



Superfund: Reflections of an Industry Lawyer

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PRE-SUPERFUND

Common Law Tort: Fault + Proof of Causation +
Specific Damage

Governmental Enforcement: Violation of law + Court
Hearing



Strict Liability

Retroactivity

Joint and Several Liability

Postponed Judicial Hearings

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MAJOR EFFECTS

Institutional Arrangements

Cleanup of Hazardous Waste
Sites

Management of Hazardous
Wastes and Private
Transactions

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Institutional Arrangements

Governmental Remediation Bureaucracies

Lawyers

Consultants

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Site Cleanup

Complex remedy selection process

Conservative risk assessments

Little concern for cost

Applicable or Relevant and Appropriate
Requirements (ARARs)

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Management of Wastes and Private Transactions

DUE DILIGENCE REVIEWS

Waste Management

Property Purchases

Corporate Mergers and Acquisitions

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Has Superfund Worked?

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