

Impacts of the 2020 Election on Environmental Regulation and Litigation

This fall, Quinn Emanuel Urquhart & Sullivan, LLP and Marten Law LLP will join together to offer their clients and friends a series analyzing the near- and long-term impacts of the 2020 U.S. election on environmental regulation and litigation.

The Trump Administration [has rolled back](#) over 70 Obama-era environmental rules, with plans to repeal 27 more. Should President Trump win a second term, the sea change in regulatory rules—with its attendant consequences for both conventional and renewable energy sources—will continue. Court challenges by states and stakeholders will also continue, in an effort to delay or defeat the Trump Administration’s deregulatory agenda.

A Biden victory, on the other hand, will produce a sea-change of its own. In his [Climate Plan](#), former Vice President Biden has promised “a series of new executive orders with unprecedented reach that go well beyond the Obama-Biden Administration” on climate change issues. The change will be even more dramatic if Democrats gain a majority in the Senate, allowing them to enact new legislation.

November’s election presents voters with sharply different visions of government’s role in climate mitigation at the state and local level, too. With state governorships and legislatures at stake, this election will largely determine the path of the energy transition to alternative fuels and technologies for years to come.

Either way, the 2020 election will be a watershed moment for the environment.

What’s At Stake:

- [The National Environmental Policy Act \(NEPA\)](#)
- [Endangered Species Act Regulations](#)
- [Paris Climate Agreement](#)
- [BLM Methane Waste Prevention Rule](#)
- [Mercury and Air Toxics Standards](#)
- [Cross-State Air Pollution Rule](#)
- [New Source Review](#)
- [Greater Sage-Grouse Protection](#)
- [Section 401 Water Quality Certification](#)
- [Migratory Bird Treaty Act](#)
- [Defining Waters of the United States / Clean Water Rule](#)
- [National Monuments](#)
- [Financial Assurance Requirements for Hardrock Mining](#)

Quinn Emanuel is routinely recognized as one of the world’s preeminent litigation and appellate practices. For years, *Law360* has named it to the “Fearsome Four”—the four most feared adversaries in litigation. *Vault* recent named the Firm the top commercial litigation practice for 2021. The Firm brings that prowess to the field of regulatory litigation and, in particular, energy-sector disputes. Its lawyers have represented clients in virtually every energy field, from upstream and downstream oil and gas companies, to nuclear energy operators, to solar and wind renewable developers and sponsors. FERC and state PSC proceedings—as well as appeals in court for judicial review of orders of those agencies—are familiar territory, as are arbitration and court proceedings involving disputes between private actors in the sector.

Marten Law is one of the nation’s premier environmental practices, advising clients on regulatory compliance, public lands issues, project siting, and environmental remediation issues. Its lawyers have represented clients in several of the largest environmental litigation cases in the country: including the 2010 Deepwater Horizon and 1989 Exxon Valdez oil spills and multi-billion Superfund cleanups. Its lawyers have held senior positions in environmental agencies, and collaborated on development projects in the mining, oil and gas, solar, and wind industries. It has also represented, in environmental matters, some of the country’s largest manufacturing, transportation, e-commerce, forestry, technology, real estate development, agriculture and financial companies in complex regulatory, permitting, enforcement and administrative matters throughout the United States.

We look forward to helping our clients and friends navigate what will undoubtedly be a fast changing post-election landscape. Watch this space.

Key Contacts:

Quinn Emanuel



[Patrick King](#)

Email: patrickking@quinnemanuel.com
Phone: +1 713-221-7222



[Anthony Alden](#)

Email: anthonyalden@quinnemanuel.com
Phone: +1 213-443-3159



[Daniel Mach](#)

Email: danielmach@quinnemanuel.com
Phone: +1 212-849-7066



[Michelle Schmit](#)

Email: michelleschmit@quinnemanuel.com
Phone: +1 312-705-7431

Marten Law



[Brad Marten](#)

Email: bmarten@martenlaw.com
Phone: +1 206-292-2604



[Stephen Odell](#)

Email: sodell@martenlaw.com
Phone: +1 503-241-2648



[Jonathan Rackoff](#)

Email: rackoff@martenlaw.com
Phone: +1 206-422-0209



[Richard Allan](#)

Email: rallan@martenlaw.com
Phone: +1 503-241-2643