Brian D. Gross Discusses PFAS-Related Federal Litigation in *Legal Newsline* Article

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In a *Legal Newsline* article, MG+M Litigation Partner Brian D. Gross discusses ongoing federal multidistrict litigation involving manufacturers of firefighting foam that can release trace amounts of per-and polyfluoroalkyl substances (PFAS).

In their arguments against thousands of lawsuits over PFAS contamination, foam makers are pointing to federal laws and regulations requiring their customers—military and civilian airports—to use foam that can release PFAS compounds. Gross explains in the article how this requirement may strengthen the manufacturers' argument.

“The defense is basically, 'The government made me do it. I didn't have a choice. There was no wiggle room,” he says. “To the extent that there is migration of PFAS from the firefighting foam, these airports didn't have a choice but to use this PFAS-containing firefighting foam.”

As for the individual plaintiffs, Gross notes the difficulty of proving specific causation, or that a specific manufacturer's chemical caused their injuries, saying, “PFAS is ubiquitous—there are numerous potential sources of exposure. It makes specific causation difficult.”

Gross defends corporations in toxic-tort litigation and is accomplished in the defense of conventional and novel PFAS claims.

Read the full article.

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