

The Forever Chemical in New Jersey: Liability and Insurance

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Robert M. Horkovich is "the 'go-to person' in the area of insurance recovery," according to a client cited by Chambers USA, which has recognized Mr. Horkovich as a leading insurance recovery attorney every year since 2005. According to Chambers, Mr. Horkovich "has a strong 'client-first' attitude" and "is recognized in the market for his leading trial and negotiation skills, with an undisputed national presence."

Bob has obtained over \$5 billion in settlements and judgments from insurance companies for his clients. Bob is a trial lawyer with substantial experience in trying complex insurance coverage actions on behalf of corporate policyholders and governmental entities. His victories include one of the top 10 jury verdicts in the United States, the top insurance recovery jury verdict in the United States, seven landmark state Supreme Court decisions, eight jury verdicts and nine bench trial decisions in favor of the policyholder.



CAMERON ARGETSINGER

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Cameron R. Argetsinger is a Shareholder in the D.C. office of Anderson Kill. He focuses his practice on insurance recovery counseling and dispute resolution.

Cameron has represented corporate policyholders in a broad range of insurance coverage disputes, including claims involving coverage for cyber liability, directors' and officers' liability, employment practices liability, environmental contamination, antitrust litigation, flood and hurricane damage, intellectual property liability, false advertising, lead-based paint, asbestos, the False Claims Act and overseas tort liabilities.

In addition to insurance recovery, Cameron has represented clients in a wide range of administrative and commercial disputes, including false advertising, construction design defects, international trade and class action litigation.

Recognized as a Washington, D.C. Super Lawyers "Rising Star," Cameron has represented clients in trial and appellate courts and arbitration tribunals all over the U.S., including federal and state courts in Virginia, Ohio, New York, Illinois, North Carolina and the District of Columbia, as well as the U.S. Court of International Trade. Moreover, he has successfully resolved many claims on behalf of policyholders through negotiations prior to filing litigation.



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Art Clarke is an experienced environmental attorney, consultant and senior director who specializes in providing litigation and expert witness support to nationally recognized law firms, corporations and governmental clients. With over 40 years of experience, Art is an accomplished litigation and regulatory manager who has overseen numerous expert cases in federal and state courts, arbitrations, mediations and administrative law courts. Art brings both trial experience and technical know-how to the litigation field and has testified on the legal interpretations of some of the most complex regulations in the country.

As the Senior Director of the litigation support and expert witness services group, Art provides technical and regulatory strategies regarding cost recovery and contribution lawsuits under CERCLA, state law equivalents and the common law. He also has provided oversight on multi-party CERCLA allocation cases involving the cleanup of landfills, industrial manufacturing sites, sediment sites, marshlands, former defense facilities and refineries across the United States.

He regularly provides expertise and strategy consulting on cases involving cost recovery and contribution, toxic torts, natural resource damages, environmental class actions and allocations at NPL Superfund, state-lead and government-owned Sites.

Art is admitted to practice law in the states of New Jersey, New York and the District of Columbia. He is also admitted to practice in the federal courts in New Jersey and New York.



MATTHEW SINKMAN

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Mr. Sinkman represents plaintiffs and defendants in Superfund and other litigation matters regarding the cleanup of hazardous waste sites. He also represents buyers, sellers, and developers of contaminated properties, including parties seeking qualification for tax credits and other benefits provided by New York State's Brownfield Cleanup Program. Mr. Sinkman's practice also includes assisting clients with a wide variety of environmental compliance matters.

Mr. Sinkman is a former Assistant Attorney General in the New York State Office of the Attorney General's Environmental Protection Bureau. In that role, he represented New York State and its agencies in Superfund matters; litigation against the federal government and private parties seeking in excess of \$50 million for PFAS contamination at 69 sites; litigation against an international organization seeking more than \$40 million in flooding damages; and other environmental enforcement matters.

Prior to joining the Attorney General's Office, Mr. Sinkman was in private practice in New York City. He also served as a law clerk to the Honorable Richard Owen of the U.S. District Court for the Southern District of New York.

Mr. Sinkman is a member of the Executive Committee of the Environmental and Energy Law Section of the New York State Bar Association and Co-Chair of the Section's Enforcement and Compliance Committee. He also is a member of the Board of Directors of the New York City Brownfield Partnership. Mr. Sinkman regularly writes about environmental law issues and speaks on environmental law programs hosted by the Section, the NYC Brownfield Partnership, and other organizations.



