

THE NEW LEAF

ENVIRONMENTAL LAW
AT VERMONT LAW SCHOOL

FALL 2019



ENVIRONMENTAL CLINIC NEW Partners with National Wildlife Federation

In fall 2019, VLS's Environmental and Natural Resources Law Clinic began a partnership with the National Wildlife Federation (NWF) in which the clinic is taking on legal representation of NWF. Since its inception in 2003 under the leadership of Professor [Patrick Parenteau](#), the clinic has operated as a public interest law office focused on environmental litigation. The new partnership with NWF will build on that legacy. The clinic will be known as the [Environmental Advocacy Clinic](#).

The National Wildlife Federation is the nation's largest conservation organization, with 52 state and territorial affiliates and more than six million members. NWF tackles natural resources issues, like environmental threats to water, habitat, wildlife, land protection, and more. NWF is dedicated to knitting together environmental justice and conservation, as evidenced by Mustafa Ali joining their team this year as Vice President for Environmental Justice, Climate and Community Revitalization. Given Professor Parenteau's long history with NWF, including his service as their Vice President for Conservation, this new partnership is an apt acknowledgment of his leadership and contributions to the clinic.

While the majority of the clinic's cases will be representing NWF, the clinic will also continue to take some cases on behalf of other clients, such as local community

groups. Operationally, the clinic will look exactly the same as it has for years, with our current staff and the same campus-based student experience.

[Jim Murphy LLM'06](#), the Director of Legal Advocacy nationwide at NWF, is the new director of the Environmental Advocacy Clinic. He has been with the National Wildlife Federation since 2003, working on environmental issues such as water quality and wetlands, endangered species, and the National Environmental Policy Act. He has represented the National Wildlife Federation and other conservation groups in several precedent setting cases before the U.S. Supreme Court and Federal Circuit Courts.

"It is a tribute to the quality and accomplishments of the clinic that such an established and impactful national organization has sought our partnership," said [Jenny Rushlow](#), Associate Dean for Environmental Programs at VLS. 🍀

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IT IS A TRIBUTE TO THE QUALITY AND ACCOMPLISHMENTS OF THE CLINIC THAT SUCH AN ESTABLISHED AND IMPACTFUL NATIONAL ORGANIZATION HAS SOUGHT OUR PARTNERSHIP."

— JENNIFER RUSHLOW

New and Visiting Environmental Faculty for 2019–20

VLS is pleased to welcome an impressive group of new and visiting environmental faculty for the 2019–20 school year. With expertise in areas ranging from international oil and gas law, to sustainable development, to environmental justice, they bring knowledge and experience to share with our students.

[Marianne Engelman-Lado](#) is a Visiting Professor and the Douglas Costle Chair in Environmental Law. She is on the faculty of Yale's School of Public Health and School of Forestry and Environmental Studies. She is at VLS to launch the new Environmental Justice Clinic. Professor Engelman-Lado was Chair of the Environmental Health Practice Group at Earthjustice and served for ten years as General Counsel at New York Lawyers for the Public Interest, a non-profit civil rights law firm.

[Jim Murphy LLM'06](#) is an Assistant Professor of Law and the new Director of the [Environmental Advocacy Clinic](#). He is also the Director of Legal Advocacy at the National Wildlife Federation, which is partnering with VLS's Clinic (see story above). Prior to



Jim Murphy, Tade Oyewunmi, Marianne Engelman-Lado, Jonathan Rosenbloom

joining NWF in 2003, he worked with the Conservation Law Foundation and was in private practice.

[Tade Oyewunmi](#) is an Assistant Professor and Senior Energy Research Fellow at the [Institute for Energy and the Environment](#). He is teaching Energy Law and Policy. Previously, he was a Research Fellow at Tulane University Law School; a Senior Researcher in International and European Energy Law and Policy at the Centre for Climate Change, Energy and Environmental Law at UEF in Finland; and Senior Counsel at Adepetun Caxton Martins Agbor & Segun in Nigeria.

[Jonathan Rosenbloom](#) is a Visiting Professor of Law from Drake University Law School, where he is the Dwight D. Opperman Distinguished Professor of Law. He founded the Drake Law Fellowship in Sustainability and Local Ordinance Project. He co-directs the [Sustainable Development Code](#), which includes the best sustainability practices in land use through an evaluative framework. He is teaching State and Local Government and Finance, and Resilience and Sustainability Law and Policy. 🍀



▲ Clinic students and faculty at the Earthjustice Healthy Communities Office

CLINICS

ENVIRONMENTAL ADVOCACY CLINIC: Highlights from the current docket

New Partnership, New Name

The [Environmental Advocacy Clinic](#) was formerly known as the Environmental and Natural Resources Law Clinic. See page 1 to learn more about the clinic's new partnership with the National Wildlife Federation.

