

Joseph A. Eisert

Partner
Environmental, Health and Safety

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Joe Eisert has worked on high-stakes environmental, product safety, and workplace safety matters for over 20 years. A partner in our Environmental, Health and Safety practice, Joe represents clients on a wide range of enforcement, litigation, incident response, transactional and compliance matters. His strong technical background and broad experience enable him to effectively represent clients in a variety of matters.

Joe counsels clients in environmental and product safety enforcement, litigation, transactional support, and counseling matters relating to the Environmental Protection Agency (EPA), the California Air Resources Board (ARB), the Consumer Product Safety Commission (CPSC) and the Occupational Safety and Health Administration (OSHA), as well as state and international regulatory bodies and state attorneys general.

He also represents clients in corporate transactions, compliance counseling, rulemakings, enforcement actions and related litigation involving emissions from stationary and mobile sources, climate change regulation and other environmental matters.

In the area of product safety, Joe works with clients on compliance counseling, rulemakings, recalls and recall avoidance, investigations, penalty cases and related litigation concerning a variety of consumer and commercial products.

Joe has been recognized by *Legal 500* in multiple areas, including environmental and products liability.

Joe was a member of the *Law360* Environmental Editorial Advisory Board for 2011–2013.

Matters

Resolved enforcement actions, related litigation, and claims totaling over \$880 million brought by EPA, CARB, DOJ, the California Attorney General and others in connection with the importation and sale of diesel vehicles allegedly in violation of environmental laws.

Resolved numerous **State Attorney General environmental and consumer protection claims** totaling over \$1 billion in connection with the importation and sale of diesel vehicles allegedly in violation of environmental laws.

Resolved DOJ and EPA enforcement matter for alleged violations of the Clean Air Act by **a major**

chemical manufacturing facility with no civil penalty or injunctive relief imposed.

Advised **clients on numerous transactions involving manufacturing, energy, retail and consumer products.**

Successfully represented **an industrial trade association** in an eight-year-long RTR rulemaking by the EPA that resulted in economically and technically feasible final rules for manufacturing facilities.

Representing numerous vehicle manufacturers in EPA, ARB, and state regulatory investigations, enforcement actions, and related litigation.

Providing **clients** environmental support for corporate transactions, including coordinating environmental due diligence, supervising consultants and technical experts, counseling clients on liability and risk allocation issues, and drafting and negotiating contract language. Several years corporate transactional experience ranging from company formation to private and public M&A, asset deals, and securities offerings.

Represented **BP** in defense of civil litigation brought by the DOJ and others seeking recovery from BP for injury, costs and environmental civil penalties attributable to the Deepwater Horizon incident in the Gulf of Mexico.

Represented **major manufacturers of power sports vehicles** in matters involving CPSC, NHTSA and EPA rulemakings, recalls, investigations and penalty cases; successfully resolved a major CPSC penalty case with reported fatalities with no civil penalty paid by the company.

Represented **a client** in multiyear investigation and litigation by State Attorney General involving inquiry into core business practices and assertions of multi-billion dollar liability and five consumer class actions raising similar claims.

Representing **a trade association** in rulemakings and counseling on various environmental, health, and safety matters, including climate change regulation, MACT rulemakings, PM2.5 NAAQS, New Source Review and OSHA rulemakings.

Represented pro bono **multiple veterans** at the U.S. Court of Appeals for Veterans Claims.

Credentials

EDUCATION

J.D., George Mason University, First in Class

M.A., Georgetown University

B.S., United States Naval Academy

ADMISSIONS

U.S. Court of Appeals for the D.C. Circuit

Recognition

Ranked: Environment: Litigation (Tier 2), Product Liability, Mass Tort and Class Action; Pharmaceuticals and Medical Devices—Defense (Tier 2); Product liability, Mass Tort and Class Action: Automotive/Transport (Tier 3); Product Liability, Mass Tort and Class Action: Consumer Products—Including Tobacco (Tier 4)

LEGAL 500

Insights

CLIENT ALERT

September 19, 2019

EPA and NHTSA Take Regulatory Action to Revoke California Authority to Regulate Greenhouse Gas Emissions

August 29, 2018

D.C. Circuit Vacates Risk Management Program Delay Rule

NEWSLETTER

April 2, 2018

Energy Newsletter – April 2018

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Events

CONFERENCE

May 8, 2019

Defining the Scope of Legal Risk: Offshore Decommissioning, Idle Iron, Orphaned Assets, and Incident Response

September 20, 2018

Energy Forum: Incident Response and Preparedness: Defending on Multiple Fronts

News

CASES & DEALS

November 5, 2019

King & Spalding advises Sony Highroads on a \$66 million financing for the development of a Margaritaville hotel and resort in Lake Conroe, Texas

December 31, 2018

Brookfield Infrastructure Group Completes Acquisition of 31 Data Centers in 10 Countries from AT&T for \$1.1 Billion

IN THE NEWS

January 10, 2019 • Source: Law360, Bloomberg Environment and Bloomberg BNA

Grant Nakayama, Joe Eisert and Ilana Saltzbart represent Fiat Chrysler Automobiles which settled claims in multi-district litigation that involved the Department of Justice and the Environmental Protection Agency

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