Steptoe is widely recognized as one of the nation’s premier environmental litigation, toxic tort, and chemical exposure defense practices. With a team that includes first chair jury trial lawyers experienced in large-scale litigations involving complex issues of medical and industrial hygiene, fate and transport, toxicology, and epidemiology, our lawyers are particularly adept at reducing complex, technical issues to understandable concepts supported by compelling scientific and medical evidence. Our environmental, products and mass tort group includes top-ranked lawyers recognized by Chambers USA, Best Lawyers, and Super Lawyers in the categories of Environment/Product Liability (Toxic Tort), Bet-The-Company Litigation, and Commercial Litigation. We regularly successfully try cases to jury verdict, and several of our jury trial wins have been named “Defense Verdicts of the Year” by California’s Daily Journal.

Collectively, our EPMT lawyers have created a global practice that regularly defends mass tort, product liability, and community-based environmental contamination claims filed throughout the United States, while also regularly advising clients globally on a broad spectrum of chemical and industrial regulatory programs and policies. We represent major industrial and agricultural chemical manufacturers, energy companies, consumer product distributors and retailers, industry groups, and trade associations. We defend the full range of personal injury, wrongful death, birth defect, and property damage claims arising from environmental contamination and chemical exposure.

Litigation has become a favored strategy used to redress real and perceived grievances against corporate entities for alleged chemical exposures. The increased emphasis on fraud and conspiracy claims in conjunction with personal injury and medical monitoring allegations (based upon the use of such strategies for tobacco and asbestos products), has created a higher-stakes legal climate. Putative class actions for diminished property value and use and enjoyment of property based on trespass or public and private nuisance theories can also create significant exposure for damages and potentially disruptive injunctive remedies. Effective legal representation is critical to a company’s reputation and continued success – indeed, sometimes to its survival. Our representation often extends beyond the courtroom and into the boardroom, as environmental contamination and toxic tort claims can give rise to significant legal, financial, and public relations issues. Steptoe has helped leading institutions prepare and respond, minimize legal exposure, protect the reputation of management and the organization, and manage the publicity that often surrounds such litigation.
Environmental Litigation

We handle environmental contamination claims involving air, groundwater, soil, and surface water contamination from sources such as abandoned oil wells, leaking underground storage tanks, landfills, Superfund sites, and industrial operations.

We also represent parties enforcing their rights of contribution or allocation as well as defending against those claims for investigation and/or remediation costs at environmentally impacted sites and properties.

We often work with environmental consultants to devise clean-up proposals for state and federal hazardous waste sites, and are engaged to perform due diligence prior to the purchase/sale of affected properties.

Whether it is litigation or regulation, our lawyers have the experience our clients need to effectively defend and counsel them in matters relating to the Clean Water Act (CWA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Food Quality Protection Act (FQPA), the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Clean Air Act, as well as natural resource laws and regulations under the Endangered Species Act (ESA). Our team also includes a deep bench of lawyers handling claims under California state laws and regulations including deceptive trade practice claims and Prop 65.

Product Liability

Steptoe lawyers have defended claims nationwide for a variety of product claims involving automobiles and their components, cosmetics, supplements, food and beverage, medical devices, and electronics, as well as exposures to allegedly toxic substances such as BPA, formaldehyde, arsenic, lead, and silica. Our experience encompasses claims challenging product safety as well as those alleging false advertising in manufacturers’ representations about their products.

Steptoe has successfully resolved such claims brought as class actions, individual actions, and consolidated as multidistrict litigations (MDLs). In all of these contexts, our approach is the same: to consult with leading regulators, scientists, and technical experts to master the regulations, science, medicine, or economics on which these cases turn. This approach has often led to successful dispositive motions practice based on theories such as preemption, permitting early and cost-effective case resolution.

Specifically, the firm has successfully defended cases brought against product manufacturers in a variety of industries claiming economic injury as a result of alleged product defects. Our litigation skills are complemented by a reputation for trying cases; a credible trial threat maximizes pressure on our opponents and minimizes our clients’ potential liability.

Steptoe has outstanding and experienced trial lawyers who are ready, willing, and able to take a case to verdict before judges and juries.

Toxic & Mass Tort

Steptoe defends toxic tort claims nationwide for the oil, petrochemical, aerospace, manufacturing, and agricultural chemical industries against workplace, environmental contamination and consumer products claims alleging injurious exposure to chemicals, such as cancer, birth defects, and lung, brain and central nervous system, kidney, liver and other major organ diseases. Our lawyers have defended clients in emerging contamination cases and mass disasters.

Our strategy is to present our opponents with a genuine trial risk because that is the risk most appreciated by the plaintiff bar. Our lawyers were among the first to convince federal courts to employ full evidentiary hearings, including Daubert challenges as part the class certification process, resulting in many denials of class certification when plaintiffs could not meet their burden of proof.

Clients appreciate that our understanding of the science, medicine, and regulations on which these cases turn permits us to communicate effectively with in-house operations and legal personnel in the parlance of their own industry. Additionally, our paralegals’ specialized training and experience in identifying and organizing key information from the vast quantities of factual materials produced in the discovery process greatly enhances the presentation to experts and courts, and enhances the value we deliver to clients during the litigation process.

We also work closely with many of the leading experts in the fields of toxicology, epidemiology, environmental fate and transport, chemical fingerprinting, analytical chemistry and exposure modeling to ensure that we not only effectively communicate the complex scientific and medical issues to the jury, but also to our clients and to interested community advisory panels and public officials.
News & Publications

CLIENT ALERTS
Draft Compliance Guidance for Imported Articles Containing PFAS Surface Coatings Released for Comment
December 17, 2020
By: Seth Goldberg, Sara Beth Watson

CLIENT ALERTS
Coal Ash Rule Update: Legacy Sites: Will a New Administration fix this Hole in EPA’s Holistic Approach?
November 11, 2020
By: Anthony G. Hopp, Steven J. Ross, Daniel A. Mullen

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Steptoe Receives 125 Individual Mentions in Best Lawyers in America 2021
Four Lawyers Named ‘Lawyer of the Year’
August 20, 2020

PUBLICATIONS
Could ‘Unconstitutional Compelled Speech’ be the Beginning of a Broad New Defense in Prop 65 Cases?
Chemical Watch
August 6, 2020
By: Carol R. Brophy, Dennis E. Raglin

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July 7, 2020

CLIENT ALERTS
Court Overturns Prop. 65 Warning for Glyphosate as Unconstitutional Compelled Speech: The Beginning of a Broad New Defense in Prop. 65 Cases?
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US Supreme Court Wades into Groundwater with County of Maui v. Hawaii Wildlife Fund, Leaves Muddy Path Forward
April 27, 2020
By: Julie Michalski, Cynthia L. Taub, Anthony G. Hopp

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Is This the End of Self Implementation?
February 27, 2020
By: Anthony G. Hopp, Steven J. Ross, Daniel A. Mullen

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Steptoe’s Julie Michalski Receives Burton Award
February 24, 2020

Events

WEBINARS

The Coal Ash Rule
Regulation, Litigation, and Strategies to Minimize Risk
December 13, 2017
Speakers: Anthony G. Hopp, Steven J. Ross

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