P F A S

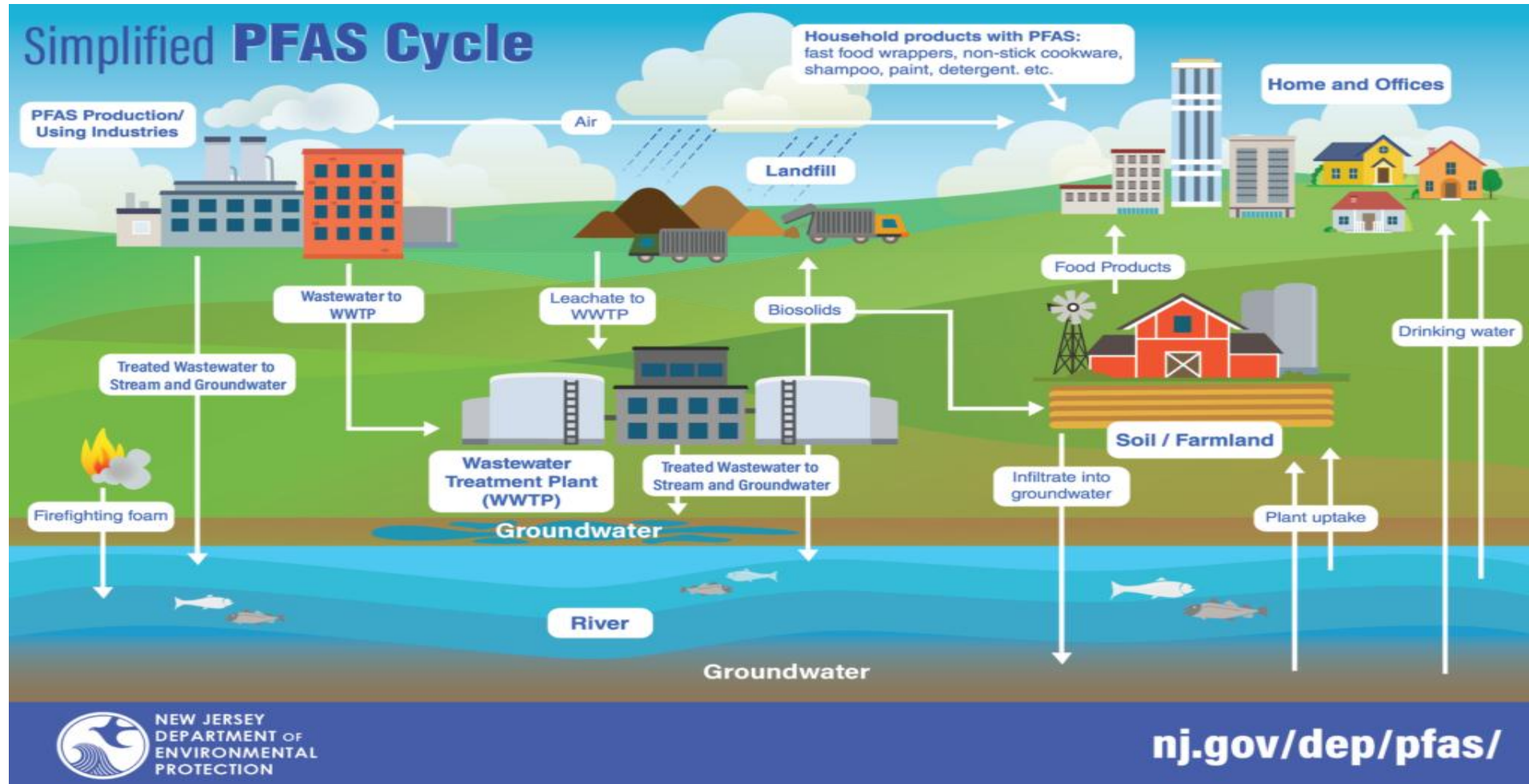
New Jersey
Regulatory Update
July 2025

PFAS Regulatory Implementation

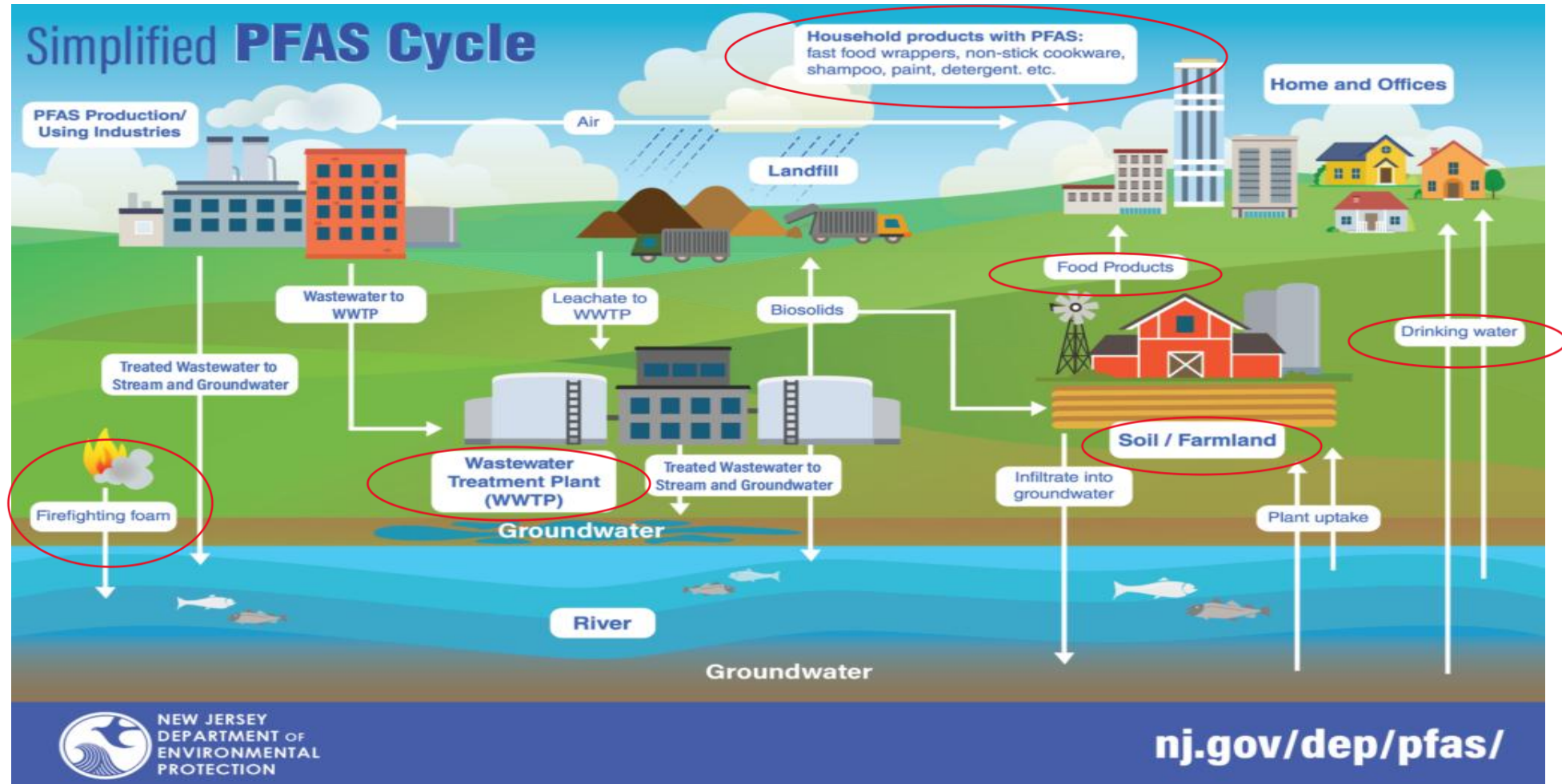
- PFAS stands for “per- and polyfluoroalkyl substances”
- PFAS are a large class of synthetic chemicals with unique chemical & physical properties that make many of them extremely persistent and mobile in the environment
- Processing aid in production of fluoropolymer plastics used in:
 - Non-stick cookware
 - Waterproof/breathable clothing
 - Chemical/heat resistant industrial products.
 - Water & stain resistant coatings
 - For carpets & upholstery
 - Grease-proof food packaging
 - Aqueous film forming foams (AFFF)



