

Saint-Gobain Hit with Unlawful Termination Suit Over PFAS Alarm

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A multinational French company is under fire for terminating an in-house lawyer who insisted that carcinogenic “forever chemicals” were possibly contaminating waters around some of the company’s U.S. factories.

Amiel Gross, a former internal attorney for Compagnie de Saint-Gobain, alleged that higher-ups fired him for escalating concerns that perfluorooctanoic acid, or PFOA, could be poisoning the water around multiple U.S. plants, including a site in Wayne, N.J. PFOA is a member of a family of chemicals known as PFAS that have been linked to a number of health problems.

He filed the unlawful termination complaint on Tuesday with the Labor Department’s Occupational Safety and Health Administration.

According to the complaint, Gross was terminated and threatened as a result of warning the company that they were obligated to “rule out contamination of nearby drinking water sources and ensure other communities were not unknowingly consuming the same toxic chemical.”

Employees should not have to choose between their jobs and raising the alarm against potential environmental harm, Wigdor LLP partner Jeanne Christensen, who represents Gross, told Bloomberg Law over email.

“Saint-Gobain promises the public that it is committed to environmental protection, safety and the future,” she added. “If such promises were true, Saint-Gobain would have acted on Mr. Gross’s warnings, not taken such extreme steps to silence him.”

‘You Will Find It’

While helming class-action litigation over the company’s known PFOA contamination, Gross tried to warn leadership that more waterways probably needed to be tested for exposure.

He was particularly concerned with the site in Wayne, where he believed PFOA was likely being released through unmitigated air emissions.

In the complaint, Gross described a meeting with the North American CEO, Tom Kinisky, in which he claimed that Kinisky told him not to bother checking for PFOA in the extra sites because “if you look, you will find it.”

Gross launched an investigation into the potential contamination himself, and was met with punitive action from the company, according to the lawsuit.

PFOA is among the per- and polyfluoroalkyl substances, or PFAS, that are hard to break down when released into the environment. Since they repel water and oil, they've been used in everything from cookware to construction materials.

Saint-Gobain was pummeled with still-pending class action and individual tort lawsuits in 2016 over PFOA contamination from a subsidiary in Hoosick Falls, N.Y. More class actions followed from Vermont and New Hampshire.

Abrupt Termination

Gross' lawyers said the company failed to carry out quick off-site testing in priority residential neighborhoods close to the facilities, actions Gross believed were necessary to address the criminal liability and safety concerns over the untested sites.

After being told to look the other way, Gross continued to document recommendations for the potential PFOA sites. In the weeks that followed, Gross was turned down for a promotion, investigated for "insubordination," and ultimately fired from the company.

Even after his termination, Gross claimed that Saint-Gobain continued to retaliate over his whistleblowing activities by threatening to report him to his "state bars" and law enforcement.

"Saint-Gobain wanted Mr. Gross to know that he was no longer its rising star," according to the complaint. "He was allowed to continue managing the Litigation, but it was clear he was raising too many difficult questions to ever assume a more strategic role at Saint-Gobain."

Cause of Action: The Safe Drinking Water Act, Comprehensive Environmental Response, Compensation, and Liability Act, and Sarbanes-Oxley Act.

Response: Saint-Gobain couldn't be immediately reached for comment.

Attorneys: Gross is represented by Wigdor LLP.

The case is: Amiel Gross v. Compagnie de Saint-Gobain, OSHRC, case not yet docketed, complaint filed 4/6/21