

McDougall, Robert

From: Jeanette Manning <jmanning@naag.org>
Sent: Wednesday, April 10, 2019 2:32 PM
Cc: Bereket Tesfu
Subject: Environmental Bureau Chiefs National Call re: State PFAS Chemicals Litigation and Advocacy, Wednesday, April 17 at 3 PM EST

*This is intended for all NAAG Environmental Bureau Chief contacts. ***

NAAG has been asked to assist with convening a national call with state and territorial environmental bureau chiefs in possibly establishing a working group to address common interest and potential actions concerning environmental contamination from per- and polyfluoroalkyl substances (PFAS), a group of man-made chemicals that includes PFOA, PFOS, GenX, and many other chemicals. As the current NAAG Energy and Environment Committee liaison, I am assisting with arranging this initial call.

The call is scheduled for next **Wednesday, April 17, 2019, at 3:00 pm EST**. The call is open to environmental bureau chiefs and their designated staff who are interested in participating and perhaps working on cases or policy matters involving PFAS. **The call-in information is: [REDACTED] / passcode: [REDACTED]**

*****We kindly ask that this email or information about this call is not forwarded or shared with anyone beyond the attorney general community to ensure that those who participate on this call only include those who work on environmental matters for their respective attorney general office and to protect any information shared during the call. We will take role call during this call.***

In general, the following agenda has been provided in advance of the call.

- 1) Information sharing
 - Informal on periodic calls
 - Litigation (affirmative and defensive)
 - State-level action or cleanup standards
 - Sources of PFAS contamination & responsible parties
 - Remediation techniques
 - Educational presentations by members of group
 - Other
 - Formal information sharing regarding
 - Product manufacturer documents, e.g., 3M
 - U.S. military documents, e.g., MILSPECS, and U.S./State National Guard responsibilities
 - Other
- 2) Joint or coordinated AG advocacy
 - U.S. Congress
 - EPA and other federal agencies, e.g., Department of Defense
- 3) AG Office interest in participating and in leadership role

I thank you in advance for your time.

Best,

Jeanette

Regards,

Jeanette L. Manning

Director

NAGTRI Center for International Partnerships and Strategic Collaboration

National Association of Attorneys General

1850 M Street, N.W., 12th Floor

Washington, D.C. 20036

202-326-6258

jmanning@naag.org



Please note, as of July 1, 2017 our new address became:

1850 M St NW, 12th Floor

Washington, DC 20036

McDougall, Robert

From: McDougall, Robert
Sent: Tuesday, April 16, 2019 8:38 AM
To: Jackson, Bill J.
Subject: RE: Congratulations!

Thanks, Bill. That was a total team effort for our State team for a number of years. I appreciate the note.

Rob

From: Jackson, Bill J. <BJackson@KelleyDrye.com>
Sent: Tuesday, April 16, 2019 8:02 AM
To: McDougall, Robert <robert.mcdougall@vermont.gov>
Subject: Congratulations!

Hey Rob,

I saw this a few days ago, but failed to send an email. I know this has been a long time coming! Well done. I'm glad they are pulling their challenges to the admin process, too.

<https://www.rubbernews.com/article/20190415/NEWS/190419963/saint-gobain-vermont-reach-40-million-pfoa-settlement>

Congratulations.

WILLIAM JACKSON

Partner

Kelley Drye & Warren LLP
515 Post Oak Boulevard, Suite 900
Houston, TX 77027
Tel: (713) 355-5050

WWW.KELLEYDRYE.COM

bjackson@kelleydrye.com

This message is subject to Kelley Drye & Warren LLP's email communication policy.
[KDW-Disclaimer](#)

McDougall, Robert

From: Jen Duggan <jduggan@clf.org>
Sent: Monday, April 1, 2019 11:27 AM
To: McDougall, Robert
Subject: Re: NJ Orders 3M, DuPont To Clean Up Drinking Water

How is 8:30 on April 25 for coffee?

Best,

Jen

Jen Duggan
Vice President and Director, CLF Vermont
Conservation Law Foundation

15 East State Street, Suite 4
Montpelier, VT 05602

P: 802-622-3010
E: jduggan@clf.org



From: McDougall, Robert <robert.mcdougall@vermont.gov>
Sent: Tuesday, March 26, 2019 9:01 AM
To: Jen Duggan
Subject: RE: NJ Orders 3M, DuPont To Clean Up Drinking Water

Thanks, Jen.

We did see this yesterday, but I appreciate you reaching out with it. Let's try to catch up sometime soon for coffee. Hope things are well.

Rob

From: Jen Duggan <jduggan@clf.org>
Sent: Tuesday, March 26, 2019 8:50 AM
To: McDougall, Robert <robert.mcdougall@vermont.gov>
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Hi Rob:

I suspect you have already seen the NJ Directive re PFAS, but passing along in the event that is not the case. Hope you are well! Best, Jen

NJ Orders 3M, DuPont To Clean Up Drinking Water
By Lauren Berg

Share us on: Law360 (March 25, 2019, 9:40 PM EDT) -- DuPont, 3M Co. and other companies must fund the cleanup effort for their part in allowing dangerous plastic chemicals to leach into New Jersey's drinking water, soil and other natural resources, the state's Department of Environmental Protection said Monday.

The directive issued by DEP Commissioner Catherine R. McCabe asserts that DuPont and 3M knew about the health and environmental impacts of polyfluoroalkyl and perfluoroalkyl substances, more commonly called PFAS chemicals, but still continued to use them to make plastic products and release them into the environment.

The directive, issued under the authority of the state's Spill Compensation and Control Act, Water Pollution Control Act and Air Pollution Control Act, also names DowDuPont Inc., Solvay Specialty Polymers USA LLC and the Chemours Co.

The companies knew that the chemicals were toxic and could leach into groundwater to contaminate the environment, but neither told regulators or the public about the risk, according to the directive.

