

PFAS Litigation and Regulatory Developments Conference

CURRENT LITIGATION STATUS



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Current Litigation Status: Status of the Human Health Studies, 2025-2026



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Overview of PFAS Literature



- In the past year, there have been approximately 2,500 publications on PFAS
- Of those, approximately 10% include epidemiological data.
- The most common topics in the published literature this year include pregnancy, prenatal, and post-partum.

2,500 publications on PFAS



~ 10% epidemiological data



Mostly related to pregnancy, prenatal, and post partum

Epidemiological PFAS Literature Over The Past Year



Category	Approx. number of studies	Percent of total
Prenatal / perinatal / early-life outcomes	~112	44%
Cancer outcomes	~23	9%
Non-cancer outcomes (adults or general populations)	~122	47%
Total	257	100%

Studies Most Likely To Move The Needle



EPIDEMIOLOGICAL RESEARCH DESIGN



New population + New Data

**Previously published population
+ New Data**

**Previously published population
+ Prior Data**

Pregnancy, Prenatal, Post-Partum Data



Endpoint category	Approx share of prenatal studies
Neurodevelopment / behavior	~30%
Pubertal or endocrine development	~20%
Respiratory / immune outcomes	~20%
Birth outcomes (birth size, miscarriage)	~15%
Other developmental outcomes	~15%



Cancer Endpoints



Cancer endpoint	Study / publication	Study type	Population / data source	Main finding	Takeaway
Thyroid cancer	PLCO thyroid cancer analysis	Nested case-control study	PLCO cohort, 189 thyroid cancer cases and 378 matched controls	Inverse assoc for PFOA w/ thyroid cancer, no consistent evidence of + assoc b/w PFAS & increased thyroid cancer risk	Not supportive of a positive association.
Thyroid cancer	Wang et al., 2025,	Meta-analysis	8 articles	PFAS-thyroid cancer link not SS for PFNA or PFOS, & reports PFOA exposure could be assoc w/ decreased thyroid cancer risk	Not supportive of a positive thyroid cancer association overall.
Kidney cancer	Boston et al., 2025,	Narrative review / causation review	Review of post-C8 epidemiology	Recent epidemiologic findings support no causal relationship between PFOA exposure and kidney cancer or thyroid disease.	Not supportive of a positive association.

Non-Cancer Outcomes



Immune function	Vaccine antibody response, influenza-like illness
Metabolic effects	Cholesterol, lipid metabolism, glucose homeostasis
Liver function	ALT, AST, hepatic metabolic pathways, liver function markers in pregnancy
Cardiovascular indicators	Hypertension, arterial stiffness, lipid abnormalities
Exposure biomarkers	PFAS body burden linked to diet or consumer products

CONCLUSIONS

- The literature continues to expand rapidly, but it does not show a uniform, strong, across-the-board pattern of PFAS causing specific human diseases.
- The strongest recent activity is in prenatal and early-life epidemiology, not cancer.
- Even within prenatal and child studies, the pattern is mixed rather than consistently adverse.

CONCLUSIONS



- The non-cancer adult literature continues to show the most reproducible signals for intermediate biomarkers, especially lipids, metabolism, liver-related markers, and some immune endpoints.
- Thyroid-related epidemiology remains especially conflicted.
- Methodologically, the field is still constrained by classic observational-epidemiology problems.

CONCLUSIONS



- The past year's epidemiology shows active, expanding literature with recurring associations for certain developmental, metabolic, lipid, endocrine, liver, and immune-related outcomes.
- The overall body remains heterogeneous and endpoint-specific, with many null findings, inconsistent replication, sparse cancer evidence, and continued methodological limitations that generally fall short of demonstrating broad, uniform causal human health effects across endpoints.

PFAS Litigation Trends 2026

JOHN GARDELLA

MARCH 17, 2026



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2026 Trends To Watch

- (1) False advertising / consumer fraud litigation picks up steam
- (2) Pollution claims increase in number, with medical monitoring leading the way
- (3) Biosolids come increasingly into focus
- (4) Personal injury (non-AFFF) cases grow in number
- (5) State and federal actions that will drive litigation

A hand holding a magnifying glass over the word 'TRENDS' in the year '2026'. The magnifying glass is positioned over the word 'TRENDS', which is written in bold, black, uppercase letters. The year '2026' is also written in large, black, uppercase letters. The background is a solid light blue color.

2026



Dalewitz v. The Procter & Gamble Co. (S.D.N.Y. 2026)

- Plaintiff challenged “Pro-Health” and environmentally conscious claims by P&G for Oral-B Glide dental floss products
- Plaintiff cited TOF testing from 2022 indicating the presence of four specific PFAS.
- Court granted P&G’s motion to dismiss on Article III standing grounds for failure to establish a concrete and particularized injury.
- Plaintiff must either have (i) tested his own purchases for PFAS or (ii) sufficiently linked the results of independent testing of the same product line to the product he actually purchased.
 - A plaintiff should allege facts demonstrating that:
 - Testing occurred reasonably near in time to their purchases;
 - They regularly purchased the product, and the product was systematically and routinely mislabeled; and
 - The number of samples tested involved more than a small number, and the samples were taken from units sold in geographic proximity to plaintiff’s purchases.



