



ENVIRONMENTAL
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ELI Bulletin

Making law work for people, places, and the planet

Thank you for supporting ELI. Here's a quick look at what we've been up to.

Driving Policy Improvements

Protecting Renters From Unhealthy Air Quality



Indoor air quality is an important part of a healthy home, but those who rent are especially at risk because they may not know their own rights and the responsibilities of their landlords. Exposure to indoor pollutants—from lead-based paint and mold to secondhand smoke—can harm everyone's health but especially children, older adults, and people with asthma and other medical conditions. ELI recently published *The Indoor Air Quality Guide for Tenants*, which offers a starting point for tenants to learn more about indoor air quality (IAQ) in their homes. It describes common IAQ problems, explains what laws might apply to IAQ conditions in rental properties, and suggests where to look for more information and for assistance resolving IAQ problems. Visit <https://www.eli.org/buildings/iaq-guide-tenants>. ELI is one of the nation's leading authorities on indoor air pollution and associated policy and legal issues, providing comprehensive

resources that are used widely by policymakers, state agency officials, nongovernmental organizations, professional associations, and the media.

Protecting Endangered Elephants Through Domestic Controls on Ivory Trade

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between 183 countries that seeks to ensure that international trade in wild animals and plants does not threaten their survival. The Secretariat of CITES engaged ELI and its partners to analyze the regulatory frameworks governing the domestic trade of elephant ivory in nine key countries, including China, the European Union, Japan, Lao People's Democratic Republic, Malaysia, Philippines, Thailand, United States, and Vietnam. Focusing on the laws, regulations, and other legal instruments that govern domestic trade in elephant ivory, ELI seeks to answer such questions as: *Who uses the ivory and for which purposes? Have demand reduction strategies been deployed? Is domestic trade legal, completely banned, or partially banned? And what penalties/deterrence approaches exist?* ELI's partners on this project are the American University Washington College of Law, Vermont Law School, and George Washington University Law School.



Ensuring That Flooded Lands Can Be Repurposed to Help Communities Thrive in the Future



Following the tumultuous 2017 hurricane season, many communities may soon have the option to participate in FEMA's Hazard Mitigation Grant Program under which the federal government will purchase flood-ridden lands. Despite assuming the responsibility for overseeing the floodplain buyout programs, local governments receive little or no funding for restoration or management, much less guidance on maximizing long-term benefits of properties that no longer house residences. ELI, in partnership with the University of North Carolina

Institute for the Environment, recently issued two resource guides to help communities optimize use, management, and financing of buyout properties to improve community resilience: *Prioritizing Future Floodplain Acquisitions: Maximizing Opportunities for Habitat Restoration, Community Benefits, and Resilience* and *Financing and Incentives Guide for Floodplain Buyouts*. ELI also developed a five-step online guide for organizing public participation in the floodplain buyout process. Visit <https://www.eli.org/land-biodiversity/floodplain-buyouts> to see the vast array of community and local government resources provided by ELI in this area.

Developing a Climate Resilience Regime in Kazakhstan

ELI has begun work on developing a climate resilience regime in the Republic of Kazakhstan. Working with the Ministry of Energy, ELI is helping the nation revise its Environmental Code and related laws and regulations to integrate adaptation to climate change. This work is an outgrowth of the commitment by 190 countries at the U.N. Climate Conference in Paris in 2015 to take a multi-sectoral and stakeholder-driven approach to climate adaptation planning focused on identifying and mitigating climate risks that will undermine achievement of development goals.

