

Environmental

Our Environmental Leadership



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Overview

Gordon & Rees's Environmental subgroup of the Environmental/Toxic Tort Practice Group is led by California-based Partners P. Gerhardt Zacher, Kristin Reyna, and Brian Ledger, who have extensive trial and administrative proceeding experience throughout California, as well as significant experience serving as California, Western Region, and National Litigation Coordinating Counsel for Fortune 100 companies. Mr. Zacher was named the San Diego "Mass Tort Litigator of the Year for 2011" by *Best Lawyers* magazine. Our nationwide leadership includes Washington and Oregon partner Donald Verfurth, Illinois partner Hayes Ryan, New York partner Robert Modica, and Florida partner Ari Shapiro.

Our Environmental attorneys assist clients in managing their environmental exposures and, as a result, their environmental liabilities. We provide a unique combination of extensive insurance and business experience with extensive environmental experience.

Wide Variety of Environmental Claims

Our track record of successful results includes matters involving:

- Environmental issues at the client's property
- Third-party property damage claims
- First- and third-party pollution incidents resulting from transportation, hazardous substance/waste storage, disposal activities, and alleged "arranger" and "transporter" claims
- Underground and aboveground storage tank release incidents
- Indoor air quality
- Contaminated groundwater and/or drinking water
- Hazardous substance and oil spills/releases
- Pesticide/herbicide drift and run-off claims
- First- and third-party on-site and off-site remediation, cost recovery, and natural resource damage claims
- Brownfield/redevelopment claims
- Governmental environmental regulatory enforcement proceedings on local, state, and federal levels

Technical and Regulatory Experience

Technical Experience – Chemicals, Hazardous Waste, and Substances

Our clients' businesses rely on and use a wide range of chemicals and hazardous substances. We have well-proven experience with a comprehensive range of regulated chemicals, hazardous waste, and other hazardous substances, including:

- Volatile organic compounds (VOCs) (both chlorinated solvents and fuel components)
- Perchlorate
- Lead
- Petroleum hydrocarbons
- Methyl tert-butyl ether (MTBE)
- Polychlorinated biphenyls (PCBs)
- Benzene
- Ethylene oxide
- Metals (e.g., nickel, chromium)
- Heavy metals (e.g., mercury, zinc, lead, copper)
- Agricultural chemicals (fertilizers, pesticides, and herbicides)
- Asbestos
- Mold
- Paint products and solvents

Regulatory Experience – Environmental Statutes

Our lawyers are thoroughly familiar with all major environmental statutes, including:

- Federal Clean Water Act (CWA)
- Clean Air Act (CAA)
- Resource Conservation and Recovery Act (RCRA)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund, as well as state law equivalents of CERCLA)
- Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)
- Oil Pollution Act (OPA)
- Toxic Substances Control Act (TSCA)
- Emergency Planning and Community Right-to-Know Act (EPCRTKA)
- Pipeline Safety Improvement Act of 2020 (PSIA)
- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
- Marine Protection, Research and Sanctuaries Act (MPRSA)
- Migratory Bird Treaty Act (MBTA)



Gordon & Rees is currently ranked 11th in the "Law360 Environmental 100," a list of the 100 largest environmental practices among U.S. law firms. (November 2015).

- Proposition 65 (California's Safe Drinking Water and Toxic Tort Enforcement Act of 1986)

We are also specifically familiar with numerous state environmental statutes, including:

- Hazardous Substance Account Act (HSAA – California Superfund) and other state Superfund laws (including Florida, Illinois, and New York)
- California Polanco Act
- California Land Reuse & Revitalization Act
- California Porter-Cologne Water Quality Act
- Illinois Environmental Protection Act
- Washington Model Toxics Control Act

Our Clients' Industries

We work with companies of all sizes spanning virtually every aspect of industry including deep experience in manufacturing, energy, real estate and construction.

