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# TRAILBLAZERS

## ENERGY & ENVIRONMENTAL

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**PIONEER SPIRIT** Larry Kirsch knew in high school he wanted to be an environmental lawyer, so he chose an engineering college. "I thought having a science/technical background would be useful. I was interested in both environmental issues and the government, and environmental law was a way to marry both interests."

**TRAILS BLAZED** The EPA's Superfund program maintains a National Priorities List. "Having a site on that list dramatically increases the EPA's leverage. And sometimes the EPA is less than careful in how it does the analysis of what should be on the list." In 1991, Kirsch litigated the first case where the D.C. Circuit reversed an NPL listing. Over the next two years, he convinced the court to reverse two others. "Those cases represented a dramatic shift in the circuit's view. It's important that the list represents real priority sites." Kirsch also handles environmental issues in bankruptcy matters. Bankruptcy cases and environmental laws are often considered at odds, since a debtor that owns a piece of contaminated property is still liable for it after filing for chapter 11, making it impossible to reorganize. "We created a system of independent custodial trusts that would take title to the property. We did this for the first time in the National Gypsum bankruptcy in the early 1990s, and it's been used in almost every environmental bankruptcy since that time."



**FUTURE EXPLORATIONS** Despite predictions of the Superfund's demise, the program still exists. "But it has increasingly been transformed to address contaminated megasites, and many are contaminated sediments sites such as rivers." Global climate change will receive increased attention. "In the future we'll be seeing many more regulatory actions."