"The PFAS group of chemicals are ubiquitous in our environment and pose significant health risks to the public," McCabe said in a statement. "In issuing this directive, we are putting these five companies on notice that many years of contaminating New Jersey's precious drinking water and other natural resources will not go unchecked."

Representatives for the companies did not immediately respond to requests for comment Monday.

For more than 60 years, PFAS chemicals have been used in the manufacturing of a variety of plastics, some of which are used in nonstick cookware, stain-resistant coatings for upholstery, water-resistant clothing and firefighting foams for such well-known brands as Stainmaster, Scotchgard and Teflon, according to a press release from the DEP.

Such chemicals can have a dangerous effect when released into the air, water and soil, the department said, because they do not break down naturally in the environment and can pose substantial human health risks, particularly for developing fetuses and infants.

The chemicals are being found in drinking water, groundwater, surface water, soil, air, fish, plants and other natural resources, according to the directive.

In December, 75 cases around the U.S. against 3M and others involving contamination from the firefighting foam AFFF were consolidated and transferred to the District of South Carolina.

The AFFF-centered cases often include allegations that the fire suppressant contaminated groundwater at a military base or airport. They have been brought by individual plaintiffs, municipalities and local water authorities, according to court documents.

AFFF has been linked to a range of health problems, including high blood pressure and thyroid disease, in those exposed through drinking water, according to court records.

To protect the public health and its environment, New Jersey will require the five companies to pay for an investigation, monitoring, testing, treatment, cleanup and removal of the chemicals, Monday's directive states. The state will also require the companies to provide a complete accounting for their historical and current use of the chemicals.

In February, the U.S. Environmental Protection Agency announced a new plan to address water contamination by PFAS on a national level, pushed along by politicians and community and environmental groups.

The EPA's action plan includes developing new ways to measure and mitigate PFAS risk; promulgating Significant New Use Rules that require companies to notify the EPA before chemicals are used in new ways "that may create human health and ecological concerns," and continuing to enforce standards where the agency can.

In a press release on Monday, however, the DEP said the EPA's plan is underdeveloped and will take too long to mitigate the damage from the PFAS chemicals.

"Now is the time for action at the state level," McCabe said. "The current EPA plan leaves millions of Americans exposed to harmful chemicals for too long by choosing a drawn-out process that will delay establishing a federal maximum contaminant level for PFAS."

--Additional reporting by Juan Carlos Rodriguez and Aaron Leibowitz. Editing by Nicole Bleier.

Best,

Jen

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E: jduggan@clf.org

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"Now is the time for action at the state level," McCabe said. "The current EPA plan leaves millions of Americans exposed to harmful chemicals for too long by choosing a drawn-out process that will delay establishing a federal maximum contaminant level for PFAS."

--Additional reporting by Juan Carlos Rodriguez and Aaron Leibowitz. Editing by Nicole Bleier.

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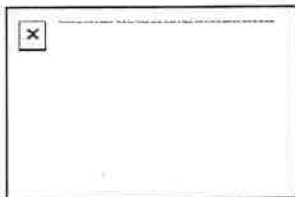
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Get [Outlook for iOS](#)

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From: Jeanette Manning <jmanning@naag.org>
Sent: Friday, April 26, 2019 5:06 PM
Cc: Bereket Tesfu; Spiegel, Norman; Srolovic, Lemuel; Sinkman, Matthew
Subject: Follow-up National Call re: State PFAS Chemicals – Time Sensitive Due to Proposed Comment Period

*This is intended for state bureau chiefs and designated representatives. ***

As follow-up to the last call on April 17, 2019, it has been proposed to have another call sooner rather than later in light of time sensitivities associated with EPA's request for comments on its proposed PFAS action plan. As such, it has been proposed to have a call next week. This call will be next **Thursday, May 2, 2019 at 1:00 PM ET**. We will use conference call number

Please use the following conference call number for the call: [REDACTED] **passcode:** [REDACTED]

*****Again, this call is only intended for use among staff within the attorney general offices who work on environmental matters. We kindly ask that this email and conference call information not be forwarded to any non-attorney general staff responsible for handling environmental matters within the office.***

Thank you in advance for your cooperation and assistance. We look forward to having you on this next call.

Best,
Jeanette

Regards,

Jeanette L. Manning

Director
NAGTRI Center for International Partnerships and Strategic Collaboration
National Association of Attorneys General
1850 M Street, N.W., 12th Floor
Washington, D.C. 20036
202-326-6258
jmanning@naag.org



Please note, as of July 1, 2017 our new address became:
1850 M St NW, 12th Floor
Washington, DC 20036

McDougall, Robert

From: Bereket Tesfu <btesfu@naag.org>
Sent: Thursday, May 23, 2019 6:54 PM
Subject: NAAG Environmental Law Group

Greetings! I'm a program counsel at NAAG and manage the **energy and environment** portfolio here. This portfolio includes, among other things, serving as the liaison to the NAAG Energy and Environment Committee composed of elected/appointed attorneys general, managing NAAG's U.S. Department of Energy grant, and *facilitating communication and collaboration among supervisory and line assistant attorneys general in the environmental law community.*

That last one is where you come in. Some of the responsibilities I have taken on in that respect are that I **maintain a list of environmental section chiefs** from all throughout the state and territorial AG offices and also facilitate a **monthly conference call** of supervisory and line assistants in the environmental law community.

You're receiving this e-mail because you're either an environmental section chief or an environmental line assistant who has either personally requested to be included in this group, had someone make the request on your behalf, or have otherwise been identified as possibly being interested in being included in this group.