- Agricultural chemical manufacturers
- Automobile dealerships
- Automobile products companies
- Brass foundries
- Business/property owners
- Chemical manufacturers
- Construction contractors
- Dry cleaning industry equipment manufacturers/franchisors
- Electronics manufacturers
- Energy/power facilities
- Environmental contractors/consultants
- Excavation companies
- Fertilizer manufacturers
- Gasoline distributors and stations
- Governmental entities
- Healthcare facilities
- Herbicide application companies
- Hotels/lodging
- Indemnifying remediation entities
- Industrial and medical gas manufacturers/distributors
- Industrial facilities
- Ink manufacturers
- Iron/steel fabricators and recyclers
- Lumber mills
- Manufacturing facilities
- Marine contractors
- Marine and inland petroleum product terminals
- Metal platers, fabricators, recyclers
- Nanotechnology manufacturers
- On- and off-shore oil and gas producers
- Paint and solvent manufacturers
- Petroleum and compressed industrial gas product pipeline operators
- Recreation facilities
- Residential developments
- Restaurants
- Retail sites
- Shopping/strip malls
- Treatment, storage and disposal facilities
- Waste disposal firms
- Wind power facilities
- Warehousing

Distinguishing Qualifications

Many attorneys in the Environmental sub-group have technical degrees, leadership positions in influential industry associations, and prior experience working for environmental-related legislative bodies and regulatory agencies, including the following examples:

Environmental Education and Technical Training

- Master's degree in Environmental Science and Toxicology
- Master's degree in Environmental and Occupational Health Science
- B.S. in Environmental and Natural Resource Policy Studies
- Certificate of Specialization in Environmental Law
- B.S. in Biochemistry and Cell Biology
- Two-year internship with the Environmental Law Division of the U.S. Army

Environmental Positions Prior to Private Legal Career

- Environmental Compliance Consultant for OSHA (federal)
- Industrial Hygienist and Toxicologist for OSHA (federal)
- Outside trial counsel for the Department of Natural Resources for Alaska
- Assistant Attorney General for the State of Washington
- Liaison between a Michigan State Representative and the Michigan legislative committee on land use planning and environmental affairs
- Managing Editor, Environmental Law Review, UCLA
- Senior Managing Editor, Tulane Environmental Law Journal

Leadership Positions in Key Environmental Associations

- Midwest and Northwest Environmental Claims Association
- CropLife America and Responsible Industry for a Sound Environment
- American Agricultural Law Association
- Member of EPA Region 6 ad hoc Brownfields Redevelopment Committee
- ABA National Section of Environment, Energy, and Resources

Environmental Conditions & Regulatory Consulting

Our environmental attorneys are well-versed in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its state law equivalents, which largely mirror the federal statute. Our attorneys also have significant experience with the Resource Conservation and Recovery Act (RCRA) and the Oil Pollution Act (OPA).

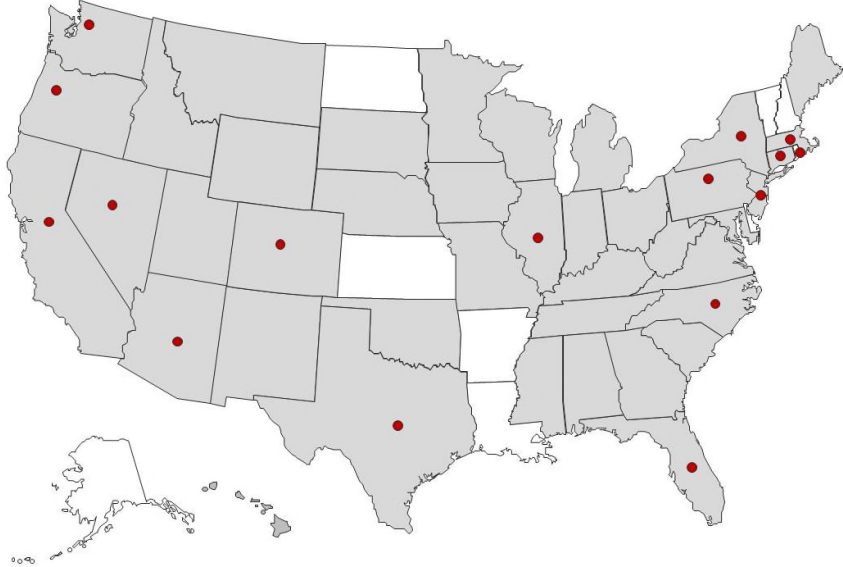
Our attorneys can counsel regarding potential CERCLA liability exposure nationwide; for example, in the contexts of real estate transactions or acquisitions involving potentially contaminated properties or facilities, or with business arrangements involving use, sales, or production of chemicals or hazardous substance-containing products. We can also provide consulting on potential OPA liability issues, as well as regulatory advisement with respect to RCRA regulations impacting solid and hazardous waste. Our attorneys can also consult on the National Environmental Policy Act.

