

Practices

PFAS Litigation and Regulatory Counseling

Perfluoroalkyl and polyfluoroalkyl substances, better known as PFAS, are a family of synthetic chemicals that are heat-, water-, oil-, and grease-resistant and reduce friction. They are deemed “forever chemicals” because they do not easily break down and accumulate over time in the environment and in the human body. Found in everyday products such as food packaging; stain-, water- and grease-resistant materials; and nonstick cookware, as well as being present on virtually all military bases and airports, the prevalence of PFAS, combined with the public’s heightened awareness and the attention of the plaintiffs’ bar, makes manufacturers and distributors of these products, as well as entities involved in waste disposal, prime targets for litigation and regulation. Indeed, PFAS litigation is exploding in courts all around the United States, including a multidistrict litigation in South Carolina with more than 5,000 pending cases alone.

Studies have found PFAS is in 99 percent of Americans’ bodies. These findings, coupled with the escalating volume of costly litigation and newly enacted and more stringent EPA and state regulations, present a threat to a wide array of sectors, including aviation, apparel, automotive, building/construction, chemical, consumer products, electronics, energy, healthcare, oil and gas, paper/pulp, pharmaceuticals and hospitals, plastics, semiconductors, textiles, and leather.

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Our Team

Related Work

Environment and
Natural Resources
Litigation
Product Liability and
Mass Torts
Real Estate

At the forefront of the scientific, legal, and regulatory developments involving PFAS, Akerman regularly works with clients to analyze and evaluate PFAS liabilities and exposures. We help clients prevent future claims through identification, assessment, and mitigation of risks, as well as ensuring compliance with all applicable government and regulatory standards.



EPA's Rules as to Certain PFAS Severely Limit the Permissible Levels of Those PFAS in Drinking Water

Our interdisciplinary PFAS team has extensive experience in state and federal environmental regulation and legislation; toxic tort, environmental, and product defect litigation, including class actions and MDL proceedings; insurance coverage for these chemicals; and due diligence/transactional issues relating to the development of property with known PFAS impacts.

With our nationally ranked Environment and Natural Resources Practice and our Product Liability and Mass Tort and Insurance Litigation teams, Akerman provides clients a team with the scientific, regulatory, legal, and courtroom experience and knowledge to manage the ongoing wave of litigation and regulation. Operating from 25 offices around the United States, we leverage our national resources and our network of consultants and experts to provide consistent and cost-effective strategies and crisis management counseling to navigate this developing threat.

What We Do

- Advise insurance companies on coverage issues and litigation associated with PFAS

- Defend companies against PFAS claims in litigation by private plaintiffs or by regulatory agencies
- Advise on PFAS liabilities for transactional and real estate due diligence
- Advise on PFAS liabilities for real estate development and brownfield redevelopment
- Advise on access requests for sampling for PFAS by regulatory agencies and third parties
- Review buyer's/seller's products to assess potential liabilities
- Assess historic operations, chemical storage, and waste handling practices
- Review portfolio companies for possible PFAS-related exposures
- Evaluate client insurance programs to ensure protection from or mitigation of PFAS exposures
- Develop best practices to ensure protection and safety of employees, surrounding communities, and the environment