

You are invited to

**McKenna Long & Aldridge's
Environmental Law Seminar and Annual Golf Outing**

➤ **Friday, April 22, 2005
Dulles Hyatt and Westfields Golf Course**

McKenna Long & Aldridge LLP invites you to join us for a day of business and golf. On Friday morning, April 22, our environmental lawyers will lead panel discussions on hot topics in environmental law, with continuing legal education credit available ([see below](#)). This half-day seminar will explore emerging issues such as the viability of private cleanup cost recovery actions after a recent Supreme Court ruling, and the impact of the recently ratified Kyoto Protocol on US companies. The agenda for the seminar is set forth below.

A companion program focused on Government Contracts issues is also being offered at the Hyatt concurrent with this seminar.

Following the morning seminar, we invite you to join us at our Annual firm Golf Outing, which is being held this year at Westfields Golf Course in Clifton, Virginia, a short ride from the Hyatt. This Fred Couples Signature Course has a championship layout and is rated Four Star "Best Places to Play" by *Golf Digest* and one of "America's Top Golf Courses" by *Zagat Guide*. The tournament will be a "scramble" format, so players of all abilities are welcome. For more information and to register, please [see below](#).

➤ **AGENDA: Hot Topics in Environmental Law**

7:30 - 8:00 Breakfast & Registration

8:00 - 8:45 Private Cost Recovery

During its last term, the Supreme Court issued the most significant CERCLA decision in many years. In *Cooper Industries, Inc. v. Aviall Services, Inc.*, 125 S. Ct. 577 (2004), the Court held that a party that has incurred CERCLA response costs may not bring a §113(f)(1) contribution action to recover a portion of those costs unless it has first been the subject of a civil enforcement action.

The impact of this decision cannot be overstated. In numerous ongoing litigation matters (including those in which private parties have sued the United States as a responsible party), the issue now before the courts is whether a private party can, in lieu of a contribution action under §113(f)(1), instead bring a recovery action under the provisions of §107(a). For those parties contemplating whether to initiate a clean-up on their properties, the issue is immediate — whether to proceed and run the risk of being unable to

recover any portion of the costs they incur from other responsible parties.

This session will explore these and other issues emerging in the post-*Aviall* world. We will provide firsthand analyses of the legal, practical and policy arguments being made by proponents on both sides of the issue.

8:45 - 9:30 Climate Change Update

The Kyoto Protocol and its greenhouse gas emissions control regime is now in effect. Although the United States is not a signatory to the Kyoto Protocol, US companies that have operations in ratifying countries such as Canada or the nations of the EU will be directly affected by the Protocol. Moreover, global acceptance of the Protocol has given new impetus to climate change initiatives by state legislators and attorneys-general, insurers and reinsurers, corporate responsibility groups, and NGOs bringing liability suits and other actions in a variety of domestic and international forums. Thus, US failure to accept the Kyoto regime has not relieved a wide variety of US companies from legal and corporate strategic imperatives under the Kyoto Protocol. This session will focus on the potential impact of the Protocol on global corporations.

9:30 - 9:45 Break

9:45 - 10:30 Homeland Security Issues for Companies Handling Hazardous Materials

Since the enactment of the Hazardous Materials Transportation Act in 1975, the Department of Transportation's emphasis has been on safety: assuring that the manner in which hazardous materials are transported will minimize the possibility of accidents and injury related to exposure to the materials in transport. DOT premised this regulatory regime on the assumption that parties involved in the transport of hazardous materials shared DOT's goal of preventing accidents and injury. The events of 9/11, however, revealed that enemies of our country may deliberately infiltrate our hazmat transportation infrastructure to deliberately injure innocent civilians. This new reality has led to a shift in emphasis from safety to security. During this panel discussion, we will describe recent legal developments in this area, including new and pending transportation security requirements issued by DOT and the Department of Homeland Security.

10:30 - 11:15 Sarbanes-Oxley: Reporting Environmental Liabilities

One of the most difficult and expensive requirements of a company's Sarbanes-Oxley compliance program is establishing a system of controls that permit corporate executives to make the required financial certifications and that are adequate to withstand external audits. Within that area, disclosures and certifications for potential environmental liabilities are likely to be as vexing as any. This panel discussion will provide an overview of Sarbanes-Oxley requirements as they pertain to environmental liabilities, along with a more detailed discussion of the complexities that arise in the environmental context.

11:15 - 11:45 Changes in EPA Leadership

Since President Bush's November 2004 reelection, the door at EPA has been revolving at warp speed. The former Administrator Mike Leavitt now heads the Department of Health and Human Services, and career employee and scientist Stephen Johnson has been named as his replacement. At the Assistant Administrator level, reshuffling is in full swing. In this presentation, you will

get an insider's look at those poised to assume control throughout the agency — who they are, where they stand, and what their appointments likely mean.

Optional Golf Outing

We invite you to join us at McKenna Long & Aldridge's Annual Golf Outing after the seminar at 1:30 at the [Westfields Golf Course](#) in Clifton, Virginia. A 12:00 roundtrip shuttle bus will be provided from the Dulles Hyatt to Westfields. Lunch will be provided at Westfields, and following the golf outing there will be an awards ceremony, cocktails and light dinner at a pavilion on-site.

Due to limited space, this complimentary golf outing is on a first-come, first-served basis, so please contact us early should you wish to join us.

Hotel Rooms

We have reserved a block of rooms at the [Dulles Hyatt](#) at a special rate for those who are attending from out of town. Please contact Nick Kosar at the address below for more information.

CLE Credit

CLE credit is being arranged for participants. Please contact us for more information.

Registration

To attend this complimentary seminar or for more information, please send your full contact information to Nick Kosar at nkosar@mckennalong.com by April 13, 2005.

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About McKenna Long & Aldridge LLP

A leader in the practice of environmental law from its inception, the [Environmental Department](#) of [McKenna Long & Aldridge LLP](#) has stayed in the forefront of the most important environmental cases of our time and on the leading edge of national environmental developments. With more than 25 lawyers practicing in the environmental field across the country and in Brussels, we help our clients shape the law through litigation, legislative and administrative action.

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