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Navigating the PFAS Maze: Environmental, Legal and Commercial Impacts

February 20, 2026

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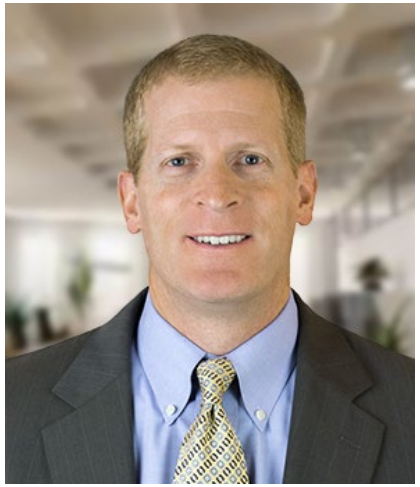
Today's Presenters



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AGENDA

- “PFAS” Definitions and Chemistry
- PFAS History and Litigation
- PFAS Regulatory Landscape
- In what ways could PFAS touch operations?
- What are PFAS risk points?
- What’s ahead?

Businesses Potentially Impacted by PFAS

- **Virtually all business are or will be impacted by PFAS at some point**
  - Manufacturing
    - Chemical, plastics, printing and coating, gaskets and seals, flooring
    - Public and private utilities
  - Development (industrial, commercial and residential)
  - Investment banking
  - Computer technology
  - Others (retail, food service, construction, etc.)

Definition(s) and Chemistry of PFAS

Per- and polyfluoroalkyl substances (***PFAS***)

Electrochemical Fluorination (ECF)

- ***PFOS*** (C8)
- PFOA (branched) (C8)
- PFHxS (C6)

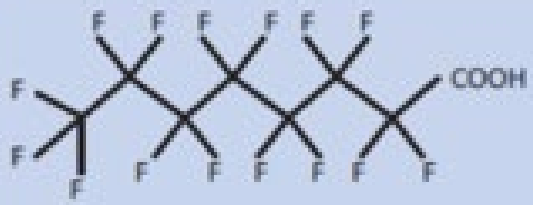
Telomerization

- PFOA (linear) (C8)
- PFHxA (C6)

Definition(s) and Chemistry of PFAS

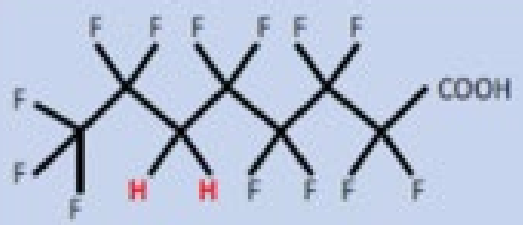
- Per- and polyfluoroalkyl substances (PFAS) are a large group of manufactured substances that contain at least one fully-fluorinated carbon atom (not naturally occurring).
- Manufactured in two ways – Electrochemical fluorination and telomerization

Example of perfluorinated compound (fully fluorinated)



- All H atoms on all C atoms in the alkyl chain attached to the carboxylic acid functional group are replaced by F
- This is a: PFAS, perfluoroalkyl acid (PFAA), perfluoroalkyl carboxylic acid (PFCA)
- Specifically, this is perfluorooctanoic acid, CAS number 335-67-1

Example of polyfluorinated compound (partially fluorinated)



- The alkyl chain attached to the carboxylic acid functional group is polyfluorinated
- This is a: PFAS, polyfluoroalkyl acid, polyfluoroalkyl carboxylic acid
- Specifically, this is 2,2,3,3,4,4,5,5,7,7,8,8,8- trideca-fluorooctanoic acid

Definition(s) and Chemistry of PFAS (cont.)

There is no universally accepted definition of PFAS and the definition continues to evolve. The more the definition evolves, the more technical it becomes.

