

Environmental Group Of The Year: Kelley Drye

By Jack Rodgers

Law360 (February 18, 2026, 4:03 PM EST) -- Kelley Drye & Warren LLP helped New Jersey sue DuPont in a first-of-its-kind series of bench trials in federal district court in 2025, one of several high-profile wins the firm's environmental team earned in cases regarding the environmental and human impact of "forever chemicals" — earning a place among the 2025 Law360 Environmental Groups of the Year.

Bill Jackson, co-chair of Kelley Drye's national environmental practice group and one of the partners who represented New Jersey against DuPont, told Law360 the firm's environmental practice group focuses on compliance with environmental regulations and environmental litigation. Kelley Drye's environmental practice group has more than 30 lawyers, with attorneys based in New York, New Jersey, Houston, Southern California and Washington, D.C.

Along with representing New Jersey, Kelley Drye is representing North Carolina in ongoing litigation against DuPont — as well as 3M and more than a dozen other companies — over forever chemicals, a common name for perfluoroalkyl and polyfluoroalkyl substances, or PFAS. North Carolina alleged DuPont contaminated the state's water and soil through its manufacture of products containing PFAS. The firm also represents New Hampshire in statewide PFAS litigation, where the firm is serving as special counsel.

In the New Jersey case, Jackson said, proving DuPont and other defendant companies liable for contaminating sites across New Jersey involved explaining the science behind how PFAS are created, the extent of the alleged contamination from these forever chemicals, and how the team tested areas near where they were created.

The series of six bench trials marked the first instance of a state suing over alleged PFAS contamination.

Throughout six years of intense litigation, the firm designated some 26 expert witnesses, Jackson said. In August, New Jersey announced it had settled with Dupont for more than \$2 billion, the largest settlement achieved by a single state against DuPont.

In May, New Jersey also settled with 3M, a former manufacturer of perfluorooctanoic acid, in a deal that would see the company pay between \$400 million and \$450 million.

The firm helped to ensure the settlements included financial assurance mechanisms — or backup funds



to protect against the possibility that liability parties can't pay what cleanup requires. There's \$1.68 billion in financial assurances associated with four industrial sites in New Jersey, and \$475 million of additional backup funds for that cleanup.

Additionally, between those two settlements, there's \$1.2 billion of PFAS abatement funds and natural resources damages that the state will invest in drinking water and wastewater treatment, Jackson said.

"New Jersey is incredibly pleased because the way these things are structured, first of all, DuPont and 3M are responsible to clean up PFAS and other hazardous substances discharged from facilities that they owned or operated, to the state's satisfaction, period, the end," Jackson said.

Jackson said the firm loved representing New Jersey, a state the team has represented for 20 years in environmental litigation.

"You have to learn to be conversant with these issues and litigate them, but at a high level," Jackson said. "It's a real pleasure, and frankly we have thoroughly enjoyed getting that opportunity to do this and to represent the public on those types of cases."

Kelley Drye's environmental team is also leading litigation on behalf of New Hampshire related to aqueous film-forming foam, or AFFF, a type of firefighting foam containing PFAS. That litigation, along with more than 10,000 AFFF cases, has been consolidated into multidistrict litigation before U.S. District Judge Richard M. Gergel in South Carolina.

According to John D.S. Gilmour, co-chair of Kelley Drye's environmental practice, Judge Gergel has split the MDL matters into five categories of claims: public water providers seeking drinking water testing and remediation costs, individuals who attribute health problems to PFAS exposure, individuals seeking medical monitoring, property owners seeking remediation and cleanup costs for contamination, and states seeking relief for harm to natural resources.

The New Hampshire firefighter training academy was considered as one of 12 possible sites to be cleaned up, related to the property damage track. Judge Gergel is still looking for cases that would be considered "a bellwether trial track," and Kelley Drye hopes the academy site will be considered.

"As you can imagine at a fire training academy, ... there, historically, has been a lot of use of PFAS and so, significant contamination there," Gilmour said.

Gilmour said similarly, Kelley Drye represents New Hampshire in statewide litigation against 3M and DuPont for PFAS contamination.

New Hampshire is on the cutting edge in passing its own water quality limits and exploring soil contamination limits. While Gilmour conceded those regulations can present problems for industry and residents in a state where about 40% to 50% of people rely on private wells for drinking water, according to the state's Department of Environmental Services, the state is trying "to really address PFAS globally," Gilmour said.

"What defendants, predominantly 3M, [have] been doing when states do this is, they remove those cases and try and get them sent to the MDL saying, 'Well, it's got to involve firefighting foam to some extent, even if it's 0.1%, it's gonna have some fire foam, so it should go to the fire foam MDL,'" Gilmour

said. "New Hampshire so far has been the only state to be successful in getting it sent back to state court."

Most other cases are sent to multidistrict litigation, he said. The firm hopes to get that matter to trial next year.

"So New Hampshire really has the possibility of being out in front in both the MDL and in statewide action as well, almost simultaneously," Gilmour said.

He added: "It's just greatly rewarding work."

--Editing by Amy French.