

Major PFAS Lawsuits Result in Over \$11 Billion Settlements



In 2023, lawsuits targeting major chemical companies over alleged contamination of U.S. drinking water with toxic PFAS chemicals culminated in settlements exceeding \$11 billion. The impact of these settlements is far-reaching, as experts anticipate a surge in litigation and concessions in the coming year, driven by new federal regulations and an increased awareness of the extensive PFAS contamination in the United States.

The Persistent Threat of PFAS

Termed "forever chemicals" due to their resistance to breaking down in the human body or environment, per- and poly-fluoroalkyl substances (PFAS) encompass approximately 15,000 known chemicals used in numerous consumer and commercial products. These include firefighting foams, non-stick pans, stain-resistant clothing, and cosmetics.

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Regulatory Actions by the EPA

Recognizing PFAS as an urgent public health and environmental issue, the U.S. Environmental Protection Agency (EPA) has taken significant steps recently to tighten regulations for these chemicals. However, the battle against PFAS extends beyond regulatory measures.

Legal Battles Involving Major Players

Prominent chemical companies, such as 3M, Chemours, Corteva, and DuPont de Nemours, have been entangled in thousands of lawsuits. Allegations range from PFAS contamination in firefighting foams at airports and firehouses to environmental damage, personal injury claims, and consumer class actions.

Multidistrict Litigation (MDL) Consolidation

Many of these lawsuits have been consolidated in multidistrict litigation (MDL) in South Carolina federal court. Water utilities seek compensation for cleaning up PFAS contamination, while individual plaintiffs claim health issues, including cancer, hormonal dysfunction, and ulcerative colitis, due to PFAS exposure.

Landmark Settlements and Judge's Warning

In June, 3M and water utilities reached a \$10.3 billion settlement, followed by a \$1.19 billion settlement involving DuPont, Chemours, and Corteva. U.S. District Judge Richard Gergel, overseeing the MDL, has warned that these lawsuits pose an "existential threat" to companies facing PFAS claims.

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Ongoing Litigation and Future Trends

As the legal landscape evolves, experts anticipate a continuation of PFAS-related lawsuits outside the MDL in 2024. This includes claims against consumer brands with PFAS-containing products and increased personal injury claims. Key developments in the MDL are expected, with trials scheduled, including those addressing cleanup costs and individual injury cases.

Nationwide Impact and Regulatory Developments

With PFAS found globally and in the blood of 97% of Americans, the number of potential plaintiffs could be substantial. The EPA is set to introduce regulations in the new year, enforcing limits for some PFAS in drinking

water and potentially designating certain PFAS as hazardous under the U.S. Superfund law. These regulatory actions are predicted to fuel litigation well into 2024 and beyond.

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