

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

Regarding

SETTLEMENT WITH E.I. DuPONT de NEMOURS AND COMPANY (n/k/a EIDP, INC.), DuPONT de NEMOURS, INC., THE CHEMOURS COMPANY, THE CHEMOURS COMPANY FC, LLC, AND CORTEVA, INC. (COLLECTIVELY “DuPONT”)

And

AUTHORIZING ORANGE COUNTY (HEREIN REFERRED TO AS THIS “GOVERNMENTAL UNIT”) TO JOIN IN THE NATIONWIDE CLASS SETTLEMENT WITH DuPONT, AUTHORIZING THE COUNTY’S OUTSIDE COUNSEL TO FILE THE COUNTY’S CLAIM IN THE LITIGATION TO PARTICIPATE IN THE DuPONT SETTLEMENT, AND DELEGATION OF AUTHORITY TO ORANGE COUNTY ADMINISTRATOR

Resolution No. 2023- M-52

WHEREAS, Orange County has suffered harm as a result of the use of man-made chemicals known as polyfluoroalkyl substances (“PFAS”); and

WHEREAS, Orange County has and will continue to incur costs over time for monitoring, treating and remediating PFAS; and

WHEREAS, nationwide, including in Orange County, there is a chemical threat to the drinking water supply; and

WHEREAS, DuPont, along with other manufacturers and suppliers are defendants in the *In Re: Aqueous Film-Forming Foams Product Liability Litigation* multi-district litigation in the U.S. District Court for the District of South Carolina, Master Docket No. 2:18-MN-2873-RMG, presided over by the Honorable Richard Gergel of Charleston, South Carolina; and

WHEREAS, Orange County has retained outside counsel to represent its interests in the multidistrict litigation and to pursue claims for the PFAS contamination here in Orange County, including in its drinking water system; and

WHEREAS, DuPont has been increasingly under pressure from the multi-district litigation to resolve its disputes nationwide especially in light of the U.S. Environmental Protection Agency's proposed rule designating PFAS as a hazardous substance under CERCLA, and upcoming trials; and

WHEREAS, the settlement with DuPont is for \$1.2 Billion to be paid in one lump sum payment to be deposited with the Claims Administrator. The payment will be distributed on a nationwide basis to class members of the settlement, of which, Orange County is to be a class member due to its PFAS test results; and

WHEREAS, Orange County must decide whether to join in the settlement with DuPont while continuing to pursue litigation against the remaining defendants; and

WHEREAS, the funds received through the settlement will not be restricted; and ;

WHEREAS, Orange County's outside counsel recommends Orange County join in the DuPont settlement and continuing litigating against the non-settling defendants for all available damages, including drinking water contamination;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. The foregoing recitals are true and correct and are incorporated herein by reference in this Resolution.

Section 2. That this Governmental Unit supports the DuPont settlement and finds that participation in the DuPont Settlement would be in the best interests of this Governmental Unit and its citizens in that such settlement represents a fair and equitable resolution to the claims against DuPont for drinking water contamination from PFAS, will provide a direct funding source for the monitoring, treating and remediating of PFAS, and the county will receive funds for the harm it has suffered.

Section 3. That this Governmental Unit expressly authorizes the County's outside counsel to file the County's claim in the litigation for participation in the DuPont settlement.

Section 4. That the Orange County Administrator is hereby expressly authorized to execute all formal agreements required by the court and pursuant to the settlement agreement for settlement with DuPont and which is not substantially inconsistent with this Resolution.

Section 5. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Section 6. Effective Date. This Resolution shall take effect on the date of its adoption.

ADOPTED THIS 28 DAY OF November, 2023.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Ann - Kinety*
Deputy Clerk