

ENVIRONMENTAL RISK & PFAS LITIGATION CONFERENCE

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PFAS Settlements



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New Jersey: DuPont Sites

- In 2019, New Jersey filed four site-specific cases against DuPont and related entities:
 - ▶ Chambers Works* (Salem County)
 - ▶ Pompton Lakes Works (Passaic County)
 - ▶ Repauno Works (Gloucester County)
 - ▶ Parlin* (Middlesex County)
- New Jersey also filed a Statewide claim against DuPont for PFAS contamination related to discharges of aqueous film-forming foam (“AFFF”), which is currently pending in an MDL in South Carolina*.
 - **Related to PFAS Contamination and named 3M as Defendant.*

New Jersey: DuPont/3M Claims At Issue

- New Jersey brought various claims, including but not limited to:
 - Spill Compensation & Control Act
 - Water Pollution Control Act (“WPCA”)
 - Brownfield and Contaminated Site Remediation Act
 - Solid Waste Management Act
 - Industrial Site Recovery Act
 - New Jersey Safe Drinking Water Act
 - Actual/Constructive Fraudulent Transfer
 - Strict Liability – Failure to Warn/Design Defect
 - Nuisance
 - Trespass
 - Negligence/Gross Negligence

New Jersey: DuPont/3M Damages At Issue

- Investigation and Remediation (cleanup) of all contamination, both on-site and off-site
- Natural Resource Damages
 - This compensation is used to fund the restoration of the injured resources to their pre-discharge condition, or to compensate the public for the loss of use of those resources.
- Establishment of Remediation Funding Sources (“RFS”)
- Disgorgement under the WPCA
- Statutory Penalties
- Punitive Damages



The Chambers Works Site





Old
Manufacturing
Area

Carneys Point

Secure "C"
Landfill

A Basin
C Basin A Basin
B Basin

WWTP

Cogen
Facility

"B" Sanitary
Landfill

Main
Manufacturing
Area

"A" Sanitary
Landfill

New Jersey: Summary of 3M Financial Terms

Total Value of Settlement up to \$450 Million

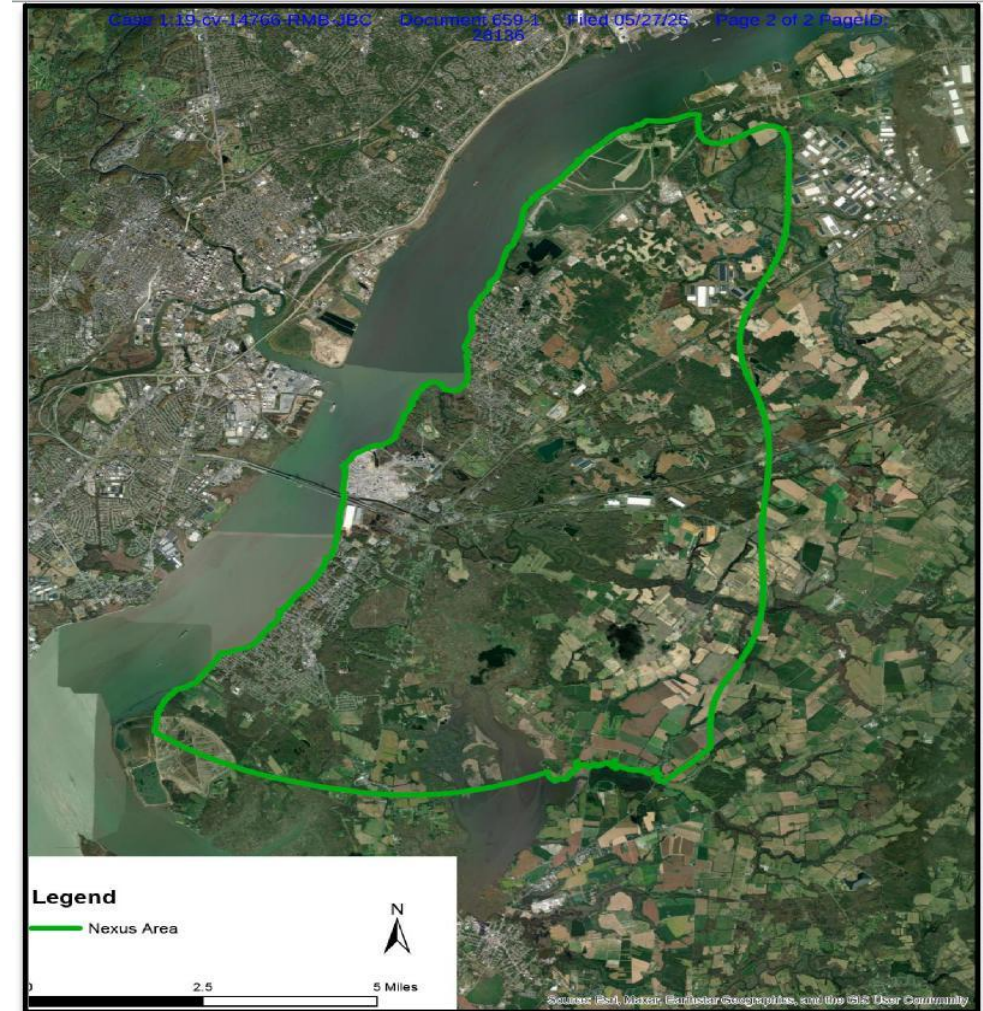
- \$100M as Initial Payment w/in 30 Days of Effective Date
- \$275-325M in 2026-34 (\$50M variable dependent on PWS shortfalls)
- \$125M in later years (2035-50), subject to credit mechanisms