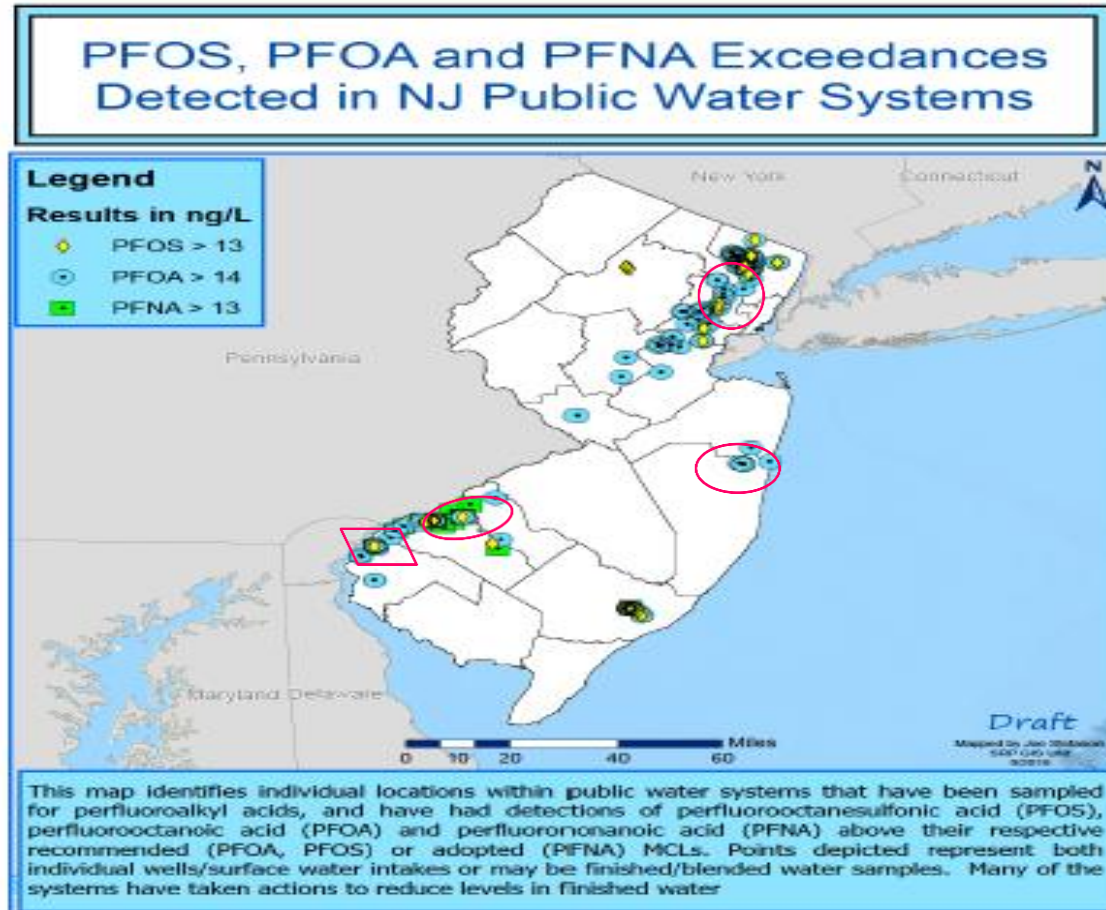
NJDEP—PFAS Regulatory Implementation



NJDEP—PFAS Regulatory Implementation



New Jersey PFAS in Drinking Water

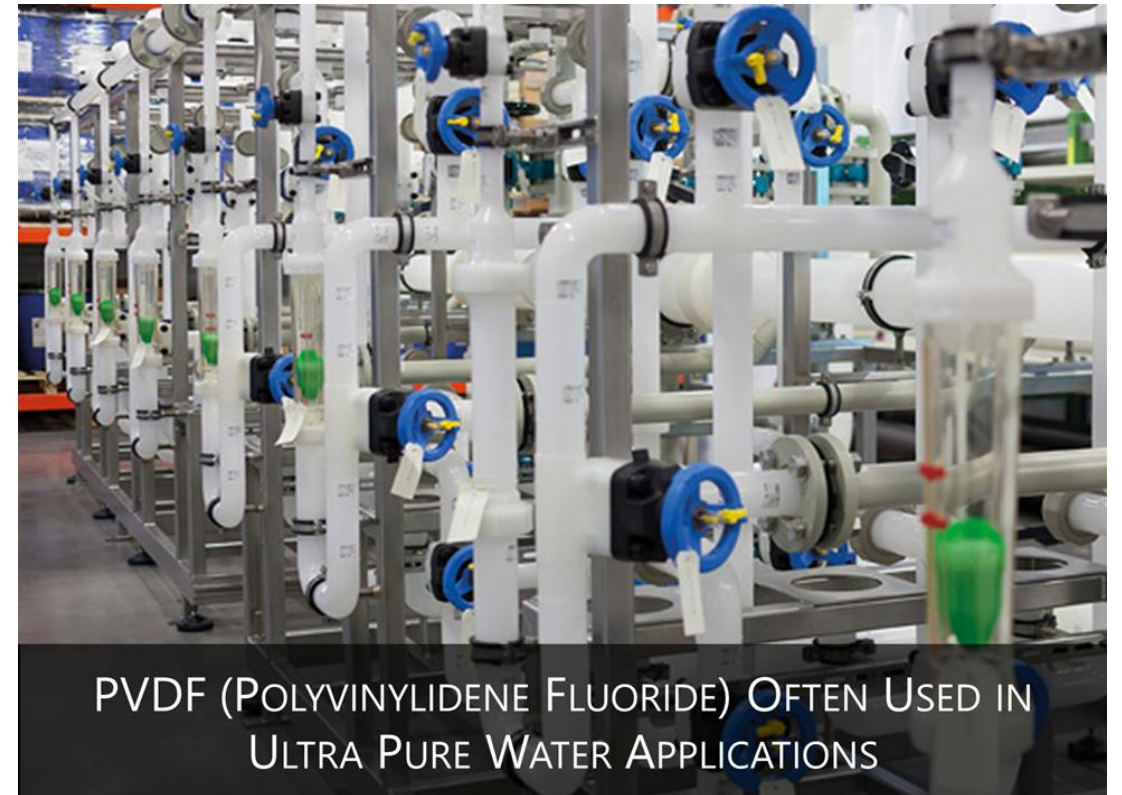


Current New Jersey PFAS Drinking Water Maximum Contaminant Levels- 2025 Parts Per Trillion (ppt or ng/L)

Compound	Final MCLG	Final MCL (enforceable levels) ¹	NJDEP MCLs (ppt)
PFOA	Zero	4.0 ppt	14
PFOS	Zero	4.0 ppt	13
PFHxS	10 ppt	10 ppt	N/A
PFNA	10 ppt	10 ppt	13
HFPO-DA (commonly known as GenX Chemicals)	10 ppt	10 ppt	N/A
Mixtures two or more of PFHxS, PFNA, HFPO-DA, and PFBS	Hazard Index=1	Hazard Index = 1	N/A

Why PFNA in NJ?

- PFOA was a processing aid for the polymerization of PTFE (Teflon)
- PFNA was a processing aid for the polymerization of Polyvinylidene difluoride (PVDF) – a high-performance specialty polymer
- Solvay used a PFNA based processing aid, Surflon S-111 at their West Deptford Plant to process PVDF
- Solvay Signed a \$394 Million Settlement with NJDEP in 2023
- Other sources of PFNA being explored
- Firefighting Foam?



Source https://pvcpipesupplies.com/what-is-pvdf?srltid=AfmBOooR9CC_qOv3cBWq4SeJLDQS5eFTc2De4WQgEDze4KNYnaxlqjX_

NJDEP—2025-2029 PFAS Regulatory Implementation: Drinking Water

- Federal USEPA MCLS will require NJ drinking water systems to reduce PFOA and PFOS concentrations to even lower levels in drinking water and will address three additional PFAS not currently regulated in NJ.
- State standards may not be higher (less strict) than federal standards. Now that the USEPA has adopted national MCLs, New Jersey public water systems will be required to start compliance actions [initial testing, monitoring and public notice] with the lower USEPA standards no later than 2027
- Currently USEPA's lower limits of 4 ppt for PFOA and PFOS are set at the Practical Quantitation Limit (PQL) – Laboratory method limit of detection - since the actual MCL is zero. NJDEP will set the same standards.

Source: NJDOH April 2024

NJDEP—2025-2029 PFAS Regulatory Implementation: Drinking Water

- Public water systems must monitor for these PFAS and have three years to complete initial monitoring (by 2027), followed by ongoing compliance monitoring. Water systems must also provide the public with information on the levels of these PFAS in their drinking water beginning in 2027.
