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City Attorney Files Suit against DuPont, 3M, and Others

Cleanup costs of “forever chemicals” expected to be substantial

City Attorney Mara W. Elliott filed suit today against more than 20 chemical companies for manufacturing and steadfastly concealing the toxic nature of firefighting foams that have contaminated drinking water supplies around San Diego for decades.

Their fire-suppression foams used a class of chemicals called per- and polyfluoroalkyl substances (PFAS), which are considered “forever chemicals” because they do not break down into harmless components over time. Those toxic chemicals must be removed from waters, soils, and other resources or they remain in perpetuity.

The lawsuit, filed in the Superior Court of California in San Diego on behalf of the People of California and the City of San Diego, seeks to force the companies to pay for the costs of cleanup since they profited from selling the products containing these dangerous chemicals.

The City has detected PFAS in certain drinking water supplies, stormwater and wastewater, and other natural resources, and has taken action to help prevent public exposure to PFAS. The cost to set up and maintain long-term filtration systems and other measures required to remove PFAS are expected to be substantial.

The director of the U.S. Center for Disease Control’s National Center for Environmental Health called widespread contamination by PFAS chemicals “one of the most seminal public health challenges for the next decades.”

“3M, Dupont, and the others have known for decades that the PFAS they developed, manufactured, and sold were toxic and that their intended use would contaminate the environment and jeopardize public health,” City Attorney Mara W. Elliott said. **“We have documents showing that one of 3M’s chief scientists resigned in frustration over the company’s refusal to investigate the toxicity of PFAS, calling it the ‘most onerous pollutant since PCBs.’ ”**

PFAS bioaccumulate in the tissues of any living creature that ingests them. They are known to cause serious health conditions such as cancer; liver, thyroid, and kidney disease; immune system disruption; and reproductive health dysfunction such as infertility, miscarriage, and hypertension.

A single fire, or even a training exercise, can result in the discharge of thousands of gallons of PFAS foam.

“These polluters were interested primarily in profits and secrecy,” Elliott said. “This lawsuit will hold them accountable, restore the environment, and protect the health of today’s San Diegans and future generations.”

The San Diego City Attorney’s Affirmative Civil Enforcement Unit are the lead attorneys for this case, assisted by co-counsel from Grant & Eisenhofer; Casey Gerry Schenk Francavilla Blatt & Penfield, LLP; and Cotchett, Pitre & McCarthy.

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