

## Environmental Group Of The Year: Bracewell

By **Tom Lotshaw**

*Law360 (January 31, 2025, 4:03 PM EST)* -- Bracewell LLP helped a Louisiana chemical facility stave off a regulatory push that would allegedly force it to shut down, helped small refiners win hardship exemptions from renewable fuel-blending requirements, and helped companies advance regional hydrogen hub and offshore wind projects, earning the firm a spot among the 2024 Law360 Environmental Groups of the Year.

The Houston-headquartered firm's collaborative energy, infrastructure and finance practices, coupled with its dedicated policy resolution group focused on government relations and strategic communications, help put the environment, lands and natural resources department "in a great position to advise clients," said department head Jason B. Hutt.

The 28-lawyer team represented clients in 46 states over the past year. Its ongoing representation of Denka Performance Elastomer LLC in Louisiana shows its ability to navigate challenges at the intersection of environmental law, policy and communications, according to Hutt.

"[The U.S. Environmental Protection Agency] has some big guns, and they were squarely pointed at us," he said about a multipronged fight over Denka's neoprene manufacturing facility.

Bracewell has helped Denka battle an "emergency powers" suit brought by the EPA alleging that its chloroprene emissions pose an imminent danger to nearby communities and must be immediately curtailed.

Other litigation has centered on an EPA emissions rule that gave Denka just 90 days to bring its facility into compliance, compared to the two years the agency proposed and granted to other companies, as well as a compliance deadline extension Louisiana stepped in to provide to Denka.

Louisiana pitched the lifeline to Denka after the D.C. Circuit denied the company's bid to block the EPA rule. While the EPA challenged the state's authority to grant the extension, the state and Denka secured a favorable Fifth Circuit ruling.

A trial for the EPA's initial lawsuit was set for March 2024, but the agency postponed it to revise its



emissions rules, according to Hutt, with the matter now set for trial in April.

Hutt believes the EPA mischaracterized the science over Denka's emissions and brought all its enforcement tools to bear against the company in a misguided environmental justice initiative.

"It's going to be more than two years after the emergency was alleged that required the shutdown of the facility that we're actually going to get in front of the judge to talk about the science," he said.

Bracewell also continues to represent Specialized Response Solutions with respect to its role in the decision to vent and burn off hazardous chemicals after the East Palestine, Ohio, train derailment. The decision has been a focus of investigations, congressional hearings and litigation.

Both matters showcase Bracewell's ability to help clients develop and implement strategies to navigate high-stakes challenges in and out of the courtroom, according to Hutt. "Those are the sophisticated, difficult problems where we are being turned to, and that's one of the ways we have demonstrated excellence," he said.

Bracewell helped Sinclair Wyoming Refining Co. LLC and other small petroleum refineries successfully challenge the EPA's denial of hardship exemptions that they requested for a program that requires companies to blend certain amounts of renewables such as ethanol into the nation's fuel supplies, or else buy costly credits.

"It gives them a business environment in which they can continue to produce or refine products, which is important for the country's national security and gas prices," Hutt said of the D.C. Circuit's ruling and the exemptions.

The firm also helped TC Energy subsidiary TransCanada PipeLine USA Ltd. fight the EPA's Good Neighbor rule, a highly contested federal plan to crack down on cross-state smog pollution from two dozen states. The company was one of many entities that convinced the U.S. Supreme Court to put the rule on hold while legal challenges play out.

"We were part of the team that put together the strategy and briefs for that issue, and certainly earned a good decision," Hutt said.

On the project front, Bracewell lobbied the federal government to help shape renewable-energy funding initiatives stemming from the Bipartisan Infrastructure Law, and it advised industrial gas giant Air Liquide SA on hydrogen hub concepts submitted to the U.S. Department of Energy. The company is a partner in six of the seven concepts approved to receive funding.

Bracewell attorneys have also provided extensive counsel to Equinor on the 800-megawatt Empire Wind project it's developing off the coast of Long Island.

In a challenging time for the nascent U.S. industry, the firm's attorneys helped Equinor with everything from permitting to recommercializing the project, with revised offtake agreements, financing measures and an arrangement that allows Equinor to have full ownership of a project that promises to be the first of its kind to plug into New York City's grid. The firm has also helped the company advance an early-stage offshore wind project on California's coast.

Hutt pointed specifically to work done for Equinor by Kevin Ewing, Ty Johnson and Ann Navaro. "I don't think there's any trio of lawyers in the country who understand the offshore wind world better than that combination," he said.

--Editing by Adam LoBelia.

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