

West Tisbury to participate in statewide PFAS lawsuit

Select board seeking compensation from manufacturers of toxic firefighting foam.

By **Sam Canfield** - February 21, 2023



MassDEP pointed to West Tisbury Fire Station One as a source of PFAS. — Eunki Seonwoo

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The West Tisbury Select Board has decided to move forward with a lawsuit following the Massachusetts Department of Environmental Protection's investigation into per- and polyfluoroalkyl substances — the class of chemicals known as PFAS.

The lawsuit is a multi-district litigation out of South Carolina, against the manufacturers of the firefighting foam used by the West Tisbury Fire Department, among other public entities across the country.

Participation in the lawsuit comes after a [January state report](#) named the fire department as the source of “imminently hazardous” PFAS levels in private water wells nearby, with discharge of aqueous film-forming foam (AFFF) being the root cause. According to a [May press release](#) from the attorney general's office, 15 different manufacturers of AFFF historically used in Massachusetts hid negative information about their products. West Tisbury is among dozens of towns statewide contaminated with PFAS due to this “deception.”

At last week's meeting, the select board decided to pursue legal compensation by joining the multi-district litigation, and will likely seek representation on a contingency basis, similar to the Martha's Vineyard Airport Commission. "It would not be affordable [otherwise]," chairperson Cynthia Mitchell said. The select board is waiting for a final proposal from town counsel Ron Rappoport before officially joining the lawsuit, and is speaking with a "couple different lawyers," according to town administrator Jennifer Rand. The select board will make a final decision on how to move forward at next week's meeting.

If the town were to earn any legal compensation from the lawsuit, the select board would allocate the money to mitigate and monitor PFAS levels. The West Tisbury Fire Department switched to what the town says is a nontoxic firefighting foam in the early 2000s, but PFAS are chemicals that take years to break down. It's unclear how the town will clean up and monitor the chemicals.

In other news, the multimillion-dollar Howes House restoration project has been largely put on pause until further notice. Home to the Council on Aging, the Howes House is located in West Tisbury, but also serves residents of Aquinnah and Chilmark.

Earlier this month, the Chilmark select board lamented a lack of communication on the project between the three towns, stating that West Tisbury had taken the reins on the project without enough transparency.

In a meeting on Wednesday, West Tisbury select board decided to "pause forward motion" on the project until after meeting with Aquinnah on March 7, and with Chilmark on March 21. Select board chair Cynthia Mitchell said that some basic logistical work will continue, but a shared vision for the renovations and cost sharing must be established.
