

BASF Opt Out Checklist

To be excluded from the BASF Settlement Class, a public water system that is an Eligible Claimant must complete and submit the **Request for Exclusion** form by **October 15, 2024**. The Request for Exclusion form can be submitted electronically through the BASF Opt-Out portal on the PFAS settlements website. Alternatively, a paper copy of the form can be submitted, but it must be served on the Opt-Out Administrator in accordance with Federal Rule of Civil Procedure 5 before the opt-out deadline. **The Opt-Out Administrator must receive paper opt-out forms by the October 15 deadline. Any opt-out forms received after October 15 may not be considered.**

1. Electronic Form Submission:

- The Opt Out Portal for electronic submission of a Request for Exclusion form can be accessed at <https://www.pfaswatersettlement.com/documents-basf/>. Select “Online Opt Out Form” under the Opt Out Form section.
- If this is your first time submitting information on the PFAS settlements website, you will be required to register in order to access the electronic opt-out form.
- Each public water system that is an Eligible Claimant and elects to opt out of the BASF settlement by electronically submitting a Request for Exclusion must submit all required information to the Opt-Out Administrator through the Opt Out Portal by the October 15, 2024, deadline.
- The BASF Opt-Out Portal requires that a filer (i.e., the person completing the Request for Exclusion on behalf of an Eligible Claimant) submit one Request for Exclusion per Eligible Claimant. In the event that a filer has authority over and intends to request exclusion for multiple Eligible Claimants, the filer will have the opportunity to carry over their filer information into subsequent Requests for Exclusion on behalf of additional Eligible Claimants.
- An Opt Out Form must be submitted on behalf of each public water system that wishes to opt out of the Settlement Class. Any public water system that is an Eligible Claimant and is not specifically identified in a Request for Exclusion will become a member of the Settlement Class and thus subject to the terms of the BASF Settlement Agreement.
- Any Eligible Claimant that has elected to opt out may withdraw its Request for Exclusion at any time before the Final Fairness Hearing scheduled for **November 1, 2024, at 12 pm EST**. Withdrawing a Request for Exclusion means that an Eligible Claimant will become a Class Member and subject to all terms of the BASF Settlement Agreement.

2. Paper Form Submission:

- To submit a Request for Exclusion through paper form submission, an Eligible Claimant must complete the Opt Out Form, which is available to download from the PFAS

settlements website at https://www.pfaswatersettlement.com/Opt-Out-Form_fillable.pdf.

- A paper Opt Out Form must be completed for each Eligible Claimant that wishes to be excluded from the BASF settlement.
- Each public water system that is an Eligible Claimant and elects to opt out of the BASF settlement by submitting a paper Opt Out Form must serve the paper form to the Opt-Out Administrator pursuant to the requirements of Federal Rule of Civil Procedure 5 by the October 15, 2024, deadline. **This means that an Eligible Claimant must mail the paper Request for Exclusion well in advance of the deadline so that the Opt-Out Administrator receives it by October 15, 2024.** Paper Requests for Exclusion must be mailed to:

AFFF Opt-Out Administrator
P.O. Box 3866
McLean, Virginia 22103

- An Opt Out Form must be submitted on behalf of each public water system that wishes to opt out of the Settlement Class. Any public water system that is an Eligible Claimant and is not specifically identified in a Request for Exclusion will become a member of the Settlement Class and thus subject to the terms of the BASF Settlement Agreement.
 - Any Eligible Claimant that has elected to opt out may withdraw its Request for Exclusion at any time before the Final Fairness Hearing scheduled for **November 1, 2024, at 12 pm EST**. Withdrawing a Request for Exclusion means that an Eligible Claimant will become a Class Member and subject to all terms of the BASF Settlement Agreement.
3. An Eligible Claimant that submits a timely and valid Request for Exclusion, either electronically or in paper, shall not:
 - (i) be bound by any orders or judgments effecting the BASF Settlement Agreement;
 - (ii) be entitled to any of the relief or other benefits provided under the BASF Settlement Agreement;
 - (iii) gain any rights by virtue of the BASF Settlement Agreement; or
 - (iv) be entitled to submit an Objection to the BASF Settlement Agreement.
 4. Any Eligible Claimant that does not submit a timely and valid Request for Exclusion submits to the jurisdiction of the United States District Court, District of South Carolina.

Sources:

1. PFAS Settlement Website:
<https://www.pfaswatersettlement.com/>
2. Opt-Out Portal for AFFF PWS Settlement:
<https://www.pfaswatersettlementoptout.com/home>
3. BASF Notice of Proposed Class Action Settlement and Court Approval Hearing
4. BASF Settlement Agreement, sections 8.5, 8.6, 9.6, and 9.7 and Exhibit H.