

Douglas S. Arnold

Partner

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Doug Arnold is co-chair of the Environment, Land Use & Natural Resources Group. He has 25 years of experience representing clients in environmental litigation, enforcement and compliance matters. Doug also has client relationship responsibility for Electrolux North America, as well as for Alston & Bird's environmental work for United Parcel Service Inc.

Doug is listed in *Chambers USA*, *Who's Who Legal: Environment*, *The Best Lawyers in America*[®] since 2007, and *The International Who's Who of Environmental Lawyers*. He is also a prior co-chair of the Environmental Litigation Committee of the ABA Section of Litigation and chair of the Environmental Enforcement and Crimes Committee of the ABA Section of Environment, Energy & Resources.

Doug previously served on Alston & Bird's Hiring Committee and is currently a member of Alston & Bird's Diversity Committee.

Representative Experience

- Won summary judgment on Atlantic Research grounds in a CERCLA cost recovery suit involving past and future cleanup costs exceeding \$400 million. The 11th Circuit upheld the dismissal on appeal, and the U.S. Supreme Court denied a subsequent petition for certiorari.
- Has successfully defended clients in litigation and enforcement actions brought by U.S. EPA in EPA Regions 1, 2, 3, 4, 5, 6, and 9 involving alleged violations of the Clean Air Act (CAA), Clean Water Act (CWA), CERCLA, Resource Conservation and Recovery Act (RCRA), Toxics Substances Control Act (TSCA), and Emergency Planning and Community Right-to-Know Act (EPCRA).
- Defeated class certification of personal injury claims involving alleged chemical exposures asserted by approximately 30,000 putative class members in Alabama, Ohio, Kentucky, Pennsylvania, West Virginia, Montana, and Colorado.
- Criminal declination for alleged Clean Water Act violations at the waste water treatment facility. Led internal investigation into whistleblower allegations of illegal facility discharges and assisted the client with reporting results under EPA's Voluntary Self-Disclosure Policy. U.S. Department of Justice Environmental Crimes Section and U.S. EPA Criminal Investigative Division filed charges against the former facility manager and supervisor, but sought no charges against the client parent or subsidiaries.
- Successful settlement after pre-trial motions of four lawsuits in Alabama and West Virginia against a Fortune 50 chemical manufacturer brought by 1,400 plaintiffs seeking more than \$500 million in damages for injuries allegedly caused by chemical exposures.

- Defended national building products company in mass tort litigation involving 19 lawsuits and more than 1,300 plaintiffs alleging personal injuries caused by air and surface water emissions from former wood treatment operations. The chemicals of concern included dioxin, arsenic, creosote and chromium, which allegedly resulted in cancers, birth defects and other diseases. Successfully settled all claims in a two-day mediation following the close of fact discovery in the first four lawsuits.
- Class-wide settlement for less than defense costs at pre-summary judgment stage. The settlement extinguished property damage claims of 36,000 residents relating to alleged releases of lead and other pollutants from former foundry operations.
- Obtained a criminal declination for a corporation and its subsidiary after a two-plus-year investigation in which the government sought a felony indictment and \$4 million in fines for alleged RCRA violations from an alleged spill of 1.3 million gallons of hazardous chemicals. The federal agencies involved included the U.S. EPA Criminal Investigative Division, FBI, and U.S. Department of Justice Environmental Crimes Section.
- Defended a national appliance manufacturer in three lawsuits in San Francisco Superior Court for alleged perchloroethylene (PCE) contamination in soil and groundwater. The plaintiffs collectively sought \$150 million in damages from nine defendant companies. Based on client's expert reports and testimony, resolved all three lawsuits in a pre-trial mediation for less than one percent of the damages sought.
- Successful settlement of toxic tort lawsuit in Madison County, Illinois, prior to the start of discovery; case involved claims by 300 plaintiffs against client for personal injury and property damage from alleged exposure to manganese, lead, arsenic, and chromium from air emissions and surface water runoff from former mineral processing operations.
- Conducted internal corporate audits and investigations of client facilities in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Pennsylvania, South Carolina, Tennessee, and Virginia and helped clients develop environmental compliance strategies to address results and mitigate future potential liability.
- Summary judgment granted for client in two related toxic tort suits in Maryland and Massachusetts involving alleged exposure to chlordane and other pesticides.
- Dismissal for client on motion to dismiss grounds in a dioxin exposure case involving a former federal Superfund site in Arkansas.

Publications & Presentations

Publications

- "Leveling the Toxic Tort Playing Field—Removal to Federal Court," *Bloomberg Law*, October 11, 2018.
- "Finding Finality in CERCLA Settlements," *Bloomberg BNA Toxics Law Reporter*, Vol. 31, No. 9, March 3, 2016.
- "The Seventh Circuit Addresses UAO Enforcement and CERCLA Arranger Liability in Fox River PCB Litigation," *Bloomberg BNA Toxics Law Reporter*, Vol. 29., December 4, 2014.
- "Not Settling for Less: Finality in CERCLA Settlements," *Bloomberg BNA Toxics Law Reporter*, June 24, 2013.
- "Enviro Cos., Beware of More EPA Criminal Enforcement," *Law360*, February 14, 2013.
- "Challenging CERCLA Claims At The Pleading Stage," *Law360*, August 15, 2011.

Education

- University of Georgia (J.D., 1991)
- University of Virginia (B.A., 1988)

Admitted to Practice

- District of Columbia
- Georgia

Related Services

Environment, Land Use & Natural Resources | Toxic Torts | Environmental Litigation | Environmental Enforcement Defense | Environmental Crisis Management | Internal Investigations & Environmental Audits | Environmental Transactional Group | Environmental Compliance, Permitting & Transactions | Brownfield Contaminated Sites | Hazardous Materials & Hazardous Waste Compliance | Oil & Natural Gas