The benefits of being included in this group consist of taking advantage of NAAG's resources on behalf of your citizens, having a forum for your specific subject matter community where you can share ideas and strategy and stay abreast of trending issues in the AG community relating to environmental law. This group is one of the more active groups NAAG facilitates, with the consumer affairs AG community being close competition. *(Let me state at the outset that I know you're very busy and probably have to sift through many e-mails a day. You have my assurance that while this group is active in a variety of ways, you will not be inundated with constant e-mails from it.)*

Some of you have asked whether NAAG can facilitate **sub-groups or special working groups** on specific environmental issues like the **PFAS/PFOA** issue. While facilitating these sub-groups/special working groups tends to require a substantial expenditure of resources at the same time the special issues they address can be transient in nature, I'm still willing to accommodate this to a practical degree with the resources available to me. As these special issues come up, I may be sending this group links where they can sign up to join these special issue sub-groups/working groups for helpful information sharing and collaboration.

Here is where I need your help right now:

1. If you've received this e-mail, and you're an environmental (or natural resources) section chief, please reply and confirm that you're a section chief.
2. If you're not a section chief, please reply with the name and e-mail address of your section chief so we can ensure they are included.
3. If you've received this e-mail and for some reason are not interested in being plugged into the environmental AG community via NAAG, please let me know, and I'll remove your contact info from this group.

Thank you, and I look forward to hearing from you and also addressing any questions or concerns you have about this group.

Bereket Tesfu
Program Counsel

National Attorneys General Training & Research Institute

National Association of Attorneys General
1850 M Street, NW, 12th Floor
Washington, DC 20036
(202) 326-6269 | btesfu@naag.org



McDougall, Robert

From: McDougall, Robert
Sent: Friday, May 24, 2019 1:09 PM
To: Bereket Tesfu
Subject: RE: NAAG Environmental Law Group

Hi Bereket: I am the Environmental Protection Division Chief for the Vermont Attorney General's Office. Thanks for the e-mail and please keep me on the lists.

Rob McDougall

Robert F. McDougall
Assistant Attorney General
Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov



Please consider the environment before printing this e-mail

From: Bereket Tesfu <btesfu@naag.org>
Sent: Thursday, May 23, 2019 6:54 PM
Subject: NAAG Environmental Law Group

Greetings! I'm a program counsel at NAAG and manage the **energy and environment** portfolio here. This portfolio includes, among other things, serving as the liaison to the NAAG Energy and Environment Committee composed of elected/appointed attorneys general, managing NAAG's U.S. Department of Energy grant, and *facilitating communication and collaboration among supervisory and line assistant attorneys general in the environmental law community.*

That last one is where you come in. Some of the responsibilities I have taken on in that respect are that I **maintain a list of environmental section chiefs** from all throughout the state and territorial AG offices and also facilitate a **monthly conference call** of supervisory and line assistants in the environmental law community.

You're receiving this e-mail because you're either an environmental section chief or an environmental line assistant who has either personally requested to be included in this group, had someone make the request on your behalf, or have otherwise been identified as possibly being interested in being included in this group.

The benefits of being included in this group consist of taking advantage of NAAG's resources on behalf of your citizens, having a forum for your specific subject matter community where you can share ideas and strategy and stay abreast of trending issues in the AG community relating to environmental law. This group is one of the more active groups NAAG facilitates, with the consumer affairs AG community being close competition. *(Let me state at the outset that I know you're very busy and probably have to sift through many e-mails a day. You have my assurance that while this group is active in a variety of ways, you will not be inundated with constant e-mails from it.)*

Some of you have asked whether NAAG can facilitate **sub-groups or special working groups** on specific environmental issues like the **PFAS/PFOA** issue. While facilitating these sub-groups/special working groups tends to require a substantial expenditure of resources at the same time the special issues they address can be transient in nature, I'm still willing to accommodate this to a practical degree with the resources available to me. As these special issues come up, I may be sending this group links where they can sign up to join these special issue sub-groups/working groups for helpful information sharing and collaboration.

Here is where I need your help right now:

1. If you've received this e-mail, and you're an environmental (or natural resources) section chief, please reply and confirm that you're a section chief.
2. If you're not a section chief, please reply with the name and e-mail address of your section chief so we can ensure they are included.
3. If you've received this e-mail and for some reason are not interested in being plugged into the environmental AG community via NAAG, please let me know, and I'll remove your contact info from this group.

Thank you, and I look forward to hearing from you and also addressing any questions or concerns you have about this group.

Bereket Tesfu
Program Counsel

National Attorneys General Training & Research Institute
National Association of Attorneys General
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Washington, DC 20036
(202) 326-6269 | btesfu@naag.org

McDougall, Robert

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Tuesday, June 4, 2019 3:49 PM
To: McDougall, Robert
Cc: Brian Campion
Subject: Fw: PFOA

Rob,
Any thoughts on this, not sure what's next.
Thanks
Dick

Dick Sears, State Senator Bennington County & Wilmington
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

From: MARK SMITH <[REDACTED]>
Sent: Tuesday, June 4, 2019 2:47:23 PM
To: Richard Sears
Subject: PFOA

Good afternoon Mr. Sears

My name is Mark Smith. I am chairman for the Pownal fire district #2
About 3 years ago you visited us when pfoa was discovered in our drinking water
Since then we were put on a temporary carbon filtration system. We are still on this system.
The responsible party has been paying for any additional expense we incurred till now. They APU submitted a report to the state
and now claim they are no longer responsible and will no longer pay our additional expenses.
They also have refused to pay expenses related to chlorination which is their responsibility. We are having some damage from
manganese as a result of the chlorination. They are refusing to reimburse us. As a result we are going broke very quickly.
I would like to speak to you further about this if you could contact me

Mark Smith. Cell# [REDACTED]
E mail [REDACTED]

Thank you in advance. Mark
Sent from my Sprint Phone.

