

PFAS

Per- and Polyfluoroalkyl Substances or “PFAS” are a group of approximately 15,000 chemicals found in thousands of products ranging from consumer products like food packaging, non-stick cooking materials, waterproofing chemicals, textiles, cosmetics, cookware, food preparation, insulation, electronics, and firefighting foams. PFAS are commonly called “forever chemicals” because they do not easily break down in the human body or in nature and can exist in the environment for hundreds of years. Companies began the widespread use of PFAS in various products in the late 1940s. Since then, research on the adverse effects of PFAS has evolved and continues to uncover new health risks, including cancers, fertility issues, diabetes, developmental issues, and immune disorders.

As regulators and the public have become more aware of PFAS, their risks, and how common they are in the environment, we have seen dramatic increases in PFAS-related litigation and increased governmental intervention to curb the use of PFAS. Amundsen Davis’s interdisciplinary team made of corporate, product liability, litigation, and real estate attorneys guide clients through the complex and unfamiliar territory of PFAS regulations and litigation. We assist companies with risk assessment, contract negotiations, regulatory compliance, and litigation defense. We handle everything from advising on PFAS considerations in an M&A deal, reviewing advertising claims, to defending businesses facing class action litigation.

Many industries are potentially impacted by PFAS, including:

- Chemical
- Construction
- Food and Packaging
- Landfills
- Manufacturers
- Medical Devices
- Municipalities
- Public Entities
- Real Estate
- Clothing & Textiles
- Transportation
- Waste Management

PROFESSIONALS

Katie Falkenberg
Partner

Christopher J. Jaekels
Partner

Craig A. Kubiak
Partner

Elizabeth K. Miles
Partner

Jack T. Sanker
Partner

RELATED SERVICES

Business Litigation

Chemical

Class Action

Commercial Contracts

Construction

Contaminants & Toxic
Materials

Manufacturing & Food
Processing

Medical Devices

Mergers & Acquisitions

Product Liability

Public Entities

Real Estate, Zoning & Public
Finance

Reputation & Crisis
Management

Transportation & Logistics

Many of our attorneys regularly provide the following legal services:

REGULATORY & COMPLIANCE:

- Assist with state and federal regulatory compliance regarding use, disposal and cleanup of PFAS
- Ensure compliance with EPA disclosure requirements
- Assist with PFAS compliance certifications

RISK MITIGATION:

- Build strategies for developing a cross-state PFAS compliance strategy
- Provide a careful review of supply chain purchase orders and agreements to ensure responsibility for PFAS-related claims or enforcement actions is properly accounted for
- Draft and negotiate contracts
- Review insurance policies and proper insurance procurement
- Assist with due diligence in real estate transactions
- Assist with due diligence in M&A transactions
- Review and assess advertising and marketing claims and product labels

LITIGATION:

- Business & contract dispute resolution
- Product liability litigation
- Personal injury litigation
- Class actions

CRISIS MANAGEMENT:

- Assist with crisis management and PR issues associated with a claim
- Assist with PR/Image control

ABATEMENT/CLEANUP:

- EPA funding for cleanup/screening/testing of groundwater
- Congressional funding for cleanup actions
- Accessing settlement class action funding

PFAS

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Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!

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Published Works

The Coming Maelstrom of Regulatory Compliance, Risk Management, and Litigation Over the Hot-Button Toxic Chemicals

Publication, *USLAW Magazine*, Fall 2024

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