

Community Lawyering for Environmental Justice Part 5: Recap of Federal Environmental Justice Legislation and Regulations from 2022

February 27, 2023, 12:00 – 1:30 PM EST

Participants

Moderator:

Kristine Perry — Staff Attorney, Environmental Law Institute

Kristine Perry is a Staff Attorney at ELI committed to advancing human rights in the environmental context, with a particular focus on gender and disability. She works primarily on international issues, with a focus on Latin America. Prior to joining ELI, Kristine worked for Amnesty International - International Secretariat's Law and Policy Programme. Her work on international human rights focused on the rights of persons with disabilities, gender, policy development, and strategic litigation. Kristine holds a JD from the Ohio State University Moritz College of Law, and a BA in Spanish and Creative Writing from Denison University. She is admitted to practice law in Ohio.

Panelists:

Nadia B. Ahmad — Associate Professor, Barry University School of Law

Nadia B. Ahmad was born in Orlando to immigrant parents from Pakistan and India. She is an Associate Professor at Barry University School of Law and Coordinator of the Environmental and Earth Law Certificate Program. Her research centers on the intersections of energy siting, the environment, and sustainable development drawing on international investment law and corporate social responsibility. She serves as a Kerry Fellow at the Yale Jackson School of Global Affairs, Fellow of the American Bar Foundation, Council Member of the American Bar Association's Section of Civil Rights and Social Justice, and a member of the Academic Advisory Group for the International Bar Association's Section of Energy, Environment, Natural Resources and Infrastructure Law. She has spent her academic career focusing on frontline communities who are the most vulnerable to energy production. She teaches environmental law, property, and business organizations. She is a co-author of the textbook, "Environmental Justice: Law, Policy, and Regulation," (Carolina Academic Press). Earlier, she was a Visiting Associate Professor at Yale Law School and the inaugural Visiting Assistant Professor of Environmental Law at Pace Haub School of Law.

Stacey J. Halliday — Principal, Beveridge & Diamond PC

Stacey Sublett Halliday is a shareholder at the environmental law firm of Beveridge & Diamond, PC. She co-chairs the firm's environmental justice practice group and is the current Chair of the firm's Diversity, Equity, and Inclusion Committee. Stacey advises clients on a broad array of issues at the intersection of environmental compliance, ESG, and sustainability, including: effectively and efficiently incorporating environmental justice in their work, including as part of their overall ESG program, risk assessment process or in pursuit of federal funding opportunities; strategically navigating voluntary ESG reporting and sustainability; mitigating risk in corporate environmental marketing claims; and addressing emerging right-to-repair requirements. Stacey previously served as Special Counsel to the U.S. Environmental Protection Agency's General Counsel from 2015-2017, where her portfolio included congressional oversight and external stakeholder engagement, and she currently serves as a Board Member for the Environmental Law Institute. She is a proud graduate of the Howard University School of Law and Harvard College.

Christie Hicks — Senior Director and Lead Counsel, Equitable Regulatory Solutions, Environmental Defense Fund

Christie leads EDF's strategy to co-create a durable new model that prioritizes equity in the energy transition. She focuses on regulatory reforms that equitably reduce our reliance on fossil fuels, eliminate over-investment in long-lived fossil fuel infrastructure, increase clean energy access, and advance energy justice. Christie has a J.D. from Loyola University Chicago School of Law and a B.A. in Criminal Justice from Saint Louis University in St. Louis, MO.

Agenda

A. About The Environmental Law Institute's Pro Bono Clearinghouse

The Environmental Law Institute's Pro Bono Clearinghouse is an easy way for communities that need pro bono support for their environmental legal issues to connect with attorneys and experts willing and able to help them. The major goal of the ELI Pro Bono Clearinghouse is to address our nation's vast "legal deserts" where communities do not have ready access to the legal support they need.

Communities can use the Clearinghouse to connect with general practitioners or specialized experts. Law clinics and other non-profits can submit to the Clearinghouse any viable pro bono environmental matters that they are unable to take on due to resource limitations or because they are outside their scope of work. Clinics and non-profits can also post requests for Clearinghouse member attorneys to expand their capacity or provide expertise that they lack in-house. Clearinghouse member attorneys can offer their skills and take on new matters, whether as a long-term legal ally of a community or for a discrete legal task.

Community lawyering, sometimes known as empowerment lawyering, is key to meaningful environmental justice-oriented pro bono work. Community lawyering involves collaboration with individuals and community members as facilitative partners. As a result, it differs from the more traditional representational lawyering with which many attorneys are familiar.

B. Recap of Federal Environmental Justice Legislation from 2022

With the passage of the Inflation Reduction Act, Bipartisan Infrastructure Law, and Water Resources Development Act (WRDA) of 2022, the statutory landscape has changed to reflect the Biden Administration's emphasis on Environmental Justice. Today, our panel of attorneys will discuss the federal statutory changes that have taken place and how industry and communities can leverage these statutes and regulations to advance Environmental Justice, as well as some analogous state-level statutory and regulatory changes and their implications.

C. Nadia B. Ahmad — Overview of 2022 Environmental Justice Legislation (10 minutes)

Ms. Ahmad will provide an overview of federal Environmental Justice developments in 2022, including the Inflation Reduction Act and Bipartisan Infrastructure Law. Her presentation will begin with a discussion of the social and climate mobilization that led to the passage of these laws and how these movements provide context to those hoping to pass similar legislation at both the federal and state levels. She will then identify key Environmental Justice provisions in the Inflation Reduction Act and Bipartisan Infrastructure Law and discuss how budget reconciliation processes can be used to incorporate Environmental Justice elements.

D. Stacey J. Halliday — Environmental Justice and Industry (10 minutes)

Ms. Halliday will discuss which issues industry has focused on with respect to regulations and legislation in 2022, including highlighting the growing business case for building Environmental Justice into corporate

environmental and ESG programs. Her presentation will also touch upon how communities can collaborate with industry in the Environmental Justice space as they seek to use funds from the Inflation Reduction Act and how attorneys can best provide communities with their technical expertise during such collaborations.

E. Christie Hicks — Community-Based Environmental Justice Advocacy at the State Level (10 minutes)

Ms. Hicks will present on how new federal Environmental Justice legislation and regulations intersect with her work supporting community-based organizations' participation in state-level regulatory proceedings, particularly Public Utility Commission proceedings. She will begin with a high-level discussion of how to define equity, community engagement, and meaningful participation, then discuss how these concepts can be applied to efforts to give communities a seat at the table when implementing new federal Environmental Justice legislation and regulations, with the goal to combat systemic inequity in energy distribution and its resultant pollution. This discussion will conclude with real-life examples of effective community engagement and the barriers to it from her own work experience.

F. Moderator-led questions and questions from the audience (45 minutes)

G. Closing remarks (10 to 15 minutes)