Urban Environmental Concerns

The clinic and Earthjustice represent the Ironbound Community Corporation (ICC), a nonprofit located in the Ironbound neighborhood of Newark, New Jersey. Founded in 1969 by neighborhood residents, ICC works with the community to develop and operate programs addressing the neighborhood's various needs in an effort to improve residents' quality of life. ICC provides myriad services to the Ironbound community, and since 1980 has been among the most active urban environmental voices in New Jersey. The clinic and Earthjustice are expanding the capacity of ICC to oppose renewals and modifications of Clean Air Act Title V operating permits for various polluting facilities in the community. Staff Attorney [Rachel Stevens](#) and student clinicians have conducted

several site visits to the impacted area, met with state agency officials, and submitted public comments on various environmental permits for industrial facilities in the neighborhood. They also petitioned EPA to oppose a Title V permit for a natural gas cogeneration facility storing dangerous levels of aqueous ammonia, and are investigating air emissions violations at the largest waste incinerator in New Jersey.



▼ Clinic team tours ICC's urban farming project

Nuclear Power Plant License Battle

The clinic is challenging the proposed license renewal of a coastal nuclear power plant on behalf of Friends of the Earth. The plant's owners are seeking a second 20-year extension of its license, which would extend the total life of the plant to 80 years. On September 9, 2019, Professor [Ken Rumelt](#) and clinician [Dayna Smith '20](#) presented oral arguments to the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission in Rockville, Maryland. They argued that the draft Environmental Impact Statement for the license renewal failed to satisfy the National Environmental Policy Act by, among other things, ignoring evidence that renewing the license would place scarce groundwater resources at risk. The Clinic is also working closely with Natural Resources Defense Council and Miami Waterkeeper, both of whom are co-intervenors in the proceeding. 🌱



▲ Professor Ken Rumelt and Dayna Smith '20 at the Nuclear Regulatory Commission

PUBLICATION INFORMATION

This is a publication of the Environmental Law Center. We welcome your questions, comments, corrections, article proposals, and updates.

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The mission of the Environmental Law Center is to educate for stewardship, to teach an awareness of underlying environmental issues and values, to provide a solid knowledge of environmental law, and to develop skills to administer and improve environmental policy.

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▲ Fall 2019 Environmental Justice Clinic students

CLINICS

ENVIRONMENTAL JUSTICE CLINIC

Focuses on Civil Rights

NEW

Students in VLS's new Environmental Justice Clinic are working on cases to advance environmental justice. The clinic's docket focuses on enforcement of civil rights in the environmental context, working with clients and partners across the country to formulate and implement short- and long-term strategies to reform EPA's civil rights compliance and enforcement program, and address issues of environmental justice in particular communities.

Students are involved in every aspect of building the new clinic. Most clinicians work on two projects: one involving direct representation of communities in litigation or administrative advocacy, and a second developing new cases or helping to build the clinic as a legal practice. The clinic is directed by Professor **Marianne Engelman-Lado**. Her experience includes serving at Earthjustice, New York Lawyers for the Public Interest, and the NAACP Legal Defense & Educational Fund, Inc.

Highlights from the Environmental Justice Clinic Docket:

Living in the Shadow of Polluting Facilities

CARE v. EPA was brought on behalf of five community-based organizations that filed civil rights complaints to challenge government approvals of permits with EPA between 1995 and 2005. Their complaints just gathered dust while residents lived in the shadow of polluting facilities. The groups allege that EPA engaged in a pattern and practice of unlawfully withholding and unreasonably delaying action on their complaints.

In 2018, a federal court ruled in favor of plaintiffs on five claims and granted injunctive relief. EPA objected to the injunctive relief, and we are awaiting the district court's decision. Depending on the timing and content of the ruling, the student team may have the opportunity to be involved in an appeal to the 9th Circuit.

A Landfill's Racially Discriminatory Impact

In 2003, the Ashurst Bar/Smith Community Organization in Tallassee, Alabama, submitted a civil rights complaint to EPA. They alleged that the Alabama Department of Environmental Management (ADEM) violated civil rights law when it failed to analyze whether the Stone's Throw Landfill would have a racially discriminatory impact. EPA let the complaint languish, and then closed it 14 years later, in 2017. The Organization filed a second complaint challenging ADEM's approval of a more recent permit. In December 2018, EPA closed this complaint, citing insufficient evidence to make a finding of discrimination. This effort is nonetheless very active. The clinic will work with co-counsel at Earthjustice and the NAACP Legal Defense & Educational Fund, Inc., to explore next steps on behalf of community residents.

An Environmental Justice Policy for Vermont

Working with the Rural Environmental Justice Opportunities Informed by Community Expertise (REJOICE) project, the clinic will help develop an environmental justice policy to present to the Vermont Department of Environmental

Hothouse Earth Podcast Looks at Climate Migration

Millions of people are being forced to leave their homes due to the increasing effects of climate change. How is the international community responding to this growing crisis? Are there legal protections for those who are displaced? VLS's Hothouse Earth podcast addressed these questions in Episode 6, "Climate Migration: Not If, But When."

