



**David B. Graham**  
Member

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David heads the environmental practice of Kaufman & Canoles. He represents clients in litigation and regulatory matters throughout the country. Prior to joining Kaufman & Canoles, David headed the environmental practices at Kaye Scholer and Howrey & Simon in Washington, D.C. and Baker & Hostetler in Cleveland, Ohio.

#### PRACTICE AREAS

- Environmental
- Government & Municipal
- Litigation

#### REPRESENTATIVE MATTERS

- *Emhart v. Celanese, et al.*, U.S. District Court of Rhode Island, defending against cost recovery claim
- *Ashland, Inc. v. Gar Electroforming*, 729 F. Supp. 2d 526 (D.R.I. 2010), plaintiff's counsel on cost recovery claim
- Represented Fortune 250 company removed from potentially responsible party listed at Superfund Site
- Serving as liaison or common counsel to groups of potentially responsible parties at four waste sites in Illinois and Rhode Island
- Negotiated agreements with three state agencies to cleanup waste sites
- Serves as De Minimis Counsel for over 100 parties at a Superfund Site outside of Chicago
- Represented multi-state power company defending against liability claims at coal combustion waste disposal site
- Prepared emergency response plan for Fortune 250 international manufacturing company

#### RECOGNITION AND HONORS

- Virginia's Legal Elite; Virginia Business Magazine, 2004, 2008-2020
- Top Lawyers; CoVaBIZ Magazine, 2019-2021
- One of Ten Pioneers of Environmental Law; National Law Journal
- Chair; ABA Superfund and Hazardous Waste Committee, 1990s
- ABA's Work Group on Superfund Reauthorization, 1990s
- Member; Board of Advisors, Chemical Waste Litigation Reporter
- Member; National Petroleum Council, an advisory board to the Secretary of the Department of Energy, 1980s
- Team Leader; Task Force on Social Security, White House Advisory Committee, 1980s
- Distinguished Achievement Award; American Heart Association, Nation's Capital Affiliates, 1997

#### ADMISSIONS

- Virginia, 2003
- District of Columbia, 1972
- Ohio, 1999 (inactive)
- Illinois, 1980 (inactive)
- Louisiana, 1969 (inactive)

## EDUCATION

- Louisiana State University; B.S., Petroleum Engineering, 1966
- Louisiana State University Law Center; J.D., 1969

## PRESS AND PUBLICATION

- 40 Kaufman & Canoles Attorneys Named as Top Lawyers 2021 in *CoVaBIZ Magazine*
- 53 Kaufman & Canoles Attorneys Named Virginia Business Magazine's "Legal Elite" 2020
- 45 Kaufman & Canoles Attorneys Named as Top Lawyers 2020 in *CoVaBIZ Magazine*
- 48 Kaufman & Canoles Attorneys Named Virginia Business Magazine's Legal Elite 2019
- 48 Kaufman & Canoles Attorneys Named Virginia Business Magazine's Legal Elite 2018
- 40 Kaufman & Canoles Attorneys Named as Top Lawyers 2019 in *CoVaBIZ Magazine*
- 48 Kaufman & Canoles Attorneys Named to Virginia Business Magazine's Legal Elite 2017
- 48 Kaufman & Canoles Attorneys Named to Virginia Business Magazine's Legal Elite 2016
- 44 Kaufman & Canoles Attorneys Named Virginia Business Magazine's Legal Elite 2015
- 45 Kaufman & Canoles Attorneys Named to Virginia Business Magazine's Legal Elite 2014
- Featured environmental attorney in Virginia Business Magazine's Legal Elite 2013
- "The Corporate Emergency Response Plan: A Smart Strategy," *Natural Resources & Environment*, ABA Section of Environment, Energy and Resources, Fall 2012
- 55 Kaufman & Canoles Attorneys Named to Virginia Business Magazine's Legal Elite 2012
- "Risks and Rewards of Brownfields Development in Virginia," Co-Author, *Virginia Lawyer*, Vol. 54 No. 3, October 2005
- "Emergency Response – Is Your Company Ready?," *Daily Environment Report*, 112 DEN B-1, June 11, 2002
- "An Executive Order Could Bring Better Science To Regulation," *Washington Legal Foundation*, 2001
- "New Approaches to Environmental Law and Agency Regulation: The Daubert Litigation Approach," Co-Author, *The Environmental Law Reporter News & Analysis*, 2000
- "After Recent Court of Appeals Decision, EPA Faces an Uphill Battle Enforcing Its Program to Reduce Urban Air Pollution," Co-Author, *Chemical Waste Litigation Reporter*, 1999
- "Environmental Justice and Underlying Societal Problems," Co-Author, 27 *ELR* 10568, 1997
- "Rebuilding Green Cities," Co-Author, *Legal Times*, 1997
- CERCLA Enforcement; Co-Author, *American Bar Association*, 1996
- "Liability for Damage Caused by Waste: Comparing Relief Under CERCLA and the Proposed EC Directive," 1992
- "Sharing Counsel at Multi-Party Waste Sites," Co-Author, *ACCA Docket (American Corporate Counsel Association)*, 1992
- "Spurring Settlement of Cost Recovery Actions Through Litigation," 21 *Env't Rep. (BNA)* 1716, 1991
- "Responding to Unilateral EPA Orders Under Section 106 of the Superfund Law," 3 *Toxics L. Rep. (BNA)* 1300, 1989
- "Insurance Coverage for Superfund Liability Defense and Cleanup Costs: The Need for a Nonlitigation Approach," 19 *Env'tl. L. Rep. News & Analysis*, 1989
- "Minimizing Legal and Cleanup Costs at Hazardous Waste Sites, in *Practical Approaches to Reduce Environmental Cleanup Costs 29*," *Real Estate Law and Practice Course Handbook Series Number 317*, *Practicing Law Institute*, 1988
- "Practical Approaches to Superfund Problems," 2 *Toxics L. Rep. (BNA)* 1252, 1988
- "Superfund Defense and Cleanup Costs: An Insurer – Policyholder Counsel Colloquy," *ACCA Docket (American Corporate Counsel Association)*, 1988
- "Negotiating Waste Site Cleanups," in *A Practical Guide to Env. Law (ALI/ABA)* 129-168 (1987) and the *Practical Real Estate Lawyer (ALI/ABA)*, 1986
- "Enforcement and Settlement Policy Under the 1986 Superfund Amendments," 1 *Toxics L. Rep. (BNA)* 737, 1986
- "Hazardous and Solid Waste Laws and Regulations: Effects on the Mining of Coal and Other Minerals," 88 *W. Va. L. Rev.* 587, 1986
- "Need for Changes in EPA's Settlement Policy and Practices to Expedite Waste-Site Cleanup," 1 *Nat. Resources & Env't. (ABA)* 7, 1985
- "The Second Chem-Dyne Settlement," 15 *Env'tl. L. Rep. News & Analysis (Env'tl. L. Inst.)* 10208, 1985, and *Hazardous Waste Rep. (Aspen Systems Corp.)*, 1985
- "Solid and Hazardous Waste Regulation and Coal Mining: OSM or EPA?," *LandMarc*, 1985
- "Apportionment at Superfund Sites, *Nat. Resources L. Newsletter (ABA)*," 1984 and *Hazardous Waste Rep. (Aspen Systems Corp.)*, 1984
- "Rigid Approach to Liability in Waste Case Unwise," *Legal Times*, 1984