Regulatory Risk After Closure: What Benjamin Moore Means for Industrial Property Owners

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Frost Brown Todd Partner Thierry Montoya authored an article for *Daily Journal* that highlights the California Court of Appeal's decision in *Benjamin Moore & Co. v. California Regional Water Quality Control Board* and examines the ongoing nature of environmental liability for industrial property owners — even after site closure and regulatory clearance. Montoya explains that regulators can issue investigatory orders years later based on incomplete records, historic chemical use, or circumstantial evidence, without requiring direct proof of contamination.

"Regulators may act on reasonable suspicion from historic solvent use, incomplete testing, or unexplained data gaps — even decades after a site closes," Montoya writes. "For industrial property owners, the takeaway is clear: invest in thorough, transparent environmental records. This practice not only strengthens environmental management but also protects against future regulatory exposure."