
MUNICIPAL BRIEFING

Executive Summary: PFAS Contamination & Cost Recovery Program

I. PFAS Contamination

Per- and polyfluoroalkyl substances (PFAS), commonly known as “forever chemicals,” are a class of man-made compounds widely used in industrial applications and consumer products. Due to their chemical stability, PFAS persist in the environment and have become a significant source of contamination in public water systems across the United States. Key compounds of concern include PFOA, PFOS, GenX, and related substances, historically manufactured by major chemical companies and used extensively in products such as aqueous film-forming foam (AFFF).

II. Contamination Hazards

PFAS contamination primarily originates from industrial manufacturing, landfill leachate, biosolids, and firefighting activities—particularly at airports, military bases, and training facilities. Exposure to PFAS has been linked to serious health risks, including multiple forms of cancer (kidney, testicular, liver, and breast), thyroid disease, and other chronic conditions. In response, the U.S. Environmental Protection Agency (EPA) has significantly tightened regulatory standards, establishing enforceable Maximum Contaminant Levels (MCLs) of 4 parts per trillion for PFOA and PFOS, with a long-term goal of zero exposure. Additional regulatory measures include hazardous substance designation and expanded testing requirements under UCMR 5.

III. Containment Challenge

To address widespread contamination, public water systems are increasingly turning to advanced treatment and remediation technologies such as activated carbon filtration, ion exchange resins, reverse osmosis, and advanced oxidation processes. However, these solutions are costly and place a financial burden on municipalities and ratepayers.

IV. Settlement Fund

In parallel, significant legal developments have created an opportunity for cost recovery. Recent settlements—including approximately \$12.5 billion with 3M and \$1.185 billion with DuPont-related entities—highlight the scale of liability among PFAS manufacturers. These settlements, along with ongoing litigation and bankruptcy proceedings involving additional defendants, provide a time-sensitive pathway for public water systems to recover costs associated with PFAS testing, treatment, and remediation.

The current PFAS settlement framework for eligible public water systems includes three separate funding mechanisms:

1. **Action Fund** – provides compensation based upon PFAS scoring and system gallons-per-minute flow metrics.
2. **Supplemental Fund** – provides forward-looking protection, including eligibility for future testing, monitoring, remediation efforts, and related enhancements in the years ahead.
3. **Special Fund** – reimburses qualifying historical expenditures incurred to promote or protect clean water and system integrity.

V. Conclusion

Our law firm can represent municipalities in the PFAS Settlement fund, MDL 2873. This Multi-District Litigation (MDL 2873) representation is designed to help public water systems participate in this process with no upfront financial burden. The program operates on a contingency basis—clients incur no cost unless recovery is achieved—and is focused solely on reimbursement for actual expenses, not punitive damages. The firm offers nationwide representation, deep experience in complex environmental litigation, and a tailored, client-centered approach.

With regulatory deadlines approaching and settlement participation windows limited, it is critical for public water systems to act promptly. Engaging in the claims process ensures compliance with federal requirements while maximizing the opportunity to secure financial recovery and protect public health.