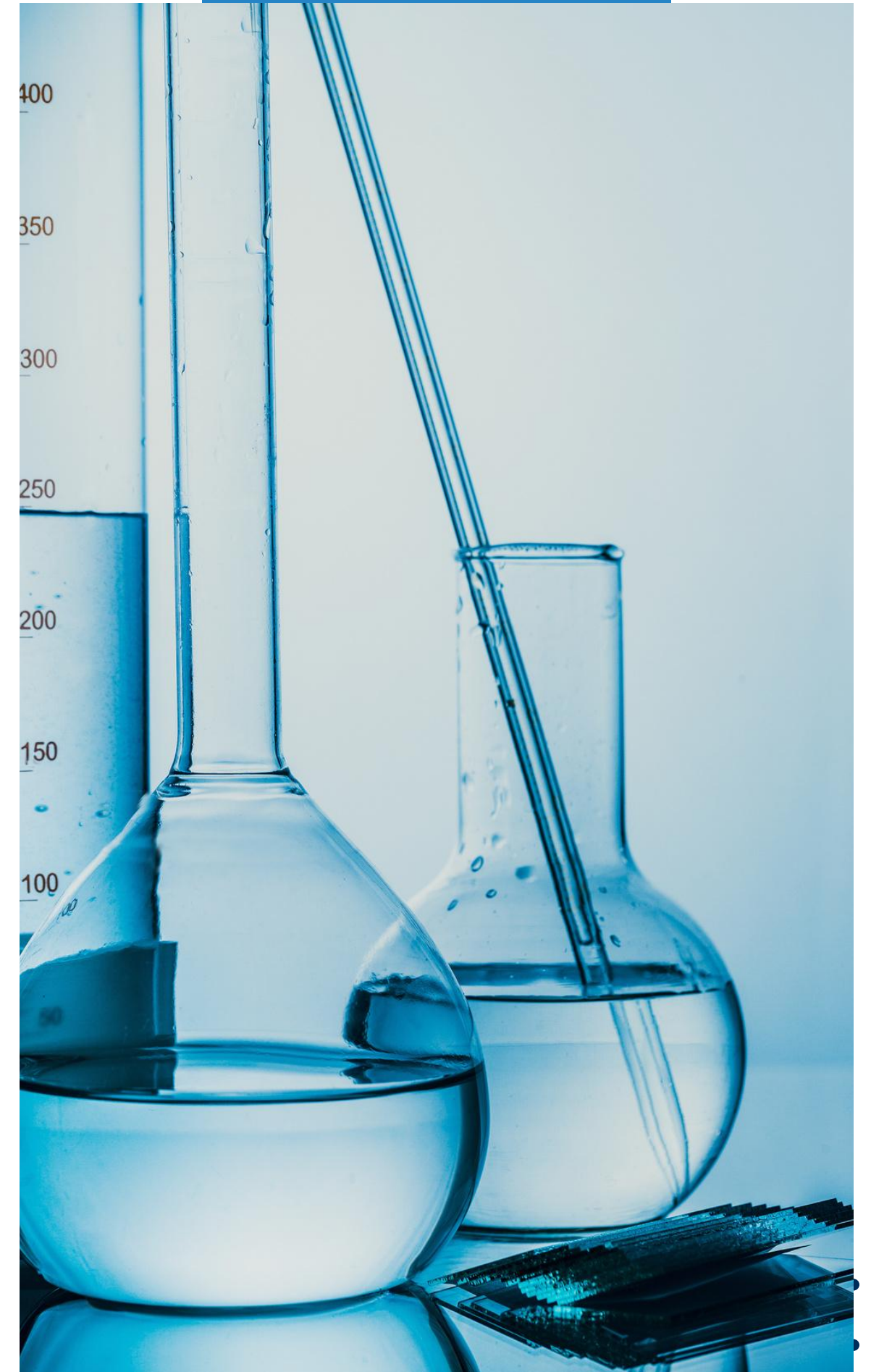




**NAPOLI  
SHKOLNIK**  
ATTORNEYS AT LAW

# PFAS LITIGATION IN THE U.S.

PEOPIL Product Liability, Pharmaceutical  
and Mass Tort Conference



# PFAS CONTAMINATION IN THE UNITED STATES - AFFF LITIGATION & NATIONAL SETTLEMENT LANDSCAPE



Leadership and Results by  
Napoli Shkolnik

# What Are PFAS?

Per- and polyfluoroalkyl substances (PFAS) = “forever chemicals”

