

Fall 2021



Dear friends and alumni,



Through the biblical challenges of 2021 (plague, fire, flood), ELC has continued its work to make hope triumph over despair. While 126,000 gallons of crude oil poured into coastal waters off Southern California in October, ELC clients celebrated their successful court challenge to U.S. EPA's antiquated plan for cleanup of offshore oil spills. As toxic PFAS chemicals from the manufacture of Teflon pans and the use of PFAS-based firefighting foam continued to pollute America's drinking water, ELC's work to force EPA to address PFAS clean-up got an endorsement and political boost from the governor of New Mexico. And as climate and toxic harms from our petrochemical dependency became ever-clearer to the state and nation, ELC worked to ensure that the transition to a sustainable economy is also an equitable one, by sounding the alarm on fraud on low-income people of color in clean-energy financing.

In this work, we aim to operationalize the motto of KFOG radio's Scoop Nisker: "If you don't like the news, go out and make some of your own!"

ELC is only as effective as the vision and tenacity of our clients, the skills and experience of our staff, and the passion and smarts of our students. We are thus thrilled to welcome three extraordinarily talented and experienced staff attorneys to our ranks. We are also delighted that the rest of Berkeley Law's Clinical Program is expanding in parallel, to provide our students the training they need for effective advocacy on behalf of the public interest.

Thank you for your support!

Claudia Polsky
Director, Environmental Law Clinic

Clinic News



Bloody noses, patches of hair loss, and chemical burns can result from exposure to a mix of oil and oil-dispersant chemicals. Photo credits: Kindra Arnesen (left), Lori Bosarge (right)

ELC court victory in oil spill litigation!

An Inupiaq leader, a Gulf Coast fisher, a marine toxicologist, and environmental nonprofit groups achieved a major victory in August as ELC clients. In ELC litigation against the U.S. EPA over the agency's inadequate response plan for offshore oil spills, a federal district judge ruled in plaintiffs' favor, [ordering EPA to update its 1994 National Contingency Plan](#). EPA's plan currently permits use of toxic chemicals to "clean up" spilled oil. Chemical dispersants often simply displace the oil, however, by causing it to sink to the ocean floor. Of most concern to ELC's clients: dispersants are toxic; they are typically applied by air, where they drift onto coastal residents and first responders, such as Coast Guard workers; and they increase the ability of (carcinogenic) petroleum to penetrate human skin.

ELC shines light on, attracts cameras to fraud in clean energy finance

Working closely with organizations that provide low-income legal services, ELC in 2020-21 investigated the regressive and racially discriminatory effects of a financing mechanism called Property Assessed Clean Energy (PACE). PACE is often used to pay the up-front costs for residential solar energy and energy efficiency measures in California and several other states. ELC's exposé was featured in June on "[Last Week Tonight with John Oliver](#)" where it has garnered 4 million views. Additionally, ELC's



report on PACE program abuse, [The Dark Side of the Sun: How PACE Financing Has Under-Delivered Green Benefits and Harmed Low-Income Homeowners](#), spurred or supported introduction of two PACE bills in Sacramento. One of them — [Assembly Bill 790](#), addressing fraud on the elderly in door-to-door PACE sales — was signed into law in October.



Cleaning up PFAS: ELC helps catalyze regulatory action at EPA

ELC has since inception taken on advocacy projects at the local, state, and federal level designed to push the acronym “PFAS” (per- and polyfluorinated alkyl substances) above the newspaper fold (and to places like “Last Week Tonight with John Oliver”). In so doing, ELC and its clients seek to attract regulatory action to this frightening family of so-called “forever” chemicals, which pose drinking water pollution risks nationwide, and do not degrade in the environment. Recently, the [governor of New Mexico echoed and cited federal petitions filed by ELC and the group Public Employees for Environmental Responsibility \(PEER\)](#), supporting their call for U.S. EPA to designate these chemicals as “hazardous waste” and “hazardous substances,” which would greatly facilitate cleanup. Still more recently, EPA announced that it was following ELC’s, PEER’s, and the state of New Mexico’s urgings to [begin designating the most dangerous PFAS as officially “hazardous.”](#) Stay tuned!

Out and about



The fall ELC class stops in front of a redwood tree planted by local conservationist David Brower. Director Claudia Polsky (in ranger hat) led the class on a walking tour where they discussed Brower's complex and controversial legacy. (Photo by Rachel DeLetto)

Clinic welcomes three new supervising attorneys

We are delighted to welcome [three new supervising attorneys](#) to the clinic this year.

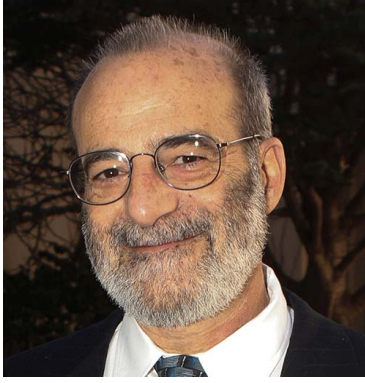


[Sabrina Ashjian](#) began her career as a public defender serving in juvenile and adult courts as well as restorative programs. Former chair of the Cannabis Control Appeals Panel, she is the California state director for the Humane Society of the United States. Ashjian has also worked as a consumer fraud and environmental crimes prosecutor, pursuing cases against companies for predatory practices and environmental harms.



[Antonette Cordero](#), a member and former tribal chair of the Coastal Band of the Chumash Nation, worked for the California Attorney General's Office for almost 25 years, serving as chief of legal affairs from 2017 to 2019. She also worked in its Civil Rights Enforcement Section and the Environment Section, where she represented the attorney general, the Native American Heritage Commission, and the Fair Employment and Housing Commission.

[Steve Castleman](#), a former staff attorney at Golden Gate University School of Law's Environmental Law and Justice Clinic, was a prosecutor in the San Francisco District



Attorney's Criminal Division before returning to the White Collar Crime Unit, where he helped pioneer local civil and criminal environmental enforcement and created the Environmental Unit, which he led for a decade. He obtained the first misdemeanor and felony jury convictions under California's Hazardous Waste Control Act.

Clinical Program Releases Second Annual Report



It's been another busy year in Berkeley Law's clinical program, which welcomed the largest class ever of incoming clinic students this fall. To meet this growing demand, plans are underway to expand the program with five new tenure-track faculty over the next five years and to launch new clinics. [View our Annual Report](#) to learn how clinical students and faculty have continued to fight for racial, economic, and social justice.

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