



FOR IMMEDIATE RELEASE

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ADEM Announces Precedent-Setting Consent Order with 3M

*Company Must Clean Up PFAS-Contaminated Sites in North Alabama,
Put in Place System to Monitor, Test and Research Impacts of Exposure*

MONTGOMERY, Ala. – The Alabama Department of Environmental Management announced today it has reached a landmark consent order with the 3M Company that holds the company accountable for cleaning up what are sometimes called “forever chemicals” from its plant in Decatur and at multiple sites in northwest Alabama. It also commits the company to long-term obligations to investigate and report on the presence of the chemicals and to research their effects on public health and the environment.

The comprehensive order that 3M agreed to requires the company to perform thorough assessments at known waste sites in Morgan and Lawrence counties, and at any additional sites identified later, to determine the levels of a class of chemical compounds commonly known as per- and polyfluoroalkyl substances, or PFAS, and take remedial steps to reduce their presence. In addition, the company must install specialized water and air control equipment, put in place a system of investigations, monitoring, notifications, testing and research to track the pollutants, determine their health risks and impacts on the environment, and develop best practices for managing the cleanup and containment of the compounds.

The toxicity reports and research from this consent order can be used by the U.S. Environmental Protection Agency as it develops national standards for PFAS, which the federal agency categorizes as emerging contaminants for which there are no nationally recognized numeric standards governing their releases.

“This interim consent order is the most far-reaching and significant enforcement action to date taken in regard to PFAS in the country,” ADEM Director Lance LeFleur said. “It protects the public from both past and future contaminations, and puts Alabama ahead of the game in regulating these harmful compounds. This agreement expands ADEM’s ability to control PFAS beyond what would otherwise be available.”

3M will assume all the costs of the assessments, remedial actions and research associated with the consent order, LeFleur said, including any costs incurred by ADEM in overseeing 3M’s action. This

agreement does not affect the rights of any other party. LeFleur said the interim nature of the consent order means that while it is enforceable immediately, “it is not the end of the process.” Additional requirements can be placed on 3M based on the data collected.

Penalties, to be assessed in the future, will be based on the information gathered. In the interim, penalties will be assessed with increasing severity if any 3M obligations in the consent order are not accomplished within required time frames.

“We appreciate the fact that 3M has agreed to take all the actions necessary to take responsibility after decades of pollution,” LeFleur said. “ADEM will hold 3M accountable through rigorous oversight and enforcement, to ensure the company meets all of its requirements under this order. The number one goal is to protect the public’s safety and health, and protect the state’s land, water and air.”

While the EPA has set health advisory levels for certain PFAS in drinking water – and ADEM has taken additional steps to require all of the nearly 600 water systems in the state to test for the compounds – the EPA has not set any numeric standards for the levels of the contaminants in drinking water, on land, in surface water or releases into the air. Such standards, if they were in place, would allow for unilateral enforcement by regulatory agencies and set requirements for remediation.

“As EPA pursues its mission to protect human health and the environment, addressing per- and polyfluoroalkyl substances (PFAS) in communities continues to be a priority,” said EPA Region 4 Administrator Mary S. Walker. “We appreciate the coordination we continue to have with ADEM and applaud the interim steps the state has taken to address PFAS. By taking key steps under our [PFAS Action Plan](#) and working in partnership with our state agencies, such as ADEM, we are able to add to the growing body of science that will inform future decision making.”

Five state attorneys general have sued 3M over PFAS exposure in their states. ADEM’s approach to dealing with PFAS contrasts with that of other states. “ADEM has determined that a consent order is the best way at this time to ensure the safety of Alabamians,” ADEM General Counsel Shawn Sibley said. “Lawsuits can be tied up in the courts for years, which can delay work to clean up the sites and safeguard public health. A consent order doesn’t rely on new federal regulations, which are likely two or more years away. In short, this is the quickest and surest route to accomplish the goals of reducing public exposure to PFAS now and preventing exposure in the future, while holding 3M accountable.”

Director LeFleur emphasized that “3M will pay what it takes to fix permanently whatever PFAS problems it created, in addition to the requirements for investigations and research on any effects of PFAS on public health and the environment.”

For a copy of the [Interim Consent Order](#) or more information about the Alabama Department of Environmental Management, go to www.adem.alabama.gov.

