



Environmental Litigation and Mass Torts

Organizations engaged in environmental disputes in today's landscape are often facing multiple simultaneous proceedings, including government investigations and enforcement actions, class and mass actions, and business to business litigation. WilmerHale's trial-ready environmental litigation team has deep experience representing clients in complex, high-stakes – and often high-profile – disputes. Our team has represented companies in some of the most notable environmental cases in the country, including BP after the Deepwater Horizon offshore drilling accident in the Gulf of Mexico and Norfolk Southern following the train derailment in East Palestine, Ohio.

AREAS OF FOCUS

- **Environmental Mass Torts and Class Actions:** WilmerHale has wide-ranging experience and success defending clients in environmental mass torts and class actions, whether filed after major environmental incidents or alleged long-term releases of chemicals.
- **FCA in Environmental Contracting:** We have experience handling complex False Claims Act matters arising at large environmental remediation sites and for environmental consultants that contract with multiple federal agencies. We draw on our extensive experience representing clients in FCA actions in myriad industries and leverage our bench of former prosecutors and Department of Justice lawyers to defend against FCA claims.
- **Environmental Crimes:** Companies and individuals facing criminal investigations or charges under environmental laws rely on our team of experienced trial lawyers, investigations attorneys and former prosecutors. We have helped clients defend, or avoid, charges for alleged criminal violations of the Resource Conservation and Recovery Act, Clean Water Act, Clean Air Act, Endangered Species Act, Lacey Act and other federal and state environmental laws.
- **Environmental Accidents, Spills and Releases:** Clients turn to us for their most consequential cases following major environmental incidents such as explosions, accidents, derailments, and catastrophic releases. We also handle complex environmental litigation for clients facing liability under Superfund and hazardous waste laws for legacy releases and contamination.

TRIAL READY

320+

trials and arbitrations completed since 2010, many with multiple billions of dollars at stake

60+

lawyers with first-chair trial and/or arbitration experience

60+

attorneys with Department of Justice or US Attorney's Office experience

REPRESENTATIVE EXPERIENCE

- Represented **Norfolk Southern** following the February 2023 train derailment in East Palestine, Ohio. These representations include defending against class action lawsuits and federal and state enforcement actions, providing comprehensive and sophisticated strategic and legal advice on environmental topics, and preparing executives for congressional testimony.
- Represented **BP** in the wake of the Deepwater Horizon offshore drilling accident in the Gulf of Mexico, leading 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 governmental entities as well as representation before the Chemical Safety Board and the Department of Justice.
- Representing a **party** in numerous climate change lawsuits brought by state Attorneys General and local governments against a variety of oil-and-gas industry defendants in state and federal courts. These mass tort cases generally seek damages for climate change impacts allegedly caused by defendants' roles in the production and promotion of fossil fuel products over decades.
- Defended **Tetra Tech** and affiliates in complex and wide-ranging FCA, environmental and private mass tort litigation arising from the remediation of Hunters Point Naval Shipyard, a former US Navy facility.
- Representing a **company** in federal criminal investigation of alleged violations of the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants.
- Representing a **company** in federal criminal investigation of alleged dumping and releases of hazardous waste and materials during large construction project involving federal funding.
- Defended an **individual** against criminal charges under the Endangered Species Act and Lacey Act, obtaining dismissal of all charges by the Department of Justice.
- Representing a **chemical company** in cost allocation proceedings related to cleanup costs incurred at a Superfund site in Kentucky.
- Representing a **chemical manufacturer** in investigations by the CSB, OSHA, EPA and state environmental agencies arising from chemical releases at multiple facilities.
- 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.



Class Actions, Trials and White Collar Practice Group of the Year

— *Law360*

Litigation Department of the Year

— *American Lawyer*

Top 100 Trial Attorneys, Top 250 Women in Litigation, Top 10 Women in Litigation

— *Benchmark Litigation*

“WilmerHale has given us good advice, excellent client service, and when we consult with the attorneys they're always very thoughtful and understand the full picture.”

— *Chambers USA*

For more information, please contact:

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