

What GCs Can Do as Regulators Eye ‘Forever Chemicals’

Media Mentions

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Bracewell's **Steven Cook** discussed with *Law360 Pulse* the measures in-house counsel need to consider in managing risk with PFAS or “forever chemicals.”

“From a general counsel standpoint, it's really important that you have a good understanding of what your risks are, and that requires data,” said Cook. “That's always my recommendation to in-house lawyers: You need to have facts, you need to understand what you're dealing with.”

PFAS aren't a single compound. The term represents potentially thousands of different compounds; some were intentionally manufactured, while others have been identified as likely byproducts of chemical reactions, Cook explained.

Increasing federal and state oversight of certain widespread chemicals is outside the typical realm of issues for most general counsel, but the complex and quickly evolving space should push top corporate lawyers to gather data to fully understand their supply chains and any associated business risks.

Additionally, general counsel play a role in helping companies determine if they can continue to make a product that's banned in one state while continuing to sell it in another. But Cook cautioned general counsel have to think about consumers' expectations and the growing emphasis on environmental, social and governance, or ESG, issues. As Cook pointed out, part of ESG is being aware of emerging trends and concerns.

“Clearly, this is of concern to society as a whole, to certain consumers,” he said. “That should be part of your ESG program — being aware of new developments.”

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