### FORTIS LAW FIRM

## 3M Combat Arms Earplugs » What You Need to Know

If you were in the U.S. Military anytime between 2003 and 2015 and have suffered permanent hearing loss, impairment, or tinnitus, you may be eligible for significant compensation due to faulty earplugs.

3M Company in Minnesota reached a settlement with The Department of Justice in July of 2018, agreeing to pay \$9.1 million to resolve allegations it knowingly sold defective earplugs to the U.S. Military.

Service members who were issued Dual-Ended Combat Arms Earplugs should have been protected from Noise Induced Hearing Loss (NIHL), but they weren't. They were exposed to potentially life-altering situations with no regard for their safety. Government contractors who put profit above the needs of our service members' safety should be held accountable.

#### **About 3M Combat Arms Earplugs**

The 3M Company, formerly the Minnesota Mining and Manufacturing Company, is an American corporation focused on worker safety, health care, and consumer goods. 3M allegedly sold Combat Arms Earplugs to The Defense Logistics Agency, which is a combat support agency in the U.S. Department of Defense, without revealing defects they were aware of that decreased the earplugs' effectiveness.

Combat Arms Earplugs are used to protect soldiers from noise exposure from tanks, gunfire, aircrafts, explosions, roadside bombs, heavy equipment, and more during combat and training,

The earplugs were too short to properly be inserted into soldiers' ears and as a result, they loosened and didn't perform the proper noise cancellation. Between 2003 and 2015 thousands of U.S. service members received the defective earplugs.

The U.S. Department of Justice launched an investigation and discovered the earplugs put users at risk for permanent hearing loss, impairment and tinnitus.

The Dual-Ended Combat Arms Earplugs have since been discontinued, but they were standard-issued equipment between 2003-2015.

# **How Can Noise Damage My Hearing?**

Hearing loss due to noise exposure, called Noise Induced Hearing Loss (NIHL) can happen to anyone at any age, but soldiers or other military service members may be more susceptible because of the environment they're in. Activities like shooting, driving or riding in tanks, setting off explosives, riding in helicopters, or working on or around heavy equipment or sirens put service members at risk for NIHL.

### **Hearing Impairment**

Hearing impairment can vary depending on the degree of exposure or type of hearing loss.

Conductive hearing loss is when there are problems with the ear drum, ear canal or middle ear and the small bones inside the ear. Conductive hearing loss is typically induced from infections, tumors, foreign objects, or hereditary disorders.

Sensorineural hearing loss (SNHL) is when there are nerve problems with the inner ear, sensory organ, or vestibulocochlear nerve and can be caused by loud noises. SNHL can be mild, moderate, severe, or total, and it is typically permanent. Sensory hearing loss is predominantly caused by damaged cochlear hair cells. The hair cells can be damaged from exposure to a loud noise such as gunfire or an explosion, or from prolonged exposure to noises such as using heavy equipment or machinery, listening to loud music, or traveling in loud vehicles or aircrafts.

**Mixed hearing loss** is caused by a combination of conductive and sensorineural damage.

### **Symptoms or Signs of Hearing Impairment**

- Muffled sound
- Trouble hearing specific tones or consonants
- Continually asking people to repeat themselves or asking them to speak slower or more clearly
- Consistently turning the volume up on the television or listening devices like the radio or cell phone streaming devices
- Withdrawing from conversations
- Ringing in ears
- Avoiding social activities like going to the movies
- Difficulty hearing specific words, especially when in loud or public places
- Getting easily frustrated during conversations

### **Hearing Impairment Treatment**

There's no cure for SNHL, but there are certain advancements that can make hearing easier if there's not a total loss of hearing.

- Surgery
- Steroids
  - Corticosteroids may be used to suppress an immune response and change the circulation. Steroids may also reduce cochlea hair cell swelling and inflammation
- Hearing aids
- Cochlear implants

Hearing loss makes it difficult to interact with people and maintain solid, healthy relationships. This can lead to social isolation, depression, and other emotional and social issues.

#### **Tinnitus**

Tinnitus is when there's the perception of noise or ringing in the ears and it's typically a symptom of hearing loss. Symptoms may include phantom noises such as:

- Clicking
- Buzzing
- Ringing
- Hissing
- Roaring

The phantom noises may be heard in one or both ears and range from a loud roaring sound to a faint hissing noise. These noises can interfere with hearing or being able to concentrate. Tinnitus may happen constantly or come and go at random times.

### **Types of Tinnitus**

Subjective – phantom noises that are caused by outer, middle, or inner ear damage

**Objective** – an actual noise stemming from muscle contractions, blood vessel problems or a bone issue in the middle ear

### **Military Hearing Loss Statistics**

The U.S. Department of Veterans Affairs (VA) reports that more than 2.7 million veterans currently receive disability benefits for hearing loss or tinnitus. This number is likely higher as not all veterans have been treated by the VA or been diagnosed.

According to <u>The Centers for Disease Control and Prevention</u>, among military veterans, the most common service-connected disabilities are hearing impairments. Veterans are 30 percent more likely than non-service-members to have a severe hearing impairment and veterans who served after September 2001 are four times more likely to have hearing loss related to their service.

The VA reports that as of 2014, more than 933,000 Veterans are receiving disability compensation for hearing loss, and nearly 1.3 million received compensation for tinnitus.

If you served in the military between 2003 and 2015, were issued 3M's Aearo Technologies Dual-ended Combat Arms earplugs, and were diagnosed after 2003 with hearing loss or tinnitus, you may be eligible for compensation. The earplugs must have been green/yellow or olive/yellow or brown/yellow or yellow/black.