

# Environmental Attorney Dorothy Watson Returns to Foley in Orlando

[Foley & Lardner LLP](#) announced that Dorothy Watson has rejoined the firm's Environmental Regulation practice as of counsel in the Orlando office.

Watson has 10 years of experience as an environmental lawyer from both an outside and in-house counsel perspective. For the last four years, Watson has been environmental counsel for multiple business lines within Schlumberger, the world's leading provider of technology for the oil and gas industry. While there, she advised management teams on environmental risks and provided legal compliance counsel for matters arising under various state, federal and international environmental laws and regulations, including the Resource Conservation and Recovery Act, Toxic Substances Control Act and REACH, as well as regulations under the authority of OSHA, MSHA and the FAA.

Watson began her environmental law practice at Foley & Lardner in 2007 as an associate where she advised clients on state and federal waste, air, water and OSHA compliance issues, including site remediation and permitting strategies.

"We are excited to have Dottie return to our team," said Gary Rovner, chair of Foley's Environmental Regulation practice. "The business-oriented practicality she gained working as in-house counsel for an industry leader will complement the firm's expertise to position us to successfully address the most pressing environmental issues facing businesses today. We look forward to helping her grow her practice with us."

Mike Okaty, managing partner of Foley's Orlando office said, "Dottie brings with her an ideal skill set for our clients.

Her knowledge of the U.S. EPA and the Florida Department of Environmental Protection will help serve the needs of our clients in our burgeoning Florida market and throughout the country.”

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# Oil Majors Face Lawsuits on Climate Change Issues



Two major Californian cities – San Francisco and Oakland – have filed lawsuits against five oil and energy super majors September, according to [Zacks Equity Research](#).

The cities have taken legal action against Chevron Corp., ConocoPhillips, Royal Dutch Shell plc, ExxonMobil Corp. and BP p.l.c.

“The companies have been accused of causing an adverse impact on the climate, resulting in global warming. The plaintiffs hold these fossil fuel companies accountable for rising sea levels, changing landscapes, higher global temperatures and increased risk of storms and droughts,” Zacks reports.

The plaintiffs allege that the defendants continue to produce and market products that contribute to climate change and rising sea levels.

[Read the article.](#)

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# Litigating Climate Change: An Overview of Suits Against the Oil and Gas Industry



The Institute for Energy Law will present a webinar discussing the various climate change-based lawsuits and current trends in climate change litigation.

The event will be Wednesday, Oct. 18, 2017, at 1 p.m. EDT / 10 a.m. PDT. Information about MCLE credit and fees can be found on the [registration site](#).

The institute is a part of the [Center for American and International Law](#).

“Over the past few years, government entities and non-governmental organizations have moved the debate over climate change from the court of public opinion and into the courtroom,” according to the institute. “Oil and gas companies have been one of the bigger targets for such suits, where plaintiffs have alleged that the companies are responsible for rising sea levels and that they have failed to warn about the

potential impacts of greenhouse gas emissions.”

[Register for the event.](#)

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# Alabama Lawyers, Coal Executive Indicted On Bribery Charges

The Associated Press [is reporting](#) that two attorneys with a prominent Alabama law firm and a coal company executive have been indicted on charges of bribing a state legislator to oppose an environmental cleanup plan, federal court documents showed Thursday.

Two partners in prominent Alabama law firm Balch & Bingham have been placed on indefinite leave after named on charges including conspiracy and bribery. They are Joel Gilbert and Steven McKinney, both of whom handled environmental litigation for the firm.

AP reporter Jay Reeves writes that Drummond Co. vice president David Roberson, 66, was charged with the same crimes.

“The three are accused of bribing former state Rep. Oliver Robinson, who pleaded guilty earlier this month to accepting \$360,000 in payments,” according to the AP report.

[Read the AP article.](#)

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# Trump Administration Working Toward Renewed Drilling in Arctic National Wildlife Refuge



The Trump administration is quietly moving to allow energy exploration in the Arctic National Wildlife Refuge for the first time in more than 30 years, according to documents obtained by [The Washington Post](#), with a draft rule that would lay the groundwork for drilling.

“Congress has sole authority to determine whether oil and gas drilling can take place within the refuge’s 19.6 million acres,” reports [Juliet Eilperin](#) for *The Post*. “But seismic studies represent a necessary first step, and Interior Department officials are modifying a 1980s regulation to permit them.”

Environmentalists and some of Alaska’s native tribes have fought against exploration in the ANWR for years, but state politicians and many Republicans in Washington have pressed to extract the billions of barrels of oil lying beneath the refuge’s coastal plain, Eilperin writes.

