



### Adam Baas

#### Of Counsel

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Adam Baas concentrates his practice in the area of environmental and toxic tort litigation, regulatory compliance, product liability, corporate successor liability and transactions involving environmentally impacted assets.

Adam has experience counseling clients in a wide range of multifaceted environmental, toxic tort, products, and successor liability matters and has been lead counsel in representing corporate clients in the oil and gas, pharmaceutical, chemical, and agriculture sectors through complex litigation matters, including regulatory enforcement actions, product liability suits, cost recovery actions, natural resource damage claims, toxic torts, alter ego claims, and parent/subsidiary successor liability actions. Adam has advised multi-national clients on issues surrounding emerging contaminants for almost 20 years, including in multi-district litigation, and has recently led discussions on the state-of-the-law and science surrounding PFAS across the country. He also has experience in advising clients on regulatory compliance with state and federal environmental laws and regulations; managing Superfund and legacy site investigations and clean up; negotiating consent orders and settlement agreements with state and federal regulators; storm water management; representing clients in the investigation, remediation, and purchase and sale of contaminated properties; negotiating access and investigation agreements with regulatory agencies and private entities; and in reviewing and advising on the environmental aspects of real estate and asset transactions.

Adam has worked directly with officials from the USEPA, NOAA, Fish and Wildlife, the USDOJ and multiple state agencies to negotiate agreements on compliance, cost recovery, NRDA and redevelopment matters. He also regularly advises clients on business decisions as they relate to liability exposure, remediation and redevelopment, and public relations matters.

## EXPERIENCE

### ENVIRONMENTAL AND TOXIC EXPOSURES

- Represents major energy company in federal and state regulated cleanup and cost-recovery matters concerning soil, groundwater and sediment contamination at multiple heritage, industrial sites
- Represents global oil company in matters involving soil, groundwater, soil gas contamination and vapor intrusion matters related to historical retail operations
- Represented global oil company through high-stake matters surrounding state and federal regulations including, but not limited to, New Jersey's Spill Act, Pennsylvania's Storage Tank Act, ISRA, CERCLA and OPA

### RELATED SERVICES

- International Trade, Regulatory and Government Affairs
- Environment, Health and Safety

- Represented multinational pharmaceutical and bio-pharmaceutical company in the investigation and cleanup of a large industrial site, involving multiple PRPs and COPCs, cost-recovery disputes, successor liability negotiations and coordinated regulatory oversight
- Represented global oil company through toxic tort and related common law liability actions allegedly attributable to the historical operation of retail and terminal sites in the Northeast and Northwest
- Represented global oil company in products liability matter in federal multi-district litigation concerning the historical production and use of methyl tertiary-butyl ether ("MTBE").
- Represented major chemical manufacturing company in storm water runoff litigation concerning several large industrial sites and an adjacent California municipality
- Represented global pharmaceutical company in product liability matter concerning the historical production, marketing and sale of perchloroethylene ("PERC")
- Represented California municipality in Base Realignment and Closure (BRAC) negotiations with the US Navy concerning the existence of radionuclide contamination, the risks associated with same and the remedy necessary to obtain a Finding of Suitability to Transfer under CERCLA
- Worked directly with NOAA to reach a cooperative agreement between PRPs and the federal trustees to perform an NRDA at multiple estuaries
- Served on a trial team on behalf of a major oil company in the defense of a state's action seeking natural resource damages involving two major refineries in the Northeast
- Served as lead counsel on behalf of a major oil company and successfully negotiated the settlement of numerous matters involving alleged leaking underground storage tanks, environmental contamination, diminution in property value and personal injury

## CORPORATE LIABILITY LITIGATION

- Represent major energy company in administrative enforcement litigation related to alleged successor liability attributable to a former subsidiary's operations at several sites across the United States
- Represented global oil company in breach of contract litigation related to multi-million dollar remediation system at an active refinery site
- Represented major pharmaceutical and bio-pharmaceutical company in breach of contract and *alter ego* litigation concerning a large, environmentally impacted site in California, including the recovery of significant attorney fees and costs pursuant to California's fee shifting statute(s)
- Represented major medical-surgical supply and pharmaceutical company in breach of contract litigation in federal district court related to the obligation to fund and perform investigation and cleanup work at a Superfund Site
- Represented major pharmaceutical and medical supply company in Superfund matter related to alleged successor liability associated with the actions of a former subsidiary, which had been sold off decades prior to the EPA's involvement

## CREDENTIALS

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### Admissions

- California
- New Jersey
- Oregon

### Education

- J.D., Boston University School of Law
- B.A., University of Oregon  
*with honors*

## Courts

- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Western District of Arkansas

## Committees and Associations

- Member, Executive Committee of the Bar Association of San Francisco, Environmental Law Section 2012-present
- Chair, Executive Committee of the Bar Association of San Francisco, Environmental Law Section 2015-2016
- Vice Chair, Executive Committee of the Bar Association of San Francisco, Environmental Law Section 2014-2015
- Member, California Association of Environmental Professionals, 2012-2014

## INSIGHTS

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### Publications

#### **California regulators approve broader wetland definition and new procedures in wake of federal rollback: for developers, what to expect next**

30 APR 2019

California regulators approve tighter wetland definition and new procedures in wake of federal rollback: for developers, what to expect next

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#### **PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt**

7 MAR 2019

This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

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#### **California Proposition 65 lists two chemicals, PFOA and PFOS, found in a number of consumer products**

12 DEC 2018

Given Prop 65's active and litigious enforcers, companies doing business in California that suspect their products may cause an exposure to PFOA/PFOS should consider compliance options now.

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#### **EPA Audit Program looks to add efficiency and certainty to upstream oil and gas acquisitions – top points**

27 AUG 2018

The New Audit Agreement offers certainty through clearly defined penalty mitigation and a standard template, and it is fully transferable to any subsequent owner.

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#### **PFOA/PFOS: California nods to New Jersey and moves closer to strict MCLs**

23 JUL 2018

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Indications that OEHHA may be well on the way to establishing public health goals for PFOA and PFOS.

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### **PFAS: Pruitt declares EPA will "take action" and sets four "critical steps" in motion**

23 MAY 2018

Pruitt says the EPA intends to "take action" on what he calls four "critical steps" to address the growing concern over PFAS.

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Co-author, "PFAS: all signs point to more regulation and enforcement in 2018," *Lexology*, 21 DEC 2017

### **Events**

- Presenter, "Emerging issues with Per- and polyfluoroalkyl substances (PFAS) in Food Packaging," Food Contact Regulations USA 2019, March 19-20, 2019
- Presenter 28th, "PFAS in the Water and Soil! Why should you Care?" ABA 28th Annual Spring CLE Meeting: Toxic Torts & Environmental Law, April 2-6, 2019
- Presenter, "PFAS: From Fire Fighting to Smoldering Liability," Yosemite Environmental Law Conference, 2018
- Presenter, "Environmental Litigation: Piercing the Corporate Veil, Alter Ego and Successor Liability," Strafford CLE webinar, October 31, 2017
- Moderator, "Fracking Under SB 4: Final Regs, Groundwater Criteria & EIR," The Bar Association of San Francisco live seminar, August 12, 2015