McDougall, Robert

From: McDougall, Robert
Sent: Tuesday, June 4, 2019 4:04 PM
To: Richard Sears
Cc: Brian Campion
Subject: RE: PFOA

Hi Senator: I will check in with ANR for an update and have more on this soon. It may not be tomorrow as I will be out of the office.

Thanks,

Rob

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Tuesday, June 4, 2019 3:49 PM
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E mail [REDACTED]

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McDougall, Robert

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Tuesday, June 4, 2019 4:33 PM
To: McDougall, Robert
Cc: Brian Campion
Subject: Re: PFOA

Ok thanks Rib

Dick Sears, State Senator Bennington County & Wilmington
343Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

From: McDougall, Robert <robert.mcdougall@vermont.gov>
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To: Richard Sears
Cc: Brian Campion
Subject: RE: PFOA

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E mail [REDACTED]

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Sent from my Sprint Phone.

McDougall, Robert

Subject: FW: NAAG national environmental conference call on June 6, 2019, at 1 PM (EST)
Location: teleconference

Start: Thu 6/6/2019 1:00 PM
End: Thu 6/6/2019 2:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Bereket Tesfu

-----Original Appointment-----

From: Bereket Tesfu <btesfu@naag.org>

Sent: Friday, May 24, 2019 12:13 PM

To: Bereket Tesfu; aarmstrong@atg.state.il.us; abaker@mde.state.md.us; ajohnston@attorneygeneral.gov; allen.brooks@doj.nh.gov; Barry.Turner@ag.tn.gov; beth.mullin@dc.gov; bill.sherman@atg.wa.gov; brent.bolea1@maryland.gov; christophe.courchesne@state.ma.us; CKennedy@atg.state.il.us; ckhoury@nmag.gov; clayton.eubanks@oag.ok.gov; craiganderson@agutah.gov; curtis.cox@azag.gov; dale.vitale@ohioattorneygeneral.gov; DAnderson@oag.state.va.us; Dara.Derryberry@oag.ok.gov; darrell.early@ag.idaho.gov; david.apy@law.njoag.gov; david.e.clayton@state.ma.us; david.kreutzer@coag.gov; david.steward@ag.iowa.gov; DHirschman@ncdoj.gov; dwalsh@law.ga.gov; ewallace@atg.state.il.us; gregg.j.kinkley@hawaii.gov; hussain.karim@dc.gov; james.canaday@ag.state.mn.us; james.kaste@wyo.gov; jamie.ewing@arkansasag.gov; jason.w.jones@doj.state.or.us; Jeff.Chanay@ag.ks.gov; jefferson.garn@atg.in.gov; jennifer.fradel@law.njoag.gov; jennifer.robbs@coag.gov; jennifer.wazenski@maryland.gov; jerry.goad@coag.gov; jerry.reid@maine.gov; Jill.Lacedonia@ct.gov; John.Saurenman@doj.ca.gov; justin.lavene@nebraska.gov; karmstrong@ag.nv.gov; katebfuller@hotmail.com; katherine.tierney@maine.gov; Larissa.etwaroo@dc.gov; laura.watson@atg.wa.gov; lditka@attorneygeneral.gov; lisa.burianek@ag.ny.gov; maiolson@nd.gov; manningp@michigan.gov; mary.freeley@mass.gov; mary.sauer@maine.gov; masagsve@nd.gov; matthew.levine@ct.gov; mausborn@ago.state.al.us; mdunn@atg.state.il.us; Melissa.Hoffer@state.ma.us; michael.myers@ag.ny.gov; monica.wagner@ag.ny.gov; motlbj@doj.state.wi.us; mwebb@ago.state.ms.us; mwood@ago.state.ms.us; omartin@ago.state.al.us; paul.garrahan@doj.state.or.us; potterkc@doj.state.wi.us; priscilla.hubenak@texasattorneygeneral.gov; ralph.durstein@delaware.gov; rebecca.eggleston@azag.gov; rich.williams@state.sd.us; robert.byrne@doj.ca.gov; McDougall, Robert; rtambling@ago.state.al.us; sally.magnani@doj.ca.gov; sarah.tacker@arkansasag.gov; Stephany.lively@oag.ok.gov; steve.mulder@alaska.gov; steven.talson@maryland.gov; thomas.chenal@azag.gov; tim.duggan@ago.mo.gov; tmccloskey@paoca.org; tom.roan@coag.gov; Sinkman, Matthew; Washburn, Peter; Srolovic, Lemuel; Spiegel, Norman; Aaron Love; Sarah Morrison; Tatiana Gaur; Rebecca.Salisbury@azag.gov; James, Jason; O'Laughlin, Ellen; Minard, Anne; amy.beatie@coag.gov; Schuetze, Cheryl; daniel.olivas@doj.ca.gov; angela.sierra@doj.ca.gov; Synk, Polly (AG); Jennifer Lewis; Erik Petersen; Kelly Shaw; William Grantham; Robert Lundin

Subject: NAAG national environmental conference call on June 6, 2019, at 1 PM (EST)

When: Occurs the first Thursday of every 1 month(s) effective 6/6/2019 until 6/6/2020 from 1:00 PM to 2:00 PM Eastern Standard Time.

Where: teleconference

Welcome! Our monthly national environmental conference call will be taking place on **June 6, 2019, at 1:00 p.m. (EST)**.

Last month's conference call focused primarily on the **PFAS/PFOA** issue, as the **EPA** had recently released their draft interim guidance for addressing groundwater contamination associated with PFOA/PFOS as part of their **PFAS Action Plan**. The public comment period for this draft guidance ends on **June 10, 2019**, so this month's call will present you with the opportunity to reconvene one more time via teleconference before the public comment period ends. The **New York Attorney General's Office** has been kind enough thus far to lead the conference call discussions on this topic. Other environmental issues of interest to the AG community can also be discussed on the conference call.

