



## → Olivier F. Theard

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Olivier Theard is a Partner specializing in environmental law, including regulatory advice and compliance, transactional due diligence, administrative hearings, and litigation. He is the Los Angeles Office Managing Partner.

### Areas of Practice and Significant Experience

- Assists clients with environmental regulatory and permitting matters, including advice and compliance with State and Federal air quality, hazardous waste, and consumer products laws. Theard advocates for his clients to resolve penalties and claims associated with environmental issues, working with clients across industries, such as:
  - Food and beverage, including environmental diligence to support major restaurant chains to expand operations;
  - Aerospace and defense, including advising on permits for tanks and air emission sources;
  - Manufacturing, including working to develop health and safety and environmental protocols;
  - Energy, including working with clients to establish clean energy facilities; and
  - Semiconductors, including resolving notices of violation and claims from various government agencies.
- Advises on environmental due diligence in corporate and real estate transactions. Mr. Theard has extensive experience advising buyers and sellers of contaminated land and negotiating contract terms related to a wide variety of environmental law regulatory issues. Because of his litigation experience, Mr. Theard offers clients a unique perspective when assessing transactional risks. His work includes:
  - Managing risk in M&A transactions, including working with consultants and insurers to get deals done.
  - Strategic planning and advice to complete real estate deals, on both buyer and seller side.
- Manages environmental investigations and remediation of contaminated sites, including chlorinated solvent, petroleum, and PFAS sites.
- Provides advice on compliance with Proposition 65, both as to product and environmental warnings, and handles Prop 65 litigation.
- Handles environmental litigation and administrative disputes under the Clean Air Act, CERCLA and other federal and state environmental laws.
- Prepares administrative petitions and represents clients in hearings and proceedings before the South Coast Air Quality Management District, the Department of Toxic Substances Control, and various California Regional Water Quality Control Boards.

- Represents clients in environmental litigation, including claims related to historic contamination and liabilities.
- Mr. Theard has represented numerous clients in regulatory and administrative proceedings before the SCAQMD, DTSC, the Regional Boards, and other agencies. He regularly advises these clients regarding their regulatory obligations and compliance with environmental laws.
- Dedicated to Pro Bono service:
  - Mr. Theard has successfully obtained asylum for a woman based on the domestic-violence she suffered in her home country.
  - Completed adoption cases for pro bono clients, many involving special needs children.
  - Obtained asylum for two married men fleeing persecution in Russia
  - Obtained asylum for a man fleeing ant-gay persecution in Uganda
  - Worked to allow an indigent family from being evicted from their home (awarded 2020 Public Counsel award for this matter)

Olivier is a leader of the Los Angeles Recruiting Committee, in charge of hiring new lawyers, and is the firmwide leader of major diversity initiatives aimed at increasing minority and female retention in the practice of law.

## Honors

Recommended Attorney - Environmental, *The Legal 500*, 2020

Environmental Law Group of the Year, 2021

Pro Bono Award from Public Counsel, 2020

Diversity & Inclusion Award, 2018

## Experience

### Significant Matters

- Mr. Theard has represented numerous clients in regulatory and administrative proceedings before the SCAQMD, DTSC, the Regional Boards, and other agencies. Mr. Theard regularly advises these clients regarding their regulatory obligations and compliance with environmental laws. Clients include Exide Technologies, Owens Illinois, Anita's Mexican Foods, California Steel, and Anderson Hay.
- Provides environmental due diligence and transactional support to dozens of clients, from private equity firms to developers.
- Integral part of the legal team representing Venoco, Inc. in a major toxic tort litigation brought by alumni of Beverly Hills High School. Venoco prevailed on summary judgment. Mr. Theard has additional toxic tort defense experience on matters for Northrop Grumman Corporation, Consolidated Graphics, ExxonMobil, and other companies.
- Defended clients involved in international environmental disputes regarding marine diesel engines, CERCLA, the Clean Air Act, and related laws.
- Provided advice and counsel on Prop 65 and other chemical regulations, and has Prop 65 litigation experience. Provides advice on complying with new Prop 65 regulations.

- Provides advice and counsel to clients on a variety of other California and Federal environmental laws.
- Representing a client in a significant recall matter before the National Highway Traffic Safety Administration.
- On a pro bono matter, Mr. Theard successfully obtained asylum for a woman based on the domestic-violence she suffered in her home country. Mr. Theard also routinely handles adoption cases for pro bono clients, many involving special needs children.

## Articles

- Understanding United States Products Liability and Environmental Laws, *U.S./Mexico Bar Association*
- It's Not Easy Being Green, *Daily Journal*
- Compound Solutions, Changes in Chemical Regulations, *Los Angeles Daily Journal*
- Catching the Green Wave, *Los Angeles Daily Journal*
- It's Getting Easier Being Green, *Los Angeles Daily Journal*
- The Global Warming Solutions Act (AB 32): Raising the Temperature of California Business, *California Environmental Insider*
- The Global Warming Solutions Act (AB 32): Raising the Temperature of California Business, *California Environmental Insider*
- Domestic-Violence Victims Deserve Uniform Asylum Rules

