

Multidistrict PFAS Litigation



What is PFAS?

- PFAS = Perfluoroalkyl and polyfluoroalkyl substances
- Long-lasting chemicals found in stain-resistant, water-resistant, and non-stick consumer products
- Also used in firefighting foam by the U.S. military, airports, and local fire departments, including Castle Rock Fire and Rescue
- Exposure to PFAS may be linked to harmful health effects in humans and animals

How Does PFAS Impact the Town?

- PFAS is present at low levels in our drinking water supply
- Castle Rock Water tests for PFAS in both raw and treated water at the Plum Creek Water Purification Facility
- Water is treated using an approved technique (granular activated carbon filtration) to reduce PFAS levels
- Substantial cost associated with PFAS removal – Castle Rock Water recently paid \$650,000 to replace the carbon in our filters

PFAS Litigation

- Local water providers are pursuing claims against firefighting foam manufacturers in federal multidistrict litigation
- Two proposed settlements covering public water providers have recently been announced
 - 3M Company (\$10.5-12.5 billion)
 - DuPont (\$1.185 billion)
- As a Tier 1 water provider, the Town is eligible to seek recovery under both proposed settlements

Recommendation

- Keller Rohrbach, L.L.P., a Seattle law firm that specializes in multidistrict litigation, represents Denver, Aurora, Boulder County and Jefferson County in the PFAS litigation
- They have offered to represent the Town on a flat rate contingency fee equal to 20% of sums recovered – **no out-of-pocket costs for the Town**
- Both Mark Marlowe and I recommend that the Town hire Keller Rohrbach to represent the Town in the PFAS litigation

Proposed Motion

- I move to authorize the Town Attorney to enter into a Professional Services and Contingency Fee Agreement with Keller Rohrback, L.L.P., to represent the Town of Castle Rock in multidistrict litigation against companies who manufacture, market, and sell products containing PFAS