[Read the \*Post\* article.](#)

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# BLM Proposes Rescission of 2015 Hydraulic Fracturing Rule

The Bureau of Land Management has announced its recommendation that the hydraulic fracturing rule from 2015 entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” be rescinded, reports Fox Rothschild in its [Energy Law Today](#) blog.

[Melissa J. Lyon](#) explains that in 2015 the BLM had issued regulations that attempted to regulate oil and gas development on federal and tribal lands by focusing on wellbore construction, chemical disclosures and water management.

But litigation kept the final rule from going into effect. Then U.S. District Court Judge Skavdahl ruled that the BLM does not have the authority to enforce the 2015 hydraulic fracturing rule.

[Read the article.](#)

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# Suit for Bad Frac Job Requires a Certificate of Merit

Gray Reed & McGraw's [Energy & the Law Blog](#) discusses *Perdenal Energy LLC v. Bruington Engineering, Ltd.*, which asked whether a court must dismiss an engineering defect lawsuit filed without a certificate of merit with prejudice or may dismiss without prejudice.

“Texas law requires a plaintiff to file a ‘certificate of merit’ with its original petition for claims arising out of work by licensed or registered engineers,” explain authors [Charles Sartain](#) and [Chance Decker](#). “The certificate must be from a qualified engineer and must detail the manner in which the professional services were faulty.”

They outline approaches for handling this situation, both from the standpoint of the defendant and the plaintiff.

[Read the article.](#)

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# A New Start for U.S. Offshore Oil, Gas Drilling?



Courtesy of BP Public Affairs Staff, via BOEM.gov

A recent podcast from Columbia Energy Exchange features host Bill Loveless speaking with Tommy Beaudreau, a non-resident Fellow at the Center on Global Energy Policy and partner in the Environment, Land & Resources Department of Latham & Watkins in Washington, D.C.

The podcast series is presented by Columbia University's Center on Global Energy Policy.

In [the podcast](#), the two discuss details of the latest executive order on offshore oil and gas drilling; what political and legal challenges the order will face; how the U.S. government have improved drilling and safety standards since the Deepwater Horizon oil spill; and next steps in the offshore review process.

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# Sidley Expands Environmental Practice in Washington, D.C.

Sidley Austin LLP announced that Richard Alonso has joined the firm as a partner in its Washington, D.C. office. He will be a member of the firm's Environmental practice.

Alonso has dealt with the United States Environmental Protection Agency's (EPA) regulatory process and has experience with environmental compliance and enforcement issues, including federal and state enforcement defense strategies, the firm said in a news release.

The release continues:

Prior to building a private practice, Alonso served as chief of the Stationary Source Enforcement Branch at the EPA's Office of Enforcement and Compliance Assurance. He had earlier served at the EPA in the Water Enforcement Division. During his tenure with the EPA, he had responsibility for enforcing the Clean Air Act (CAA), Clean Water Act and Safe Drinking Water Act. He managed and negotiated CAA enforcement cases, including New Source Review (NSR) cases, with power plants and manufacturing facilities and was instrumental in developing CAA policies and regulations. Alonso also held key roles in cases relating to defeat devices and engine certification requirements under the CAA's Title II mobile source program. He is known as a national authority on EPA automotive and fuel regulatory programs, including the Renewable Fuels Standard program.

"Rich's firsthand experience in both private practice and the public sector will make him a valuable asset for our clients looking for advice in addressing their complex

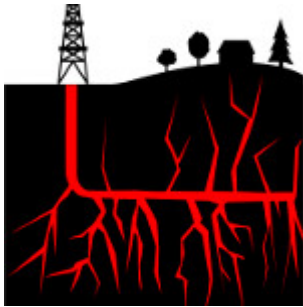
environmental challenges at both the federal and state levels,” said David Buente, co-leader of Sidley’s Environmental practice. “We are delighted to welcome Rich to our outstanding team of lawyers dedicated to assisting clients with every aspect of environmental law.”

Alonso represents clients including large trade associations, manufacturers and energy companies in environmental compliance and enforcement matters before both state and federal agencies. He focuses his practice on CAA issues, including NSR applicability and permitting, EPA rulemaking efforts, legal challenges to EPA actions, and CAA enforcement defense and compliance counseling. Mr. Alonso’s CAA experience includes the development of State and Federal Implementation Plans, permitting programs, and policies applicable to stationary sources, fuel regulations, automotive engine certifications and regulation of ozone depleting substances. He has tackled cutting-edge environmental issues for a variety of industrial sectors, including the implementation of climate change regulations, permitting of greenhouse gas emissions, and regulation of methane emissions from oil and gas operations.

