



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

Improving Climate Resilience Through Green Infrastructure

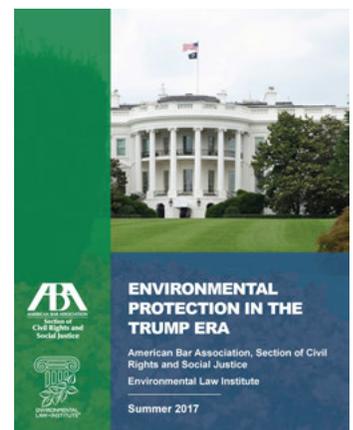


The recent spate of extreme storm events has drawn attention to zoning and stormwater management as tools that can help to mitigate flooding. Communities in the Chesapeake Bay region are particularly vulnerable, as they are likely to face projected sea-level rise, increased flooding, and more intense rainstorms. Helping these communities stay ahead of the curve is the focus of a recent ELI report, *Green Infrastructure for Chesapeake Stormwater Management: Legal Tools for Climate Resilient Siting*. This report explains how existing stormwater laws and regulations can be used to help communities in Maryland and

Virginia reduce their risk to climate change impacts, while also providing replicable models for other coastal communities across the nation.

Tracking Regulatory Change in the Trump Era

ELI and the American Bar Association's Section of Civil Rights and Social Justice jointly released the first edition of *Environmental Protection in the Trump Era*, an eBook that examines the Trump Administration's critical changes to environmental protection since inauguration day. Free for download and written for a broad audience, the eBook provides a snapshot of major Trump Administration actions on climate change, clean air and water, pipelines and offshore drilling, toxic properties and superfund sites, regulatory changes, budget reductions, and environmental justice. The publication builds upon *Regulatory Reform in the Trump Era*, produced by ELI last spring. An update is planned for early 2018.



If We Could Make Meat Without Cows or Chickens, Would You Eat It?

A challenge for feeding a hungry world is how to develop new protein sources that will be accepted by consumers. To better understand consumer interests, ELI, in partnership with the nonprofit New Harvest, conducted focus group research resulting in *Perceptions of Cellular Agriculture: Key Findings From Qualitative Research*. The project will ensure that investments in agriculture research at the cellular level to develop an alternative food supply take into consideration these concerns. Learn more about this and other projects from ELI's new Technology, Innovation, and the Environmental program at <https://www.eli.org/technology-innovation-and-environment-program>.

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

Celebrating Excellence

Recap of the 2017 Annual Award Dinner



ELI presented its 2017 Environmental Achievement Award to Achim Steiner, Administrator of the United Nations Development Programme, on October 18, 2017, in recognition of his visionary leadership on global sustainability and rule of law in the environmental setting. Mr. Steiner's poignant remarks underscored the critical value of ELI's mission to promote effective rule of law in the environmental sphere. "Law is not just about codifying the rules," said Mr. Steiner. "It is about codifying the foundations of what binds us together in society" and "allows us to do things that otherwise we would not be able to do, together." He also focused on themes of cooperation and partnership, adding that "we need institutions that allow us to transact on this fundamental recognition that we need one another in order to succeed, to

thrive, to protect, and above all to ensure future generations have something to look forward to with optimism." Watch Mr. Achim's moving remarks at <https://www.eli.org/award-dinner>.

A Winner in Our Midst

Jay Pendergrass, Vice President of Programs & Publications, received the Gerald H. Ritterbusch Conformity Assessment Medal at the American National Standards Institute's (ANSI's) 2017 Leadership and Service Awards on October 18, 2017, in Washington, DC. His medal honors distinguished service in promoting the understanding and application of conformity assessment methods as a means of providing confidence in standards compliance for the marketplace. ANSI's awards recognize those who have made significant contributions to national and international standardization activities and the enhancement of the global voluntary consensus standards system.



