



Navigating burgeoning environmental claims

2025 Global Class Action Summit

September 17, 2025

Panelists

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Greenwashing litigation trends shaping 2025

Overview

Greenwashing claims relate to statements about the environmental impact or benefits of a company's products or operations.

Challenge

- Greenwashing claims are increasing
 - Jurisdictions to watch
 - Claims to anticipate
 - Regulatory update
- US and UK/Europe have divergent positions on greenwashing/sustainability laws creating significant challenges

Solution

DLA Piper's Greenwashing Intelligence Hub identifies data around litigation to track US claims involving greenwashing lawsuits against most impacted industries

Methodology

- The DLA Piper Greenwashing Intelligence Hub is based on the US CNS Case Portal and Courtlink searches and alerts informed by our Greenwashing Litigation Search Terms
- Covers US federal and state class actions, shareholder derivative litigation, and private litigant actions asserting greenwashing claims and is updated weekly
- Searches date from 2015 to present
- Provides a detailed view of case status. For example, motion to dismiss outcomes, providing an overview of the grounds for dismissal asserted and a summary of how the court has treated specific arguments



Using data analytics to anticipate what's coming

Responsibly navigating between “greenhushing” and exposure to unnecessary risk

Consumers demanding that companies be transparent about practices such as the environment, sustainability of products and sourcing of ingredients.

Meanwhile, heightened scrutiny from NGOs, some regulators, and the plaintiff's bar.

DLA Piper's Greenwashing Intelligence Hub

Currently tracking US cases only

The DLA Piper Greenwashing Intelligence Hub provides data-driven insights into trends to anticipate what's coming

- Monitoring filings, ruling trends, jurisdictions to watch, and claims to anticipate
- Helps evaluate what arguments are successful
- Tracking over 370 actions between 2015 –2024

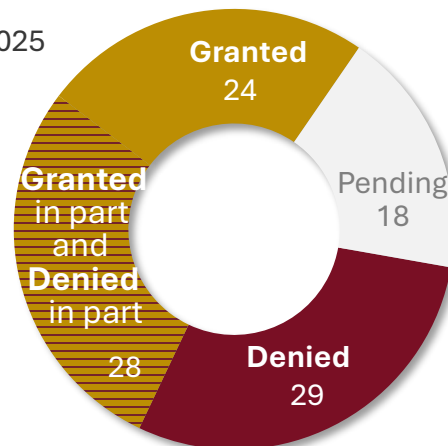
Navigating the rise in greenwashing claims

How DLA Piper can help:

- Analyzing exposure
- Mitigating litigation risk
- Evaluating claims
- Experience defending claims

Motion to dismiss outcomes

2015 –
8/31/2025



Overview of ESG litigation

Class actions represent majority of cases filed in this space.

Who is filing these complaints?