Reducing Deforestation in Indonesia Through Enhancing the Judiciary

ELI, in partnership with the Indonesian Center for Environmental Law (ICEL), has begun a judicial training project in Indonesia supported by the Swedish Postcode Foundation to help judges become a strong player in the fight against deforestation and the path toward sustainable development. Deforestation increases greenhouse gas emissions and damages the carbon sinks provided by forests, but also harms the livelihoods of communities that depend upon forest resources. ELI's and ICEL's initial assessment of the laws and legal cases related to deforestation and forest fire damages confirmed an urgent need to strengthen the judiciary's capacity to better understand the liability for environmental damages, estimate damages, and require restitution and restoration. ELI and the project team recently travelled to Jakarta to meet with the Ministry of the Environment and the Indonesian Supreme Court to discuss the assessment's initial findings and to begin designing a training program for the judiciary and a policy session for decisionmakers.



Building the Capacity of Public Interest Groups and Prosecutors in China

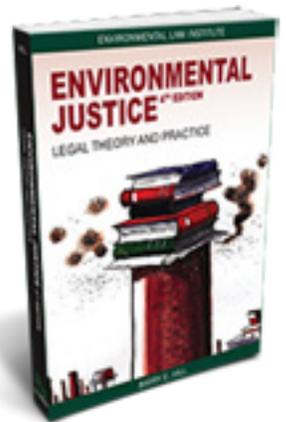
Reflecting ELI's strong reputation in catalyzing effective environmental governance and rule of law, as well as that of our local partner, the China Environmental Protection Foundation (CEPF), ELI became the first foreign nonprofit organization to receive the required temporary registration for an environmental protection-related project from China's Ministry of Environmental Protection and the Beijing Bureau of Public Security. The project, funded by the Hewlett Foundation and the Tilia Fund, is a partnership with CEPF to build the capacity of public interest groups in China following the enactment of China's 2015 Environmental Protection law, which authorized civil society groups to use public interest litigation as an accountability and enforcement tool. ELI and CEPF held the first training session at Tianjin University Law School this past January. A total of 53 participants—comprising representatives from public interest groups, environmental courts, prosecutors, and environmental protection bureaus—attended. Four additional capacity-building training courses will be held in China through November 2018. This past December, ELI's President, Scott Fulton, participated in a high-level forum with China's Supreme People's Procuratorate in Xiamen, China, in an effort to build the capacity of China's prosecutors to investigate and bring environmental enforcement cases.

Visit <https://www.eli.org/research-reports> to download recent reports from ELI.

Informing Practitioners on Current Issues

Seeking Justice for All

On November 28, 2017, ELI, Beveridge & Diamond, P.C., the American Bar Association (ABA) Civil Rights & Social Justice's Environmental Justice Committee, and the ABA Section on Environment, Energy, and Resources Special Committee on Environmental Justice held a special program, Environmental Justice in the 21st Century: Threats and Opportunities, that featured U.S. Senator Cory Booker (D-NJ) as the keynote speaker. On January 26, ELI co-sponsored Environmental Justice in Practice, a full-day conference at Wayne State University Law School in Detroit, Michigan, where expert panelists highlighted emerging legal issues related to environmental injustice, including energy and climate justice, water access and affordability, and urban air quality. And this spring, be on the lookout for the 4th edition of Barry Hill's *Environmental Justice: Legal Theory and Practice*, by ELI Press.



Spotlighting Legal Issues for Onshore & Offshore Energy Developments

Given that the current Administration is seeking to expand domestic energy production on federal land, ELI held a Master Class in January for ELI members on the legal framework and the potential changes to energy policy on federal lands, both on and offshore. Panelists examined recent developments in energy production policy that, if enacted, could significantly change the regulatory framework. Oil and gas lease sales, royalties from mineral and energy production, Alaska's "Open for Business" initiative, renewable energy development, mineral extraction, the future of coal production from public lands, offshore renewable energy development, and oil and gas exploration and drilling in the Outer Continental Shelf were just some of the topics discussed.

Changes to the Status of National Monuments and the Antiquities Act



Last December, ELI held a seminar on the President’s and Congress’ role in the declaration and modification of national monuments under the Antiquities Act. Participants gained insight into the legal history of the law, importance of America’s national monuments, and the role of Congress in management of these lands. Judicial interpretations of the recent monument review were also discussed—what can be expected by the courts from challenges to the proposal to shrink or rescind national monuments? This hot topic highlighted the challenges to managing natural resources amidst multiple-use mandates on public lands.

