



Cliff L. Rothenstein

Government Affairs Advisor

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OVERVIEW

Cliff Rothenstein is a government affairs advisor in the firm's public policy and law practice in Washington, D.C. He brings more than 30 years of expertise developing and executing federal environmental and transportation legislation, policies, and regulations. He has extensive experience working with businesses, national trade associations, and other clients with interests in federal environmental policies, including policies at the intersection of environment, energy, transportation, and infrastructure. Cliff brings both substantive and political expertise and has provided Congress, administration officials, and industry leaders strategic advice on Superfund and recycling policies and on other environmental and transportation-related issues.

Cliff advocates on behalf of clients on numerous environmental and transportation policy issues including: Superfund and solid waste, recycling and sustainability, PFAS and toxic chemicals, water and water resources, clean air, and environmental reviews for major transportation and energy infrastructure projects. In today's rapidly changing political and regulatory climate, Cliff has made it a priority to stay abreast of current environmental policy developments at the U.S. Environmental Protection Agency (EPA) and throughout the Administration, on Capitol Hill, and around the country and keeps clients informed with timely, relevant, and informative updates, political insights, and analyses. He helps clients identify and assess the risks and opportunities in response to various issues and develops and executes client-specific strategies such as drafting regulatory comments and consulting and meeting with key lawmakers and administration officials.

Cliff's diverse public policy experience includes: serving as Deputy Assistant Administrator at the EPA under President Clinton; senior advisor to former Senate Environment and Public Works (EPW) Chairman, Senator Max Baucus (D-MT); and Director of Legislative Affairs and Policy Communications at the Federal Highway Administration (FHWA). During his distinguished career, Cliff was the lead staff negotiator for the Senate EPW Committee on Superfund, recycling, and brownfields legislation. He also led EPA's Superfund negotiating team resulting in amendments to Superfund and the enactment of the Brownfields law, and he led FHWA's development and advocacy on legislation to reauthorize the nation's surface transportation law leading to enactment of MAP-21.

PROFESSIONAL BACKGROUND

Cliff has more than 30 years of congressional and federal executive experience. His diverse public policy and management experience includes service as a professional staff member for almost a decade on the Senate Environment and Public Works Committee under former chairman Max Baucus. While with the committee, he advised members and congressional staff on virtually all environmental matters including Superfund, brownfields, recycling, the Clean Air Act, and on transportation issues before the committee. During his tenure with the committee, Cliff played a key role in the enactment of the 1990 amendments to the Clean Air Act, the Safe Drinking Water Act of 1986, the Pollution Prevention Act of 1990, and the Congressional Review Act of 1996.

Cliff also worked at the U. S. Environmental Protection Agency as the Deputy Assistant Administrator and the top administration official overseeing legislative reforms to the Superfund, solid and hazardous waste, brownfields, recycling, and underground storage tanks programs. His efforts resulted in enactment of the Superfund Recycling Equity Act of 1999 and the Small Business Liability Relief and Brownfields Revitalization Act in 2002. He also successfully led the agency's implementation of provisions in the Energy Policy Act of 2005 regulating gas stations and underground storage tanks and testified before the U.S. House of Representatives Energy and Commerce Committee.

Cliff also served as director of the Office of Legislative Affairs and Policy Communications at the Federal Highway Administration (FHWA), where he coordinated daily with senior political officials at U.S. Department of Transportation and where he served as the primary point of contact with Congress on the surface transportation reauthorization and other legislative and policy matters. During his tenure at FHWA, he led the development and advocacy efforts on legislation to reauthorize the nation's surface transportation law including provisions to streamline project delivery and expand investments in highways, bridges, and multimodal transportation projects that were included in MAP-21. Cliff also coordinated FHWA's discretionary grant programs for highway and bridge improvement projects and managed FHWA's relationships with Congress on highway-specific projects and issues.

SPEAKING ENGAGEMENTS

- Speaker, National Sand Stone and Gravel National Conference - Environmental Committee, Washington D.C., September 29, 2021
- Moderator, "PFAS Policy Symposium", K&L Gates, Washington D.C., September 26, 2019
- Panelist, "Critical Materials Sustainability and Lithium-Ion Batteries", Consumer Electronics Show, Las Vegas, Nevada, January 10, 2019
- Speaker, "Environmental Policy and Politics Mid-term Update", New Jersey Chemistry Council, Newark, New Jersey, October 24, 2018
- Speaker, "Superfund Reimagined", Air and Waste Management Association", Chicago, Illinois, January 21, 2018
- Panelist, "NSSGA Legal Symposium President Trump Environmental Changes We Can Expect in 2017", National Sand Stone and Gravel Association, Las Vegas, Nevada, March 3, 2017

