

Bernard F. Hawkins, Jr.

Partner

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Bernie chairs the Environmental Health and Safety Group and applies his scientific background and legal training in working nationally on complex environmental issues, with a focus on Clean Air Act and solid and hazardous waste matters (specifically those involving recycling considerations), as well as matters involving risk evaluation and response to allegations of harm resulting from environmental conditions.

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Experience in environmental law, toxic tort and pharmaceutical/drug and medical device litigation
- Involved in permitting, compliance counseling, defending enforcement actions and administrative challenges for multi-faceted stationary sources subject to provisions of the Clean Air Act, including those subject to Prevention of Significant Deterioration ("PSD") requirements, non-attainment requirements, National Emission Standards for Hazardous Air Pollutants ("NESHAP") provisions, New Source Performance Standards ("NSPS") requirements, Title V operating permit requirements and other stationary source state permitting requirements derived from State Implementation Plans ("SIPs")
- Involved in commenting on and challenging federal rulemakings in the U.S. Court of Appeals for the District of Columbia
- Experience in dealing with indoor environmental quality issues, including experience with response to issues

Education

University of South Carolina School of Law, JD, cum laude (1990)

- Associate Editor in Chief, *South Carolina Law Review*
- Order of the Coif
- Order of Wig and Robe

University of South Carolina, BS, Biology, magna cum laude (1986)

- Undergraduate and/or graduate education including biology, physical chemistry, organic chemistry, biochemistry, physics, spectrometry, genetics, cell biology, embryology, histology, and gross anatomy

Admissions

South Carolina

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the District of South Carolina

involving mold, asbestos, dioxin, metals, PCBs, chemical copolymers, solvents and vapor intrusion issues

- Managed site remediation matters on a national and international basis
- Received approval from the U.S. Bankruptcy Court for the District of Delaware to act as special environmental counsel for a manufacturing company during the company's bankruptcy process
- Retained to coordinate the resolution of a chemical regulation dispute in U.S. jurisdictions and numerous other countries
- Represented clients in cases involving CERCLA, RCRA, Clean Air, Clean Water, TSCA, FIFRA, EPCRA, NEPA, and the Endangered Species Act
- Represented clients in permitting matters, compliance counseling, compliance dispute resolution, negotiation of consent orders and decrees, and in administrative appeals, including resolution of permitting appeals in the hazardous and solid waste arena

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [Chambers USA: America's Leading Lawyers for Business](#), Environment – South Carolina (2014–2025)
- [The Best Lawyers in America®](#), Environmental Law, Environmental Litigation (2001–2019, 2021–2025)
 - Lawyer of the Year in Columbia, S.C. for Litigation – Environmental (2017, 2025)
 - Lawyer of the Year in Columbia, S.C. for Environmental Law (2016, 2021)
- [AV® Preeminent™ Peer Review Rated by Martindale-Hubbell](#) (since 2002)

Professional Activities

- Fellow, American Bar Foundation

Practice Areas

[Environmental Compliance & Permitting](#)

[Environmental Enforcement & Litigation](#)

[Environmental, Health & Safety](#)

[Environmental - Transactions](#)

[Government Relations Strategies](#)

Industries

[Manufacturing](#)

- American Bar Association, Section of Environmental, Energy and Resources Law, Section of Business Law
- South Carolina Bar
- American Chemical Society
- Carolinas Air Pollution Control Association
- Defense Research Institute

Community

- Facilitator, Task Force to Strengthen the Health and Promote the Environment of South Carolina (SHaPE) (2021–present)
- South Carolina Chamber of Commerce Board of Directors
- South Carolina Chamber of Commerce, Environmental Technical Committee, Air Subcommittee, and Solid and Hazardous Waste Subcommittee
- South Carolina Chamber of Commerce, Legal Committee
- United Way of the Midland's Tocqueville Society

Leadership

- Director, American Bar Association Business Law Section's International Coordinating Committee (2017–2018)
- Vice Chair, Environmental, Energy and Resources Law Committee for the ABA's Business Law Section
- Vice Chair, Climate Change Sustainable Development and Ecosystems Committee for the ABA Section of Environment, Energy & Resources
- Liaison, ABA Business Law Section and ABA Section on Environmental, Energy and Resources Law
- Prior Chair and Vice Chair, Air Quality Committee for the ABA Environment, Energy and Resources Section
- Prior Editor, Air Quality Committee Annual Report for the Natural Resources, Energy, and Environmental Law's Year in Review (a publication of the ABA and the University of Tulsa College of Law)

Articles & Speeches

Insights

[EPA-State Partnership Memo Signals Focused Enforcement](#), *Law360* - Author (August 7, 2019)

Events/Speaking Engagements

[Living In Uncertain Times, Potential Impacts on Use of Surface Water](#) - Presenter (June 5, 2024)