Allocation of Funds (\$450 Million - \$500 Million with MFN)

- \$140 Million – Natural Resource Damages/Restoration at Facilities
- \$170 Million – PFAS Contamination Abatement Funding
- \$40 Million – Penalties, Punitive Damages, Fees and Costs
- \$50-100 Million – “New Jersey Leadership Payment”
- \$50 Million – Most Favored Nations NRD Trigger (\$500M total)

Spill Act & Brownfield Act Liability

- On 5/26/25, DuPont and Chemours stipulated to a “Nexus Area” pursuant to the Spill Act and Brownfield Act.
- DuPont and Chemours stipulated that their PFOA and PFAS are present in and under the Nexus Area (**appx. 65 square miles**) for purposes of establishing strict, joint and several liability pursuant to the Spill Act and Brownfield Act for remediation and natural resource damages claims.
- The State reserved its right to seek that they continue to investigate, delineate, and remediate PFAS outside of the Nexus Area, but the Nexus Area sets the minimum for remediation and natural resource damages.



New Jersey: Summary of DuPont Financial Terms

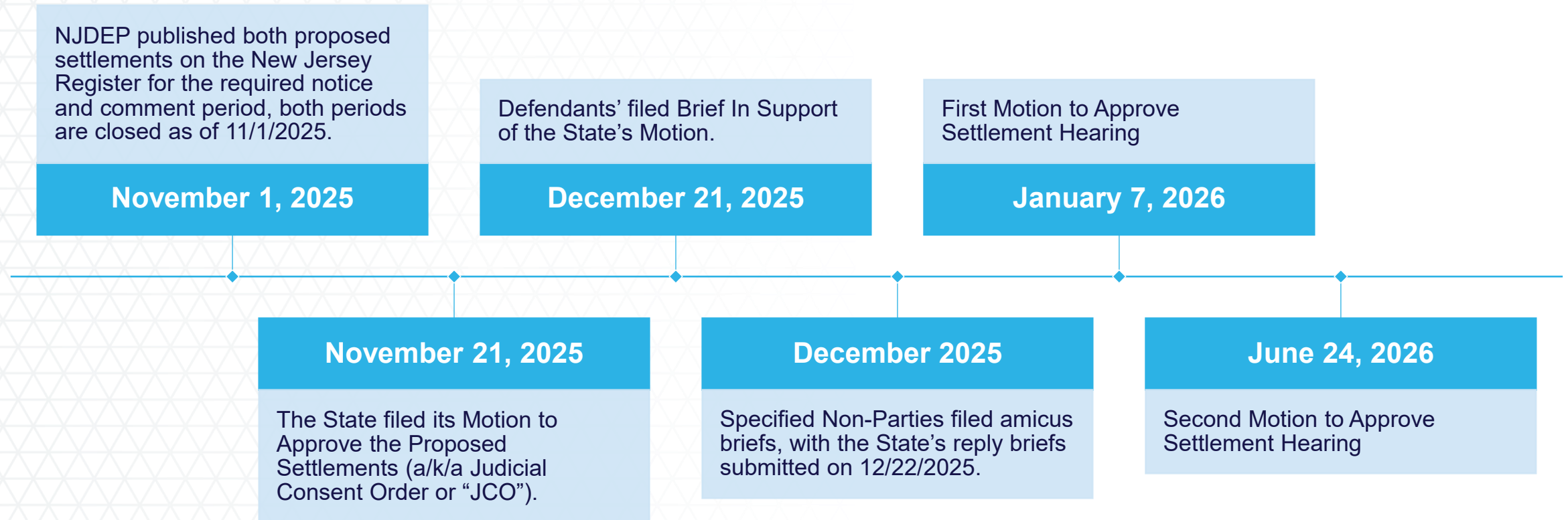
Total Value Greater than \$2 Billion

- DuPont responsible for all remediation to satisfaction of DEP
- Creation of Remediation Funding Sources for the 4 industrial sites of up to \$1.2 billion (process to establish RFS)
- Establishment of a Reserve Fund of \$475 million by Corteva and “new” DuPont to provide further cleanup assurances
- Damages Payments of \$875 Million

