



B. David Naidu

Partner

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OVERVIEW

David Naidu has more than 20 years experience with advising clients on diverse set of environmental and land use issues in the transactional, litigation and regulatory compliance contexts. He has advised clients on potential environmental risks and liabilities in mergers and acquisitions, divestitures, real estate leases, brownfield redevelopment, and financing regarding oil, gas, wind and solar facilities, pipelines, office buildings and manufacturing and pharmaceutical plants. He also possesses extensive experience in complex multi-party litigation in state and federal courts involving contaminated waterways, landfills, oil spills, and contaminated industrial sites covering claims and defenses under CERCLA (Superfund), Clean Water Act, Clean Air Act and RCRA.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, David was an environmental associate for a New York law firm. He has written several articles on the environmental subjects, including a treatise published by the Oxford University Press entitled *Biotechnology & Nanotechnology Regulation Under Environmental, Health, and Safety Laws* (2009).

ACHIEVEMENTS

- Listed in the *Best Lawyers in America*® (2023)
- Recognized by *Chambers USA* (2021-2022)
- Chosen to New York Metro Region Super Lawyers list (2018-2022)

PROFESSIONAL / CIVIC ACTIVITIES

- City of Summit Council President and Councilmember (2016 - 2021)
- City of Summit Planning Board Member (2010 - 2018)
- City of Summit Environmental Commission Member (2006 - 2015)

- The Summit Conservancy, President (2014 - present)
- Great Swamp Watershed Association, Board Member (2021-present)

SPEAKING ENGAGEMENTS

- Presenter, "FIFRA and Nanotechnology," webinar presentation for The Knowledge Congress, 2010.
- Presenter, "Nanochemicals and Navigating the Regulatory Patchwork," webinar in conjunction with the Nanobusiness Alliance and American Chemistry Council, 2010.
- Presenter, Securing the Promise of Nanotechnology, "Risks and Regulation for Industry," presentation at the Environmental Law Institute's 40th Anniversary Symposium, 2009.
- Presenter, "Admission of Soil and Groundwater Samples and Analytical Results at Trial," presentation at the Air and Waste Management Association Annual Conference, 2007.

EDUCATION

- J.D., Georgetown University Law Center, 1998 (*cum laude*; *Notes Editor, Law and Policy in International Business*)
- M.A., Cornell University, 1995
- B.A., Vassar College, 1990 (*Phi Beta Kappa*)

ADMISSIONS

- Bar of New Jersey
- Bar of New York
- Appellate Division of the New York Supreme Court, Third Judicial Department
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

THOUGHT LEADERSHIP POWERED BY HUB

- 18 July 2023, EPA Releases New Framework Addressing New PFAS and New Uses of PFAS in the Market
- 1 June 2017, A Not-So-Silver Lining: The Ninth Circuit Vacates EPA's Conditional Approval of a Nanosilver Pesticide Used in Manufacturing "Antimicrobial" Consumer Products

- 2 March 2017, Environmental Law Update: Comment Period for Three Proposed Toxic Substances Rules to Close in March
- 12 December 2016, EPA Announces 10 Chemicals to Be Evaluated for Risks to Human Health and the Environment
- Fall 2016, Environmental Policy Quarterly
- 13 July 2016, Federal Government Rewrites the Rules on Getting and Using Chemicals in the Marketplace
- 28 June 2016, New Toxic Substances Law Will Have Far-Reaching Impacts on American Business

OTHER PUBLICATIONS

- “Key Environmental Liability Considerations in Bankruptcy Actions,” *New Jersey Lawyer*, October 2016
- Author, “Nanomaterials and the Move Toward Regulation,” *Industry Week*, 2010.
- Author, “EPA Moves Forward with the Regulation of Nanotechnology,” *Chemical Week*, 2010.
- Author, “Biotechnology and Nanotechnology: Regulation under Environmental, Health and Safety Laws,” *Oxford University Press*, July 2009 and then subsequently under LexisNexis.
- Co-Author, “NYSDEC Draft Supplemental Generic Environmental Impact Statement for Natural Gas Drilling Activities in the Marcellus Shale Formation,” *IOGA News*, Sept./Oct. 2009.
- Co-Author, “Water Quality Program Gets Back on Track,” *New York Law Journal*, December 17, 2001.
- Co-Author, “Do You Know Your Environmental Risk?” *New York Law Journal*, March 5, 2001.
- Co-Author, “Second Circuit Provides Guidance on CERCLA,” *New York Law Journal*, December 18, 2000.
- Author of Updates to Law of Chemical Regulation and Hazardous Waste, *West Publishing*, 1999 - present.
- Author of Updates to Law of Environmental Protection, *West Publishing* (Water and Waste Chapters), 1999 - present.

NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 21 May 2021, K&L Gates Policy and Regulatory Practice, Lawyers Ranked Among Leaders in 2021 *Chambers USA* Guide

- 29 April 2019, K&L Gates Cross-Platform Team Advises LG Household & Healthcare Company in Acquisition Agreement with New Avon LLC
- 1 June 2016, K&L Gates Advises Cascades Inc. in Packaging Plant Purchase from Rand-Whitney

MEDIA MENTIONS

- Mentioned, “County legislative hearing produces surprising news in WJWW plant fight,” *Westmore News*, 22 February 2024

AREAS OF FOCUS

- Environment, Land, and Natural Resources
- Commercial Disputes
- Corporate Sustainability
- Oil and Gas

REPRESENTATIVE EXPERIENCE

- Advising client on client on pre-manufacture notice submissions to the US EPA for the registration of a new chemicals. As part of the engagement, there has been extensive discussion with congressional staff and EPA and there will be negotiation with the agency on the consent decree. The engagement is a critical part of the company’s multi-billion dollar investment in the United States electric battery industry and its collaboration with GM to manufacture electric vehicles. It also involves the construction of EV battery manufacturing facilities in three states
- Representation of a consortium of companies on the Lower Passaic River concerning sediment contamination.
- *Ciba-Geigy Corp. v. Liberty Mutual Ins. Co., et al.* (NJ). Representation of former owners and operators of industrial facility in a suit against various insurance companies.
- Financing of acquisition of metal company assets in Texas and Montana.
- Acquisition of, or bidding on, power plants in Arizona, Connecticut, Maine, Rhode Island, Massachusetts
- Financing of acquisition of wind and solar facilities in Wisconsin.
- Sale of two former cement quarry properties in New York.
- *New Jersey Department of Environmental Protection et al. v. Novartis Corp. et al.* (NJ). Representation of an industrial PRP group at a Superfund site against state claims of alleged natural resource damages due to groundwater contamination.
- Acquisition, financing and development of solar facilities in New York.

- Sale of hydroelectric power plants in Maine and New York
- Department of Planning and Natural Resources, et al. v. Century Aluminum Company, et al. (D.V.I.). Representation of clients in a natural resource damages litigation involving alleged groundwater and marine environment damages.
- United States v. 110 Sand Company et al. (E.D.N.Y.) Representation of owners and operators of construction and demolition debris landfill against federal government claims that landfill emissions violated the Clean Air Act.
- Represented a consortium of companies at the Croton Point Landfill.
- State of New York v. AMETEK, Inc. et al.; AMETEK, Inc. v. Kraft Foods North America, et al. (S.D.N.Y.). Representation of an industrial PRP group in defense and settlement with the State for a site in upstate New York; and prosecution of contribution claims against more than 40 municipalities and a number of industrial defendants.
- Representation of a consortium of companies at the Sharkey Farms Landfill.
- United States v. New York Racing Association. Representation of clients in connection with a Clean Water Act claim and impacts to Jamaica Bay.
- United States v. Atlas Tack Corporation (D. Mass). Representation of owners of a former industrial facility against federal government's CERCLA cost recovery action.
- Acquisition of pharmaceutical manufacturing facilities in India.
- Shulman et al. v. Chromatex Inc.; United States v. Chromatex, Inc. (E.D. Pa). Representation of passive owners of a property against demands from the federal government for remediation costs; and prosecution of contribution and indemnification claims against former operators of the property.
- Permitting of a gas-fired power plant in New York.
- Acquisition and development of a hydroponic facility in New Jersey
- Represented a company regarding sediment contamination at Newtown Creek.
- Representation of the major broadcaster for damages due to its television studio due to a contractor flooding the basement with oil.
- Acquisition of a paper processing mill in Virginia
- Representation of a company with regard to the Gowanus Canal Superfund Site