Arkansas Attorney General Files Against DuPont and 30+ Defendants in PFAS Suit

By Natasha A. Corb

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Adding to the recent wave of conversation surrounding per- and polyfluoroalkyl substances (PFAS), Arkansas Attorney General Tim Griffin filed a lawsuit against over 30 companies on June 5, 2023—just days after Attorney General Ellen Rosenblum filed a similar suit in Oregon. The 47-page complaint, filed in the Washington County Circuit Court Monday, emphasizes alleged environmental and health risks associated with PFAS, naming DuPont, Chemours, Chubb Fire, Corteva, and Kidde, among other alleged PFAS manufacturers and sellers.

Widely utilized in industrial and manufacturing contexts since at least the 1960s, PFAS are flexible, man-made chemicals with water, fire and grease-resistant properties. In addition to their industrial applications as friction reducers and fire suppressants, PFAS are used in the manufacturing of various household consumer products including furniture, clothing and textiles, electronics, personal care items, and food handling and packaging products. In the early 2000s, the use of PFAS fell under scrutiny and gained the title “forever chemicals” due to their longevity. Following its investigation into PFAS, the US Environmental Protection Agency published the Per- and Polyfluoroalkyl Substances Strategic Road Map in 2021, aimed at increasing regulations surrounding the use and production of PFAS, and products containing PFAS.

Attorney General Griffin, concerned with the alleged risks these chemicals pose to human health, the environment, and Arkansas' society, avers, “PFAS present significant threats to Arkansans and our natural resources. They are toxic at extremely low levels.” The complaint discusses concerns with soil and water pollution and the “human toxicity” of PFAS. Calling for defendants' accountability for such harms, the Arkansas complaint alleges claims in strict liability defective design, strict liability failure to warn, negligent failure to warn, negligent failure to recall and violation of the Arkansas Deceptive Trade Practices Act. The complaint also seeks punitive damages and a call for the “proper disposal” of PFAS products purchased by Arkansas state governmental bodies.

A copy of the complaint can be found here.

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