



AN OVERVIEW OF OUR ENVIRONMENTAL REGULATORY PRACTICE

Navigating environmental regulatory challenges worldwide

Environmental Regulatory and Government Affairs

DLA Piper lawyers anticipate, track and find business-focused solutions to emerging environmental issues that concern local, national and international businesses. We have decades of experience navigating through complex litigation, regulatory and transactional matters involving every major environmental program. Our work spans air, water, solid and hazardous waste, land-use, wetlands, pesticides, chemical substances, product stewardship, right-to-know and other areas.

Our broad geographic coverage increases our insight while enabling us to efficiently manage complex, multi-jurisdictional matters. Our vast experience with federal regulatory programs and their state counterparts is the foundation of our practice. Our practitioners provide business-focused solutions to environmental problems through counseling, negotiation, administrative action and litigation.

Our lawyers have played a major role in shaping modern federal environmental law, participating in high-profile court challenges to significant Environmental Protection Agency (EPA) rulemakings and other final agency actions, as well as enforcement litigation.

We have successfully represented some of the country's largest companies in high-stakes actions filed by regulatory agencies, environmental groups and private parties in federal and state courts throughout the country.





Environmental Law Firm of the Year

—Law 360

Regulatory counseling, permitting and enforcement defense

We apply our accumulated knowledge to provide timely counseling on regulatory obligations, both existing and proposed.

Our regulatory counseling, permitting and enforcement defense practice spans all major environmental statutes, among them the Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), Clean Water Act (CWA), Toxic Substances Control Act (TSCA), Emergency Planning and Community Right-to-Know Act (EPCRA), National Environmental Policy Act (NEPA) and others, as well as comparable state programs, such as California's Proposition 65.

Project development

The group includes project development practitioners with substantial experience acquiring government approval for complex or large-scale projects in which the timing of approvals is critical to success. This experience includes acquiring the necessary environmental and related construction and

operating permits; reaching a successful resolution of the NEPA process (or state equivalent); and the defense of that process before state and federal decision makers

Our practitioners are experienced in dealing with issues arising during public processes as well as frequent challenges from opposition groups.

Brownfields redevelopment and site remediation

We work with clients to develop and implement strategies to investigate and remediate properties with known or suspected environmental contamination. This includes participation in state programs that offer liability protection in exchange for voluntary remediation under risk-based cleanup standards. We have extensive experience with voluntary cleanup programs and brownfields initiatives in jurisdictions around the United States.

Furthermore, one of the group's lawyers chaired the development by ASTM International of a national standard guide for Phase II environmental site assessments.



Environmental transactional work

We represent investors, buyers, sellers, lenders and insurance providers on environmental issues arising from the transfer and financing of businesses and real estate around the globe. We perform environmental diligence and negotiate the allocation of environmental liabilities for developers seeking to acquire properties and businesses, companies offering properties or businesses for sale, lenders underwriting loans or engaging in workouts with their borrowers, and insurance companies seeking to underwrite the representations and warranties contained in transaction documents. Our experience includes cross-border transactions for the acquisition of manufacturing businesses in a wide range of industries; the disposition of retail gasoline service stations in markets across the US; and the acquisition, financing, development and redevelopment of commercial and residential properties, both individually and as portfolios.

We provide the full range of environmental legal services necessary for corporate and development activities. We routinely advise on environmental assessments of real estate, in business acquisitions and before acquisition and development of real property. These assessments are vital to determine existing conditions, scope of remediation, and landowner protections against Superfund liability, and to identify environmentally sensitive, protected resources such as wetlands, endangered species or historic properties.

Environmental insurance can help mitigate environmental risks and related potential third-party liabilities. We work with developers, insurance brokers and carriers to procure environmental insurance coverage for the risks presented by acquired properties.

In corporate deals, environmental compliance is a central focus of our diligence efforts. When material non-compliance is identified, we counsel on regulatory obligations and strategies; we also negotiate with the counterparties to help achieve compliance and allocate compliance costs and potential liabilities. We also work closely with clients to identify their own potential environmental compliance liabilities, evaluate reporting obligations and incentives for voluntary self-reporting, and put in place environmental management programs and systems to improve environmental performance.

The depth of our transactional and site remediation experience enhances our ability to serve clients across industries. Thanks to our global platform, we are able to work intimately with our tax and corporate lawyers to evaluate the business implications of environmental matters that arise during transactions, such as accessing incentives that may be available for acquisition and development of brownfields properties.

Environmental litigation

Our group includes experienced litigators who can vigorously defend clients in high-stakes, complex litigation arising under the Clean Air Act, Clean Water Act, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), RCRA and other federal and state environmental statutes.

We have participated in disputes around RCRA and Superfund sites throughout the country and have the experience necessary to handle a wide variety of legal issues associated with these sites. We have represented clients in potentially responsible party groups and participated in settlements of Superfund actions in a wide variety of circumstances involving a single party and multiple parties.

We have advised on government cost-recovery actions, private cost-recovery actions, natural resource damage actions and government administrative and judicial enforcement actions. We defend against criminal and civil enforcement actions and citizen-suits, guide clients through alternative dispute resolutions and tailor solutions that limit or avoid liabilities or negotiations with other potentially liable parties in environmental disputes.

We also have broad experience handling litigation alleging exposure to chemicals (so-called toxic torts). We routinely represent manufacturers – among them automotive and automotive component manufacturers – and oil companies in toxic tort and other environmental litigation. We represented a major oil company at trial and on appeal in a case involving hundreds of properties and claims in excess of a billion dollars. Several of our lawyers have served as joint defense team leaders in toxic tort litigation and similar complex litigation. A group of our lawyers in California have substantial experience advising clients on compliance with California's unique Proposition 65. We have aggressively defended lawsuits filed under Proposition 65 against oil companies, hotels, manufacturers and suppliers.

Compliance and environmental auditing

We have substantial experience in creating and managing environmental audit and compliance programs ranging from single-issue audits and programs (such as RCRA compliance, PCB management or worker or community right-to-know statutes) to multi-media audits and programs encompassing all aspects of environmental health and safety. We routinely advise on compliance and cross-border matters arising in connection with revisions to existing regulations and investigations.



Insurance coverage counseling

Drawing on our experience in related practice areas, DLA Piper lawyers have counseled clients in major coverage cases and engagements involving environmental liability and remediation costs, asbestos personal injury and property damage claims and numerous other issues.

Our coverage lawyers have a proud record of efficient resolution of disputes. We have worked on the full range of coverage issues arising not only under standard comprehensive general liability and environmental liability policies but also under first-party property policies, excess and umbrella policies and directors and officers policies.

For more information

To learn more about DLA Piper, visit dlapiper.com or contact:



Gwen Keyes Fleming

Partner

Co-Chair, Environmental Practice Group

T +1 202 799 4419

gwen.keyesfleming@dlapiper.com



George Gigounas

Partner

Co-Chair, Environmental Practice Group

T +1 415 615 6005

george.gigounas@dlapiper.com

About us

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa and Asia Pacific, positioning us to help companies with their legal needs around the world.

dlapiper.com