Our attorneys have the environmental background and experience to assist clients nationwide in all types of environmental evaluations and counseling:

- Environmental conditions
- Site, spill, or release investigations or remedial activities
- Regulatory compliance
- Environmental aspects of transactions
- Responses to administrative or agency orders
- Rulemaking
- Permitting

States Where We Have Environmental Capability

- Arizona
- California
- Colorado
- Connecticut
- Florida
- Illinois
- Massachusetts
- Nevada
- New Jersey
- New York
- North Carolina
- Oregon
- Pennsylvania
- Rhode Island
- Texas
- Washington



Agricultural Chemicals & Pesticides Litigation Practice

Agricultural Chemicals & Pesticides Leadership



P. Gerhardt Zacher
Partner



Thomas Tobin
Partner



John Robinson
Partner

Overview – Litigation Practice

Through our Chemicals, Agricultural Chemicals & Pesticides Practice Group we represent companies involved in the agricultural chemicals and pesticides business in claims, arbitrations, litigation, regulatory compliance and environmental issues and have done so for the past 20 years. Through this representation, the practice group has gained extensive knowledge and experience in the regulations regarding chemical products, including pesticides, herbicides, fungicides, and other related products, and also the science, application, and industry practice regarding most classes of these chemicals (e.g., FIFRA, CERCLA, RCRA, and state statutory regimes).

Our team is led by partners P. Gerhardt Zacher, Thomas Tobin and John Robinson, all of whom have extensive trial experience as well as significant experience serving as state and national litigation coordinating counsel for various chemical companies. Our attorneys assist clients in managing chemical exposure and business loss litigation as well as environmental liabilities. The group provides a wealth of experience nationwide and a unique combination of extensive insurance experience as well as direct representation of Fortune 200 companies. The Chemical Exposure Group comprises part of the firm's nationwide Environmental & Toxic Tort Group, chaired by Michael Pietrykowski.

Well-Proven Litigation Record

The practice group's attorneys have defended hundreds of litigation and pre-litigation matters involving claims of crop loss, business litigation, and product liability over the last decade.

Our expertise has served clients well in conducting early evaluation in either the pre-litigation or early litigation phases of matters. In every matter, it is our goal to achieve as early an exit or resolution for the client as possible in order to avoid unnecessary litigation costs. However, if necessary, the team is well-equipped to proceed through trial. In addition, the practice group has wide-ranging transactions and regulatory capabilities.

Representative Litigation Experience

- Represented pesticide manufacturer in a business loss matter brought by one of the largest apple growers in Washington claiming over \$4 million in damage to an apple crop in central Washington. Resolved during litigation.
- Represented pesticide manufacturers and distributors of glyphosate and 2,4-D in crop loss claims and litigation from pesticide drift in Missouri, Arkansas, and Kansas.
- Represented pesticide manufacturers and distributors in general crop loss claims and litigation in Montana, New York, Pennsylvania, North Carolina, South Carolina, North Dakota, Washington, Wisconsin, Texas, Arizona, New Mexico, and Nevada.

- Represented pesticide manufacturer in a crop loss matter brought by a property owner claiming significant monetary damage to raisin grapes in central California. Obtained dismissal after demonstrating lack of causation and applicator error.
- Represented pesticide manufacturer in a business loss matter claiming damage to a cherry crop in central California. Obtained nuisance value settlement pending motion for summary judgment.
- Represented pesticide manufacturer against claims of business loss and property damage by a restaurant in Southern California. Obtained dismissal by quickly verifying applicator error.
- Represented multiple manufacturers in numerous chemical exposure matters wherein plaintiffs claimed occupational exposure caused a wide array of disease endpoints to include Parkinson's disease, multiple sclerosis, chemical sensitivity, various forms of cancer (including leiomyosarcoma, leukemias, lymphomas, kidney cancer, and liver cancer), pulmonary disease, and various forms of neuropathy. Consistently obtained dismissals and/or favorable resolutions on behalf of a number of industry clients based on plaintiff's inability to provide evidentiary support of exposure and/or causation.
- Represented herbicide distributor in aerial drift matter involving allegations of multiple myeloma and plastic anemia.
- Represented herbicide distributor in an herbicide drift matter involving over 100 claimants in pre-litigation and administrative litigation phases.