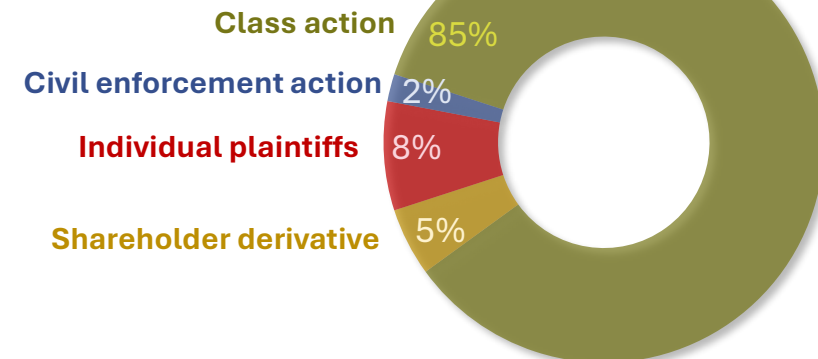
Class action attorneys
Private parties

Environmental groups
Government agencies

Regulators

Types of claims filed

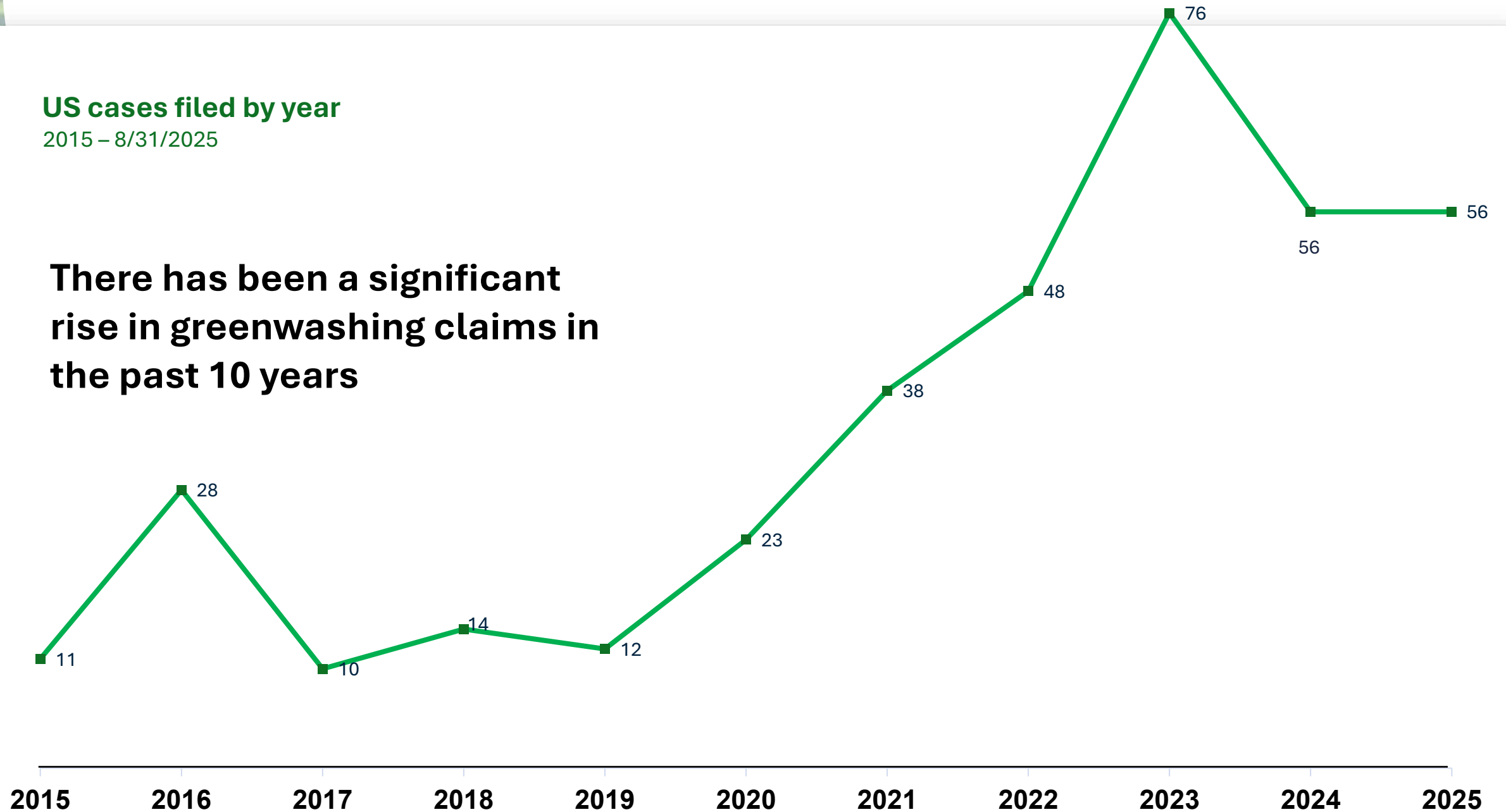
2015 –
8/31/2025



US cases filed by year

2015 – 8/31/2025

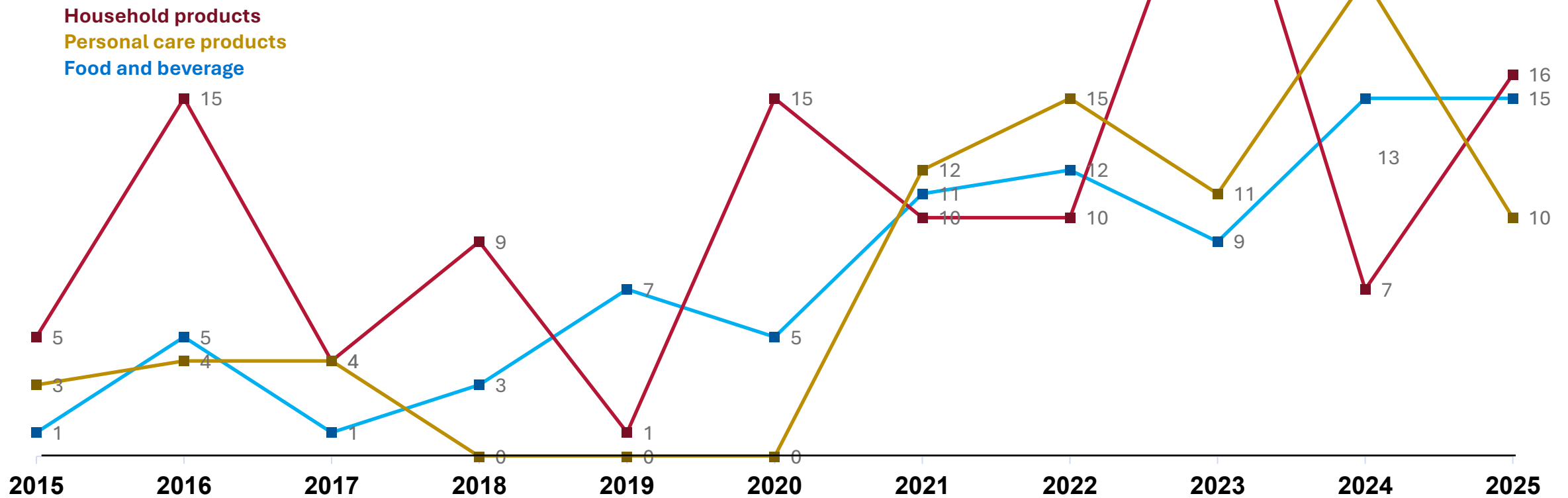
There has been a significant rise in greenwashing claims in the past 10 years