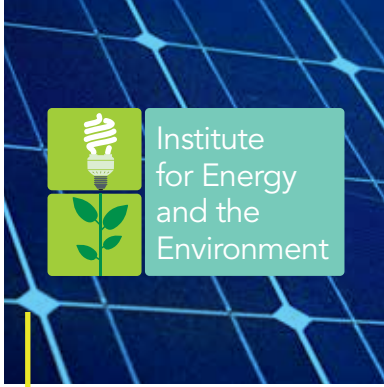


The episode featured guests Barry Hill, a scholar from the Environmental Law Institute and long-time Environmental Justice professor on the VLS summer faculty, and Carmen Gonzalez, a professor of law at Seattle University School of Law and Distinguished Summer Scholar at VLS. Podcast hosts **Jeannie Oliver LLM'14**, staff attorney at the Energy Clinic, and **Mason Overstreet LLM'19**, staff attorney at the Environmental Advocacy Clinic, interviewed their guests about how people or even entire populations are being displaced by the increasingly severe effects of climate change, and fleeing within and across national borders. To learn more, subscribe at hothouseearthpodcast.com.



▲ Podcast hosts Mason Overstreet and Jeannie Oliver with Carmen Gonzalez (center)

Conservation (DEC). The work includes a review of state-level policies and statutes designed to address environmental justice concerns, as well as conducting interviews with DEC employees, identifying policy alternatives, and presenting results. The REJOICE project involves outreach to communities across Vermont, and the clinic will incorporate information gathered through community engagement into policy recommendations.



Institute for Energy and the Environment



Supporting ENERGY-EFFICIENT LOW-INCOME HOUSING

VLS's [Institute for Energy and the Environment](#) (IEE) has a new project to assist in the development of super energy-efficient low-income housing in Vermont, and community solar projects for low-income neighborhoods across the state. Transactional legal and regulatory assistance will be

provided at no cost to Vermont municipalities, regional community development corporations, and other organizations such as community land trusts and resident-owned communities. The first priority is to work with the Randolph [Vermont] Area Community Development Corporation to support the redevelopment of a former brownfield site in the downtown area as net zero affordable

housing. In June, **Jenny Carter** joined the IEE as a staff attorney to lead this new work. 🌱



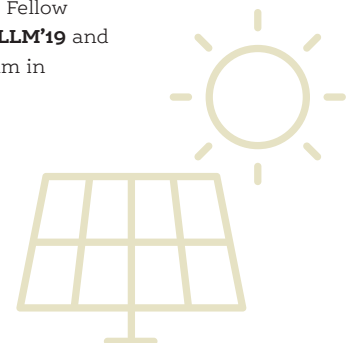
▲ Jenny Carter



▲ The IEE team at the Energy Clinic's first low income solar project at Mascoma Meadows

Energy Clinic Developing More LOW-INCOME COMMUNITY SOLAR

VLS's [Energy Clinic](#) students, under the leadership of Assistant Professor and Staff Attorney [Jeannie Oliver](#), are working with the White Rock Cooperative Estates in Tilton, NH, to bring the benefits of solar to another low-moderate income Resident-Owned Community (ROC). As part of the project, the VLS Energy Clinic worked with ROC-NH to secure a \$200,000 grant from the NH Public Utility Commission to purchase the solar array, allowing the ROC to own the array outright and immediately receive maximum direct benefits from the solar energy generation. Under New Hampshire's Group Net Metering program, the ROC will qualify as a "host" and receive monetary compensation for all energy generated. The ROC, in turn, will provide direct benefits to its cooperative members (residents) in the form of lot rent reductions. Approximately 28 households are expected to participate in the projected 66 kWAC ground mounted PV system. The project was started by the Energy Clinic's Climate Justice Fellow **Christa Shute LLM'19** and her student team in spring 2019. 🌱





STUDENT IN THE SPOTLIGHT

Sally Natasha LLM'20

Sally Natasha LLM'20 received a Fulbright grant to pursue her LLM in Energy Law degree at VLS. Her goal is to promote energy justice in Malawi and Africa through the development of energy laws and policies that respond to environmental needs, optimize natural resources use, and follow principles of sustainable development.

Sally received her LLB degree, with honors, from the University of Malawi, Chancellor College. She has practiced law in Malawi since 2011, working as legal counsel for Electricity Supply Corporation of Malawi (ESCOM). Sally has also offered pro bono legal services at the Centre for Legal Assistance and the Women Lawyers Association to assist victims of gender based violence. She is an alumna of the Young African Leaders Initiative.

"Malawi's energy sector has just gone through important electricity market reforms," Sally explained. "The full restructuring of the power market is underway and it has attracted several investors in solar, wind, coal, and fuels. There is a lot to be done so that Malawi achieves a sustainable electricity industry. There is urgent need in amending energy, environmental, and natural resources laws to align them with the growing power sector.

"My Fulbright sponsorship to study energy law at VLS is timely, because I will be equipped with necessary tools to negotiate electricity deals that are affordable, reliable, and clean. Currently, only 10.8% of the population of Malawi has access to the electricity grid. Malawi needs to come up with laws and policies that can increase access to electricity and are all-inclusive, considering the poor and the marginalized populations. I want to be part of driving this agenda of increasing access to affordable, clean, and reliable electricity services to all."

