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ATTORNEYS AT LAW

PFC CONTAMINATION

Leading the Fight for Water Districts Around the Country



More than 1500 drinking water systems across the U.S. may be contaminated with PFOA and PFOS.

According to a May 2018 Environmental Working Group (EWG) Report.

What are PFCs?

PFCs or *perfluorochemicals* also called *perfluoroalkyls*³ are a group of man-made chemicals that include PFOA, *perfluorooctanoic acid*, and PFOS, *perfluorooctane sulfonic acid*. As a group, these chemicals are persistent in the environment and remain in your blood for many years.

How many people are exposed?

Currently, over 15 million Americans are drinking water polluted with PFCs,² while up to 110 Million Americans could have PFAS-contaminated drinking water.



This chemical cannot be boiled out of the water.

In fact, boiling contaminated water only further concentrates the chemical.

Studies have Shown

PFOA and PFOS can cause “reproductive and developmental, liver and kidney, and immunological effects in laboratory animals... Both chemicals have caused tumors in animal studies.”

PFCs include but are not limited to:

- Perfluorobutyric acid (PFBA)
- Perfluorohexanoic acid (PFHxA)
- Perfluoroheptanoic acid (PFHpA)
- **Perfluorooctanoic acid (PFOA)**
- Perfluorononanoic acid (PFNA)
- Perfluorodecanoic acid (PFDeA)
- Perfluoroundecanoic acid (PFUA)
- Perfluorobutane sulfonic acid (PFBuS)
- Perfluorohexane sulfonic acid (PFBxS)
- **Perfluorooctane sulfonic acid (PFOS)**
- Perfluorododecanoic acid (PFDoA)
- Perfluorooctane sulfonamide (PFOSA)

“Our firm has a continuing drive to provide the highest level of service to maximize our clients’ potential recovery.”

Paul J. Napoli, Of Counsel

Exposure

People can be exposed to PFCs through food, drinking water, and/or biodegradation of consumer products. PFCs are readily absorbed by the body and once ingested they may persist in the body for long periods of time.

Where are PFCs found?

- Foams used to fight fires
- Furniture and carpets treated for stain resistance
- Treated clothing that is stain resistant or waterproof
- Fast food or packaged food containers, such as french fry boxes, pizza boxes, hamburger wrappers, and microwave popcorn bags
- Makeup and personal care products, such as dental floss, pressed powders, nail polish, and shaving cream with ingredients that have ‘perfluoro’ in the name
- Floor care products
- Cleaning products³

Banned Chemicals

Production or importation of PFOS-based firefighting foams has already been banned in the US, Canada, the EU, Australia, and Japan.

Where did PFC Emissions come from?

PFCs do not occur naturally in the environment. They have been manufactured for more than 50 years. PFOS and PFOA are a group of first-generation of PFCs that are being phased out due to their potential hazards.”

These hazards have resulted and will result in litigation and a number of national and international legislative bans worldwide.

Despite the EPA’s Lifetime Health Advisory and established Maximum Contaminant Levels (MCLs) for PFOA and PFOS, PFC contamination from AFFF persists.

“Drinking water systems and public health officials should promptly provide consumers with information about the levels of PFOA and PFOS in their drinking water.”

Environmental Protection Agency

The EPA Reports

“If water sampling results confirm that drinking water contains PFOA and PFOS at individual or combined concentrations greater than 70 parts per trillion, water systems should promptly notify their State drinking water safety agency and consult with the relevant agency on the best approach to conduct additional sampling.”

Lifetime Health Advisory

70 parts per trillion ppt combined PFOA and PFOS is the EPA lifetime recommended exposure. This is the equivalent of 3.5 drops of water in an Olympic-sized swimming pool.

Many states are determining at what level to set their limits. The New York State Drinking Water Quality Council issued MCL recommendations of 10 parts per trillion (ppt) for PFOA and 10 ppt for PFOS. The MCL is likely to be established in April of 2020. (or say 2020). If adopted, New York’s proposed MCLs of 10 ppt for each would be the most stringent limits in the nation for PFOA and PFOS individually.

EPA Risk Assessment

From a national perspective, the dominant source of human exposure to PFOA is expected to be from the diet; indoor dust from carpets and other sources. The Health Advisory (HAP) was calculated using a relative source contribution (RSC) of 20%, which allows for other PFOA exposure sources (e.g. dust, diet, air) to make up 80% of the Reference Dose (RfD).

The EPA recommends that the lifetime HA for PFOA of 70 ppt apply to both short-term (i.e., weeks to months) scenarios during pregnancy and lactation, as well as to lifetime-exposure scenarios.

Drinking Water Health Advisory for Perfluorooctanoic Acid (PFOA) (US EPA 822-R-16-005, May 2016)

Human exposure to these toxic substances, through use or contaminated drinking water, can lead to an increased risk for:

Testicular cancer	Kidney cancer
Liver disease	Ulcerative colitis
Serious thyroid problems	Preeclampsia
Premature babies	Low birth weight

The corporations knew full well the health and environmental risks associated with PFAS.

