

\$10 Billion PFAS Payout Just the Tip of the Iceberg

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✓ Fact Checked

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STORY AT-A-GLANCE

- › The \$10.3 billion settlement with 3M involved at least 300 communities in a multidistrict litigation earmarked for drinking water cleanup. However, it will likely not cover the cost of cleaning "forever chemicals" out of drinking water
- › The Environmental Protection Agency has proposed the National Primary Drinking Water regulation that includes cleaning six PFAS chemicals from drinking water, which will significantly increase costs to most communities
- › Rate hikes may be needed to pay for the cleanup, which should lower the risk of developing diseases associated with exposure to PFAS, including liver toxicity, neurobehavioral effects, tumors, obesity, declining fertility and high blood pressure
- › You can take steps to lower your exposure by choosing interdental devices, such as floss, from a trusted company without toxic chemicals, filtering your water at the point of entry and use in your home, getting rid of nonstick cookware and choosing safer personal care products, which you'll find in the Environmental Working Group's Skin Deep database

June 22, 2023,¹ the American multinational conglomerate, 3M, agreed to pay \$10.3 billion to at least 300 communities² in a multidistrict litigation (MDL) to clean up "forever chemicals" in the water supplies.

Per- and poly-fluoroalkyl substances (PFAS) are known as "forever chemicals" because they don't break down easily in the environment and they bioaccumulate in people and wildlife. In the human body, PFAS have half-lives of two to five years.³ These widely used chemicals have been added to industry and consumer products since the 1940s, but

while PFOA and PFOS were phased out in the U.S. due to their toxic properties,⁴ other PFAS are still in use.

Manufacturers like the chemical properties of PFAS as they repel oil, dirt and water. The chemicals have been added to consumer products ranging from cookware and food packaging to carpets, cleaners and firefighting foam.⁵ The ubiquitous use of more than 9,000 PFAS⁶ and wide exposure is likely responsible for the chemical being found in at least 97% of Americans in 2015.⁷

Eight years later, and without controlling the release of PFAS in the environment and water supply, it is highly likely that the percentage of Americans with PFAS has not gone down. These chemicals are linked to significant negative human health effects, including cancer, decreased immune system function,⁸ and hormone and metabolism dysregulation,⁹ which raises concerns that the chemicals are putting the health of future generations at risk.

The 3M Lawsuit Was Over Firefighting Foam

WBUR reports that the agreement of \$10.3 billion over 13 years must still be approved by the court.¹⁰ According to an interview in NPR, the 3M lawsuit was over firefighting foam that the company produced and sold for decades.¹¹

3M was not the only company to manufacture and sell PFAS chemicals. A similar agreement was reached with DuPont, Chemours and Corteva¹² in which those companies agreed to pay \$1.19 billion for PFAS remediation, a deal The New York Times called "the first wave of claims."¹³

Several communities in Massachusetts were involved in the lawsuit. Massachusetts Attorney General Maura Healey spoke at a press conference just one year ago when the lawsuit was filed, saying:¹⁴

"Their actions violate state and federal laws that are intended to protect our residents and place costly burdens on our communities that are now forced to clean up this mess. These are manufacturers who attempted to hide just how

dangerous this foam was, who prevented their workers from discussing the dangers of their products.

Despite the fact that PFAS was toxic, these makers continued to make and sell their products without disclosing the harm."

The litigation was resolved relatively quickly. By comparison, the lawsuit settlement against Monsanto on June 24, 2020, took more than one year of negotiations and three consecutive trial losses.¹⁵ The lawsuit was originally brought by the city of Stuart, Florida, and was consolidated in the United States district court in South Carolina.