At VLS, Sally is a clinician at the [Energy Clinic](#). "It is such a privilege to have Sally in the Energy Clinic this semester," said Professor [Jeannie Oliver](#), the clinic's staff attorney. "Sally is working on low- to moderate-income community solar projects in rural New Hampshire. She brings an incredible background and perspective. I am looking forward to gaining insights from her experience working in the energy sector in Malawi, and sharing our own insights to help advance rural electrification in Malawi upon her return. I hope that this is the beginning of a relationship that lasts well past the duration of her LLM." 🌱

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I WANT TO BE PART OF DRIVING THE AGENDA OF INCREASING ACCESS TO AFFORDABLE, CLEAN, AND RELIABLE ELECTRICITY SERVICES TO ALL."

— SALLY NATASHA

Global Sustainability FIELD STUDY IN CUBA

NEW

VLS is offering a new Global Sustainability Field Study class in Cuba in fall 2019. Students will focus on the legal and policy challenges facing Cuba in transitioning to a sustainable future. Professor [Kevin Jones](#) and Staff Attorney [Genevieve Byrne](#) will lead 31 students as they participate in lectures and site visits to observe Cuba's efforts at energy and agricultural sustainability. The students will meet with faculty from the University of Havana School of Law and the National Technological University of Havana. Students will also visit solar and biodigester sites with representatives of CubaSolar and tour sustainable farms and cooperatives. 🌱



▲ VLS students and faculty at the University of Havana in 2017



▲ Forest Policy and Law students visit the Dodge Farm

Students Learn Forestry Management in FIELD CLASS

NEW

VLS's President and Dean [Tom McHenry](#) got out of the office and into the woods this summer to teach a new class on Forest Policy and Law. The weekend intensive summer course introduced students to the significant policy and legal issues affecting forests and forest management, using the forests of New England as a case study.

Guest speakers included VLS Professor [John Echeverria](#) and Orange County (Vermont) Forester [Dave Paganelli](#). The class looked at the management of forests on private and public lands, forest fragmentation and biodiversity loss, recreational forest uses, and the implications and impact of climate change, with a focus on how federal, state,

and local laws and policies address these issues. A highlight of the class was a field trip to the Dodge Farm in Tunbridge, Vermont, owned by Professor Echeverria.

"Taking advantage of local forestry expertise, we gave the students a concentrated lesson on the law and policy challenges associated with forests management in Vermont and New England," McHenry said. "The students examined the forest laws and policies in the New England states and made recommendations for their improvement." 🌱

Sixth Annual Energy Symposium

The [Sixth Annual VLS Energy Symposium](#), produced by the VLS Alumni in Energy group, takes place October 17, 2019, at Bracewell's Washington, DC, office. The theme for this year's symposium is "Securing the Future Low Carbon Grid." It will feature panels including: "The Role of Natural Gas in a 100% Clean Power Sector," moderated by [Samantha Williams JD'05](#), Director, Midwest Region, Climate and Clean Energy Program, NRDC; "Challenges and Opportunities for Utility Scale Solar Development," moderated by [Zoë Gamble Hanes JD/MELP'06](#), Attorney with Nelson Mullins; and "Federal and State Policy for Grid Cybersecurity," moderated by [Mark James LLM'16](#), an IEE Senior Fellow. The event's keynote speaker is [Tom Ridge](#), former Governor of Pennsylvania and the first Secretary of the U.S. Department of Homeland Security. Governor Ridge currently serves as the Chairman of Ridge Global and is an advisor to Protect our Power.





FREE LEASE BUILDER TOOL for Farmers


The [Center for Agriculture and Food Systems](#) (CAFS) launched a free Farm Lease Builder as part of their Farmland Access Legal Toolkit. The Farm Lease Builder creates a free customized lease draft for farmers based on their specific needs, significantly reducing the cost of legal services. In the U.S., about 40% of land is considered farmland, and 40% of this land is leased. Agricultural lease agreements are essential to farming,

especially for new farmers who may not have the financial resources to own farmland or to access legal services needed to create a lease. In addition to protecting legal rights, leases can provide long-term stability to foster land improvement for agricultural purposes, including sustainable farming practices.

“Land access is currently one of the biggest hurdles for new farmers in the United States,” says




Professor [Laurie Beyranevand '03](#), CAFS Director. “The Farmland Access Legal Toolkit assists farmers new as well as retiring farmers through a suite of resources that offer innovative models of ownership, leasing, and estate planning that have worked for other farmers in similar situations. We’re excited

to add the Farm Lease Builder to the Toolkit.” Free to use, the Farm Lease Builder is available online at www.farmleasebuilder.org. 

FOOD SYSTEMS RESILIENCE: Concepts and Policy Approaches

The [Center for Agriculture and Food Systems](#) recently published “Food Systems Resilience: Concepts and Policy Approaches,” which presents advocates and policymakers with a suite of policy tools for strengthening food system resilience. “With climate-related shocks and stressors adding to existing hazards facing food systems,


this is a critical time to examine food system vulnerabilities and work to ameliorate them,” said Professor [Emily Spiegel](#). “This resource provides an overview of the current scholarship on resilience, especially as it applies to food systems, as a means to predict, assess, and improve how those systems cope with disruption. It also includes a case study of Puerto Rican laws and policies.” This work was co-authored by

Jenileigh Harris, MFALP'18. Former and current students **Michaela Koke, Avrielle Miller, and Serena Tang** provided valuable research support. 



