



Daniel B. Schulson

Principal

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Dan applies the insight and experience he gained from working in the Office of General Counsel at the U.S. Environmental Protection Agency to clients' challenges on a broad array of issues.

He assists clients with many aspects of environmental and administrative law, including compliance counseling, permitting, audits, agency rulemakings, enforcement defense, due diligence, and litigation.

Examples of Dan's experience and representative matters include:

Mobile Source Regulation

- Providing counsel to the U.S. government-appointed Independent Compliance Monitor and Auditor in conjunction with the *United States v. Volkswagen AG, et al.* ("Clean Diesel") plea agreement and consent decree.
- Representing on-road and non-road original equipment manufacturers on the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) matters involving vehicle and engine certification, alleged defeat devices and auxiliary emission control devices (AECDs), in-use emissions verification program (IUVP) and in-use confirmatory program (IUCP), on-board diagnostic (OBD) systems, greenhouse gas (GHG) compliance and other Clean Air Act Title II requirements.
- Conducting investigations and audits and representing companies on compliance and enforcement matters with EPA and CARB.
- Advising on vehicle import regulations and National Highway Traffic Safety Administration (NHTSA) motor vehicle safety standards and fuel economy requirements.
- Providing counsel on zero-emission vehicle (ZEV) issues, to original equipment manufacturers and companies subject to ZEV fleet requirements.

Clean Air Act, AIM Act, and Climate Change

- Counseling data center, semiconductor, chemical, and other global companies on a wide range of stationary source permitting and compliance issues under the Clean Air Act and comparable state laws.

- Preparing comments for multinational companies and trade associations on proposed federal and state air regulations.
- Counseling clients with AIM Act implementation and hydrofluorocarbons (HFCs) phasedown production and consumption compliance.
- Advising corporations on climate change measures' implications at the local, state and federal levels.
- Advising clients on carbon capture and sequestration (CCS) issues.

Enforcement Defense

- Counseling clients on "voluntary disclosures" under EPA's self-disclosure policy and similar state-based policies.
- Negotiating favorable administrative settlements with EPA and state regulators for alleged violations of environmental statutes, including the Clean Air Act, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Emergency Planning and Community Right-to-Know Act.
- Defending a leading crop-protection company in a multi-million dollar EPA administrative enforcement action.

Due Diligence and Litigation

- Advising companies, including a global pharmaceutical company and a major oil and gas company, on the environmental aspects of corporate transactions and conducting related due diligence.
- Conducting environmental diligence on behalf of private equity firms in connection with potential M&A transactions.
- Representing leading crop-protection companies in FIFRA and Endangered Species Act federal litigation challenging product registrations.
- Drafting a successful petition for review and subsequent state supreme court briefs in defense of a solid waste recycling company facing toxic tort claims brought by individuals alleging agricultural operations constituted a nuisance.
- Representing clients in Freedom of Information Act (FOIA) litigation.

While at EPA, Dan formulated effective litigation strategies to defend agency actions and advised senior EPA officials on matters arising under various statutes, including the Clean Air Act, Clean Water Act, and the Resource Conservation Recovery Act. Dan was awarded an EPA commendation for outstanding counseling on administrative and regulatory law issues, and a Department of Justice commendation for assisting in the successful defense of EPA's suite of greenhouse gas regulations.

Dan also served as a Brookings Institution Congressional Fellow on the U.S. House of Representatives' Committee on Natural Resources. As a fellow, he provided counsel to members of Congress and staff on legislation and oversight issues relating to energy production and mining on federal lands, including U.S. offshore energy production, the Bureau of Land Management's hydraulic fracturing rule, coal mining in the Powder River Basin, and the U.S.-Mexico Transboundary Hydrocarbon Agreement.

Dan is located in Chicago, IL, and practices out of our Washington, DC office.

Education

- Colby College (B.A., 2003)
 - Spanish and Latin American Studies
- American University (J.D., *magna cum laude*, 2009)
 - American University Law Review

Bar Admissions

- District of Columbia
- Virginia
- Illinois

Court Admissions

- U.S. District Court – District of Columbia
- Virginia Supreme Court