

**From:** Public Policy Law360 <news-q@law360.com>  
**To:** Adams, ChaneyChaneyAdams@gov.sc.gov  
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**Subject:** EPA Sets Strategy For Low-Income, Minority Enviro Justice

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## PUBLIC POLICY

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Friday, October 28, 2016

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### TOP NEWS

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#### [EPA Sets Strategy For Low-Income, Minority Enviro Justice](#)

The U.S. Environmental Protection Agency on Thursday unveiled its Environmental Justice 2020 Action Agenda, the regulator's strategic plan for ensuring low-income, minority and indigenous communities are not suffering disparate environmental and public health impacts.

#### [GWB Trial Closing Statements Delayed Over 'Legal Issue'](#)

Closing statements were postponed Thursday in the trial of two former public officials over the George Washington Bridge lane closures after a New Jersey federal judge cited an outstanding "legal issue" without further explanation.

#### [Analysis](#)

#### [Oil Pipelines' Easy Regulatory Ride At FERC May Be Ending](#)

The Federal Energy Regulatory Commission's recent decision to consider changing how it sets annual caps for oil pipeline rate increases is the latest sign that the commission is stepping up its regulation of oil pipelines after decades largely spent on the sidelines, a shift that could lead to more legal fights between pipeline owners and their customers, experts say.

#### [BFI Takes New Shots At NLRB Joint Employer Rule In DC Circ.](#)

Waste management company Browning-Ferris Industries again urged the D. C. Circuit on Wednesday to reject the National Labor Relations Board's recently revised joint-employer standard, saying that it will jeopardize a litany of third-party business agreements.

#### [FCC Sets New Privacy Framework For Broadband Providers](#)

After a contentious lead-up, the Federal Communications Commission approved new rules Thursday for internet service providers' use and sharing of customer data, with the agency's chief hailing the plan as giving consumers control over data that belongs to them, not their ISPs.

#### [Analysis](#)

#### [EU's New Corporate Tax Base May Not Fly With Members](#)

A proposal for calculating taxable corporate profits using a single formula across the European Union will reduce compliance burdens for multinational corporations, but experts say it could be a hard sell to member countries worried about missing out on revenue and other economic benefits.

#### [Analysis](#)

#### [As Questions Loom, FCC Presses On With Universal Service](#)

### LAW FIRMS

Addleshaw Goddard  
Akin Gump  
Alston & Bird  
Barris Sott  
Beeson Tayer  
Beveridge & Diamond  
Bond Dickinson  
Bryan Cave  
Cadwalader Wickersham  
Carter Ledyard  
Chadbourne & Parke  
DLA Piper  
Davis Polk  
Davis Wright Tremaine  
Fried Frank  
Godwin Bowman  
Gowling WLG  
Gray & Associates  
Harris Wiltshire  
Jenner & Block  
Kelley Drye  
King & Spalding  
Kramer Levin  
Littler Mendelson  
Marashlian & Donahue  
Martin Snow  
Mayer Brown  
McDonnell Boehnen  
McGlinchey Stafford  
McKeen & Associates  
Merchant & Gould  
Milberg LLP  
Millberg Gordon  
Ogletree Deakins

The Federal Communications Commission is pushing ahead with implementing reforms for programs designed to expand telecom access to all Americans despite remaining questions of whether a political path will open to improving how the agency collects revenue for its universal service fund.

## ENERGY & ENVIRONMENTAL

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### GOP Panel Members Slam 'Politics' Behind Waters Of US Rule

The U.S. House Oversight and Government Reform Committee released a report Thursday by a group of its Republican members saying the process that resulted in the controversial Waters of the United States rule was politically motivated rather than driven by science.

#### Analysis

### Climate Change Projections Gain Credence As ESA Metric

The Ninth Circuit's recent ruling that 100-year climate change projections could factor into the National Marine Fisheries Service's decision to list the Pacific bearded seal as a threatened species solidifies the government's authority to rely on similar forecasting for future Endangered Species Act listings, experts say.

