



ENVIRONMENTAL RISK & PFAS LITIGATION CONFERENCE

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Advances in Understanding Microplastics Exposures



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Microplastics at a Glance

- ▶ Recent developments and future trend predictions for microplastics litigation ?
- ▶ Have we gotten better at sources identification?
- ▶ What have we learned about the complex fate and transport?
- ▶ What is the latest research saying about human health risk? And ecological risk?
- ▶ What are the potential coverage triggers for microplastics exposures?

Micro and Nanoplastics Overview

- Microplastics < 5mm in size, nanoplastics <1 micron (0.001mm). Together MNP's
- Ubiquitous
- Often referred to as the 2nd biggest environmental threat next to global warming
- Concerns not only from the plastic itself but also chemical additives in mfg.
- Most common sources are synthetic fabric fibers, tire and road wear particles (TRWP), large plastic breakdown, agricultural operations (mulch, biosolids)
- Very difficult to analyze especially in complex matrices.

Potential Coverages Exposed

Products Pollution

Manufacturing at multiple levels

- Packaging
- End product
- Waste from manufacturing

Site Pollution

Cleanup costs related to effluent and operations

- Particulate plastic in the air and landing on the ground
- Waste from manufacturing/permits?

Contractors Pollution

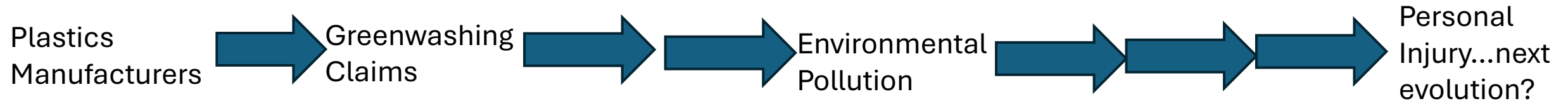
Does your operation include discarding plastics?

- The continued use of a machine grinds down plastic parts
- From contracted operations, is there potential for microplastic migration?

D&O

Did the c-suite know of the potential issues?

Micro and Nanoplastics Litigation Trends



- Similarities thus far to PFAS litigation
 - Initial targets are manufacturers of material at issue
 - Plaintiffs “test the market” with greenwashing claims
 - Data sourcing and forum shopping piggybacking off of prior pollution litigation leads to pollution claims
 - Hold for scientific support to build for personal injury test cases

LITIGATION AND PLASTICS MANUFACTURERS

- Early examples:
 - ***Mayor and City Council of Baltimore v. PepsiCo, Inc. et al.***, Case No. 24-001003
 - ***People of the State of New York v. PepsiCo, Inc. et al.***, Case No. 814682/2023
 - Both cases dismissed at Motion to Dismiss stage
- More recent trends and examples:
 - Above case results have not deterred states, cities, NGOs, etc. from continuing to file similar lawsuits
 - Over two dozen new cases filed since 2024
 - Claims largely focus on public nuisance, although incorporate various state statutes, products liability laws, etc.
 - Recent example of case that survived Motion to Dismiss: ***Sierra Club, Inc. et al. v. Exxon Mobil Corporation et al.***, Case No. 3:24-cv-07288 (CA)

MICROPLASTICS AND GREENWASHING

GMO Free USA v. Waterwipes, No. 2025-CAB-001953, 2025 WL 2269769 (D.C. Super. Aug. 7, 2025)



- Wipes marketed as:
 - “Plastic-free”
 - “Just 2 ingredients”
 - “The world’s purest baby wipes”
- Alleged testing through an independent third-party lab revealed the presence of microplastic particles at levels 387x the control medium
- Dec. 2025: Motion to Dismiss DENIED

Other industries targeted:

Baby bottles (***Cortez v. Handi-Craft Company, Inc.***, Case No. 3:24-cv-03782 (CA))

Food storage (***Linda Cheslow v. S.C. Johnson & Son, Inc.***, Case No. 3:25-cv-03655 (CA))

Bottled water (***Dotson v. CG Roxane, LLC***, Case No. 2:24-cv-02567 (CA))

Micro and Nanoplastics Recent Developments

- Regulatory Developments (State and Federal)
- Emerging health concerns
- Existing Health Report Quality
- Emerging Analytical Techniques
- Product Exposure Updates

MICROPLASTICS AND FUTURE ENVIRONMENTAL POLLUTION LAWSUITS

- Similarities to PFAS pollution claims...
 - Ubiquitous nature of micro or nanoplastics
 - Potential difficulties and high costs with remediation
 - Growing citizen concern over microplastics
 - Difficulties with traceability to specific manufacturers
 - Legal theories would focus on negligence, trespass, property devaluation, possibly medical monitoring
 - Initial targets would be plastics manufacturers and industrial / manufacturing sectors with easy to identify microplastics releases from processes
- But also potential differences in initial approach...
 - Infrastructure damage - clogging or contamination of city drains, filters, etc.
 - Agriculture – “plasticulture” (plastic mulch) application

Questions? Comments? Concerns?