Perfluoroalkyl and Polyfluoroalkyl Substances in the Environment: Terminology, Classification, and Origins

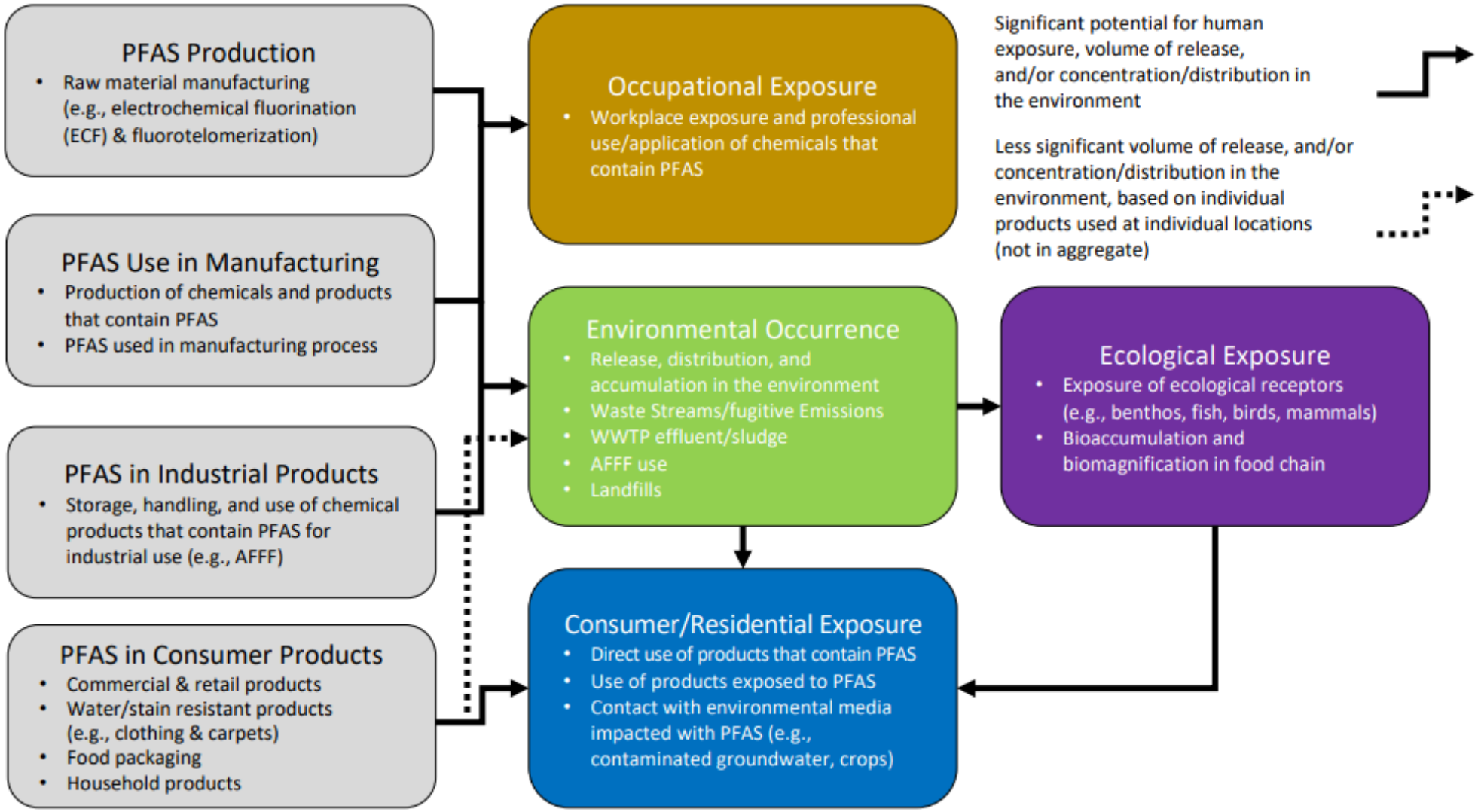
Robert C Buck,† James Franklin,‡ Urs Berger,§ Jason M Conder,‖ Ian T Cousins,§ Pim de Voogt,# Allan Astrup Jensen,†† Kurunthachalam Kannan,‡‡ Scott A Mabury,§§ and Stefan PJ van Leeuwen‖‖*