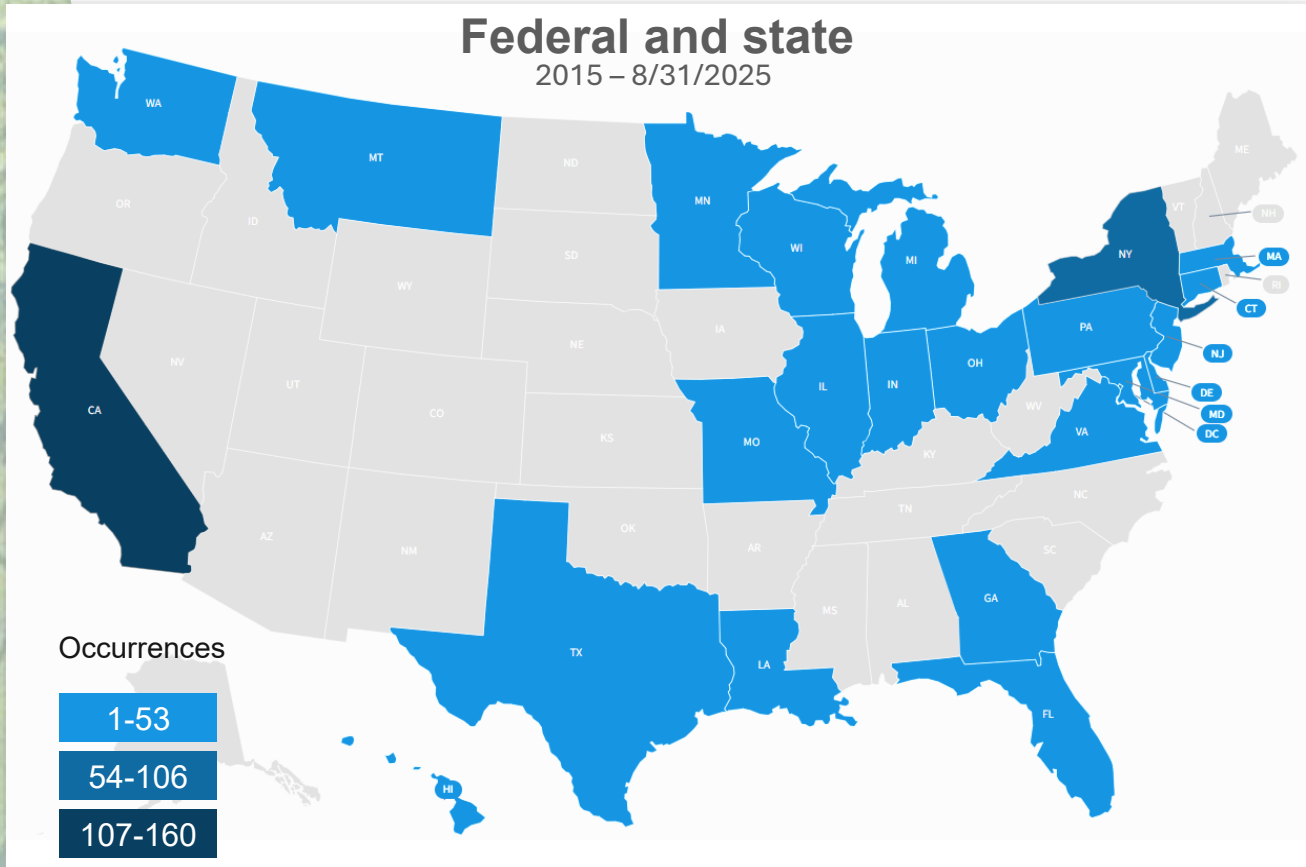


Claims by industry

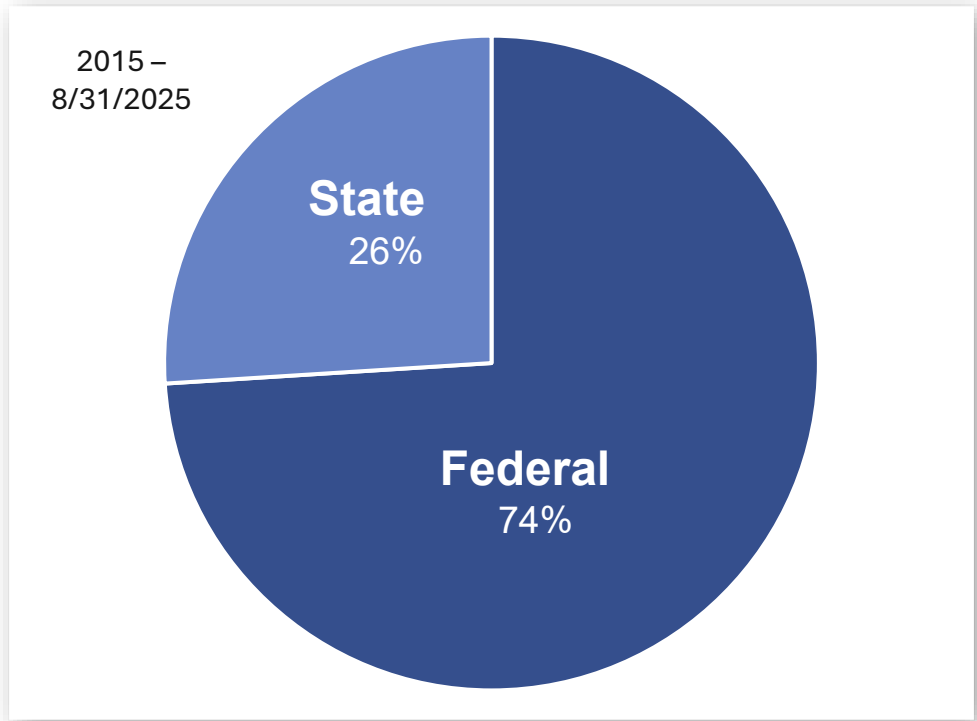
2015 – 8/31/2025

Plaintiffs shift focus over time



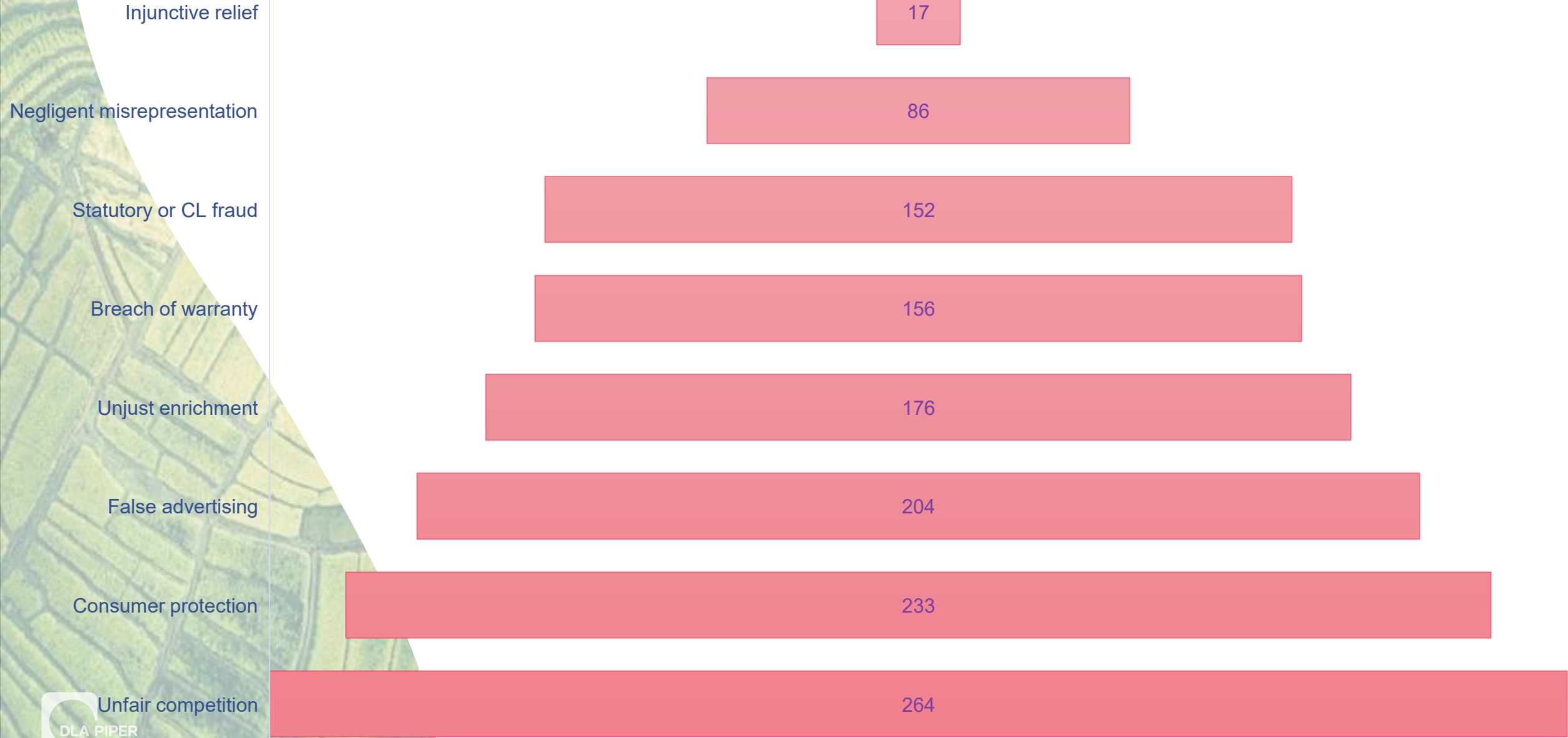


Jurisdictions to watch



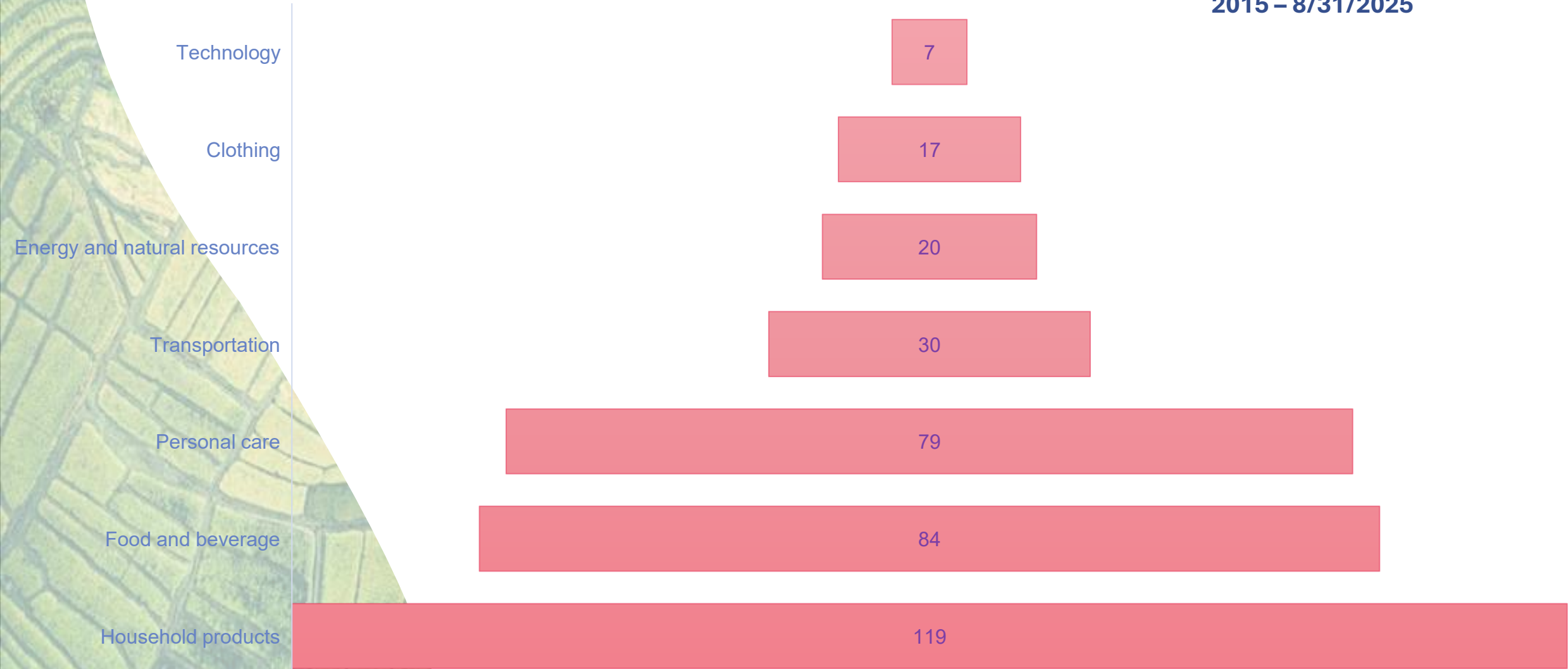
Claims asserted

2015 – 8/31/2025



Claims by industry

2015 – 8/31/2025



Trends at sector level



Consumer products



Environmental



Financial services



Supply chain

Target: Consumer products

Types of claims

- Consumer protection
- Unfair competition or deceptive trade
- False advertising
- Breach of contract
- Breach of warranty

Challenges

- “sustainable”
- “natural”
- “eco friendly”
- “plant based”
- “recyclable”
- “compostable”
