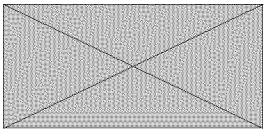
To: Mylott, Richard[Mylott.Richard@epa.gov]
From: Environmental Law360
Sent: Mon 11/14/2016 10:23:38 AM
Subject: Environmental Enforcement Under Trump: 5 Open Questions



ENVIRONMENTAL

Monday, November 14, 2016

TOP NEWS

Analysis

Environmental Enforcement Under Trump: 5 Open Questions

Environmental enforcement priorities at the U.S. Environmental Protection Agency and Department of Justice are likely to shift when President-elect Donald Trump takes office, although it's too early to know exactly how. Here are five questions experts are asking.

Greenlighting Kids' Climate Suit, Ore. Judge Cites Ancient Law

An Oregon federal judge on Thursday refused to throw out a suit accusing the federal government of failing to protect future generations from the threats of climate change, saying the government's focus on specific laws was a myopic view of a suit over fundamental rights protected by more ancient law.

Flint Ordered To Deliver Bottled Water To Residents

A Michigan federal judge on Thursday ordered the city of Flint to deliver bottled water to residents dealing with lead-tainted drinking water and its effects, saying problems with the current water distribution program warranted court intervention.

Obama Administration's Dakota Pipeline Decision Days Away

The Obama administration is close to revealing whether it will allow Dakota Access LLC to drill beneath North Dakota's Lake Oahe for a $3.8 billion pipeline, a U.S. Department of Justice lawyer said Thursday in a high-profile lawsuit from tribal groups seeking to stop the project.

3rd Circ. Grapples With Dose Evidence In Pa. Radiation Suits

A Third Circuit panel on Thursday wrestled with whether a group of Pittsburgh-area residents suing several Babcock & Wilcox Inc. units over injuries stemming from contamination at a nearby nuclear materials processing facility should be required to present dosage and exposure evidence in order to bring their cases to trial.

Analysis

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Trump Presidency Won't Be A Red Light For Green Energy

President-elect Donald J. Trump has thrown his weight behind fossil fuels and vowed to nix major climate change regulations, but experts say that won't derail U.S. green energy growth, and that states — not the federal government — will continue to take the lead in stimulating development of wind, solar and other clean energy sources.

Next Pa. AG's Enviro Goals Depend On Good Ties With DEP

Josh Shapiro, who was elected Pennsylvania's next attorney general Tuesday, pledged during his campaign to crack down on polluters, but to succeed, experts say he will have to bolster his office's rapport with the state's Department of Environmental Protection and persuade the agency that prosecutors can move cases quickly.

POLICY & REGULATION

EPA Proposes To Deny Request To Change Biofuel Program

The U.S. Environmental Protection Agency said on Thursday it has proposed to deny requests from oil industry groups to initiate the process to change regulations over who is responsible for satisfying biofuel standards, but also said it would leave the public comment period open for 60 days.

Grape-Growing Sonoma County Votes In GMO Crop Ban

Stakeholders were split over the impact of a newly passed ban on genetically engineered crops in California's Sonoma County, a measure that has drawn court challenges elsewhere.

Army Corps Again Calls For Pause Of Dakota Access Work

The U.S. Army Corps of Engineers on Wednesday repeated its call for the company behind the Dakota Access Pipeline to halt work on the project in an effort to reduce tensions as protests in the name of Native American rights and environmental justice continued in North Dakota.

ENFORCEMENT

EPA Hits Citgo Refinery In Ill. With CAA Violation Claims

The federal government, on behalf of the U.S. Environmental Protection Agency, sued Citgo Petroleum Corp. in Illinois federal court Thursday, saying that the company's Lemont refinery near Chicago has violated a slew of environmental laws, including the Clean Air Act.

LITIGATION

Justices Urged To Rein In 9th Circuit's 'Lax' Habitat View

Alaska, oil and gas groups, regional organizations and Alaska Native groups are asking the

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U.S. Supreme Court to strike down critical habitat designations for the polar bear, saying the Ninth Circuit's "lax" standards for critical habitat allowed the U.S. Fish and Wildlife Service to haphazardly protect a California-sized area in the Arctic without regard for whether polar bears actually live in much of that area.