▸ iScience. 2022 Mar 2;25(4):104020. doi: 10.1016/j.isci.2022.104020

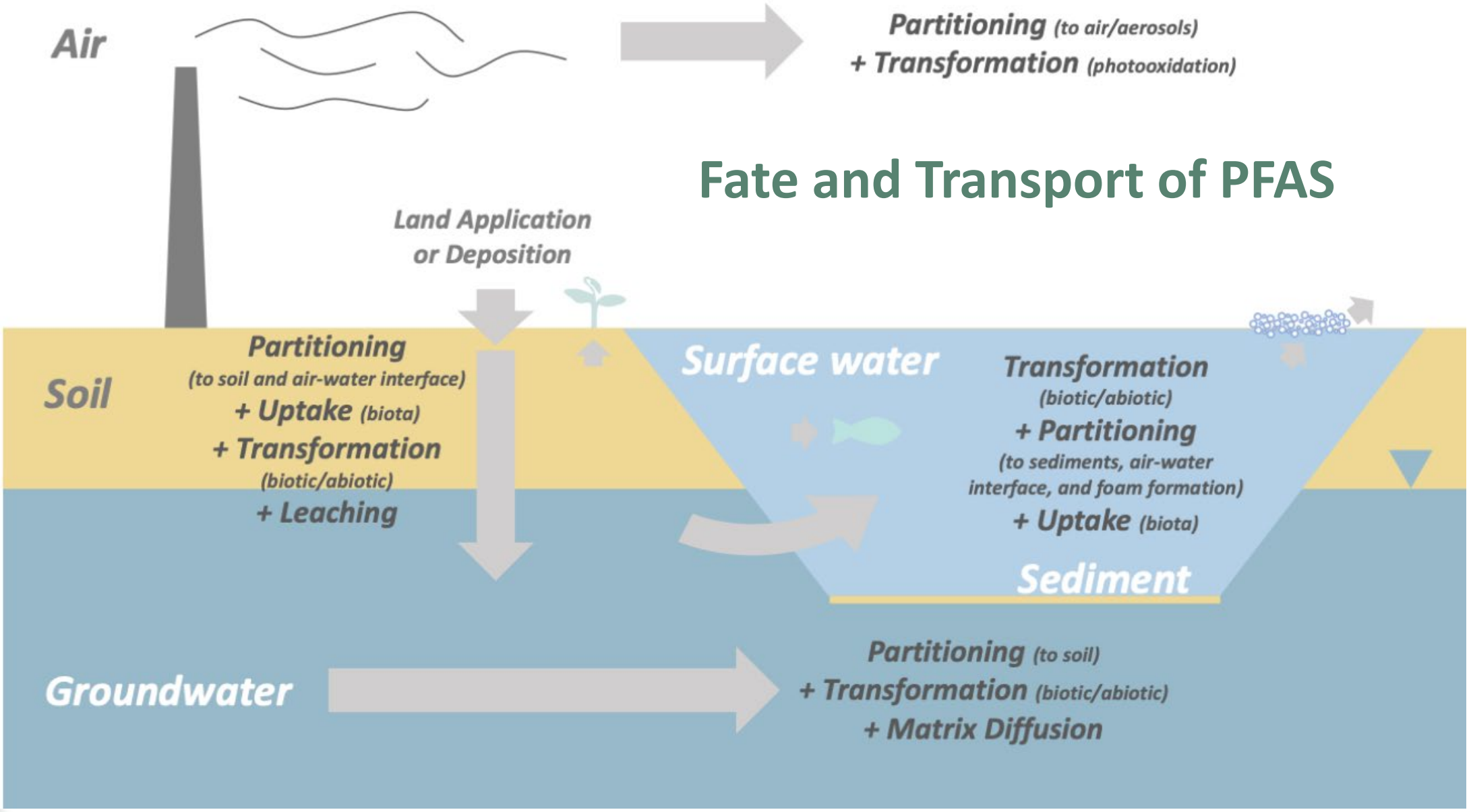
Implications of PFAS definitions using fluorinated pharmaceuticals

Emily Hammel [1,3,*], Thomas F Webster [1], Rich Gurney [2], Wendy Heiger-Bernays [1]

