

Environmental Sustainability

Wiley assists companies in assessing and mitigating potential governmental burdens associated with controls on greenhouse gas emissions. Our knowledge of existing emission/allowance systems and international trade law gives us an advantage in assisting clients with issues relating to the development and implementation of cap-and-trade programs for greenhouse gas emissions at the federal, state, and international levels.

Energy Efficiency

Wiley has extensive experience concerning energy efficiency requirements governing consumer and other products. We work with trade associations and companies on the development and modification of mandatory and voluntary standards programs and related testing procedures and regulations issued by the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency's (EPA) Energy Star program, and state regulatory authorities such as the California Energy Commission.

We advise clients regarding the applicability of testing and efficiency standards to their products and advocate on clients' behalf regarding rule exceptions and waiver requests. In addition, we represent clients in energy efficiency legislation and agency rulemaking before the DOE, the Federal Trade Commission (FTC), and state agencies. Our work also includes enforcement proceedings and litigation at the federal and state levels.

To read more about our extensive experience with end-of-life product management, [click here](#).

Climate Change

With climate change presenting emerging legal challenges for companies in many different industry sectors, Wiley has taken a leading position in offering legislative and regulatory capabilities to clients on climate change and global warming issues. Members of the firm have testified on Capitol Hill and presented proposals at domestic and international conferences. We have been deeply involved in all aspects of the policy debate surrounding this complex issue, on both the national and international levels, and combine our policy skills with extensive unmatched experience in related existing programs under the Montreal Protocol (ozone depletion), Clean Air Act (CAA) (ozone depletion), establishment of national ambient air quality standards, enforcement of preconstruction review, acid rain control, and various California programs and initiatives.

We help companies assess and mitigate potential governmental burdens associated with controls on greenhouse gas emissions through both legislative and regulatory routes. We also counsel clients on how to take advantage of the business opportunities that proposals in this arena may present. Leveraging our knowledge of existing emission/allowance systems and international trade law, we assist clients in developing and implementing cap-and-trade programs at the federal, state, and international levels. In addition, we advise on requirements concerning control of refrigerants.

In addition, businesses are increasingly interested in using voluntary offsets and production improvements to market their products and their companies as environmentally responsible and “carbon-neutral.” We provide counsel to companies on voluntary carbon offsets, renewable energy certificates, energy efficiency programs, and the legal limits of environmental advertising and marketing.

Representative Experience:

- Representing the nation’s largest steel manufacturer and other companies and trade associations on legislative and administrative policy issues relating to climate change.
- Advising company on voluntary carbon offset and production improvements and marketing statements related to the terms “environmentally responsible” and “carbon-neutral.”
- Successfully representing large national baker related to Clean Air Act enforcement matter concerning refrigerants.
- Successfully representing electronics company in threatened withdrawal of Energy Star certification for exhaust fan product.
- Representing fumigant manufacturer in proceedings related to the Montreal Protocol on Substances that Deplete the Ozone Layer and the Clean Air Act.
- Counseling electronics manufacturing client on U.S. Securities and Exchange Commission (SEC) reporting obligations related to Conflict Minerals under Dodd-Frank.
- Advising clients on application of DOE, FTC, Energy Star, and state energy efficiency rules and representing them in agency enforcement proceedings concerning compliance.
- Obtaining exceptions for innovative products from DOE standards and obtaining waivers of DOE test procedures where existing test procedures were inappropriate for a product.
- Representing clients in litigation on whether federal and state energy requirements meet the requirements of the governing federal statute and whether state rules are preempted by federal law.

Contact Us

David B. Weinberg
202.719.7102 | dweinberg@wiley.law

Tracy Heinzman

202.719.7106 | theinzman@wiley.law