

RELATED SERVICES

Business

- Automotive
- Economic Development Incentives
- Energy, Environmental + Regulatory
- Energy, Telecom + Public Utilities
- International Trade + Export Controls
- Real Estate

Governments + Nonprofits

- Economic Development
- Intergovernmental Cooperation Agreements

Climate Change

Climate change is now a critical area of the law, affecting business and industry, government and regulatory authorities, and our personal lives. Specifically, the management of greenhouse gas (GHG) emissions creates challenges throughout the economy as new laws and regulations are enacted at international, national, state and local levels.

Miller Canfield attorneys throughout North America – as well as in Canada, Mexico, Europe and Asia – advise clients from a global perspective and utilize multi-disciplinary expertise to address and resolve these new “green” issues. Our Climate Change attorneys guide clients in environmental, real estate, corporate, federal tax, public law, finance and litigation, and clients benefit directly from the breadth and depth of practical and strategic information we bring to their areas of concern.

Our Climate Change team works with private and public sector organizations in adapting to these new challenges and opportunities. This work includes:

Renewable Energy Credits (RECs)

More than 29 states, which provide more than half of the electricity sales in the United States, have instituted Renewable Portfolio Standards (RPS) that require electricity providers to obtain a minimum percentage of their power from renewable energy resources by a certain date. These new regulations create challenges for traditional utilities and opportunities for renewable energy companies in biofuel, wind, solar, geothermal, waste-to-energy and hydro-electric power generation. Miller Canfield attorneys provide well-informed regulatory interpretation and compliance guidance, helping companies structure power supply contracts and REC trading transactions that meet all statutory mandates.

Carbon Finance - Cap and Trade

Clients benefit from our attorneys’ capable guidance through the maze of identifying, verifying and monetizing carbon-reduction related assets including Certified Emission Reduction (CER) and Clean Development Mechanism (CDM./JI) credits under the Kyoto Protocol and Voluntary Emission Reduction (VER) credits through the Chicago Climate Exchange (CCX) and pursuant to the Regional Greenhouse Gas Initiative (RGGI), California AB 34, the Western

Climate Initiative (WCI), the Midwest Regional Greenhouse Gas Reduction Accord, the Conference of New England Governors and Eastern Canadian Premiers, the Southwest Climate Change Initiative, the Western Governor's Association and other climate change regulatory structures.

Economic Development Incentives

The federal government and several states have earmarked renewable energy related production facilities for a variety of financial incentives, such as grants, tax credits, tax abatements and assistance with facility siting. With our informed counsel, our clients identify and maximize such incentives to supplement project financing plans and meet implementation goals. We manage our clients' interests in negotiations with state and local officials to secure incentives in support of renewable energy development projects including bio-facilities, hydro electric projects and renewable energy component manufacturing facilities.

Incentives for Sustainable Development, Green Buildings and LEED Certification

Real estate investors, owners and developers must increasingly incorporate sustainability elements into the planning and acquisition stages of real estate projects. Our knowledgeable counsel guides clients in securing Green Leases that assure proper compliance with LEED requirements and carbon inventory tracking, as well as providing means for enforcement and appropriate risk sharing between landlords and tenants. Our knowledge of municipalities offering accelerated permitting, tax abatement extensions, density bonus and cash grants, among other tools, to motivate sustainable development practices is readily accessible – and very useful – to our clients.

Climate Change Due Diligence

In real estate or merger and acquisition transactions, Miller Canfield attorneys advise on the execution of due diligence programs to assure compliance with all applicable regulations and shadow carbon finance goals. Our familiarity with government incentives and commercial lending programs designed for energy efficiency capital improvements and the LEED-EB (Existing Building) standards which define appropriate due diligence, identify and address sustainability risk help clients to make key decisions.

Municipal Energy Building Code and Sustainable Land Use Regulation

Municipalities benefit from Miller Canfield attorneys' long experience in developing ordinances that encourage sustainable development with new and existing properties and reviewing compatibility and conformity with neighboring jurisdictions.

Shareholder Resolutions

Our awareness of climate change issues and responses is valuable to publicly traded companies faced with shareholder resolutions focused on environmental stewardship. We counsel pragmatic appropriate responses to these resolutions that assure adherence to corporate sustainability policies, assess potential impact on other pertinent stakeholders and advise our clients on compliance with industry and government disclosure regulations.

Energy Efficiency Grant Programs

Many public agencies and non-profit organizations now offer energy auditing grants to identify areas of potential improvement which can lead to operating cost savings. We facilitate identification and execution of these programs and the public finance mechanisms necessary to capitalize energy-related infrastructure investments.

Policy Development, Monitoring and Advocacy

Miller Canfield attorneys have the political savvy and legal knowledge to effectively support your company's efforts to develop Environmental Stewardship and Sustainability Policies which balance economic, regulatory and other stakeholder interests.
