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NJ Water Supplier Wants DuPont, Chemours To Fund Cleanup

By [Clark Mindock](#)

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Law360 (December 21, 2020, 4:58 PM EST) -- A company that provides drinking water to about 1.5 million New Jersey residents wants DuPont, Chemours and others to pay for systems to comply with new stringent state water quality requirements after allegedly contaminating the state for decades.

Suez Water New Jersey Inc. sued [The Chemours Co.](#), [DuPont de Nemours Inc.](#) and others Friday for what it said was six decades of the companies knowingly contaminating the state with so-called forever chemicals and choosing profits over safety. As a result of that contamination and recently implemented maximum allowable levels for the chemicals, Suez said it is facing stiff future costs to monitor and mitigate contamination of state waters with per- and polyfluoroalkyl substances as well as perfluorooctanoic acid—known as PFAS and PFOA chemicals, respectively.

The company noted that tests conducted by the state have found elevated levels of PFAS and PFOA contamination in many state waterways, which raises the risk of adverse health effects associated with the chemicals. Those tests led the [New Jersey Department of Environmental Protection](#) to implement strict maximum allowable levels in June, which requires Suez's compliance by the first quarter of 2021.

"Only recently has the full scope of defendants' actions begun to come to light," Suez said. "Moreover, the emerging costs of remedying defendants' long-running contamination of New Jersey's environment are substantial, and those costs have fallen disproportionately upon those whose responsibility it is to provide safe drinking water to New Jersey residents."

PFAS and PFOA chemicals are referred to as "forever chemicals" for their longevity in the human body and in the environment. They are associated with a range of adverse health impacts including developmental and reproductive problems, increased risk of cancers like liver and kidney, and immunological effects.

The chemicals have been under increasing scrutiny in recent years. In New Jersey, the

state conducted years of testing starting at least in 2006 and has found elevated levels of the chemicals in waterways all over the state, according to the complaint.

That included an environmental assessment by NJDEP's Division of Science, Research and Environmental Health in 2018 that found PFAS in 14 surface water samples from 11 waterways across the state selected for their proximity to potential pollution sources. Those results showed the presence of PFOA in 100% of the samples and PFOS in 71% of the samples. Those chemicals were found in far higher concentrations than is allowed under state rules.

Those test results led the state to implement in June one of the nation's strictest maximum contamination levels for public water related to the chemicals, setting up costly requirements for water providers like Suez. Those requirements include ongoing monitoring and testing of water sources for the chemical and mitigation requirements to reduce contamination of water being pumped through New Jersey pipes.

Forever chemicals are at the center of lawsuits across the country, from [New Hampshire](#) to [California](#) and [North Carolina](#), where the incoming Biden administration [pick to lead](#) the U.S Environmental Protection Agency is currently serving as the state's top environmental regulator.

Suez, DuPont and Chemours didn't immediately respond to requests for comment Monday.

Suez is represented by Richard P. O'Leary, Brooks M. Smith and Lindsey B. Mann of [Troutman Pepper](#).

Counsel information for the chemical companies wasn't immediately available.

The case is Suez Water New Jersey Inc. v. E.I. DuPont de Nemours and Company et al., case number [2:20-cv-19906](#), in the [United States District Court for the District of New Jersey](#).

--Additional reporting by Juan Carlos Rodriguez, Hannah Albarazi and Hailey Konnath. Editing by Gemma Horowitz.

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Case Information

Case Title

[SUEZ WATER NEW JERSEY INC. v. E.I. DUPONT DE NEMOURS AND COMPANY et al](#)

Case Number

[2:20-cv-19906](#)

Court

New Jersey

Nature of Suit

Prop. Damage Prod. Liability

Judge

[Madeline Cox Arleo](#)

Date Filed

December 18, 2020

Law Firms

- [Troutman Pepper](#)

Companies

- [DuPont de Nemours Inc.](#)
- [The Chemours Co.](#)

Government Agencies

- [New Jersey Department of Environmental Protection](#)
- [U.S. District Court for the District of New Jersey](#)

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