Environmental Experience

Our attorneys assist clients in managing their environmental exposures and, as a result, their environmental liabilities. Our track record of successful results includes matters involving the client's property, third party property damage claims, first and third party pollution incidents resulting from transportation, hazardous substance/waste storage, disposal activities and alleged "arranger" and "transporter" claims, underground and above-ground storage tank release incidents, indoor air quality, contaminated groundwater and/or drinking water, hazardous substance and oil spills/releases, pesticide/herbicide drift and run-off claims, first and third party on-site and off-site remediation, cost recovery, and natural resource damage claims, Brownfields/redevelopment claims, and governmental environmental regulatory enforcement proceedings on local, state, and federal levels.

Significant Regulatory Compliance Experience

As in-house and external counsel, our attorneys have handled federal and state regulatory compliance issues for all aspects of our clients' businesses.

Industry-Leading Clients

Our clients include the leading manufacturers of chemicals and pesticides (including herbicides, insecticides, rodenticides, and fungicides), distributors of these products, and property and premises owners. The firm currently represents multiple distinct companies in the industry.

Our Ag-Chem Litigation Team



*P. Gerhardt Zacher
Partner*



*Thomas Tobin
Partner*



*John Robinson
Partner*



*Nancy Erfle
Partner*



*Kenneth Morris
Of Counsel*



*William Ruskin
Partner*



*Matthew Nugent
Partner*



*Ann Thornton Field
Partner*



*Jeffrey Lilly
Partner*



*Soñia Garcia
Senior Counsel*



*Brian Ledger
Partner*



*Kristin Reyna DeHart
Partner*

Office Locations

Alabama
Birmingham

Arizona
Phoenix

California
Carlsbad
Los Angeles
Oakland
Orange County
Sacramento
San Diego
San Francisco

Colorado
Denver

Connecticut
Hartford

Florida
Miami
Tampa

Georgia
Atlanta

Illinois
Chicago

Maryland
Baltimore

Massachusetts
Boston

Missouri
St. Louis

Nevada
Las Vegas

New Jersey
Florham Park

New York
Long Island
New York
Westchester

North Carolina
Raleigh

Ohio
Columbus

Oregon
Portland

Pennsylvania
Harrisburg
Philadelphia
Pittsburgh

South Carolina
Charleston

South Dakota
Rapid City

Texas
Austin
Dallas
Houston

Virginia
Tysons Corner

Washington
Seattle

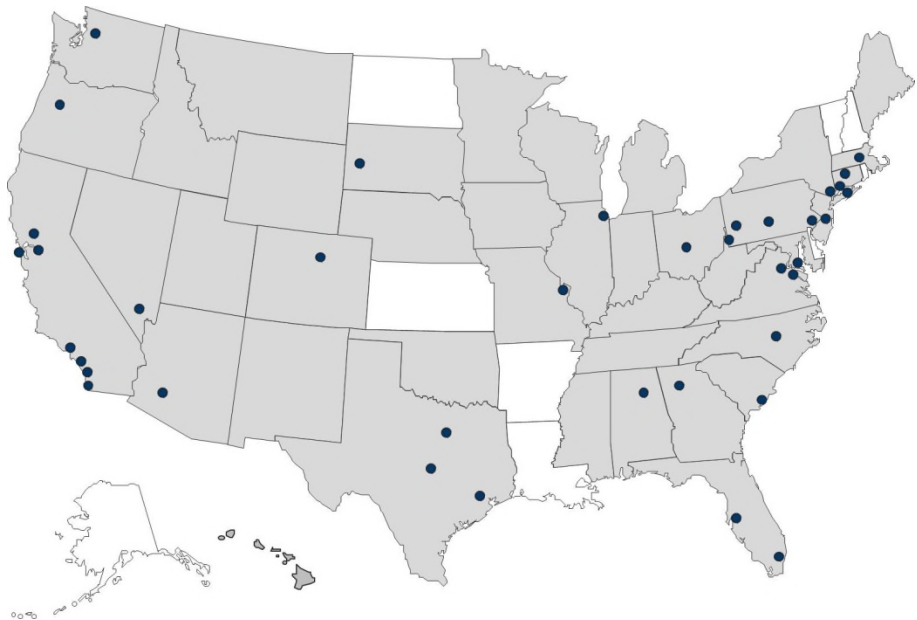
Washington, D.C.

