

Spring/Summer 2022



Dear friends and alumni,



Now entering its seventh year, ELC is thrilled to be welcoming its largest-ever cohort of students (27!), who will work with a newly expanded attorney staff (5!) on advocacy projects from Louisiana to Michigan to the Bering Strait. Closer to home, we'll litigate to curb toxic air releases from a Bay Area industrial facility; craft legislation that supports low-income Californians in the clean energy transition; and formulate policy proposals to ensure that California's Native Tribes can access culturally important sites on state-managed lands.

We are daily inspired by the tenacity of our clients, who persist in their efforts to ensure environmental health and justice in the face of long odds. We are grateful for the supporters who make it possible to teach professional skills in the context of real-world change-making. And above all, we are proud of our students, whose recent successes are detailed below. Thank you, as always, for your support!

Gratefully,

Claudia Polsky

## Clinic News

### ELC's cosmetics safety work in *Not So Pretty* series on HBOMax



ELC selects environmental health projects that fill consequential, unoccupied advocacy niches. In parallel, the clinic does substantial media work to call attention to the associated human health harms that belong above the newspaper fold. This two-track approach to creating policy reform bore fruit this spring in the area of cosmetic safety.

In January 2022, a [strongest-in-the-world cosmetic ingredient disclosure law](#) that ELC crafted with client Breast Cancer Prevention Partners (BCPP) took effect in California. And in April, BCCP and ELC efforts to enhance the safety of cosmetics and personal care products (such as shampoo and deodorant) were featured in the docuseries [Not So Pretty](#) on HBOMax. We expect this powerful exposé to aid prospects for several cosmetics reform bills pending in Congress.

### ELC comments to EPA center racial disparity in toxic exposures

**Table 1. 50<sup>th</sup> Percentile Concentration of Phthalate Metabolites in Urine  
(in ug/g of creatinine) of Seven Phthalates, NHANES 2015-16**

Phthalate	Metabolite	Black	Hispanic	Asian	White	Overall
<b>DEHP</b>	MEHP	1.19	1.4	1.95	1.14	1.24
	MEHHP	5.43	6.32	6.03	5.34	5.53
	MEOHP	3.33	4	4.04	3.36	3.47
	MECPP	7.81	10.1	9.6	8.04	8.5
<b>DiBP</b>	MiBP	8.99	9.2	9.28	7.75	8.33
	MHiBP	2.74	2.97	2.88	2.65	2.73
<b>DBP</b>	MHBP	0.728	0.933	1.03	0.916	0.897
	MnBP*	10.1	10.4	11.2	9.58	9.91
<b>BBP</b>	MBzP	5	4.25	3.17	4	4.17
<b>DCHP**</b>	MCHP	< LOD	< LOD	--	< LOD	< LOD
<b>DINP</b>	MINP	<LOD	<LOD	<LOD	<LOD	<LOD
	MONP	1.76	2.00	1.82	1.72	1.77
	MCOP	6.33	8.24	5.60	6.78	6.89
<b>DIDP</b>	MCNP	1.64	1.71	1.25	1.79	1.73
	M CPP***	0.896	1.11	0.966	1.08	1.05
<i>General Population (GP)</i>		<i>Exposure &gt; GP</i>		<i>Exposure &gt; White, &lt; GP</i>		<i>Least Exposed by Race</i>

On behalf of client Defend Our Health, ELC students recently tackled the complex world of rulemaking under the Toxic Substances Control Act. When EPA sought input on regulation of phthalates — the plasticizers that make rubber ducks squishy, and are used in myriad other applications — our students reviewed journal literature, interviewed field-leading scientists, and curated biomonitoring data to show that current standards expose BIPOC in particular to high levels of hazardous phthalates.



*ELC students interviewed (left to right) Dr. Ami Zota, professor of environmental health (GWU); Swati Rayasam, science associate (UCSF); and Dr. Stephanie Engel, professor of epidemiology (UNC), among others, to learn about cutting-edge research on phthalate exposure, health harms, and the demographic distribution of risk.*

Our [filed comments](#) demand more stringent EPA regulation. Because diet is a major contributor to phthalate exposure, we also propose a strategy by which EPA could prompt the FDA to regulate phthalates. We hope these comments, joined by Black Women for Wellness and other groups, will yield more protective phthalate standards.

## **\$5 million award to ELC & CLEE will promote equity in electric vehicle deployment**

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION	
IN RE: VOLKSWAGEN "CLEAN DIESEL" MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION	MDL NO. 2672 CRB (JSC) The Honorable Charles R. Breyer
This Document Relates to:  Audi CO <sub>2</sub> Cases	NOTICE OF MOTION AND CLASS PLAINTIFFS' UNOPPOSED PROPOSAL TO DISTRIBUTE REMAINING SETTLEMENT FUNDS FOR ENVIRONMENTAL REMEDIATION  Hearing Date: June 3, 2022

Energy, and the Environment (CLEE) are thrilled to have together received \$5 million for joint work to promote the deployment of electric vehicle chargers in disadvantaged communities, and to otherwise advance environmental justice. The funds are a *cy pres* award from

recently settled litigation over Volkswagen's emissions-cheating scam.

As explained in our court-ratified joint proposal, this funding will allow ELC and CLEE to pursue these shared environmental justice goals:

- Collaborating on pilot projects to deploy electric vehicle charging stations in low-income communities, to ensure access to this newly critical infrastructure
- Remunerating community members for time spent consulting with ELC
- Covering certain litigation costs in high-expense ELC cases
- Creating an environmental justice-focused research position at CLEE, and
- More closely integrating ELC's and CLEE's work to address climate change.

We are enormously grateful to plaintiffs' counsel (the Lief, Cabraser, Heimann & Bernstein firm) for inviting us to apply to the settlement fund, and for the vote of confidence this award represents.

**Thank you for all your support!**