Key Trends in PFAS Regulation and Litigation For 2025

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In an article for *Law360*, MG+M The Law Firm Partners Brian Gross and Max Swetman, along with Associate Mikaela Barbour, discuss key trends and insights into PFAS regulation and litigation for 2025.

Excerpt: Per- and polyfluoroalkyl substances (PFAS or forever chemicals) continue to dominate environmental and legal discussions, with regulatory actions and litigation shaping the landscape. This groundwork sets the stage for 2025, where significant transformations are anticipated in PFAS governance, driven by evolving federal and state regulations and escalating legal challenges.

At the federal level, the Environmental Protection Agency's (EPA) designation of PFAS as hazardous substances under Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA) and its stringent maximum contaminant levels (MCLs) for drinking water face intense opposition. Legal challenges center on statutory interpretation, procedural issues and the economic implications of these rules. A court decision against EPA could delay federal initiatives, pushing states to fill the regulatory void with their own standards. Meanwhile, questions persist about the future of EPA's Toxic Substances Control Act (TSCA) reporting rules, with delays and potential funding cuts adding to the uncertainty, especially under a potential Trump administration, which might roll back or slow PFAS regulation.

States are stepping up with bold regulations. California, Maine and Minnesota are at the forefront, implementing bans and restrictions on PFAS in consumer goods. These state-level efforts reflect a growing trend toward localized, comprehensive solutions, such as extended producer responsibility programs that shift PFAS remediation costs to manufacturers. On the litigation front, 2025 will see critical developments in the aqueous film-forming foam (AFFF) multidistrict litigation (MDL) cases. Bellwether trials involving telomer water providers and personal injury claims are set to address pivotal causation issues, potentially establishing precedents for future cases.

The convergence of federal and state regulatory action, combined with high-stakes litigation, ensures that 2025 will be a transformative year for PFAS regulation and litigation, shaping environmental accountability and corporate responsibility for years to come.

The full article is available for viewing, though access requires a subscription.

Brian and Max are slated to present at the PLASTICS Industry Association 2025 Fluoropolymers Conference on, “Navigating Legal Challenges in the Fluoropolymers Industry.” View the agenda and register for the conference.

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