



Josh Kaul
Wisconsin Attorney General

P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

August 8, 2023

Attorney General Kaul Joins Coalition Calling for DuPont to Pay More for Contaminating Americans' Drinking Water Supply with Toxic PFAS

MADISON, Wis. – Joining a coalition of five attorneys general, Attorney General Josh Kaul filed an amicus letter expressing strong concerns over the amount of money that DuPont and two spin-off companies would pay under a proposed class action settlement with public water providers. While the proposed settlement has been revised in several important ways at the request of states, DuPont declined to pay more than the \$1.18 billion set forth in the original proposed settlement filed on July 10, 2023. In their amicus letter, the five attorneys general underscore that \$1.18 billion falls far short of the amount needed to remediate the PFAS contamination caused by DuPont to Americans' drinking water supply. Revisions to the proposed settlement remain subject to court approval.

“The companies responsible for PFAS contamination have a responsibility to clean it up,” said Attorney General Josh Kaul. “They shouldn’t be permitted to shift the costs of remedying that contamination to taxpayers.”

In their amicus letter to the U.S. District Court for the District of South Carolina, the coalition writes that:

- \$1.18 billion does not fully account for DuPont’s liability. Instead, the amount only reflects DuPont’s share of the aqueous film forming foams (AFFF) market from 2002 to 2014. Although AFFF is made using PFAS, DuPont has mostly manufactured and sold non-AFFF PFAS products since the 1950s.
- A recent study by the American Water Works Association, a major membership organization that includes public water systems, predicts nationwide costs for PFAS regulatory compliance that dwarf the \$1.18 billion figure. With water

utilities being unable to cover the full costs of drinking water monitoring and treatment, they will need to pass costs on to ratepayers — American residents and businesses.

In their letter, the attorneys general acknowledge that while the original proposed settlement suffered from several fatal problems, DuPont has agreed in the revised proposed agreement to:

- Provide public water providers with a method for estimating the payout amounts they would receive. Under the original proposed settlement, they would have had to make their opt-out decisions without that information.
- Give public water providers 90 days to opt-out, instead of the 60 days included in the original proposed settlement.
- Withdraw a requested nationwide injunction, or temporary halt, of other PFAS lawsuits by the states against DuPont.
- Clarify that the proposed agreement will not prevent states like Wisconsin from recovering more money from DuPont.

Joining Attorney General Kaul in filing the amicus letter are the attorneys general of California, Arizona, the District of Columbia, and Pennsylvania.

A copy of the amicus letter is available [here](#), and a copy of the consent motion with the revisions to the proposed settlement is available [here](#).