To access the conference call on June 6, call in to [REDACTED] and use the **pass code** [REDACTED]. *The conference call will open with a roll call of states.* Once the substantive discussions begin, we ask that participants identify themselves by name and state so we can know who's speaking. **These conference calls occur on the first Thursday of every month at 1:00 p.m. (EST).** *If you accept this calendar invite, it will remain on your calendar as a recurring event.*

*****We kindly ask that this invitation or any information about this call not be forwarded to or shared with anyone beyond the attorney general community. This request is to ensure that those who participate on this call are only those who work on environmental matters for their respective attorney general offices. This conference call is not for industry, the press, or the general public.*****

We look forward to you joining us on June 6.

McDougall, Robert

Subject: Canceled: NAAG national environmental conference call on June 6, 2019, at 1 PM (EST)
Location: teleconference

Start: Thu 6/6/2019 1:00 PM
End: Thu 6/6/2019 2:00 PM
Show Time As: Free

Recurrence: (none)

Organizer: Bereket Tesfu

Importance: High

****REMINDER****

Welcome! Our monthly national environmental conference call will be taking place on **June 6, 2019, at 1:00 p.m. (ET)**.

Last month's conference call focused primarily on the **PFAS/PFOA** issue, as the **EPA** had recently released their draft interim guidance for addressing groundwater contamination associated with PFOA/PFOS as part of their **PFAS Action Plan**. The public comment period for this draft guidance ends on **June 10, 2019**, so this month's call will present you with the opportunity to reconvene one more time via teleconference before the public comment period ends. The **New York Attorney General's Office** has been kind enough thus far to lead the conference call discussions on this topic. Other environmental issues of interest to the AG community can also be discussed on the conference call.

To access the conference call on June 6, call in to [REDACTED] and use the **pass code** [REDACTED]. *The conference call will open with a roll call of states.* Once the substantive discussions begin, we ask that participants identify themselves by name and state so we can know who's speaking. **These conference calls occur on the first Thursday of every month at 1:00 p.m. (ET).** *If you accept this calendar invite, it will remain on your calendar as a recurring event.*

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We look forward to you joining us on June 6.

McDougall, Robert

Subject: **TOMORROW - special follow-up national conference call on EPA comment period related to PFAS/PFOA**

Start: Fri 6/7/2019 1:00 PM
End: Fri 6/7/2019 1:30 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Bereket Tesfu

Thank you to everyone who was able to join today's national conference call. (We had at least 29 states participate today!) The **PFAS/PFOA** issue was the main topic of discussion today, as the EPA's **public comment period** for their **draft interim guidance on PFAS/PFOA groundwater contamination** ends this **coming Monday on June 10, 2019**. A number of states today indicated that they wanted to have *one more* working call to further collaborate and exchange ideas on submitting comments before the Monday deadline.

To facilitate this, there will be a special national conference call **TOMORROW (Friday, June 7) at 1:00 p.m. (ET)**.

To access the conference call tomorrow, call in to [REDACTED] and use the **pass code** [REDACTED]

*****We kindly ask that this invitation or any information about this call not be forwarded to or shared with anyone beyond the attorney general community. This request is to ensure that those who participate on this call are only those who work on environmental matters for their respective attorney general offices. This conference call is not for industry, the press, or the general public.*****

McDougall, Robert

From: McDougall, Robert
Sent: Friday, June 7, 2019 5:09 PM
To: ckhoury@nmag.gov
Subject: Contract with Outside Counsel

Good afternoon Ms. Khoury,

My name is Rob McDougall and I am the Environmental Protection Division Chief for the Vermont Attorney General's Office.

We are currently meeting with a handful of outside law firms as we consider a State claim concerning PFAS/PFOA chemicals. My Deputy AG asked me to reach out to some of my counterparts in states who have brought similar cases with outside counsel and inquire if we might get a copy of the contract your state entered into with the outside counsel. I am assuming that a contract would be a public record, and do not want to create any work for you or your office. If the contract can be sent as a courtesy, we would appreciate it. I am happy to discuss any questions or concerns if you wish to talk. My direct line is (802) 828-5506. Thank you very much for your time.

Sincerely,

Rob McDougall

Robert F. McDougall
Assistant Attorney General
Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov

 Please consider the environment before printing this e-mail

McDougall, Robert

From: Bereket Tesfu <btesfu@naag.org>
Sent: Thursday, June 20, 2019 2:53 PM
Subject: *JULY 11* NAAG national environmental conference call
Attachments: NAAG national environmental conference call

APOLOGIES to anyone who has received multiple invites or cancellation notices today for the conference calls. **The July 11 conference call is going forward as indicated in the message below.** In the future, rather than sending you Outlook calendar invites for these calls, I will be *e-mailing* you about the calls with an attachment you can click on to add it to your calendar. Please see the message below for the details about July's call.

Greetings! As you may recall, NAAG's monthly national environmental conference call typically occurs on the first Thursday of every month; however, due to the **4th of July holiday**, July's monthly national environmental conference call will take place the following week on **July 11, 2019, at 1:00 p.m. (ET)**.

June's regularly-scheduled conference call (June 6) focused primarily on the **PFAS/PFOA** issue, as the **EPA** had recently released their draft interim guidance for addressing groundwater contamination associated with PFOA/PFOS as part of their **PFAS Action Plan**. About **30 states** were represented on that call and were able to exchange information and learn more about the now-concluded public comment period for the draft guidance. The discussion was compelling enough that a number of states decided to convene the following day for a supplemental national conference call to further discuss that issue!

The agenda for the next call is in the works. **I invite any of you to send me agenda items to address on the next conference call**, whether it be environmental SCOTUS litigation on the horizon or any other trending topics of interest.

To access the conference call on July 11, call in to [REDACTED] and use the **pass code** [REDACTED]. *The conference call will open with a roll call of states.* Once the substantive discussions begin, we ask that participants identify themselves by name and state so we can know who's speaking.