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# The Nation's First Legislative Fracking Ban Is on the Books



In an episode of Kane Russell Coleman Logan's [energy law podcast](#), director [Tom Ciarlone](#) discusses the nation's first legislative fracking ban.

That action came in Maryland when the legislature passed a bill that prohibits petroleum fracking across the state, Ciarlone says. The Maryland governor signed the bill that supplants a two-year moratorium that was set to expire later this year.

The podcast also discusses a lower bar for class certification in royalty underpayment actions, as well as multiple decisions out of the Texas Supreme Court that could spawn a wave of widespread mineral title disputes.

[Listen to the podcast.](#)

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# EPA Announces Methane Rule Reconsideration, Adding to List of Obama-Era Rules Under Review

On April 18, 2017, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced that the EPA will convene a proceeding for reconsideration of certain elements of the 2016 rule establishing methane emissions standards for the oil and gas industry, reports Bracewell's [Energy Legal Blog](#).

Authors [Whit Swift](#) and [Brittany Pemberton](#) write that the Methane Rule applies to oil and gas facilities for which construction, modification, or reconstruction started after September 18, 2015.

“In particular, EPA will reconsider elements of the fugitive emissions monitoring and repair requirements of 40 C.F.R. § 60.5397a, including the inclusion of low-production wells, and the NSPS Subpart 0000a provisions relating to approvals for an alternative means of compliance,” they explain.

[Read the article.](#)

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# \$87 Million Each for Lead Firms in 2010 Oil Spill Litigation



*Image by U.S. Coast Guard*

A committee of attorneys involved in litigation arising from the 2010 Gulf of Mexico oil spill has made its recommendation for dividing \$700 million in fees among 122 law firms involved in years of complex legal work, reports the [Associated Press](#).

Two Louisiana law firms that steered the litigation will get the biggest payouts. Domengeaux Wright Roy & Edwards of Lafayette and Herman, Herman & Katz in New Orleans will get about \$87.8 million if a federal judge approves the recommendation filed this week in U.S. District Court in New Orleans.

“Millions of barrels of oil spewed into the Gulf of Mexico for 87 days after an explosion on the Deepwater Horizon offshore rig at BP’s Macondo well in the Gulf of Mexico,” writes Kevin McGill. “Eleven workers were killed and the pollution affected Gulf fisheries, delicate wetlands and recreational beaches.”

[Read the AP article.](#)

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# Removal of Energy ‘Burdens’ Could Have Huge Impacts



A provision of the “energy independence” executive order signed by President Trump is so broad in scope that legal experts say it could affect numerous government responsibilities far beyond those that deal directly with energy and climate change, according to a post by [Climate Central](#).

Under the order, federal agencies must review all of their actions that have the potential to “burden” both the development and use of domestic fossil fuels and nuclear energy in the U.S., writes [Bobby Magill](#).

“For example, it could affect the speed with which the government permits oil and gas drilling, how much information about energy development the government provides to the public, and other decisions federal employees make on a daily basis,” Magill explains. “It may also affect the willingness of the government to allow wind and solar development to go forward because more use of renewable energy could lead to less use of fossil fuels.”

[Read the article.](#)

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# Ruling Against Acting NLRB GC Offers Opportunity for Employers



Employers who want to challenge their unfair labor practice complaints may want to delay their cases from being heard, if possible, until after November, recommends a labor lawyer, in light of a recent U.S. Supreme Court ruling that limits powers of acting presidential appointees.

[Allen Smith](#), writing for the [Society for Human Resource Management](#), explains implications of the ruling, which found that the acting National Labor Relations Board general counsel did not have the authority to continue in that role once the president nominated him to be confirmed by the Senate to be general counsel.

That means that companies that have objected to the authority of Acting GC Lafe Solomon after he was nominated can challenge any unfair labor practice charge issued against them following his nomination January 2011, according to Phil Wilson, president and general counsel with the Labor Relations Institute in Broken Arrow, Okla.

[Read the SHRM article.](#)

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# German Authorities Raid Jones Day Offices in VW Emissions Inquiry



*The New York Times* [is reporting](#) that German authorities searched the offices of the American law firm Volkswagen hired to conduct an internal investigation of its emissions fraud.

[Jack Ewing](#) and [Bill Vlasic](#) write that the carmaker confirmed the raid on the German offices of Jones Day, which since 2015 has been conducting a wide-ranging inquiry into who at Volkswagen was responsible for an emissions cheating scheme that has already led to more than \$22 billion in fines and settlements.

“Evidence collected by the law firm and shared with the American authorities formed the basis for Volkswagen’s guilty plea in the United States last week over charges tied to emissions deception involving diesel engines,” according to the report.

