

**OFFICE OF THE CITY MANAGER
LITTLE ROCK, ARKANSAS**

**BOARD OF DIRECTORS COMMUNICATION
APRIL 28, 2026, AGENDA**

Subject:	Action Required:	Approved By:
<p>A Resolution to authorize the City Manager to execute a retainer agreement with Grant and Eisenhofer, P.A., and to authorize the City Attorney to prosecute affirmative litigation on behalf of the City of Little Rock as a named plaintiff in federal class action proceedings seeking recovery of costs arising from the purchase of PFAS-contaminated firefighter turnout gear</p> <p>Submitted By:</p> <p>City Attorney's Office</p>	<p>Ordinance √ Resolution</p>	<p>Delphone Hubbard City Manager</p>
SYNOPSIS	<p>The Office of the City Attorney requests authorization from the Board of Directors for the City of Little Rock to join as a named plaintiff in a pending federal purchaser class action arising from the manufacture and sale of firefighter turnout gear containing per- and polyfluoroalkyl substances (PFAS). The litigation, captioned City and County of Butte-Silver Bow, et al. v. 3M Company, et al., Case No. 2:25-cv-00036-BMM, is pending before the United States District Court, District of Montana, Butte Division. Lead plaintiff's counsel is Grant and Eisenhofer, P.A. (G&E), the nation's preeminent mass tort and environmental plaintiff firm, which is actively litigating the case in federal court. This is a purchaser class action for economic recovery — not a personal injury case. The named plaintiffs are municipalities that purchased PFAS-contaminated turnout gear; the defendants are the gear manufacturers responsible for incorporating PFAS into those products.</p>	
FISCAL IMPACT	<p>There is no upfront financial obligation to the City of Little Rock. All attorneys' fees, costs, and litigation expenses will be advanced by outside counsel, Grant and Eisenhofer, P.A., and are recoverable only upon a successful judgment or settlement. This matter has no adverse impact on the City's current operating budget.</p>	

RECOMMENDATION

Adopt the resolution.

BACKGROUND

For decades, manufacturers of structural firefighting turnout gear the full-body protective suits worn by career firefighters incorporated PFAS chemicals into their products. PFAS, commonly referred to as "forever chemicals," are a class of synthetic compounds resistant to heat, water, and oil. While these properties made PFAS attractive to gear manufacturers, the chemicals do not break down in the environment or the human body and have been linked to serious health effects including certain cancers, thyroid disease, and immune system disruption. The turnout gear itself absorbed and off-gassed PFAS during normal use, contaminating both firefighters and city equipment. The Little Rock Fire Department, like departments across the country, purchased this gear in good faith, relying on manufacturer representations and industry standards that did not adequately disclose PFAS content or associated hazards. The defendants in this litigation Globe, Fire-Dex, Morning Pride (Honeywell), Lion Group, W.L. Gore, 3M, and DuPont/Chemours are the gear manufacturers, not the underlying chemical companies.

The Little Rock Fire Department operates 22 stations with more than 400 career firefighters. Under NFPA 1851, the applicable National Fire Protection Association standard, turnout gear is replaced on a ten-year cycle with two suits issued per firefighter. The City's multi-year gear purchasing history falls within the recovery period. Grant and Eisenhofer, P.A., will represent the City under a contingency fee arrangement, taking no fee unless a recovery is obtained. The City Manager is authorized to execute the retainer agreement; the Office of the City Attorney has reviewed and negotiated the proposed retainer and will exercise supervisory oversight of this litigation at all stages. The authorization sought by this Resolution is limited to execution of the G&E retainer agreement and the prosecution of affirmative litigation; the retainer agreement itself will not be attached to this Board Communication as a public exhibit. The Office of the City Attorney recommends adoption of the Resolution.