

Kelley Drye Congratulates the State of New Jersey on the Approval of Its Historic PFAS Settlements Valued at Approximately \$2.5 Billion

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Federal court approval resolves the State's years-long claims to clean up contaminated sites, protect drinking water, and uphold accountability

TRENTON, NJ (August 10, 2026) – [Kelley Drye](#) congratulates New Jersey Attorney General Jennifer Davenport, New Jersey Department of Environmental Protection Commissioner Ed Potosnak, and the State of New Jersey on securing [federal court approval of two landmark settlements with 3M and with DuPont](#) and related companies for PFAS and other contamination across the State.

The [settlements were approved and entered](#) as by the Chief Judge of the United States District Court for New Jersey, Judge Renée Marie Bumb, on August 7, 2026. In approving the settlements, Judge Bumb noted that the settlements achieved will provide “generational benefits” for the people of New Jersey to combat PFAS contamination and are designed to “dutifully carry out the task of healing the State of New Jersey from environmental contamination to the tune of billions of dollars here today and for decades to come.”

The DuPont settlement is valued at over \$2 billion, the largest environmental recovery for a single state – and one of the largest legal recoveries of any kind – in U.S. history. The 3M settlement is valued between \$400-\$450 million and is also one of the largest legal recoveries in the history of New Jersey.

For decades, DuPont and 3M used and discharged PFAS (per- and polyfluoroalkyl substances), also known as “forever chemicals,” polluting drinking water, groundwater, surface waters, fish, and other vital natural resources throughout New Jersey. In 2019, New Jersey commenced a series of legal actions to recover for the natural resource injuries caused by PFAS, which are particularly pernicious to water resources. The DuPont and 3M Judicial Consent Orders entered on August 7 are both among the largest reported natural resource damages recoveries in history, ranking in the top five along with the natural resource recoveries by federal and state trustees arising from the 2010 BP/Deepwater Horizon Gulf Oil Spill and the 1990 Exxon *Valdez* oil spill in Alaska’s Prince William Sound.

“Building on our longstanding relationship with the State of New Jersey, it has been a privilege to represent the State in holding DuPont and 3M responsible for widespread PFAS contamination,” said Kelley Drye Partner [William J. Jackson](#), who served as lead trial counsel for the New Jersey team that secured these victories. “The approval of these historic settlements establishes a legal framework and serves as a precedent to shape and resolve massive PFAS impacts and liabilities nationwide. The

New Jersey Department of Environmental Protection and the Attorney General's Office have shown unwavering commitment to protecting the health and welfare of New Jersey residents and to restoring the State's natural resources from the lasting harms of PFAS. I am incredibly proud of our work with New Jersey to protect the public and the vital natural resources of the State."

The proposed settlements with 3M and the DuPont entities were announced in May and August of 2025, respectively. Consistent with New Jersey's Spill Act, DEP published notices of both proposed settlements in the New Jersey Register and on DEP's website. After sixty days of public comment, DEP considered and responded to all comments before seeking judicial approval. The State then moved for judicial approval of the settlements in late 2025. Since then, the State has resolved objections raised by 18 counties and a coalition of publicly owned wastewater treatment plants, aligning key stakeholders in support of the settlements.

An important facet to the DuPont settlement is that "old" DuPont – which changed its name to "EIDP" when it became a wholly owned subsidiary of Corteva in 2019 – has unlimited liability and responsibility to remediate to the State's satisfaction all of its past and present industrial sites in New Jersey, including the four contaminated sites that were the subject of New Jersey's litigations: Pompton Lakes Works, Parlin, Repauno, and Chambers Works. To ensure that New Jersey taxpayers are never burdened with DuPont's cleanup costs, Chemours and the DuPont entities agreed to create a remediation funding source of up to \$1.2 billion, supplemented by a \$475 million reserve fund to be created by "new" DuPont and Corteva. These structures and mechanisms were required by the State to protect the public and the taxpayers in the event any of the responsible entities goes bankrupt or otherwise fails to meet its obligations.

In addition to the remediation obligations of DuPont and Chemours, the Consent Orders require the DuPont and 3M defendants to pay over \$1.3 billion in monetary damages to the State. Up to \$365 million will compensate the State for natural resource damages caused by PFAS and other contaminants from DuPont's sites at Pompton Lakes Works, Parlin, Repauno, and Chambers Works, with funds dedicated to restoring natural resources in and around those locations. The JCOs also require 3M and the DuPont entities to pay another \$795 million to abate PFAS from drinking water, water systems, and public entities across the state. Finally, the JCOs required the defendants to pay over \$165 million to the State for costs, fees, penalties, and punitive damages.

