

INSIGHTS

## Associates Break Down the Fall Environmental Law Seminar

November 22, 2022

By: [Daniel J. Pope](#) and [Taylor M. Stuart](#)

In this episode of the Environmental Law Monitor, host [Daniel Pope](#) is joined by fellow Bracewell practice group associate [Taylor Stuart](#) to discuss highlights from the Environmental Law Seminar held in Houston on November 15.

**The first panel involved environmental litigation and developments that we've seen over the past couple of years in APA litigation, permit challenges, enforcement and defense. What stood out to you from the panel?**

Jason Hutt talked about Title VI of the Civil Rights Act becoming a new trend that we're seeing; complaints being filed by third parties with federal agencies claiming that connecting some of these alleged environmental violations to Civil Rights Act violations.

**So I thought that Steven Cook and Steve Benesh did a great job of emphasizing just how essential it is for companies to be partnering with federal agencies and state agencies, where applicable, to make sure that issues are addressed in the record.**

I think having Steven's perspective was really important, having been both in-house and then the EPA. Something that he touched on was that if you're in-house at the company, you really get a good understanding of what are the company's commercial priorities, what are trends commercially that you're seeing within the company, what are the most important permits that they need to really prioritize and make sure that those are shared up and that there's a strong administrative record around those permits now understanding what's most important to the company and then having that lead your legal strategy.

**For our next panel, which we call "Power, Politics and Policy," we were lucky enough to have members of our Policy Resolution Group break down what actually happened in the midterm elections. They broke down the midterms really well and highlighted why there wasn't a red wave, and what politics looks like moving forward.**

At a high level, we saw kind of a lack of red wave. At the time that we were at the seminar, they actually hadn't called the House yet, but they have since called the House. Speaker Pelosi has stepped down, so she will not continue on to be minority leader. It's expected that Hakeem Jeffries will step into her place and become minority leader and that she will now kind of step aside, which is definitely the end of an era on the Hill. Anyone that has been remotely interested in politics for the last 30 years knows the impact that Pelosi has had. That will be a really big change on the Hill and also on the energy and environmental side. We'll also see the

changeover in leadership of the House Energy and Commerce Committee to Cathy McMorris Rodgers. That will definitely have an impact on the policy side of the energy and commerce work that's done on the Hill.

**We also had a great panel featuring yourself as well as Kevin Ewing and a couple of our new friends in DC, Catherine Little and Annie Cook, on an infrastructure panel on the public interest. If you could summarize your panel in one minute, what would you say?**

It was funny when we were putting this panel together because I think all of us were seeing a similar trend with our work that a lot of the agencies that we work with or the projects that we work on that are heavily regulated by particularly federal agencies. We have seen this trend of the agency changing its relationship to its guiding statute or its regulations and rethinking what it means to act in the public's best interest and what it means to carry out our statute in a way that it creates a better world. I don't think we realized how similar some of the issues that we're grappling with are until we all got together and started talking about it for this panel.

Want to learn more about the topics discussed at our recent Environmental Law Seminar? Contact [Daniel Pope](#) or [Taylor Stuart](#) with your questions.

*The opinions expressed in this podcast are those of the speakers and do not necessarily reflect the viewpoint of their institutions or clients.*