



Robert Brager

Principal

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Rob is recognized as one of the country's top environmental lawyers, providing counseling, litigation, and negotiation services for Beveridge & Diamond clients since 1981.

Both a litigator and a counselor who uses his decades of experience in environmental law to help clients make reasoned judgments in complicated and difficult situations, Rob provides dispassionate, analytical thinking based on unbiased facts that have survived skeptical challenge.

Rob chose a career in environmental law due to the interplay of science with bias and the variability and breadth of the environmental law practice. Early in his career, a partner gave Rob two ten-hour assignments with a deadline of fewer than twenty hours. Despite the seeming mathematical impossibility of completing both assignments on time, he was able to do so without difficulty, and he learned a valuable lesson about dealing skeptically with the impossible.

Accomplishments of which Rob is particularly proud include a case where his opponents asked the court to find that the Clean Air Act required EPA to set a zero rather than a one in a million risk standard. Had that argument prevailed, Rob's clients would have been forced to close their facilities. He explained why it was impossible to differentiate zero risk from one in a million risk due to complexities in animal testing and the limits inherent in statistical analysis. The court relied on Rob's explanations to rule in his clients' favor.

In another notable matter, EPA issued a Clean Water Act permit without a mixing zone by relying on a state certification that was withdrawn shortly after issuance. Rob convinced the court that this action was irrational, and it reversed EPA's decision even though it held that EPA had the authority to do as it had done.

Rob is a former B&D Managing Principal. He lectures and publishes articles on the air toxics, permitting, and enforcement provisions of the Clean Air Act, as well as on cost-effective means of avoiding and defending against enforcement actions and prosecuting and defending cost recovery and natural resource damages litigation.

Rob served as law clerk for Judge Aubrey E. Robinson, Jr. of the United States District Court for the District of Columbia.

Education

- Columbia University (B.A., *magna cum laude*, 1975)
 - Phi Beta Kappa
- London School of Economics (M.Sc., 1976)
- Columbia University (J.D., 1979)
 - Harlan Fiske Stone Scholar

Bar Admissions

- New York
- District of Columbia
- Maryland

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals - D.C. Circuit
- U.S. Court of Appeals - First Circuit
- U.S. Court of Appeals - Fourth Circuit
- U.S. Court of Appeals - Fifth Circuit
- U.S. Court of Appeals - Tenth Circuit
- U.S. District Court - District of Columbia
- U.S. District Court - Maryland
- U.S. District Court - Southern District of New York
- U.S. District Court - Eastern District of New York
- U.S. District Court - Northern District of New York
- U.S. District Court - Southern District of Texas
- U.S. District Court - Northern District of California
- U.S. District Court - Colorado

Community Involvement

Rob serves on the board of Meals on Wheels of Central Maryland, a non-profit organization that brings hot meals to people of limited means.

Honors & Awards

- *The Best Lawyers in America*®, a *Best Lawyers* publication, recognition in Commercial Litigation (2013-2019)
- *The Legal 500*, recognition in Environmental Litigation (2017-2019)
- *Super Lawyers*, part of *Thomson Reuters*, Maryland Super Lawyer (2011-2012)

Litigation

Prior results do not guarantee future outcomes.

Environmental

Rob has more than 30 years of litigation experience defending enforcement, toxic tort, and class action cases in federal and state courts across the country, including:

- Representing companies in product liability litigation involving alleged toxic torts to land, such as when every day compounds like gasoline and dry cleaning solvent enter the environment.
- Handling other types of contaminated property litigation, such as cost recovery and natural resource damages litigation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and related state laws.
- Representing companies in permit, variance, and enforcement proceedings (administrative, civil, and criminal) under the Clean Air Act and the Clean Water Act, as well as individuals who have been charged with being “operators” under the Clean Air Act.

Non-Environmental

He also represents clients in non-environmental litigation, including:

- Representing clients in a variety of non-environmental litigation, including such diverse subject matters as breach of contract and defamation.

Compliance Counseling

Rob’s long-standing counseling practice involves all aspects of environmental compliance, with a particular focus on Clean Air Act regulations, including:

- Benzene Waste Operations National Emission Standards for Hazardous Air Pollution (NESHAP)
- Vinyl Chloride NESHAP

- Refinery Maximum Achievable Control Technology (MACT)
- Fiberglass MACT
- New Source Performance Standards for petroleum refineries and storage tanks
- Prevention of Significant Deterioration
- Non-Attainment New Source Review

Agency Rulemaking

Rob represents trade associations and companies in rulemaking proceedings under the Clean Air Act (including the air toxics and enforcement sections) and the Clean Water Act.