

Ga. Residents Can Pursue PFAS Remediation Cost Claims

By **Elaine Briseño**

Law360 (July 13, 2026, 5:36 PM EDT) -- A Georgia federal court said several companies will have to face trial over whether a city's residents can collect damages for past water hikes used to fund the remediation of water polluted by forever chemicals.

U.S. District Judge Thomas W. Thrash Jr., in denying their motions for summary judgment Friday, said there are still disputed facts about the role Daikin America Inc., E.I. du Pont de Nemours and Co., and 3M played in the discharge of polyfluoroalkyl substances, also known as PFAS or forever chemicals, into the Raccoon Creek Watershed near Summerville, Georgia.

DuPont and Daikin, Judge Thrash said, cannot escape liability just because they did not directly sell some of their PFAS-containing products to textile manufacturers at the Mount Vernon Mills upstream from Summerville.

Daikin had argued that it was not negligent in warning about the dangers of the chemicals because Mount Vernon Mills manufacturers were "sophisticated users." In partially denying the summary judgment of Daikin, Judge Thrash said Georgia law is clear that a party need only have aided in the cause of the injury to be held liable.

"The fact that many of Daikin's products were not sold directly to Mount Vernon Mills but were instead sold by distributors who had purchased from Daikin does not absolve Daikin of liability for the alleged PFOA [perfluorooctanoic acid] contamination attributed to its products," Judge Thrash said.

Plaintiff Earl Parris Jr., a former Summerville councilman, filed a sprawling class action in February 2021 that accused more than half a dozen companies of being complicit in the pollution of their water, linked to discharge at the Mount Vernon Mills denim plant in the nearby town of Trion. The lawsuit, in which the city of Summerville later intervened, has alleged that defendants were negligent in selling PFAS-containing products to textile manufacturers at the mill.

Attorneys for Summerville, Jay Friedman and Ethan Wright of Friedman Dazzio & Zulanas PC, told Law360 on Monday that the city has worked for years to hold the parties who caused the pollution responsible for its cleanup and that the most recent opinions from the court are a step in that direction.

"Because of its large textile and carpet industry presence, Northwest Georgia is arguably the most heavily impacted area in the country with respect to forever chemical pollution," the attorneys said. "The city of Summerville, like other public water systems in Northwest Georgia, has been forced to grapple with a problem that is not of its own making."

Judge Thrash said there is sufficient evidence for a jury to find that Daikin knew its products contained forever chemicals, that it sold the products to third parties who then sold them directly to mill manufacturers, and that Daikin knew the products were being used at the mill. There is also evidence that Daikin ignored its own policy requiring the company to work with its customers on the proper recycling and disposal of the products.

"There is a genuine dispute of material fact as to whether Daikin knew of the potential for contamination of Mount Vernon Mills's wastewater and, as a result, contamination of Raccoon Creek, so a jury should decide this issue," the judge said.

Judge Thrash, however, granted Daikin partial summary judgment regarding the pollution linked to its short-chain fluorotelomer products, saying there is no evidence that the "fluorotelomer products could have contributed PFOA to the Raccoon Creek watershed." Their alleged contribution to the overall contamination was too small to establish causation, the judge said.

DuPont and its spinoff Chemours Co. had argued the company was not obligated to warn the plaintiffs about the forever chemicals because it did not directly sell the textile chemicals to the mills, according to the decision. Judge Thrash said DuPont "muddies" the negligence claim of the plaintiffs, who are not asserting they should have been informed directly, but that DuPont had a duty to warn Mount Vernon Mills about the dangerous chemicals.

"The evidence reflects DuPont's knowledge that for years, it knew that its products were toxic to humans and bioaccumulative, that conventional wastewater treatment processes are ineffective at removing PFAS, and that, as a result, discharges of affected wastewater and sewage sludge would contaminate local water supplies with PFAS," Judge Thrash said.

And like Daikin, DuPont was aware its products were being used at the mill even if it did not directly sell its products to its users, the judge said.

There is also a genuine dispute over whether 3M adequately warned Mount Vernon Mills about the dangers of disposing of PFAS-laden waste improperly, the judge said.

The company had argued that it discharged its duty by including instructions about disposing of the waste on the Material Safety Data Sheets included with its products. The company has known for decades that its products contained PFAS and that it should not be disposed of via wastewater or sewage, the judge said. Despite that knowledge, Judge Thrash said 3M did not discuss how the mill should properly dispose of 3M products and the risks associated with discharging waste from its products into local watersheds.

The Eleventh Circuit in [Stuckey v. Northern Propane Gas Co.](#)  determined that when analyzing a supplier's duty to warn a consumer, it must look at not whether the supplier warned the intermediary, but "whether the intermediary's knowledge was sufficient to ultimately protect the consumer."

"All of this evidence is sufficient to create a genuine dispute of material fact as to whether Mount Vernon Mills had actual knowledge that using 3M's products would result in PFOS-contaminated waste — particularly prior to 1998 — and the risks of improperly disposing of the waste, which is a condition precedent of application of the Stuckey factors," the judge said.

The plaintiffs **won** partial class certification in September for 4,500 residents seeking damages for past water cost hikes tied to cleanup of the forever chemicals.

Representatives for Parris, DuPont, Daikin and 3M did not immediately respond to requests for comment Monday.

Parris is represented by Gary A. Davis, Keith A. Johnston and Louis W. Ringger III of Davis Johnston & Ringger PC and Thomas Causby of Causby Firm LLC.

Summerville is represented by J. Anderson Davis of Davis Lucas Carter LLP, and Ethan Wright, Jay Friedman and Lee Patterson of Friedman Dazzio & Zulanis PC.

Daikin is represented by Kurt A. Johnson, Louis A. Chaiten and James R. Saywell of Jones Day.

3M is represented by Lauren Goldman, Amir C. Tayrani, Bradley J. Hamburger and Daniel R. Alder of Gibson Dunn & Crutcher LLP, Robert B. Remar and Monica P. Witte of Smith Gambrell & Russell LLP, Jackson R. Sharman III, M. Christian King, Harlan I. Prater IV and W. Larkin Radney IV of Lightfoot Franklin & White LLC, Quentin F. Urquhart Jr., Elizabeth R. Showalter, Connor W. Peth and John W. Sinnott of Irwin Fritchie Urquhart Moore & Daniels LLC.

E.I. du Pont de Nemours and Co. and Chemours are represented by John M. Johnson, Lana A. Olson, R. Ashby Pate, Mary Parrish McCracken, Adam K. Peck and Brian P. Kappel of Lightfoot Franklin &

White LLC and Blair Cash of Moseley Marcinak Law Group LLP.

The case is Earl Parris Jr. et al. v. 3M Co. et al., case number 4:21-cv-00040, in the U.S. District Court for the Northern District of Georgia.

--Editing by Kelly Duncan.