



Douglas S. Arnold

Partner

+1 404 881 7637 | doug.arnold@alston.com

Atlanta | One Atlantic Center, 1201 West Peachtree Street, Suite 4900 | Atlanta, GA 30309-3424

Related Services

Environment, Land Use & Natural Resources ■ Toxic Torts ■ Environmental Litigation ■ Environmental Enforcement Defense ■ Environmental Crisis Management ■ Internal Investigations & Environmental Audits ■ Environmental, Social & Governance (ESG) ■ Environmental Compliance, Permitting & Transactions ■ Brownfield Contaminated Sites ■ Hazardous Materials & Hazardous Waste Compliance ■ Oil & Gas ■ Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS) ■ Oil & Gas Litigation ■ Air Quality ■ Environmental Appellate Litigation

Doug Arnold is the immediate past co-chair of the Environment, Land Use & Natural Resources Group. He has a national practice and over 30 years of experience representing clients in environmental and toxic tort litigation. Doug also defends clients in federal and state enforcement matters involving CERCLA, the Clean Air Act, Clean Water Act, Emergency Planning and Community Right-to-Know Act (EPCRA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and RCRA.

Doug is recognized in *Chambers USA*, *Who's Who Legal: Environment*, *The Best Lawyers in America*® since 2007, and *The International Who's Who of Environmental Lawyers*. In 2021, Doug was recognized by client counsel in Acritas Stars for outstanding service and in *Lawdragon's* 500 Leading U.S. Environmental & Energy Lawyers guide. He is also a prior co-chair of the Environmental & Energy Litigation Committee of the ABA Section of Litigation and chair of the Environmental Enforcement and Crimes Committee of the ABA Section of Environment, Energy & Resources. Additionally, Doug is a prior chair of the Environmental Law Section of the State Bar of Georgia.

Doug previously served on Alston & Bird's Hiring Committee and Diversity Committee.

Representative Experience

- Won summary judgment on Atlantic Research grounds in a CERCLA cost recovery suit involving past and future cleanup costs exceeding \$400 million. The Eleventh Circuit upheld the dismissal on appeal, and the U.S. Supreme Court denied a subsequent petition for certiorari.
- Recovered 90% of all past and future cleanup costs, approximately \$10 million, on behalf of a client following its purchase of a site with groundwater contamination caused by a prior owner's operations in the 1970s.
- Defeated class certification of personal injury claims involving alleged chemical exposures asserted by approximately 30,000 putative class members in Alabama, Ohio, Kentucky, Pennsylvania, West Virginia, Montana, and Colorado.
- Obtained a settlement of toxic tort claims brought by 2,442 plaintiffs in 25 lawsuits in federal and state courts seeking damages for alleged exposure to lead, arsenic, and dioxin in air emissions from a former manufacturing facility. Plaintiffs' counsel made a pre-litigation demand of \$100 million, but following the defendant's filing of summary judgment motions, settled the claims of all 2,442 plaintiffs for \$1.24 million.

- Obtained a criminal declination for alleged Clean Water Act violations at a Texas wastewater treatment facility. Led the internal investigation into whistleblower allegations of illegal facility discharges and assisted the client with reporting results under the EPA's voluntary self-disclosure policy. The Department of Justice Environmental Crimes Section and EPA Criminal Investigation Division filed charges against the former facility manager and supervisor, but no charges were filed against the client company, its parent, or subsidiaries.
- Secured a settlement after pre-trial motions of four lawsuits in Alabama and West Virginia against a Fortune 50 chemical manufacturer brought by 1,400 plaintiffs seeking more than \$500 million in damages for injuries allegedly caused by chemical exposures.
- Defended a national building products company in mass tort litigation involving 19 lawsuits and more than 1,300 plaintiffs alleging personal injuries caused by air and surface water emissions from former wood treatment operations. The chemicals of concern included dioxin, arsenic, creosote, and chromium, which allegedly resulted in cancers, birth defects, and other diseases. Settled all claims in a two-day mediation following the close of fact discovery in the first four lawsuits.
- Obtained a criminal declination for a corporation and its subsidiary after a two-plus-year investigation in which the government sought a felony indictment and \$4 million in fines for alleged RCRA violations from an alleged spill of 1.3 million gallons of hazardous chemicals. The federal agencies involved included the EPA Criminal Investigation Division, FBI, and Department of Justice Environmental Crimes Section.
- Defended a national appliance manufacturer in three lawsuits in San Francisco Superior Court for alleged perchloroethylene (PCE) contamination in soil and groundwater. The plaintiffs collectively sought \$150 million in damages from nine defendant companies. Based on the client's expert reports and testimony, all three lawsuits were resolved in a pre-trial mediation for less than 1% of the damages sought.
- Conducted internal compliance audits of client facilities in Alabama, Arkansas, Georgia, Florida, Iowa, Louisiana, Minnesota, Mississippi, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, and developed environmental compliance strategies to address results and mitigate future potential liability.

Publications & Presentations

Publications

- "Leveling the Toxic Tort Playing Field—Removal to Federal Court," *Bloomberg Law*, October 11, 2018.
- "Finding Finality in CERCLA Settlements," *Bloomberg BNA Toxics Law Reporter*, Vol. 31, No. 9, March 3, 2016.
- "The Seventh Circuit Addresses UAO Enforcement and CERCLA Arranger Liability in Fox River PCB Litigation," *Bloomberg BNA Toxics Law Reporter*, Vol. 29, December 4, 2014.

Education

- University of Georgia (J.D., 1991)
- University of Virginia (B.A., 1988)

Admitted to Practice

- District of Columbia
- Georgia