EDUCATION

- M.P.A., University of Washington, 1978
- B.A., University of California, 1976

THOUGHT LEADERSHIP *POWERED BY HUB*

- 30 January 2024, 2023 PFAS Regulatory Roundup and Looking Ahead
- 10 August 2023, The White House Continues to Advance NEPA Reform With CEQ's Proposed NEPA Phase Two
- 18 July 2023, EPA Releases New Framework Addressing New PFAS and New Uses of PFAS in the Market
- 14 June 2023, EPA's Reinterpretation of the RCRA Industrial Ethyl Alcohol Exemption
- 5 June 2023, Debt Ceiling Legislation Serves as a Vehicle for Substantive Changes to NEPA
- 31 May 2023, EPA's Draft Plastics Strategy: A Road Map of What Comes Next
- 12 May 2023, Full of Hot Air? EPA Tries Again to Impose Greenhouse Gas Emission Standards on Fossil Fuel-Fired Power Plants
- April 2023, Tax Credit Revolution: Energy Communities Guidance
- 17 March 2023, EPA Releases Proposed PFAS Drinking Water Standards and Expands List of Regulated Substances
- 24 January 2023, U.S. EPA Releases Cumulative Impacts Addendum to Guidance on Legal Tools to Advance Environmental Justice
- 9 December 2022, Electrifying the Renewable Fuel Standards: EPA Proposes a Major Expansion of the Renewable Fuel Standard Program
- 29 August 2022, EPA Designates PFAS Chemicals As Hazardous Substances in Newly Proposed CERCLA Regulations
- 6 July 2022, Supreme Court Advances Major Questions Doctrine and Limits EPA's Authority to Regulate Power Plant Carbon Emissions
- 21 June 2022, EPA Proposes New Rules Governing Section 401 Water Quality Certification
- 29 April 2022, Three Steps Forward, Two Steps Back: the Biden Administration's Revised NEPA Rules
- 5 April 2022, EPA Further Expands NPL List - Is Your Company a Potentially Responsible Party?
- 28 January 2022, NEPA: The Old Becomes New
- 24 January 2022, EPA and States Get Busy on PFAS Waste Regulation

- 11 January 2022, Carbon Quarterly – Volume 5
- 3 December 2021, EPA and Corps Release Updated Definition of Waters of the United States
- 15 November 2021, EPA Gets Serious About Environmental Justice
- 20 September 2021, Back to the Drawing Board on WOTUS: Federal Court Vacates Trump Administration's Navigable Waters Protection Rule
- 2 September 2021, Carbon Quarterly – Volume 4
- 27 April 2021, PFAS: A Legislative, Regulatory and Industry Update
- 22 April 2021, Carbon Quarterly – Volume 3
- March 2021, Environmental Landscape 2021: The Biden Transition
- 5 March 2021, What a Clean Future Means For Maritime
- 24 February 2021, D.C. Circuit Grants EPA's Request to Keep Clean Power Plan on Ice
- 4 February 2021, Carbon Quarterly – Volume 2
- 26 January 2021, D.C. Circuit Vacates Trump's ACE Rule and Deals Biden's EPA New Hand for Regulating Power Plant Greenhouse Gas Emissions
- 22 January 2021, In Search of Cooler Waters: Implementing EPA's Temperature Limits on the Columbia and Lower Snake Rivers
- 12 January 2021, PFAS - EPA Interim Guidance on How to Say Goodbye to Your "Forever Chemicals"
- 29 December 2020, Climate Policy in the End-of-Year Legislative Package
- 19 November 2020, Election Briefing: Consumer Industry Outlook
- 5 November 2020, Energy & Environmental Policy in the Next Administration
- 8 October 2020, Carbon Quarterly – Volume 1
- 17 September 2020, EPA Expands NPL List - Is Your Company a Potentially Responsible Party?
- 23 July 2020, A New Normal? Trump Administration Retooling of Core NEPA Elements
- 9 June 2020, COVID-19: President Trump's Invocation of Emergency Authority to Streamline Environmental Review for Infrastructure Projects
- 26 May 2020, COVID-19: Economic Recovery and Relief from Environmental Regulation May Go Hand in Glove
- 27 April 2020, U.S. Supreme Court Requires EPA Approval of State Law Remedy for Extra Cleanup at ARCO's Anaconda Smelter CERCLA Superfund Site
- 26 September 2019, PFAS Policy Symposium with EPA Administrator Andrew Wheeler