- Public water systems have five years (by 2029) to implement solutions that reduce these PFAS if monitoring shows that drinking water levels exceed these MCLs.
- “Only strong **nationwide standards** can ensure that every single American gets clean, safe drinking water free from PFAS forever chemicals that can endanger our health,” said New Jersey Environmental Protection Commissioner Shawn M. LaTourette

NJDEP: Ground Water Quality Standards

- Analysis of PFNA, PFOA, and PFOS is required in the Characterization of the Quality of the Discharge Data to be submitted in the application for a Discharge to Ground Water (DGW) permit. (N.J.A.C. 7:10-5.1 and 5.2)
- Ground Water Quality Standards (GWQS) for PFAS (N.J.A.C. 7:9C)
 - PFOS – 13 ppt
 - PFOA - 14 ppt
 - PFNA – 13 ppt
- Private Well Testing Act (PWTa). The PWTa is a consumer information law established in 2002 that requires private wells to be tested by a certified laboratory during real estate transfer and requires landlords to test well water supplied to tenants every five years and provide results.

NJDEP—2025-2029 PFAS Regulatory Implementation: Drinking Water

- By 2029 – New Jersey public water systems must take action to reduce levels of these PFAS in drinking water to Federal MCLs
- HOW?
 - Treatment Systems
 - Granulated Activated Carbon (GAC)
 - Ion Exchange Systems
- How Much \$\$\$?
 - Bluefield forecasts drinking water utilities will spend nearly \$13.5 billion between 2023 and 2030 on PFAS retrofits - primarily dedicated to the installation of granular activated carbon (GAC) filtration.
 - Middlesex Water Company ~ \$52 Million PFAS treatment Plant Costs
- Is It Too Big To Treat?

NJDEP—PFAS Under the State’s Water Pollution Control Act (Wastewater)

- Administrative Order (AO No. 2023-01) applicable to:
 - State’s NJPDES Program
 - Waste Water Treatment Plants (WWTPs)
 - Significant Industrial Users (SIUs) permitted by the Department (i.e. Treatment Entities)
 - WWTPs with approved Industrial Pretreatment Programs, referred to as Delegated Local Agencies (DLAs).
- The AO does not prohibit or regulate the concentration of PFAS in wastewater;
- The AO calls for the NJDEP to “proactively evaluate and reduce potential sources of PFAS, including, but not limited to, evaluating the presence of PFAS in wastewater discharges and considering requirements for the reduction of PFAS in such discharges” in an effort “to better understand” PFAS in wastewaters.

