

## Rising Star: Covington's Thomas Brugato

By Juan Carlos Rodriguez

*Law360 (July 10, 2023, 4:38 PM EDT)* -- Thomas Brugato's talent for deals, enforcement issues and regulatory processes have made him an asset at Covington & Burling LLP, where he's helped facilitate nuclear power business mergers, settle cleanup disputes and work with an electric car giant on fuel economy rules, earning him a spot among the environmental law practitioners under age 40 honored by Law360 as Rising Stars.

### *The biggest case of his career:*



Covington represented Takata Corp. in the fallout from the company's potentially deadly airbag inflators, and Brugato said part of his job during that time was to work with the U.S. Environmental Protection Agency, which was involved in the matter because the airbags were under consideration to be possibly hazardous waste, which would have been a huge complication for the company.

Brugato said his team pointed out that the National Highway Traffic Safety Administration was requiring Takata to store the airbags and not throw them away. He said the EPA ultimately ruled that because NHTSA was requiring the inflators to be maintained under a preservation order, they weren't actually waste and so Takata wasn't violating any regulations by storing them.

"It certainly caused me to appreciate more the need to think broadly about clients' problems," he said. "You can't just go in and say, well, this is solely an environmental issue, or solely a NHTSA issue. There are oftentimes collateral implications of the big projects we work on that it's really important to coordinate on as a team and to make sure that we and the client are all on the same page and thinking through all of the disciplines that are implicated by an issue."

### *Another interesting case he's worked on:*

During President Donald Trump's term, the NHTSA twice attempted to reduce the penalty for violating motor vehicle average fuel economy standards but was defeated in court. In January 2021, just before



**Thomas Brugato**  
Covington & Burling

**Age:** 36  
**Home base:** Washington, D.C.  
**Position:** Of counsel  
**Law school:** Harvard Law School  
**First job after law school:**  
Clerked for First Circuit Chief Judge Sandra L. Lynch

Trump left office, the agency issued a rule delaying an increase in penalties that was promulgated during President Barack Obama's tenure.

Covington represents Tesla Inc., which opposed the changes and sued over the 2021 rule. Tesla argued that NHTSA unlawfully sought to delay the penalty increase in a manner that was inconsistent with the statutory mandate to adjust for inflation, two previous judicial rulings, and the requirements of the Administrative Procedure Act.

The Second Circuit ultimately tossed the suit after President Joe Biden's administration reversed course in 2022 and reinstated the higher penalties.

"At the end of the day, it was a successful result, even though the relatively novel arguments we were presenting didn't immediately carry the day with the Second Circuit," Brugato said. "It's always interesting where different pieces of industry have different perspectives. In this case, the Alliance for Automotive Innovation intervened on the side of supporting the regulation. So Tesla was on the other side from some of the other players in the industry."

#### ***What motivates him:***

In another of Brugato's recent accomplishments, he led the Covington environmental diligence team that represented Cameco Corp. in its strategic partnership with Brookfield Renewable Partners, together with its institutional partners, to acquire Westinghouse Electric Co. in a deal valued at \$7.9 billion. Cameco is one of the largest global suppliers of uranium fuel for nuclear energy.

He said part of what motivates him as an attorney are the types of matters he gets to work on.

"At Covington, we're privileged to work on some of the biggest, most interesting cases that involve complex regulatory issues that have actual day-to-day policy implications," Brugato said. "At a general level, what I find motivates me the most is a matter being intellectually stimulating, important to a client or important to public policy."

#### ***Why he's an environmental attorney:***

Brugato said that environmental law is about actual concrete, tangible issues that people can see, hear or smell and relate to the cleanliness of the environment and the health of people, along with practical concerns about economic issues or the ability to implement things in the real world.

"I find it particularly interesting because we can actually see the real world impacts of some of the matters we get to work on, like the formulation of gasoline that's available for people to buy, or the types of herbicides and pet anti-parasite products that people can buy on store shelves which are regulated by EPA in many instances," he said. "A lot of these issues we get to work on just have such a tangible day-to-day impact. It makes it a lot more concrete and interesting for me to work on."

#### ***On the future of the industry:***

Brugato said he expects to see a greater need for specialization in environmental law.

"We're now at a place where there's more than 50 years of precedent and past agency guidance, prior regulations and a lot of other material that has to be considered and evaluated when we're trying to answer complicated environmental law questions," Brugato said. "And that really puts a premium on the ability to have a lot of knowledge, but also to have the skills to be able to research those topics in depth. So I think there's going to be a push towards really developing that expertise and also the skill set to be able to dive into all of that regulatory history."

*--As told to Juan Carlos Rodriguez.*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.*

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