West Virginia
Wheeling

National Platform

Gordon & Rees attorneys are admitted to practice in the following states:

Alabama	Maryland	Pennsylvania
Arizona	Massachusetts	Rhode Island
Arkansas	Michigan	South Carolina
California	Minnesota	South Dakota
Colorado	Missouri	Tennessee
Connecticut	Montana	Texas
Florida	Nebraska	Utah
Georgia	Nevada	Virginia
Hawaii	New Jersey	Washington
Idaho	New Mexico	Washington, D.C.
Illinois	New York	West Virginia
Indiana	North Carolina	Wisconsin
Iowa	Ohio	Wyoming
Kentucky	Oklahoma	
Maine	Oregon	



Attorneys are also admitted in Mexico, Canada, and Hong Kong.

Chemical Exposure

Chemical Exposure Leadership



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Thomas Tobin
Co-Chair
213.334.7207



John Robinson
Co-Chair
860.494.7505



Michael Pietrykowski
National Chair,
Environmental/Toxic Tort
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National Capabilities

Gordon & Rees's Chemical Exposure Practice Group is led by California-based Partners P. Gerhardt Zacher and Thomas J. Tobin, both of whom have extensive trial experience throughout California, as well as significant experience serving as California, Western Region, and National Litigation Coordinating Counsel for various chemical companies. In October 2010, Mr. Zacher was named the "San Diego Best Lawyers Mass Tort Litigator of the Year for 2011" by *Best Lawyers* magazine. The Chemical Exposure Practice Group comprises part of the firm's nationwide Environmental/Toxic Tort Practice Group, chaired by Michael Pietrykowski.

Our Chemical Exposure Practice Group attorneys assist clients in managing chemical exposure and business loss litigation, as well as environmental liabilities. The group provides a wealth of experience nationwide and a unique combination of extensive insurance experience, as well as direct representation of Fortune 200 companies. The group's clients have been pleased with both outstanding results and efficient cost management.

The Chemical Exposure Practice Group has nationwide capabilities, having represented companies on a national level. Gordon & Rees attorneys are admitted in more than 40 jurisdictions, with 38 offices across the U.S.



Gordon & Rees is currently ranked 11th in the "Law360 Environmental 100," a list of the 100 largest environmental practices among U.S. law firms. (November 2015)

Overview

Gordon & Rees's Chemical Exposure Practice Group represents companies involved in the chemical industry in transactions, claims, and lawsuits and has done so for the past 15 years. Through this representation, the practice group has gained extensive knowledge and experience in the regulations regarding chemical products, including pesticides, herbicides, fungicides, and other related products, and also the science, application, and industry practice regarding most classes of these chemicals (e.g., FIFRA, CERCLA, RCRA, and CALDPR).

Our expertise has served clients well in conducting early evaluation in either the pre-litigation or early litigation phases of matters. In every matter, it is our goal to achieve as early an exit or resolution for the client as possible, in order to avoid unnecessary litigation costs. If necessary, however, the team is well-equipped to proceed through trial.

Well-Proven Record

The practice group's attorneys have defended over 400 litigation and pre-litigation matters involving claims of crop loss, business litigation, and product liability over the last decade.

National Experience

We have defended chemical exposure matters as well as crop and pesticide personal injury claims throughout the U.S.

Defended Against a Broad Range of Plaintiffs

Plaintiffs have ranged from farming companies and packing entities alleging damage to crops or other property to plaintiffs claiming various forms of cancer or other serious injury from chemical exposure.

Industry-Leading Clients

Our clients include the leading manufacturers of pesticides (including herbicides, insecticides, rodenticides, and fungicides), distributors of these products, and property and premises owners. The firm currently represents over ten distinct companies in the industry.

