

07-1607 SHELL OIL CO. V. UNITED STATES

DECISION BELOW:520 F.3d 918

LOWER COURT CASE NUMBER: 03-17125, 03-17153, 03-17169

QUESTIONS PRESENTED:

1. Whether liability for “arranging” for disposal of hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9607(a)(3), may be imposed upon a manufacturer who merely sells and ships, by common carrier, a commercially useful product, transferring ownership and control to a purchaser who then causes contamination involving that product.
2. Whether joint and several liability may be imposed upon several potentially responsible parties under CERCLA, 42 U.S.C. § 9607(a), even where a district court finds an objectively reasonable basis for divisibility that would suffice at common law.

CERT. GRANTED 10/1/2008

CONSOLIDATED WITH 07-1601 FOR ONE HOUR ORAL ARGUMENT.