Student-Led Symposia on Green New Deal, Agriculture and the Environment

The annual *Vermont Law Review* symposium on October 4, 2019, focused on “Legal Frameworks for a Green New World: Breathing Life into the Goals of the Green New Deal.” Speakers included Professor **Andrea Freeman** of the University of Hawaii School of Law and Professor **J.B. Ruhl** of Vanderbilt University School of Law.

Also in October, the annual *Vermont Journal of Environmental Law* symposium looked at “Bridging the Gap: Reconciling Agriculture with Environmentalism.” The keynote speaker was **John Piotti** of American Farmland Trust. Other speakers included **Steven Winnett** from EPA Region 1, and **Tom Berry**, agriculture advisor to Senator Patrick Leahy. 



FARMERS MARKETS Evolve our Relationship to Food, Environment, and Culture

by [Courtney Collins](#), Assistant Director, Environmental Law Center

Nourish yourself with the freshest, most flavorful, healthiest, and most environmentally-friendly food available: shop at your local farmers market. Vermont is home to a wealth of small farms, and VLS students, as well as the broader community, can reap the numerous benefits of our farmers markets.

Farmers markets offer fresh, often organic, foods at the peak of their seasonal availability, bursting with flavor and nutrition at affordable prices. Grocery stores often ship produce from hundreds of miles away, and the transport process not only contributes to carbon emissions but also to a loss of nutrients as the produce spends more time off the vine. Local produce arrives from a handful of miles away, often picked the very day of arrival at the farmers market. Don't believe the difference? Try the following challenge: head to the nearest farmers market and purchase your favorite fruit or vegetable. Then go to the supermarket and buy the same produce. Examine them side by side. What do you see? Now try a bite of each and note the difference in texture and flavor. My money is on the farmers market produce coming out on top.

Supporting farmers markets is a direct boost to the local economy. Our farmers are our neighbors, and they have bills and expenses just like the rest of us. Purchasing meat or produce at a farmers market could mean that the farmer's kid gets new soccer cleats, instead of your money lining some CEO's pocket. Unlike industrial farming, small farmers are less likely to use harmful pesticides and environmentally-problematic growing methods. The difference in taste, value, and impact is irrefutable.

One of the joys I've discovered this past farmers market season is sending my two young children to the market with some pocket money and the freedom to choose whatever they want.

Not only are they able to practice transactional skills and polite manners, but they view the variety of goods available to them and greet the farmers themselves. Local maple candies are a particular favorite, but my children have also come home with newly-picked corn on the cob. Our local farmers market also offers a children's program where kids can earn wooden "coins" that can be spent on produce at the market. This program brings the importance of local, healthy food choices to the next generation in a meaningful and fun way.

There is a lot to praise about farmers markets, but are they truly open to all or just the privileged few? They often have the reputation of being

elitist, exclusive, and available only to those wealthy enough to have cash on hand. In many places around the country—and Vermont is no exception—farmers markets are coupled with privilege. Here is your second challenge: much as you examined your favorite produce, I encourage you to examine the next farmers market you attend. Who do you see running the booths? Who owns land, and who does not? Would a person of color feel comfortable in this space, and would they truly be welcomed? What about a person whose first language is not English?

Instead of cultivating the healthiest food for the advantaged few, we must help farmers markets to serve the diverse population of our country, nutritionally and culturally.

The next time you visit Vermont any time between May and October, seek out one of the farmers markets in our surrounding towns: South Royalton (next to campus!), Bethel, Chelsea, Rochester, and Randolph. For more information on our farmers markets, visit the Northeast Organic Farming Association of Vermont at nofavt.org.

“
INSTEAD OF CULTIVATING THE HEALTHIEST FOOD FOR THE ADVANTAGED FEW, WE MUST HELP FARMERS MARKETS TO SERVE THE DIVERSE POPULATION OF OUR COUNTRY, NUTRITIONALLY AND CULTURALLY.”

— COURTNEY COLLINS



▲ CAFS 2019 summer interns

Vermont Legal Food Hub

Small- and mid-sized diversified farms require legal assistance on issues such as business planning, farm transfer and estate planning, regulatory compliance, risk management, tax planning and preparation, preparation of grant applications, immigration and farm labor issues, and guidance in legal management of environmental and conservation attributes (including development rights, wildlife and water quality easements, and carbon credits). The Legal Food Hub is a regional program developed by the Conservation Law Foundation (CLF) to connect eligible farmers, food entrepreneurs, and food system organizations with attorneys willing to provide pro bono legal assistance.

VLS's [Center for Agriculture and Food Systems](#) recently signed a memorandum of understanding with CLF to expand the Legal Food Hub to Vermont. Hubs currently operate in Massachusetts, Rhode Island, Connecticut, and Maine, and CAFS is thrilled to be working with CLF to become the home of the Vermont Hub. Currently, CAFS and CLF are recruiting attorneys to join the network in anticipation of launching the Hub's services in early 2020.