Conserving the Coasts

Governments, intergovernmental organizations, financial institutions, corporations, and NGOs are examining green financing mechanisms in earnest, and many are working toward their implementation. On June 6, ELI held a seminar, Green Finance: Leveraging Investment for Environmental Protection, to examine how law and policy can help inform green financing and vice versa, and what barriers may be preventing more investment in projects and companies with positive environmental missions.



For more information about past and future seminars, visit <https://www.eli.org/events-calendar>.

Celebrating Excellence

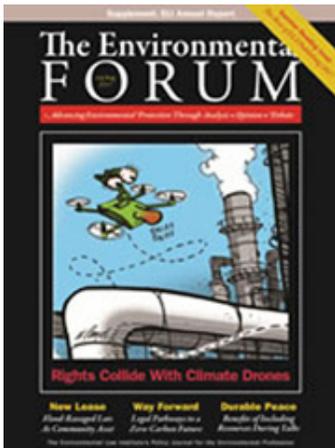
Environmental Peacebuilding



Fifteen years ago, Ken Conca, Professor at American University’s School of International Service, and Geoffrey Dabelko, Professor and Director of the Environmental Studies Program at Ohio University, published *Environmental Peacemaking*, forever transforming the way policymakers around the world look at environmental protection, national security, and human rights. The book asserted that, despite conflict risks, shared environmental interests and cooperative action could also be a basis for building trust, establishing shared identities, and transforming conflict into peace. On January 30, Professors Conca and Dabelko were presented with the prestigious Fifth Al-Moumin Award on Environmental Peacebuilding. The two reflected on the evolution of environmental peacebuilding research and discussed their long-term engagement with policymakers and practitioners and the ways their concept has been applied around the world. The award and lecture are named after Dr. Mishkat Al-Moumin, Iraq’s first Minister of Environment, human rights and environment lawyer, and a former International Visiting Scholar at ELI. Many of the concepts and cases from the work of Conca and Dabelko are featured in a new massive open online course on Environmental Security and Sustaining Peace. The free online course, including a guest lecture by Professor Conca, runs from March 1 to May 10, 2018. Watch the trailer, or register today!

Recently Featured in *The Environmental Forum*

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The Environmental Forum is now available in a mobile-friendly format! Simply log in to our website and start reading your favorite column today. Or, enjoy the entire issue in “flipbook” format on your tablet or laptop. Of course, you’ll still receive print copies, and you can download the entire issue as a pdf.

Recent articles from *The Environmental Forum* include:

- *With Hurricanes Providing Fresh Examples of Needs, What Can Trump Do to Foster Environmental Justice?*
- *Cooperative Federalism in the Trump Era: Can the Sovereigns Collaborate in Gains?*

Recently Featured in ELR’s *News & Analysis*

Each month, the *Environmental Law Reporter’s News & Analysis* offers insightful features relevant to both legal practice and policy on today’s most pressing environmental topics.

Recent articles include:

- *Back to Basics or Slash and Burn? Scott Pruitt’s Reign as EPA Administrator*
- *Legal Pathways to Widespread Carbon Capture and Sequestration*
- *Whither Public Participation in Federal Land Management? Replicating Homegrown Innovations in Shared Problem Solving*

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Recently Featured in *Vibrant Environment*



Check out ELI’s blog series, *Vibrant Environment*. Recent entries include:

- *James W. Rubin, Esq.—A Life Well Lived*
- *Rethinking Reforestation: Degradation as a Carbon Source in Tropical Forests*
- *Watson, Meet Eco*

For more, visit <https://www.eli.org/vibrant-environment-blog>.

Interested in writing a blog for ELI? Contact Rachel Jean-Baptiste at jean-baptiste@eli.org.