

ENVIRONMENTAL CRIMES

Moore & Van Allen's environmental team conducts internal investigations and works with members of the litigation team to represent clients in criminal investigations. Although criminal allegations regarding environmental matters typically are resolved before indictment or trial, we have successfully represented white-collar clients in criminal trials. Some of our environmental attorneys have experience working for the EPA, Department of Justice or state environmental agencies and are able to provide special insights into government tactics and the interpretation of environmental regulations by government agencies. If a matter appears likely to proceed to the indictment stage, we draw upon the experience of other litigators in the firm who regularly do white-collar criminal defense work.

We are frequently asked to conduct internal investigations for clients as a means of avoiding major compliance problems or addressing issues raised by government allegations. Some of these investigations are media specific, but most internal investigations are multi-media environmental audits. These investigations have covered every major federal environmental law including the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response Compensation and Liability Act (Superfund), the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Endangered Species Act, the National Environmental Policy Act (NEPA), and their state and local counterparts. We have also conducted investigations related to distinctive state and local laws such as the Coastal Area Management Act (CAMA), state groundwater regulations, state watershed laws, and local zoning ordinances. As part of our internal investigations, we may also provide training on environmental issues.

Examples of internal investigations or allegations of environmental crimes handled by Moore & Van Allen's attorneys include:

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- Annual multi-media environmental audit of domestic and foreign textile manufacturing facilities;
- Multi-media audit of steel manufacturing facilities;
- Multi-media environmental audit of pipeline and petroleum tank farm facilities;
- Pre-acquisition audits of industrial facilities to assess whether there are significant compliance issues associated with new or continuing operations under new ownership;
- Defense of equipment manufacturer in criminal investigation by EPA and FBI;
- Defense of specialty chemical manufacturer in criminal investigation by EPA and FBI; and
- Defense of recycling facility in criminal investigation by EPA and FBI.