

The Rights of Potentially Responsible Parties Under CERCLA

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August 17, 2007

Recently, the United States Supreme Court clarified the rights of potentially responsible parties (“PRPs”) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”). Past court decisions had created uncertainty surrounding PRP rights; specifically, whether a PRP could sue other PRPs for cost recovery following the cleanup of a contaminated site. As a result, most PRPs stopped voluntarily cleaning up contaminated sites. *United States v. Atlantic Research Corp.* puts much of the uncertainty to rest with its central holding that PRPs may, in fact, seek cost recovery from other PRPs for costs incurred during voluntary cleanups.

This Client Advisory discusses PRP’s rights under CERCLA and how the Court’s ruling in *Atlantic Research* impacts those rights.