



Gregory S. Berlin

Senior Associate

+1 213 576 1045 | greg.berlin@alston.com

Los Angeles | 350 South Grand Avenue, 51st Floor | Los Angeles, CA 90071

Related Services

Environment, Land Use & Natural Resources ■ Environmental Litigation ■ Environmental Appellate Litigation ■ Oil & Gas ■ Proposition 65 ■ Land Use ■ Environmental Enforcement Defense ■ Climate Change / Carbon Management

Greg Berlin represents well-known corporations, including multinational oil and gas companies, the world's largest retail corporations, and food and drink processing conglomerates in litigation involving the environment, natural resources, and consumer products. He proactively works with companies in highly regulated industries to identify and manage their legal risks and develop creative litigation strategies.

Greg has expertise with litigation related to toxic torts, climate change, PFAS, Superfund/cost recovery, citizen suits, and California's unique labelling law, Proposition 65. He also represents companies in litigation involving major energy, infrastructure, and land use development projects.

Greg earned his J.D., cum laude, from the University of California, Hastings College of Law, with a certificate in environmental law. He served as the executive symposium editor of the *Hastings Law Journal* and a judicial extern to the Hon. Edward M. Chen of the U.S. District Court for the Northern District of California.

Representative Experience

Energy

- Representing bulk fuel storage terminals and refineries in responding to the California State Water Resources Control Board's orders to investigate and sample for dozens of PFAS chemicals.
- Representing one of the largest companies in the world and the second largest oil company in the United States by revenue in legal challenges to California's de facto ban on well stimulation treatment operations.
- Representing oil and gas exploration and production companies in legal challenges to the City of Los Angeles Oil and Gas Drilling Ordinance, which immediately bans new oil and gas extraction activities and requires the removal of existing operations after an amortization period.
- Representing an oil and gas company that operates in the Inglewood Oil Field in opposing a City of Culver City ordinance that seeks to amortize and terminate oil and gas production in Los Angeles, including enforcement of vested property rights.
- Represented oil and gas operators, royalty owners, and trade associations in CEQA and constitutional challenges to oil and gas provisions in the Ventura County General Plan Update. The General Plan Update sought to strip oil and gas operators of their vested rights under existing permits and impose unlawful restrictions on existing operations. The case settled on favorable terms.

- Represented a multinational oil and gas corporation and one of the largest public companies worldwide in a challenge to a countywide ballot initiative that would immediately prohibit well stimulation and the drilling of new wells, and would impose a sunset date for the injection or impoundment of produced water. If implemented, the ballot initiative would shut down all operations in the eight-largest oil field in California. Secured a victory in the Court of Appeal and California Supreme Court.
- Represented a natural gas, oil exploration and production company, which produces nearly 25% of California's oil and natural gas, in a legal challenge to the California Geologic Energy Management Division's decision to subject ministerial permits to drill new wells to discretionary environmental review.
- Defended one of the world's largest private sector energy companies against multiple lawsuits brought by various California municipalities, who were alleging claims for public and private nuisance, product liability, and deceptive sales while also attempting to shift liability for national and international climate change policy choices onto energy producers. The municipalities sought damages tied to greenhouse-gas emissions between 1965 and 2015. The client was dismissed from the lawsuits with prejudice.

Proposition 65

- Counsel for the largest U.S. retail corporation, and largest company worldwide by revenue, defending the company against dozens of claims involving alleged exposures to heavy metals, bisphenol-A (BPA), phthalates, per- and polyfluoroalkyl substances (PFAS), and other Proposition 65-listed chemicals.
- Counsel for one of North America's largest food companies, defending the company in all Proposition 65 cases.
- Counsel for cosmetic companies in multiple pending Proposition 65 lawsuits alleging exposure to airborne and unbound titanium dioxide in cosmetic products.
- Defending a real estate development company in a first of its kind Proposition 65 action filed in federal court concerning alleged environmental exposures to radionuclides.
- Counsel for one of North America's largest seafood suppliers, defending the company in several Proposition 65 matters.

Land Use, Property, and Infrastructure Development

- Obtained summary judgment on behalf of a real estate developer in litigation challenging the County of Orange's decision to approve two mixed-use projects, valued at over \$4 billion, on portions of the former Marine Corps Air Station El Toro that are now owned by the County and located within the City of Irvine.
- Obtained summary judgment on behalf of petitioners in legal challenges to a controversial long-term water transfer program. The court held the Environmental Impact Report / Environmental Impact Statement was arbitrary and capricious, ignored relevant new information, and failed to meet minimum requirements of the California Environmental Quality Act and National Environmental Policy Act.
- Represented beachfront homeowners in successfully opposing an action filed by the Broad Beach Geologic Hazard Abatement District, which sought to validate its special assessment against properties in the City of Malibu to pay costs to address shoreline erosion. The trial court held the special assessment violated Proposition 218, the Right to Vote on Taxes Act, because the District overstepped on its ability to impose assessments. The Court of Appeal affirmed the trial court's judgment in its entirety.
- Defended flower growers in an attack against the Environmental Impact Report and related entitlements to maintain and renovate a flower market and construct a high-rise residential tower with multi-family housing units in downtown Los Angeles.

