

December 7, 2023

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, December 7, 2023*

Litigation Negotiations

**NAME OF ACTION:** In Re: Aqueous Film-Forming Foams Products Liability Litigation

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

This matter is listed as **Item No. 1(d)** on the Closed Session Agenda:

The council authorized opting out of the 3M and DuPont Class Action Settlements.

This case arose out of potential contamination in Oakland by per- and polyfluoroalkyl substances (“PFAS”) manufactured and marketed by 3M and DuPont.

**FACTS/ISSUES:**

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.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Council President Bas**

**AYES:** Fife, **Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=5**

**NOES:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas =

**ABSENT:** Fife, Gallo, Jenkins, **Kalb, Kaplan,** Ramachandran, Reid, and President Fortunato Bas =**3**

**ABSTENTIONS:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas =