akerman

Practices

PFAS Litigation and Regulatory Counseling

Perfluoroalkyl and polyfluoroalkyl substances, better known as PFAS, face increased attention as new scientific studies show that exposure can lead to adverse health effects. A family of synthetic chemicals that are heat-, water-, oil-, and grease-resistant and reduce friction, PFAS 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. Recent studies have found that PFAS-containing water supplies have affected as many as 110 million people in the United States. These findings coupled with the escalating volume of costly litigation and calls for increased regulation 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.

At the forefront of the scientific, legal, and regulatory developments involving PFAS, Akerman regularly works with clients to analyze and evaluate PFAS

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Our Team

Related Work

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

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 Proposed Rules Would Severely Limit PFAS Levels Permissible in Drinking Water

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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, and due diligence/transactional issues relating to the development of property with known PFAS impact.

With our nationally ranked Environment and Natural Resources Practice and our Product Liability and Mass Tort Practice, Akerman provides clients a team with the scientific, regulatory, legal, and courtroom experience and knowledge to prepare for this coming 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
- Advise on PFAS liabilities for transactional and real estate due diligence
- 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
- Defend companies against PFAS claims in litigation by private plaintiffs or by regulatory agencies
- Develop best practices to ensure protection and safety of employees, surrounding communities, and the environment