Informing Practitioners on Current Issues in Environmental Law

Emerging Environmental Issues in Native Communities

Tribes and Native Villages in the United States find themselves on the front line of disputes over natural resource management and pollution control. Emerging and on-going issues include adaptation to climate change, asserting treaty rights over natural resources, economic obstacles and opportunities for renewable energy development, environmental justice, and tribal water rights. On September 19 and September 25, ELI helped raise awareness about these current challenges through webinars where our expert panels delved into issues surrounding environmental protection in tribal and urban Indian communities. Indigenous people across the globe face similar concerns.



Exploring New Paradigms for Environmental Governance



This year's Corporate Forum and ELI-Miriam Hamilton Keare Policy Forum focused on new ways to approach environmental governance. With the Trump Administration's focus on increasing the role of states, decisionmakers and stakeholders have a timely opportunity to rethink the paradigm of cooperative federalism and environmental protection in the United States. Both Forums were held on October 18 in conjunction with the annual award dinner. At the Corporate Forum, titled *Corporate Role in the Environmental Protection Enterprise*, panelists

discussed whether private environmental governance should move away from a top-down, law enforcement model to an "environmental protection enterprise" in which the states and federal government, the private sector, and the public all play key roles. The Policy Forum, *The New Federalism & Environmental Governance*, focused on the opportunities and challenges of increased state roles in light of politics, economics, technology, and other factors influencing environmental protection. The topics stemmed from the Angus Macbeth Dialogues on cooperative federalism. Please take our survey to help inform the outcome of our research on this topic. For more, visit <https://www.eli.org/macbeth-dialogues>.



Making Natural Resources a Source of Cooperation Rather Than Conflict

ELI, together with the United Nation's Post-Conflict and Disaster Management Branch, Columbia University, Duke University, and the University of California, Irvine, has developed a new Massive Open Online Course to advance progress on environmental security and peace. Geared toward technical experts, field practitioners, and advanced university students, this timely and relevant course addresses three key questions: How do natural resources and the environment contribute to or amplify armed conflict and violence? How are natural resources and the environment impacted by war and armed conflict? How can natural resources and the environment support post-conflict peacebuilding and reconstruction? Visit <https://www.epmooc.org/> to watch the trailer and learn more this eight-week course, starting in March.



Discovering Opportunities in Renewable Energy

Ocean energy technologies such as wave, tidal, and current hydrokinetic energy are at an advanced phase of development overseas but are off to a slow start here in the United States. Should more resources and subsidies be put into hydrokinetic energy research? What environmental impacts do these technologies pose compared to other renewable energy sources? What regulatory barriers need to be addressed to support the

development of the hydrokinetic technology sector in the United States? On September 26, ELI convened an expert panel to discuss these and other questions on the future of hydrokinetic energy in the United States.

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

Notable Blogs

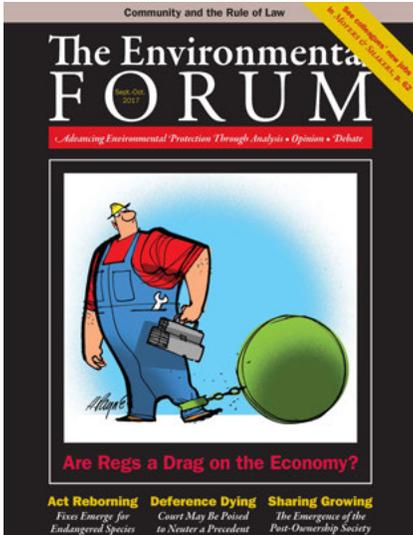


Be sure to check out ELI's blog series, Vibrant Environment. Some recent postings include:

- This Ain't Normal: Calculating the Social Costs of Carbon, by David Paul Clarke
- Look! A New Pollutant, by Dave Rejeski
- Helping Communities Participate in the NEPA Scoping Process, by Amy Streitwieser

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

Recently Featured in *The Environmental Forum*



Is *Chevron* Deference Dying?

