



Spring 2020/Vol. 3

director's corner

CLAUDIA POLSKY

Director & Assistant Clinical Professor of Law



Dear friends and alumni,

As ELC turns 5 years old, it is a thrill to watch our early participants grow into environmental lawyers and policy advocates in stations of considerable planetary consequence!

Alex Tom '17, a veteran of the clinic's first year who worked on ELC's litigation regarding cell phone radiation risks, is now an attorney at the Natural Resources Defense Council. Jenny Pierce '17, who worked in one of the clinic's early cohorts on a municipal ordinance to control PFAS chemical pollution, now works to clean up pollution for the U.S. Environmental Protection Agency. And three-time ELC participant Mae Manupipatpong '17, who worked on clinic projects ranging from pesticide policy to composting regulations to climate change, now works in the International Program at Earthjustice. More recent graduates are similarly deployed—to the Governor's Strategic Growth Council, to the State Lands Commission and the State Water Resources Control Board, to the boutique environmental firm Shute, Mihaly and Weinberger, and more.

Just as exciting, ELC's auditor mentorship program (full story below), which expressly aims to diversify the environmental law bar, is helping to propel its former undergraduate participants into terrific law schools, green-job gap years, and environmental graduate programs. And our commitment to environmental health and environmental justice causes and clients continues to deepen, as you will see below. We are ever-grateful for your interest and support!

Clinic's work on toxic PFAS chemicals continues

ELC's intensive work continues on toxic perfluorinated chemicals (PFAS) that contaminate the nation's drinking water. In the face of Environmental Protection Agency dereliction, clinic students in fall 2019 prepared a strategy memo for a nonprofit client describing actions that states could take to better prevent and remediate PFAS contamination, and hold polluters liable for cleanup costs and human health effects. However, because EPA should not be let off the hook for its woefully inadequate regulation of some of the most pervasive, harmful, and persistent synthetic chemicals, ELC also (on behalf of other clients) filed a [Petition to EPA](#) urging it to regulate as officially "hazardous" any wastes containing known-harmful PFAS chemicals. Our petition, and a complementary petition by a nonprofit whose staff includes former EPA regulators, is described in this [op-ed in The Hill](#), co-authored by ELC staff. We now wait for EPA's response.

Camila Gonzalez wins CLEA Outstanding Clinical Student Award

Camila Gonzalez '20, who spent three semesters in the clinic, [won an Outstanding Clinical Student Award from the Clinical Legal Education Association](#) this year for her superb, sustained work on federal court litigation challenging the U.S. Environmental Protection Agency's plan for oil spill response. This outdated and dangerous plan relies heavily on aerial application of toxic chemicals to disperse spilled oil. These chemicals, both alone and in concert with oil, magnify health risks to coastal communities and first responders in the wake of offshore oil spills. They can also increase harm to marine life. ELC's case is in active litigation in the Northern District of California.



*Pictured: **Camila Gonzales '20** (center) and teammates **Jina Kim '21** (left) and **Natasha Geiling '21** (far right) prepare to mail a summons and complaint to the EPA.*

Environmental Justice

Push for climate justice at the California PUC



***Ben Allen '21**, far left at the podium, testifies before the Joint Agencies about implementing Senate Bill 100 on clean energy.*

Moving the state toward 100% renewable energy

The clinic is engaged in a multi-semester project representing environmental justice organizations throughout California, including the Center on Race, Poverty & the Environment and the Central California Asthma Collaborative, as the state implements its 100% renewables standard through Senate Bill 100. Students advocate before the Public Utilities Commission (PUC) to eliminate barriers to delivering renewable energy to disadvantaged communities. They also highlight the local public health impacts of continued reliance on fossil fuels and the dangers of so-called "bridge" fuels, such as

renewable natural gas.

The team then applies lessons from individual proceedings to inform the Joint Agencies' (PUC, Energy Commission, and Air Resources Board) overall implementation of SB 100, so that disadvantaged communities are not left behind again as California moves towards clean energy. In a related PUC proceeding, ELC previously assisted rural communities—historically redlined from infrastructure investment—to obtain clean energy pilot projects that could inform similar solutions in the San Joaquin Valley. The clinic continued this work last semester, and filed a successful Petition that resulted in a [Modified Decision](#) by the Commission to remove income thresholds, allowing residents in four disadvantaged communities to participate in these projects. These communities include Allensworth, the first town in California established exclusively by African Americans.

