

PRESS RELEASE

FOR IMMEDIATE RELEASE

Press Contact

Attorney James Koby

48 LaCrosse Residents File Lawsuit Against 3M, Dupont for Carcinogens in Drinking Water

Property owners claim chemical companies knowingly hid cancer dangers of firefighting foam.

(LACROSSE, WI) August 9, 2021 – Forty-eight LaCrosse homeowners have filed a class action lawsuit against 3M, Dupont, and 22 other chemical manufacturers and distributors of firefighting foam. The complaint, Case 2021CV000393, was filed in State of Wisconsin Circuit Court in LaCrosse County August 3, 2021.

“Since the 1960s and 1970s, Defendants have known that these chemicals contaminate water and do not degrade,” said James Koby of Koby Law, LLC in La Crosse. “They have also known for decades that they cause significant adverse health effects and could foresee that they would cause a profound risk to public health in communities such as LaCrosse. Yet they elected to manufacture and sell products utilizing these chemicals without warning their customers, placing profits over public health and safety.”

Each of the defendants manufacture and/or sell aqueous film-forming foam (AFFF). AFFF is used in firefighting to extinguish flammable liquid fires. These substances contain per- and poly-fluoroalkyl substances (PFAS), including perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

LaCrosse, Wisconsin’s water supply has been deemed unsafe to drink due to the presence of chemicals manufactured, distributed, and/or discharged by these chemical companies. The suit alleges the Defendants have contaminated Plaintiffs’ and Class Members’ private water wells with toxic chemicals known to cause cancer. The homeowners say they are holding corporations accountable to protect the public health, safety, welfare, and the environment, to recover substantial cost of treatment and removal of the contamination from their private water wells, and to seek damages for the diminution of their property value that contamination has caused.

Plaintiffs allege that years of routine use of Defendants’ AFFF products in fire training exercises, in firefighting, and in annual testing led to seepage of carcinogens into groundwater at LaCrosse Airport and into a flow zone south of the airport, contaminating both municipal and private drinking water sources.

These property owners, all of whom have private wells, now must test to determine the extent to which their water supplies are contaminated, find consultants to discuss remediation, incur the cost of buying drinking water, and face substantial costs and losses associated with diminution of property values.

Testing done in the City of LaCrosse to-date has already exposed PFOA and PFOS contamination far above proposed state and federal standards.

PFOS and PFOA chemicals seep into soil and water and are dangerous because they are mobile, they persist in the environment, and they bioaccumulate in humans and in other organisms. As they go through the food chain, such as when a person eats fish from a stream contaminated with these cancer-causing chemicals, they biomagnify, meaning they become more concentrated in the tissues of the person.

PFOS and PFOA have been linked in scientific studies to kidney cancer, testicular cancer, high cholesterol, thyroid disease, ulcerative colitis, and pregnancy-induced hypertension, as well as several other serious health risks.

Plaintiffs are represented by James R. Koby of Koby Law in LaCrosse, Wisconsin, LLC; Scott J. Curtis of Curtis Law Firm, LLC in LaCrosse, Wisconsin; Sean O'Flaherty of O'Flaherty Law, LLC in LaCrosse, Wisconsin; T. Roe Frazier II, Patrick McMurtray, and Thomas Roe Frazier III of Frazier P.L.C. in Nashville, Tennessee (all pro hac vice anticipated); and Derek Sieck and James Onder of OnderLaw, LLC in St. Louis, Missouri (also pro hac vice anticipated).

###