Exxon Can Drag New York AG Into Texas Climate Fight

A Texas federal judge ruled Thursday that Exxon Mobil Corp. can rope New York Attorney General Eric Schneiderman into its lawsuit seeking to block Massachusetts AG Maura Healey's climate change probe and that it can add a claim that the two conspired to suppress the company's free speech rights.

Pipeline Co. Wants Stop-Work Order Lifted On Texas Pipeline

A company with which Energy Transfer Partners LP is in a joint venture urged a federal judge on Wednesday to dissolve an order keeping it from putting a natural gas pipeline under a Texas canal, a day after the court granted a bid by the federal government to halt construction due to safety concerns.

Olin, Insurer Battle Over New Info In Cleanup Coverage Suit

Century Indemnity Co., accused by Olin Corp. of failing to pay defense costs for underlying Southern California contamination suits, told a New York federal judge Wednesday it has evidence showing it properly responded to the coverage request, while Olin said the "new" evidence means nothing.

EXPERT ANALYSIS

EPA Must Outline Financial Requirements For Mining Cos.

Under a D.C. Circuit court order, the U.S. Environment Protection Agency must propose new financial assurance requirements for the hard-rock mining industry — and identify industries next up for regulation — by Dec. 1, 2016. There are a number of key issues that industry should consider when reviewing the EPA's forthcoming proposal, say attorneys from King & Spalding LLP.

The New State AG Landscape

With another election in the books, the state attorney general landscape now takes another turn. Ten states held elections for attorney general last week. Five seats were retained by incumbents and five seats now belong to newcomers. Foley & Lardner LLP litigation partner Jesse Panuccio gives us the breakdown.

Merging Law Firms: Why Hogan Lovells Has Worked

As shown by the impending merger between Arnold & Porter LLP and Kaye Scholer LLP, consolidation in the legal industry remains a popular strategy among firms looking to boost revenue and acquire new clients. J. Warren Gorrell Jr., a key architect of the 2010 merger that created Hogan Lovells, reflects on his own experience and why mergers of equals are particularly difficult.

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OPINION: The Verdict — A Rejection Of Politics As Usual

The verdict on Nov. 8, was not unanimous, especially when Secretary Hillary Clinton will end up with a popular vote advantage. Yet, it is a message of extreme magnitude from voters willing to overlook the serious flaws of a candidate because they could not reconcile themselves to ratifying the perpetuation of politics as usual, says Reuben Guttman, a partner of Guttman Buschner & Brooks PLLC and adjunct professor at Emory Law School.

LEGAL INDUSTRY

Arnold & Porter Set To Merge With Kaye Scholer

Beltway firm Arnold & Porter LLP and New York's Kaye Scholer LLP will merge in the New Year to create a new 1000-lawyer firm, leaders announced Thursday, marking the biggest BigLaw deal of a year.

News Analysis

BigLaw Staff Turns To Blue Chip Senate Candidates In 2016

Federal records show employees of the 10 largest U.S. law firms donated overwhelmingly to Senate candidates who were ahead in pre-election polls this year, a strategy that paid off in all but a few instances Tuesday.

Hope Flickers For Handful Of GOP-Backed Obama Court Picks

With real estate mogul Donald Trump headed to the White House, Republicans now have little reason to move on any Obama administration pick for a federal bench, but court watchers said a handful of pending nominees still have a shot at confirmation if they can keep the support of Republican senators concerned about vacancies in their home states.

Fear Of 'The Cloud' Hampers Atty Success, Panel Says

Technology is making it cheaper to operate and even launch a new law firm, but succeeding means fully and responsibly embracing "the cloud" as central to your practice, according to a Thursday panel discussion at the New York City Bar Association.

Law360's Weekly Verdict: Legal Lions & Lambs

The Federal Circuit rejected a $2 million sanctions request by Toshiba America Inc. against Niro Law Ltd., wrapping up a long-running patent dispute and landing the law firm among this week's legal lions. Not so fortunate were legal lambs Reed Smith LLP and Farrell White & Legg PLLC, whose client American Medical Systems Inc. drew sanctions for issuing a faulty subpoena in violation of a protective order.