### Feds To Auction Over 79K Acres Offshore For Wind Energy

The federal government announced on Thursday that in December it will auction more than 79,000 acres off the coast of New York state for wind energy development, a move the government touted as part of President Barack Obama's plan to create jobs and develop clean energy resources in the U.S.

### Flint Residents Clear Hurdle In Water Crisis Suit

A proposed class of Flint, Michigan, residents seeking compensation from the state over the city's lead contamination crisis won a round in a state court lawsuit Wednesday, with a judge allowing claims for harm to their bodies and properties to go forward, even as he dismissed two of their other claims.

## IP & TECHNOLOGY

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### PTAB Is Listening To Stakeholders, Chief Judge Says

The Patent Trial and Appeal Board is listening to the needs and concerns of intellectual property attorneys and other stakeholders, Chief Judge David P. Ruschke said Thursday, pointing to the board's recent rule change allowing patent owners to introduce new evidence early in America Invents Act proceedings.

## TRANSPORTATION & INFRASTRUCTURE

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### Uber Lays Out Ambitious Plan For 'Flying Cars'

After building itself into a ride-hailing behemoth that's reshaped the for-hire transportation landscape, Uber has set its sights much higher: flying cars.

### FTA Taps New Head Of DC Metro Safety Oversight

The Federal Transit Administration has tapped a new director to manage safety oversight of D.C.'s beleaguered Metrorail system, while continuing to push Washington's transit agency to overhaul its operations and cure years of mismanagement and safety lapses.

## REAL ESTATE

Pillsbury Winthrop

Pitt McGehee

Proskauer Rose

Sanford Heisler

Sedgwick LLP

Seyfarth Shaw

Simmons & Simmons

Skadden

Stoll Glickman

Sullivan & Cromwell

Thompson Coburn

Van Ness Feldman

Weitz & Luxenberg

Wiley Rein

WilmerHale

Wolf Haldenstein

Young & Associates

## COMPANIES

AT&T Inc.

America Fujikura Ltd.

American Civil Liberties Union

American Federation of Labor &  
Congress of Industrial  
Organizations

American Intellectual Property  
Law Association

Center for Biological Diversity Ii

Citrin Cooperman

Colonial Pipeline Co.

Exxon Mobil Corporation

FCA US LLC

Facebook

Gilbane Inc.

Google Inc.

Home Box Office Inc.

HuffingtonPost.com LLC

International Brotherhood of  
Teamsters

Lambda Legal Defense &  
Educational Fund

Los Angeles Times

Merck & Co Inc.

National Australia Bank

National Education Association

New York City Economic  
Development Corp.

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## Analysis

### East Midtown Rezoning Could Benefit Landmark Landlords

Building owners in New York City are often averse to landmark designations because of the expense and other burdens they can carry, but for landlords in the area around Grand Central Terminal in Manhattan, a planned rezoning could provide a way to cash in on unused development rights.

### Former NYC Detention Center To Be \$300M Live-Work Campus

The New York City Economic Development Corp. and the city's Department of Housing Preservation and Development said Thursday that a new \$300 million project will transform the former Spofford Juvenile Detention Center in the Hunts Point section of the Bronx into a five-acre live-work campus.

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## EMPLOYMENT

### Cook County Joins Chicago In Approving \$13 Minimum Wage

The Cook County Board on Wednesday adopted a \$13 minimum hourly wage, joining Chicago in raising the wage from the \$8.25 mandated by the state of Illinois.

### LGBT Groups, Educators Rip 'Bathroom Bill' At 4th Circ.

A slew of lesbian, gay, bisexual and transgender rights groups as well as dozens of school administrators and others have told the Fourth Circuit that North Carolina's now-infamous law requiring transgender people to use bathrooms and locker rooms corresponding to the sex on their birth certificates violates those individuals' constitutional rights.