Uses and Reported Risks of PFAS



Fate and Transport of PFAS



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PFAS History and Litigation

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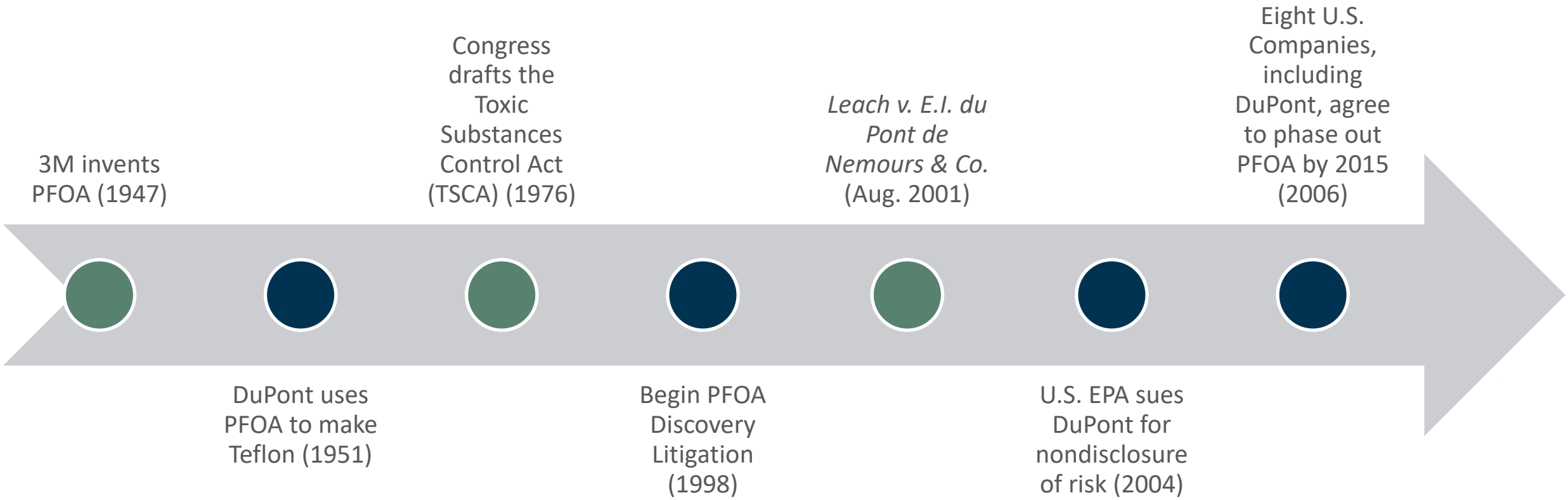
Key Events


3M invents PFOA (1947)
DuPont uses PFOA to make Teflon (1951)
Congress drafts the Toxic Substances Control Act (TSCA) (1976)
Begin PFOA Discovery Litigation (1998)
Leach v. E.I. du Pont de Nemours & Co. (Aug. 2001)
U.S. EPA sues DuPont for nondisclosure of risk (2004)
Eight U.S. Companies, including DuPont, agree to phase out PFOA by 2015 (2006)

Key Events (cont.)

Leach Science Panel delivers Probable Link Findings (2011-2012)

Bartlett v. E.I. du Pont de Nemours & Co. (2015)

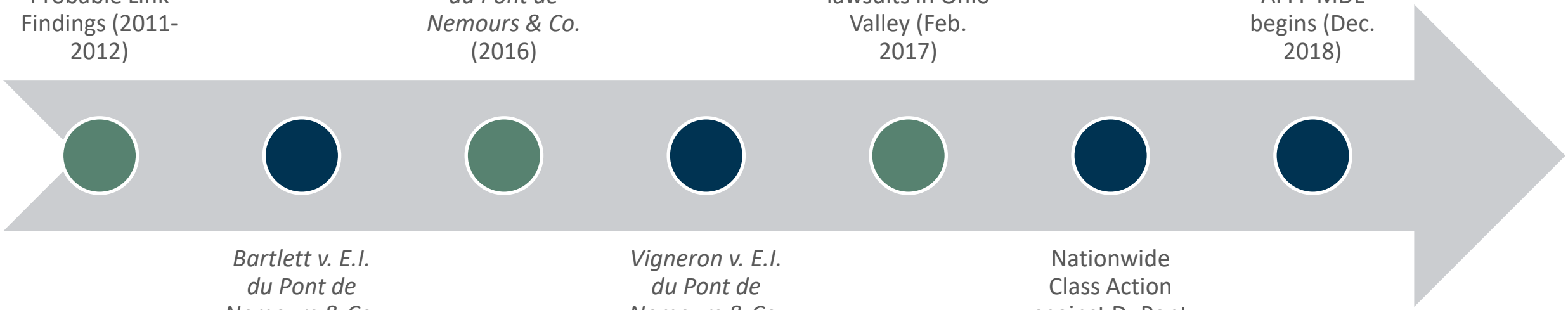
Freeman v. E.I. du Pont de Nemours & Co. (2016)