How GCs Can Tackle The Vast Online Counterfeiting Problem

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Online marketplaces are redefining what it takes to protect a brand, forcing general counsel to divert more resources to anti-counterfeiting efforts and seek out new strategies in what can seem like a costly game of whack-a-mole. Here's what brand owners are doing to cope and what they hope will change.

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

Rainmaker Q&A: Goodwin Procter's Ilan S. Nissan

I prefer to view my business development style as an ability to connect people to people and people to solutions. I find that many law firms have the skills to solve client problems, but few are able to deliver advice in a way that a client can best utilize it, says Ilan Nissan, a senior partner in Goodwin Procter LLP.

Rainmaker Q&A: Norton Rose's Joseph Graham Jr.

If you are not constantly focused on your client's needs, you can bet someone else from a different firm will be. But if you really get to know your client and their position in the ever-changing legal landscape, their successes become your successes, says Joseph Graham Jr., Norton Rose Fulbright US LLP.

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Boon

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&
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Jones
Day

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Gates

Kaye
Schol

Keller
Rohrb

Kilpat
Town

King
&
Spald

Kirkla
&
Ellis

Latha
&

Watki

Lavin
O'Nei

Lewis
Brisb

Liner
LLP

Lowe
Dann

Marg
Edels

Maye
Brow

McKc
Smith

Miller
&
Chev

Miller
Nash

Morga
Lewis

Morris
&
Foers

Morris
Maho

Mung
Tolles

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Law
Ltd.

Nixon
Peab

Noroc
PC

Norto
Rose
Fulbri

Nossa
LLP

Paul
Hastin

Paul
Weiss

Pend
Baud

Porte
Wrigh

Post
&
Schel

Pricha
Hawk

Quinn
Emar

Ray
McCh

Reed
Smith

Rothw
Figg

Russ
Augu

Schiff
Hardi

Schlic
Boga

Sidley
Austin

Skad

Stoel

Rives

Sulliv
&
Worc

Van
Ness
Feldn

Wiley
Rein

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Alibal
Grou
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Ltd.

Altma
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Inc.

Amaz
Inc.

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Arbitr
Asso

Amer
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Asso

Amer
Civil
Libert
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Grou
Inc.

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Syste
Holdi
Inc.

Amer
Petro
Institu
Inc.

Apple
Inc.

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Regic
Corp.

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&
Wilco
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CITG
Petro
Corp.

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Railw
Comp

Cente
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Biolo
Diver
Inc.

Citigr
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Dell
Inc.

Dow
Chem
Co.

EQT

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Mobil
Corpo

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Autho
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Glaxo

Goldr
Sachs
Group
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Hallib
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Olgoo
Corp.

Olin
Corpo

Pfizer
Inc.

Price

Tikiga
Corp.

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Unde
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Mana
Inc.

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Sioux
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Empl
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Sena

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Supre
Court

LAW FIRMS
Arnold & Porter

Sidley Austin

Kaye Scholer

Kirkland & Ellis

Reed Smith

DLA Piper

Greenberg Traurig

Hogan Lovells

Husch Blackwell

Jones Day

K&L Gates

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Cotchett Pitre

Covington & Burling

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Dorsey & Whitney

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Graham & Dunn

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Lowey Dannenberg

Margolis Edelstein

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McKool Smith

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Paul Hastings

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Prichard Hawkins

Quinn Emanuel

Ray McChristian

Rothwell Figg

Russ August

Schiff Hardin

Schlichter Bogard

Stoel Rives

Sullivan & Worcester

Van Ness Feldman

Wiley Rein

WilmerHale

Zabel Freeman

COMPANIES
Energy Transfer Partners, L.P.

Altman Weil Inc.

American Petroleum Institute Inc.

Natural Resources Defense Council

Acer Inc.

Adidas AG

Alibaba Group Holdings Ltd.

Amazon.com Inc.

American Arbitration Association

American Bar Association

American Civil Liberties Union

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U.S. Department of Justice

U.S. Supreme Court

U.S. Environmental Protection Agency

Army Corps of Engineers

Securities and Exchange Commission

Standing Rock Sioux Tribe

U.S. Army

Alaska Department of Law

Cheyenne River Sioux Tribe

Equal Employment Opportunity Commission

Executive Office of the President

Federal Election Commission

Federal Energy Regulatory Commission

Fish and Wildlife Service

Food and Drug Administration

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