NJDEP—PFAS Under the State's Contaminated Site Remediation and Redevelopment Program (CSRR)

- Mission: To reduce the number of contaminated sites in New Jersey to ensure the protection of public health and the environment and ready sites for redevelopment
 - Brownfields
 - Licensed Site Remediation Program (LSRPs) – Regulations and Guidance Documents
 - Underground Storage Tanks (USTs and UHOTs)
 - Child Care Centers
 - Industrial Site Recovery Act (ISRA formerly ECRA)
 - New Jersey Spill Act – Liability and Funding Programs
 - Contaminants of Emerging Concern (CECs) – PFAS, 1,4 Dioxane, etc.
- When the site or area of concern under remediation is currently or was formerly occupied by facilities that, after appropriate assessment, were suspected of manufacturing, storing, handling, or using CECs (PFAS), LSRPs must consider these contaminants during the investigation and remedial action.

NJDEP—PFAS Under the State's Contaminated Site Remediation and Redevelopment Program (CSRR)

- GOAL: Determine if PFAS is a contaminant of concern and if further investigation or remediation is required
 - Site Specific Analysis Required
 - Site Manufacturing and Disposal Histories
 - Air, Water and Waste Discharge Histories
- Evaluation does not necessarily require sampling
- Multiple lines of evidence should be considered to track whether sampling and possible remediation is mandated.
- This evaluation requires the LSRP to look at the history of a site undergoing an investigation under the CCSR on a site-specific basis to decide if the operations at the site may have involved PFAS.

NJDEP Site Remediation Program

Contaminant	Groundwater Remediation Standard (µg/L)	Soil Remediation Standard: Ingestion-Dermal Residential (mg/kg)	Soil Remediation Standard: Ingestion-Dermal Nonresidential (mg/kg)	Soil Remediation Standard: Migration to Groundwater (mg/kg)	Soil Leachate Remediation Standard: Migration to Groundwater (µg/L)
GenX	0.02	0.23	3.9	Area of Concern / Site-Specific	0.40
PFNA	0.013	0.047	0.67	Area of Concern / Site-Specific	0.26
PFOS	0.013	0.11	1.6	Area of Concern / Site-Specific	0.26
PFOA	0.014	0.13	1.8	Area of Concern / Site-Specific	0.28

Quick Review of Federal PFAS Programs That Apply in New Jersey

- **Safe Drinking Water Act**
 - Stricter MCLs for PFAS
 - Stricter Reporting
- **Resource Conservation and Recovery Act (RCRA):**
 - Listing of Nine PFAS as RCRA Hazardous Constituents
 - Definition of Hazardous Waste to include PFAS Applicable to Corrective Action for Solid Waste Management Units (SWMUs)
- **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**
 - Designated PFOA and PFOS as ‘hazardous substances’ under CERCLA
 - Impacts closed sites where the remedy has been completed and/or under CERCLA’s five-year review process.
 - USEPA and other parties may assert new claims for cost recovery and contribution
- **Toxics Release Inventory (TRI) - Addition of Certain PFAS for Reporting Year 2026**

USEPA—2025 PFAS Regulatory Agenda:

Executive Order - January 20, 2025

1. Do not propose or issue any rule in any manner, including by sending a rule to the Office of the *Federal Register* (the “OFR”), until a department or agency head appointed or designated by the President after noon on January 20, 2025, reviews and approves the rule.
2. Immediately withdraw any rules that have been sent to the OFR but not published in the *Federal Register*, so that they can be reviewed and approved by the Department heads.
3. Consider postponing for 60 days from the date of this memorandum the effective date for any rules that have been published in the *Federal Register*, or any rules that have been issued in any manner but have not taken effect, for the purpose of reviewing any questions of fact, law, and policy that the rules may raise.

Regulation of PFAS in the Stream of Commerce

- NJDEP's PFAS regulations have predominantly been focused on impacts originating from the manufacture, use, storage, and discharge of Aqueous Film Forming Foam (AFFF), Teflon and Fluorosurfactants in drinking water and environmental media
- Other States are Regulating PFAS in the Stream of Commerce and their Direct Impacts on Human Health
 - Non-stick cookware
 - Waterproof/breathable clothing
 - Chemical/heat resistant industrial products
 - Water and stain resistant coatings on carpets and upholstery
 - Sludge/Biosolids- Fertilizer; and
 - Food and Food Packaging
- Point of Origin and End of Life Products Regulation

Regulation of PFAS in the Stream of Commerce

- **Maine – L.D. 130**

- The law establishes agricultural limits for PFAS and provides testing, technical, and financial assistance to farmers and on-farm mitigation efforts.
- If a maximum PFAS limit is exceeded, the state may prohibit the commercial sale of those products that exceed the maximum thresholds.
- PFAS in food MCLS:
 - Beef - PFOS Action Level for beef at 3.4 parts per billion (ppb)
 - Milk - PFOS Action Level of 210 parts per trillion (ppt).

- **California, Colorado, Maine, Maryland, Minnesota, New Mexico, and New Jersey**

- Introduced legislation limiting PFAS content in textiles and other consumer products

- **California:** Compliance testing for textiles which need to be below 100 ppm in a Total Organic Fluorine (TOF) test, reducing to 50 ppm in 2027.

Regulation of PFAS in the Stream of Commerce

- **Colorado** - recently enacted its proposed legislation (SB24-081) into law that will impose a ban on the sale and distribution of products containing “intentionally added” PFAS.
- **New Jersey** – Banning use of PFAS in Fire Fighting PPE
- **Apparel Bills**
 - California AB 1817 – No intentionally added PFAS with some exceptions from 2025
 - NY 37-0121 – Banning use of PFAS in apparel, starting in 2027 testing limits to be introduced.
 - Minnesota 116.943 (5)(a)(6) no products allowed to be sold with intentional PFAS fabric treatments

PFAS State Laws (continued)

- **Minnesota** - Law 116.93 first took effect January this year which prohibited PFAS in products designed for children under 12, major effect has been the withdrawal of juvenile ATVs and motor bikes in the state



PFAS Litigation and Regulation in New Jersey & Beyond: What You Need to Know

July 10, 2025

Matthew J. Sinkman

Presentation Outline

1. Significant potential health effects
2. Many exposure routes – PFAS are ubiquitous and in all of us
3. Issues for litigators, regulated community, consultants

Health Effects – According to EPA

- **“Increased risk of some cancers**, including prostate, kidney, and testicular cancers.”
- **“Reproductive effects** such as decreased fertility or increased high blood pressure in pregnant women.”
- **“Developmental effects or delays in children**, including low birth weight, accelerated puberty, bone variations, or behavioral changes.”

