

FOR IMMEDIATE RELEASE

Crowell & Moring Obtains a Win For the Mining Industry

Thomas Penfield Jackson rules in favor of Barrick Goldstrike Mines, Inc.

Washington, D.C. – April 2, 2003: Crowell & Moring received an opinion from Judge Thomas Penfield Jackson that gave a significant victory to its client, Barrick Goldstrike Mines. This decision, which will broadly benefit mining companies throughout the United States, invalidated certain EPA regulations that required mining companies to report, as "releases of hazardous substances," the trace metals found in rocks they move aside to expose ore. Because the amounts of rock moved are so large, the reporting regulations made it appear that the mining industry released more hazardous substances into the environment than all of the chemical and oil companies combined. These numbers are routinely cited in the press to demonstrate how harmful mining is to the environment.

The mining industry had been challenging these regulations for several years to no avail -- until Judge Jackson rendered his decision.

Crowell & Moring attorneys involved in the case include: Richard Schwartz, who argued the case in the district court and the D.C. Circuit, Kirsten Nathanson, who drafted the briefs to the district court, and Richard Mannix, who provided major research assistance on this case. Tim Means drafted the appellate brief that prompted the D.C. Circuit to reverse Judge Jackson's decision initially dismissing the case for lack of ripeness. That reversal set the stage for the favorable decision by Judge Jackson.

C&M works for the leading companies and trade associations in the mining industry, including legislative representation, litigation, administrative proceedings, and counseling. The attorneys have participated actively in most of the critical judicial cases, legislation, and rulemakings affecting the mining industry over the past two decades. In addition, they are experienced in litigation and arbitration over royalty and other mining contractual disputes, including coal supply contracts. They have also assisted mining companies in developing and improving environmental and safety auditing programs, as well addressing environmental, health and safety issues in the due diligence process in connection with corporate transactions.

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