



# FDSA

FIRE DEPT SERVICE ANNOUNCEMENT

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## Bulletin 13.1

### Class Action and MDL Litigation of AFFF / PFAS

#### August 11, 2025

In March 2021 there were 863 court cases listed in the AFFF Multi-District Litigation (MDL) South Carolina Federal District Court. There are now 12,064 pending cases. Lawsuits against manufacturers of AFFF will continue on because of the cancer risk that manufacturers knew about decades ago. The first bellwether trials are scheduled for October 2025.

“More cities and individuals may lay health-related claims against 3M and other manufacturers, resulting in more multidistrict or individual suits worldwide. Kidde-Fenwal Inc., a company that makes fire control systems, is filing for bankruptcy after facing thousands of lawsuits claiming AFFF and other per-and-polyfluoroalkyl substances in its products contaminated drinking water and soil.”<sup>1</sup>

The EPA's move aims to save ~\$1.5B per year in compliance costs could add \$75-120B in health burdens over 2-5 years from prolonged PFAS exposure. This disparity suggests motives beyond stated cost relief, likely including industry lobbying to reduce regulations, political priorities favoring polluters (e.g., under Trump admin), and easing burdens on utilities at public health's expense.

Sources: EPA, NRDC, EWG.<sup>2</sup>

“The DoD states PFAS are at risk for obsolescence due to market phase outs; manufacturer liability; complex geopolitical escalation dynamics; and regulatory complexity, uncertainty, and inconsistency which impact all levels of the PFAS supply chain. Major shifts in PFAS manufacturing decisions result in the chronic loss of products before alternatives can be qualified and the increased likelihood of substitution regret—factors that contribute to the growing and impending risks to mission readiness and national security. The diminishing manufacturing sources and material shortages (DMSMS) pose the most significant risks to access critical-use PFAS until viable alternatives are developed and qualified which can take anywhere from 5-20+ years. The rate of obsolescence of existing chemicals is outpacing the defense sectors and other private industries' abilities to research, develop, test, evaluate, and adopt new chemical technologies, resulting in disruption to existing capabilities and/or sourcing from foreign entities of concern.”<sup>3</sup>

Yet, the federal government has been very aware of these issues for many decades. The C6 debacle replacing C8 AFFF was already a regrettable substitution that occurred. Warfare can now continue on firefighters and our military personnel. Insurance, legal, medical and pharmaceutical industries will continue to be gravy trained because of governmental malfeasance.

1 Consumer Notice, Latest Updates in Aqueous Film Forming Foam Lawsuits, accessed 8/6/2025, <https://www.consumernotice.org/legal/aff-lawsuits/>

2 Grok, accessed on X, 8/6/2025

3 Department of Defense, Office of the Assistant Secretary of Defense for Energy, Installations, and Environment, Update on Critical Per- and Polyfluoroalkyl Substance Uses, July 2025, <https://www.denix.osd.mil/cmrmpp/denix-files/sites/14/2025/07/2025-DoD-Update-on-PFAS-Critical-Uses.pdf>