

## Nicholas R. Johnson

### Senior Counsel

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Nick Johnson is a regulatory and environmental attorney who helps clients manage business risk, achieve compliance, and advance strategic goals in highly regulated industries. He advises companies on environmental law, renewable energy development, food and beverage regulation, cannabis and hemp compliance, and consumer product safety. With experience spanning both counseling and litigation, Nick provides practical, business-focused solutions to complex regulatory challenges.

In the environmental and energy sectors, Nick represents renewable energy developers, lenders, and investors in permitting, siting, and financing matters. He advises on environmental compliance for solar, wind, and distributed energy projects, including land use and zoning, wetlands, endangered species, and federal and state environmental statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Environmental Policy Act (NEPA). He regularly conducts environmental due diligence for corporate transactions, counsels on ongoing compliance issues, and helps clients address emerging contaminants (such as per- and polyfluoroalkyl substances (PFAS)) and product stewardship laws (such as Extended Producer Responsibility (EPR) laws).

Nick also advises food and beverage companies on regulatory compliance across the product lifecycle, including FDA, USDA, and TTB requirements, labeling, recalls, alcoholic beverage regulation, claims substantiation and consumer class action risks, and manufacturing best practices. He frequently counsels manufacturers and retailers on compliance with the 2018 Farm Bill and evolving state requirements for industrial hemp and cannabidiol (CBD) products.

In addition, Nick has also defended clients in product liability and toxic tort litigation, managing discovery, working with expert witnesses, and briefing dispositive motions. Nick's litigation background gives him a unique perspective on regulatory counseling, allowing him to identify potential disputes or high-risk practices quickly and shape compliance strategies that reduce long-term risk.

## **Representative Experience**

### **Environmental Regulatory Experience**

Nick has substantial experience in all facets of environmental law and corporate environmental risk management, including both contested proceedings and regulatory guidance and advice. Nick routinely works with buyers, sellers, investment funds, and lenders to highlight and mitigate environmental risk in the context of corporate transactions. He has helped clients navigate through the complexities of the CERCLA cleanup and cost recovery process, including the preparation and review of remedial investigations, risk assessments, and feasibility studies. His environmental counseling work includes advising clients on best practices relating to emerging contaminants, such as PFAs (e.g., PFOA and PFOS).

### **Energy Industry Experience**

Nick is an active member of Foley's Energy Industry Team, focusing on counseling client in all aspects of permitting, land use, and environmental compliance relating to the development, construction, ownership, and operation of renewable energy facilities. He routinely advises project owners and developers of solar and wind projects on land use and zoning requirements, wetlands regulations, NEPA and analog state statutes, and endangered species issues. Nick also represents lenders and tax equity investors that provide financing to solar and wind projects, including performing comprehensive permitting and environmental due diligence and negotiating related provisions of financing documents. Nick also advises clients on environmental issues related to district energy, microgrid, and trigen facilities, including performing due diligence for proposed acquisitions and advising on ongoing compliance issues, including emissions compliance.

### **Food and Beverage Regulatory Experience**

Nick advises food and beverage companies on food-related regulatory matters, including products liability, alcoholic beverage requirements, permitting matters, product recalls, and manufacturing best practices. He is well-versed in USDA, FDA, TTB, and state/local food safety requirements.

### **Cannabis and Industrial Hemp Experience**

Nick is a member of the Cannabis Industry team and advises clients on the marketing of industrial hemp and CBD in food and beverage products. Nick has advised retailers, manufacturers, and universities on compliance with the 2018 Farm Bill relating to industrial hemp as well as state requirements for the marketing of hemp and CBD. Nick is licensed to practice law in Illinois and has helped cannabis clients sort through Illinois' quickly-changing cannabis regulatory regime.

### **Consumer Products Safety Experience**

Nick has represented clients in connection with Consumer Products Safety Commission (CPSC) matters, including counseling on recalls and voluntary reporting situations, working with experts on product certification issues, and designing comprehensive corporate product safety programs.

### **Litigation Experience**

Nick has litigated products liability and toxic tort claims due to alleged exposure to manufactured substances. Throughout the course of his litigation practice, he has managed all aspects of the discovery process, worked closely with retained experts, and engaged in significant motion practice, including dispositive motions.

## Affiliations

- Member, Lesbian and Gay Bar Association of Chicago (LAGBAC)
- Member, Board of Directors of the Cream City Foundation, a Milwaukee non-profit focused on mobilizing philanthropic resources to the LGBTQ+ community

## Sectors

- Cannabis
- Energy & Infrastructure
- Food & Beverage
- Health Care & Life Sciences
- Manufacturing
- Medical Devices
- Pharmaceuticals
- Power & Renewables
- Supply Chain

## Practice Areas

- Corporate
- Environmental

## Education

- University of Illinois College of Law (J.D., magna cum laude)
- Northwestern University (B.S., summa cum laude)

## Admissions

- Illinois
- Wisconsin