Expanding PFAS Liability: City of Savannah, Georgia's Wake-Up Call

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The legal landscape surrounding per- and polyfluoroalkyl substances (PFAS) is rapidly evolving, with industrial users now facing heightened risks, even if they never directly manufactured these chemicals. This shift is underscored by a recent lawsuit filed in Georgia by the city of Savannah on February 5, 2025. Not only does the city's lawsuit target PFAS manufacturers, but it also asserts claims against companies that are alleged to have discharged PFAS-contaminated effluent into local waterways. This development challenges the long-held assumption that liability falls solely on chemical producers and signals a broader trend in which businesses that unknowingly used PFAS in their operations—whether through contaminated raw materials or industrial processes—may now be held accountable. As litigation expands beyond manufacturers to include end users and indirect contributors, companies must reassess their environmental risk exposure and legal preparedness.

Notably, the implications of this lawsuit extend far beyond the city of Savannah. It highlights a critical issue: corporate liability for PFAS contamination may not depend on intentional use, but rather, historical practices that were once deemed legally compliant. Many businesses unknowingly incorporated PFAS-containing materials into their operations, under the assumption that adherence to existing discharge permits would protect them from future claims. However, as plaintiffs seek damages for environmental remediation and alleged health impacts, prior regulatory compliance may prove to be an insufficient defense. Given this shift, companies must be proactive and conduct internal audits, review legacy insurance policies, and implement risk management strategies. With PFAS litigation gaining momentum across the country, businesses that fail to assess their historical use of these chemicals may find themselves facing significant financial and reputational consequences.

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