

McGuireWoods

PFAS & EMERGING CONTAMINANTS



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Every week seems to bring another significant development in the regulation of per- and polyfluorinated alkyl substances (PFAS) and other emerging contaminants — from proposed maximum contaminant limits under the Safe Drinking Water Act, to billion-dollar settlements in class action lawsuits. To help clients navigate this changing environment, McGuireWoods' environmental regulatory and litigation lawyers draw on deep PFAS experience in complex tort litigation, from the first threat of a dispute, through trial and beyond.

Clients depend on McGuireWoods' advocacy to influence national and state policies concerning PFAS. Our team offers clients in-depth advice and support during the enactment of laws and the development of scientific guidelines that shape regulations. We also engage regulators as they contemplate policies, regulations and guidance impacting clients, and advocate clients' positions before state lawmakers as they weigh adopting standards more stringent than federal ones.

Given the focus on this area by the plaintiffs' bar, state attorneys general, regulatory agencies and the public, companies need to weigh their insurance options for PFAS risk mitigation as a strategic measure. McGuireWoods represents clients on insurance coverage and recovery, as well as arbitration and litigation of coverage matters. Our insurance recovery team litigates large insurance-coverage actions in state and federal courts. These lawyers' willingness to pursue claims through trial has led to recovery of approximately \$1 billion per year, each of the past three years, on behalf of policyholder clients.

HOW WE HELP

McGuireWoods supports clients as they assess and mitigate their PFAS risk, develop and apply business operational responses to changing PFAS laws and regulations at federal and state levels, and defend litigation as it arises, including navigating and coordinating national scientific defenses in novel contexts.

Our attorneys are at the forefront of the most complex environmental matters in the nation, serving as:

- ▶ Lead attorney in one of the first major regulatory matters involving PFAS contamination from a manufacturing facility that impacted a municipal wastewater treatment plant, including investigation of a three-county area impacted by biosolids from the wastewater plant.
- ▶ Lead counsel to a Fortune 100 company in completing a comprehensive assessment of PFAS in its products and leading the company through an effort to reduce or eliminate PFAS business risks, including defending several Proposition 65 and class action lawsuits alleging PFAS contamination in the company's consumer products.
- ▶ Lead trial counsel defending numerous "frackquake" lawsuits.
- ▶ National coordinating counsel for a Fortune 100 chemical manufacturer in multiple state and federal jurisdictions in suits seeking billions of dollars.
- ▶ Trial and appellate counsel for a major food manufacturer in 300 related complex, high-dollar nuisance cases.
- ▶ Trial and appellate counsel for a Fortune 200 utility in multiple multibillion-dollar nuisance cases alleging air and water contamination due to global warming and fly ash residue. The team obtained dismissal of 12 causes of action, water-contamination allegations, and damages claims for medical monitoring, stigma, fear of future injury and emotional injury.
- ▶ Trial counsel for clients across industries in numerous mass tort and class action nuisance suits alleging environmental contamination.



WHAT OTHERS SAY

**Nationally recognized for Environment and Product Liability and Mass Torts
Environment practice recognitions in North Carolina, Virginia and Washington, D.C.
Product Liability and Toxic Torts Practice recognition in Virginia**

- *Chambers USA*

**Nationally recognized in Environmental Litigation,
Environmental Regulatory and
Product Liability Mass Tort and Class Action - Defense: Toxic Tort**

- *Legal 500 United States*

No. 1 Law Firm to Defend Tort Litigation by Fortune 500 Companies

- *Corporate Counsel* magazine

Litigation Powerhouse

- *Law360*

Partner named “Environmental Law MVP” multiple times

- *Law360*

**Multiple partners named
Environmental Law “Lawyers of the Year”**

- *Best Lawyers*

**Multiple partners named
“Energy & Environmental Trailblazers”**

- *The National Law Journal*



PFAS EXPERIENCE

- Served as national counsel for several Fortune 100 chemical, consumer products and heavy manufacturing companies, providing strategic advice on PFAS issues such as litigation, regulatory developments and risk avoidance.
- Defending a large chemical manufacturing company on PFAS provisions added by a state regulator in water and other permits impacting the company's flagship manufacturing facility.
- Serving as lead counsel to an international oil and gas company in connection with responses to a state attorney general subpoena concerning an alleged "forever chemical" used in numerous consumer products and industrial applications. The team also advises the company in follow-on civil litigation.
- Serving as lead counsel to an international oil and gas company's various business units in significant chemical-exposure dockets, including alleged "forever chemicals," involving private and state attorneys general litigation, risk assessment and management, and regulatory and related agency matters that involve various environmental, property, and personal-injury damages claims.
- Advised a private equity company involved in a large transaction regarding impacts of PFAS contamination at several facilities.
- Represented a large global corporation in response to an inquiry by a utility regarding the discharge of PFAS into the utility's wastewater treatment plant resulting from the use and release of aqueous film forming foam.
- Counseling a major international manufacturer in responding to new PFAS legislation — in states such as Washington, Colorado, New Hampshire, Vermont and New York — that is impacting the company's manufacturing operations and product sales.
- Represented the largest wastewater utility in New Jersey on all PFAS-related regulatory matters and development of a proactive sampling program.
- Represented two large Virginia water authorities on PFAS-related regulatory matters.
- Represented a trade association of publicly owned government agencies and private-sector businesses that provide or support clean water and solid waste utility services in New Jersey, on PFAS-related regulatory matters.
- Served as regulatory counsel for historic industrial users of PFAS and owners of PFAS-impacted properties, including permitting matters and potential assessment and remediation.
- Gave presentations at water sector conferences to help prepare drinking and wastewater utilities for PFAS-related water and CERCLA regulations.
- Work with Virginia Department of Health and a PFAS stakeholder workgroup convened by the General Assembly to evaluate PFAS occurrence in public drinking water and make recommendations about whether the state should establish specific maximum contaminant levels (MCLs) in advance of the U.S. Environmental Protection Agency's establishment of federal MCLs.
- Testified before the New Jersey Department of Environmental Protection Clean Water Council advisory board on implications of stringent PFAS water quality standards on municipal wastewater dischargers.



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McGuireWoods is setting — and raising — the standard for what clients expect from law firms.

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