



## Russell N. Fraker

Of Counsel

[rfraker@bdlaw.com](mailto:rfraker@bdlaw.com)

+1.202.789.6048

1350 I Street NW, Suite 700, Washington, DC, 20005-3311

### **Russell has broad, multi-jurisdictional experience with air, biosafety, chemical, product stewardship, waste, and water laws.**

He represents clients in domestic and international environmental matters, predominantly through compliance counseling on regulatory regimes affecting facilities and products.

#### **Latin America**

Russell has worked throughout the Americas and has particularly deep experience in Brazil and Canada. As a member of the firm's Latin America practice, he assists companies with a wide range of compliance issues across the region, including market access requirements for products, facility permitting and audits, defense against enforcement actions, transactional due diligence, and waste classification and management.

Among the highlights of his work on behalf of clients in Latin America, one, in particular, stands out. When a large Brazilian state issued a regulation requiring companies to propose plans to collect and manage their end-of-life consumer products, without regard to the restrictions that would apply once they were classified as wastes, Russell partnered with a local trade association to explain the problems this would cause. He proposed a basis in Brazilian law to reframe the classification, which the agency initially adopted as guidance and then formalized in regulation, giving his clients a practical path to comply with the environmental purpose of the original regulation.

Having deep experience with the laws of several countries, a comparative understanding of their legal systems, as well as environmental subject matter expertise and United States legal training, Russell is able to provide insights that do not occur to single-country practitioners. He provides actionable advice on Latin American legal problems in a form that U.S.-based clients in the global marketplace expect.

For example, when Chile's energy efficiency agency required testing of certain types of products in "standby mode" for consumer awareness labeling and the tests produced peculiar data, Russell's client was compelled to label its product inaccurately. But he was able to trace the problem to the agency's blending of definitions and standards from multiple international sources, and successfully petitioned for a pause in the implementation schedule and a guidance document to ensure that the requirements would be applied consistently, going forward.

## United States

Within the U.S., Russell works primarily in the major regulatory laws—air, soil, and water—as they relate to products in the electronics, chemical, pharmaceutical, and biotechnology sectors. He often works with industry groups to respond to Clean Air Act regulations, submitting comments on proposed Environmental Protection Agency rules and subsequent petitions for agency reconsideration, and challenges in the District of Columbia Circuit Court of Appeals for judicial review of final rules.

## Multi-Faceted Background

Russell's parents were wildlife biologists who studied whales in the Canadian Arctic, and he spent much of his childhood living in Eskimo whaling camps. Between college and law school he spent a decade working in environmental and maritime fields throughout the Americas, from Alaska to Argentina: as an environmental consultant to the oil, forestry, and telecommunications industries; as a marine fisheries observer; and in the planning, permitting, and repair of undersea cable systems in over twenty countries.

His work in the non-profit sector includes past management positions in two conservation organizations and his current position on the National Forest Leadership Council.

In law school, Russell was a Managing Editor of the *Vanderbilt Law Review* and a co-founder and Managing Editor of the *Environmental Law & Policy Annual Review*.

## Education

- Reed College (B.A., 1989)
- Yale University (M.A., 1993)
- Vanderbilt University (J.D., 2008)

## Bar Admissions

- District of Columbia
- Tennessee

## Court Admissions

- U.S. Court of Appeals - D.C. Circuit
- U.S. District Court – District of Columbia

## Representative Matters

Examples of Russell's work include:

- Advising a Fortune 50 electronics company on regulatory issues raised by its operations throughout Latin America and managing relationships with local counsel to ensure that in-country representation conformed to the client's requirements;
- Tracking and reporting on worldwide regulatory developments affecting electronics and pharmaceuticals for trade associations and individual companies;
- Researching and analyzing waste laws of all major Latin American countries to support a client's product stewardship and recycling programs;
- Performing due diligence on the environmental aspects of proposed corporate acquisitions, with properties spread around the world;
- Assisting companies with the integration of new acquisitions through the transfer of title to environmental permits and product registrations;
- Researching and analyzing biosafety laws worldwide for potential regulatory impacts on seeds and livestock produced using novel technologies;
- Advising electronics industry groups on collective advocacy to amend Latin American product take-back and energy efficiency regulations to make compliance practical;
- Assisting a major metropolitan water treatment plant to secure air emissions permits for new and modified sources and equipment;
- Researching and analyzing Latin American chemical regulatory laws for a client's global compliance project; and
- Representing a food company in the purchase of a property with historical waste dumping, which resulted in voluntary remediation without the company incurring liability.