"Not surprisingly, the defendants decided to settle before the trial even started," says Erik Olson, senior strategic director for health at the Natural Resources Defense Council. "They had several major motions that were decided against them, and once that happened, I think the handwriting was on the wall."¹⁶

Experts anticipate the \$10.3 billion settlement will not cover the cost of cleanup. Rob Bilott, an attorney with Kentucky law firm Taft Stettinius & Hollister, spoke with a reporter from Time. His early PFAS work pursuing claims against chemical companies was the basis of two films. He said:¹⁷

"Cities all over the country are facing costs. [It's] not just to get PFAS out of their water, [communities] are now realizing that natural resources – the fish, the soil, the groundwater – everything is contaminated."

EPA Proposed Drinking Water Regs Raise the Cost of Clean Up

It is important to note that the settlement is not an admission of liability for 3M. Wendy Hager Bernays is a toxicologist at Boston University School of Public Health. She spoke with WBUR, saying she would have loved to have seen money allocated for medical monitoring:¹⁸

"... but that would have required acknowledgment of harm. There are certainly communities in Massachusetts who have been poisoned. You'll rarely hear me

say that, but they have been."

June 23, 2023, NPR spoke with Barbara Moran, WBUR environmental correspondent from Massachusetts. Moran notes that while the 3M settlement sounds like a lot of money:¹⁹

"... it's nowhere near enough money to pay for all the cleanup. It's like, you know, a drop in the bucket ... that's because the cleanup is really expensive, so it can cost a small town, like, \$20 - \$30 million to install filters to clean up their drinking water, plus, you know, ongoing maintenance for years and years."

Small towns in Massachusetts have already spent \$30 million on filters to deal with PFAS. Jennifer Pederson, executive director of the Massachusetts Water Works Association, believes that Massachusetts alone will need billions for cleanup. She went on to say:²⁰

"We're looking at a good percentage of our Massachusetts public water systems that are likely going to have to treat for PFAS. Based on what we're seeing, there's still going to be a burden on the ratepayers to fund PFAS treatment."

At the consistent urging of health advocacy groups like the Environmental Working Group (EWG),²¹ in March 2023, the EPA²² announced a proposed National Primary Drinking Water Regulation (NPDWR), which includes cleanup of six PFAS chemicals. Scott Faber, senior vice president for government affairs at the EWG, commented on the announcement:²³

"Today's announcement by the EPA is historic progress. More than 200 million Americans could have PFAS in their tap water. Americans have been drinking contaminated water for decades. This proposal is a critical step toward getting these toxic poisons out of our water. The EPA's proposed limits also serve as a stark reminder of just how toxic these chemicals are to human health at very low levels."

There Are Thousands of Claims yet to Settle

According to WBUR,²⁴ Massachusetts has set aside \$170 million to begin the PFAS cleanup. The federal government also announced that the state will receive \$38 million to help address the cleanup of emerging contaminants in the drinking water, including PFAS. However, how the money from the 3M settlement will be distributed is still unclear.

According to Fortune magazine,²⁵ the amount of the settlement is also unclear. Payments will be made out over the next 13 years, which Fortune reports could reach \$12.5 billion. The amount depends on the number of public water systems that detect PFAS over the next three years.

There are an additional 3,000 claims that are still unsettled and Michael London of the New York law firm Douglas & London, representing plaintiffs in the Stuart, Florida case, told Time, "There are also 5,000, perhaps 6,000 individuals who have brought personal injury cases [nationwide]."²⁶

It's estimated that Dupont and 3M will not be the only defendants as companies that knowingly used PFAS in manufactured products could also be liable. London implied that he believes, ultimately, each of these companies would settle rather than risk a court judgment, as he continued:²⁷

"There's going to be probably twenty-plus defendants who have their fingerprints on [the] MDL. Some will settle early, some will settle in the middle, some will settle late."

In the company's press release,²⁸ 3M chairman and CEO Mike Roman said, "This is an important step forward for 3M." The company elaborated that PFOA and PFOS had been eliminated more than 20 years ago but despite the lawsuit settlement and mountains of evidence to the contrary, the press release continues to insist that "PFAS can be safely made and used and are critical in the manufacture of many products ..."

The company also indicated that if the court does not approve the agreement or if other terms are not fulfilled, 3M would defend itself in litigation and would continue to address other PFAS lawsuits by defending itself.