\$875 Million Settlement Payment Allocation

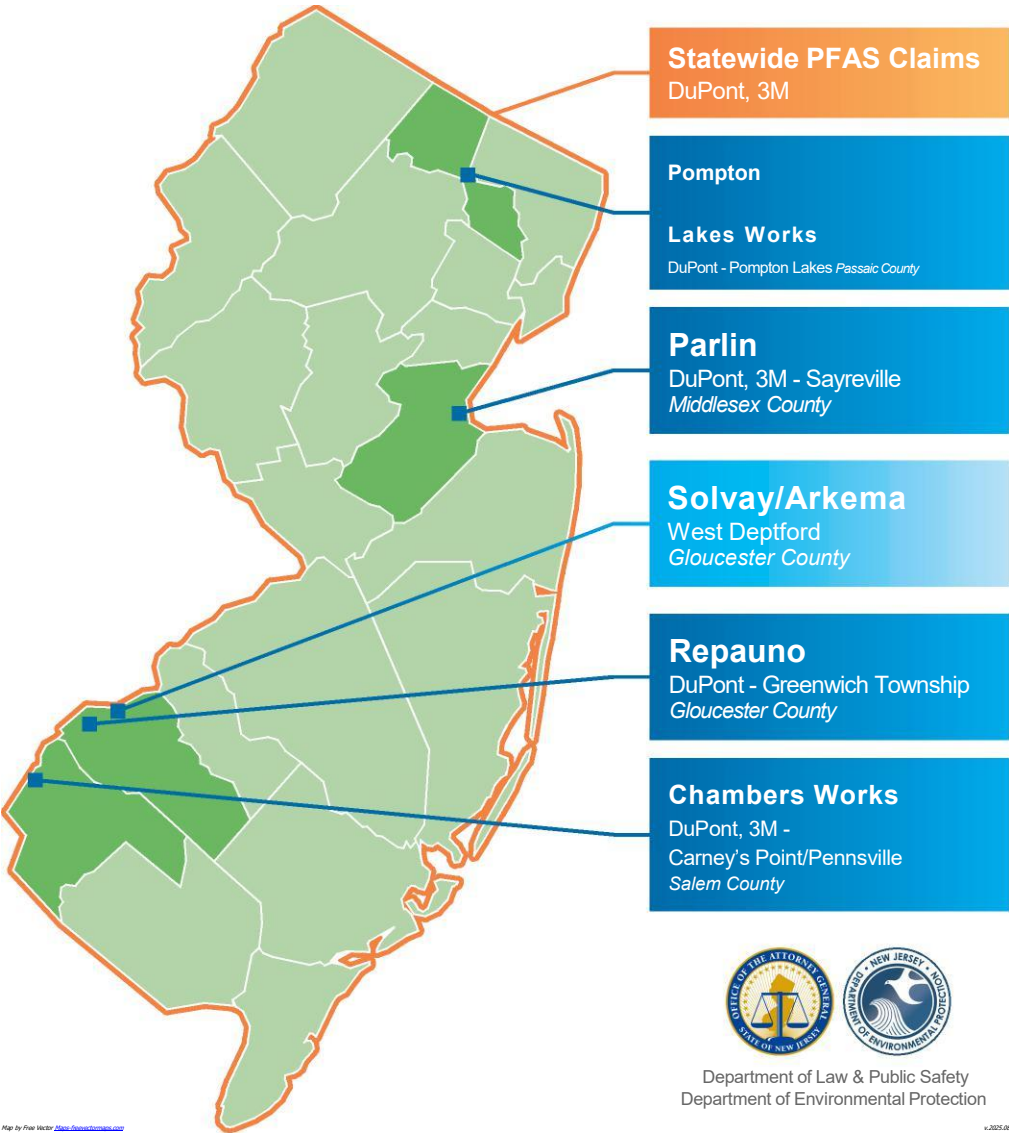
- \$525 Million – PFAS Abatement Damages
- \$225 Million – Natural Resource Damages
- \$125 Million – Costs, Fees, Punitive Damages

Proposed Settlement Deadlines & Hearings



DuPont Settlements Cap Series of Environmental Wins

Combined 2023-2025 settlements for PFAS, other pollutants top \$3 billion



PFAS Recoveries are now Five of the Ten Largest Natural Resource Damages Recovery in History

	State/Matter (* = KDW Counsel Involved)	Year	Natural Resource Damages	Total Recovery
1	Gulf Spill/Deepwater Horizon*	2016	\$8.1 billion	\$20.8 billion
2	Alaska/Exxon Valdez	1991	\$900 million	\$1.025 billion
3	New Jersey/DuPont (PFAS)*	2025	\$875 million	\$2 billion+
4	Minnesota/3M (PFAS)	2018	\$850 million	\$850 million
5	New Jersey/3M (PFAS)*	2025	\$450 million	\$450 million
6	New Jersey/Exxon (Bayway)	2015	\$225 million	\$225 million
7	New Jersey/Solvay & Arkema (PFAS)*	2024	\$212.65 million	\$501.65 million
8	Montana/Upper Clark Fork River*	1999, 2008	\$210.5 million	\$398 million
9	Ohio/DuPont (Washington Works) (PFAS)*	2023	\$110 million	\$110 million
10	Fox River/Green Bay	2002-Present	\$106 million	\$106 million

PFAS Litigation: A Segmented Data Challenge



Why PFAS behaves differently from asbestos and where analytics add value



Distinct Litigation Models

PFAS litigation involves diffuse exposure and varied claims unlike asbestos' concentrated occupational model.

Segmented Claim Development

PFAS claims arise in uneven waves tied to claimant type, geography, and documentation complexity.

Strategic Importance of Analytics

Analytics enables early claimant segmentation and evidence gap identification, improving litigation forecasting.