Exposure Routes – PFAS Are in All of Us

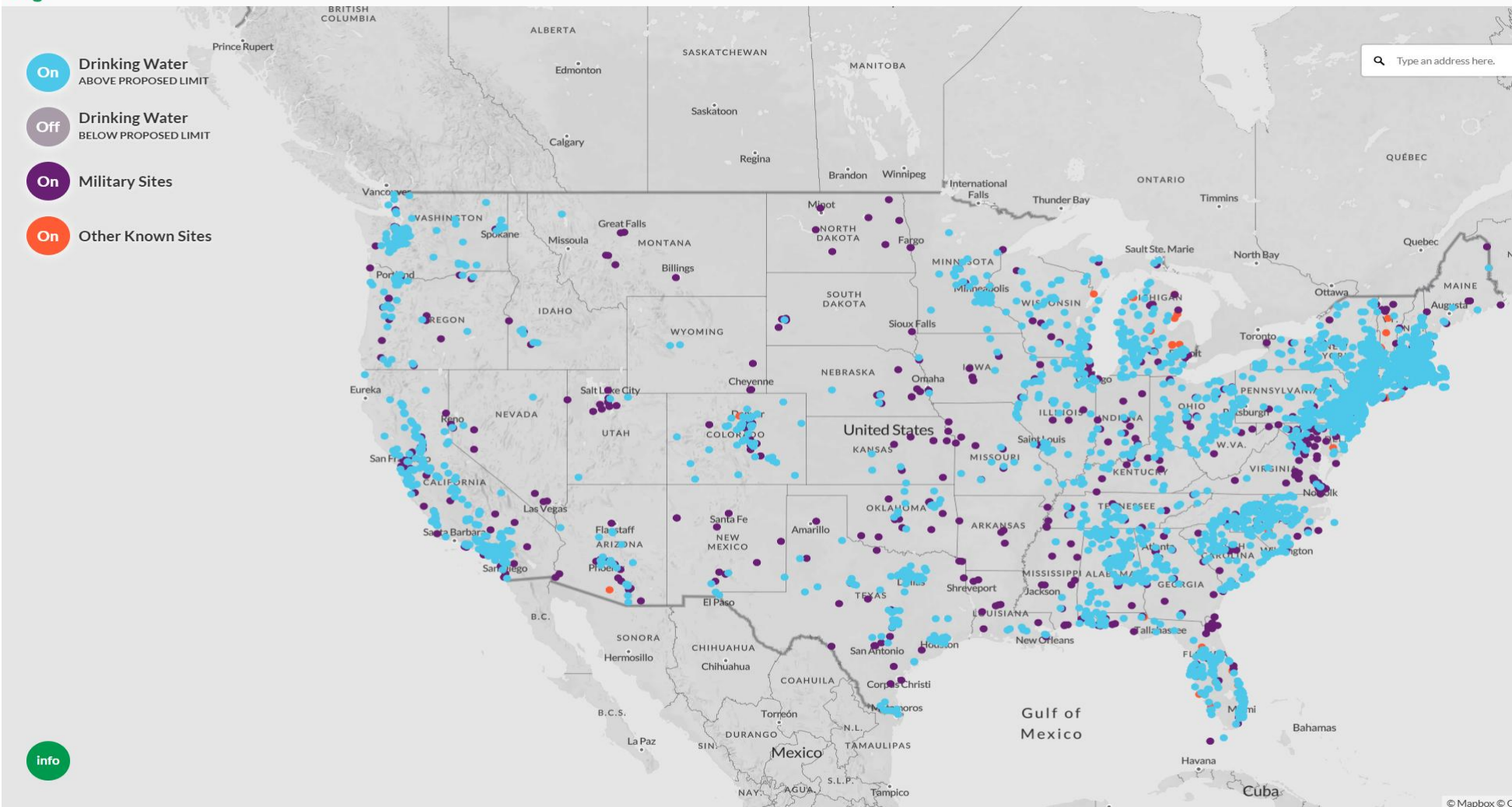
According to the ATSDR, “[i]ngestion of food and water is a main route of PFAS exposure.” ATSDR/EPA cite:

- Drinking water
- Agriculture near PFAS sources or using contaminated biosolids
- Chemical production, plating, electronics, textiles, paper manufacturing
- Grease resistant food-packaging
- Dust/other
 - Stain-resistant fabrics, carpets, clothing
 - Personal care products (makeup, dental floss)
 - Paints, varnishes, sealants