But the search by prosecutors suggests that authorities believe the firm has not divulged all documents that may be relevant to the case, which could lead to a blow to Jones Day’s reputation, the reports say.

[Read the NYT article.](#)



# Tillerson May Face Deposition About 'Wayne Tracker' Alias Emails



Image by [William Munoz](#)

New York will seek to question top Exxon Mobil Corp. executives under oath as part of a probe into the accuracy of the company's statements about climate change after discovering an email alias used by former Chief Executive Officer Rex Tillerson, according to a [Bloomberg report](#).

"Tillerson, now U.S. Secretary of State, used the name Wayne Tracker for his secondary internal email account at Exxon, created for sending the most sensitive messages to and from company board members, including communications about the risks associated with climate change, New York Attorney General Eric Schneiderman said Monday," writes reporter [Erik Larson](#).

Carl Barnes, a former corporate general counsel who's a lawyer

at Morse, Barnes-Brown & Pendleton PC, told Larson that someone in Exxon's general counsel's office knew or should have known about the alias account.

[Read the Bloomberg article.](#)

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# Monsanto Ghostwrote Cancer Studies of Its Own Weed Killer, Plaintiffs in Lawsuit Say



Image by [Mike Mozart](#)

Employees of Monsanto ghostwrote scientific reports that U.S. regulators relied on to determine that a chemical in its Roundup weed killer does not cause cancer, farmers and others suing the company claimed in court filings, according to a [Reuters report](#).

Monsanto is involved in a mass litigation in federal court in San Francisco claiming the company failed to warn that exposure to Roundup could cause non-Hodgkin's lymphoma, a type of cancer, writes Reuters' [Brendan Pierson](#).

"Plaintiffs claim that Monsanto's toxicology manager ghostwrote parts of a scientific report in 2013 that was published under the names of several academic scientists, and his boss ghostwrote parts of another in 2000," Pierson reports.

[Read the Reuters article.](#)

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## EPA to the Oil and Gas Industry on its Request for Information: Never Mind



Only months after the Environmental Protection Agency first contacted thousands of oil and gas companies demanding detailed information regarding methane releases from gas production facilities and related equipment, it has announced that the companies are "no longer required to respond," [reports Akin Gump](#) in its

AG Deal Diary.

in 2016 the EPA announced that it planned to send requests for information to approximately 15,000 oil and gas companies involved in onshore production, gathering and boosting, gas

processing, transmission, storage and liquefied natural gas import/export. The agency wanted the information to “help the agency determine how best to address methane emissions from the oil and gas industry, including through rulemaking to reduce emissions.”

Now the EPA has announced: ““EPA has withdrawn the 2016 information request for the oil and gas industry, effective immediately. If you received a letter requiring you to fill out a survey, you are no longer required to respond.”

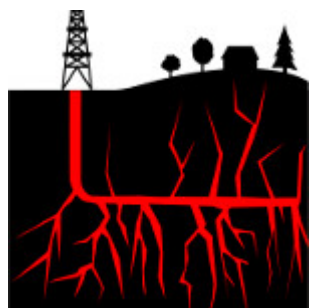
Akin Gump’s [David H. Quigley](#), [Christine B. LaFollette](#) and [Charles L. Franklin](#) wrote the article.

[Read the article.](#)

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## Study Says Local Benefits From ‘Fracking’ Outweigh the Costs



[Weil, Gotshal & Manges LLP](#) reports on a study from the Energy Policy Institute at the University of Chicago (EPIC), titled “The Local Economic and Welfare Consequences of Hydraulic Fracturing.”

On its website, the firm says the study looked at “the costs and benefits of hydraulic fracturing on local communities in nine shale basins throughout the United States, making it the most comprehensive assessment of its kind to date.”

The study explored revenue generated in communities where drilling takes place, local income and employment, benefits to local governments, decreases in the quality of life, and increases in housing prices.

[Read the article.](#)

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# Disaster Response for the Gulf Oil Spill Webinar



*Image by U.S. Coast Guard*

Textron Systems will present [a webinar](#) demonstrating how remote sensing and geospatial mapping products can be employed to quickly respond to an evolving oil spill.

The event will be on Thursday, March 16, 2017, beginning at 1 p.m. EST.

“Remote sensing and geospatial data play a pivotal role in disaster management allowing responders to analyze the overall situation on a large scale and continually monitor events using satellite imagery and real-time ground truth,” Textron says on its website. “In the case of the Gulf Oil Spill, remote sensing played a critical role in tracking the movement of the oil slick on the ocean surface and its eventual penetration into sensitive coastal areas. This presentation will demonstrate how remote sensing and geospatial mapping products can be employed to quickly respond to an evolving crisis situation.”

[Register for the webinar.](#)

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