



3M earplug lawsuits claim that defective design of the Dual-Ended Combat Arms Earplugs Version 2 (CAEV2) caused them to loosen, leading to hearing damage or loss for thousands of veterans and active duty military. Multiple earplug lawsuits have been filed nationwide, but only the whistleblower lawsuit has settled at this time.

3M military earplugs lawsuits focus on a couple of claims:

- 3M's failure to disclose material design defects for over a decade prevented the U.S. military from seeking other, effective hearing protection options.
- Military personnel suffered hearing damage and loss due to the failure of 3M's CAEV2.

Combat Arms Earplugs Version 2 Design and Failure

Aearo Technologies, Inc. created the CAEV2 prior to being acquired by 3M in 2008. The combat focused hearing protection devices were the standard issue military earplugs for close to a decade. The design attempted to satisfy multiple hearing protection needs of military personnel without requiring the use of more than one type of protective equipment. The earplugs were color-coded yellow for Weapons-Fire Mode and green for Closed/Constant Protection Mode. Weapons-Fire mode forced sound through a filter that selectively restricted high-level impulsive noise while allowing lower level sound through. The more intense the sound, the more it should have been restricted in this mode. Closed/Constant Protection mode restricted all sound, including constant noise like aircraft or loud vehicles. According to 3M's marketing materials and statements made to the Defense Logistics Agency, these combat earplugs provided exactly the protection the United States Military needed.

As with many technologies, the CAEV2 only performed as intended when installed correctly. If the device loosened in the ear canal, the user would not be protected from dangerous sounds. According to a whistleblower, the earplugs were too short to be inserted correctly, causing them to loosen imperceptibly to the user. Even trained audiologists could be fooled into thinking the CAEV2 were correctly placed when they were not. This left thousands of military personnel effectively without hearing protection despite using what they thought was functional protective equipment. It is impossible to tell exactly how many hearing injuries were caused as a result of 3M's failure to disclose this fatal flaw in their combat earplugs, but it is likely in the hundreds of thousands.

Did 3M Combat Arms Earplugs Cause Hearing Loss?

In order to understand the landscape of noise in the military, it is helpful to examine relevant workplace regulations. The [Occupational Safety and Health Administration](#) (OSHA) sets permissible levels of noise

exposure and hearing protection requirements for civilian workplaces. The shorter the duration of exposure, the higher the acceptable sound pressure level can be. The most powerful sound allowed by these regulations is 115 decibels for less than 15 minutes. Any noise more powerful or longer in duration than that would require the employer to provide adequate hearing protection.

Military personnel are exposed to sounds ranging from 103 to 184 decibels daily, for hours at a time. Within this noise range are sounds capable of inducing multiple forms of temporary and permanent hearing damage including tinnitus (ringing in the ears) and complete hearing loss. That means a low level sound by military standards is still a very powerful and potentially harmful sound to all humans, and a loud sound in the military is likely to cause harm in the absence of appropriate safety equipment.

At the same time our active duty military are exposed to these extreme noises, they often need to hear and react to information from their peers. It is understandably difficult to balance these two goals – blocking harmful sound without blocking communication. Based upon the information provided by 3M, the CAEV2 were up to the task and capable of suppressing sounds up to 190 decibels when fitted properly. Unfortunately for thousands of people, these defective earplugs may have been impossible to fit properly and thus incapable of protecting their hearing

Millions of Military Hearing Loss Cases

According to the Veterans Administration (VA) Benefits Report, hearing damage is the most common service connected disability with a total of 1,157,585 and 1,786,980 veterans affected by hearing loss and tinnitus respectively. In 2017, the VA reported 81,529 new claims of hearing loss and 159,800 new claims of tinnitus. This is not entirely surprising given the intense noise environment of active military duty, but standard-issue faulty earplugs certainly did not help.

Based upon the length of time CAEV2 were used and the number of hearing loss-related disabilities reported by the VA, it is possible that hundreds of thousands of military personnel may have been injured by these earplugs. If the whistleblower lawsuit claims are accurate, 3M may be directly responsible for a large number of these injuries.

3M CAEV2 Hearing Loss Lawsuits

Though 3M chose to settle the false advertising lawsuit filed on behalf of the American people, none of that money will be distributed to individuals affected by the faulty earplugs. Lawyers nationwide are currently building cases on behalf of those injured by CAEV2 earplugs.

3M Military Earplugs Settlements and Verdicts

Most 3M earplug lawsuits are still in the early stages and thus have not yet produced any personal injury settlements or verdicts. Based upon the information disclosed in the whistleblower lawsuit, 3M may find it difficult to disprove their knowledge of the earplugs' faulty design. This will likely lead thousands of injured veterans and active military personnel to file lawsuits over the hearing loss they sustained while using CAEV2 earplugs.

United States ex rel. Moldex-Metric v. 3M Company

In May of 2016, Moldex-Metric filed a whistleblower lawsuit on behalf of the United States claiming 3M knowingly sold defective combat earplugs to the U.S. military. Moldex-Metric alleged that 3M knew the Combat Arms dual-sided earplugs were too short for correct installation in users' ears and could loosen without the wearer's knowledge, constituting a violation of the False Claims Act. Importantly, the design defect could render the CAEV2 earplugs ineffective in preventing hearing damage in the course of normal military operations.

According to the Department of Justice (DOJ), 3M agreed to pay \$9.1 million to resolve these allegations in 2018. Provisions of the False Claims Act allow private parties like Moldex-Metric to sue on behalf of the federal government when they believe defendants have made false claims in an effort to secure government funds. The False Claims Act also permits the plaintiff to share in the award, allowing Moldex-Metric to receive \$1.9 million with the rest of the award going to the federal government.

3M maintains that the settlement does not constitute an admission or determination of liability and called the lawsuit a "distraction to the business."

Who Can File a 3M Military Earplugs Lawsuit?

If you or a loved one served in the military from 2003 – 2015, especially in Iraq or Afghanistan, and experienced any hearing damage after using 3M Combat Arms Earplugs, you may be able to submit a legal claim. It is important that you file as soon as possible, because filing deadlines vary in each state according to the statute of limitations.

**“3M hid the defect from the Military.
The claims made in these cases are not against
our military or our government.”**

What Compensation is Available for 3M Military Earplugs Lawsuits?

While a typical workers compensation hearing loss claim would usually result in an award of tens or hundreds of thousands of dollars, the situation is very different with 3M's CAEV2. Not only did these defective combat earplugs injure our military service members, but those injuries may also have prevented some from continuing their careers. People in similar hearing loss cases have received awards on the order of millions of dollars. No amount is guaranteed, but monetary damages can be awarded for any of the following reasons:

- Past or expected medical expenses including specialist visits, laboratory tests, prescriptions, occupational and mental therapy
- Past or future hearing aids
- Past or future loss of income
- Loss of enjoyment of life
- Pain including physical, mental, or emotional suffering

How Much Does Filing a 3M Military Earplugs Lawsuit Cost?

Most lawyers who specialize in hearing loss lawsuits will work on a contingency basis, meaning you will have zero upfront costs. If your case is successful, your lawyer will receive a portion of the award amount. If you receive no compensation from your case, your lawyer will not receive payment.

Give us a call at 205-387-7777. After office hours and on the weekend, you can reach us at (205) 544-5754 or (205) 522-5124 by call or text at your convenience.