PFAS Inventory

Exposure Patterns

Asbestos exposure is concentrated in occupational settings; PFAS exposure is diffuse through water and products.

Scientific Complexity

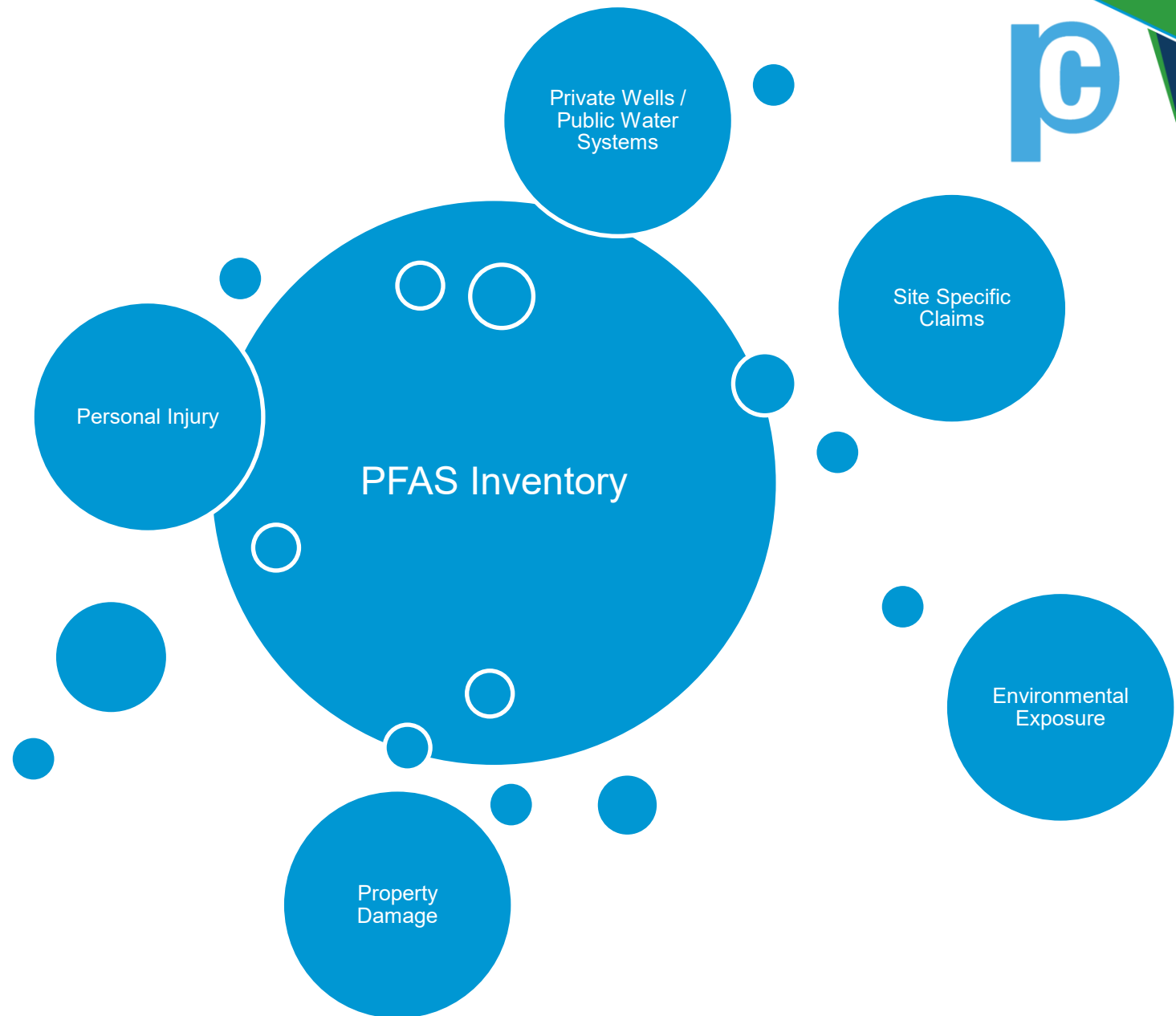
PFAS involves multiple compounds and complex health outcomes, unlike asbestos which has more established scientific consensus.