- 15 August 2019, Start Your Engines: Senate Committee Approves Largest Highway Bill in History
- 20 February 2019, EPA Plans to Set National Drinking Water Standards and Regulate PFAS as a CERCLA Hazardous Substance
- 7 February 2019, Navigating Environmental Policy in a Divided Government
- 4 February 2019, Congress Looking at the Safe Drinking Water Act and Superfund to Regulate PFAS
- 14 January 2019, Trump Administration Begins "Round 4" in the Battle Over Clean Water Act Jurisdiction
- 9 January 2019, EPA Finalizes Management Standards for Hazardous Waste Pharmaceuticals Rule
- 31 August 2018, Trump Administration Releases Clean Power Plan Replacement Proposal
- 14 August 2018, EPA to "Veto" Its Own Veto Authority under the Clean Water Act?
- 13 August 2018, EPA to "Veto" Its Own Veto Authority under the Clean Water Act?
- 4 March 2018, What's The Point (Source)? New Developments in the Ongoing Debate Concerning Clean Water Act Jurisdiction over Indirect Discharges via Groundwater
- 2 February 2018, Infrastructure: President Trump Turns the Ignition as Congress Prepares to Take the Wheel
- 24 October 2017, EPA Initiates Formal Regulatory Process to Roll Back Clean Power Plan
- 20 September 2017, The Trump Administration's Automated Vehicles Guidance Hits the Gas Pedal on Innovation
- 8 September 2017, House Green Lights Autonomous Vehicle Legislation
- 1 August 2017, Less Waste, More Recycling - The D.C. Circuit Cleans Up EPA's Definition of Solid Waste
- 16 June 2017, United States Announces Intent to Withdraw From Paris Climate Accord: What is the Real Impact?
- 30 May 2017, Administrator Pruitt Seeks Superfund Overhaul
- 5 April 2017, Trump Administration's Environmental Regulatory Reform Presents a Unique and Immediate Opportunity
- 1 February 2017, Climate Change Hits EPA: 30 Pending Regulations Frozen
- 21 December 2016, NHTSA Pushes For Smartphones to Incorporate Automatic Pairing and Driver Mode in New "Guidelines"
- 1 December 2016, Presidential and Congressional Authority to Roll Back Executive Actions
- Fall 2016, Environmental Policy Quarterly
- 25 October 2016, Paris Agreement to Enter into Force: Implications for Enforcement in the United States and Internationally

- 23 September 2016, NHTSA Guidelines Drive Toward an Autonomous Vehicle Future
- 29 August 2016, Changes to Confidential Business Information Disclosure Under the Reformed Toxic Substances Control Act
- 4 August 2016, CEQ Issues Final Greenhouse Gas Guidance Directing Federal Agencies to Consider Climate Change in their NEPA Reviews
- 2 August 2016, Is the Rapidly Evolving Landscape for Vehicle Technology About to Hit Regulatory and Legal Speedbumps?
- 28 July 2016, The “Most Contentious Issue” — Federal Preemption in the Amended Toxic Substances Control Act
- 13 July 2016, Federal Government Rewrites the Rules on Getting and Using Chemicals in the Marketplace
- 28 June 2016, New Toxic Substances Law Will Have Far-Reaching Impacts on American Business
- Spring 2016, Environmental Policy Quarterly
- 5 May 2016, FHWA Proposes Bold Transportation Performance Measures to Reduce Carbon Emissions
- 14 April 2016, NHTSA’s Claimed Jurisdiction Over Software and Applications May Stifle Innovation
- 9 March 2016, \$2 Billion In Unused Earmarks Now Available for Transportation Infrastructure Projects
- 23 February 2016, FAST Act Nationally Significant Freight Program to Direct Billions to Priority Corridors
- Winter 2016, Environmental Policy Quarterly
- 7 January 2016, FAST Act Expedites Permitting and Environmental Review for Large Infrastructure Projects
- Fall 2015, Environmental Policy Quarterly
- Spring 2015, Environmental Policy Quarterly

OTHER PUBLICATIONS

- “What To Expect From Biden Admin.’s NEPA Updates,” *Law360*, 12 May 2022
- “Vacatur Of Trump Water Rule Means More Uncertainty Ahead,” *Law360*, 29 September 2021
- Co-Author, CEQ Issues Final Greenhouse Gas Guidance Directing Federal Agencies to Consider Climate Change in Their NEPA Reviews, *Pratt’s Energy Law Report*, Vol. 16-9, October 2016

AREAS OF FOCUS

- Public Policy and Law
- Environment, Land, and Natural Resources

INDUSTRIES

- Artificial Intelligence
- Technology