- “low carbon footprint”
- “reef safe” or “dolphin safe”
- “campaigns/website statements/initiatives”
- Pure

Industries

Clothing companies

Low carbon footprint; recycled or organic materials

Food and beverage

Not environmentally friendly; “eco friendly”; “All natural” or “100% natural”; recyclable; compostable; microplastics, etc.

Household products

Natural; “nontoxic”; “eco friendly”; undisclosed chemicals; “clean”

Personal care products

PFAS, parabens, sulfates; “sustainable” or “safe”; “plant-based”; “natural” or “naturally derived”; “Reef conscious” or “reef friendly”; “clean” or “biodegradable”

Airlines

Sustainability, carbon offsets, SAF

Target: Consumer products

Attack on sustainability initiatives, across industries

Sustainability reports

Additional claims aimed at sustainability include:

- Claims that the company falsely states it is promoting sustainability programs and is committed to responsible manufacturing
- Claims that products are “sustainably sourced”
- Claims that products are marketed as recyclable yet are not recyclable (a rise in these cases in CA given changing state regulations about recyclability)

Recent NYAG loss



RECENT DLA PIPER ESG WINS

“Carbon neutral”
certification/Dorris

Microplastics

Sustainability and
carbon offsets



Impact on financial services

Banks and financial services companies face risk stemming from public filings and external statements around sustainability practices.

