

TRAILBLAZERS

ENERGY & ENVIRONMENTAL

DAVID FOTOUHI

GIBSON, DUNN & CRUTCHER LLP



PIONEER SPIRIT As a summer associate in Houston, David Fotouhi was exposed to environmental law for the first time through a rotation in the firm's environmental group. "When I went back to law school, I sought out environmental law courses. And after graduating, I picked up a few environmental cases. Over time, it went from being a part of my portfolio to all of it."

TRAILS BLAZED Fotouhi served for nearly four years at the U.S. Environmental Protection Agency as principal deputy general counsel and acting general counsel. Working with the U.S. Department of Justice, Fotouhi focused on the rulemaking that revised the definition of the Navigable Waters Protection Rule under the Clean Water Act. "It took one rule to rescind the original definition, then another rule for a new one, with each one challenged by at least a dozen cases." Fotouhi also led the successful effort to defend the EPA's decision not to impose Superfund financial assurance requirements on the hardrock mining industry. Challenged in the U.S. Court of Appeals for the District of Columbia, Fotouhi successfully worked with the DOJ, with the courts holding that the decision was reasonable. "It involved a change from draft to final rule. And because of this ruling, in 2020 the EPA issued rules that three more industries did not require additional financial assurance, with the agency relying on our win."

FUTURE EXPLORATIONS With the current administration's clear focus on reviewing many of the last administration's policies, Fotouhi sees an increasing number of clients interested in developing new regulations. "It was a busy time in the prior administration on the enforcement side, and it will continue to be a focus in this administration. It's exciting to be in this area of the law, especially with regulations coming regarding climate change."