

No. 05-

IN THE
Supreme Court of the United States

W.R. GRACE & CO., KOOTENAI DEVELOPMENT
CORPORATION, AND W.R. GRACE & CO.-CONN.,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit**

PETITION FOR WRIT OF CERTIORARI

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April 27, 2006

QUESTION PRESENTED

Whether the Ninth Circuit erred, and created a conflict with the Eighth and Tenth Circuits, by holding that the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9601 *et seq.*, requires a responsible party to pay the entire cost of an environmental response action of potentially unlimited scope and duration, undertaken without any consideration of cost or cost-effectiveness, without being allowed to challenge whether all or part of that action was necessary to contain or abate an immediate environmental hazard.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6 of the Rules of this Court, petitioners state as follows:

Petitioner W.R. Grace & Co. is a publicly held Delaware corporation. It has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

Petitioner Kootenai Development Corporation is a subsidiary of W.R. Grace & Co., and no other publicly held corporation owns 10% or more of its stock.

Petitioner W.R. Grace & Co.-Conn. is a subsidiary of W.R. Grace & Co., and no other publicly held corporation owns 10% or more of its stock.

Petitioners W.R. Grace & Co., Kootenai Development Corporation, and W.R. Grace & Co.-Conn. filed for Chapter 11 bankruptcy in federal court in Delaware in April 2001, and that proceeding remains pending.

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