

Ben Clapp

Skadden

Associate, Washington, D.C.

Environmental; Climate Change



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Education

J.D., American University Washington
College of Law, 2008 (*cum laude*;
Staff Member, *American University
Law Review*)

B.A., University of Richmond, 1996

Bar Admissions

District of Columbia

Maryland

Ben Clapp represents a diverse set of clients on a wide variety of environmental transactional, regulatory and litigation matters. Mr. Clapp's transactional work consists of identifying and analyzing significant environmental liability and compliance issues that can arise during mergers and acquisitions, securities offerings and corporate restructurings, and ensuring that these environmental risks are mitigated, allocated or managed in the client's best interest. To that end, Mr. Clapp has extensive experience negotiating environmental representations and warranties, covenants, indemnities and other contractual provisions; drafting and evaluating SEC disclosure statements; and counseling clients on pre- and post-closing environmental compliance matters. Mr. Clapp's transactional clients include buyers, sellers, lenders and underwriters in transactions taking place across a wide range of industries including manufacturing, mining, renewable energy, oil and gas, pharmaceuticals, pulp and paper, utilities, food and beverage, and financial services.

In his regulatory practice, Mr. Clapp has extensive experience advising clients as they encounter complicated state and federal agency environmental review requirements, with a particular focus on providing NEPA compliance advice to clients seeking government agency approval or financial assistance for large-scale construction and energy projects. Mr. Clapp has worked closely with clients, environmental consultants and government agencies to facilitate timely and accurate satisfaction of environmental review requirements, including preparation of environmental impact statements and environmental assessments and application of categorical exclusions. Mr. Clapp also has advised clients on a broad array of regulatory compliance matters, including those related to RCRA, the Clean Air Act, the Clean Water Act, TSCA, FIFRA, the New Jersey Industrial Site Recovery Act, the Connecticut Property Transfer Law, and domestic and international sustainability and green labeling requirements.

Mr. Clapp's litigation experience has consisted of representing clients in Superfund lawsuits, contribution/allocation actions, government enforcement actions and judicial challenges to agency regulations.

Mr. Clapp is also a member of the firm's Climate Change Group, in which he advises clients on domestic and international climate change regulations, analyzes proposed federal climate change and energy legislation, drafts and evaluates climate change disclosure statements, and assists in the implementation of renewable energy and sustainability initiatives.

Mr. Clapp is also a member of the leadership team for the Skadden Impact Project's Guardian *ad litem* virtual practice group. The group's attorneys serve as *pro bono* guardians *ad litem* to advocate for the best interests of children involved in contested custody cases in D.C. Superior Court.