



Warner Legal Corner

LEGAL TOPICS FOR THE AUTOMOTIVE INDUSTRY

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If You Aren't at the Table, You May Appear on the Menu: Opportunities and Pitfalls for Emerging Environmental Programs

Change is a source of opportunity, but also risk, especially for the unwary. This is certainly true for the auto industry and the evolving landscape of environmental regulation.

As the Biden administration takes form, the auto industry (like many) awaits new environmental initiatives by the U.S. Environmental Protection Agency (EPA). The EPA has pledged bold action on environmental justice (EJ), climate change, stricter tailpipe standards, and enhanced reporting requirements for environment, social and corporate governance (ESG) issues.

For example, while [EJ](#) remains somewhat nebulous, the EPA is addressing EJ through: (1) additional facility inspections; (2) "innovative relief" focused on enforcement remedies in local communities; (3) enhanced community communication; and (4) increased federal oversight—including enforcement—where state and local regulators are not as aggressive. In recent weeks, EJ considerations already led to significant (and potentially unsurmountable) air permitting setbacks as well as the dreaded "shutdown" order for a noncompliant source.

The ultimate form of these EPA initiatives remains uncertain, but policies and rulemaking seem likely to drive implementation. As a result, through organizations like OESA, auto suppliers should keep a wary eye on the development of these potentially transformative initiatives and take advantage of the opportunities to influence them, e.g., through stakeholder groups and providing public comments. Understanding the potential ramifications of these initiatives at an early stage will improve the related advocacy and inform stakeholders of the associated risks, thereby improving corporate planning and decision-making.

In short, if you aren't at the table, you may appear on the menu.

For more information from Warner's Automotive Industry Group, visit their [webpage](#) or log onto www.wnj.com.

Warner's Legal Corner provides OESA members with educational resources, best practices and updates on law and regulatory changes impacting the automotive supply industry. The automotive environment is ever-changing. That's why Warner is committed to building a better partnership with OESA and its members.

Click [here](#) to access Warner's Legal Corner Resource Page on OESA's website.

ATTORNEY SPOTLIGHT

Kurt Kissling

Kurt Kissling is a partner in Warner's Detroit office who counsels clients across the country on environmental issues, focusing on the Clean Air Act and its local equivalents.

For more than 20 years, Kurt has assisted clients with various air permitting, compliance and enforcement issues. From litigating federal rules in the D.C. Circuit and negotiating nationwide consent decrees with the U.S. Department of Justice to discussing permit conditions or exemption requirements with a local inspector, Kurt's practice spans the spectrum of potential air issues, big-to-small. His work experience extends from California, Oregon and Washington to most states along the Atlantic coast.

Kurt's practice also extends to advocacy on new and modified regulatory programs. He stresses the importance of suppliers tracking discussions about new environmental programs and requirements, many of which originate at the city, county or state level. For example, in ozone nonattainment areas around the country, local rulemaking is mandated to create new restrictions on VOC and NOx emissions that target various aspects of the automotive industry.

Kurt frequently speaks on Clean Air Act issues and serves in various leadership positions, including chair of the Air Committee and council member for the Environmental Law Section of the State Bar of Michigan, as well as director for the East Michigan Chapter of the Air & Waste Management Association. He is also an active member of the Air Policy Committee for the Michigan Manufacturers Association, the Energy and Environment Committee for the Michigan Chamber of Commerce, the SE Michigan Air Quality Study for the SE Michigan Council of Governments, and several additional A&WMA chapters.

Check out Kurt's [full bio](#) here.



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