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## PRIVACY & CONSUMER PROTECTION

### CFPB Warns Firms Of Possible Mortgage Reporting Problems

A federal consumer finance watchdog agency on Thursday warned 44 mortgage lenders and brokers that they may be in violation of federal mortgage data reporting requirements.

### NY Becomes Latest State To Face Suit Over Ballot Selfie Ban

A New York federal judge on Wednesday ordered officials to explain why the court shouldn't block the enforcement of an election law banning ballot selfies after several citizens filed suit following successful challenges of similar laws in states including New Hampshire and Michigan.

### Air Force Needs More Counter-Drone Tech, GOP Rep. Says

The U.S. Air Force needs to develop technology more rapidly to counter weaponized drones used by the Islamic State, a Republican congressman said in a letter Wednesday.

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## GOVERNMENT CONTRACTS

### House Members Urge DOD To Fix National Guard Bonus Issue

A group of 108 House lawmakers called on the U.S. Department of Defense to create a permanent fix after the Pentagon temporarily halted the clawback of bonuses erroneously given to thousands of California National Guard troops, saying that the recipients bore no responsibility for the payments.

### Armed Services Chair Decries Readiness Failings After Crash

PricewaterhouseCoopers  
R.J. Reynolds Tobacco Co.  
Republic Services, Inc.  
Robert Half International Inc.  
SL Green Realty Corporation  
Shire PLC  
Sierra Club  
TBS International Limited  
Thomson Reuters Corporation  
Time Warner Inc.  
Turner Broadcasting System Inc.  
Verizon Communications  
Virginia State Bar  
Warner Bros.  
Washington Metropolitan Area  
Transit Authority

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## GOVERNMENT AGENCIES

Army Corps of Engineers  
Bureau of Citizenship and  
Immigration Services  
Bureau of Ocean Energy  
Management  
Central Intelligence Agency  
Consumer Financial Protection  
Bureau  
Equal Employment Opportunity  
Commission  
European Commission  
Executive Office of the President  
Federal Aviation Administration  
Federal Communications  
Commission  
Federal Energy Regulatory  
Commission  
Federal Trade Commission  
Federal Transit Administration  
Fish and Wildlife Service  
National Labor Relations Board  
National Marine Fisheries Service  
National Security Council  
Northern Arapaho Tribe  
Port Authority of New York & New  
Jersey  
U.S. Air Force  
U.S. Army  
U.S. Commission on Civil Rights  
U.S. Customs and Border

The investigation into a January helicopter crash that killed 12 Marines shows readiness failings that must be addressed, House Armed Services Committee Chair Rep. Mac Thornberry, R-Texas, said on Thursday in response to media reports diving into those findings.

## INTERNATIONAL TRADE

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### White House Unveils Plan To Modernize Federal IT Systems

The White House on Thursday released a proposed plan to help modernize outdated federal information technology systems, saying many federal agencies continue to rely on obsolete systems that are expensive to maintain and hard to secure against cyberattacks.

## IMMIGRATION

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### CBP Hit With FOIA Suit By O'Boyle Law Firm In Southern Fla.

The O'Boyle Law Firm PC filed a Freedom of Information Act suit against U. S. Customs and Border Protection in Florida federal court on Tuesday, claiming the agency is unlawfully withholding records it requested over seized cash back in April.

## NATIVE AMERICAN

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### Northern Arapaho Want BIA To Leave Its Tribal Court Alone

The Northern Arapaho tribe asked a Montana federal court on Wednesday to prevent the Bureau of Indian Affairs from interfering with the operation of its tribal court.

## TELECOMMUNICATIONS

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### Key FCC Legal Adviser On Net Neutrality Decamps

A senior legal adviser to FCC Chairman Tom Wheeler, whom he hailed for playing a critical part in creating and defending the agency's Open Internet Order, is leaving, the agency said Thursday, and an associate bureau chief in the Wireline Competition Bureau is stepping into her place.

