

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

December 19, 2023

HONORABLE CITY COUNCIL
Oakland, California

**Subject: In Re: Aqueous Film-Forming Foams Products Liability Litigation
United States District Court No. MDL No. 2:18-mn-2873-RGM
District of South Carolina Charleston Division
City Attorney File No. CE05478**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing the City Attorney to submit Requests for Exclusion from the class action settlements in the above-entitled litigation.

Per- and Polyfluoroalkyl substances (“PFAS”) are a group of chemicals used to make coatings that make products resist heat, oil, stains, grease, and water. People are exposed to PFAS through using PFAS-covered products or consuming PFAS-contaminated water or food. The health effects of PFAS contamination are still being studied, but some laboratory studies of animals indicate that PFAS may affect growth and development, reproduction, thyroid function, the immune system, and the liver.

A class of “Public Water Providers” filed class actions against the major manufacturers of PFAS chemicals, 3M Company (“3M”) and E.I. Du Pont De Nemours and Company (“DuPont”). The class members have reached a settlement with those defendants to pay for the remediation of drinking water systems. Payouts from the settlement are calculated based on a formula that takes into account how much contamination has been found in the class member’s drinking water.

The City of Oakland is investigating whether there is PFAS contamination in its soil, ground water, or any drinking water it provides. In order to preserve its future claims against 3M and DuPont, the City Attorney will submit Requests for Exclusion from the settlements in the above-entitled litigation.

President Fortunato Bas and Members of the City Council

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The Council authorized the submission of Requests for Exclusion in these class actions in Closed Session on Thursday, December 7, 2023 (moved by Councilmember Noel Gallo and seconded by Council President Nikki Fortunato Bas - 5 Ayes, 3 Absent – Councilmembers Carroll Fife, Dan Kalb and Rebecca Kaplan).

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara J. Parker". The signature is written in a cursive style with a large, looped initial "B".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Divya Musinipally

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