If you are an interested attorney, food system stakeholder, or student, we encourage you to reach out to us about opportunities to get involved with this exciting new initiative! 🌱





CHINESE ENVIRONMENTAL MISSION SCHOLARS in Action

This summer, the first cohort of Environmental Mission Scholars from VLS's [U.S.-Asia Partnerships for Environmental Law](#) engaged in environmental legal advocacy throughout China. One scholar assisted a Chinese environmental NGO in reaching a settlement agreement with Hyundai Auto Beijing, in which Hyundai not only agreed to implement

all compliance requirements, but also set up an environmental public interest trust to mitigate environmental harms allegedly caused by its violation of emission standards. Two scholars assisted a local environmental NGO in successfully requesting that the Chinese court add banks as co-defendants in two CAFO cases. These are the first cases in which the Chinese court considers financial institutions potentially liable for the environmental harms caused by their lenders,

given that they have not followed China's green credit policy. Another scholar represented NGO clients in evidence exchange sessions in two environmental public interest litigation cases to protect Taihu Lake. The scholars, working with Friends of Nature, embarked on legislative advocacy projects in national parks, conducting three field investigations to understand the effectiveness of national parks management in the pilot sites. 🌱

THOUGHTS FROM AN ENVIRONMENTAL LLM STUDENT from China by Xiuxiu Zhang LLM'20

I studied environmental law in China. For me, it was highly important to apply the theories learned from school in my work. I always dreamed of studying environmental law at Vermont Law School, but I made the decision to work in Shanghai first to gain more practical experience. In 2017, it was time for me to start my career as an environmental lawyer, so I left my job and spent one semester in South Royalton, Vermont.

I have the best memories of studying at VLS. It was the first time I felt how students are fully supported by the whole community, not only the faculty and staff, but also the town. The Green Mountain State and its people taught me the environmentally-

friendly way of life, which starts with an awareness of needing to change daily habits, like using boxes or cloth bags rather than plastic bags from the market. At VLS, I met Professor **David Firestone** and many other excellent professors. The case studies in Professor Firestone's class inspired me about the important role of environmental law and how urgent it is for young lawyers to practice and prepare for the future.



▲ Xiuxiu Zhang LLM'20

In spring 2018, I was very fortunate to be accepted to finish my LLM degree as part of VLS's [Environmental Mission Scholars](#) program. Over the past year, I have focused on providing environmental legal services at a law firm, including free legal services for environmental NGOs. I visited the Shanghai Qingyue Environmental Protection Center, the NanJing LvShi Environmental Action Network, and other environmental organizations in the Yangzi River Delta in China. The investigations and cases I worked on were mostly about water pollution. I also worked with Green Jiangnan, which focuses on industrial pollution.

I am thrilled to fulfill my dream and continue to contribute to environmental protection. I am grateful for what I have gained from VLS, and I look forward to being a professional environmental attorney in China. 🌱



▲ Environmental Mission Scholars and partner students in Kunming, China

Chinese Environmental Mission Scholars in Training

VLS's [U.S.-Asia Partnerships for Environmental Law](#) organized a four-week intensive training for the second cohort of Chinese [Environmental Mission Scholars](#). Our partners at the Research Institute for Environmental Law at Wuhan University, Environmental Research Center at Duke Kunshan University, and Friends of Nature recruited six mission scholars to join the cohort. An additional seven partner students also took the courses. The intensive training included four foundational courses to provide the scholars with the principles, legal instruments, and underlying science of environmental law: Ecology in Practice; Ecological Governance and Law in China; Environmental Law Practice and Skills; and Communication, Advocacy, and Leadership. 🌱

Articles on WATERSHED HEALTH IN CHINA

In July and August 2019, Professor [Yanmei Lin](#) of the [U.S.-Asia Partnerships for Environmental Law](#) (PEL) completed three articles resulting from presentations at the U.S.-China Watershed Management Public Interest Litigation seminar on May 23, 2019. The seminar was co-sponsored by PEL and the National People's Procuratorate College. Assistant Attorney General **Jeffrey Clark** and Principal Deputy Assistant Attorney General **Jonathan D. Brightbill** from the U.S. Department of Justice's Environment and Natural Resources Division gave presentations in the seminar and engaged in discussions with Chinese prosecutors on environmental public interest litigation. The

three articles, which provided an in-depth introduction to regulatory and governance systems to protect watershed health, Waterkeepers' public interest legal actions to enhance citizens' role in watershed governance, and Superfund law and practice to restore contaminated bodies of water, will be published in the journal of Chinese Prosecutors. 🌱



▲ Yanmei Lin



INTERNATIONAL SUSTAINABLE DEVELOPMENT LAW at VLS NEW

VLS's new Law Laboratory for International Sustainable Development researches innovative law and policy instruments to promote international sustainable development. The lab seeks to promote an integrated approach to economic law, environmental law, and development law under the umbrella of sustainable development law and policy. Under the direction of **Sheng Sun MELP'18**, the lab works with research institutes, NGOs, and international development agencies.