Jeruchim et al. v. The J.M. Smucker Co. (N.D. Cal. 2026)

- Various pet foods alleged to contain PFAS
- Company marketed products as “Healthy” and “100% natural”
- Court DENIED Motion to Dismiss, allowing class certification process to begin
- Court reasoning:
 - “Reasonable consumer” standard would lead a consumer to believe that the marketing terms mean that products are PFAS free
 - Company does not have to explicitly market product as “PFAS free” to lead a consumer to believe that the product(s) are in fact PFAS free



Pollution Claims (Class Action)

- 575% increase in number of pollution class action lawsuits (excluding AFFF litigation) from 2022 to 2025
 - Land contamination, property devaluation, nuisance, medical monitoring
- Industries targeted thus far: chemical, paper, waste management, electroplating, carpet

Information Gathering Sources

- TRI, TSCA, INCI
- Disclosures to states
- Patent office historical patents
- Testing – reverse engineer evidence
- Soon to be state labeling laws (NM as example)



Case Study:

Savannah v. 3M, et al. (Georgia, 2025)

- City suing for contamination of waterways that fed drinking water sources
- Several PFAS makers named defendants
- Over a dozen PFAS user companies sued for water discharges:

Coating resins, polymerization, paper, packaging, fabric coating, metal finishing, surfactants, textiles, roofing, insulation, radiators



Case Study:

Town of Pepperell v. GP, et al. (MA, 2026)

- Town sues various entities who owned two paper mills approximately 10 miles upstream of Town's drinking water wells
- Claims date back from 1960s through early 2000s
- PFAS discharges into waterways led to downstream contamination
- Lawsuit seeks tens of millions of dollars for remediation and testing equipment and technology



Grostick v. Tribar Manufacturing (MI) - 2022

- Farmer sued Tribar (electroplating company) for allegedly discharging PFAS into waterways that fed into wastewater treatment facility
- Treatment facility produced land application fertilizer that Grostick used, which contaminated his entire farm
- First instance of lawsuit against downstream user of PFAS in biosolids land application case



Additional Examples of Biosolids Lawsuits

- *Johnson* (Georgia) – 2019
- *City of Rome* (Georgia) – 2019
- *Farmer v. Synagro Technologies, Inc.* (Maryland) – 2024)
- Cases are largely in critical discovery and evidentiary phases that will shape the future of similar lawsuits



Personal Injury Litigation

- General Causation:
 - IARC December 2023
 - PFOA: carcinogenic
 - PFOS: possibly carcinogenic
 - EPA “no safe dose” + carcinogenic
- Specific Causation:
 - “Specific” to a product type and the plaintiff
 - Missing link right now is dose response information
 - Plaintiffs’ bar will develop reptile theory of litigating PFAS personal injury cases



Federal and State Actions Driving Future Litigation

-States:

- Product reporting laws
- Labelling laws
- State-level enforcement actions for drinking water
- NJ NRD settlements 2025 (\$2.5 billion combined)

-Federal:

- TSCA Oct. 2026 reporting deadline
- EPA intent to keep SDWA and CERCLA regulations for PFOA and PFOS





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Asbestos - PFAS Litigation

Insights from asbestos litigation for PFAS risk assessment and preparedness

ADDIE RIES

MARCH 17, 2026

Brief Asbestos Background

- 1900s - Asbestos widely used as “miracle mineral”
 - 1956 - Frank Sinatra sings “I’m not asbestos”
- 1960s - Mt. Sinai studies showed a risk for insulators
- Early 1970s - OSHA began regulating asbestos exposure and asbestos-containing insulation is phased out
- 1970s forward - other asbestos-containing products which had not been shown to increase risk of disease remain in use
- ~1990s forward - asbestos litigation ensues

Regulatory Statements As Driver of the “Any and All Exposures” Approach in Asbestos Litigation

- Plaintiffs - Regulatory statements that there is “no known safe level of exposure to asbestos” support opinions that all types and doses of exposure should be ruled in as causative.
- Defense - Regulatory agencies are tasked with prevention, not causation, and epidemiology studies fail to show an increased risk for certain occupations/product exposures.

Is PFAS the next asbestos? Specific causation will be much harder to prove for PFAS.

- Mesothelioma is “signal” or “signature” disease associated with asbestos exposure and has few other causes.
 - Therapeutic radiation, erionite, MWCNTs
- Diseases allegedly caused by PFOS and PFOA have many well-established causes, which are very common.
- Lung Cancer comparison?
 - Lung cancer has many causes, but asbestos may be established as the cause by biological markers
 - Presence of PFAS in blood or plasma as biological marker?

Is PFAS the next asbestos? “Substantial factor” causation may be difficult for non-occupational exposures.

- An exposure cannot be considered “substantial” if it is a drop in the bucket in comparison to other exposures. *See Connor v. Covil Corp.*, 966 F. 3d 143, 154 (4th Cir. 2021).
- Widespread use of PFAS in consumer products may make it difficult to assess significance of non-occupational exposures.

PFAS Takeaways

- PFAS personal injury litigation may be narrower and more nuanced than asbestos litigation.
- Its too early to predict scientific outcomes, but its wise to stay abreast of the science - not just the regulations.
- Consider what is coming into and out of manufacturing facilities - products and premises - and be proactive.