

Per- and Polyfluoroalkyl Substances (“PFAS”) Issues

NEWS

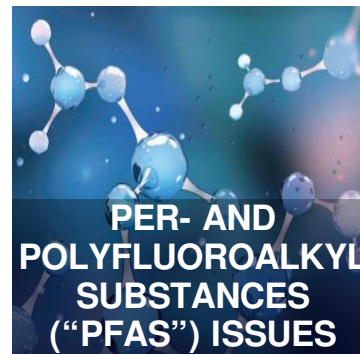
Contaminant
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An Emerging & Persistent Contaminant

Per- and polyfluoroalkyl substances (“PFAS”) are used in the manufacture and packaging of many goods, including non-stick cookware, FDA regulated products, textiles and leather goods, metal plating, photographic and photolithographic products, semi-conductors, paper and packaging materials, coating additives, cleaning solutions, pesticides, and firefighting foam.

These chemicals do not readily degrade and have shown up in groundwater testing, resulting in some states creating task forces to address regulatory issues and potential health concerns with PFAS. Personal injury litigation against manufacturers of the chemicals and downstream products is booming.

The risks stem from:

- Recent and future legislative and regulatory actions
- Government investigations into groundwater contamination from legacy manufacturing waste
- Supply chain, product testing, and reporting requirements
- Regulatory enforcement
- Tort and class action litigation
- Cost recovery litigation by groundwater-supplied utilities and municipalities

Who's at risk?

- Airports, airlines, and aviation industry companies
- Food and beverage supply chain, including importers from countries where these products are still used
- Paper and packaging suppliers and manufacturers
- Paints and coatings manufacturers
- Furniture manufacturers and fabric suppliers
- Oil industry stakeholders, especially pipeline operators
- Automotive industry companies, particularly fabric suppliers
- Pharmaceutical and medical device manufacturers
- Manufacturers of downstream products that previously or currently incorporate or use PFAS

What's the solution?

Clark Hill's Energy, Environment and Natural Resources team offers a fixed-fee PFAS audit to identify PFAS legacy operations and provide initial recommendations to address potential risks, including counsel on:

- environmental regulations, remediation, and enforcement actions,
- epidemiology and other scientific and medical disciplines,
- groundwater contamination and other toxic torts, and
- high-profile, multi-party, high-stakes litigation.

We identify your PFAS-related risks, help to limit them, and mitigate potential negative outcomes. Should you be targeted for regulatory attention, enforcement, or litigation, our team can hit the ground running with action-ready experience, including crisis management capabilities.