Distinguishing Qualifications

Many attorneys in the Chemical Exposure Practice Group have technical degrees, leadership positions in influential industry associations, and prior experience working for environmental-related legislative bodies and regulatory agencies, including the following examples:

Industrial Chemicals Education and Technical Training

- Master's degree in Environmental Science and Toxicology
- Master's degree in Environmental and Occupational Health Science
- B.S. in Environmental and Natural Resource Policy Studies
- Certificate of Specialization in Environmental Law
- B.S. in Biochemistry and Cell Biology
- Two-year internship with the Environmental Law Division of the U.S. Army

Industrial Chemicals Positions Prior to Private Legal Career

- Environmental Compliance Consultant for OSHA (federal)
- Industrial Hygienist and Toxicologist for OSHA (federal)
- Outside trial counsel for the Department of Natural Resources for Alaska
- Assistant Attorney General for the State of Washington
- Liaison between a Michigan State Representative and the Michigan legislative committee on land-use planning and environmental affairs
- Managing Editor, Environmental Law Review, UCLA
- Senior Managing Editor, Tulane Environmental Law Journal
- Executive Vice President/General Counsel, Soils Company

Leadership Positions in Key Industrial Chemical Associations

- Chair, HB/Mealey's National Asbestos Conference (2009 and 2010)
- Midwest and Northwest Environmental Claims Association
- CropLife America and Responsible Industry for a Sound Environment
- American Agricultural Law Association
- Member of EPA Region 6 ad hoc Brownfields Redevelopment Committee
- ABA (National Section of Environment, Energy, and Resources)
- Editorial Board of the National Legal Review's Silica Litigation News
- Presenters and writers for Harris-Martin conference and publications
- Western State Petroleum Association
- Defense Research Institute – Environmental and Toxic Tort Committee

Our Clients' Industries

We work with companies of all sizes spanning virtually every aspect of industry, including deep experience in manufacturing, energy, real estate, and construction.

- Agricultural chemical manufacturers
- Automobile dealerships
- Automobile products companies
- Aviation companies
- Benzene manufacturers
- Brass foundries
- Business/property owners
- Chemical manufacturers
- Construction contractors
- Dry cleaning industry equipment manufacturers/franchisors
- Electronics manufacturers
- Energy/power facilities
- Environmental contractors/consultants
- Excavation companies
- Fertilizer manufacturers
- Gasoline distributors and stations
- Genetically modified organism manufacturers
- Governmental entities
- Healthcare facilities
- Herbicide application companies
- Hexavalent chromium manufacturers
- Hotels/lodging
- Indemnifying remediation entities
- Industrial and medical gas manufacturers/distributors
- Industrial facilities
- Ink manufacturers
- Iron/steel fabricators and recyclers
- Lumber mills
- Manufacturing facilities
- Marine contractors
- Marine and inland petroleum product terminals
- Metal platers, fabricators, recyclers
- Nanotechnology manufacturers
- Nutritional supplement manufacturers
- On- and off-shore oil and gas producers
- Paint and solvent manufacturers
- Petroleum and compressed industrial gas product pipeline operators
- Recreation facilities
- Residential developments
- Restaurants
- Retail sites
- Shopping/strip malls
- Talc
- Treatment, storage, and disposal facilities
- Waste disposal firms
- Wind power facilities
- Warehousing

Wide Ranging Experience in Litigating Various Chemicals

The Chemical Exposure Practice Group possesses decades of well-proven experience with a comprehensive range of regulated chemicals, toxic waste, and other substances, including:

- Benzene
- Pesticides
- Fungicides
- Herbicides
- Rodenticides
- Surfactants
- Food flavorings
- Food contaminants
- Diacetyl
- Benzaldehyde
- Acetoin
- Acetaldehyde
- Mixed dust
- Mold
- Lead
- Petroleum hydrocarbons
- Methyl tert-butyl ether (MTBE)
- Polychlorinated biphenyls (PCBs)
- Chlorinated solvents
- Ethylene oxide
- Mercury
- Nickel
- Chromium
- Heavy metals (arsenic and vanadium)
- Chinese drywall
- Paints
- Petroleum distillates
- Asbestos
- Talc
- Many others