

PFAS (Per-and Polyfluoroalkyl Substances)

Per-and Polyfluoroalkyl substances (“PFAS”) are a group of thousands of man-made chemicals that do not break down and can accumulate over time. Exposure to PFAS may lead to serious adverse human health and environmental effects. Because of their unique and extreme durability and resistance to natural degradation, PFAS are often referred to as “forever chemicals.” PFAS are known for their stain-resistant, water-resistant, chemical-resistant, corrosion-resistant, and non-stick properties. PFAS has been manufactured and incorporated into tens of thousands of consumer and industrial products and processes since the 1940s.

As a result of the widespread use of PFAS, PFAS impacts can be found across the country and around the world. PFAS levels are estimated to be present in the blood of more than 98% of humans. Only recently have PFAS become the subject of regulation at the international, federal and state level. Litigation costs associated with PFAS liability are now estimated to exceed tens of billions of dollars per year.

Hessian & McKasy attorneys deal with PFAS issues on a regular basis for a range of industrial, commercial, governmental and other clients. Environmental Law Practice Group Chair Joseph Maternowski has been named to the Minnesota Pollution Control Agency’s (“MPCAs”) PFAS Monitoring Plans Remediation Program Stakeholder Group (“Stakeholder Group”). The Stakeholder Group is engaged in the process of developing for addressing PFAS in the MPCAs Site Assessment and Brownfields Programs. Hessian & McKasy relies on a deep bench of skilled attorneys to handle PFAS-related issues across numerous practice groups and disciplines, including litigation, administrative law, environmental/regulatory compliance, environmental permitting, environmental remediation, procurement and distribution contracts, transactions (including mergers, acquisitions and divestitures) and real estate development.

Our attorneys have significant experience with PFAS chemical contamination and have represented clients impacted or damaged by PFAS for more than two decades. Hessian & McKasy was lead counsel in one of Minnesota’s first PFAS regulatory enforcement actions in 2008 involving the investigation and remediation of PFAS discharges from a Twin Cities based chrome plating operation. We have been actively working on such matters ever since, representing a diverse range of clients located in Minnesota and across the country, with respect to PFAS liability, including chemical and industrial manufacturers, chrome platers, scrap yards, marina owners, Brownfield developers, governmental entities and others. Though such work, Hessian & McKasy has helped clients address liability associated with PFAS contamination.

With Hessian & McKay’s extensive experience, including litigation in state and federal courts, we have become a leader and adviser to clients dealing with PFAS contamination in Minnesota and across the Upper Midwest. We have extensive relationship with experienced PFAS consultants, regulators, remediation contractors, allocation experts and other specialized professionals who have helped clients navigate the complex and evolving regulatory and liability implications of PFAS. Hessian & McKasy’s extensive experience in complex CERCLA and environmental remediation matters has helped us assist numerous clients in responding to federal, state, and local requests for sampling, assessing and/or remediating PFAS impacts.

Hessian & McKasy's advice and counsel are sought on a wide array of legal, regulatory, and scientific issues developing with respect to emerging PFAS contamination issues. Environmental attorney Joseph Maternowski is a frequent speaker on PFAS history and related regulatory issues at a variety of forums.