Claimant Population Diversity

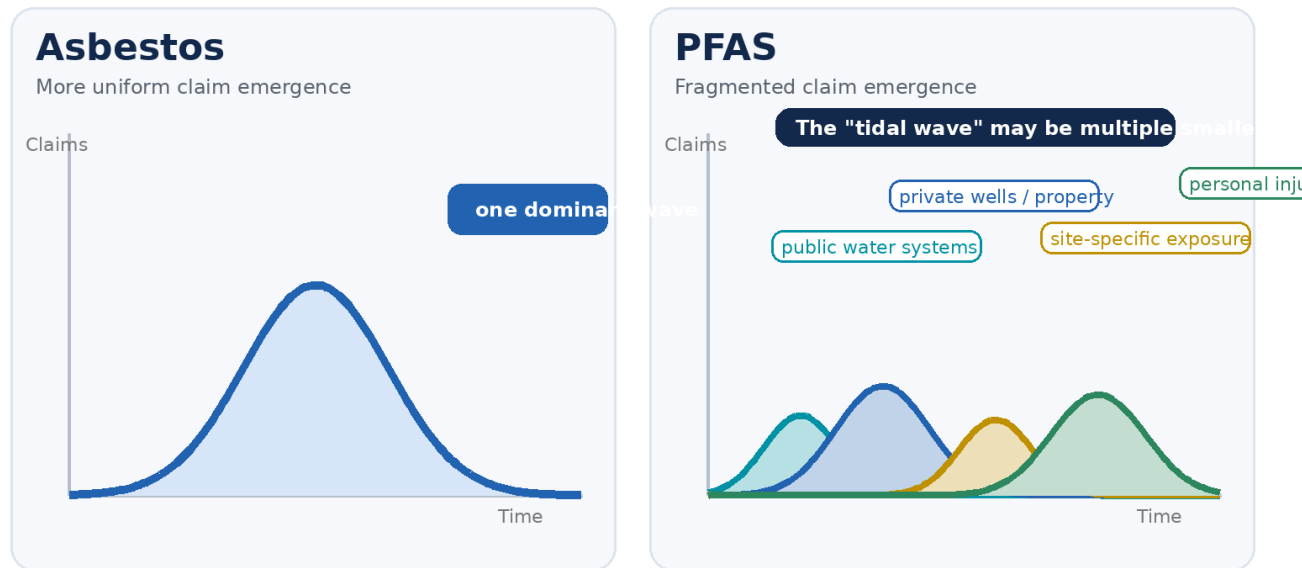
PFAS claimants include diverse groups with varying evidence needs; asbestos claimants are more uniform.

Litigation Strategy Impact

PFAS litigation requires segmented strategies reflecting varied claims; asbestos litigation was more unified.



One Wave VS. Many Waves: A Conceptual View of PFAS Claim Emergence



Conceptual schematic — not plotted from case

Unified vs Fragmented Emergence

Asbestos claims show a unified wave pattern, while PFAS litigation emerges as fragmented, multiple smaller waves across claim types.

Diverse Claim Categories

PFAS claims vary by category including public water, private wells, property, environmental, and personal injury claims with different timelines.

Implications for Litigation Strategy

Fragmented claim waves require segmentation, triage, and predictive tools rather than a single mass-tort approach for forecasting.

Understanding PFAS Litigation Pace

Slower, uneven PFAS claim emergence results from complex evidence needs and varying operational profiles across claim categories.

What May Be Slowing PFAS Claim Development



Four factors that turn claim volume into an operational challenge

Claimant Fragmentation

PFAS claims arise from multiple claimant categories, complicating intake and forecasting with varied eligibility and timelines.