## Used In:

- Firefighting foam (AFFF)
- Industrial manufacturing
- Consumer products

## Hazardous

- Persistent
- Bioaccumulative
- Toxic



# WHY PFAS MATTERS

Contaminates drinking water nationwide  
Detected in thousands of public water systems

**Linked to:**

**Cancer -  
Testicular and Kidney**

**Thyroid  
Disease**

**Immune  
Suppression**



# AFFF and the Source of Contamination

AFFF is the primary driver of groundwater contamination

## USED HEAVILY AT:

- Military bases
- Airports
- Firetraining facilities

## CONTAINS PFOS AND PFOA

Now designated hazardous  
substances under CERCLA



# Regulatory Landscape

Increasing state-level regulations

## U.S. Environmental Protection Agency actions

- PFOS/PFOA designated hazardous under CERCLA (2024)
- MCLs for drinking water

# GLOBAL CONTEXT: EUROPE'S APPROACH TO PFAS

- **Strategy shift:**
  - Regulate PFAS as a class (not chemical by chemical)
  - Allow only “essential use” exemptions
  - Proposed restriction:
    - Covers thousands of PFAS substances
    - Would phase out PFAS across most industries
- **Strong focus on:**
  - Prevention of contamination
  - Eliminating PFAS at the source

**EUROPE IS MOVING TOWARD ONE OF THE MOST AGGRESSIVE PFAS REGULATORY REGIMES GLOBALLY**

**GOVERNED PRIMARILY BY REACH (REGISTRATION, EVALUATION, AUTHORIZATION AND RESTRICTION OF CHEMICALS)**



# European Actions and Why They Matter

- France

- Ban on PFAS in cosmetics, textiles, and consumer goods (effective 2026)
- Expands to broader textile bans by 2030

- Netherlands

- PFAS classified as “substances of very high concern”
- Requires companies to minimize use and emissions

- Denmark

- First mover in Europe
- PFAS banned in food packaging since 2020
- Expanding bans to clothing, footwear, and consumer products (2025-2027)

- Sweden / Germany / Norway

- Leading architects of the EU-wide PFAS ban proposal
- Driving scientific and regulatory framework for class-wide restriction

# What is the AFFF MDL?

- AFFF Products Liability Litigation (MDL No. 2873)
- Centralized in federal court (South Carolina)
- Thousands of cases consolidated

## Focus:

- Water contamination
- Cost recovery
- Personal injury



# KEY DEFENDANTS

## Chemical manufacturers:

- 3M
- DuPont/Chemours/Corteva
- Tyco
- BASF

## Allegations:

- Knowledge of toxicity
- Failure to warn
- Environmental contamination

# Napoli Shkolnik's Role

## NATIONAL LEADER IN PFAS LITIGATION

### Represents:

- Public Water Systems
- Municipalities
- Impacted communities

### Active in:

- MDL leadership structure
- Claims administration
- CERCLA-based recovery strategies



# SCOPE OF REPRESENTATION

- Hundreds of water systems nationwide

## Focus on:

- Detection data (UCMR)
  - Treatment costs
  - Long-term remediation
-

# Settlement Framework Overview

- MULTI-BILLION-DOLLAR SETTLEMENTS

## Designed to compensate:

- Water providers
- Cleanup costs
- Future monitoring





# 3M Settlement

- Approx. \$10+ billion

- Payment structure over multiple years

- Covers public water systems with PFAS detections



# DuPont/Chemours/Corteva Settlement

- Approx. \$1.18 billion

- Applies to similar class of water systems

- Coordinated claims process



# Tyco & BASF Settlements

- Additional settlements expanding recovery pool

- Payments expected to continue into 2026

- Important for non-3M exposure pathways

# Types of Compensation

**Capital costs  
for treatment  
systems**

**Operational and  
maintenance  
expenses**

**Testing and  
monitoring**

**Future  
remediation  
funding**

# Impact & Results

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- Billions recovered nationally
- Funding critical water infrastructure
- Supporting environmental justice communities

**WHY IT  
MATTERS NOW**

**REGULATORY PRESSURE  
INCREASING**



# CALL TO ACTION

01



EVALUATE PFAS EXPOSURE

PRESERVE CLAIMS

02



03



ENGAGE EARLY



**NAPOLI  
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# Thank You

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