



## **TOXIC AND HAZARDOUS MATERIALS - DOMESTIC AND INTERNATIONAL REQUIREMENTS**

### **BROAD REACH**

Toxic and hazardous materials are commonplace in industrial, commercial, and municipal settings in the U.S. and around the world. Barnes & Thornburg's environmental attorneys regularly assist clients in identifying, understanding and addressing the global legal requirements that apply to toxic and hazardous substances.

### **Asbestos**

Barnes & Thornburg represents property owners, building managers, tenants and others on rules that apply to demolition; renovation; asbestos management-in-place, abatement and disposal; property transfer; and air pollution control requirements (e.g., the National Emission Standard for Asbestos).

### **California Proposition 65**

Barnes & Thornburg regularly advises clients on Proposition 65 compliance and defends clients in enforcement actions brought by the government or private citizens. Our experienced trial lawyers help manufacturers, distributors and retailers assess and mitigate risk and review compliance procedures. We help clients evaluate and defend their products- design, manufacturing, distribution, sale and use. Understanding the science is crucial; our attorneys have the technical background and work frequently with scientific experts and testing laboratories to analyze alleged statutory violations and build winning defense strategies.

The lawyers in our Proposition 65 practice also have strong litigation defense experience involving other environmental and consumer product

### **Why Barnes & Thornburg?**

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

### **RELATED PRACTICES**

Environmental

claims and class actions throughout the U.S. We believe that this experience, together with our firm's capabilities as a national trial firm representing clients in complex litigation matters, puts our clients in the best position to address Proposition 65 matters.

## **Chemical Facility Anti-Terrorism Standards**

Barnes & Thornburg assists clients in their efforts to address the requirements of the Chemical Facility Anti-Terrorism Standards (CFATS). Our attorneys help clients evaluate and assess the applicability of the CFATS requirement to their operations and assist in compliance efforts. We have helped to remove facilities from the CFATS high-risk list, performed record audits, and helped clients prepare for Department of Homeland Security (DHS) inspections. As part of these efforts, our attorneys have obtained Chemical-Terrorism Vulnerability Information (CVI) certifications.

## **Conflict Minerals**

Barnes & Thornburg attorneys counsel clients regarding compliance with the SEC's Conflict Minerals program, which pertains to tin, tantalum, tungsten and gold from Democratic Republic of the Congo or an adjoining country. Companies turn to us for help with developing supply chain questionnaires, corporate policies and due diligence procedures, and for guidance on the scope and applicability of the Conflict Minerals requirements.

## **Emergency Planning and Community Right-to-Know**

We advise businesses in a variety of industries on Emergency Planning and Community Right-To-Know Act (EPCRA) requirements. Clients turn to us for help with:

- Assessing and evaluating the applicability of release reporting requirements
- Routine and periodic reports such as Tier I, Tier II, and Form R - Toxic Chemical Release reports and Safety Data Sheets
- Evaluating compliance and addressing non-compliance issues
- Defending enforcement actions

## **Federal Insecticide Fungicide and Rodenticide Act (FIFRA)**

Pesticides are widely used worldwide in a wide array of applications that affect daily life. The technology - and the regulations - change rapidly. Barnes & Thornburg helps clients, including agriculture concerns, manufacturers and trade associations, keep abreast of the intricacies of FIFRA compliance, including:

- Data compensation arbitration proceedings for follow-on registrations
- Litigation regarding the scope of federal pre-emption of tort claims
- Compliance with pesticide regulations
- Transactional work related to the sale of product lines or businesses

with pesticide products, registrations or data

We have a pragmatic outlook that allows us to strive for cost-effective and timely solutions to your pesticide issues.

## **Polychlorinated Biphenyls (PCBs)**

Barnes & Thornburg advises clients regarding the various rules that apply to PCBs, including management of PCBs and PCB-contaminated materials, storage, disposal and recordkeeping requirements, and remediation of PCB-contaminated property.

## **REACH**

We counsel clients on compliance with the European Union's REACH program, which regulates the registration and use of certain substances in the European Economic Area. We also assist clients with developing corporate policies and due diligence materials, and provide general compliance advice.

## **Toxic Substances**

Government and EPA regulation of the manufacture, use and distribution of toxic substances places significant duties on chemical manufacturers and users. Barnes & Thornburg guides clients through detailed aspects of Toxic Substances Control Act (TSCA) compliance, including:

- Defense of EPA enforcement actions related to product advertising and approved labeled uses
- Day-to-day compliance with recordkeeping and reporting requirements
- Internal audits of TSCA program compliance
- Assisting in the preparation of pre-manufacture notifications (PMNs)
- Defense of toxic tort suits involving products subject to TSCA
- Resolution of inter-company contract disputes involving the sale and use of TSCA-regulated products
- Evaluation of transactional and market risks when selling or acquiring businesses that sell TSCA-regulated products

We are committed to a proactive approach that identifies potential business issues and EPA regulatory concerns before they are the subject of enforcement action. Our office in Washington, D.C., places us in close proximity to legislative and executive branch decision makers.

## **U.S. Customs/Imports**

Barnes & Thornburg attorneys help clients evaluate the applicability of U.S. Customs regulations that require certifications under the Toxic Substances Control Act (TSCA). We assist with determining whether client's imports are exempt from TSCA certification requirements or if a -positive- or -negative- TSCA certification is required. As all parties that import chemical substances, mixtures or articles into the United States may be subject to TSCA requirements, we help clients navigate complex

questions of TSCA applicability and advise them how to answer the applicable TSCA Customs certification questions.

## Practice Leaders



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