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Areas of Practice

Consumer Products

Environment & Natural
Resources

Litigation

Products Liability,
Pharmaceutical & Mass
Tort Litigation

Toxic Tort

Education

University of Arizona,
James E. Rogers College of
Law, J.D., *cum laude*, 1994

Dartmouth College, A.B. in
Geology, with distinction,
1980

Bar & Court Admissions

Arizona

Virginia

David R. Nelson

David R. Nelson is of counsel in the Phoenix office of Steptoe & Johnson LLP. His practice encompasses counseling both public and private entities in environmental, natural resources, toxic tort and water law litigation. Formerly a geologist and Counsel to the US House of Representatives Subcommittee on Energy and Mineral Resources, Mr. Nelson has a wide range of experience dealing with groundwater issues and related toxic tort and environmental litigation.

Environmental and Toxic Tort Litigation

Mr. Nelson has represented both private clients and municipalities (as both plaintiffs and defendants) in complex environmental and toxic tort litigation and assisting in civil and criminal matters at both the state and federal level. In civil litigation, Mr. Nelson has represented electronics manufacturers, chemical manufacturers, municipal water companies and mining companies. He has been involved in complex litigation to reduce liability and/or recover costs in CERCLA actions, and similar representation in Clean Water Act (CWA) settlements. In RCRA hazardous waste and underground storage tank litigation, he frequently becomes involved in property transactions and litigation to resolve migrating contaminants, including petroleum constituents such as MTBE, and chlorinated solvents. He has helped bring and defend against citizen suits pursuant to EPCRA, CERCLA, RCRA and the CWA. With his past experience as a geologist, Mr. Nelson frequently works with expert witnesses and hydrologists to identify sources of migrating contamination and model future impacts.

In the criminal arena, Mr. Nelson has helped defend clients against charges for Clean Air Act and RCRA violations. His experience includes criminal actions against manufacturers, as well as their environmental consultants. Mr. Nelson authored "Preparing for a Clean Water Inspection," published in the *Environmental Management Review*, focusing on proactive steps companies can take to avoid criminal liability. Mr. Nelson has also assisted clients in drafting corporate environmental policies, to reduce potential criminal liability in light of federal criminal sentencing guidelines.

With respect to toxic tort litigation, Mr. Nelson has represented municipalities in wrongful death cases involving municipal water supplies, as well as private entities seeking damages caused by municipal water systems. As a member of the American Water Works Association, Mr. Nelson has utilized his experience to address issues related to the aging infrastructure of municipal water systems, and worked alongside a variety of consultants – engineers, corrosion experts, geotechnicians and water systems operators – to resolve such issues. With respect to toxic tort claims, he has assisted chemical, petroleum, pesticide and electronics manufacturers in defending against personal injury, medical monitoring, and property devaluation claims related to environmental contamination.

David R. Nelson

Environmental Regulatory and Transactional Practice

Focusing on creative alternatives, Mr. Nelson has worked closely with environmental consultants to devise cleanup proposals for state and federal hazardous waste cleanup sites and perform due diligence prior to the purchase and sale of such properties. Mr. Nelson helped craft a voluntary cleanup proposal for oil and gas pipeline companies at a major petroleum tank farm. He has represented clients on a number of RCRA and underground storage tank issues, and negotiated with the Environmental Protection Agency (EPA) on remedy selection and approval of natural attenuation and risk based solutions for soil and groundwater cleanups.

Select Seminars & Events

Climate Change Changes Everything, February 8, 2008, *What You Need to Know Regarding Emerging Regulatory & Litigation Issues Concerning Global Warming (A Steptoe-Sponsored Event)*

Current & Emerging Environmental Law Issues, December 7, 2006, *(A Steptoe-Sponsored Event)*

Water Law & Policy Symposium, University of Arizona, October 7, 2006

Selected Publications

Environmental Newsflash, Issue 22
September 30, 2009

Environmental Newsflash, Issue 21
May 6, 2009

Environmental Newsflash, Issue 20
US EPA Opens Comment Period on First Nationwide Greenhouse Gas Emission Reporting Rules
April 20, 2009

Environmental Newsflash, Issue 19
April 1, 2009

Environmental Newsflash, Issue 18
EPA To Reconsider Whether Carbon Dioxide is Regulated Under Clean Air Act PSD Program
February 23, 2009

Environmental Newsflash, Issue 17
House Stimulus Bill Contains Billions For Renewable Energy, Energy Efficiency and Carbon Capture Technologies

David R. Nelson

January 29, 2009

Environmental Newsflash, Issue 16
Major Developments Regarding Greenhouse Gas Regulation
December 1, 2008

Environmental Newsflash, Issue 15
EPA Announces Web-Based System For Companies to Self-Disclose
Environmental Violations
August 11, 2008

Professional Affiliations

Arizona State Bar, Environmental and Natural Resources Law Section

America Water Works Association

Rocky Mountain Mineral Law Foundation