



**Lowenstein
Sandler**

| PFAS REGULATION: WHAT'S NEXT? *LITIGATION UPDATE*

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| RECENT LITIGATION DEVELOPMENTS



- **Continued broadening of litigation targets**

- AFFF manufacturers
- PFAS manufacturers
- Consumer-facing users:
 - Food and beverage
 - Cosmetics
 - Textiles

- **Settlements**

- 3M public water supply settlement (\$10.5-\$12.5 billion)
- DuPont/Chemours/Corteva public water supply settlement (\$1.185 billion)
- Solvay Specialty Polymers investigation, remediation, and NRD settlement (\$394 million)

| ANTICIPATED LITIGATION TRENDS

- **CERCLA**
 - PFOS and PFOA designation as “hazardous substances”
 - Increased number of cost recovery/contribution claims
 - Natural resource damages
 - Reopening of closed sites
- **Reporting violations**
 - Toxic Substances Control Act rule requiring reporting back to January 1, 2011
 - State reporting statutes (*e.g.*, Maine)
- **Increase in “sustainability” claims**
 - Consumer-facing
 - Putative classes based on alleged economic harm
 - Causation v. medical monitoring

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Education

Rutgers University School of
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The College of New Jersey
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Bar Admissions

New York
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Kegan A. Brown's practice focuses on environmental litigation, environmental regulation, product liability, toxic torts, ESG, and transactional due diligence. He represents clients throughout the full lifecycle of complex environmental and products liability litigations and regulatory matters. He has successfully defended claims in numerous federal and state courts across the country, including the first two natural resource damage actions to ever go to trial in New Jersey (both of which resulted in complete defense verdicts). He also regularly counsels buyers, sellers, lenders, and underwriters on the full spectrum of environmental issues that may affect transactions.

Kegan has extensive experience addressing litigation and regulatory matters involving natural resource damages, contaminated sediments, and emerging chemicals of concern, particularly per- and polyfluoroalkyl substances (PFAS). He has been recognized by both *Chambers USA* and *Legal 500* for his expertise in environmental and toxic tort litigation, including PFAS litigation.