Recent Litigation

Complaint Filed

New York. On June 19, 2018 the State of New York filed a complaint against manufacturers of AFFF. The complaint details the groundwater contaminations in Newburgh and New Windsor and Suffolk County, as well as additional contaminations in Plattsburgh and Rome, New York. The sources of the alarming concentrations of PFOA and PFOS in the groundwater are believed to be Plattsburgh Air base and Griffis Air Base.

\$921 Million Settlement

Ohio, West Virginia. This settlement was reached between 3,550 plaintiffs from the mid-Ohio Valley and DuPont spin-off company, Chemours¹ based on claims that contaminated drinking water led to diseases linked to chemical exposure. Claims involved included 210 Kidney Cancer Claims², 70 Testicular Cancer Claims² and 1430 Thyroid Disease Claims².

\$850 Million Settlement

Minnesota. In early 2018 the state settled its lawsuit against the 3M Company in return for this settlement. The state's attorney general had sued defendant 3M in 2010 alleging that the company's production of chemicals known as PFCs had damaged drinking water and natural resources in the southeast Twin Cities metro area.

\$4 Million Settlement

Alabama. The lawsuit was brought against Daikin and 3M over PFC chemicals the companies used to produce at their Decatur facilities.

This settlement was reached between the West Morgan-East Lawrence Water Authority and Daikin.

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Contact Us for Your Free Consultation at (866) 478-6255

If you have or had to pay for treatment and remediation and your **rate payers** are suffering from adverse health effects related to PFC water contamination, you can speak with our attorneys today to learn more about your legal rights.

Things to Know

- There is no cost to the water district.
- There are no fees until we are successful.
- The polluters pay for the remediation, not the rate payers.

State Regulations

There is a wide distribution of US Military Fire/Crash Testing Sites across the United States which largely corresponds to areas that have tested positive for PFCs.

This leads to variances in levels of contamination from state to state, and has caused some states to establish lower MCLs for PFCs and modify contaminant testing requirements. For example:

New Jersey has a Drinking Water Standard of 14 ppt for PFOA.

Vermont has a Drinking Water Standard of 20 ppt for PFOA.

THE ENVIRONMENTAL TEAM



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Our Partners

Marie Napoli

Ms. Napoli leads the firm's Environmental Litigation Department and oversees the numerous litigations that the firm handles across the country. Her passion for justice resulted in visiting Washington D.C. in order to push Congress to establish a Victim's Compensation Fund for families exposed to contaminated water. Her fight in the capitol continues as she works to ensure individuals have safe drinking water.

Hunter J. Shkolnik

Mr. Shkolnik has appeared on national networks such as NBC and Fox News to discuss the Water Crises occurring across the country. He is also a sought after speaker on water contamination, Co-Chairing and speaking at numerous litigation conferences focusing on Lead Poisoning. Mr. Shkolnik's legal achievements are industry and peer recognized by Super Lawyers®.

Co-Liaison Counsel in the Flint Water Crisis Litigation by U.S. District Judge Judith E. Levy.

Paul J. Napoli, Of Counsel

Mr. Napoli has litigated extensively on behalf of municipal clients for contamination to land and water supplies resulting from petroleum and related chemical spills. He lead the team who obtained more than \$50 Million for environmental contamination of municipal water supplies by leaks of petroleum additive.

Co-Lead Counsel in *In Re: Aqueous Film-Forming Foams Products Liability Litigation* (MDL No. 2:18-mn-2873-RMG).

Liaison Counsel in the Colorado PFOA/PFOS Toxic Tort Litigation.

Louise R. Caro

Ms. Caro focuses on plaintiff's mass tort litigation, concentrating on helping people harmed by exposure to hazardous soil, water and air contaminants. An integral member of the team, she has represented clients harmed by a multitude of environmental pollutants and toxins such as arsenic, lead, and dioxin, in soils and public water supply wells.

“We combine strong trial advocacy with the unparalleled use of technology in order to give our clients the best representation available.”

Hunter J. Shkolnik, Partner

Cases

\$60 Million Settlement

Achieved in connection with the MTBE contamination of Municipal Water Supplies in Long Island, New York.

\$11 Million Settlement

For a water district serving over 48,000 residents in an action against several industrial entities for contamination.

\$3.6 Million Settlement

Achieved for a Floridian town whose groundwater was contaminated from a chemical manufacturing plant and industrial properties.

\$7 Million Settlement

Obtained in connection with the MTBE contamination of Municipal Water Supplies in Rhode Island.

Recent Publications

[PFAS: A New Frontier for Waste Management and Landfill Leachate](#)

New York State Association for Solid Waste Management (NYSASWM), Summer 2019

[Litigation Combats Hazards of Aqueous Film-Forming Foam Products](#)

American Water Works Association (AWWA)
Opflow Magazine, August 2019

[PFAS and Their Implications for Landfills](#)

NYSASWM Newsletter: Talk of the Towns & Topics, March 2019

[Statute of Limitations in Toxic Tort Cases: CPLR 214-f and Beyond](#) by Paul Napoli and Michelle Greene

New York Law Journal, January 2019

“The ability to help a client, often at a time when they need it most and have nowhere else to turn, is ultimately rewarding.”

