



Eric L. Klein

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Eric makes complex subjects simpler.

Named an *American Lawyer* Litigator of the Week in March 2021 and a *Law360* MVP in environmental law in October 2023, Eric is a veteran environmental litigator in the Boston office of Beveridge & Diamond, with a national practice representing major companies and municipalities in complex litigation under the Clean Water Act, the Safe Drinking Water Act, CERCLA, RCRA, FIFRA, the Clean Air Act, and their state analogues. His practice encompasses environmental and mass torts, class actions, state and federal enforcement actions, and federal citizen suits under all major federal environmental statutes. He has handled cases in state and federal courts throughout the United States, litigating civil and commercial matters before juries, trial and appellate courts, arbitrators, and administrative tribunals.

Eric leads teams defending commercial and environmental class actions, including the many class actions targeting industrial facilities with negligence and nuisance claims based on alleged community impacts to air, water, and property. In the past year, Eric defeated certification of a proposed statewide class in Florida federal court alleging commercial contract violations against a nationwide solid waste services provider and secured dismissal of similar contract claims in federal courts in Colorado and Arkansas. In 2021, he achieved similar results, before class certification, in two proposed federal class actions: one in Pennsylvania based on an alleged odor nuisance at a landfill, and another in South Carolina based on alleged commercial contract violations.

Superfund litigation is a major part of Eric's docket; he has led litigation teams at some of the most significant CERCLA sites in the United States, including sites in and around Los Angeles, Portland Harbor, and Onondaga Lake near Syracuse, New York. In 2022, Eric led a nine-member joint defense team to trial in federal court over one of the most high-profile contaminated sites in California history and secured a landmark ruling under CERCLA law that sharply reduced the geographic scope of the alleged site, reducing potential defense liability by nearly \$1 billion.

Eric also recently helped lead teams in the successful defenses of two of the most significant environmental citizen suits in recent years – a \$4 trillion Clean Water Act suit filed against a major U.S. transportation company, and a landmark Safe Drinking Water Act suit against the City of Newark, New Jersey, for alleged lead in drinking water, for which he was recognized as Litigator of the Week by *AmLaw Litigation Daily*.

He also litigates in administrative forums. In a recent case challenging a nationwide federal enforcement initiative regarding hazardous waste storage tanks under the Resource Conservation and Recovery Act, Eric persuaded an administrative law judge within the U.S. Environmental Protection Agency to reject the agency's own interpretation of its regulations and to dismiss an enforcement action against Eric's client, a manufacturer of personal care products.

Eric is an experienced trial lawyer, and when cases cannot resolve on favorable terms for his clients, he is unafraid to take them to trial. In addition to the CERCLA trial noted above and a follow-up trial in the same case earlier this year, Eric's notable trial results include a complete defense jury verdict in federal court in Boston on multimillion-dollar environmental cost recovery claims and a weeklong Clean Water Act case in Seattle federal court over allegations of unauthorized pollutant discharge into Washington state waterways. Eric also regularly defends victories – and occasionally challenges defeats – in state and federal appellate courts across the country.

In addition to his environmental work, Eric serves as Deputy General Counsel of Beveridge & Diamond and maintains an active pro bono practice in the areas of civil rights and landlord/tenant law. He is especially proud of his longstanding service on B&D's Pro Bono Committee, both as a former chair and now as the Committee's liaison to B&D's Boston office. He also served for many years as adjunct faculty at The George Washington University Law School, teaching trial and appellate advocacy. He is currently developing an environmental mock trial program in the Boston Public Schools. Prior to his legal practice, he served as a judicial law clerk at the Superior Court of the District of Columbia. He speaks and writes regularly on environmental litigation, including in *Natural Resources & Environment*, the journal of the ABA's Section on Environment, Energy, and Resources (SEER).

Eric's core professional belief spans his careers in education and law: success lies in making complex subjects simpler.

Education

- George Washington University (B.A., *summa cum laude*, 2000)
 - Political Science
- Northwestern University (M.S., 2003)
 - Journalism
- George Washington University (J.D., *cum laude*, 2008)
 - Jacob Burns Award for Excellence in Oral Advocacy

Bar Admissions

- District of Columbia
- Maryland

- Massachusetts
- Virginia

Court Admissions

- U.S. Court of Federal Claims
- U.S. Court of Appeals - Federal Circuit
- U.S. Court of Appeals - First Circuit
- U.S. Court of Appeals - Third Circuit
- U.S. Court of Appeals – Fourth Circuit
- U.S. Court of Appeals – Eleventh Circuit
- U.S. Court of Appeals - D.C. Circuit
- U.S. District Court – Colorado
- U.S. District Court – District of Columbia
- U.S. District Court – Eastern District of Virginia
- U.S. District Court - Maryland
- U.S. District Court - Massachusetts

Professional Affiliations

- Sudbury Valley Trustees, Inc.
 - Member, Board of Directors (2024)