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We look forward to you joining us on July 11.

Bereket Tesfu
Program Counsel

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Washington, DC 20036

(202) 326-6269 | btesfu@naag.org



McDougall, Robert

From: Bereket Tesfu <btesfu@naag.org>
Sent: Thursday, June 20, 2019 2:28 PM
To: Bereket Tesfu
Subject: NAAG national environmental conference call

McDougall, Robert

From: Bereket Tesfu <btesfu@naag.org>
Sent: Thursday, June 20, 2019 2:59 PM
To: Bereket Tesfu
Subject: NAAG national environmental conference call

McDougall, Robert

From: McDougall, Robert
Sent: Monday, June 24, 2019 10:03 AM
To: Richard Sears
Subject: RE: PFOA

Hi Senator: Do you have a # I can reach you at this afternoon? I want to make you aware of something. Sometime after noon perhaps?

Thanks,

Rob

Robert F. McDougall
Assistant Attorney General
Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov

 Please consider the environment before printing this e-mail

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Tuesday, June 4, 2019 4:33 PM
To: McDougall, Robert <robert.mcdougall@vermont.gov>
Cc: Brian Campion <campionvt@gmail.com>
Subject: Re: PFOA

Ok thanks Rib

Dick Sears, State Senator Bennington County & Wilmington
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

From: McDougall, Robert <robert.mcdougall@vermont.gov>
Sent: Tuesday, June 4, 2019 4:04:02 PM
To: Richard Sears
Cc: Brian Campion
Subject: RE: PFOA

Hi Senator: I will check in with ANR for an update and have more on this soon. It may not be tomorrow as I will be out of the office.

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I would like to speak to you further about this if you could contact me

Mark smith Cell# [REDACTED]
E mail [REDACTED]

Thank you in advance. Mark
Sent from my Sprint Phone.

McDougall, Robert

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Monday, June 24, 2019 11:56 AM
To: McDougall, Robert
Subject: Re: PFOA

Rob,
I'll be at Doctors from about 2:30-3:30 try my cell [REDACTED]
Dick

Dick Sears
State Senator, Bennington County and Wilmington
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee


From: "McDougall, Robert" <robert.mcdougall@vermont.gov>
Date: Monday, June 24, 2019 at 10:03:17 AM
To: "Richard Sears" <RSEARS@leg.state.vt.us>
Subject: RE: PFOA

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To: McDougall, Robert <robert.mcdougall@vermont.gov>

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Chair Senate Judiciary Committee
Senate Appropriations Committee

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Mark smith. Cell# [REDACTED]

E mail [REDACTED]

Thank you in advance. Mark

Sent from my Sprint Phone.

McDougall, Robert

From: McDougall, Robert
Sent: Monday, June 24, 2019 3:29 PM
To: Richard Sears; campionvt@gmail.com
Subject: statement for press release & press conference

Hi Senators Sears and Campion: Thank you both for taking time to speak today. Below is a first attempt at a draft joint statement (on behalf of the Bennington Delegation) for use in a press release and to be read at a press conference on the lawsuits. Happy to make any changes, and feel free to edit as you see fit. If we can get this back by tomorrow afternoon or Wednesday a.m. at the latest, that would be great. As I mentioned, the press conference is set for noon on Thursday in Montpelier. If you have any questions, please feel free to call my cell - [REDACTED]


On behalf of the Bennington Legislative Delegation, Bennington Senators Richard Sears and Brian Campion issued the following statement in support of the State's lawsuits:

"In Bennington we have experienced first-hand the harm caused by these dangerous chemicals. Vermont has been a national leader in how it responded to the PFOA contamination in Bennington, and now we are leading again. We are proud of Vermont for taking these actions to hold these chemical manufacturers responsible for the harm they have caused. We thank the Governor, the Attorney General, the Agency of Natural Resources, and all of their teams, for taking this step to protect Vermont's people and environment."

Thanks,

Rob

Robert F. McDougall
Assistant Attorney General
Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov

 Please consider the environment before printing this e-mail

McDougall, Robert

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Monday, June 24, 2019 4:12 PM
To: McDougall, Robert; campionvt@gmail.com
Subject: Re: statement for press release & press conference

Looks good to me

Dick Sears
State Senator, Bennington County and Wilmington
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

From: "McDougall, Robert" <robert.mcdougall@vermont.gov>
Date: Monday, June 24, 2019 at 3:29:21 PM
To: "Richard Sears" <RSEARS@leg.state.vt.us>, "campionvt@gmail.com" <campionvt@gmail.com>
Subject: statement for press release & press conference

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McDougall, Robert

From: McDougall, Robert
Sent: Monday, June 24, 2019 5:00 PM
To: Richard Sears; campionvt@gmail.com
Subject: RE: statement for press release & press conference

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“We applaud the filing of these lawsuits by the State. The creators of these chemicals have done tremendous destruction to the environment world-wide and must be held accountable for what they have done. PFAS chemicals persist indefinitely in the environment, they are known toxicants and carcinogens. The residents of Bennington County have experienced first-hand the devastating impacts of such contamination. We’ve watched what happens when PFOA harms Vermonters’ health and property and we would not wish any community to experience what our community has experienced. This next phase, which the Attorney General has started, gives us hope that those who have created this nightmare will be made to be answerable. We thank the Governor, the Attorney General, the Agency of Natural Resources, and all of their teams, for taking this step to protect Vermont’s people and environment.”