Rate Hikes to Pay for Cleanup May Help Lower Disease Risk

In 2015,²⁹ PFAS were measured in the serum of at least 97% of Americans. In May 2015, more than 200 scientists from 40 countries signed the Madrid Statement, in which they warned about the harms associated with PFAS and documented the following potential health effects of exposure:³⁰

Liver toxicity	Disruption of lipid metabolism and the immune and endocrine systems
Adverse neurobehavioral effects	Neonatal toxicity and death
Tumors in multiple organ systems	Testicular and kidney cancers
Liver malfunction	Hypothyroidism
High cholesterol	Ulcerative colitis
Reduced birth weight and size	Obesity
Decreased immune response to vaccines	Reduced hormone levels and delayed puberty

PFAS are common contaminants in food, food packaging and personal care products. Even at very low doses,³¹ drinking water contaminated with PFAS has been linked to immune system suppression and an increased risk of certain cancers. Reproductive and developmental problems are also linked to PFAS.

Food wrappers,³² biodegradable bowls and compostable bowls³³ are all significant sources of PFAS. PFAS can also find its way into the food supply by recycling human

waste. The 2018 documentary, "Biosludged,"³⁴ revealed the scientific fraud perpetuated by the U.S. Environmental Protection Agency legalizing pollution of agricultural soils through contaminated industrial and human waste as fertilizer.

In 2019, The Intercept³⁵ reported that 44 samples of sewage sludge tested by the Maine Department of Environmental Protection were all contaminated with at least one PFAS chemical and in all but two of the samples "the chemicals exceeded safety thresholds for sludge that Maine set early last year."

The U.S. Agency for Toxic Substances and Disease Registry³⁶ acknowledges research suggests that PFAS may be associated with changes in liver enzymes, increased cholesterol levels, increased risk of kidney or testicular cancer and an increased risk of high blood pressure or preeclampsia in pregnant women.

This acknowledgment only touches on the scientific data linking PFAS to a laundry list of health problems. For example, a study³⁷ in children and young adults found exposure alters amino acid and lipid metabolism pathways.

The researchers suggest that this may be causing inflammation and oxidative stress that contributes to a variety of diseases. PFAS is also linked to a decline in fertility in women,³⁸ nonalcoholic fatty liver disease (NAFLD)³⁹ and high blood pressure.⁴⁰

Take Steps to Reduce Your Exposure

Waiting for the EPA to clean up the environment may be too late. It is up to you to take control of your health and limit your exposure by making safer lifestyle choices.

Consider the following ways to limit the amount of PFAS chemicals you contact daily.

- **Oral care** – Limit your exposure by **choosing dental floss** and other interdental devices manufactured by a trusted company without toxic chemicals. Seek out products using vegan vegetable waxes that are smoother and glide between your teeth easily, as well as those without added fluoride, using nylon instead of chemically treated silk.

- **Drinking water** — There are more than 9,000 different PFAS chemicals, and scientists are only beginning to unravel their disturbing effects. The full extent of contamination is unknown, but there is a good chance your water is affected. For this reason and others, I highly recommend filtering your water at the points of entry and use in your home.
- **Cookware** — Get rid of all nonstick cookware in your home, including waffle irons and sandwich makers. Instead, seek out a healthy line of nonstick ceramic cookware made without dangerous PFAS chemicals, and without other heavy metals, such as iron, lead, aluminum or cadmium.
- **Food packaging** — Limit eating out as PFAS are commonly found in packaging from fast food, pizza restaurants and packaging at your grocery store.
- **Personal care products** — Certain cosmetics, particularly eye shadow, foundation, powder, bronzer and blush, have a higher risk of containing PFAS chemicals. An Environmental Working Group report⁴¹ found 13 PFAS chemicals in close to 200 products spanning 28 brands, including makeup, sunscreen, shampoo and shaving cream. Consider searching the [EWG Skin Deep Cosmetic database](#)⁴² before your next purchase.

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