



DAVID M. WINFREY
OF COUNSEL

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BIOGRAPHY

David Winfrey practices primarily in the areas of environmental, occupational health and safety, and transportation safety law. He frequently handles regulatory compliance, enforcement and rulemaking matters involving the Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), Department of Transportation (DOT), and state environmental agencies. He has experience addressing a full range of issues arising under RCRA, Clean Air Act, Clean Water Act, Toxics Substances Control Act (TSCA), and Emergency Preparedness and Community Right to Know Act (EPCRA), as well as the Federal Motor Carrier Safety Act (FMCSA) and the Occupational Safety and Health (OSH) Act.

David has developed significant expertise with remediation of, and litigation regarding, contaminated sites and handles all aspects of environmental cost recovery and contribution litigation between private parties and with the United States and state governments. He has participated in numerous cost allocation proceedings, has performed volumetric analysis, assisted in developing and applying allocation methodologies, and has drafted numerous settlement and advocacy documents.

David also has significant experience developing and implementing compliance assurance programs and best management practices for corporate clients with multiple industrial facilities across the country. Such involvement includes compliance auditing, management and front-line employee training, and execution of privileged root cause analysis investigations following catastrophic or high-profile events. He also conducts permitting and compliance support for industrial facilities and remedial programs, determining applicability and compliance with various federal and state environmental laws.

David has been a frequent speaker at national conferences and seminars in the areas of environmental law, regulatory DOT and OSHA law including the ALI-ABA Environmental Law Course of Study, the Annual Conference of the National Transportation Lawyers Association, and the ABA OSHA Committee Seminar & Conference. He has also served on the ALI-ABA Environmental Law Advisory Panel as well as other local and state bar association environmental law committees.

David's prior career experience includes serving as a CERCLA and multi-media enforcement attorney with the U.S. Environmental Protection Agency in Washington, D.C., holding associate positions with a major regional and a national law firm, and serving as senior legal counsel for a Fortune 200 waste services company that had over 800 facilities across North America.

REPRESENTATIVE EXPERIENCE

- Counseled Fortune 200 company through the design and development of privileged incident investigation program for enterprise-wide implementation
- Defended industrial facility in multi-agency investigation of occupational fatality and obtained vacation of associated citation by federal OSHA
- As representative of a Fortune 150 company in multi-million dollar CERCLA contribution claim, addressed legal, technical, and administrative aspects of Superfund site remediation, including negotiation of consent decree with federal and state environmental agencies including resolution of natural resource damages
- Supervised environmental due diligence for acquisition of numerous industrial facilities

ADMISSIONS

- Oklahoma, 1988
- Missouri, 1993
- Texas, 2009
- U.S. District Court for the Western District of Oklahoma

EDUCATION

- LL.M., Northwestern School of Law, Lewis & Clark College, 1992 (Environmental Law)
- J.D., University of Tulsa, 1988 (Member, *Tulsa Law Journal*)
- B.S., Oklahoma State University, 1985 (Political Sciences)

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma Bar Association (Environmental Section)
- Houston Bar Association (Environmental Law Section)
- Missouri Bar Association
- State Bar of Texas (Environmental Section)
- Environmental Law Institute (Member, Advisory Panel)

CIVIC INVOLVEMENT AND LEADERSHIP

- Fort Bend YMCA Youth Mentoring