

Environmental Law Institute Board of Directors
Statement on Racism and Environmental Justice
December 3, 2020

ELI stands against racism and the institutional structures that perpetuate it. ELI has focused programs and publishing to a greater degree on environmental justice work in recent years. Given profound injustices demonstrated this year, emblematic of deep-seated and pervasive systems of injustice and discrimination, and heightened risks to vulnerable communities that flow with such phenomena as pandemics and climate change, there is urgency across the ELI community to achieve more progress on racial issues that are salient in the environmental sphere. Using ELI's unique multi-sectoral, cross-discipline, nonpartisan platform as a fulcrum for change, we pledge: (1) to support as foundational to environmental rule of law those laws, policies, and practices that eliminate racial disparities experienced by communities of color in their protection from environmental harms and (2) to promote transformative approaches that will contribute to the realization of environmental quality for all.

We reaffirm our vision of “a healthy environment, prosperous economies, and vibrant communities founded on the rule of law” and our mission “to foster innovative, just, and practical law and policy solutions to enable leaders across borders and sectors to make environmental, economic, and social progress,” which align with environmental justice goals. We recognize that the structural nature of environmental injustices requires that we do more. We commit to specific actions to more fully integrate environmental justice into ELI's vision and mission.

Animating Values

ELI is committed to the following values in its revitalized approach to this area of its work:

- It will approach this work with humility
- It will value impact over credit
- It will place a premium on partnerships and collaboration
- It will seek to both model and lead

Guiding Principles

ELI is committed to the following principles in advancing its work in this area:

- ELI will administer its programs, activities and operations in an actively and intentionally anti-racist manner and will lead on these issues in the environmental law arena.
- Rule of law presupposes that the law protects fundamental rights and assures equal protection – objectives at the core of environmental justice. ELI will advance the understanding and realization of environmental justice across its programs, research, publications, and convening

activities. Environmental justice will not be an add-on, but rather an animating objective throughout ELI's work.

- ELI will work to address each of the key elements of environmental justice: procedural justice, distributive justice, restorative and reparative justice, and justice as equal recognition and equal regard.
- ELI will direct specific attention to issues of race and wealth inequality and to advancing justice in specific places and communities as well as systemically.
- ELI will work on collaborative research and other program activities that support and raise the capacities of communities, organizations, and institutions of color to address environmental challenges, while also recognizing the leadership and expertise of communities. ELI will redouble its efforts to partner with funders to build resource support for environmental justice projects.
- ELI will leverage its internal and external relationships to enhance diversity and inclusion in the practice of environmental law and contribute to the success and promotion of diverse lawyers and environmental professionals through all stages of their career so that they may become leaders in environmental protection, keepers of the rule of law, and champions for remedying inequality.
- ELI will hold itself publicly accountable for its commitments in this area. To this end, ELI has developed an accountability roadmap to track action items, will annually assess and publicly report on our progress in advancing diversity, equity, inclusion and environmental justice, and will remain adaptive and forward-looking in this commitment.

Action Items

ELI is committed to following action items in furtherance of its objectives in this area:

Near-Term Actions

- Hire an Environmental Justice Coordinator in order to
 - Serve as a leadership focal point for environmental justice at ELI
 - Help design and implement ELI's strategic and organizational approach to environmental justice
 - Facilitate ELI's focus on programming across ELI relative to environmental justice
 - Improve the environmental justice presence on the ELI website and help make the website a significant resource library for environmental justice
 - Build ELI's capacity to serve as a platform for matching interested organizations with one another and with collaborative environmental justice projects
- Create and maintain an Environmental Justice Law Clerk position
- Create a Pro Bono Clearinghouse to match communities experiencing environmental injustices with law firms willing to volunteer legal services on behalf of these communities
- Survey the scholarship on environmental justice to identify key gaps to help shape greater scholarship in this area through ELI publications
- Continue efforts to increase staff capacity relating to diversity, equity, and inclusion, with the goal of improving recruitment and retention of Black, indigenous and other employees of color.

Longer-Term Initiatives

A. Identify, hire, and develop staff members and recruit board members from diverse backgrounds and communities, as part of ELI's commitment to practice and model diversity, equity, and inclusion.

Engage all of ELI's leadership in advancing this objective, including increased networking and resources.

B. Make a more significant contribution to the environmental justice field through actions building on or reshaping ELI's existing programs:

- Develop internal standards to ensure that consideration of environmental justice issues is included throughout ELI's projects, programs, research, and activities. These standards will apply to design, implementation, and outputs.
- Focus ELI's publications more intensively on environmental justice communities and the conditions they endure.
- Develop products and programs that connect environmental justice with corporate sustainability and environment, social, and governance (ESG) policies and priorities. This alignment will draw heavily on Board relationships and interests, and is a space where ELI can quickly and significantly add long-term value.
- Identify opportunities to advance environmental justice internationally, including by drawing on ELI's global reputation and leadership on environmental rule of law work and environmental conflict resolution.

C. Develop and expand relationships and partnerships as a means of enhancing opportunities for drawing in new voices and reaching new audiences, by:

- Pursuing and cementing relationships with ally organizations, both law and non-law focused, to better inform and guide ELI's EJ activities. These organizations should include both those devoted to environmental justice as a core mission and organizations outside the environmental field that may have intersecting interests.
- Prioritizing concrete deliverables, valuing impacts over credit, and leveraging opportunities and success with other groups, even ELI's competitors, in pursuit of the greater good. ELI's approach needs to reflect humility by not purporting to have all the answers and also a broad approach to diversity that recognizes and reflects the differing social injustices being experienced by different communities.
- Exploring collaborative opportunities with academic institutions to share and contribute to critical environmental and environmental justice research. Build ongoing relationship to develop projects, funding proposals, cooperative research, and fuller connection of ELI with institutions with deeper ties to marginalized groups and communities.
- Helping to expand the pipeline of diverse environmental lawyers, advocates, and experts by:
 1. Developing programs focused on career development in the environmental field.
 2. Developing, with Board guidance and participation, an **ELI Ambassadors Program** focused on both institutions and individuals. ELI Ambassadors across the country will create or enhance relationships with law schools and colleges, particularly those with diverse student bodies, to catalyze the next generation of environmental lawyers and professionals. These ELI Ambassadors will build relationships with specific professionals and students to counsel and mentor through the various stages of career development and advancement, drawing as appropriate on ELI programs and resources.

3. Growing ELI's intern and law clerk program to help create a robust pipeline of diverse environmental professionals. For the pipeline to serve as a key funnel for environmental careers, the point of intake should be as broad as possible, beginning with undergraduate students still considering possible career paths.
 4. Expanding ELI's presence at law schools having diverse student bodies, with an initial focus on Historically Black Colleges and Universities.
- Meaningfully support the success and advancement of diverse environmental practitioners after graduation and throughout their careers by offering scholarships for key ELI educational and networking events, including Bootcamp and the Award Dinner, and by incorporating diversity, equity and inclusion elements into all programs.