Marie Napoli, Partner

Filtration Systems

According to a study conducted by the Water Research Foundation, Granular Activated Carbon (GAC) and Anion Exchange were most effective at removing longchain PFCs, such as PFOA and PFOS.

Granular Activated Carbon (GAC)

Tests show successful removal of PFOA and PFOS, as well as PFBA, PFPA, PFFH, and PFDA, in groundwater via GAC filtration systems. GAC requires incineration of PFC waste to completely destroy PFOA/PFOS.

Anion Exchange

Anion exchange resins have high adsorption capacities, long operation days, and high PFOS recovery percentages, suggesting that anion exchange resins are suitable materials for removal of PFOS' in aqueous solutions, with removal of around 10–90% of PFOA and >90% of PFOS for Anion Exchange.

Our mission is to help our clients, whether they be families, governments or companies, cope with their losses and their legal needs.

We strive to achieve the best possible outcome for our clients and provide an unparalleled level of service.

We accomplish this by fostering a confident client focused work environment with motivated employees where cooperation thrives and innovation is rewarded.

STATE CONCENTRATION LEVELS

Many states have started the process of regulating PFAS levels in drinking water. As a result, these states have adopted regulations and standards regarding the guidance, notification, and cleanup levels for PFAS in drinking water.

Concentration Level	State	Type of Regulation: Drinking Water Standards	Adoption Status
10 ppt	New York	PFOA and PFOS (Proposed MCLs – various penalties, possible Clean Up)	Pre-Regulatory Recommendation: Proposed by the New York Drinking Water Quality Council
11 ppt	New Hampshire	PFNA (Proposed MCL – various penalties, possible Clean Up)	Pending (New Hampshire Department of Environmental Services Final Rulemaking Proposal)
12 ppt	New Hampshire	PFOA (Proposed MCL- various penalties, possible Clean Up)	Pending (NHDES Final Rulemaking Proposal). Probably will change the 70 ppt current standard.
13 ppt	California	PFOS (Notification)	Approved (Regulation)
13 ppt	New Jersey	PFNA and PFOS (Notification)	Approved for PFNA (Regulation); (Pending PFOS (2019 NJ Reg 520031).
14 ppt	California	PFOA (Notification)	Approved (Regulation)
14 ppt	New Jersey	PFOA (Notification)	Pending (2019 NJ Reg 520031).
15 ppt	Minnesota	PFOS (Guidance)	Approved (Health Advisory)
15 ppt	New Hampshire	PFOS (Proposed MCL – various penalties, possible Clean Up)	Pending NHDES Final Rulemaking Proposal. Probably will change the 70 ppt current standard.
18 ppt	New Hampshire	PFHxS (Proposed MCL- various penalties, possible Clean Up.)	Pending NHDES Final Rulemaking Proposal.
20 ppt	Vermont	5 PFAS substances combined; PFHpA, PFHxS, PFNA, PFOS and PFOA (Notification)	Approved (Groundwater Quality Enforcement Standard)
35 ppt	Minnesota	PFA (Guidance)	Approved (Health Advisory)
47 ppt	Minnesota	PFHxs (Guidance)	Approved (Health Advisory)
70 ppt	Massachusetts	5 PFAS substances combined: PFHpA, PFHxS, PFNA, PFOS, and PFOA (Clean Up)	Approved (Regulation and Guideline)
70 ppt	New Hampshire	2 PFAS substances combined: PFOA and PFOS (Clean Up)	Approved (Ambient Groundwater Quality Standard and Regulation)
70 ppt	Connecticut	5 PFAS substances combined: PFHpA, PFHxS, PFNA, PFOS, and PFOA (Notification)	Approved (Health Advisory)
70 ppt	Alaska, California, Colorado, Delaware, Maine, Michigan, and New Mexico	Follow the EPA Standard: PFOS and PFOA combined (Notification)	Approved (Various Regulations, or a Maximum Exposure Guideline, etc.)
140 ng/L (140,000 ppt)	North Carolina	GenX (Guidance)	Approved (Health Advisory)

NO REGULATION: Alabama, Arizona, Arkansas, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Table reference: <https://www.jdsupra.com/legalnews/state-by-state-regulation-of-per-and-82542/>

How We Help

Free Evaluation for Your District

Investigate the Source of the Contamination.

Sue the Chemical Manufacturers

- Products liability for defective design.
 - Failure to warn about the severe health effects.
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Help You Recover Capital Costs Associated with the Installation of Treatment Systems

- No cost to your municipality
 - We charge solely on a contingency basis, pay all costs, and only take a fee when we are successful
 - 25% Retainer
-

Chemistry

Hydrogeology

Water Filtration

Document Review

Working with the EPA and State DEP

Risk Assessment

Expert Testimony

Contact Us for a Free District Evaluation

(866) 478-6255



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