REGULATIONS TO WATCH

The SEC rule standardizes the climate disclosures by public companies to assist investors but emboldens certain states to push disclosure-based laws: for example, California has passed the Climate Corporate Data Accountability Act, an attempt at the EU's Corporate Sustainability Disclosure Regulation.

Currently not a major focus of consumer class actions, but ESG is currently a core driver of financial services so this will change.

OF FINANCIAL SERVICES COMPANIES ...

46%

want to be leaders and innovators in ESG

63%

view sustainable financial products as a major opportunity and growth area

58%

consider ESG one of their biggest challenges in the next two years

40%

believe that implementation and accurate reporting are significant challenges

POTENTIAL AREAS TO WATCH

- Breach of fiduciary duty
- Exchange Act and state laws
- Misrepresentations/unfair business practices
- Antitrust

Greenwashing claims hindering supply chain logistics

Supply chain disruption

Discovery of supplier greenwashing may force companies to terminate contracts and source alternative suppliers, causing delays and increased costs.

Impact

Disrupted production timelines and difficulty meeting consumer demand.

Regulatory and legal risks

Companies are increasingly held accountable for misleading environmental claims in their supply chains under laws like the EU's Corporate Sustainability Due Diligence Directive or the US Green Guides.

Impact

Fines, lawsuits, and bans on products from unethical supply chains can disrupt operations and lead to financial losses.

Reputational damage

Association with suppliers engaging in greenwashing can tarnish a company's brand reputation, even if the company itself complies with environmental standards

Impact

Loss of consumer trust, decreased sales, and negative media coverage can harm long-term growth.

Loss of investor confidence

ESG-focused investors demand transparency and accountability in supply chains. Greenwashing allegations can lead to divestment or exclusion from sustainable investment indices.

Impact

Reduced access to capital and diminished stock value.

Competitive disadvantage

Competitors that prioritize genuine sustainability efforts may attract more eco-conscious consumers and investors.

Impact

Companies linked to greenwashing through suppliers risk losing market share to more transparent rivals.



Claim Shift From Health to Environment Focus

Human health-based claims: not going away, but not the only play

Human health-based claims (including personal injury and “toxic tort” cases) are more difficult to mount:

- Identifying **individual plaintiffs**;
- General and specific **causation evidence**;
- Multiple jurisdictions or coordinated proceedings.

Environmental claims: can have broader impacts with limited costs

Advocates are able to leverage tools to make these claims more effective:

- **Well-funded** state prosecutors, NGOs and sophisticated counsel;
- Claims like **public nuisance** and **product liability** can effect broad impacts
- **Social and news media** activate strong public interest in environmental matters

Strategies for Mitigating Environmental Claims Risks

Battle-test Environmental Claims

- Assume litigation; avoid overpromising.
- Relentless documentation: on-product and website or social marketing.
- Market-research regarding consumer perceptions.

Monitor Emerging *Environmental Science* (not just HH impacts)

- Invest: market vigilance is a resource.
- Regulatory attention often means a risk is moderately well-studied/developed.
- Early science comes from journals and universities.
- Trade groups are key, but you know your products best.

Engage Proactively – Caution re non-US Entities

- Relationships with key academics.
- Consider NGO partnerships.
- Don't sleep on what your non-US colleagues are publishing and *communicating!*



ESG litigation trends – Europe/Germany

Overview

ESG litigation in Europe is gaining momentum, driven by new regulations and growing stakeholder pressure.

Climate change litigation

Climate change litigation across Europe is intensifying, with courts increasingly affirming corporate accountability.

Greenwashing

More than ever, companies risk being taken to court for making overly optimistic green claims.

PFAS

PFAS litigation in Europe is accelerating, with landmark rulings, collective actions, and regulatory reforms highlighting the increasing legal accountability for environmental and health risks associated with 'forever chemicals'.

Greenwashing

The focus in Europe is primarily on lawsuits filed by environmental organizations challenging statements made about environmental friendliness, in particular advertising claims of alleged “*climate neutrality*” or “*CO₂ neutrality*.”

Finance

- **DWS Group:** Overstated the ESG characteristics of investment funds.
- Fined EUR 25 million by German prosecuting authorities in April 2025 and with USD 23.5 million by the U.S. SEC (2023)

Other Examples: Commerzbank subsidiary.

Automotive/Mobility

- **Lufthansa:** Lost lawsuit in March 2025 over climate neutrality promise – unclear compensation payments for CO₂ emissions. Proceeding is pending in second instance.