In her opinion approving the settlements, Judge Bumb also recognized the caliber of the advocacy involved in the litigation, stating: "Before bringing this Opinion to a close, the Court would be remiss if it did not acknowledge the extraordinary advocacy displayed throughout this litigation. This case presented novel legal questions, exceptionally complex issues, and matters of substantial public importance and consequences. It was vigorously contested at every stage by highly capable counsel, whose professionalism and dedication materially assisted the Court in resolving the issues before it." Kelley Drye is proud of the excellent advocacy and team it fielded for the State of New Jersey. These JCOs and settlements were achieved only after New Jersey pushed DuPont and 3M to trial in the summer of 2025. Kelley Drye fielded several litigation teams to put on the State's case in the groundbreaking trials in 2025, led by Jackson and including Partners [Jennifer Barks](#), [Melissa E. Byroade](#), [Geoffrey W. Castello](#), [Matthew Chakmakian](#), [Levi M. Downing](#), [Laura W. Duncan](#), [William A. Escobar](#), [Elizabeth N. Krasnow](#), [David M. Reap](#), [Lana Rowenko](#), [David I. Zalman](#); Special Counsel [Curt D. Marshall](#), [Nancy Archer Yanochik](#); and Associates [Daniel J. Harrison](#), [Erin Hodge](#), [Noah T. Joseph](#), [Sabrina Eve Morelli](#), [Zoe Peer Makoul](#), [Jack Quaglino](#), [Lauren Schadt](#), and a large team of other firm attorneys and professional staff.

The Kelley Drye team worked on this matter with our co-counsel, former New Jersey Deputy Attorney

General Gwen Farley, former Deputy Attorney General Rick Engel, Deputy Director Paul Stofa, the larger team at the New Jersey Attorney General's office, and our friends at the Dema Law firm and the Taft Firm. We lost our friend, client, and mentor, Rick Engel, to cancer as we were finalizing these settlements in March. We want to recognize Rick's leadership, dedication, and passion for this case, the State of New Jersey, its environment, and its people. These settlements are just one part of Rick's incredible legacy.

Kelley Drye's Environmental practice is deeply involved in PFAS litigation nationwide. Our attorneys represent 15 states, tribes and sovereign governments and dozens of water providers seeking remediation, drinking water treatment, and natural resource damages from PFAS contamination. Over the past year, Kelley Drye has led some of the most consequential environmental disputes in the United States, including obtaining a \$2.25 billion recovery for the State of Maryland arising from the Francis Scott Key Bridge collapse, the largest maritime settlement in U.S. history, and holding leadership positions in the AFFF multidistrict litigation, one of the country's most significant environmental proceedings.

The firm has a long-standing relationship with the State of New Jersey, assisting it with some of its most high-profile environmental matters. In 2024 and 2025, Kelley Drye secured settlements on behalf of the State with Solvay Specialty Polymers USA, LLC and Arkema to resolve claims for PFAS discharges from their operations in West Deptford, New Jersey. Collectively, the team has secured more than \$3 billion in remediation, restoration, PFAS abatement, and natural resource damages for New Jersey.

In 2016, Jackson and the firm's Environmental Litigation chair, [John Gilmour](#), led New Jersey's final settlement regarding dioxin contamination of the Passaic River. That settlement concluded a decade of litigation that resulted in more than \$355 million in damages recoveries for the State, including \$67.5 million in natural resource damages, plus up to \$400 million in additional remediation costs for ongoing remediation of the Passaic River.

For decades, the lawyers at Kelley Drye have been fortunate to represent public sector clients, including states, attorneys general, local governments, and other public entities, in historic and complex natural resource damages and environmental contamination cases, including the State of Louisiana in the Deepwater Horizon Gulf Spill, the single largest environmental and natural resource damages recovery in history. Together with these PFAS and other recoveries for the State of New Jersey, Kelley Drye's Environmental Litigation team has recovered tens of billions of dollars in remediation costs, property damages, natural resource damages, lost tax revenues, and other remedies for the public.

More information about Kelley Drye's complex Environmental Litigation and Natural Resource Damages services can be found at www.kelleydrye.com.

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