Honors & Awards

- *The Best Lawyers in America*®, a Best Lawyers® publication, recognition in Environmental Litigation (2024-2025)
- *Lawdragon* Green 500: Leaders in Environmental Law (2024, 2025)
- Massachusetts Supreme Judicial Court Pro Bono Honor Roll (2023-2024)
- *Law 360* MVP, Environmental Law (2023)
- *American Lawyer*, Litigator of the Week, January 2021; Runner-Up Litigator of the Week, October 2022; Shout-Out Recipient, April 2023
- *The Legal 500*, recognition in Environmental Litigation (2022-2024)
- Capital Pro Bono Honor Roll (2022-2024)
- *Super Lawyers*, part of Thomson Reuters, Washington, DC, Rising Star (2014-2019)

Languages

- French (proficiency)

Publications

December 6, 2024

New Chemical Identified in Chloraminated Drinking Water: Implications for Water Treatment Facilities and Chloramine Manufacturers

Beveridge & Diamond

September 28, 2022

Court Rejects EPA's Narrow Interpretation of a Key RCRA Exemption, Undercutting a National Enforcement Initiative

Beveridge & Diamond

June 24, 2021

Supreme Court Finds Fifth Amendment Taking in State Regulation Granting Access to Private Property

Beveridge & Diamond

December 28, 2020

EPA Revises Lead and Copper Rule for the First Time in Three Decades

Beveridge & Diamond

December 3, 2019

Ruling in First CWA Case to Rely on EPA's Interpretive Statement on Groundwater Releases

Beveridge & Diamond

March 26, 2019

U.S. Supreme Court Denies Certiorari on Class Certification Issue

Beveridge & Diamond

March 7, 2019

Sixth Circuit Halts Qualified Immunity Claims for Bodily Integrity of Flint Residents

Beveridge & Diamond

September 2018

Massachusetts Environmental and Land Use Alert

Beveridge & Diamond

May 2018

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

February 16, 2018

EPA Sees New Challenges Ahead for Superfund

Beveridge & Diamond

February 2018

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

November 2017

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

August 2017

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

July 14, 2017

DC Circuit Invalidates Part of the RCRA Definition of Solid Waste

Beveridge & Diamond

May 2017

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

April 5, 2017

Natural Resource Damages: A New Approach To PCB Litigation

Law360

March 9, 2017

Circuit Splits: A Hidden Trap In 'Federal Question' MDLs

Law360

Spring 2017

Does the Dose Still "Make the Poison" under *Daubert*?

Natural Resources & Environment

February 2017

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

August 4, 2016

First-Ever Federal Labeling Requirements for Bioengineered Foods Signed Into Law

Beveridge & Diamond

August 2016

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

May 2016

Toxic Tort and Product Liability Quarterly

Beveridge & Diamond

Representative Matters

Eric's significant litigation outcomes include:

- Leading nine-member joint defense group in high-profile CERCLA litigation in Los Angeles federal court; securing landmark ruling, worth nearly \$1 billion, sharply reducing the geographic scope of alleged site.
- Leading defense of nationwide solid waste services provider in defense of national class action campaign alleging commercial contract violations; defeating class certification in Florida and securing pre-certification dismissals in South Carolina, Colorado, and Arkansas.
- Securing dismissal by EPA administrative law judge of EPA enforcement action in RCRA national enforcement initiative addressing the regulation of hazardous waste storage tanks.
- Serving as co-lead counsel in largest alleged environmental citizen suit in U.S. history, a \$4 trillion claim alleging coal dust release from rail cars in Washington State; one-week trial resulted in a highly favorable settlement.
- Serving as co-lead counsel in landmark Lead and Copper Rule federal litigation against the City of Newark, New Jersey, over allegations of lead in public drinking water; two proposed injunctions denied and case withdrawn in favor of Newark's own proposed technical and regulatory solutions.
- Serving as co-lead counsel in a 6-week federal court trial that returned a verdict of no liability for a major global manufacturer in a \$12 million cost recovery case involving the cleanup of PCBs in a historically industrial area of Boston.
- Persuading a Washington, DC, court to enter one of the first preliminary injunctions in the country to enjoin cigarette smoking in a residential rowhouse on the basis of structural defects that caused heavy smoke to flow regularly into the interior of a neighboring property.
- Defending a client in cross-claims resulting in a complete indemnification for judgment and defense from a fuel company of the owner of a gasoline service station in a \$1 billion claim for damages from groundwater contamination following a fuel spill in Maryland.

Outside the Office

Eric's life outside the law mostly involves building furniture, playing piano and classical guitar like a hack, feeding bottles and changing diapers with his younger daughter, and playing chess against his increasingly hard-to-beat older daughter as well as against various anonymous people on the Internet. Additionally, throughout his career, Eric has worked consistently to maintain side jobs as a teacher in some form. For many years, he was a Professorial Lecturer in Law at The George Washington University Law School, teaching appellate and trial advocacy. He also taught chess to elementary and middle school students at the KIPP AIM Academy and served on the Advisory Board of Chess Challenge in Washington, DC; a nonprofit focused on academic achievement through chess instruction. Before that, Eric taught and tutored high school students in English and math during college and law school. He is currently working on an environmental mock trial program with Boston Public Schools.