Vigneron v. E.I. du Pont de Nemours & Co. (Jan. 2017)

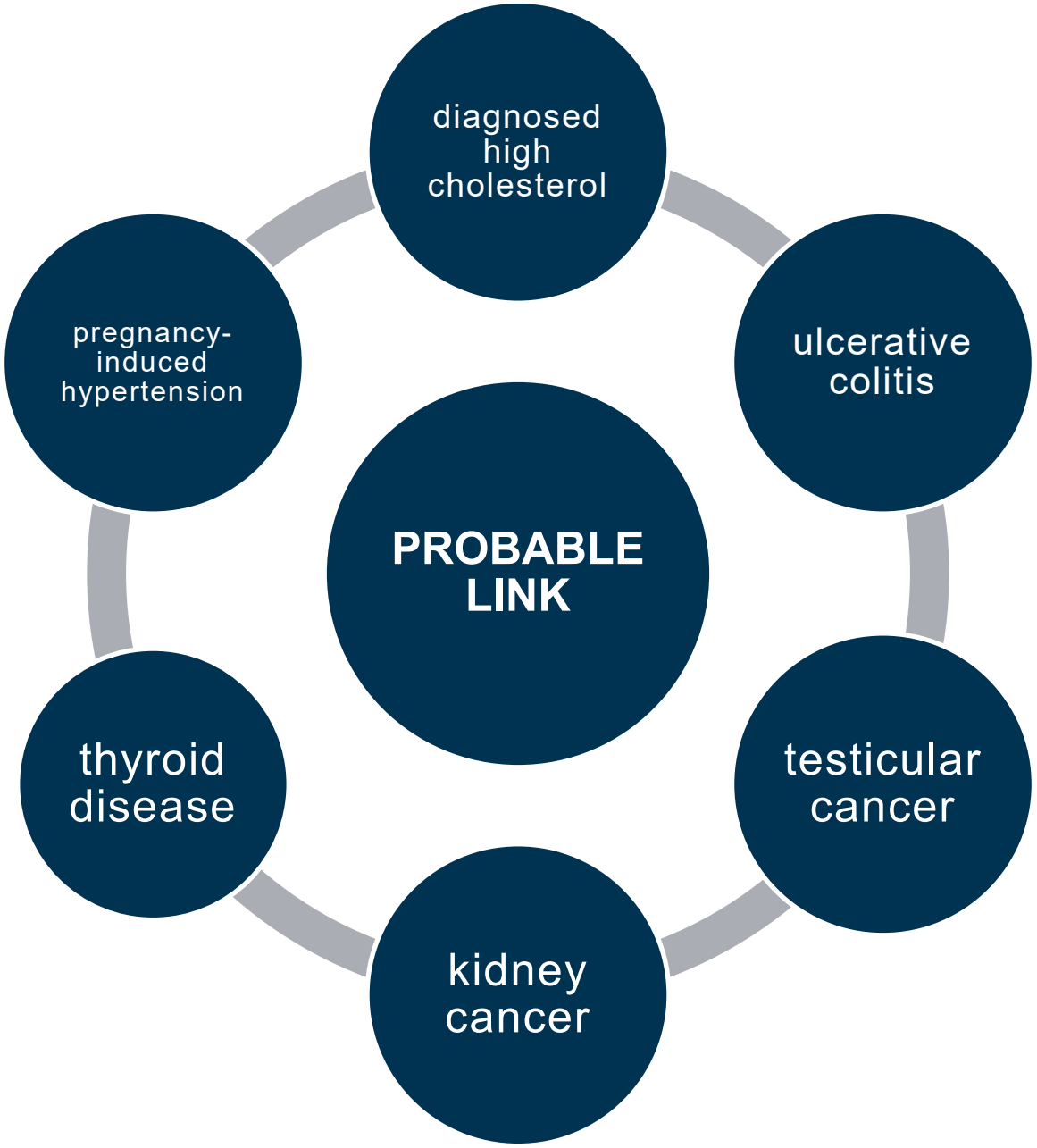
DuPont & Chemours paid between $671 million and $921 million to settle 3,500+ lawsuits in Ohio Valley (Feb. 2017)