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Questions & Answers Regarding the Interim Consent Order Between ADEM and 3M

- Question 1. What does an Interim Consent Order mean?
- It means that it is possible that this is not the final action regarding PFAS for 3M for the Alabama plant. Future actions are contemplated and will depend on information gathered as a result of this Interim Consent Order.
- Question 2. When would a final order occur?
- It is unknown at this time because it will depend on investigations of currently unknown sites, development and implementation of remediation plans and the completion of multi-year studies; also, a timeline for the promulgation of federal standards regarding PFAS that may affect a final order is unknown.
- Question 3. Why did ADEM not file suit against 3M?
- ADEM determined that an Interim Consent Order was the quickest and most certain route to accomplish the goals of reducing public exposure to PFAS now and preventing exposure in the future while holding 3M accountable. Filing suit against 3M without the existence of nationally recognized standards would have likely resulted in protracted litigation without a guaranteed outcome.
- Question 4. Why is ADEM not assessing a fine/civil penalty in this area?
- Appropriate penalties will be assessed when the data is available. Stipulated penalties are included within the Interim Consent Order to penalize 3M for failing to meet required deadlines.
- Question 5. Why doesn't ADEM set state standards for PFAS like several other states have done?
- Setting standards without a sufficient scientific and regulatory basis is subject to being overturned in court. At least one state is currently being sued to have its standard struck down. Highly specialized toxicity and epidemiological determinations such as those dealing with PFAS are routinely deferred to EPA for the development of enforceable standards. EPA has not yet developed sufficient scientific information nor gone through the regulatory process to establish PFAS standards.

- Question 6. What is 3M be required to do?
- 3M must comply with all the obligations set out in the Interim Consent Order, including site investigations, remediation, controlling PFAS releases, environmental and toxicity studies, etc., in a manner acceptable to ADEM.
- Question 7. Why is ADEM allowing 3M to perform the investigations and remediation required to clean up the PFAS contamination it caused?
- It is a longstanding requirement of state cleanup programs that the responsible party (and not the taxpayer) bear the burden of cleaning up environmental contamination.
- Question 8. Is it wise to allow 3M to conduct research and testing that will assist in developing clean-up standards? Isn't that like letting the fox guard the henhouse?
- One of the most critical current needs regarding PFAS chemicals is basic environmental and toxicity information. All information gathered by 3M subject to this Interim Consent Order will be subjected to review by ADEM and EPA. As the inventor and major developer of PFAS chemistry, 3M has responsibility for helping to determine the impacts of these chemicals on human health and the environment. 3M has a wealth of knowledge regarding these compounds, and it is imperative that this knowledge be shared with the agencies in a timely manner to aid in the development of appropriate and protective health and environmental standards. The requirements of this Interim Consent Order help ensure that the regulatory agencies have available the critical information needed to make informed decisions regarding these PFAS chemicals.
- Question 9. Who will pay for the work required by the Interim Consent Order?
- 3M.
- Question 10. What is ADEM's role in this action?
- ADEM will provide rigorous oversight in its regulatory role.
- Question 11. Will 3M be required to take action for air, land and water issues?
- Yes, all media are covered by the Interim Consent Order.
- Question 12. What sites will 3M be required to investigate and clean up?
- Currently, 12 offsite dump locations and a number of other sites have been identified. Activities are under way to identify additional sites where PFAS contamination may be present. Contamination at all identified sites will be addressed.

- Question 13. Will all PFAS releases stop?
- The Decatur facility has significantly reduced PFAS releases by prior 3M and ADEM undertakings. The Interim Consent Order will greatly reduce the current release rate (anticipated to be more than a 95% reduction) aimed at ensuring the protection of human health and the environment.
- Question 14. When will the actions required by the Interim Consent Order begin?
- Some actions already have begun; others will begin in the coming weeks and months, as specified in the schedules throughout the order.
- Question 15. Who is tracking the 3M deadlines? Are deadline dates available?
- ADEM is tracking the deadlines set out in the Interim Consent Order that is available on the ADEM website.
- Question 16. What are the consequences if 3M misses a deadline in the Interim Consent Order?
- Stipulated penalties for 3M failing to timely meet deadlines are included in the Interim Consent Order.
- Question 17. What will happen to the Aquadome Recreation Center site? How will it be affected?
- The site will be investigated for possible contamination. If contamination is found, it will be addressed under the Interim Consent Order.
- Question 18. How long is it going to take to clean up all PFAS in the area?
- While some sites can be remediated rather quickly, others may require a number of years.
- Question 19. Is my drinking water safe to drink?
- Drinking water from a public water system is safe to drink. Groundwater from private wells should be tested to determine if it is safe to drink. That is true for all locations, not just in this area.
- Question 20. Will this Interim Consent Order affect ongoing lawsuits? Will it prevent other lawsuits?
- Nothing in the Interim Consent Order entered into by ADEM and 3M is binding on any other party.