Consumer

- **Adidas:** Had to abandon claim of “climate neutrality by 2050” due to lack of evidence of concrete measures. Judgment of March 2025 is final.
- Other Examples: German food manufacturer.



Tighter regulations under discussion in Europe: Environmental advertising claims would need to be scientifically substantiated and verified by an independent body.

Climate change litigation

Mostly socio-politically motivated claims in Europe, aiming to attract public attention. Any company can become a target, regardless of actual wrongdoing.

Automotive Companies

- Lawsuits filed by NGOs in 2021, aimed at specific CO₂ reduction targets or even a mandatory phase-out of sales of combustion engine vehicles from 2030 onwards.
- Lawsuits were dismissed in first and second instance, as the manufacturers were found to be in full compliance with all applicable legal requirements.
- Lawsuits against certain automotive companies are still pending before the German Federal Court of Justice; Judgment in favor of one automotive company is final.



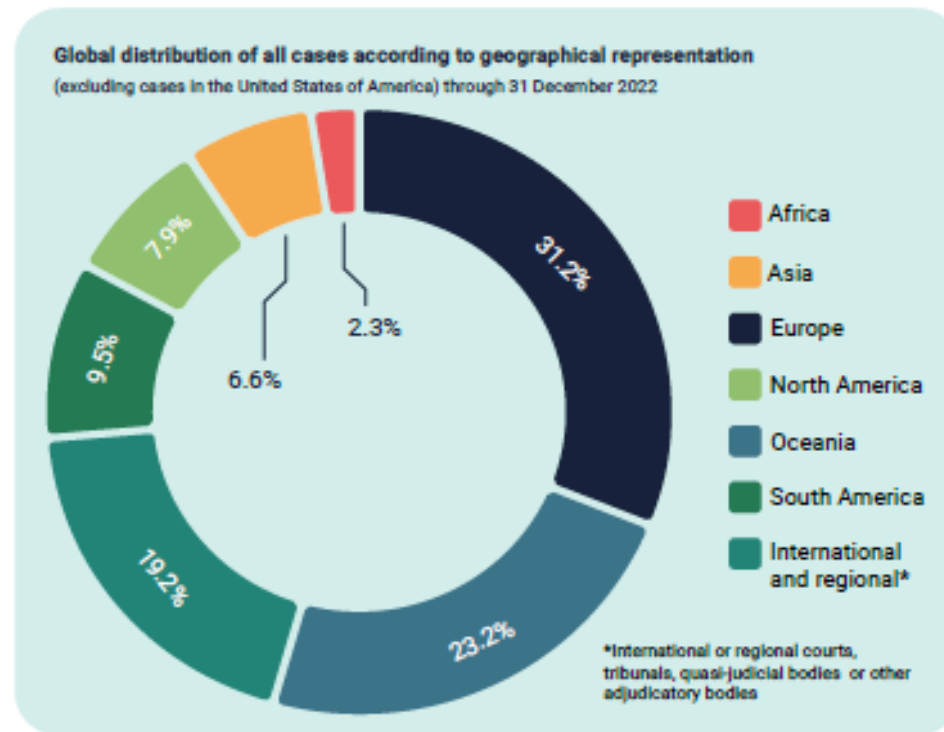
Proceedings received extensive media coverage.

RWE

- Lawsuit filed by a Peruvian farmer against the energy company RWE.
- The plaintiff demanded that RWE contribute - in proportion to its share of global greenhouse gas emissions (0.38%) - to the financing of protective measures for his property against a potential glacial flood.
- The proceedings lasted over 10 years and ended with the dismissal of the lawsuit.

