

DuPont Loses Bellwether C8 Teflon Case

By ACSH Staff — July 7, 2016



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Professor David Freeman, [Chair of Petroleum Engineering at Marietta College](#) ^[2], has been awarded \$5.1 million in a lawsuit against DuPont, which he blames for his testicular cancer.

A jury of four women and three men in the U.S. District Court in Columbus agreed with him, and said the company acted with malice because it dumped water containing what it calls C8 (perfluorooctanoic acid, or PFOA) into the Ohio River from its Washington Works plant near Parkersburg, West Virginia.

C8 has been in use since the 1940s and was used in making non-stick surfaces such as Teflon (though it isn't in the final product). Common in the environment by now, it can be detected in the parts per trillion range in 98 percent of the public. Yet environmental cancers have declined, not increased, so Dupont was using that to defend itself against the charges. The company began to voluntarily phase out C8 last year, but some 3,500 other plaintiffs are lined up to contend it caused their illnesses, including kidney cancer, ulcerative colitis and, strangely, high cholesterol. One study also linked it to arthritis, [though the evidence was weak](#) ^[3] and it lacked a biological hypothesis.

In very high doses, PFOA has caused harmful effects in laboratory animals but the levels found in humans are orders of magnitude below the safe threshold, and the company showed it consistently monitored exposure so that it remained well below those levels.

[A 2005 report](#) ^[4] from the American Council on Science and Health also found “no likely risk to human health associated with the levels of PFOA (perfluorooctanoic acid) to which the general public is exposed.” Still, jury cases are not decided by science, they are decided by emotion. And so this judgment is good news for attorneys because it was one of the six “bellwether” cases DuPont was defending. Of the six, one was thrown out, three were settled and last October a woman won a \$1.6 million award for successfully convincing a jury C8 caused her kidney cancer.

Professor Freeman had surgery, still runs competitive races and continues teaching, but his attorneys are expected to ask for punitive damages due to psychological worry his cancer will

return, and they will contend that the company knew C8 could be a possible carcinogen.

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[2] http://w3.marietta.edu/people/person_bio.php?person=f/freeman_david

[3] <http://acsh.org/news/2011/07/15/study-alleging-link-between-non-stick-surfaces-and-arthritis-does-not-pan-out/>

[4] http://acsh.org/publications/pubid.1076/pub_detail.asp