



## CHRIS S. LEASON

### Shareholder

Gallagher & Kennedy  
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### My Practice

ENVIRONMENTAL - Chemical Facility Anti-Terrorism Standards Counseling, Environmental Assessment, Environmental Counseling, Environmental Due Diligence, Environmental Litigation, Environmental Natural Resources, Environmental Regulatory Enforcement, Environmental Regulatory Permitting, Environmental Remediation, Environmental Rulemaking, Hazardous Materials, Occupational Safety and Health

ADMINISTRATIVE LAW & REGULATORY

NATURAL RESOURCES - Agriculture, Air Quality, Mining

LITIGATION

## PROFESSIONAL SUMMARY

For nearly 30 years, Chris has focused his practice on high-profile civil and criminal environmental investigations and enforcement actions throughout the United States. A nationally-recognized Resource Conservation and Recovery Act (RCRA) practitioner, Chris represents national trade associations, oil and gas companies, manufacturers, and mine operators on issues involving the identification and management of solid and hazardous wastes, financial assurance, corrective action, permitting, boiler and industrial furnace compliance, underground storage tank testing and removal, and land disposal restriction requirements.

Supported by his engineering background and legal prowess, Chris's unique combination of practice acuity and practical know-how makes him invaluable in addressing complex environmental issues with in-house counsel and technical resource professionals and in negotiations with government agencies to resolve the most challenging environmental matters.

Demonstrating his high standard for providing excellent and timely support to his clients, Chris has represented the national trade association for the fertilizer industry, the Fertilizer Institute (TFI) for nearly three decades and is well-versed in all facets of the fertilizer industry, including the manufacturing process and applicable environmental regulations. Chris has prepared more than 100 comments on EPA, OSHA, DOT, and DHS proposed rules applicable to the industry, testified before these agencies on their proposed rules, challenged these rules in federal courts, and negotiated favorable settlements for this client and its members

### Federal & State Agency Regulation & Compliance

Chris represents the interests of mining and mineral processing companies, utilities, and manufacturing entities faced with complex regulatory compliance challenges under the U.S. Environmental Protection Agency's (EPA) regulations promulgated pursuant to the RCRA, the Clean Air Act (CAA), the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Toxic Substances Control Act (TSCA), as well as in analogous state actions.

Of particular note, Chris has developed a deep bench of experience in hazardous materials transportation, occupational safety and health, and the chemical facility anti-terrorism standard (CFATS) and issues. He routinely works with appropriate federal agencies, including the U.S. Department of Transportation (DOT), the U.S. Occupational Safety and Health Administration (OSHA), and the U.S. Department of Homeland Security (DHS).

Examples of such representation include:

- Preparing comments on several EPA proposed rules associated with the CAA Risk Management Program (RMP), RCRA, EPCRA, and TSCA.
- Preparing comments on DHS CFATS proposed rules.
- Preparing comments on OSHA proposed rules and guidance.
- Assisting clients with the self-disclosure of CAA, RCRA, and TSCA violations to EPA.
- Assisting a client in obtaining a correction to the TSCA Inventory for a chemical substance.

### **Environmental Litigation & Risk Management**

Chris represents national trade associations in cases brought before the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the District of Columbia Circuit as plaintiffs/petitioners and intervenors in legal challenges to EPA final rules.

Representative representation includes:

- Representing TFI as an intervenor in support of EPA's hardrock mining CERCLA § 108(b) financial responsibility final action (*Idaho Conservation League v. U.S. Environmental Protection Agency*, 930 F.3d 494 (D.C. Cir. 2019) – D.C. Circuit denied the petition for review).
- Representing TFI as a petitioner challenging an OSHA memorandum as contrary to the Occupational Safety and Health Act (*Agricultural Retailers Ass'n and The Fertilizer Institute v. U.S. Dept. of Labor*, 837 F.3d 60 (D.C. Cir. 2016) – D.C. Circuit granted the petition for review and vacated OSHA's memorandum, saving the agricultural retail sector over \$100 million in estimated compliance costs).
- Representing TFI as a petitioner challenging an EPA CAA final rule (*The Fertilizer Institute v. U.S. Environmental Protection Agency*, No. 09-1352 (D.C. Cir.) – Case voluntarily dismissed when EPA granted TFI's administrative petition for reconsideration).
- Representing the National Propane Gas Association (NPGA) as a petitioner challenging EPA's RMP final rule (*National Propane Gas Ass'n v. U.S. Environmental Protection Agency*, No. 96-1287 (D.C. Cir.) – D.C. Circuit granted NPGA's motion to stay the final rule. Case voluntarily dismissed after Congress enacted an amendment to the CAA to exempt propane from the RMP when held for sale at a retail facility).

Chris also represents clients in EPA enforcement actions and U.S. Department of Justice (DOJ) referrals. Recent representation includes:

- Representing a chemical company in a civil enforcement action under EPA's RCRA mining and mineral processing national enforcement initiative.
- Representing two nitrogen fertilizer companies in civil enforcement actions under EPA's CAA acid plant national enforcement initiative.
- Representing a fertilizer manufacturer in a significant and novel RCRA enforcement matter involving EPA headquarters and several EPA regional offices.
- Representing a Fortune 100 company in a RCRA criminal investigation matter.

In evaluating and developing environmental preventative litigation and risk management strategies, Chris attributes his success to first understanding his clients' objectives and then partnering with them to advance creative and cost-effective solutions.

Chris has performed over 50 environmental and due diligence audits for clients and develops audit programs for clients to mitigate risk and avoid litigation. Recent representations include:

- Developing an environmental audit program for an international mining and mineral processing entity and performing environmental audits at its U.S. facilities to ensure compliance.
- Performing an environmental due diligence assessment of a chemical manufacturing facility with Superfund liabilities and interacting with EPA and U.S. Department of Justice personnel to minimize post-closure liabilities.
- Assisting several clients with environmental issues associated with real estate and merger transactions.

## **EDUCATION**

George Washington University  
J.D., with honors, 1993

Pennsylvania State University  
B.S., Chemical Engineering, 1987

## BAR & COURT ADMISSIONS

- District of Columbia, 1994
- Arizona, 2002
- Idaho, 2022
- U.S. Court of Appeals, District of Columbia, 1995
- U.S. District Court, District of Columbia, 2001
- U.S. Court of Appeals, Ninth Circuit, 2002
- U.S. District Court, District of Arizona, 2017

## ASSOCIATIONS & MEMBERSHIPS

- State Bar of Arizona, Member
- State Bar of the District of Columbia, Member

## HONORS & AWARDS

- AV Preeminent Peer Review Rating, *Martindale-Hubbell*
- *Chambers USA*®, Environment, 2008-2023
- *Best Lawyers in America*®, Administrative / Regulatory Law, 2024
- *Who's Who Legal*, Environment, 2015
- *Marquis Who's Who*, "Who's Who in American Law"

## PUBLISHED WORKS

- Revisiting the Fertilizer Industry: A Response to Lopez, *Environmental Law Reporter*, September 1, 2022
- How Will Expansion of Chemical Safety Law Impact Arizona Businesses?, *AzBigMedia.com*, February 21, 2018
- Co-Author, Four Considerations for Challenging Agency Actions, *Law360*, 2016
- The Most Frequently Asked Questions in Environmental Law, Chapter 4 (Management of Solid and Hazardous Waste), Maricopa County Bar Association, 2011
- The RCRA Practice Manual, Second Edition, Chapter 14 (Regulation of Underground Storage Tanks), American Bar Association, 2013