

SHELBY, TALLADEGA COUNTIES' SUIT AGAINST 3M, OTHERS TO PROCEED

Two Alabama counties are moving forward with a lawsuit against chemical companies, including 3M, for contaminating the Coosa River with toxic chemicals, causing substantial economic and consequential damage.

Montgomery, AL (April 3, 2024) – Talladega and Shelby Counties' lawsuit against several chemical companies it contends contaminated its Coosa River water supply with toxic chemicals, including PFAS, is moving forward after a brief stay.

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 using conventional technology in the water treatment process.

The lawsuit names 3M, DuPont, Daikin America and other PFAS manufacturers who sold PFAS to carpet manufacturers (also defendants) in Alabama and Georgia. Industrial wastewater produced by these customers contains high levels of PFAS, which resist degradation and migrate into the Coosa River, the source of Talladega and Shelby Counties' drinking water.

The Talladega-Shelby water treatment plants provide drinking water directly to residential and commercial customers in Talladega and Shelby Counties, an area of the State that is experiencing rapid growth in population and industry. The plants utilize the Coosa River as its raw water source.

As a direct result of the contamination, the counties allege they have suffered substantial economic and consequential damage, including expenses associated with the future installation and operation of a filtration system capable of removing PFAS from the water, expenses associated with the removal or remediation of contaminated property, and expenses incurred to monitor PFAS contamination.

Due to a proposed MDL settlement aimed at resolving claims for PFAS contamination in U.S. Public Water Systems, this litigation was briefly stayed. 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 it to proceed.

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

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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, which essentially means zero.

Along with Jones, the plaintiffs are represented by Matt Griffith, David Diab, Elliot Bienenfeld, Gavin King, Jeff Price, and Elizabeth Weyerman of Beasley, Allen, Methvin, Portis & Miles, PC, as well as Frank “Butch” Ellis and Bent Owens of Ellis, Head, Owens, Justice, Arnold & Graham and Brad Proctor of Proctor and Vaughn.

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