[2023 Clean Air Act Conference](#) - Co-Organizer (December 5, 2023)

[Presentation to South Carolina Department of Commerce Recycling Market Development Advisory Council](#) - Presenter (Jan. 19, 2021)

[Navigating the Legal, Economic and Business Challenges of the Coronavirus Pandemic | Webinar 4](#) - Speaker (April 8, 2020)

[The Hazardous Waste Generator Improvements Rule Seminar](#) - Speaker (June 26, 2019)

[Clean Air Act Considerations 2018](#), Client EHS Conference - Speaker (November 2018)

[Legal Perspective of Audits: Consider This or Else...](#), Carolina Air Pollution Control Association, Fall Conference - Speaker (October 2018)

[The Risk of 20/20 Hindsight Under the Federal Clean Air Act General Duty Clause](#), *ABA Business Law Section, Environmental Committee* - Speaker (June 2018)

[In the Environment of Change: A Three-State Continuing Legal Education Program](#) - Speaker (May 11-12)

[Clean Power Plan – Update and What Comes Next](#), Georgia, *North Carolina, and South Carolina Environmental Conference* - Speaker (May 2, 2018)

[The Clean Air Act's General Duty Clause: Don't Be Surprised](#), *Carolinas Air Pollution Control Act* - Speaker (October 2017)

[What to Do When Encountering Potential Pitfalls](#), Carolina Air Pollution Control Association, Spring Conference - Speaker (April 2016)

Alerts

[EPA Announces Important New Assumptions on Reviewing Chemical Use Under TSCA](#), Environmental, Health & Safety Alerts (April 2, 2021)

[EPA Temporary COVID-19 Enforcement Policy to Sunset August 31](#), Environmental, Health & Safety Alerts (July 7, 2020)

[OSHA Issues Three-Phase Guidance On Return To Work for Non-Essential Businesses](#), OnePoint Alert (June 23, 2020)

[Update on Interim OSHA Enforcement Response for COVID-19](#), Environmental, Health & Safety Alerts (May 22, 2020)

[President Trump Signs Executive Order on Regulatory Relief to Support Economic Recovery](#), OnePoint Alert (May 22, 2020)

[Revised OSHA Guidance Issued on Recording Cases of COVID-19](#), OnePoint Alert (May 21, 2020)

[Groups Demand Immediate Publication of Requests For COVID-19 Enforcement Discretion](#), Environmental, Health & Safety Alerts (April 30, 2020)

[Supreme Court Holds Clean Water Act Does Regulate Some Point Source Discharges to Groundwater](#), Environmental, Health & Safety Alerts (April 27, 2020)

[Group Alleges that EPA's COVID-19 Enforcement Policy Violates the Endangered Species Act](#), Environmental, Health & Safety Alerts (April 22, 2020)

[EPA Provides Temporary Amendments for CEMs Quality Assurance Requirements During COVID-19 For Specified Part 75 Sources](#), OnePoint Alert (April 22, 2020)

[Environmental Groups Sue EPA Over Use of COVID-19 Enforcement Discretion Policy](#), Environmental, Health & Safety Alerts (April 21, 2020)

[Attorneys General from Fourteen States Express Concerns Over EPA COVID-19 Enforcement Discretion Policy](#), Environmental, Health & Safety Alerts (April 21, 2020)

[DOJ Amends and Clarifies Temporary Suspension of Affirmative Civil Debt Collection and Enforcement Activities During COVID-19 Pandemic Regarding Affirmative Civil Enforcement Matters](#), OnePoint Alert (April 20, 2020)

[EPA Issues Interim Guidance on Site Field Work Decisions Due to Impacts of COVID-19](#), Environmental, Health & Safety Alerts (April 13, 2020)

[EPA Extends Deadline For Chemical Data Reporting Filings Under Toxic Substances Control Act](#), OnePoint Alert (April 9, 2020)

[EPA Defends Temporary COVID-19 Enforcement Policy and Clarifies Use of Policy in Doing So](#), Environmental, Health & Safety Alerts (April 6, 2020)

[Safety & Health Update – OSHA Guidance for COVID-19](#), OnePoint Alert (March 23, 2020)

[Environmental Considerations and COVID-19](#), Environmental, Health & Safety Alerts (March 20, 2020)

[EPA Announces New Policy Encouraging “Effective Partnerships” Between EPA and States In Carrying Out Enforcement](#), Environmental, Health & Safety Alerts (July 12, 2019)

[More Limits on Attempts to Over-Regulate Legitimate Recycling under RCRA](#), OnePoint Alert (July 8, 2019)

[Are You Ready for the Hazardous Waste Generator Improvements Rule? Ready Or Not, It's Here!](#), Environmental, Health & Safety Alerts (May 15, 2019)

[Court Orders EPA to Implement Landfill Emission Rule](#), OnePoint Alert (May 9, 2019)