Promoting grid resiliency for disadvantaged communities

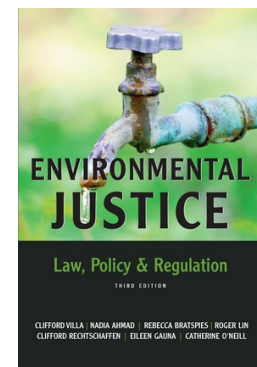


ELC is also representing disadvantaged communities in the state's policy conversation as California moves to increase the resiliency and reliability of its electrical grid to prevent planned or unplanned grid outages from depriving communities of power. The clinic represents the California Environmental Justice Alliance in a proceeding at the PUC that seeks to encourage the development of microgrids—small portions of the grid that can be powered and operated independently when the larger grid is de-energized. This will ensure the electric grid will continue to provide clean, renewable energy in the face of instability induced by our rapidly changing climate.

In the proceeding's first phase, the Commission is examining solutions for the 2020 fire season, to try to avoid the widespread power shutoffs that utilities employed last fall. The clinic [submitted comments](#) arguing that utilities should focus on ensuring a reliable electric power supply for communities that are the most vulnerable to adverse effects of power shutoffs and have the fewest resources to adapt. The clinic also vigorously opposed PG&E's proposals to power microgrids with polluting fossil fuels. Students met with Commission staff to advocate for these positions.

Roger Lin co-authors environmental justice textbook

Clinical Supervising Attorney **Roger Lin** co-authored the third edition of [Environmental Justice: Law, Policy and Regulation](#), which fuses environmental law and civil rights enforcement, and draws from practical experiences, including those of the clinic and its clients in advocating for environmental justice. This new edition also expands coverage of environmental enforcement, contaminated sites, climate justice, and environmental justice in Indian country, all with an eye towards identifying modern challenges and available tools for the continuing pursuit of environmental justice. Case studies include the Dakota Access Pipeline, the Atlantic Coast Pipeline, and the drinking water contamination in Flint, Mich. A new chapter on disaster justice examines vulnerability and resilience of low-income communities and communities of color during recovery from significant public health events, such as the COVID-19 pandemic.



Inside the Clinic

Introducing underrepresented college students to environmental law

It's no secret that the world of professional environmental advocacy (and environmental law within it) remains overwhelmingly white, and has few first-generation college or professional students. This homogeneity disserves the



environmental field, by depriving us of the range of perspectives necessary to form wise policy; by impeding broad societal uptake of green policy and technological innovation; and by missing opportunities to enhance community around our shared necessity for a liveable planet. ELC has accordingly worked since inception to ensure that its student enrollment reflects the rich diversity of Berkeley Law, and also—through what may be an endeavor unique among environmental law clinics—to accept one to three undergraduates from (largely) underrepresented backgrounds as mentees each year.

These undergraduates, who are all contemplating environmental career paths, attend the clinic's weekly seminar; meet one-on-one with clinic staff for career mentorship, and receive letters of recommendation for awards, law school admissions, and scholarships; and benefit from networking with law students and growing comfortable walking a professional school's corridors. Our former mentees are now in wonderful law schools (**Helia Bidad**, Yale Law School, *pictured above left*); applying to PhD programs (**Tanya Kumar**, ELC's first-ever auditor, *pictured at right*); deploying environmental skills after completing graduate degrees (**Allegra Sagesse**, M.Sci., environmental economics consultant); and pursuing climate protection and environmental justice opportunities in pre-professional gap years (**Vanessa Suarez**, Carbon180; **Taylor Page**, Carbon Lighthouse; and **Tanya Hanson**, Brightline Defense). We are thrilled to see them begin to join and strengthen the ranks of environmental professionals!



More news: [Read more about the Environmental Law Clinic's work.](#)

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