

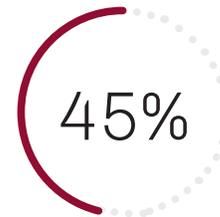


Environmental Enforcement and Litigation

The Biden Administration has sharpened its focus on environmental enforcement, with an emphasis on addressing climate change, protecting land and water, and promoting environmental justice by targeting pollution affecting disadvantaged communities. Companies in all sectors should also expect a ramp-up in civil and criminal enforcement of bedrock environmental statutes, such as the Clean Water Act (CWA) and Endangered Species Act (ESA). Our lawyers are well positioned to help prepare for and respond to any regulatory, compliance and litigation challenges in this shifting legal landscape.

PRACTICE AT A GLANCE

- Armed with experience in the nation’s largest and most complex environmental cases, we guide clients through the life cycle of environment, health and safety, energy, climate change, and natural resources challenges, from investigation through trial, appeal and settlement.
- Our team includes former senior officials at the US Department of Justice’s Environment and Natural Resources Division who have litigated high-profile cases and have experience enforcing all federal environmental laws.
- With environmental lawyers located in San Francisco, Denver, Washington DC and Boston, our team has command of local, state, federal and international environmental laws, and is adept at representing clients in enforcement actions and litigation that span agencies and jurisdictions.
- We represent companies across industries, including renewable and traditional energy, defense, recreation and conservation, real estate, biotech, waste management, mining, agribusiness, and automotive, among many others.
- Clients also benefit from our extensive experience with the US Environmental Protection Agency, the Occupational Safety and Health Administration (OSHA), the Department of the Interior, the Department of Defense, and the Chemical Safety and Hazard Investigation Board (CSB), among other key regulators.



increase in criminal cases opened by the EPA in FY 2020 from FY 2019, for the highest number opened since 2014.

\$1.084B+

total civil penalties collected by the EPA during calendar year 2020.

— EPA Enforcement Annual Results FY 2020.

SELECT EXPERIENCE

- Representing a chemical manufacturer in investigations by the CSB, OSHA, EPA and state environmental agencies arising from chemical releases at multiple facilities.
- Retained by BP in the wake of the Deepwater Horizon offshore drilling accident in the Gulf of Mexico to lead the company's response to an unprecedented number of inquiries, including 15 hearings and investigative demands by more than 90 committees and members and investigations by multiple entities.
- Representing a mining company in multifaceted litigation involving project opponents and the federal government over mineral rights on public lands, including advising on public policy issues.
- Representing a Fortune 500 utility company facing a federal criminal inquiry, federal and state regulatory inquiries, congressional demands, and civil litigation following a major explosion.
- Representing seven national, state and local environmental and conservation groups as parties to the successful mediation and settlement of the 30-year-long Black Canyon of the Gunnison water rights litigation.
- Representing a major California water district in National Environmental Policy Act and Endangered Species Act litigation regarding a Bureau of Reclamation water project.
- Representing a publicly traded ski company in a dispute over the possession of ski terrain at a resort; won summary judgment dismissing the resort's claim that its lease should be extended and claims of alleged violations of a right of first refusal and prohibition on sale.
- Serving as development and litigation counsel for resort, hotel, residential condominium and retail developers.
- Providing counseling and litigation support to a large defense contractor on environmental legal and compliance matters, including CWA issues, and evaluation and resolution of a contaminated property cost recovery claim.
- Defending a major retailer in a hazardous waste investigation and enforcement action brought by a group of California district attorneys, and developing an internal compliance strategy for the client's facilities across the state, including for e-waste management.
- Advising a products supplier in an enforcement action brought by OSHA and successfully defending that client in administrative appeals.
- Successfully defending a major electronics manufacturer against allegations of environmental, health and safety compliance violations.
- Representing a consortium of state agencies in controversial administrative litigation involving a nuclear power plant and myriad stakeholders.

Biden's Environmental Enforcement Priorities:

- Increase enforcement of polluting entities, including by seeking personal liability for corporate executives where warranted.
- Enforce climate-related laws and regulations (e.g., greenhouse gas reporting requirements, vehicle engine emission standards, methane regulations).
- Restore and enforce broader protections under the Clean Water Act, the Endangered Species Act and the Migratory Bird Treaty Act.
- Establish a new Environmental and Climate Justice Division within DOJ.
- Take a more expansive view of settlement authorities.

For more information, please contact:

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