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PFAS & Emerging Contaminants

StepToe & Johnson's Emerging Contaminants Team has the experience skills, and resources to assist manufacturers, producers, users, and dischargers in navigating the rapidly developing state and federal regulatory and judicial framework for these contaminants, which include per- and polyfluoroalkyl substances ("PFAS") and 1, 4-Dioxane. The claims are sometimes alleged to involve "forever chemicals."

The Emerging Contaminants Team is uniquely composed of seasoned litigators, environmental/regulatory attorneys, and technical consultants that can address issues arising from these contaminants from start to finish, whether it involves determining operational changes to ensure compliance with changing regulations; developing, analyzing, or implementing current trends in PFAS/1,4-Dioxane treatment technologies; or defending against actions in state or federal courts stemming from environmental contamination/exposure or product liability allegations.

WHAT SETS US APART

- Seasoned environmental/regulatory attorneys who are experienced with key environmental statutes/regulations that form the basis of pending emerging contaminant regulations, including the Clean Water Act, Clean Air Act, Safe Drinking Water Act, CERCLA, RCRA, and TSCA and rulemaking activities initiated by USEPA and the states to address these contaminants including the role of state brownfield programs.
- Experienced, proven litigators have successfully defended environmental/exposure claims and product liability allegations in both state and federal courts.
- Extensive experience navigating class action and large multi-district litigation proceedings.
- With a professional engineer, industrial hygienist, and environmental chemist, the Emerging Contaminants Team boasts a highly accomplished and qualified technical team capable of directly addressing and implementing operational changes to ensure regulatory compliance.

HOW WE HAVE HELPED

- Counseled industrial and chemical clients on the impacts of PFAS contamination from adjacent properties.
- Worked closely with state regulatory agencies to determine regulatory framework for PFAS and 1,4-Dioxane.
- Counseled chemical client on the implications of a 1,4-Dioxane effluent limit within a West Virginia National Pollutant Discharge Elimination System permit where West Virginia currently maintains no 1,4-Dioxane water quality standards.
- Advised chemical client on the availability and costs of 1,4-Dioxane treatment technologies for wastewater.
- Counseled clients on the implications of remediation of property contaminated with PFAS through the West Virginia Voluntary Remediation Program.
- Work closely with state and federal trade associations to monitor and advise on proposed emerging contaminants legislation/regulation.
- Counsel clients on the environmental implications of the purchase of potentially contaminated properties.
- Consult with trade associations on rulemakings and legislative bills.
- Defense of manufacturing/industrial clients in environmental/exposure toxic tort claims.
- Defense of product liability claims, including defective design and failure to warn allegations in both state and federal courts.
- Defense of class actions claims, including both single and multiple-defendant action.
- Served as national counsel for large multi-district litigation action.

EMERGING CONTAMINANTS KNOW-HOW

- [EPA Introduces Additional Action Items Under Its 2019 PFAS Action Plan](#)
- [EPA Lists 160 PFAS for EPCRA Toxics Release Reporting](#)
- [Follow the Leader? Maine's Strict Stance on PFAS and Biosolids Land Application Sets the Stage for Further State Regulation](#)