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robert.mcdougall@vermont.gov

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McDougall, Robert

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Monday, June 24, 2019 5:04 PM
To: McDougall, Robert; campionvt@gmail.com
Subject: Re: statement for press release & press conference

Looks fine, I agree 3rd line might be problematic

Dick Sears
State Senator, Bennington County and Wilmington
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

From: "McDougall, Robert" <robert.mcdougall@vermont.gov>
Date: Monday, June 24, 2019 at 4:59:47 PM
To: "Richard Sears" <RSEARS@leg.state.vt.us>, "campionvt@gmail.com" <campionvt@gmail.com>
Subject: RE: statement for press release & press conference

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McDougall, Robert

From: Jen Duggan <jduggan@clf.org>
Sent: Wednesday, June 26, 2019 6:15 PM
To: McDougall, Robert
Subject: PFAS Lawsuit

Hi Rob:

I just got a call from a reporter. Are you able to share the complaint that the AG filed today? Will you be issuing a release?

Thanks!

Best,

Jen

Sent from my iPhone

McDougall, Robert

From: McDougall, Robert
Sent: Wednesday, June 26, 2019 6:42 PM
To: Jen Duggan
Subject: Re: PFAS Lawsuit

Hi Jen: There is a press conference at the Chittenden Courthouse tomorrow morning @ 10 a.m. I will get you the complaints and press release right after that. We did an advisory for the press conference that has some media calling around.

Rob

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From: Jen Duggan <jduggan@clf.org>
Sent: Wednesday, June 26, 2019 6:14:56 PM
To: McDougall, Robert
Subject: PFAS Lawsuit

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From: Jen Duggan <jduggan@clf.org>
Sent: Wednesday, June 26, 2019 7:31 PM
To: McDougall, Robert
Subject: Re: PFAS Lawsuit

Thanks - look forward to reviewing the complaints tomorrow morning. In the meantime, are you able to send me the advisory?

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Sent from my iPhone

On Jun 26, 2019, at 6:42 PM, McDougall, Robert <robert.mcdougall@vermont.gov> wrote:

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From: McDougall, Robert
Sent: Wednesday, June 26, 2019 7:44 PM
To: Jen Duggan
Subject: Re: PFAS Lawsuit

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Rob

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Sent: Wednesday, June 26, 2019 8:35 PM
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Subject: Re: PFAS Lawsuit

Got it - thank you!

Sent from my iPhone

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Sent: Wednesday, June 26, 2019 3:11 PM
To: McDougall, Robert; campionvt@gmail.com
Subject: Re: statement for press release & press conference

From: McDougall, Robert <robert.mcdougall@vermont.gov>
Sent: Monday, June 24, 2019 4:59 PM
To: Richard Sears; campionvt@gmail.com
Subject: RE: statement for press release & press conference

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343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

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Date: Monday, June 24, 2019 at 3:29:21 PM

To: "Richard Sears" <RSEARS@leg.state.vt.us<mailto:RSEARS@leg.state.vt.us>>,
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robert.mcdougall@vermont.gov<mailto:robert.mcdougall@vermont.gov>

[cid:image003.png@01D43BBE.34836B80]

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Dick Sears, State Senator Bennington County & Wilmington
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robert.mcdougall@vermont.gov

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McDougall, Robert

From: McDougall, Robert
Sent: Wednesday, June 26, 2019 3:22 PM
To: Richard Sears
Subject: Re: statement for press release & press conference

Thank you Senator.

Rob

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From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Wednesday, June 26, 2019 3:12:53 PM
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Subject: Re: statement for press release & press conference

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Subject: RE: statement for press release & press conference

Thank you both. A slightly revised statement below with some input from Senator Campion. If this works I will add it to our draft. One caveat – if we believe the 3rd line might impact some of the case, we will cut it. I want to check with our counsel on that.

“We applaud the filing of these lawsuits by the State. The creators of these chemicals have done tremendous destruction to the environment world-wide and must be held accountable for what they have done. PFAS chemicals persist indefinitely in the environment, they are known toxicants and carcinogens. The residents of Bennington County have experienced first-hand the devastating impacts of such contamination. We’ve watched what happens when PFOA harms Vermonters’ health and property and we would not wish any community to experience what our community has experienced. This next phase, which the Attorney General has started, gives us hope that those who have created this nightmare will be made to be answerable. We thank the Governor, the Attorney General, the Agency of Natural Resources, and all of their teams, for taking this step to protect Vermont’s people and environment.”

Please let me know if the above works.

Thanks,
Rob

From: Richard Sears <RSEARS@leg.state.vt.us>
Sent: Monday, June 24, 2019 4:12 PM
To: McDougall, Robert <robert.mcdougall@vermont.gov>; campionvt@gmail.com
Subject: Re: statement for press release & press conference

Looks good to me

Dick Sears
State Senator, Bennington County and Wilmington
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Senate Appropriations Committee

From: "McDougall, Robert" <robert.mcdougall@vermont.gov>
Date: Monday, June 24, 2019 at 3:29:21 PM
To: "Richard Sears" <RSEARS@leg.state.vt.us>, "campionvt@gmail.com" <campionvt@gmail.com>
Subject: statement for press release & press conference

Hi Senators Sears and Campion: Thank you both for taking time to speak today. Below is a first attempt at a draft joint statement (on behalf of the Bennington Delegation) for use in a press release and to be read at a press conference on the lawsuits. Happy to make any changes, and feel free to edit as you see fit. If we can get this back by tomorrow afternoon or Wednesday a.m. at the latest, that would be great. As I mentioned, the press conference is set for noon on Thursday in Montpelier. If you have any questions, please feel free to call my cell – [REDACTED]

On behalf of the Bennington Legislative Delegation, Bennington Senators Richard Sears and Brian Campion issued the following statement in support of the State's lawsuits:

“In Bennington we have experienced first-hand the harm caused by these dangerous chemicals. Vermont has been a national leader in how it responded to the PFOA contamination in Bennington, and now we are leading again. We are proud of Vermont for taking these actions to hold these chemical manufacturers responsible for the harm they have caused. We thank the Governor, the Attorney General, the Agency of Natural Resources, and all of their teams, for taking this step to protect Vermont's people and environment.”

