (AFFF) as a fire-fighting agent for decades. The Multi District Litigation (MDL) involving firefighting foams currently has 863 court cases in the South Carolina Federal District Court. Because the cases involve common connections of law they have been consolidated. One of the larger cases just recently settled in Wisconsin:

“Johnson Controls has agreed to pay \$17.5 million to residents in Peshtigo, Wisconsin, whose water was contaminated by PFAS from firefighting foam that was mixed and tested at its Tyco Firefighting Technology Center in Marinette. Tyco Fire Products is a subsidiary of Johnson Controls.”¹

“A class action in federal court in Ohio names nine defendant companies and claims to represent all residents of the United States who have detectable levels of PFAS in their blood, seeking establishment of a PFAS science panel.”² This case is headed up by a former firefighter who had used firefighting foam and the case has survived a motion to dismiss in September 2019. Kevin Hardwick is represented by attorney Robert Bilott.

“Hardwick alleged that the defendants use of one or more PFAS materials caused the “contamination of the plaintiff’s and the class members’ blood and/or bodies with PFAS, and the resultant biopersistence and bioaccumulation of such PFAS in the blood and/or bodies of the plaintiff and other class members.” The complaint did not include a request a prayer for compensatory damages, but instead sought equitable relief in the form of medical monitoring and the formation of a panel of scientists to study the effects of PFAS on the body, and to formulate binding conclusions for the litigation.”³

1 Johnson Controls Settles Lawsuit for PFAS Contamination, Agrees to \$17.5M Compensation, Jennifer Nastu, January 7, 2021, <https://www.environmentalleader.com/2021/01/johnson-controls-settles-lawsuit-for-pfas-contamination-agrees-to-17-5m-compensation/>

2 *Hardwick v. 3M Co.*, 2019 U.S. Dist. LEXIS 16932, 2019 WL 4757134 (S.D. Ohio 2019)

3 Ohio PFAS Class Action Survives Motions to Dismiss, Environmental Law Monitor, Goldberg Segalla, Oct 3, 2019, <https://environmentallawmonitor.com/pfas/ohio-pfas-class-action-survives-motions-to-dismiss/>

DNR AND DHS ISSUE DO NOT EAT ADVISORY FOR DEER LIVER IN FIVE-MILE AREA SURROUNDING JCI/TYCO SITE IN MARINETTE



Following DNR findings of PFAS in deer liver in Marinette, Peshtigo and surrounding communities, DHS has issued an advisory against the consumption of deer liver from animals harvested with five-mile radius of JCI/Tyco Fire Technology Center.

Photo credit: Wisconsin DNR

The PFAS contaminated zone of the JCI / Tyco Fire Products training facility is currently estimated at five square miles. In addition to affecting two cities, Marinette and Peshtigo, Lake Michigan's Green Bay has been contaminated with PFAS chemicals.