Some of the Lab's projects in 2019-20 include:

- **Multilateralism vs. Unilateralism: International Sustainable Development Law and Policy at a Crossroad.** The lab is studying how to avoid disruptive and conflict-ridden institutional rivalry among the economic superpowers, and how to harmonize norms, rules, standards, and governance regimes for social and environmental safeguarding of trade, investment, and technology.
- **Law and Policy for Sustainable Trade in Emerging and Developing Economies.** Emerging and developing economies play increasingly important roles in the international supply and demand dynamics associated with agriculture and forest commodities. This requires innovative, collaborative, and evidence-based policy decisions. The Law Lab conducts research to support policy stakeholders in making real change.
- **Coupled Environmental and Economic Decision Making for Sustainable Development.** The Law Lab studies coupled environmental and economic decision making in both global and local contexts, seeking environmentally effective rules and avoiding economically burdensome rules. 🌱



STUDENT IN THE SPOTLIGHT

Gabriela McMurtry JD'20

Gabriela McMurtry JD'20 cares about the ocean. She majored in Marine Sciences at Stockton University, where she completed a Semester at Sea. Before coming to VLS, she was a field technician for the National Oceanic and Atmospheric Administration (NOAA) Fisheries, where she conducted the field portion of the Access-Point Angler Intercept Survey, analyzing the impacts of marine recreational angler activity on New Jersey fish stocks.

At VLS, Gabriela has focused on climate change and international environmental law. She took International Climate Change in 2018, and is a teaching assistant for the class with Professor [Sarah Reiter](#) this year. "Gabriela has narrowed in on making an impact through her work in international ocean and climate governance efforts," Reiter said. "She has taken advantage of experiential, live-client coursework in addition to internships and academic coursework. She is fully equipped to make a positive impact on our global ocean and I look forward to watching her do just that."

Gabriela is the Notes Editor for the *Vermont Journal of Environmental Law*. Her article for the journal was titled "There She Blows: An Analysis on the Impact that Japanese Withdrawal from the International Convention on the Regulation of Whaling Could Have on the International Whaling Regime."

Gabriela has been an exchange student at McGill University Faculty of Law in Montreal and at Howard University School of Law. The summer after her first year, she was a legal intern in the Environmental Permitting and Counseling section of the New Jersey Office of the Attorney General. After her 2L year, she interned at NOAA's Office of General Counsel in the International Section. She is currently a research associate in the Oceans Program at the Environmental Law Institute in Washington, DC.

"I have developed a great appreciation for climate change and international fisheries management, both of which negatively affect our oceans," Gabriela said. "My goal is to work on international environmental treaties relevant to both concerns after my time at VLS. After working for the federal government, my dream position would be at the United Nations Environmental Programme helping implement regional seas agreements." 🌱

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GABRIELA IS FULLY EQUIPPED TO MAKE A POSITIVE IMPACT ON OUR GLOBAL OCEAN."

— PROFESSOR SARAH REITER

Environmental Journalists Visit VLS

Four environmental journalists participated in VLS's 2019 [Summer Media Fellowship program](#). Each fellow, selected from several dozen highly qualified applicants from around the world, attended a summer course and delivered a lecture as part of VLS's "Hot Topics" series.

The 2019 Summer Media Fellows were **David Abel** from the *Boston Globe*, an award-winning reporter and documentary filmmaker; **Yvette Cabrera**, an independent journalist who has covered environmental justice issues at the intersection of criminal justice, immigration, and environmental health at *Huffington Post*; **Ellen Gilmer**, the former legal editor of *E&E News*, now at *Bloomberg*, covering environmental litigation and the Justice Department; and **Annie Snider** of *Politico*, who covers water issues, drought, and efforts to restore large ecosystems.

Fellows were selected based on work history and samples, commitment to covering environmental issues, and their potential for increasing understanding of environmental law and policy issues in the United States and internationally. Former media fellows include Fiona Harvey of *The Guardian*, Brent Kendall of *The Wall Street Journal*, Priyanka Vora of *Hindustan Times*, and Jack Cushman of *InsideClimate News*.

The Vermont Law School Summer Media Fellowship program has been made possible since 2002 by a generous grant from the Johnson Family Foundation. 🌱

Environmental Faculty Profile: LAURIE BEYRANEVAND '03

Professor [Laurie Beyranevand](#) is the director of VLS's [Center for Agriculture and Food Systems](#) (CAFS). She teaches Administrative Law, Legislation and Regulation Survey, and Food Regulation and Policy. One of her current projects at CAFS is working with Clinical Teaching Fellow **Whitney Shields MFALP'17** on the Healthy Food Policy Project. This four-year project identifies and elevates local laws that seek to promote access to healthy food and contribute to strong local economies, an improved environment, and health equity, with a focus on socially disadvantaged and marginalized groups. She is also working with Assistant Professor [Emily Spiegel](#) and two students on a project for the United Nations Food and Agriculture Organization related to seafood fraud.

"Calling upon her years of practice in legal services, Professor Beyranevand is a skilled and experienced teacher—

as the hundreds of VLS alumni practicing administrative law can attest," said [Jennifer Rushlow](#), Associate Dean for Environmental Programs. "Her deep commitment to improving human health through food system interventions is evident in her scholarship, which has established her as a global expert in the areas of food labeling

and regulation. Her thoughtful direction of our robust Center for Agriculture and Food Systems has led VLS to international prominence."