Proof Complexity

Claims depend on exposure pathways, water sources, and specific harms, increasing the difficulty of proof and litigation.

Evolving Science

PFAS litigation involves diverse chemicals and varied medical theories, creating challenges in causation analysis.

Data Readiness Challenges

Incomplete or inconsistent data and unclear claimant classification delay claim review and complicate handling.



How Analytics Helps: From Broad PFAS Inventories to Actionable Claimant Profiles



Claimant Segmentation

Analytics segments claimant populations into meaningful categories for better case management and strategy.

Prioritization and Data Gaps

Analytics identifies data completeness and gaps to prioritize claims needing detailed review.

Connecting Environmental Factors

Analytics links claimant location, water source, exposure history, and property status for relevance.

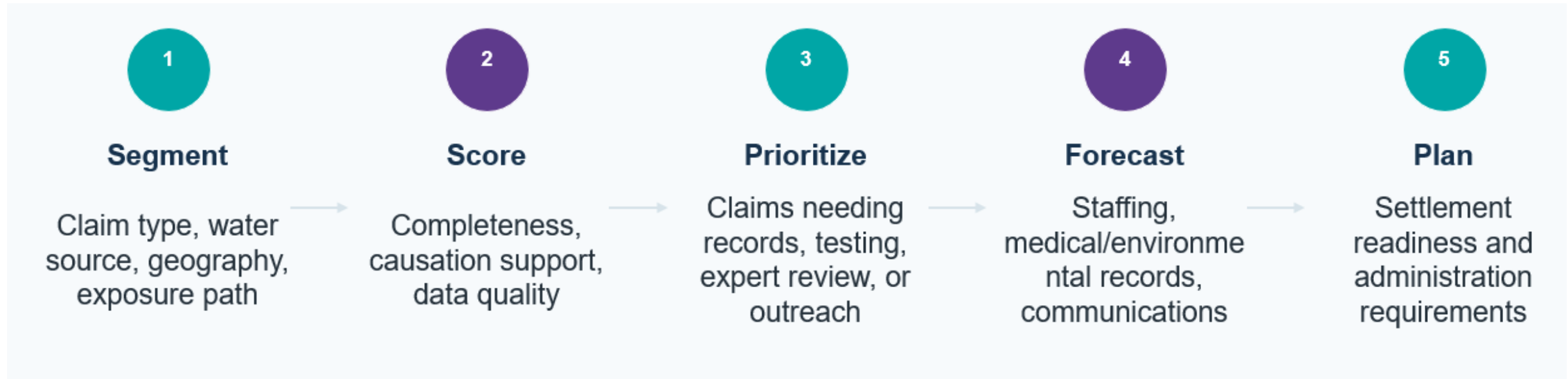
Operational Forecasting

Analytics improves forecasting for medical records, staffing, communication, and settlement processes.



