



## PFAS AND EMERGING CONTAMINANTS

# BROAD REACH

Barnes & Thornburg's environmental lawyers have many years of experience guiding clients through the complex legal and technical issues presented by emerging contaminants – chemicals that have been alleged to affect human health or the environment. Among these are per- and polyfluoroalkyl substances, commonly referred to as PFAS.

PFAS are a family of manmade fluorinated chemicals that have been used for decades in the manufacture of consumer and industrial products and in fire suppression foams. We help clients assess PFAS risks and address these and other emerging contaminant issues that can lead to site investigations, off-site contamination, project delays, excessive costs, future liabilities and, ultimately, potential threats of litigation.

We team with scientific experts, testing laboratories, disposal contractors and communications experts to help guide clients through the legal, regulatory and scientific challenges related to PFAS, and to help develop effective risk communication and long-term strategies to investigate possible environmental contamination on-site and off-site, analyze past and present remediation projects and cleanups, and advise our clients regarding possible liabilities, including enforcement and litigation.

Our attorneys have broad experience addressing PFAS concerns in many industries, such as:

- **Airports.** We advise airports across the country as they manage historic PFAS-related contamination and build effective long-term strategies to protect themselves against potential liabilities attributable to their current operations and procedures.
- **Refineries and Bulk Petroleum Storage Facilities.** We help guide refineries and other bulk petroleum storage and transmission

The BT Environmental Blog is managed by the attorneys in Barnes & Thornburg's Environmental Law Department. It's designed to be your resource for news, insights and commentary on developments in environmental law across the country, including environmental law's frequent overlap with utility and renewable energy areas.

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facilities navigate the ongoing evolution of PFAS risks and related regulations, both directly with individual clients and through their trade associations.

- **Manufacturers.** A variety of industries, such as metal finishing and plating, pulp and paper, chemical, and textiles/carpets, may have used PFAS-containing chemicals in their processes. We assist manufacturers with these legacy issues, including integrating PFAS into ongoing cleanup activities, reviewing potential impacts on pretreatment discharges to publicly owned treatment works, and integrating PFAS-related issues in transactional environmental due diligence.
- **Municipalities and Utilities.** We advise municipal and other public utility clients as they evaluate potential risks from PFAS in effluent discharges and biosolids, drinking water supplies, separate stormwater systems, and contaminated properties. We also work with landfills and other municipally operated entities that may be affected by PFAS contamination.

In addition, we represent potentially responsible parties at multiple Superfund sites across the country that are now facing potential PFAS issues.

## Policy and Regulatory Actions at Federal and State Levels

Because preventing problems is often more effective than solving them, clients have relied on us for advocacy to help shape national and state policy governing PFAS and other emerging contaminants. Our lawyers work with U.S. EPA headquarters officials as the agency considers policies, regulations, and guidance important to our clients. We help clients develop and file comments on agency draft rules and other regulatory statements, facilitate regular communications between the EPA and our clients, and appeal agency action if necessary. We also engage various state legislatures and regulatory agencies as they consider more stringent state standards and regulatory policies.