

# Environmental Regulation, Litigation, and Counseling

---

Wiley represents corporate clients in litigation and environmental enforcement actions in all regions of the United States. Our attorneys are deeply involved in governmental policy and legislative activities in the environmental arena at the state, federal, and international levels. We regularly counsel companies on environmental compliance and the environmental aspects of acquisitions, international trade, and real property transactions.

We have worked on rules and litigated cases arising under virtually every federal environmental program and state tort law, successfully defending cases arising under the CAA, the CWA, FIFRA, the ESA, the RCRA, the Superfund statute and state tort law. Our attorneys have also assisted clients in rule-makings under those statutes, OSHA, and the Hazardous Materials Transportation Act (HMTA), and have defended regulatory enforcement proceedings before agencies ranging from the PHMSA to the EPA. In addition, our attorneys have represented clients in other policy-making activities at the Office of Management and Budget (OMB), the Council on Environmental Quality (CEQ) and on Capitol Hill. In the international arena we provide counsel with respect to REACH, Restriction of Hazardous Substances (RoHS) Directive, Waste Electrical and Electronic Equipment (WEEE) Directive, and a range of international environmental treaties including the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, and the Montreal Protocol on Substances That Deplete the Ozone Layer.

## **Representative Recent Experience:**

- Obtaining dismissal on jurisdictional grounds of a challenge by environmental activists to EPA re-registration of azinphos methyl pesticide products (AZM), over the opposition of both EPA and plaintiffs, and obtaining affirmance of that decision by the U.S. Court of Appeals for the Ninth Circuit.
- Obtaining dismissal in two U.S. District Courts in California of environmentalist challenges to the EPA's re-registration of pesticides products after alleged violation of, *inter alia*, the ESA.
- Successfully challenging in the Fourth Circuit, U.S. Court of Appeals, a District Court dismissal of a challenge to a Biological Opinion issued by the National Marine Fisheries Service under ESA, and current pursuit of summary judgment on the merits after remand.

- Successfully defending, on behalf of industry stakeholders, EPA regulations allocating methyl bromide allowances under the CAA.
- Successfully challenging EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) for lead battery manufacturers.
- Successfully representing two companies in the first FIFRA data compensation case in which a submitter of data in support of one product sought payments from registrants of another product. Our Group has successfully represented over the last 30 years both claimants and respondents in numerous other data compensation/cost-sharing arbitrations under FIFRA.

Wiley also has considerable experience in environmental auditing and other corporate compliance activities. In 1981, David B. Weinberg co-authored one of the first books on the subject, and over the years the team has continued to undertake audits and provide strategic counseling.

## Contact Us

Tracy Heinzman  
202.719.7106 | [theinzman@wiley.law](mailto:theinzman@wiley.law)