

PFAS Due Diligence and Understanding Stakeholders' Risk Considerations

March 12, 2025 from 10:00 AM – 12:30 PM via Zoom

The course will begin with a discussion of the timeline of regulatory changes affecting PFAS findings in due diligence, followed by a discussion of evaluating PFAS-related risks based on potential sources, suspected pathways, and area groundwater use. The course will then discuss specific research methods used to evaluate the potential for PFAS-related findings, including their advantages and drawbacks, followed by a discussion of potential next steps following the identification of PFAS-related findings. Finally, the course will discuss understanding stakeholders' risk considerations, including risks to on- and off-site human receptors; transactional risks; regulatory risks; and litigation risks. Throughout both presentations, the course will examine case studies of properties where PFAS-related findings were identified.

Part 1: PFAS in Due Diligence (Genevieve Reynolds)

10:00 Timeline of regulatory changes affecting PFAS findings in due diligence

10:05 Discussion of ASTM E 1527-21, how the standard defines "likely" and "hazardous substances," and how this affects PFAS-related findings

- Breakdown of VERTEX's findings on recent ESAs – how many sites actually have PFAS-related concerns?

10:15 Evaluating PFAS-related risks in Due Diligence

- Source/Pathway model, flow chart, and radar chart
- Illustrative case studies

10:30 Researching PFAS in Due Diligence

- Review of specific research methods and sources, including databases, historical sources, interviews, local research, and more
- Illustrative case studies

10:55 Detailed Case Study

11:05 Next Steps

- Soil disposal options considerations during Due Diligence
- Groundwater and DPS

11:15 Questions & Answers

Part 2: Understanding Stakeholders' Risk Considerations (Elizabeth Mack)

11:25 Types of risk presented by PFAS in Due Diligence

- Risk to Human Health (on and off-site receptors)
- Transactional Risk
- Regulatory Risk
- Litigation Risk
- Protection or not through AAI under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 101(35)(A)—Phase Is

11:45 Further Case Studies: Examples of Risk Analyses and Considerations

12:10 Questions & Answers

12:30 Wrap-Up and Webinar Adjourns