Nationwide Class Action against DuPont and eight other PFOA offshoot manufacturers commences (Oct. 2018)

AFFF MDL begins (Dec. 2018)



C8 Litigation



C8 Litigation

NO PROBABLE LINK
diagnosed hypertension
coronary artery disease
chronic kidney disease (the kidneys are damaged and cannot filter blood as well as they should)
liver disease
osteoarthritis
Parkinson's disease
other autoimmune diseases (rheumatoid arthritis, lupus, type1 diabetes, Crohn’s disease, or multiple sclerosis)
common infections, including influenza, in children or adults.
neurodevelopmental disorders in children, including attention deficit disorders and learning disabilities
asthma or chronic obstructive airways disease (COPD).
stroke
other cancers considered beyond testicular and kidney
type II (adult-onset) diabetes
birth defects
miscarriage or stillbirth
preterm birth or low birth weight

PFAS Blood Test Results

PFOS		T-PFOA		L-PFOA		NASEM
Whole Blood	Serum Equivalent	Whole Blood	Serum Equivalent	Whole Blood	Serum Equivalent	
3.9 ng/mL	7.41 ng/mL	0.60 ng/mL	1.2 ng/mL	0.60 ng/mL	1.2 ng/mL	14.88 ng/mL
1.8 ng/mL	3.42 ng/mL	0.82 ng/mL	1.64 ng/mL	0.82 ng/mL	1.64 ng/mL	8.10 ng/mL
5.7 ng/mL	10.83 ng/mL	1.3 ng/mL	2.6 ng/mL	1.3 ng/mL	2.6 ng/mL	17.54 ng/mL
1.3 ng/mL	2.47 ng/mL	0.49 ng/mL	0.98 ng/mL	0.49 ng/mL	0.98 ng/mL	4.63 ng/mL
1.8 ng/mL	3.42 ng/mL	0.65 ng/mL	1.3 ng/mL	0.65 ng/mL	3.42 ng/mL	6.07 ng/mL

Litigation Landscape Today

- Aqueous Film-Forming Foam (AFFF) Litigation
  - Multidistrict Litigation – Charleston, South Carolina
    - Over 154,000 individual plaintiffs (including 1,000 water providers, 34 state sovereigns and others such as groundwater and firefighter turnout gear)
    - Water provider settlements - 3M **($12.5 billion**), DuPont **($1.185 billion**), Tyco/Chemguard **($750 million**) and BASF (**$316.5 million**) entered into national water provider settlements. One defendant, Kidde, is in bankruptcy (**settled for $730 million**).
  - Cases around the country in State and Federal courts outside MDL (SC discharger & Biosolid lawsuits)

Litigation Landscape Today (cont.)

- Wastewater and Stormwater Litigation (follow NPDES permit holders upstream)
- Biosolids Litigation
- Carpet Litigation
- Consumer Product Litigation
- Likely More to Come

