



David B. Graham
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David heads the environmental practice of Kaufman & Canoles. He represents clients in litigation, regulatory and administrative matters and emergency response issues throughout the country, currently in more than ten states.

practice areas

- Environmental & Administrative Law
- Litigation

representative matters

- Leads the team of Kaufman & Canoles attorneys that serve as National Superfund Litigation Counsel for a \$10 billion international chemical company
- Prepared emergency response plan for Fortune 250 international manufacturing company
- Prepared non-liability argument that resulted in a Virginia Fortune 250 company being dropped as a responsible party at a Superfund site
- Serves as liaison or common counsel to groups of potentially responsible parties at three waste sites across the northeast
- Negotiated agreements with two state agencies to cleanup landfills, thus avoiding placement on the NPL and federal enforcement
- Represented multi-state power company defending against liability claims at coal combustion waste disposal site

recognition and honors

- 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, Toxic Law Reporter and Chemical Waste Litigation Reporter
- Virginia's Legal Elite; *Virginia Business Magazine*, 2004, 2008-2010
- 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
- Distinguish Achievement Award; American Heart Association, Nations Capital Affiliates, 1997

admissions

- Virginia
- District of Columbia
- Ohio
- Illinois
- Louisiana

education

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

press and publication

- 39 Kaufman & Canoles Attorneys Named Virginia Business Magazine's "Legal Elite" 2010
- 39 K&C Attorneys Named *Virginia Business Magazine's* Legal Elite 2009
- 36 Kaufman & Canoles Attorneys Named to *Virginia Business Magazine's* Legal Elite 2008
- "Emergency Response Planning-A Critical Investment," Natural Resources & Environment, ABA Section of Environment, Energy and Resources, Spring 2006
- "Risks and Rewards of Brownfields Development in Virginia;" Co-Author, *Virginia Lawyer*, Vol. 54 No. 3, October 2005
- 31 Kaufman & Canoles Attorneys Named to Virginia Business Magazine's Legal Elite
- "Emergency Response;" *Daily Environment Report*, 2004
- "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;" *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;" *Chemical Waste Litigation Reporter*, 1999
- "Environmental Justice and Underlying Societal Problems;" 27 ELR 10568, 1997
- "Rebuilding Green Cities;" *Legal Times*, 1997
- CERCLA Enforcement; 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;" ACCA Docket (American Corporate Counsel Association),
- "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

press and publication (cont.)

- “The Second Chem-Dyne Settlement,” 15 *Envtl. L. Rep. News & Analysis* (Envtl. 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
- “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,” *Practicing Law Institute*, 1983
- “Superfund Site Settlement Process, in *Toxic Materials* 23,” *Law & Business, Inc./Harcort Brace Jovanovich*, 1982