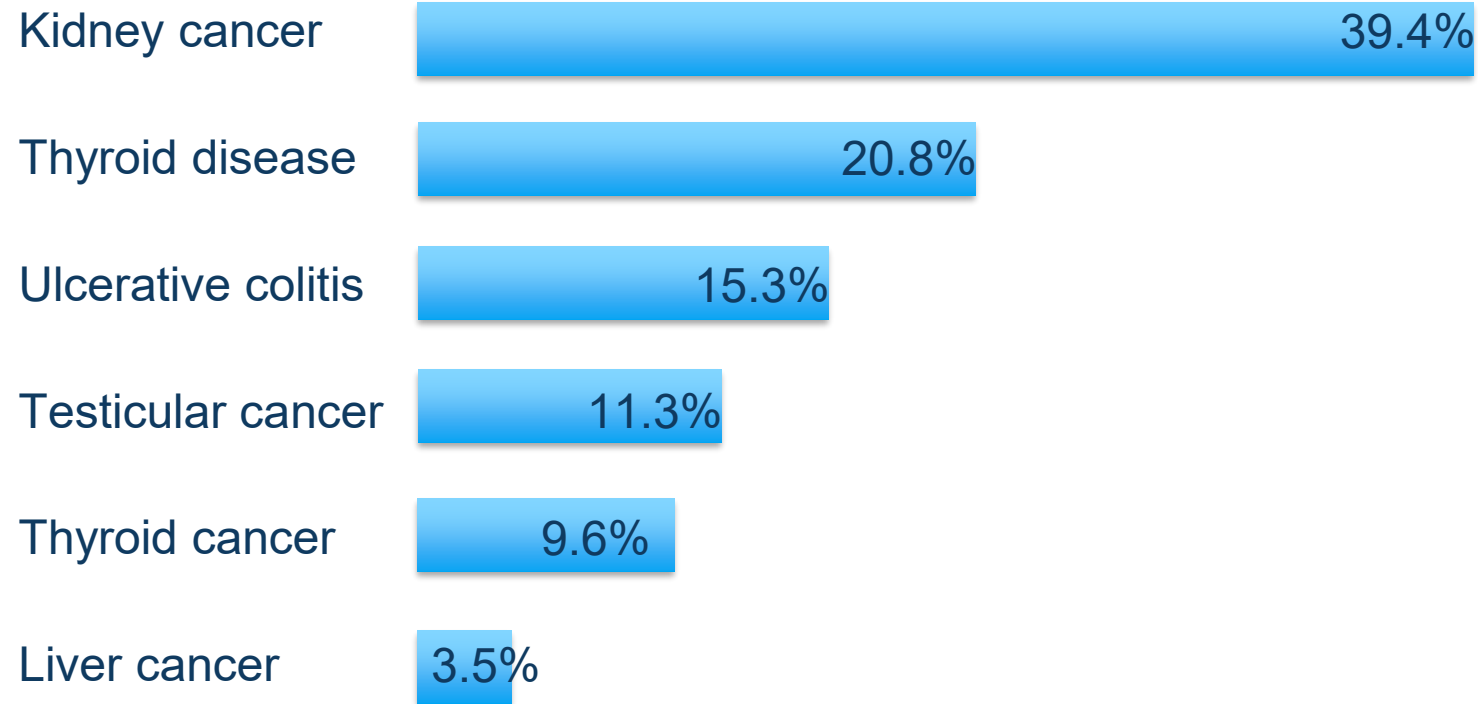
Predictive Analytics: From Inventory to Decision- Ready Data

A Practical Framework for Mass Tort Firms



Predictive analytics does not eliminate uncertainty — it makes uncertainty manageable by converting broad PFAS inventories into structured claimant profiles.

Breakdown of MDL BI Claims



Distribution of ~130,000 Reviewed BI Claims (Jan. 2026)

PFAS Separation Techniques

- Granular Activated Carbon (GAC)
- Ion Exchange
- Reverse Osmosis

PFAS Degradation / Destruction Techniques



- SCWO (Supercritical Water Oxidation)
- High-Temperature Incineration
- Plasma Destruction
- UV Photolysis + Catalysts
- Electrochemical Oxidation
- Mechanochemical Destruction



Resources

PFAS Mitigation and Destruction Articles**

- [70% Drop in Levels of Forever Chemicals Observed in Seabird Eggs Tracks Regulatory Success](#)
GNN 05/27/26
- [New Eco-Friendly Tech Eliminates 'Forever Chemicals' With Record-Breaking Speed–And it's Reusable](#)
GNN 12/28/25
- [Researchers Develop Water Treatment that Zaps 'Forever Chemicals' for Good](#) GNN 03/24/23
- [Breakthrough Might Finally Destroy the Harmful 'Forever Chemicals' in Our Water](#) GNN 8/22/22
- [Scientists Discover How to Destroy Toxic PFAS – the 'Forever Chemicals'](#)
GNN 02/17/22

** Source - Good News Network