

Climate Change and Corporate Sustainability

Practices and Industries

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To better serve clients in dealing with legal issues relating to climate change and corporate sustainability, Haynes and Boone has brought together lawyers from a multitude of practice areas in the firm.

The lawyers in the firm's Climate Change and Corporate Sustainability Practice Group have been helping clients in everything from developing and permitting traditional and alternative sources of power to developing green buildings to preparing corporate disclosures that address climate change.

The perceived threat of global warming caused by the emission of greenhouse gases, especially CO₂ or "carbon," is – appropriately - a hot topic. Although not yet subject to substantive federal regulation, this topic has been the subject of the Kyoto Protocol, foreign legislation, domestic regional and state legislation, civil litigation, voluntary standards and programs established by non-governmental organizations (NGOs), and proposed federal legislation, as well as scientific debate.

Even in the absence of federal legislation, corporations have been quick to respond to climate change concerns raised by their shareholders, investors, lenders, customers, employees, NGOs, and other stakeholders, as well as by politicians and the media.

These same stakeholders also have urged corporations to establish broader "sustainability" or "social responsibility" programs, to integrate environmental considerations into their decision-making and to minimize the impact of their business activities on the environment, which includes minimizing their "carbon footprint."

Establishing climate change and sustainability programs raises a number of legal considerations pertaining both to the role of corporations and their officers and directors and to communications with regulators, investors, shareholders, customers, and other stakeholders. In addition, concerns with climate change and sustainability have created both opportunities and potential liabilities for businesses.

Haynes and Boone's Climate Change and Sustainability Practice Group assists clients in dealing with climate change and sustainability-related issues, both domestically and internationally, including those relating to:

- Transactions in which carbon footprints and carbon credits are pertinent or are the subject of the transaction
- Construction and operations of facilities that generate carbon, as well as other air pollutants

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- Carbon capture, transmission, storage and reuse, including enhanced oil recovery
- Development of traditional as well as other energy sources such as wind, solar, and nuclear power
- Compliance with foreign and domestic regional and state regulatory requirements pertaining to carbon
- Development and construction of green buildings
- Litigation driven by climate change concerns
- Litigation concerning climate change and sustainability disclosures
- Proposed rule making and legislation
- Development of new technologies to reduce, extract, or otherwise control CO₂
- Green marketing