

Kevin S. Minoli

Partner

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Kevin Minoli leads Alston & Bird's Environment, Land Use & Natural Resources Washington, D.C. practice, and is a member of the firm's ESG, Cryptocurrency, and COVID-19 Response & Relief teams. Before Alston & Bird, Kevin spent 18 years with the Environmental Protection Agency (EPA), ultimately holding the highest-ranking career attorney position at the agency and serving as the EPA's acting general counsel. Kevin served as legal counsel on the EPA's programs nationwide, working extensively with the EPA's regional offices. During his time at EPA, Kevin gained substantial experience with environmental laws and the regulations that implement them, and had extensive involvement with litigation at all levels of the court system, including several matters before the Supreme Court. Kevin spent several years as the EPA lead on congressional oversight matters, including preparing senior agency officials for hearings and other engagements with congressional committees, and frequently worked with a number of other agencies, including the White House, the Department of Justice, Department of the Interior, Army Corps of Engineers, and Department of Agriculture. Through knowledge, relationships, and experience he gained during his tenure at the EPA, Kevin effectively advocates on behalf of clients before the EPA and across the federal government and state government agencies.

An out gay man, Kevin has been a leader within the LGBTQ+ community and a champion for equal opportunity in the workplace.

Representative Experience

Clean Air Act, Energy, and Climate Change

- Represented a client before the Department of Energy regarding energy efficiency standards for consumer products, including counseling on requirements for certifying products and defending against alleged non-compliance.
- Represented a client in resolving prior Clean Air Act non-compliance at two newly acquired facilities.
- Counseled a client in a multimillion-dollar judicial Clean Air Act enforcement matter brought by the Department of Justice and EPA.
- Filed voluntary self-disclosures with the EPA related to potential non-compliance related to the Clean Air Act and advised clients regarding the corrective action requirements of EPA's Audit Policy.
- Served as senior EPA counsel in *Juliana v. United States*, which involved claims that the government had violated the U.S. Constitution for failing to combat climate change.
- Provided legal advice to the EPA on petitions relating to Title V operating permits.
- Provided legal review of the President's Executive Order on energy independence.
- Advise companies regarding the generation, registration, and sale of carbon offsets.

Chemicals and Pesticides

- Counseled multiple companies regarding regulatory requirements for adding antimicrobial protection to consumer goods.
- Advised companies bringing sanitizer and disinfectant products to market for the first time on compliance with EPA and FDA regulations.
- Defended a client against an EPA enforcement action alleging unauthorized import of consumer goods that made public health claims. Negotiated a novel resolution with federal regulators.
- Filed a voluntary disclosure of potential Toxic Substances Control Act non-compliance related to PCBs.
- Served as the Registered Agent for a company regulated by the EPA's pesticide program.
- Developed the legal grounds for the EPA's action addressing a petition to revoke tolerances for chlorpyrifos.
- Provided legal advice and support for new EPA rules issued under the updated Toxic Substances Control Act.
- Served as the lead EPA staff attorney for the re-registration of older pesticides and the agency's initiative to complete this process by a statutory deadline.

Clean Water Act (CWA) and Safe Drinking Water

- Represented a client in a judicial proceeding in support of the continued enforcement of a long-standing Clean Water Act consent decree.
- Representing a water utility client regarding environmental compliance.
- Served as the assistant general counsel for the EPA CWA Scope and Implementation Group.
- Served as one of the EPA's two lead drafters of the Bush Administration's Guidance on the Scope of CWA Jurisdiction after Rapanos and had significant involvement in all post-Rapanos litigation, including in the Supreme Court.
- Lead drafter of the Federal Register notice implementing the Clean Water Act Executive Order.
- Oversaw litigation strategy for the Steam Electric Power Generating Effluent Limitation Guidelines.
- Led agency negotiations in the settlement of litigation regarding the EPA's actions in Bristol Bay.

Other

- Advising an investment firm regarding the significance of EPA enforcement actions and regulatory programs.
- Representing a client in a government-to-government consultation involving the requirements of the Endangered Species Act and the interagency consultation process.
- Counseled a private equity client regarding the purchase of property with historic contamination.
- Counseled a client on compliance with RCRA hazardous waste requirements.

Publications & Presentations

Publications

- "Trump's Navigable Waters Rule Might Save the Clean Water Act," *Bloomberg Law*, October 7, 2022.
- "How Much Impact Does a Presidential Election Have on EPA Work?" *Bloomberg Law*, November 2, 2020.
- "INSIGHT: Past Is Future for SCOTUS Groundwater Decision," *Bloomberg Law*, June 3, 2020.

Presentations

- "Clean Water Act – Forward to the Past?" The Federalist Society, webinar, January 25, 2023.

- “EPA Enforcement on Imports and Devices,” Household & Consumer Products Association's XPAND 2022 Annual Meeting, Fort Lauderdale, FL, December 4-7, 2022.
- “A Changed Climate: The Strong Headwinds the EPA Faces at the Supreme Court,” 2022 Virtual Hawaii State Bar Convention and Annual Meeting, webinar, October 14, 2022.
- “What the “E” in ESG Means for You: Building Your Practical Toolkit for Assessing and Managing Risks,” Society of Corporate Compliance and Ethics Dallas Regional Compliance & Ethics, webinar, October 22, 2021.
- “FIFRA Section 18 – An Industry Perspective,” HCPA Virtual Mid-Year Meeting, webinar
- “COVID & Beyond: The Legal Nuances of Disinfectants and Sanitizers in 2020,” Environmental Law Institute, webinar, November 18, 2020.
- National LGBT Bar Association’s Lavender Law® Conference, Philadelphia, PA, August 7 – 9, 2019.
- Key Environmental Issues in U.S. Environmental Protection Agency Region 4 2019 Conference, co-chair, American Bar Association Section of Environment, Energy, and Resources, Atlanta, GA, June 11, 2019.
- “The Future of Environmental Protection: Why I Am Not Worried,” Stonehill College, Martin Institute for Law and Society, Easton, MA, April 24, 2019.
- “EPA Policy Goals, Regulatory Reform, and Enforcement Trends: What Does the Future Hold?” Environmental Law Institute’s Clean Water Act: Law and Regulation, Washington, D.C., December 4-5, 2017.

Education

- Lewis & Clark College (J.D., 2000)
- Stonehill College (B.A., 1997)

Admitted to Practice

- Oregon
- District of Columbia

Related Services

Environment, Land Use & Natural Resources | Environmental Compliance, Permitting & Transactions | Air Quality | Chemical & Product Regulation | Climate Change / Carbon Management | Corporate Social Responsibility & Sustainability | Pesticide Law and Regulation, Enforcement and Registration | Toxic Substances Control Act (TSCA) | Water Resources | Environmental Enforcement Defense | Environmental Crisis Management | Internal Investigations & Environmental Audits | Environmental Litigation | Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS) | Blockchain & Digital Assets