

GADSDEN PFAS LAWSUIT AGAINST DUPONT, OTHERS TO MOVE FORWARD

The Water Works and Sewer Board of the City of Gadsden can proceed with its lawsuit against additional defendants responsible for PFAS contamination in the Coosa River Basin.

Montgomery, AL (March 27, 2024) - The Water Works and Sewer Board of the City of Gadsden can proceed with its lawsuit against several defendants it contends are responsible for the negligent, willful and wanton conduct that has led to PFAS contamination in the Coosa River Basin.

According to the EPA, PFAS are widely used, long-lasting chemicals whose components break down very slowly over time. PFAS chemicals are linked to negative health effects, including cancer and decreased birth weight. PFAS cannot be removed from drinking water with conventional technology used in the water treatment process.

The lawsuit names DuPont, Daikin America and other PFAS manufacturers who sold PFAS to carpet and textile manufacturers. Industrial wastewater produced by these customers contains high levels of PFAS, which resist degradation and migrate from the Conasauga River into the Coosa River, the source of Gadsden's drinking water. The suit also alleges contamination from nearby Three Corners Landfill.

The litigation was briefly stayed due to a proposed MDL settlement aimed at resolving claims for PFAS contamination in U.S. Public Water Systems. The MDL settlement was approved by Judge Richard Gergel of the United States District Court for the District of South Carolina in February, which cleared the way for the remaining trials to proceed. Gadsden opted out of this settlement.

As a direct result of the contamination, the Water Works and Sewer Board of Gadsden alleges it has suffered expenses associated with the installation and operation of a filtration system capable of removing PFAS from the water and monitoring PFAS contamination levels.

"I am pleased that we can move forward with our lawsuit against these defendants who we believe have caused significant expense to our client," said Beasley Allen attorney Rhon Jones. "It is important that those responsible for this contamination are held accountable for their actions."

The lawsuit seeks damages in an amount to be determined by a jury sufficient to compensate it for removing PFAS from Gadsden's drinking water, disposing of PFAS removed from Gadsden's drinking water, real property damage, and future expenses.

Currently, the EPA has issued a lifetime health advisory recommending that drinking water should contain less than 0.004 parts per trillion (ppt) PFOA and 0.02 ppt PFOS.

Defendants in a prior similar case settled for confidential amounts with the Water Works and Sewer Board of Gadsden. Along with Jones, Gadsden is represented by Matt Griffith, Jeff Price, David Diab, Elliot Bienenfeld, Gavin King, and Elizabeth Weyerman.

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