



PFAS Litigation: What Counties Need to Know

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TODAY'S SPEAKERS

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AGENDA

Technical:

- What is PFAS?
- Where is it found?
- Toxicity/studies.
- How is PFAS removed from water and soil?
- What are the evolving government standards?

Legal:

- Who are the Defendants and Plaintiffs?
- What types of litigation?
- What are the recent settlements?
- Claims submission and opt-outs.
- Litigation trajectory.
- What should counties be doing?

WHAT IS PFAS?

- Man-made chemicals with strong carbon-fluorine bonds and surfactant-like properties.
- Resistant to degradation and have properties that are useful for many industries, including stain resistance and flame retardants.
- Initially used for valving on Manhattan project and today they are used for a wide variety of uses.
- Common PFAS include perfluorooctanoic acid (PFOA) and perfluorohexanesulfonic acid (PFHxS).



WHERE ARE PFAS FOUND ?

- Considered to be ubiquitous in the environment
- Believed to be present in bloodstream of 95% of all Americans
- Common sources:
 - Industrial facilities
 - Landfills
 - Airports
 - Military Bases



PFAS-POTENTIAL HEALTH EFFECTS



- Cancer
- Immune System Effects
- Cardiovascular Disease
- Developmental Effects
- Thyroid and Liver Effects



PFAS - FEDERAL REGULATORY OUTLOOK



National Drinking
Water Standards



Regulation of
Biosolids



Clean-Up Liability
under Superfund



Disposal
Requirements as
Hazardous Waste

DRINKING WATER STANDARDS FOR PFAS

Compound	MCLG	MCL
PFOA	0 ppt	4.0 ppt
PFOS	0 ppt	4.0 ppt
PFHxS	Hazard Index of 1.0	
PFNA		
PFBS		
HFPO-DA		

- Proposed March 2023
- Final rule imminent
- Nearly 9,000 communities anticipated to be impacted
- \$40 billion initial investment with ongoing operating costs
- Annual Household Costs:
 - Range from \$120 - \$3,600



TREATMENT TECHNOLOGIES FOR PFAS IN WATER

PFAS - LITIGATION TYPES

Aqueous Film-Forming
Foam (“AFFF”) MDL

- Formation and evolution of case types

Direct Discharge
Cases

Public Entities Torts

State Attorneys
General

Personal Injury



PFAS - DEFENDANTS AND PLAINTIFFS

The logo for Tyco, featuring the word "tyco" in a white, lowercase, sans-serif font on a blue square background.The logo for National Foam, featuring the letters "NF" in a bold, black, sans-serif font, followed by the words "NATIONAL" and "FOAM" in a smaller, red, sans-serif font stacked vertically.The logo for 3M, featuring the numbers "3M" in a bold, red, sans-serif font.The logo for BASF, featuring a black square icon with a white square inside, followed by the word "BASF" in a bold, black, sans-serif font.

- AFFF MDL
 - Foam makers (2 types), surfactant/component part manufacturers, toll processors
- Direct Discharge and Site-Specific Cases
 - Manufacturers v. Users
- Public Entities and State Attorneys General
- Private Plaintiffs/Individuals
 - Property Damage
 - Exposure, Plaintiff Type (i.e., Turnout Gear)
- Broader PFAS Defendants

PFAS - SETTLEMENT SNAP SHOTS

- 3M and DuPont Entities
 - \$1.185 billion (DuPont)
 - \$10.5-12.5 billion (3M)
- Rule 23(b) Class Structure
- Water Providers
 - Drinking water claims
 - Excluded claims and class members
- General Timelines



PFAS - SETTLEMENT CLAIMS SUBMISSIONS, OPT-OUTS, & TRAJECTORY

- **Claims submission deadline not yet set**
- **Opt-out submissions**
- **Opt-out withdrawal deadlines:**
 - **February 2, 2024 (3M)**
 - **March 1, 2024 (DuPont)**
- **Litigation Trajectory**
 - **Bellwethers (water providers and personal injury)**
 - **Other Defendants and case types**

QUESTIONS?

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