

TITLE 2: NATURAL RESOURCES
DIVISION 3: THE ENVIRONMENT

§ 3909. Cause of Action.

(a) On behalf of the Commonwealth, including its autonomous and nonautonomous agencies, and the citizens of the Commonwealth in *parens patriae*, the Attorney General is authorized to bring claims against and recover from any person that manufactured, distributed, or marketed PFAS chemicals regulated under § 3908 and/or AFFF which contained PFAS chemicals regulated under § 3908 where:

(1) Such person

(A) Had knowledge of any characteristics of PFAS chemicals that could cause or contribute to environmental or human health risks at or before the time that person sold PFAS chemicals or AFFF containing PFAS chemicals, and

(B) Failed to fully disclose all such information and to issue warnings of all such potentially adverse characteristics to both

(i) Any person purchasing, storing, handling, or using PFAS chemicals or AFFF which contained PFAS chemicals on the Commonwealth and

(ii) The Commonwealth; and

(2) Such PFAS chemicals or AFFF containing PFAS chemicals

(A) Contaminated the Commonwealth's drinking water above the maximum concentration level set forth in § 3908 or in subsequent regulations provided thereunder;

(B) Contaminated the Commonwealth's groundwater above the groundwater quality criteria;

(C) Contaminated the Commonwealth's natural resources above their ambient (natural) condition; or

(D) Contaminated areas that caused or contributed to contamination of the Commonwealth's drinking water, groundwater, or other natural resources.

(b) Liability under this Chapter is strict, joint, and several.

Source: PL 22-06, § 3 (Aug. 20, 2021), modified.

Commission Comment. In codifying PL 22-06, the Commission capitalized the following words pursuant to 1 CMC § 3806(f): “such” in subsection (a)(1); “had” in subsection (a)(1)(A); “failed” in subsection (a)(1)(B); “any” in subsection (a)(1)(B)(i); “the” in subsection (a)(1)(B)(ii); “such” in subsection (a)(2); “contaminated” in subsection (a)(2)(A); “contaminated” in subsection (a)(2)(B); “contaminated” in subsection (a)(2)(C); “contaminated” in subsection (a)(2)(D). The Commission changed “§ 3902” to “§ 3908” in subsections (a) and (a)(2)(A) pursuant to 1 CMC § 3806(b).