"As both an alumna and a faculty member, I can say that Vermont Law School is a truly unique place. Setting aside the beautiful landscape and charming village in which the school is located, the community at VLS is beyond compare," said Professor Beyranevand. "Students come to VLS with an unparalleled sense of mission and purpose. They aggressively seek out educational and professional opportunities that further their sense of commitment. It's truly an honor to teach and mentor them then watch them graduate as skilled professionals who go on to do great things."

Professor Beyranevand recently published an article called "Retooling



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— LAURIE BEYRANEVAND

American Foodralism" (with Diana Winters) in the *American Journal of Law and Medicine*. This fall, she will present at the Radically Rural conference in Keene, New Hampshire on "Governing for Farm Viability" and at the Canadian Food Law and Policy Conference on "National Food Policies and the Regulation of Food." In December, she will travel to Thailand to present at a workshop entitled "Establishing an Agriculture Law Program: Training Lawyers to Represent Rural Communities," at Khon Kaen University.

She received her BA degree from Rutgers College in 1999 and her JD degree from VLS in 2003. She clerked in the Environmental Division of the Vermont Attorney General's Office and also served as a law clerk to the Honorable Marie E. Lihotz in New Jersey.

She enjoys eating, cooking, and hanging out with her family (most of the time!). 🌱



VLS ENVIRONMENTAL ALUMNI NEWSFEED

RANDALL S. ABATE JD/MSEL'89 is the inaugural Rechnitz Family Endowed Chair in Marine and Environmental Law and Policy at Monmouth University...

ARIANA BARUSCH JD'15 is a litigator with the Utah Attorney General's Office, involved in all cases relating

to Utah's public lands... **JOY BRAUNSTEIN MSEL'00** joined the Climate Reality Project as the Senior Regional Organizer for the Ohio River Valley... **KRISTIN LEIGH CAMPBELL JD/MELP'15** is a law fellow with the Institute for Governance and Sustainable Development...

CATHERINE CRAIG MELP'15 (Northeastern JD) leads the Vermont Green Business Program at the Vermont Department of Environmental Conservation... **CHARLES D'ANGELO MELP'13**

cofounded a renewable energy nonprofit called American Renewable Energy Advocates Society (AREASonline.org)... **ALLISON BELLINS DENNIS MSEL'05** is deputy communications director for EPA's Office of Water in Washington, DC... **KEITH DENNIS MSEL'05** is senior director of strategic initiatives for the National Rural Electric Cooperative Association...

WILLIAM EUBANKS II LLM'08 was selected as a Law360 Rising Star in Environmental Law, which is awarded to the top five lawyers under age 40 in the US...

BETH FITENI MSEL'95 recently published *The Green Wardrobe Guide: Finding EcoChic Fashions that Look Great and Help Save the Planet*... **PAUL FREEMAN JD'98/MSEL'01** is senior counsel and a member of the Environment and Natural Resources group at Crowell &



▲ William Eubanks II LLM'08

Moring LLP... **CEDAR WILKIE GILLETTE JD'17** is a Law Fellow at the Earthjustice Northern Rockies Office in Bozeman, Montana... **ANDREW W. MINIKOWSKI JD/MELP'15** joined the

Connecticut Office of Consumer Counsel where he represents the ratepayers of public utilities... **KELLY NOKES JD/MELP'15** is a staff attorney with the Western Environmental Law Center in Taos, New Mexico... **LINDSAY SPEER MELP'14** is at Alliance for a Green Economy working on the HeatSmart CNY and Renewable Heat Now campaigns...

GABRIELA STEIER LLM'17 completed a Doctorate in Law at the University of Cologne and published *Advancing Food Integrity: GMO Regulation, Agroecology, and Urban Agriculture*...

STEPHANIE TAVARES-BUHLER JD/MELP'13 is the new acquisitions manager at the Marin Agricultural Land Trust... **BENJAMIN K. TROGDON JD'81** was named director of the Bureau of Enforcement at the Federal Maritime Commission... **HILARY M. ZAMUDIO JD'11** was appointed by Oregon Governor Kate Brown to serve as a member of the Oregon Land Use Board of Appeals. ♻️



ENVIRONMENTAL LAW CENTER

Vermont Law School
164 Chelsea Street
South Royalton, VT 05068

vermontlaw.edu/elc



FALL 2019

2019 FALL EVENTS

SEPTEMBER 20-22, 2019

COLLOQUIUM ON ENVIRONMENTAL SCHOLARSHIP

The tenth annual Colloquium on Environmental Scholarship at VLS offers the opportunity for environmental law scholars to present their works-in-progress and recent scholarship.



SEPTEMBER 25-28, 2019

GLOBAL CONFERENCE ON ENVIRONMENTAL TAXATION

The 20th Global Conference on Environmental Taxation, in which VLS's Environmental Tax Policy Institute is an active participant, is held in Limassol, Cyprus.



OCTOBER 4, 2019

VERMONT LAW REVIEW SYMPOSIUM

"Legal Frameworks for a Green New World: Breathing Life Into the Goals of the Green New Deal" is the topic of the annual Vermont Law Review Symposium.

OCTOBER 25, 2019

VERMONT JOURNAL OF ENVIRONMENTAL LAW SYMPOSIUM

"Bridging the Gap: Reconciling Agriculture with Environmentalism" is the topic of the annual Vermont Journal of Environmental Law Symposium.

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