

## Mendoza and Van Osselaer in Law360: New PFAS Rules Portend More Insurance, Superfund Suits

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**PRACTICES** Environmental Litigation, Environmental, Social and Governance, Environmental

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Haynes Boone Partner [Mary Mendoza](#) and Associate [Andrew Van Osselaer](#) were quoted in a *Law360* article after new rules from the Environmental Protection Agency designating as hazardous so-called forever chemicals, and limiting those toxic chemicals in water supplies are likely to contribute to a wave of insurance litigation over liabilities, while potentially posing new coverage implications for companies involved in Superfund sites.

Van Osselaer, who counsels policyholders on insurance coverage and environmental litigation, said there can be gray areas given that PFAS issues implicate product liability and pollution claims.

"I think that intersectionality of product liability and pollution liability is so critical for PFAS because you're seeing applications of PFAS where PFAS is being introduced into the environment, but as intended as a product," Van Osselaer said in an interview with *Law360*. "That could have tremendous implications for the pollution exclusion."

Mendoza said that more PFAS chemicals could also be the subject of regulation. Under the Toxic Substances Control Act, the EPA is collecting information on a wide variety of the synthetic chemicals, which number close to 15,000.

Designated superfund sites could also be subject to more scrutiny, she said.

"The reopener will become a huge issue, where companies thought they had resolved their liabilities, and now a site is being relooked at for that contaminant," Simmons Mendoza told *Law360* in an interview. "And then if they thought they had insurance coverage for it the first time around, do they still have it as part of that original claim?"

To read the full article in *Law360*, click [here](#).