## EXPERT ANALYSIS

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### China's New Social Credit System Presents Complications

China recently issued a document that advances the institution of a disciplinary system by which all entities and individuals will be rated according to their social credit scores. Foreign-invested enterprises and other foreign entities may be particularly vulnerable, say Lester Ross and Tingting Liu of WilmerHale.

### When Your Client Is The President

Every day, it seemed that virtually the entire day was spent trying to shape the news. Balancing the media day-to-day with the need for strategic planning requires staff to stay in their positions rather than congregate around the ball. Yet the impulse to run to the action is as tempting in the White House as on the soccer field, says C. Boyden Gray, who served as White House counsel for President George H.W. Bush.

### Knotty International Problems In The Courts

Recent international cases — Morrison v. National Australia Bank, Vitamin C

Protection

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. Marine Corps

U.S. Supreme Court

Antitrust Litigation and NML Capital v. Argentina — may offer a guide for resolution of the latest controversy to drop into the lap of the judiciary — the Justice Against Sponsors of Terrorism Act, says Fred Taylor Isquith of Wolf Haldenstein Adler Freeman & Herz LLP.

### [Calif. Unclaimed Property Change For Banks, Customers](#)

An update to California's Unclaimed Property Law ensures that bank accounts used for automated withdrawals and deposits will not be erroneously escheated to California, causing problems for consumers. But the change may require many banks to adjust their systems to track and monitor electronic recurring transactional activity, say Michael Giovannini and Samantha Bautista of Alston & Bird LLP.

## LEGAL INDUSTRY

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### [Chadbourne Leader Harassed DC Atty With Cartoon, Suit Says](#)

A Chadbourne & Parke LLP attorney with a \$100 million proposed class action against the firm said in a Thursday filing that she has video showing the litigation head harassing her by removing a Nelson Mandela quotation from her office wall and putting up a cartoon of “a fat man wearing a bowler hat.”

### [Legal Pros Are The Most Stressed, Happiness Survey Finds](#)

Legal professionals report the highest level of stress among professional industries in a new report from Robert Half studying happiness and stress levels among about 12,000 U.S. and Canadian workers.

### [BigLaw Is On A Lateral Hiring Tear In This Practice Area](#)

One practice area has seen 58 percent more lateral partner movement so far in 2016 than it did all of last year. Here, we look at how political uncertainty, market volatility and increasingly complex capital structures have helped spur this wave.

### [Akin Gump Shifts London Attys' Pay From Pound Over Brexit](#)

Akin Gump Strauss Hauer & Feld LLP said Thursday that it has moved the annual salary basis for its lawyers in London to the dollar in light of the pound's shaky state caused by England's vote to exit the European Union.

### [Law360's Weekly Verdict: Legal Lions & Lambs](#)

Sullivan & Cromwell LLP rose to the top of this week's legal lions list after the firm landed a spot as adviser to AT&T on its proposed \$85.4 billion cash-and-stock takeover of Time Warner, while this week's legal lambs include a former U.S. Tax Court judge who pled guilty to cheating on her taxes for a decade.

### [Rainmaker Q&A: Ogletree Deakins' Jimmy Robinson](#)

You can work hard to establish yourself as an excellent trial attorney who can deliver in front of a jury and provide practical solutions to clients' problems, but clients won't necessarily bend over backwards to send you work. You have to ask, says Jimmy Robinson Jr., office managing shareholder at Ogletree Deakins Nash Smoak & Stewart PC.

### [Rainmaker Q&A: Godwin Bowman's Bruce Bowman](#)

You want to be perceived by potential clients as someone with excellent legal abilities who can truly solve problems, as opposed to someone that may

simply be fun to be with, but that they would never hire to take care of a serious matter. People like to hire friends, but they will only hire friends who are trusted problem solvers, says Bruce Bowman Jr., managing shareholder of Godwin Bowman & Martinez.

## JOBS

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