



Legislation Text

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RESOLUTION NO. 240254

Sponsor: Mayor Quinton Lucas

RESOLUTION - Authorizing the City Attorney to participate in settlements in the multi-district litigation (“MDL”) cases consolidated in federal court in South Carolina involving Public Drinking Water Systems which have incurred or will incur costs to remove and dispose of harmful man-made chemicals known as PFAS substances.

WHEREAS, per and polyfluoroalkyl substances (“PFAS”) are man-made chemicals first manufactured in the 1940s by the 3M Company and DuPont to create durable water resistant, non-stick products and fire retardant products which have been widely used in numerous commercial, household, and government applications; and

WHEREAS, the manufacture and use of PFAS in a variety of products has caused widespread contamination in waters and other property in this country and throughout the world; and

WHEREAS, as a result, numerous product liability suits were filed against the manufacturers and suppliers of PFAS products, including the companies responsible for creating and distributing aqueous film forming foams (“AFFF”) products used to put out fires, which eventually led to the creation of a multi-district litigation filed in December 2018 against 3M, DuPont and other defendants in the U.S. District Court for South Carolina (Case No. 2:18-mn- 02873); and

WHEREAS, a bellwether case representative of all cases for Public Drinking Water Systems was scheduled for trial in June 2023. On the eve of trial, the settling defendants DuPont and 3M agreed to resolve Public Drinking Water System cases in a class action settlement, while continuing to deny liability; and

WHEREAS, the settlements are intended to address Public Drinking Water Systems’ claims regarding alleged PFAS-related harm and associated financial burdens including past and future costs of monitoring, treating, or remediating PFAS in drinking water as against those two defendants; and

WHEREAS, the City, with a publicly owned drinking water system, is a class member which can participate in the settlements; and

WHEREAS, the structure of the settlements is dependent upon the impact and amount of PFAS detected in the drinking water; and

WHEREAS, any funds distributed to the City through the mechanisms established in the settlement agreements between the Public Water Systems and 3M and DuPont will be utilized by KC Water to assist with the remediation of KC Water’s system to comply with the EPA’s regulation establishing legally enforceable maximum contaminant levels in drinking water for certain PFAS and for related purposes including disposal of

PFAS substances; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the City Attorney is authorized to take the necessary steps to participate in settlements in the MDL cases involving Public Drinking Water Systems, and to take such other actions that are consistent with this resolution.

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