

**Letitia James**

New York State Attorney General

## **Attorney General James Secures Critical Improvements to Proposed Multibillion Dollar Settlement with 3M for Contaminating Drinking Water with Toxic PFAS**

**New Agreement Will Ensure 3M Is Liable for Dangerous Pollution, Not Taxpayers**

### **August 29, 2023**

NEW YORK – New York Attorney General Letitia James today announced that the **3M Company (3M)** has agreed to make significant changes to improve the terms of a proposed \$10.5 to \$12.5 billion settlement for its role in contaminating millions of Americans’ drinking water with per- and polyfluoroalkyl substances — commonly referred to as “PFAS” or toxic “forever chemicals.” Last month, Attorney General James joined a bipartisan coalition of 22 attorneys general in objecting to 3M’s proposed settlement with public water systems, flagging critical issues such as a provision that could have left taxpayers liable for future damages as a result of 3M’s pollution. After negotiations between the coalition of attorneys general and 3M co-led by the Office of the New York State Attorney General (OAG), the revised settlement announced today will address those issues and substantially increase the value of the settlement for participating water systems.

“Corporate polluters like 3M should not be able to duck responsibility for contaminating our waters with toxic ‘forever chemicals’ that have caused devastating health problems,” said Attorney General James. “I am proud to have helped secure a better deal for the communities across New York and the nation affected by this pollution. This new agreement will ensure 3M is held accountable and I will continue to use the full force of my office to fight for New Yorkers’ right to clean drinking water.”

PFAS chemicals resist degradation in the environment and accumulate in the body. Health effects associated with exposure to PFAS include kidney and testicular cancer, thyroid disease, liver damage, immune system effects, and other conditions. According

to the New York State Department of Health, PFAS have been detected in almost 40 percent of public drinking water supplies in the state, including 60 percent of systems serving more than 10,000 people. To date, New York has spent tens of millions of dollars on PFAS cleanup-related costs.

Among other things, 3M's initial proposed settlement would have required eligible public water systems to waive their legal claims against 3M without knowing what settlement funds they could receive, and in many cases, before knowing the extent of contamination in their water supplies and the ongoing cost of remediating a "forever chemical." Most critically, the settlement contained provisions that would have required water providers to assume future liability, potentially leaving taxpayers to cover the costs of damages caused by 3M's pollution.

The new settlement will incorporate several critical changes that are reflected in a proposed consent order filed with the U.S. District Court for the District of South Carolina:

- The uncapped indemnity in favor of 3M, which could have left water systems liable for damages well beyond their expected recovery from the settlement, is removed in its entirety, significantly increasing the value of the settlement to participating water systems;
- The deadline for eligible water systems to review the settlement and determine whether to opt-out is extended to 90 days;
- The establishment of a settlement-specific website with information that will allow water systems to derive a good-faith estimate of what they may receive under the 3M settlement agreement if they participate in it (although actual settlement awards will depend on data that is not yet available); and
- Claims by states and the federal government are expressly carved out of the agreement, allowing for future action and additional settlements against 3M.

Joining Attorney General James in withdrawing opposition to the proposed settlement are the attorneys general of Arizona, California, Colorado, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Wisconsin, and the District of Columbia, as well as the Commonwealth of the Northern Mariana Islands and the Commonwealth of Puerto Rico.

Attorney General James has consistently sought to hold PFAS manufacturers accountable for their pollution and protect New Yorkers' access to clean water and a clean environment. She led multistate coalitions calling on leaders in Congress [to strengthen public health and environmental protections against PFAS chemicals](#) in November 2021. Attorney General James also led a coalition in July 2019 urging Congress [to pass legislation that would help states address and prevent future PFAS pollution](#). This past March, Attorney General James [led a lawsuit with Department of Environmental Conservation \(DEC\) Commissioner Basil Seggos against 29 New York companies for illegally dumping waste](#). In May 2022, Attorney General James brought a lawsuit against three New York City bus companies for [violating city and state bus idling laws and causing significant air pollution](#). In May 2020, Attorney General James led a coalition of nine attorneys general to [sue the Trump administration for limiting enforcement of environmental protection laws](#). In 2018, she filed a suit against manufacturers of PFAS, including 3M.

This matter is being handled by Senior Advisor and Special Counsel M. Umair Khan of the Executive Division and Assistant Attorney General Mihir A. Desai and Watershed Inspector General and Senior Counsel Philip Bein of the Environmental Protection Bureau. The Environmental Protection Bureau is a part of the Division for Social Justice, which is led by Chief Deputy Attorney General Meghan Faux. The Executive Division and the Division for Social Justice are both overseen by First Deputy Attorney General Jennifer Levy.