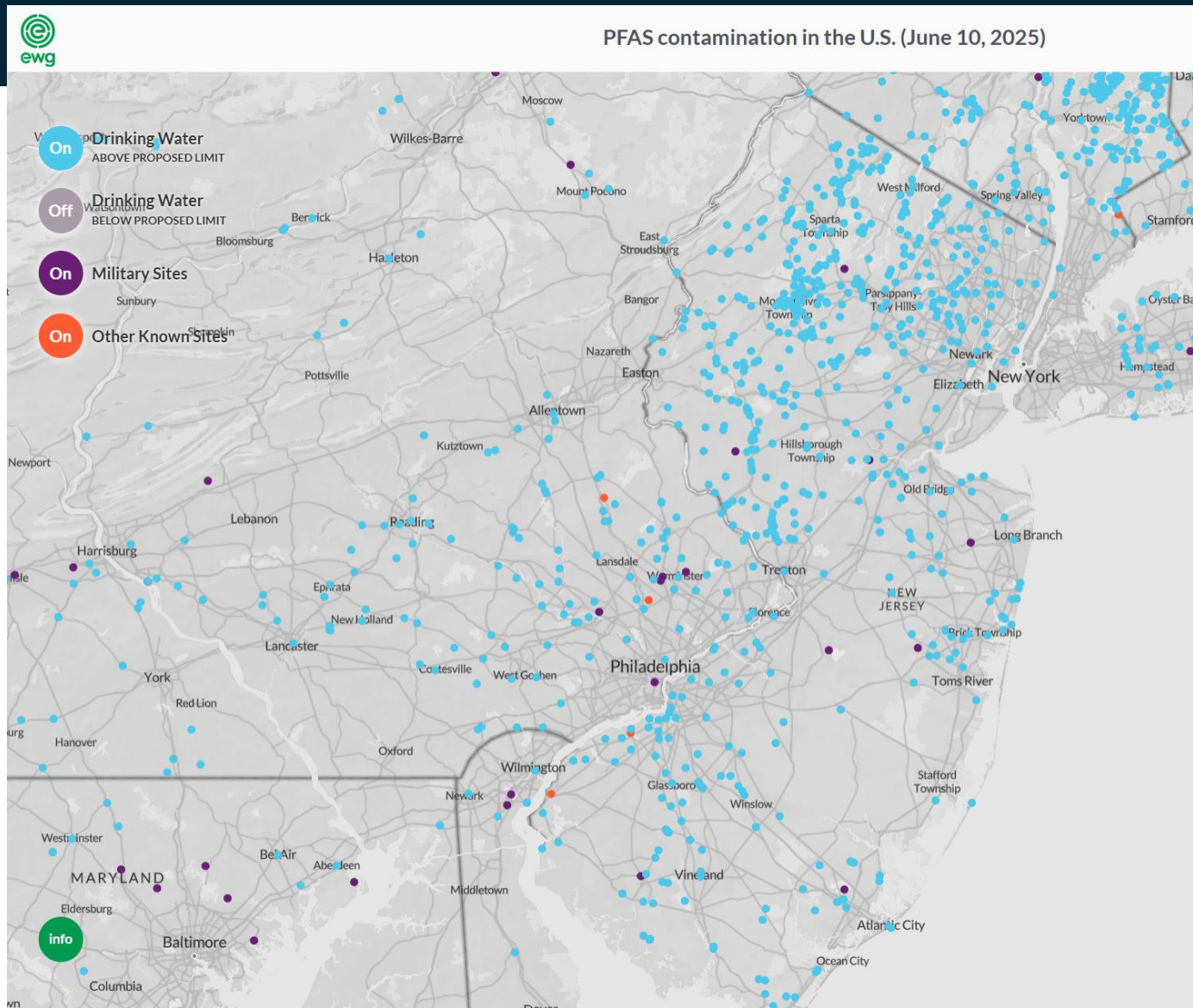
Exposure Routes – Drinking Water



PFAS contamination in the U.S. (June 10, 2025)



Exposure Routes – Drinking Water in New Jersey



Aqueous Film-Forming Foam (AFFF)

- Designed to extinguish hydrocarbon fires, but mostly used in firefighting training.
- Used at Dept. of Defense sites, airports, firefighting training centers, industrial fire suppression systems, other.

Litigation – Aqueous Film-Forming Foam (AFFF)

- Multi-district litigation (MDL) in South Carolina (~11,000 cases), with several case types:
 - Water utilities (for remediation and testing)
 - Personal injury (bellwether trials beg. in October)
 - Medical monitoring
 - States (for natural resource damages (NRD) and response costs)
 - Property damage

Litigation – Aqueous Film-Forming Foam (AFFF)

- MDL includes claims against federal government (sovereign immunity waiver under CERCLA, SDWA, CWA, Federal Tort Claims Act).
- Manufacturers have potential “government contractor immunity defense”

Litigation in New Jersey – Settlements

- Water utilities in AFFF MDL: **~\$13 billion** settlements in 2024 with 3M, DuPont, others (New Jersey will receive \$300 - \$500 million)
- Specific New Jersey facilities:
 - Solvay Specialty Polymers (Gloucester County) – **\$393 million** for remediation and NRD (2023)
 - 3M Chambers Works and Parlin site (Salem and Middlesex Counties) – up to **\$450 million** (May 2025)
 - Recovery will be used for remediation and NRD at site and Statewide.
 - Resolves Statewide claims by New Jersey in AFFF MDL and in separate suit for Consumer Fraud Act claims re: sale, manufacturing, etc.

Litigation in New Jersey – Trials

- *New Jersey v. DuPont* et al. – federal trial currently proceeding re: Chambers Works site in Salem County (manufactured specialty chemicals, refrigerants, etc.).
 - Spill Act
 - Brownfield and Contaminated Site Remediation Action
 - Water Pollution Control Act
 - Defenses, including government contractor defense
 - Fraudulent transfer/ISRA claims
 - Jury trial re: negligence, strict liability, natural resource damages

Other Potential Types of Claims and Regulatory Requirements

- Site Remediation Reform Act
- Solid Waste Management Act
- Air Pollution Control Act
- Consumer claims

Regulatory Compliance

- Drinking Water MCLs (federal)
 - PFOA and PFOS : 4 ppt
 - PFNA, PFHxS, and HFPO-DA (Gen-X): 10 ppt
 - Certain mixtures: hazard index of 1
- Ground Water Quality Standards (New Jersey)
 - PFOA: 14 ppb
 - PFOS and PFNA: 13 ppb
- Interim Soil Remediation Standards
- Biennial RAP certifications, Five-Year Reviews

Regulatory Compliance – Legal and Technical Considerations

- Are PFAS driving the remedy? (Note EPA 2024 Enforcement Discretion Policy.)
- Monitored natural attenuation or other remedies may be appropriate.
- Contribution – consider conceptual site models; multiple potential sources (including historic uses and background levels); fingerprinting; etc.

