

Press Coverage | March 9, 2021

3 More Open Questions About the Carbon Capture Tax Credit

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Anne Loomis, counsel in the firm’s tax practice, was quoted in the March 9, 2021 *Law360* article, “[3 More Open Questions About the Carbon Capture Tax Credit](#).”

But questions of ownership may arise in the case of industrial equipment that separates gas but doesn’t actually capture and sequester carbon, Anne Loomis, counsel at Troutman Pepper, told *Law360*.

“You can have the owner of the carbon capture equipment be different from the owner of the industrial facility, where the carbon capture equipment is sitting,” she said, “and maybe as part of that industrial facility, there is equipment that separates the carbon oxide from other substances.”

A central question remains whether an entity that owns the carbon capture equipment but doesn’t own the separation equipment could still claim the credit, Loomis said.

“What do you do if you have pieces of that process that are owned by the facility owner but then you have your carbon oxide capture equipment, owned by the taxpayer who wants to claim the credit? Does that somehow prevent them from being able to claim the credit because they don’t own all the equipment?” she said.

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