

Ohio to get \$110 million from DuPont in PFAs lawsuit settlement

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COLUMBUS, Ohio – The state will receive \$110 million from two massive chemical manufacturers for their role unleashing vast sums of toxic PFAs in Southeast Ohio, state officials announced Wednesday.

Gov. Mike DeWine, then the attorney general of Ohio, sued E.I. Du Pont De Nemours and Co. and Chemours in 2018. The lawsuit alleged the companies dumped at least 500,000 pounds of PFOAs (a subset of PFAs) into the Ohio River, along with air releases, which have caused significant damage to human health and the environment.

Moreover, the companies did so despite their longstanding knowledge that PFAs – synthetics known as “forever chemicals” for their environmental staying power – were entering the environment and bear links to liver damage, cancers, pregnancy complications and other adverse human health effects, according to the lawsuit.

That case has not yet gone to trial and has been mired in [evidentiary disputes](#). But DeWine and current Attorney General Dave Yost said at a press conference with reporters Wednesday that the settlement avoids the uncertainties of a jury trial. Moreover, the settlement calls for a lump sum payment, which DeWine and Yost said avoids the risk of the state missing out on payment due to the company’s insolvency.

“Any lawsuit has claims that are disputable, this was not a slam dunk of a legal case, and there is not an unlimited amount of money that DuPont can – \$110 million is a big hit,” Yost said. “I think this is the absolute best we could have done without a jury trial where we well could have been disappointed in one or more ways.”

The officials said the state would steer the funds toward PFAs monitoring and remediation, mostly in Southeast Ohio.

The [complaint](#) states DuPont used PFOAs to make Teflon products at its Washington Works plant in Parkersburg, West Virginia. By 1961, its officials understood the toxic

nature of the chemicals. By 1966, they knew it was leaching into the groundwater. From there, the suit alleges a broadening understanding of the human health risks and increased seepages into the air and water supply, plus legal and reputational risks to the company. Regardless, at several points the company declined to cease its use of the chemical or warn the public of its hazards.

It even details a 1984 meeting in DuPont's corporate headquarters where employees discussed health and environmental issues related to PFOAs, and the company's ability to monitor and eliminate some of the emissions.

"DuPont chose not to use either, despite knowing of PFOA's toxicity, because it wanted to save money," the complaint states.

[According to the U.S. Environmental Protection Agency](#), current scientific research suggests that exposure to PFAs can lead to health effects like decreased fertility in women, developmental delays in children, increased cancer risks, weakened immune systems and increased obesity risk. This summer, the U.S. Geological Survey [estimated](#) that as much as 45% of the nation's tap water is estimated to have one or more types of PFAs.

DuPont issued a [statement](#) Wednesday laying out the basic terms of the settlement but avoiding substantive comment.

Ohio's lawsuit is one of many against the companies and others who used PFAs in the manufacturing process. 3M in June [agreed](#) to pay \$10.3 billion to settle nationwide claims from public water suppliers of contaminated drinking water. Corteva [agreed](#) to pay \$1.19 billion in a similar action.

The settlement announcement comes just after a panel of judges on the Sixth Circuit Court of Appeals [rejected a massive class action lawsuit against PFAs manufacturers](#) that could have included as many as all 12 million Ohioans as plaintiffs against the companies.

Cincinnati-based attorney Rob Bilott in some ways pioneered and mainstreamed such lawsuits by winning \$671 million in settlements from DuPont on behalf of 3,500 plaintiffs in 2017 regarding the same Washington Works plant, as depicted in the recent film "Dark Waters."

Bilott assisted Ohio in its case and sat in on Wednesday's news conference. In a brief interview afterward, he advised against comparing class action settlements based on

thousands of injured parties to a lawsuit from the state itself. While he acknowledged that settlements generally don't call for defendant's admitting guilt, he offered support for the settlement.

"I think this is a great result," he said.