Tucker Ellis LLP

# Formaldehyde Litigation

## Overview

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Formaldehyde is an organic, naturally occurring colorless gas that is also available in a liquid called formalin. Formaldehyde is widely used to manufacture building materials and household products. Most formaldehyde produced in the United States is used to make adhesives for pressed wood products, including particleboard, laminate flooring, furniture, paneling, and cabinets. Formaldehyde is also commonly used as a preservative in medical laboratories and mortuaries; medicines, vitamins, and vaccines; and other consumer products, including carpeting, paint, clothing, fertilizer, paper products, plastics, insulation, cigarettes, automotive components, and cosmetics such as nail polish, hair products, shampoos, and bubble baths.

Occupational exposure to formaldehyde can occur in various industries, particularly manufacturers of formaldehyde and formaldehyde-based resins, woodworkers, furniture makers, medical lab workers, and embalmers. Non-occupational exposure can also occur by breathing contaminated air, tobacco smoke, automotive exhaust, and fumes from woodstoves, incinerators, and refineries.

Concerns over the effects of long-term exposure to formaldehyde are increasing. The World Health Organization's International Agency for Research on Cancer (IARC) and the U.S. Department of Health & Human Services (HHS) have classified formaldehyde as a "known" human carcinogen, and the U.S. Environmental Protection Agency (EPA) has classified it as a probable human carcinogen. As a result, lawsuits are now claiming that high levels of formaldehyde have caused various cancers – including nasopharyngeal carcinoma and leukemia – and low levels have allegedly caused various respiratory issues, including asthma.

The most well-known formaldehyde-related litigation alleges excessive levels of formaldehyde in Chinese-made laminate flooring. These cases claim that the levels of formaldehyde found in the flooring exceed the permitted limit and that the products are mislabeled as meeting accepted standards. Children are alleged to be the most susceptible, as they are typically in closer proximity to the flooring.

### How Tucker Ellis Can Help

In addition to manufacturers and distributors of laminate flooring, employers and producers of automobile components, building supplies, cosmetics, paper products, and household cleaners and detergents are also possible targets in litigation. The Tucker Ellis Mass Tort & Product Liability Group can assist clients with legal issues and help develop strategies to manage risks.

The Tucker Ellis Mass Tort & Product Liability Group represents product manufacturers in tens of thousands of cases filed in state and federal courts nationwide at both the trial and appellate levels. Our lawyers focus on the national, regional, and local defense of product liability cases involving industrial, commercial, and consumer products and toxic tort cases related to alleged exposure to naturally occurring substances such as asbestos, silica, coal mine dust, and talc, as well as welding fume, mold, and other claimed toxins.