- Represented the intervenor-defendants in Endangered Species Act citizen suit challenges to the biological opinions for two endangered species in a multibillion-dollar water infrastructure project.

Toxic Tort

- Defending a real estate developer in one of the largest ongoing toxic tort mass actions pending in the Northern District of California, involving over 9,500 community members, seeking personal injury and property damage from the alleged failure to disclose the presence of radioactive substances at a former naval shipyard that is the subject of San Francisco's largest development project in a century.
- Defending a real estate development company in a mass tort action involving more than 160 plaintiffs claiming personal injuries and property damage arising from alleged releases of hazardous particulates during construction at one of the largest mixed-use developments in Los Angeles County.

Publications & Presentations

Publications

- "Proposed RCRA Regs For PFAS: What Cos. Must Know," *Law360*, February 29, 2024.
- "What Changes To Prop 65 Warning Rules Mean For Cos.," *Law360*, November 14, 2023.
- "Pesticide Labeling Bill, 9th Circ. Case Could Cut Prop 65 Suits," *Law360*, October 2, 2023.
- "D.C. Circ's Perchlorate Ruling Means Regulatory Restart," *Law360*, June 30, 2023.
- "Preparation for EPA Regulation of PFAS Starts Now," *Law360*, February 23, 2023.
- "EPA's New PFAS Listings Raise Enforcement, Litigation Risks," *Law360*, June 28, 2022.
- "Enviro Assessment Rule May Help Lower Buyers' PFAS Risks," *Law360*, April 29, 2022.
- "EPA Gets Serious on PFAS, Plans to Remove De Minimis Exemption," *Bloomberg Law*, April 14, 2022.
- "DOI Report Is Bad for Both Climate and Oil, Gas Interests," *Law360*, December 16, 2021.
- "Infrastructure Law Gears \$10 Billion to Fight PFAS in Water," *Bloomberg Law*, December 3, 2021.
- "How PFAS Action Act Could Complicate Superfund Cleanups," *Law360*, September 7, 2021.
- "SoCal Air District Adopts First-of-Its-Kind 'Indirect Source Rule'," *The Daily Journal*, June 7, 2021.
- "Water Board Issues PFAS Investigative Orders to Refineries and Bulk Fuel Storage Terminals," *The Recorder*, April 26, 2021.
- "Governor Newsom Issues Order Seeking to End New Fracking Permits," *Daily Journal*, October 6, 2020.
- "California Gets Even More Aggressive on PFAS," *The Recorder*, September 23, 2020.
- "From Pandemic to Martial Law? A Look at California and the US," *The Recorder*, August 7, 2020.
- "New Study Finds PFOA Is Carcinogenic: What Are the California Proposition 65 Implications?" *The Recorder*, July 24, 2020.
- "INSIGHT: States Urge EPA to Be More Aggressive on PFAS Under TSCA," *Bloomberg Law*, May 27, 2020.
- "INSIGHT: States Urge EPA to Be More Aggressive on PFAS Under TSCA," *Bloomberg Law*, May 27, 2020.
- "INSIGHT: Congress Confronts PFAS in National Defense Authorization Act—What You Need to Know," *Bloomberg Law*, March 20, 2020.

Presentations

- 2023 LACBA Environmental Fall Symposium, Los Angeles County Bar Association, Los Angeles, CA, December 1, 2023.
- “The Ethical Questions Raised In Fee Motions,” 2023 Prop. 65 Conference, San Francisco, CA, September 18, 2023.
- “Agriculture and Proposition 65: Risks and Implications in California and Beyond,” American Agricultural Law Association, webinar, September 14, 2023.
- “PFAS Liability Management,” 35th Annual Environmental Spring Symposium, Los Angeles, CA, April 28, 2023.
- “Food and Food Contact Safety: Evolving Environmental Challenges,” FDLI’s Virtual Law Over Lunch: July, July 21, 2022.
- “Implications, Risks and Liabilities That Could Result From the EPA Broadening and Accelerating the Cleanup of PFAS Contamination of Drinking Water Sources,” 23rd Annual AGWT–AGWA California Groundwater Conference, Lakewood, CA, March 29-30, 2022.

Professional & Community Engagement

- Los Angeles County Bar Association (LACBA) Environmental Law Section, Executive Committee
- California Building Industry Association, Government Affairs Committee; Legal Action Committee
- Environmental Law Institute, Emerging Leaders Initiative
- California Lawyers Association, Environmental Law Section
- California Independent Petroleum Association
- Western States Petroleum Association
- Proposition 65 Clearinghouse
- AIDS Legal Referral Panel, board of directors (2019 – 2022)

Education

- University of California, Hastings College of the Law (J.D., 2016)
- The New School (B.A., 2013)

Admitted to Practice

- California