

Elizabeth B. Davis

Partner

Atlanta, GA
(404) 685-4323
bdavis@burr.com



“I love identifying problems for my clients and diffusing them sooner rather than later. It’s part of how I don’t just handle a case but offer a continuum of service.”

Beth Davis focuses her environmental practice on the nuances of regulatory compliance and permitting and the environmental aspects of corporate and real estate transactions, enforcement defense, and litigation. In an effort to minimize risk, she works as an extension of her client’s business, understanding each party’s needs and moving everyone forward. Empathetic and accommodating, Beth is able to achieve dispute resolution while artfully navigating the complexity of EPA, FDA, and CPSC compliance, occupational safety, zoning, and land use issues.

Beth has extensive experience in counseling and litigation in all aspects of federal and state laws related to hazardous substances, hazardous waste, underground storage tanks, water, air, pesticides, and endangered species. Beth mitigates risk for developers and builders and litigates citizen suits in these areas.

Beth also counsels manufacturers, importers, and retailers regarding compliance with consumer product and food, drug, and medical device requirements. She has published numerous articles and speaks frequently on FDA and CPSC compliance as well as issues associated with water, hazardous waste, air compliance, brownfield redevelopment, and other environmental issues associated with industrial and commercial operations, real estate transactions, and development.

Away from the office, Beth enjoys getting outdoors and loves biking and kayaking.

PARALEGAL/ASSISTANT

Legal Practice Assistant

Jennie Roach
(404) 685-4287
jroach@burr.com

CAPABILITIES

Alternative & Renewable Energy

Real Estate

Environmental

Restaurant Services

Mass Torts & Hazardous Substances

Health Care

Consumer Product Safety

Agriculture Funding & Lending

Administrative & Regulatory

Food & Beverage

EDUCATION

J.D., University of Georgia School of Law (1989)

B.A., *cum laude*, Agnes Scott College (1985)

LICENSED IN

Georgia

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Beth earned her J.D. from the University of Georgia School of Law and her B.A. from Agnes Scott College.

Environmental

Beth focuses her environmental practice on regulatory compliance, permitting, enforcement defense, and litigation. She also handles the environmental aspects of corporate and real estate transactions, as well as occupational safety and health compliance and zoning and land use issues. Beth has extensive experience with counseling and litigation in all aspects of federal and state laws related to hazardous substances and hazardous waste, underground storage tanks, water, air, pesticides, endangered species, and occupational safety and health.

- Representing purchasers, lenders and developers with all aspects of brownfield developments in various jurisdictions, including Georgia, Florida, South Carolina, North Carolina, Maryland and Tennessee.
- Negotiating construction permits, operating permits, synthetic minor permits, Title V permits and Prevention of Significant Deterioration (PSD) permits for facilities all over the country, and resolution of numerous air compliance issues across the country.
- Negotiating land use and obtaining special use permits for mining operations in Colorado and New Mexico.
- Obtaining appropriate zoning authorizations for shopping center developments in Georgia and Tennessee.
- Successfully defending against zoning request to expand a facility in Atlanta.
- Successfully defending chemical manufacturer regarding issues associated with Tier II and Tier III reporting under EPCRA, including audit policy and corporate-wide audit
- Advising various clients regarding compliance with the Clean Water Act, including point source and stormwater discharges, NPDES permits, permits for industrial and construction-related stormwater discharges.
- Advising companies regarding compliance with Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Wild Bird Conservation Act, and Marine Mammal Conservation Act.
- Assisting companies with Endangered Species Act compliance and negotiation of Habitat Conservation Plans for projects in Georgia, Florida, Virginia, Indiana, Missouri, Ohio, New Mexico, and Colorado.
- Successfully defending federal enforcement actions under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Resource Conservation and Recovery Act (RCRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Emergency Planning and Community Right-to-Know Act (EPCRA); the Clean Air Act; and Clean Water Act at facilities across the country.
- Successfully defending state enforcement and citizens' suits filed under the Clean Water Act and RCRA.
- Obtaining federal and state permits under RCRA, the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) and wetlands programs.
- Assisting clients in establishing or restoring working relationships with federal, state and local regulators.