Thanks,
Rob

Robert F. McDougall
Assistant Attorney General
Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov

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McDougall, Robert

From: McDougall, Robert
Sent: Thursday, June 27, 2019 10:42 AM
To: Jen Duggan
Subject: Fwd: Press Release: Vermont Files Suit Against Manufacturers of PFAS Chemicals to Protect Drinking Water and Natural Resources
Attachments: PFAS Press Release 6.27.19.pdf; ATT00001.htm

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From: Clark, Charity
Sent: Thursday, June 27, 2019 10:31:18 AM
To: agopress@list.vermont.gov
Subject: Press Release: Vermont Files Suit Against Manufacturers of PFAS Chemicals to Protect Drinking Water and Natural Resources

**STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT 05609-1001**

FOR IMMEDIATE RELEASE:
June 27, 2019

CONTACT: Rob McDougall, Chief
Environmental Division
(802) 828-3171

**VERMONT FILES SUIT AGAINST MANUFACTURERS OF PFAS CHEMICALS
TO PROTECT DRINKING WATER AND NATURAL RESOURCES**

MONTPELIER – Vermont Attorney General T.J. Donovan announced that the State of Vermont has taken a major environmental action to protect Vermont’s drinking water and natural resources by filing two lawsuits against companies for the manufacturing and distribution of PFAS chemicals and PFAS-containing products in Vermont. The lawsuits name the 3M Company (3M) and E. I. du Pont de Nemours and Company (DuPont) and related DuPont companies as the major chemical makers who manufactured and distributed PFAS chemicals and related products.

“This is about making Vermont whole, by making the responsible parties pay to remove their toxic chemicals from Vermont’s groundwater and other resources,” said Attorney General Donovan. “These lawsuits are against the companies that invented, made, and sold PFAS chemicals and related products. For decades, they knew these chemicals were harmful and gave no notice to the public. We’re taking this action to protect

Vermonters and our environment by holding these companies responsible for the environmental harms they caused.”

“I appreciate all of the work the Agency of Natural Resources has put into this effort in cooperation with the Attorney General’s office,” said Governor Scott. “As we begin to implement Act 21 (S.49), we expect to find concentrations of PFAS requiring additional response work. I believe the manufacturers of these chemicals – who continued to profit from their sale long after knowing the potential harm – should be held financially responsible for their negative impact on Vermonters,” Governor Scott added.

The State filed two lawsuits in the Vermont Superior Court, Chittenden Civil Division on Wednesday. The lawsuits seek damages for state-wide harm to Vermont’s drinking water and natural resources, including groundwater, surface waters, and wildlife. 3M and DuPont are the primary manufacturers of PFAS chemicals, a family of chemicals which includes PFOS, PFNA, PFHxS, PFHpA and PFOA, the chemical that has been the contaminant of concern in Bennington since 2016. One of the lawsuits specifically focuses on harms caused by PFAS-containing AFFF, a firefighting foam. The harmful health effects of PFAS include links to kidney and testicular cancer, ulcerative colitis, and adverse effects on fetal development during pregnancy, the liver, the immune system, the thyroid, and cholesterol levels.

On behalf of the Bennington Legislative Delegation, Bennington Senators Richard Sears and Brian Campion issued the following statement in support of the State’s lawsuits:

“We applaud the filing of these lawsuits by the State. The creators of these chemicals have caused tremendous destruction to the environment world-wide and must be held accountable for what they have done. PFAS chemicals persist indefinitely in the environment, they are known toxicants and associated with multiple types of cancers. The residents of Bennington County have experienced first-hand the devastating impacts of such contamination. We’ve watched what happens when PFOA harms Vermonters’ health and property and we would not wish any community to experience what our community has experienced. This next phase, which the Attorney General has started, gives us hope that those who have created this nightmare will be made to be answerable. We thank the Governor, the Attorney General, the Agency of Natural Resources, and all of their teams, for taking this step to protect Vermont’s people and environment.”

3M and DuPont and its related companies are named as defendants in both lawsuits. In addition, Chemguard, Inc., Tyco Fire Products, L.P., National Foam, Inc., Buckeye Fire Equipment Company, and Kidde-Fenwal, Inc. are named as co-defendants in the AFFF firefighting foam action.

The State's allegations against the chemical manufacturers include claims that the defendants are responsible for: damage to Vermont's natural resources; altering the quality of Vermont's groundwater; manufacturing and supplying defective products, and failing to warn of their hazards; creating a public nuisance; trespass upon the State's natural resources and property; and violating the Voidable Transactions Act (DuPont and its related companies only). The State is seeking damages and other remedies to recover for the harm caused to Vermont's environment by PFAS chemicals.

The Vermont Agency of Natural Resources and the Vermont Department of Environmental Conservation have provided technical and legal support to the Attorney General's Office in all aspects of bringing the lawsuits.

Related Documents:

[State v. 3M et al. COMPLAINT \(PFAS claims\). 6/26/19](#)

[State v. 3M et al. COMPLAINT \(AFFF claims\). 6/26/19](#)

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McDougall, Robert

From: McDougall, Robert
Sent: Thursday, June 27, 2019 10:45 AM
To: ejoselson@langrock.com
Subject: Fwd: Press Release: Vermont Files Suit Against Manufacturers of PFAS Chemicals to Protect Drinking Water and Natural Resources
Attachments: PFAS Press Release 6.27.19.pdf; ATT00001.htm

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From: Clark, Charity
Sent: Thursday, June 27, 2019 10:31:18 AM
To: agopress@list.vermont.gov
Subject: Press Release: Vermont Files Suit Against Manufacturers of PFAS Chemicals to Protect Drinking Water and Natural Resources

**STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT 05609-1001**

FOR IMMEDIATE RELEASE:
June 27, 2019

CONTACT: Rob McDougall, Chief
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(802) 828-3171

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