



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, 2008-2022
- Top Lawyers; *CoVaBIZ Magazine*, 2019-2022
- 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

- 53 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* "Legal Elite" 2022
- 40 Kaufman & Canoles Attorneys Named as Top Lawyers 2022 in *CoVaBIZ Magazine*
- 52 Kaufman & Canoles Attorneys Named *Virginia Business Magazine's* "Legal Elite" 2021
- 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, Practising 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

PRESS AND PUBLICATION (CONT.)

- “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
- “Apportionment of Costs at Superfund Sites and Pending Congressional Action Thereon, 8 Chemical & Radiation Waste Litigation Rep. 346,” 1984
- “Coordinated Multiparty Responses at Superfund Sites, in Management of Mass Tort Litigation 481,” Practising Law Institute, 1983
- “Superfund Site Settlement Process, in Toxic Materials 23,” Law & Business, Inc./Harcort Brace Jovanovich, 1982