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- Advising companies regarding compliance with REACH and RoHS requirements.
- Obtaining federal and state authorizations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to manufacture and nationally distribute pesticides and related devices.
- Advising companies regarding compliance with FIFRA, including authorizations to distribute and appropriate labeling and marketing information.
- Assisting various companies in complying with the Toxic Substances Control Act (TSCA), including pre-manufacture notifications, significant new use rules, recordkeeping and reporting requirements associated with manufacturing, importing, exporting, processing or distributing chemicals.

CPSC Regulatory

- Representing manufacturers and distributors in getting their consumer products to market in compliance with requirements enforced by the Consumer Product Safety Commission and U.S. Environmental Protection Agency.
- Counseling numerous manufacturers, importers and retailers regarding compliance with consumer product safety requirements, including the Consumer Product Safety Improvement Act, the Federal Hazardous Substances Act, the Poison Prevention Packaging Act and the Flammable Fabrics Act.
- Designing and managing investigations of alleged safety issues associated with a broad spectrum of consumer products, including consumer electronics, batteries, furniture, furniture finishes, and various personal care products.
- Designing and managing national voluntary fast-track recalls for consumer products manufacturers and importers.
- Counseling manufacturers and importers regarding regulatory requirements triggered when product safety issues arise in jurisdictions outside the U.S.
- Successfully defending allegations against international manufacturers and distributors of consumer electronics involving product liability and product safety.
- Assisting national building products manufacturer with assessing potential nationwide product liability issues and developing strategy to avoid or minimize potential product liability claims.
- Successfully defending product liability cases for international heavy equipment manufacturer, building products manufacturer and consumer products manufacturers.
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FDA Regulatory

- Representing manufacturers and distributors in getting their drugs, medical devices, and cosmetics to market in compliance with requirements enforced by the FDA and U.S. Environmental Protection Agency.
- Designing and managing investigations of alleged safety issues associated with a broad spectrum of medical device, including radiation-emitting products, drug packaging and drug applicators.
- Designing, negotiating, and managing recalls for food, drug and medical device manufacturers and importers.
- Counseling manufacturers and importers regarding regulatory requirements triggered when product safety issues arise in jurisdictions outside the U.S.
- Counseling various manufacturers regarding compliance with numerous FDA requirements, including pharmaceutical and medical device approval processes, off-label drug use and related issues, food safety issues and recalls, issues associated with food additives.
- Advising clients on premarket issues and approval strategies, including marketing submissions, product classification, establishment registration, product listing, and medical device reporting.
- Advising marketers of conventional foods and dietary supplements regarding compliance with FDA regulatory requirements and reviewing labeling for issues such as health and "natural" claims and nutrient content claims. Also advising on current good manufacturing processes (CGMP) and Hazard Analysis and Critical Control Points (HACCP) issues in food manufacturing agreements.
- Advising electronic cigarette manufacturers on marketing and labeling requirements, quality control manufacturing and new product filings.
- Representing manufacturers and distributors in getting their drugs, medical devices, and cosmetics to market in compliance with requirements enforced by the FDA and U.S. Environmental Protection Agency.
- Designing and managing investigations of alleged safety issues associated with a broad spectrum of medical devices, including radiation-emitting products, drug packaging and drug applicators.
- Designing, negotiating, and managing recalls for food, drug and medical device manufacturers and importers.
- Counseling manufacturers and importers regarding regulatory requirements triggered when product safety issues arise in jurisdictions outside the U.S.

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- Advising electronic cigarette manufacturers on marketing and labeling requirements, quality control manufacturing and new product filings.

Honors & Recognition

- Named, *Chambers USA*, Environment (2022-2023)
- Listed in *The Best Lawyers in America*®, Environmental Law since 2021
- Agnes Scott Alumnae Association, "Distinguished Career Award" (2020)
- Martindale-Hubbell AV Preeminent® Peer Review Rating
- *Corporate Counsel* and *The American Lawyer Magazine*, Top-rated lawyer in energy, environmental and natural resources law
- *Georgia Trend Magazine's* Legal Elite

News

- Best Lawyers® 2024 Honors 244 Burr Attorneys, Including 17 "Lawyers of the Year"
Firm News, 08.17.2023
- 62 Burr & Forman Attorneys Ranked in 2023 Chambers USA
Firm News, 06.01.2023
- Burr & Forman Partners to Speak at Diversity in Law & Leadership Conference
Firm News, 07.20.2022
- 64 Burr & Forman Attorneys Ranked in 2022 Chambers USA
Firm News, 06.03.2022
- Partner Beth Davis Presented "Distinguished Career Award" from Agnes Scott College
Firm News, 11.18.2019

