

Webcast: A New Era of Environmental Criminal Enforcement

Webcasts | October 22, 2024

For the first time, the U.S. Environmental Protection Agency (EPA) has announced its intention to pursue a coordinated “strategic civil-criminal enforcement policy,” with targeted enforcement priorities that include mitigating climate change, addressing exposure to PFAS, and reducing air pollution in Environmental Justice communities. Working hand-in-hand with the Department of Justice’s Environmental Crimes Section (ECS), EPA has indicated that it will leverage the full array of compliance monitoring and enforcement tools to address violations of environmental laws and pursue new and innovative enforcement theories and remedies. Understanding these policies and trends, and critically examining recent criminal case studies, will help regulated parties anticipate, avoid, and defend against environmental criminal enforcement. Please join our panelists from Gibson Dunn’s White Collar Defense and Investigations and Environmental Litigation and Mass Tort practice groups as they discuss the current environmental criminal enforcement landscape, analyze lessons learned from recent criminal resolutions of note, and anticipate potential changes in environmental criminal enforcement as a result of the 2024 presidential election.

Related People

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PANELISTS: **Michael S. Diamant** is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, where he is a member of the White Collar Defense and Investigations Practice Group and serves on the firm’s Finance Committee. His practice focuses on white collar criminal defense, internal investigations, and corporate compliance. He has represented clients in an array of matters, including accounting and securities fraud, antitrust violations, and environmental crimes, before law enforcement and regulators, including the U.S. Department of Justice and the Securities and Exchange Commission. Among Michael’s environmental crime representations are investigations involving diesel emissions and related criminal issues. Michael also has managed numerous internal investigations for publicly traded corporations and conducted fieldwork in nineteen different countries on five continents. He is admitted to practice in the District of Columbia and the Commonwealth of Virginia. **Rachel Levick** is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, where she practices in the firm’s Litigation Department and is a member of the Environmental Litigation and Mass Tort and Environmental, Social and Governance (ESG) Practice Groups. Rachel represents companies across multiple industries in a wide range of federal and state litigation, agency enforcement actions, and administrative rulemaking proceedings. She works with her clients to assess compliance, navigate enforcement actions, and defend against litigation under a variety of environmental statutes and programs, including the Clean Air Act (CAA), the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund). Rachel was recognized by Law360 as a 2023 Environmental “Rising Star,” and in the 2023 Lawdragon 500 X – The Next Generation edition. She was also named by Best Lawyers as “One to Watch” in Environmental Litigation for 2022 and 2023. Rachel is admitted to practice law in Maryland and the District of Columbia, and before the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia. **Stacie B. Fletcher** is a litigation partner in the Washington, D.C. office of Gibson, Dunn & Crutcher and is co-chair of the Environmental Litigation and Mass Tort Practice Group. Stacie has handled a wide variety of cases under federal and state environmental statutes, including serving as lead counsel on numerous high-profile enforcement defense matters with U.S. EPA and state agencies.

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Stacie has been recognized by Chambers USA as a leading environmental lawyer in the District of Columbia each year since 2021. According to Chambers USA, clients note that Stacie is “[h]ighly skilled in federal and state environmental enforcement matters,” “has a tremendous grasp of environmental issues and she is dialed in on what is going on at the agencies,” and is “thorough, extraordinarily attentive to detail and great at managing relationships with parties on both sides of a matter.” Stacie is admitted to practice in the Commonwealth of Virginia and the District of Columbia. **David Fotouhi** is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, where he practices in the firm’s Litigation Department and is a member of the firm’s Environmental Litigation and Mass Tort practice group. David previously served as Acting General Counsel and Principal Deputy General Counsel at the U.S. Environmental Protection Agency (EPA). David combines his expertise in administrative and environmental law with his litigation experience and a deep understanding of EPA’s inner workings to represent the firm’s clients in environmental enforcement actions, regulatory challenges, and other environmental litigation. He has provided legal counsel and managed litigation under every major environmental statute, including the Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), and Toxic Substances Control Act (TSCA). According to Chambers USA, which recognized David as a leading environmental lawyer in the District of Columbia, clients praised David as a “sophisticated lawyer” with “in-depth knowledge of the dynamics of a case and its interaction with the authorities” and “unique experience and expertise from his work at the EPA.” The National Law Journal recognized David as a “Trailblazer” in environmental and energy law, and Law360 named David a “Rising Star” in environmental law for his work “on game-changing regulations and litigation.” David is a member of the bars of the District of Columbia and Texas.

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