

Katten

Katten Muchin Rosenman LLP

CHEMICALS

Our Clients

Katten's highly experienced attorneys counsel clients across the entire spectrum of the chemical industry, including chemical manufacturers and retailers, oil and gas refiners, and producers of pesticides and fertilizers. We work closely with many of the largest chemical companies in the world to meet their legal needs.

Our Services

Katten attorneys have extensive experience advising chemical companies in major accident response, regulatory and enforcement matters before federal and state agencies and with structured finance and intellectual property matters.

Our attorneys are one of the leading authorities on process safety regulations for chemical companies, such as OSHA's process safety management (PSM) standard and the EPA's risk management program (RMP), and on crisis management in the wake of major accidents and fatalities at chemical plants. We actively represent clients before numerous state and federal agencies, including the US Environmental Protection Agency (EPA), the US Department of Justice (DOJ), the Occupational Safety and Health Administration (OSHA) and the Chemical Safety Board (CSB).

We assist clients with the full spectrum of regulations imposed on producers and distributors by the Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), Clean Water Act (CWA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). Our attorneys have been at the forefront of several rulemaking activities

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- *Chambers USA*
 - Environment (District of Columbia, Texas) 2019, 2018
- *U.S. News – Best Lawyers® "Best Law Firms"*
 - Environmental Law (National; Austin) 2019, 2018



impacting the chemical industry. Additionally, we obtain and defend the governmental approvals, licenses and permits needed for vital infrastructure and new development, assist in preparing environmental impact statements, and help ensure that our clients meet local land use requirements.

Chemical companies frequently turn to Katten to assist in transactional matters as well. We routinely advise clients with structured financings, including non-recourse and limited-recourse debt, bonds, equity, quasi-equity, and mezzanine debt, together with various forms of credit support. We have extensive experience in debt restructurings—both inside and outside of bankruptcy.

Our multidisciplinary team also includes Intellectual Property and Patent attorneys who assist chemical clients in protecting their work product and defending against claims asserted by others.

Our Experience

- Representation of a Fortune 50 chemical manufacturer in connection with investigations by the CSB, OSHA, the EPA and other agencies into a four-fatality accident resulting from the release of toxic chemicals, including subsequent enforcement.
- Representation of an industry safety advocacy group as advocate on behalf of its members related to the Obama Administration's planned changes to the EPA's Risk Management Program regulations.
- Representation of one of the largest independent US liquids terminal and pipeline operators in an internal investigation related to the alleged chemical exposure of an employee during maintenance on a storage tank at a terminal.
- Representation of a major petroleum exporter and marketer regarding claims that long-term occupational exposure to benzene and related chemical components of aromatic hydrocarbon and other petroleum distillate products it allegedly distributed caused plaintiff to develop acute myelogenous leukemia. Katten's aggressive defense through the discovery phase resulted in an extremely favorable settlement for the client.
- Defense of an industrial products corporation against claims brought by 51 homeowners residing near a detergent manufacturing plant who alleged personal injuries and property damage caused by the release of sulfur trioxide during facility testing operations. The matter was resolved by a *de minimis* settlement.
- Representation of a Fortune 100 refiner in an investigation by the CSB and Washington State Department of Labor & Industries into a refinery accident that resulted in seven fatalities.
- Representation of a chemical manufacturer in an investigation by the CSB into a release of toxic chemicals that necessitated a community evacuation in Pennsylvania.
- Representation of a chemical manufacturer in preparation for inspections and subsequent enforcement by OSHA under the PSM Covered Chemical Facilities National Emphasis Program.
- Representation of one of the world's largest integrated producers of polymers and fibers in connection with a federal criminal investigation into shipments of byproducts, co-products and co-products used as fuels.
- Counsel to a chemical manufacturer in evaluating the effectiveness of a company's systems for EHS corporate oversight.
- Representation of a global leader in the manufacture and distribution of water treatment chemicals in connection with a federal criminal investigation into the alleged storage of hazardous waste for more than 90 days without a permit.
- Representation of a global leader in the manufacture and distribution of water treatment chemicals in connection with a federal criminal investigation into alleged violations of the Clean Water Act on an offshore oil and gas platform in the Gulf of Mexico.
- Representation of a global leader in specialty chemicals in connection with the divestiture of a specialty-batch chemical manufacturing facility subject to pending federal civil and criminal investigations.
- Representation of a leading lawn and garden manufacturer in connection with the largest federal civil and criminal investigations in the history of the FIFRA program.
- Representation of a specialty chemical manufacturer in connection with FIFRA pesticide registration issues.
- Representation of a global leader in specialty chemicals in connection with federal civil and criminal investigations arising out of an alleged failure to operate pollution control equipment at a wastewater treatment facility.
- Representation of one of the world's largest integrated producers of polymers and fibers in connection with an internal investigation into the OSHA recordability of alleged exposure to a chemical manufactured by less than 10 facilities in the world.
- Representation of a leading petrochemical company with respect to issues arising from a fire that occurred at a chemical manufacturing site during a maintenance turnaround. Katten is also providing counsel regarding confidential "whistleblower" investigations with respect to actions taken and decisions made both pre- and post-incident, and in

connection with follow-on enforcement by the EPA and OSHA.

- Representation of a client in successfully obtaining first Regulatory Flexibility Order from the TCEQ for use of the EPA Comparable Fuels Rule allowing substitution of fuels at chemical manufacturing facility.
- Representation of a leading chemicals manufacturer in a grand jury investigation of potential price-fixing and market allocation; no indictments were returned.
- Representation of a global paints and chemical coatings company on intellectual property matters,

including handling and coordinating trademark infringement litigation and disputes in Europe, multiple Community Trade Mark proceedings, and multiple trademark disputes and administrative oppositions in other countries.

- Representation of a group of chemical manufacturing companies in a patent infringement action against competitor chemical company.
- Representation of a market leader in full-line chemical distribution in the acquisition of a multi-regional distributor of lubricants and chemicals for the oil and gas industry.