Wrapping Up

- Conclusion
- Questions/Discussion

THE FOREVER CHEMICAL IN NEW JERSEY: LIABILITY AND INSURANCE

July 10, 2025

Robert Horkovich, Cameron Argetsinger

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PFAS: Legal Liability Landscape

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PFAS Litigation Trends

- Highly publicized cases against PFAS manufacturers such as DuPont, 3M, Tyco, Chemours, Solvay, others
- Suits against PFAS users – use in coating applications – water proofing in shoes, carpet manufacturers, paper mills, etc.
- Use in fire fighting foam – suits against airports, fire departments



PFAS Litigation Trends (cont.)

- Suits by water districts
- Greenwashing litigation
- Consumer labeling class actions
- Environmental justice



Underlying PFAS Action Settlements

- **\$1.2 billion** - DuPont, Chemours and Corteva (2/8/24)
- **\$12.5 billion** - 3M (4/1/24)
- **\$316.5 million** - BASF Corp. (5/20/24)
- **\$750 million** - Tyco (Johnson Control sub) (6/11/24)
- **\$730 million** - Carrier Global (10/18/24)
- **\$450 million** - 3M (5/12/25): (*Chamber Works manufacturing facility, Salem County, New Jersey*)

“Greenwashing” Class Actions

Plaintiffs allege economic injury where products are labeled and marketed as “eco-friendly,” “green,” “all natural,” “clean,” “organic,” or similar, but independent testing found that the products contain PFAS.

- **Smartwatch wristbands** – Apple and Samsung
- **Candy wrappers** – Hershey
- **Band-Aids** – Johnson & Johnson
- **Tampax** – Procter & Gamble
- **Baby wipes** – Kirkland/Costco

Insurance Coverage for PFAS Liabilities

POTENTIAL INSURANCE COVERAGE: Historic CGL Insurance Policies

- **Historic Liabilities:**

- PFAS has been in commercial use since the 1950s

- **Historic CGL Insurance Policies:**

- CGL policies respond to accidents/injuries that occur during the policy period

- **Continuous “Trigger” of Coverage for “Long-Tail” Claims**

- All policies are triggered from time of initial exposure through discovery or manifestation of injury
- *Owens-Illinois v. United Ins. Co.*, 138 N.J. 437 (1994) (asbestos context)

Coverage Challenge: Pollution Exclusions

- **Pre-1986 “Standard” CGL Pollution Exclusions:**

- Limited application in NJ
- Courts required intentional discharge of known pollutants
 - *Morton Intern. v. General Accident Ins. Co. of Am.*, 134 N.J. 1 (1993)

- **Post-1985 “Absolute” Pollution Exclusions:**

- Far more restrictive, but only applies to “traditional environmental pollution”
 - *Nav-Its v. Selective Ins. Co. of Am.*, 183 N.J. 110 (2005)
- Potential exceptions:
 - Product/Completed Operations claims (products used for intended purpose)
 - Substances used in manufacturing process that do not escape into the outside environment

Coverage Challenge: Allocation

- **Allocation:** *apportioning coverage over multiple triggered years*
- ***All Sums v. Pro Rata***
 - All Sums: Policyholder can choose which triggered policy pays first
 - Pro Rata: Payment responsibility divided among all triggered policies on a pro rata basis
- **New Jersey Approach: Pro Rata**
 - *Policy limits x years of coverage*
 - *Owens-Illinois v. United Ins. Co.*, 138 N.J. 437 (1994)

Potential Liability Insurance Benefits

What's Covered?

Defense

- Pays for:
 - Fees of lawyers defending lawsuits or dealing with environmental Authorities
 - May pay for investigation: RI/FS costs
 - Test: whether there is any possibility of coverage

Indemnity

- Pays for:
 - Settlements
 - Judgments
 - Clean-Up Costs

PFAS Lawsuits Must Be Defended

- **Insurance companies ordered to defend 3M in PFA lawsuits. 3M's motion for summary judgment granted re: insurance company breach of contract.**
 - *Wolverine World Wide Inc. v. American Ins. Co.*, 2021WL 5548103 (W.D. Mich. 2021).
- **Insurance company ordered to defend PFA lawsuits against policyholder.**
 - *James River Ins. Co. v. Dalton-Whitfield Regional Solid Waste Management Authority*, (N.D. Ga. 2022).
- **Manufacturer of firefighter foam was owed duty to defend hundreds of cases brought by firefighters.**
 - *Colony Ins. Co. v. Buckeye Fire Equipment Co.*, 2020 WL 152381 (WDNC 2020); aff'd.; 2021 WL 5397595 (4th Cir. 2021).

Practical Steps for Securing Coverage for PFAS Liabilities

What To Do If You Have a Claim

- **NOTICE**

- **Notice of An Occurrence** (An Event or Happening That Might Result in a Claim Against the Policyholder).
- **Notice of A Claim** (Claim or Threat Against Policyholder).
- **When?** Now.
- **To Whom?** Everyone.
- **How?** In Writing.

Finding Pre-1986 Insurance Policies

- Own Insurance Files (Insurance - Risk Management Department/Comptroller/GC/ (Storage)
- All Brokers/Agents (Existing and Old)
- Outside Accountants (Policy Premium Payments)
- Outside Counsel (Who Paid Defense Costs?)
- U.S. Navy (Maryland Warehouse)
- Insurance Archeologists

Finding Pre-1986 Insurance Policies (cont.)

- Determine whether that coverage has been settled and released or eroded or exhausted.
- No need to have actual policy if you can prove existence, limits, time period and level.



What's Next?

- Identify/Collect/Preserve Records
- Determine Policy Erosion/Settlement/ Release
- Provide Reasonable Cooperation (to Assist Reinsurance Claim If Nothing Else)
- Provide Updates
- Value Claim
- Discuss Settlement
- Cost/Benefit Analysis of Pursuing Coverage

Pursuing Coverage for PFAS Claims

- Once notice is given, a policyholder can expect a denial or reservation of rights from its insurance company.
- This is when the company should consider if it is worth pursuing the matter.
- Companies should look to valuable pre 1986 general liability or later policies to ameliorate this exposure.

Questions & Answers

THANK YOU

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