

# The Coming PFAS Litigation Risk for Plastic Pipe Manufacturers

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## Abstract



Learn how to navigate the evolving state and federal regulatory landscape and litigation environment surrounding PFAS "forever chemical" content in manufactured and imported plastic pipe products.

Prepare for the current and future litigation threats facing plastic pipe manufacturers and gain valuable insights on how to prepare and manage these risks. Stay ahead of the curve to protect your brand and bottom line.



## *Navigating the PFAS Litigation Risk for Plastic Pipe Product Manufacturers*

As the regulatory landscape continues to evolve, plastic pipe product manufacturers are facing increasing scrutiny over the presence of PFAS, or "forever chemicals," in their products. This emergent concern is not only a regulatory issue but also a substantial litigation risk. Manufacturers and importers must be vigilant in understanding both state and federal guidelines that govern the use of these chemicals in their products.

## ***Understanding the Risks***

PFAS, due to their persistent nature and potential health risks, have become a focal point of environmental regulation and litigation. For manufacturers of plastic pipes, which are integral to potable drinking water distribution, the stakes are particularly high. The durability of these products, while beneficial for performance, can also pose long-term environmental risks if they contain PFAS. Manufacturers need to be proactive and begin PFAS accounting of their plastic products.

PFAS accounting is a testing regime for HDPE pipe manufacturers to ensure their products are free of PFAS (per- and polyfluoroalkyl substances). It emphasizes the importance of proactive measures including comprehensive audits of the supply chain and analytical testing. Manufacturers need to test not only the final HDPE piping products but also various raw materials involved in their production. These materials include barefoot resin, compounded resin, carbon black masterbatch, additive masterbatch, processing aids, and extrusion line purging compounds.

ExcelPlas offer PFAS analysis and risk assessment services. This testing regime helps manufacturers understand and navigate PFAS regulations and maintain product safety and compliance. This structured approach allows manufacturers to identify PFAS sources within their production processes and confidently address potential exposure risks.

### ***PFAS Detection and Analysis in Polymers***

The analysis of water, soil, food and biological fluids for PFAS is well established, however, PFAS test methods for the analysis of plastic pipes and related polymer-based raw materials and masterbatches have not been established. This is due to the difficulties dissolving polyethylene in solvents at high temperatures.

The main challenge is total dissolution of the polymer and the total extraction of PFAS (if present) from the polymeric matrix which often contains carbon black and other additives which can strongly absorb organic molecules including PFAS. Thus PFAS analysis in challenging and sometime intractable polymeric matrices requires specialized PFAS extraction and recovery techniques. Fortunately, ExcelPlas has developed and optimised a proprietary extraction procedure for the polymeric pipes and associated raw materials to ensure complete extraction of PFAS from the sample matrix.

## *Staying Ahead of Litigation*

It is crucial for manufacturers to stay informed about ongoing and upcoming litigation trends. Being proactive in compliance can safeguard against costly legal battles and potential fines. Manufacturers should engage proactively begin to test their product lines for PFAS levels to navigate this complex field effectively.

## *Preventive Measures and Strategic Planning*

Understanding the source of PFAS in your supply chain is vital. Manufacturers should conduct thorough audits of their materials and processes for PFAS levels to ensure compliance with the tightening regulations such as the new EPA limit for PFAS in drinking water of just **4 parts per trillion**. Implementing changes in the early stages can significantly mitigate risks and protect the company's reputation and financial health.

## *Expert Guidance*

Engaging with experts who have a deep understanding of both the regulatory environment and the technical challenges associated with PFAS is essential. These professionals can provide strategic advice on reformulating products to eliminate or reduce PFAS content, navigating the legal nuances, and staying ahead of potential regulatory changes.

## *Protecting Your Brand*

In the face of these challenges, maintaining transparency with customers and stakeholders about efforts to reduce PFAS in products can enhance trust and protect your brand's integrity. Educating your team and aligning your business practices with the best environmental standards is not just about compliance, but also about positioning your brand as a leader in sustainability.

## *Conclusions*

The path forward for plastic pipe manufacturers in light of PFAS litigation risks involves a blend of proactive regulatory compliance, strategic planning, and engagement with legal and environmental experts. Doing proactive PFAS analysis of your supply chain and finished products together with staying informed and prepared is the best defence against the potential financial and reputational damages that these legal challenges could bring.