## Climate Change & Clean Technology Law Articles

- "Supreme Court Grants Limited Review of GHG Emissions Regulations"
- "What Will It Cost for California to Save the World? California Conducts its First Greenhouse Gas Cap-and-Trade Auction"
- "ARB Initiates The Development Process For A Potentially Controversial Agricultural Equipment Regulation"
- "Environmental Justice Groups Intensify Judicial and Legislative Campaign Against California's Proposed Cap-and-Trade Program"
- "California Air Resources Board Issues Proposed Regulations to Require Facilities to Report Greenhouse Gas Emissions Under the Global Warming Solutions Act"
- "EPA Issues Final Rule Regulating Emissions From Diesel Powered Stationary Reciprocating Internal Combustion Engines, Affecting Many Industrial Facilities"
- "California Unveils Preliminary Draft Regulation For A Cap-And-Trade Program As One Of The Main Strategies To Reduce Greenhouse Gas Emissions That Cause Climate Change"

## Real Estate, Land Use & Environmental Law Blog Articles

- "PFAS As Hazardous Substances: Top 5 Implications For Businesses"
- "FERC Holds the Line on One-Year Limit for State Review of Clean Water Act Certifications for Interstate Natural Gas Pipelines"
- "New LA Ordinances 'Clean Up, Green Up' Industry in Residential 'Toxic Hotspot' Neighborhoods"

- "California Passes Landmark Green Chemical Laws"
- "Governor Brown Signs SB 4 Regulating Hydraulic Fracturing Well Stimulation Treatments,"
- "Enforcement of California Low-Carbon Fuel Standard Blocked"
- "Governor Brown Signs Two Bills Intended to Protect Children From Toxic Exposures"
- "AB 32 Gains Traction - California Air Resources Board Adopts AB 32 Climate Change Scoping Plan"
- "Loss of Power? AQMD rules Designed to Spur Development of Newer, Cleaner Electrical Power Plants Recently Vacated in LA Superior Court"
- "EPA Releases Advance Notice Of Proposed Rulemaking Regarding Regulation Of Greenhouse Gas Emissions Under Clean Air Act"
- "No Idling: California Air Resources Board Adopts New Off-Road Diesel Rule"
- "Clash of the Titans"
- "California Sues U.S. Environmental Protection Agency, Seeks Permission To Enforce Own Standards Regulating Greenhouse Gas Emissions"
- "California Air Resources Board Issues Proposed Regulations to Require Facilities to Report Greenhouse Gas Emissions Under the Global Warming Solutions Act"
- The Global Warming Solutions Act (AB 32): The Genesis of a New Environmental Paradigm for California (publication pending in Cal. Environmental Insider, will have 20,000 person distribution)
- The Unseen Black Male Lawyer (publication pending, *Los Angeles Daily Journal*)
- "California Air Resources Board Proposes Additional Early Action Measures Pursuant to the Global Warning Solutions Act (AB 32)"
- "Summary of Proposed Draft Regulation to Reduce Emissions of Diesel Particulate Matter and Other Pollutants From In-Use On-Road Heavy-Duty Diesel-Fueled Engines"
- "California Air Resources Board Passes New Regulations Limited Off-Road Diesel Emissions"
- "Private Parties Under CERCLA May Sue Potentially Responsible Parties for Cost Recovery Even if They Are Barred From Suing For Contribution"
- "CARB Proposes New Diesel Emission Regulations (13 CCR SEC. 2449)"

## Los Angeles Bar Association Articles

- Highlights of the Contractor's State License Law, Los Angeles Bar Association publication (co-author)
- 2003 Construction Industry Year in Review, Los Angeles Bar Association publication (co-author)
- New Laws Regarding Underground Storage Tanks
- 2001 Construction Industry Year in Review, Los Angeles Bar Association publication (co-author)

## Media Mentions

Sheppard Mullin, Smith Anderson Guide NovaQuest Buy of CoreRx  
*Bloomberg Law*, 01.22.2021

## Speaking Engagements

The Media is the Message: Environmental Litigation and the Press, Los Angeles County Bar Association Symposium, 2015

Perspectives on Vapor Intrusion, Los Angeles County Bar Association Symposium, 2014

Understanding United States Products Liability and Environmental Law U.S./Mexico Bar Association 2012 Annual Conference

To Frack or not to Frack: An Introduction to Hydraulic Fracturing, LA County Bar Association 2012 Fall Symposium

Understanding the All Appropriate Inquires Requirements, Los Angeles County Bar Association

## Events

PFAS & Real Property Transactions: The Essentials of Diligence and Compliance  
Presented by Sheppard Mullin and SLR  
Webinar, 06.09.2022

Cannabis Webinar Wednesday - Environmental Concerns  
Webinar, 05.20.2020

POSTPONED: Cannabis Webinar Wednesday - Environmental Concerns  
03.18.2020

## Memberships

Firmwide Leader, Diversity and Inclusion Attorney Network

Los Angeles Leader, Recruiting Committee

Diversity and Inclusion Committee

Firmwide Representative, US Law Firm Group Environmental Committee

Member, American Bar Association

Member, USC Alumni Association

Member, Stanford Alumni Association

## Podcasts & Webinars

Nota Bene Episode 160: European Update: Oliver Heinisch and Scott Maberry Talk Protectionism, Competition Enforcement, and Data Protection  
02.28.2023

PFAS & Real Property Transactions: The Essentials of Diligence and Compliance  
06.09.2022

Cannabis Webinar Wednesday - Environmental Concerns  
05.20.2020

## Practices

Real Estate, Energy, Land Use & Environmental  
Litigation  
Environmental  
Class Action Defense  
Real Estate Acquisitions and Dispositions

## Industries

Aerospace & Defense  
Cannabis  
Food and Beverage  
Government Business

## Education

J.D., University of Southern California, 2001  
B.A., Stanford University, 1998

## Admissions

California