For more than 30 years, the U.S. Supreme Court's decision in *Chevron v. NRDC* has been at the heart of environmental law and administration law generally. In *Chevron*, the Court mandated that courts defer to reasonable interpretations of ambiguous statutory provisions by the implementing agencies. But the tide may now be turning. During the confirmation process of now-Justice Neil Gorsuch, his criticisms of the *Chevron* deference doctrine became widely known. The September-October issue of *The Environmental Forum* features a debate on the issue. Has the death knell for *Chevron* been sounded? Would the demise of the famed precedent incapacitate EPA and other federal agencies? What would diminished deference mean for attempts to address the complex environmental challenges of the 21st century? Download the article at https://www.eli.org/sites/default/files/tef/thedebate/DEBATE_Forum_2017_Sept.pdf.

Recently Featured in ELR's *News & Analysis*



In collaboration with the Vanderbilt University Law School, ELI published the annual Environmental Law and Policy Annual Review in the August issue of the *Environmental Law Reporter's News & Analysis*.

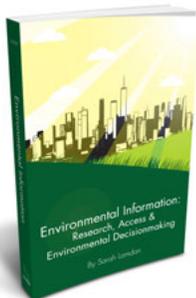
Also check out some of the recent articles featured in *Environmental Law Reporter's News & Analysis*:

- James W. Coleman, *How Cheap Is Corporate Talk? Comparing Companies' Comments on Regulations With Their Securities Disclosures* (Aug. 2017)
- Michael J. McClary and Jessica B. Goldstein, *FIFRA at 40: The Need for Penalties for Pesticide Crimes* (Sept. 2017)
- Alejandro E. Camacho, Michael Robinson-Dorn, Asena Cansu Yildiz, and Tara Teegarden, *Assessing State Laws and Resources for Endangered Species Protection* (Oct. 2017)

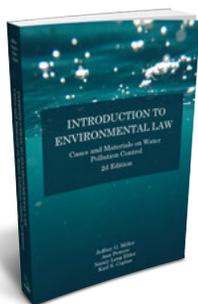
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New From ELI Press

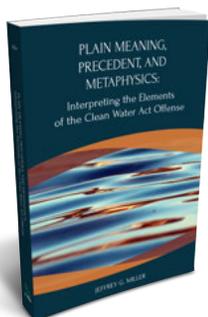
Check out these and other titles at <https://www.eli.org/eli-press-books>



Environmental Information: Research, Access, and Environmental Decision-making, by Sarah Lamdan, helps environmental information seekers locate, obtain, and make sense of environmental records, documents, and pieces of data. Designed for legal practitioners, librarians, journalists, advocates, students, and researchers, this book contains tips and concepts that expand beyond legal research or general research and into the broader realm of information-gathering. The book discusses environmental research tactics and resources and it also covers methods for obtaining information from non-traditional sources like government offices and open meetings.



This second edition of *Introduction to Environmental Law: Cases and Materials on Water Pollution Control*, by Jeffrey G. Miller, Ann Powers, Nancy Long Elder, and Karl S. Coplan, provides students with an understanding of what constitutes water pollution, where it originates, and how it can be controlled. It offers an in-depth exploration of how water pollution is addressed under common law and statute. Originally designed for students new to environmental law, the book is perfect for introductory or advanced courses on water pollution control in the United States.



Plain Meaning, Precedent, and Metaphysics: Interpreting the Elements of the Clean Water Offense, by Jeffrey M. Miller, is a must-have for those who practice water law, those who teach it, and those who study it. In addition to offering in-depth analyses of each of the core elements of a CWA offense, the book provides readers useful tables and charts to better understand statutory interpretation in this continuously evolving area of law.

**Missed the Star Sponsorship Video
at this year's Annual Dinner?**

Watch it at <https://youtu.be/LDn9QRz9ZhM>

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