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PFAS Regulatory Landscape

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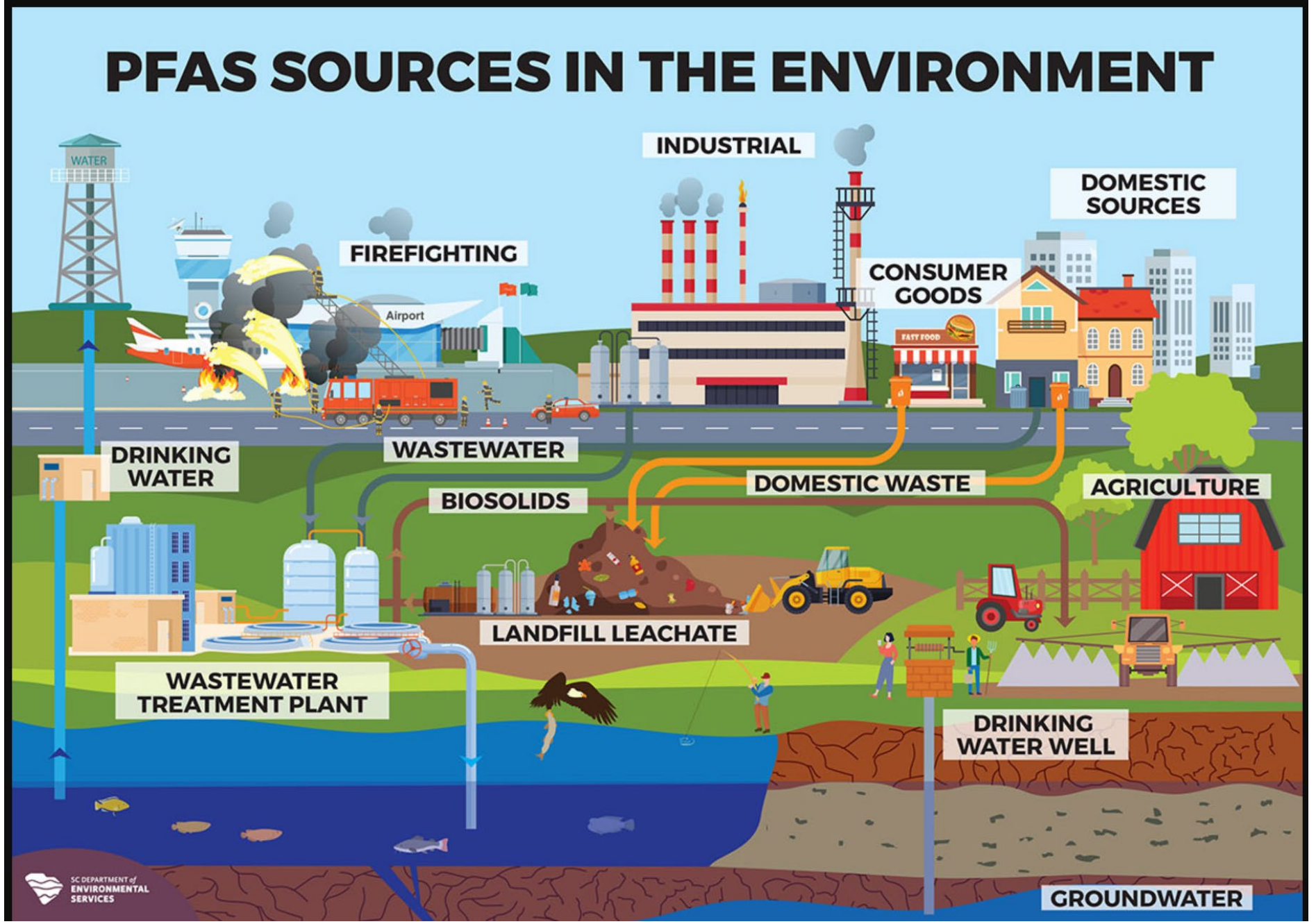
Regulatory Landscape

Lee Zeldin

During his eight years in Congress, Administrator Zeldin supported key legislation that became historic, bipartisan success stories like the Great American Outdoors Act and Save our Seas Act to clean up plastics from our oceans.

He also led the fight for Sea Grant, **combated PFAS in drinking water**, voted for the Lautenberg Chemical Safety Act, and supported clean energy projects on Long Island.