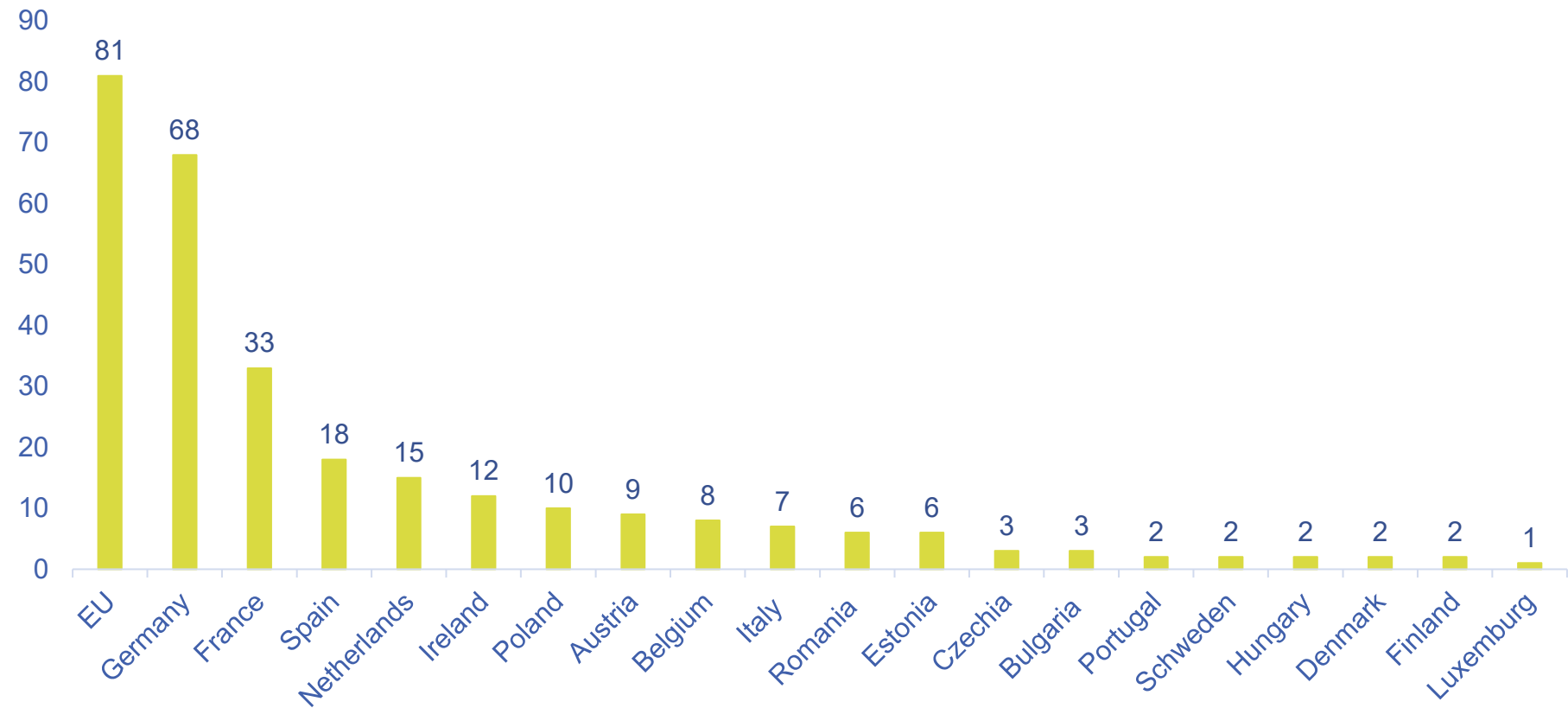
Climate change litigation – Overview of worldwide distribution

Figure 6.



(Global Change Data Lab 2015)

ESG litigation trends – Cases pending in the European Union



[Climate Change Litigation Databases - Sabin Center for Climate Change Law](#)



PFAS

„Forever Chemicals“

General

- Per- and polyfluorinated alkyl substances.
- Estimated 5,000–10,000 different chemicals.
- Water-, grease-, and dirt-repellent.

Use

- Wherever the characteristics of PFAS (water, dirt and oil repellent) are useful, e.g.:
 - Household
 - Medicine
 - Medical devices
 - Toys
 - Construction
 - Textiles
 - Fire protection
 - Automotive industry
 - Cosmetics
 - Sun protection

Environmental and health relevance

- End up in the environment during production and use.
- Can accumulate in the body (e.g., in the blood).
- Are suspected of causing serious health problems (e.g. cancer).

PFAS – litigation

Goal: Not only compensation, but also far-reaching social change beyond individual lawsuits (strategic litigation)

Typical plaintiffs

- Private individuals
- Water suppliers
- Government agencies
- Environmental organisations

Typical allegations

- Contamination of drinking water
- Health risks
- Inadequate public warning about the risks

Important legal disputes

- **3M (Belgium):** Settlement with the Flemish government (2022) for more than EUR 500 million (late 1970s onwards) Antwerp plant)
- **Chemours (Netherlands):** According to interim ruling (2023), liable even though company had permits at the time (1984-1998, Dordrecht plant)



Growing number of lawsuits against companies that are manufacturing or using PFAS

PFAS – regulation

EU level

- Various Directives and Regulations as e.g. REACH Regulation, CLP Regulation and EU Drinking Water Directive and EU POP Regulation.
- EU's Chemical Strategy for Sustainability of October 2020 part of the EU's zero pollution ambition, which is a key commitment of the European Green Deal.
- Continuous further gradual restriction of the use of PFAS (latest adaption to REACH in September 2024 regarding undecafluorohexanoic acid (PFHxA) and PFHxA -related substances).

National initiatives

- **Germany, the Netherlands, Denmark, Sweden and Norway:** Proposal for EU-wide restriction of PFAS submitted to the European Chemicals Agency in January 2023.
- **France:** From 1 January 2026, the manufacture, import and sale of certain products containing PFAS will be prohibited.
- **Denmark:** Danish Environmental Protection Agency withdrew approval for 23 pesticides that contaminate groundwater with PFAS in July 2025.



Clear trend towards greater regulation and thus also a higher liability risk.

Questions?

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An aerial photograph of a serene landscape. On the left, a body of water with a vibrant turquoise hue meets a shoreline composed of numerous light-colored rocks and pebbles. A narrow, sandy beach is visible, bordered by a thick, lush forest of green trees on the right. The text "Thank you" is overlaid in white on the water.

Thank you