

## A RESOLUTION

No. \_\_\_\_\_

### **AUTHORIZING THE CITY OF FORT WORTH TO OPT-IN TO CLASS ACTION SETTLEMENTS INVOLVING TYCO FIRE PRODUCTS LP AND BASF CORPORATION REGARDING THE MANUFACTURING OF AQUEOUS FILM-FORMING FOAM PRODUCTS**

**WHEREAS**, per- and polyfluoroalkyl substances (“PFAS”) are a class of man-made chemicals linked to negative health and environmental outcomes that have been discovered in the City of Fort Worth’s drinking water sources; and

**WHEREAS**, the U.S. Environmental Protection Agency has proposed to regulate certain PFAS under the Safe Drinking Water Act and Comprehensive Environmental Response, Compensation, and Liability Act; and

**WHEREAS**, the City of Fort Worth has incurred or will be forced to incur significant costs to treat its drinking water for PFAS; and

**WHEREAS**, through Resolution No. 5850-11-2023 the City Council authorized the City Attorney or her designee to submit requests for exclusion, or “opt-outs,” from the class action settlements between water providers nationwide and 3M Company (“3M”) and several companies associated with DuPont de Nemours, Inc. (collectively, “DuPont”) regarding contamination of drinking water supplies with per- and polyfluoroalkyl substances (“PFAS”); and

**WHEREAS**, the City Attorney’s designee did submit requests for exclusion and successfully opted out the City of Fort Worth from said settlement classes; and

**WHEREAS**, Tyco Fire Products LP (“Tyco”) and BASF Corporation (“BASF”) reached settlement agreements on the same subject on April 12, 2024, and May 20, 2024, respectively, which have been preliminarily judicially approved and are now being considered for final approval in the multi-district litigation (“MDL”) related to AFFF ongoing in the U.S. District Court for the District of South Carolina (MDL No. 2:18-mn-2873) (the “AFFF MDL”); and,

**WHEREAS**, the City Council of the City of Fort Worth finds that it is in the public interest to continue to seek recovery for the costs of treating its drinking water for PFAS from certain manufacturers, distributors, and users of AFFF and/or PFAS responsible for contaminating the City’s drinking water sources; and

**WHEREAS**, the City Council of the City of Fort Worth finds that it is in the public interest to join the settlement classes in the Tyco and BASF settlement agreements.

**WHEREAS**, it is anticipated that the City will receive \$2,082,910.00 from these settlement agreements.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

1. The City Manager or his designee is hereby authorized to join the Tyco and/or BASF settlements in *City of Camden, et al. v. 3M Company*, Case No. 2:23-cv-03147-RMG (D.S.C.), and *City of Camden, et al. v. E.I. DuPont de Nemours and Company, et al.*, No. 2:23-cv-03230-RMG (D.S.C.), respectively, based on the conclusion that participation in either or both settlements would be in the public's best interest.

Adopted this \_\_ day of \_\_\_\_\_ 2024

**ATTEST:**

By: \_\_\_\_\_  
Jannette S. Goodall, City Secretary