PFAS SOURCES IN THE ENVIRONMENT
WATER
INDUSTRIAL
DOMESTIC SOURCES
FIREFIGHTING
Airport
CONSUMER GOODS
FAST FOOD
DRINKING WATER
WASTEWATER
DOMESTIC WASTE
AGRICULTURE
BIOSOLIDS
LANDFILL LEACHATE
WASTEWATER TREATMENT PLANT
DRINKING WATER WELL
GROUNDWATER
SC DEPARTMENT of ENVIRONMENTAL SERVICES

Regulatory Landscape

Clean Water Act

- Maximum Contaminant Levels (MCLs) for drinking water for six PFAS originally. In September, EPA moved for partial vacatur of the Rule.
- MCLs remain for PFOS and PFOA of 4.0 ppt.

Chemical	Maximum Contaminant Level Goal (MCLG)	Maximum Contaminant Level (MCL)
PFOA	0	4.0 ppt
PFOS	0	4.0 ppt
PFHxS	10	10 ppt
HFPO-DA (chemical	10 pp	10
PFNA	10 ppt	10 ppt
Mixture of two or PFHxS, PFNA, HFPO-D d	Hazard Ind	Hazard I 1

*Compli determined by ing an averages at the ing point

Regulatory Landscape

- **CERCLA**
  - PFOA and PFOS designated as hazardous substances under CERCLA. Also in September, EPA confirmed to the U.S. Court of Appeals for the D.C. Circuit that EPA will defend the final rule designating PFOA and PFOS as hazardous substances.
- **Clean Air Act**
  - No regulations yet, but states have petitioned for four PFAS to be added to the list of Hazardous Air Pollutants (HAPs).
- **TSCA**
  - Reporting requirements for manufacturers and importers of PFAS or PFAS-containing articles.
- **EPCRA**
  - EPCRA reporting requirements now apply to PFOA and PFOS releases over 1 pound.

State Analogs – South Carolina

SOUTH CAROLINA

- SCDES has been sampling for PFAS in ambient surface waters, drinking water provided by South Carolina Public Water Systems and private wells
- H.3116 introduced in January 2025 – Did not make it out of committee. No new bills for 2026 yet.

SC DEPARTMENT *of* ENVIRONMENTAL SERVICES

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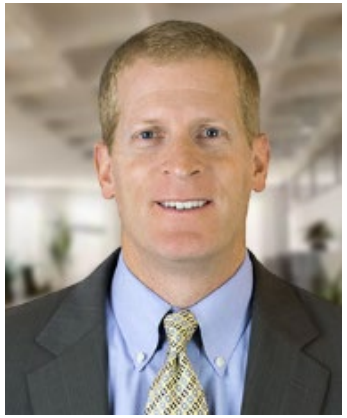
PFAS and Business Operations



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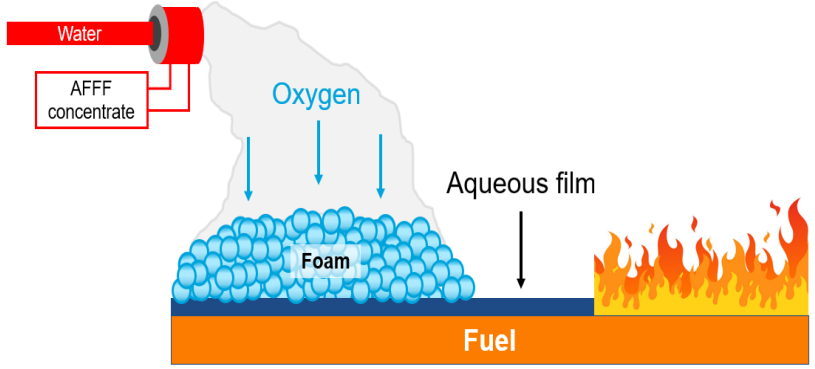
How PFAS could touch business operations

PFAS Risk Points

- At Operating Sites
  - AFFF
  - Landfills
  - Herbicides/pesticides
  - Prior impacts (legacy remediation)
  - Worker safety
- Permitting
  - NPDES Permits
    - Effluent and influent
    - States pushing regulations down to local agencies
  - Air Permits
- Products
  - "PFAS Free"
  - Consumer product advertising
  - Imports/exports
  - Certifications



Take-Aways

- What's ahead
  - Litigation
  - Regulation
  - Science/Politics
- Conclusion
  - PFAS remain a big deal
  - No industry can avoid it
  - Be mindful and watchful

Wrap-Up

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