

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

In Re: Aqueous Film-Forming Foams)	
Products Liability Litigation)	MDL No. 2:18-mn-2873-RMG
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)	ORDER
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)	This Order Relates to All Actions
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The Court hereby sets a Science Day in this litigation for September 6, 2019 under the terms set forth below:

1. The Science Day will immediately follow the regular MDL status conference set for September 6, 2019 at 9:00 a.m.
2. The Plaintiffs Executive Committee (PEC) and the Defense Coordinating Committee (DCC) will each be allowed to offer up to two experts to address the Court during Science Day and to respond to the Court’s questions. The Court anticipates sessions of no greater than two hours for Plaintiffs and two hours for Defendants. Plaintiffs experts will go first, followed by Defense experts.
3. The presentations and questioning will be under the control and direction of the Court. Counsel will not be involved in making presentations or questioning the experts.
4. The presentations, supportive materials, and responses of the experts are off the record and may not be used in any manner by any party in any aspect of this litigation. A transcript of the Science Day will be made strictly for the Court’s use and will not be provided to any party.

5. The PEC and DCC will make available to the Court the CV's of their experts at least 10 days before Science Day.

6. Experts may use power points and provide supportive charts and data, but they should anticipate the Court actively participating in and directing questioning, with a focus on the issues referenced in Paragraph 7 below. At the beginning of their presentation, the experts should identify which of the issues set forth in Paragraph 7 are within their areas of expertise and which are not.

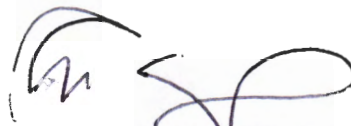
7. One or more experts for the PEC and the DCC should be prepared to address the following issues:

- A. The EPA has issued a Drinking Water Advisory setting a level of 70 parts per trillion of combined PFOS and PFOA. Several states and a panel of the CDC have proposed or adopted limits in the range of 10 to 14 parts per trillion. What are the scientific bases for these numbers and why do they vary so greatly? What standard has the most persuasive scientific support and what weaknesses exist in the use of numbers the expert rejects as too high or too low?
- B. Various potential sites of PFOA and PFOS ground contamination have been identified by the Department of Defense, state and local governments, water districts and others. Of these potential sites, how many have been shown through water testing to exceed the EPA's Drinking Water Advisory levels? How many have been shown to exceed the 10-14 parts per trillion standard? How many of these sites were outside of military installations and/or exposed non-

military personnel to contaminated ground water?

- C. Are there validated testing protocols or regimens available for evaluating the potential toxic effects on humans of PFOA and/or PFOS exposure in the groundwater? If so, describe these protocols or regimens and how widespread are their use? What are the costs?
- D. Are there diseases or conditions caused uniquely or primarily by exposure to PFOA and/or PFOS? If exposure to PFOA and/or PFOS is associated with an increase in risk for conditions such as cancer, thyroid disorders, ulcerative colitis, increase in liver enzymes, and pregnancy induced hypertension and preeclampsia, what methods exist to establish that the exposure to PFOS and/or PFOA was more likely than not a proximate cause of these diseases or conditions?
- E. What are the methods, costs and effectiveness of remediation processes where PFOS and/or PFOA have contaminated the groundwater?
- F. Are there presently products available to effectively extinguish liquid hydrocarbon fires that do not require PFOA and PFOS? If so, how long have such products been available? If products containing PFOA and/or PFOS are still used for military or other purposes, what methods have been undertaken to reduce the risk of groundwater contamination?

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

July 24, 2019
Charleston, South Carolina