

BUCKLEY

Environmental Enforcement & Litigation Practice

The Department of Justice, the Environmental Protection Agency, numerous state agencies, and myriad state attorneys general are likely to be ramping up their efforts to bring legal action against corporations and individuals for a wide range of environmental violations. Typically, those enforcement actions also involve other regulatory agencies such as the Occupational Safety and Health Administration, the Mine Safety and Health Administration, the U.S. Chemical Safety and Hazard Investigation Board, and often there are related civil litigations.

Buckley's Environmental Enforcement & Litigation team includes former prosecutors and seasoned trial lawyers with decades of combined experience in environmental matters and a track record of achieving notable results for clients. From legal action arising from unannounced site inspections and process safety management issues to criminal trial defense, our attorneys have successfully represented companies and individuals in federal and state enforcement investigations involving alleged violations of environmental laws, including the Clean Air Act, the Clean Water Act, the Oil Pollution Act, and the Resource Conservation and Recovery Act.

Over the years, our litigators have developed a sophisticated technical understanding of the industries and equipment often at the center of environmental investigations and the labyrinth of process safety management and other environmental regulations of concern. We have represented clients in areas including oil and gas exploration and development, chemical manufacturing, automobile manufacturing, cruise lines and commercial vessels, electroplating, mining and mineral exploration, textiles, food production, and power generation. We have the depth and breadth of experience to advise clients as they navigate the difficult decisions around voluntary disclosures, environmental compliance programs, and burdensome subpoenas, and when dealing with the EPA's Suspension and Debarment Division and the unique issues it raises.

Notable work in this area includes:

- In the largest criminal environmental prosecution by the DOJ in U.S. history, our lawyers represented the Environmental Vice President of W.R. Grace, one of numerous executives charged with reckless endangerment of the town of Libby, Montana due to alleged emissions contamination from a mine that produced an asbestos laden mineral. The case spanned four and a half years, and involved two interlocutory appeals to the Ninth Circuit Court of Appeals. It culminated in a three-month trial in Missoula, Montana on charges of conspiracy, violations of the Clean Air Act, and obstruction of justice. The trial ended in an acquittal on all counts against W.R. Grace and our client as well as the remaining co-defendants.

- Representation of multiple operators/mechanics/engineers in an ongoing DOJ investigation conducted by the Southern District of Texas relating to a release of chemicals at a pesticide manufacturing facility in LaPorte, Texas.

- Representation of a plant manager and safety engineering manager in ongoing DOJ investigation conducted by the Southern District of Texas, and parallel civil litigation relating to a release/fire at a chemical manufacturing facility in Houston.

- Representation of numerous Volkswagen executives and employees in the ongoing criminal and civil litigation related to the certification and sale of diesel engines in the United States.

- Confidential representation of senior environmental, health, and safety executives in DOJ investigations of potential environmental violations at electroplating facilities and a power generation facility.

- Confidential representation of a senior executive and a senior employee of a global oil company in a civil and criminal investigation related to an incident in the Gulf of Mexico.

- Represented an in-house lawyer at Koch Industries in an environmental crimes prosecution involving the interpretation of the National Emissions Standards for Hazardous Air Pollutants, including pretrial motions practice resulting in three interlocutory appeals to the Fifth Circuit; all charges were dismissed prior to jury selection.