Speaking Engagements

- Speaker, "Promoting Inclusion and Diversity in the Workplace", 2022 DRI Life, Health, Disability, and ERISA Seminar
Speaking Engagement, Nashville, TN, 05.20.2022

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- Speaker, 2018 Lavender Law Conference
Speaking Engagement, New York Marquis Marriott; New York, NY, 08.09.2018
- Speaker, 2017 Lavender Law Conference
Speaking Engagement, The Hyatt Regency San Francisco Hotel; San Francisco, CA, 08.02.2017
- Speaker, Southeastern States Vapor Intrusion Symposium
Speaking Engagement, Atlanta, GA, 04.27.2016
- Speaker, Association of Corporate Counsel, 9th Annual Full Day Conference
Speaking Engagement, New Jersey, 09.23.2011

Articles

- USDA Releases Highly Anticipated Interim Final Rule for Hemp Production
Articles / Publications, 11.08.2019
- *Renewable Energy World: Solar Power Plant Operators: Are You Prepared for a Reliability Audit?*
Articles / Publications, 10.01.2018

Professional Activities

- American Bar Association; Environment, Energy and Resources (SEER) and Litigation Sections, SEER Special Committee on Science and Technology
- International Association of Defense Counsel
- State Bar of Georgia, Environmental Law Section
- Diversity Law Institute
- Trial Law Institute
- Stonewall Bar Association of Georgia
- National LGBTQ+ Bar Association
- National LGBTQ+ Bar Foundation, Board Member and Secretary
- Lambda Legal National Leadership Council

Presentations & Speaking Events

- "Promoting Inclusion and Diversity in the Workplace", 2022 DRI Life, Health, Disability, and ERISA Seminar Edit
Nashville, TN, May 20, 2022
- 2018 Lavender Law Conference, New York Marquis Marriott; New York, NY, August 9, 2018
- 2017 Lavender Law Conference, The Hyatt Regency San Francisco Hotel; San Francisco, CA, August 2017
- "Legal Challenges and Solutions related to the Vapor Intrusion Pathway for Redevelopment Projects" Southeastern States Vapor Intrusion Symposium April 27-28, 2016, Atlanta, GA

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- "SaferProducts.gov: Six Months After Implementation," Association of Corporate Counsel, New Jersey Chapter, 9th Annual Full Day Conference, September 23, 2011
- "SaferProducts.gov: What Will It Mean for Your Bottom Line?," Client Briefing, January 24, 2011
- "SaferProducts.gov: What It is, What You Need to Know About it and How to Protect Your Company," Daily Report General Counsel Seminar, October 5, 2010
- "Complying with Storm Water and Surface Water Management Regulations," Council for Quality Growth seminar on Georgia Water Laws and Regulations, June 18, 2009
- "Corporate Social Responsibility: Can Businesses Do Good and Well by 'Going Green'?", Client Briefing, September 25, 2008
- "Environmental Justice Case Studies: Key Environment Issues in EPA, Region IV," ABA SEER, May 14, 2003
- "Clean Air Act: Prevention of Significant Deterioration," Client Briefing, June 6, 2002
- "Management of Environmental Affairs," Client Briefing, September 25, 2001
- Introduction to RCRA, Executive Enterprises Fall Program, 2000; Spring and Summer Programs, 2001
- Science Issues In Mold Litigation, American Bar Association, Section of Environment, Energy and Resources, Special Committee on Science and Technology newsletter, December 2002
- "The ABCs of USTs," Through The Green, Fall 1998
- "New Developments in De Minimis and De Micromis Settlements, ABA/SONREEL-Briefing on Environmental Issues in U.S. EPA, Region IV, June 1994
- "Suit Urges EPA to Regulate Nanosilver, Remove Products from Shelves," Product Liability Update, January 2015
- Science Issues In Mold Litigation, American Bar Association, Section of Environment, Energy and Resources, Special Committee on Science and Technology newsletter, December 2002
- "The ABCs of USTs," Journal of Golf Course Management, Summer 1998
- Environmental Issues Affecting Georgia Businesses, Georgia Industry Association Newsletter, Winter 1999
- "Kinder and Gentler Superfund," Alabama Environmental Law Section Newsletter, October 1994).