

International Human Rights Program Summer Fellowship: Final Report

Conservation Law Foundation

<https://www.clf.org/>

Boston, Massachusetts – Summer 2017

This summer, I completed a fellowship with Conservation Law Foundation (CLF). CLF is a non-profit, environmental law organization that advocates on behalf of its members. I worked mainly with two staff lawyers who are involved in several of CLF's main program areas, including Clean Energy and Climate Change, Oceans, and Clean Water.

Clean Energy and Climate Change

CLF advocates for clean, renewable energy and a shift away from fossil fuels to meet greenhouse gas emissions reduction goals and to combat climate change. One of the projects I worked on in the Energy program is studying a current bill in the Massachusetts legislature which aims to protect consumers from the cost of leaked and lost natural gas. I drafted advocacy pieces such as a blog post and stakeholder talking points, and completed a research memorandum on the effectiveness of similar policies in other states. I also worked on a research memorandum that addressed potential constitutional and jurisdictional issues. CLF partners with other grassroots organizations on this initiative to combat natural gas leaks, and I was able to attend a meeting with these partner organizations where we discussed the progress on raising awareness on this issue in Massachusetts.

Near the end of my fellowship, I also became involved with preparing briefs for several utilities rate cases in which CLF is intervening. Several electric utilities companies in Massachusetts are seeking approvals for their grid modernization proposals, some of which are wrapped up in cases for general rate increases. Grid modernization aims to integrate renewable energy sources and energy storage with the current electric distribution system to increase resiliency and energy security. Some utilities companies were also proposing initiatives for implementing electric vehicle (EV) charging infrastructure, which will have positive impacts on the environment, climate, and utilities customers. While CLF encourages grid modernization, there were also certain elements of the proposals that were concerning. I worked with a team of other interns (fellows) and staff lawyers to draft several briefs highlighting arguments and support for our positions from expert testimony.

For example, in several EV infrastructure proposals, utilities made a conscious effort to assist environmental justice communities by reducing costs and increasing subsidies for EV infrastructure. However, we argued that these proposals did not go far enough because only communities that met at least two of the three criteria for environmental justice communities qualified (annual income equal or less than 65% of statewide median, 25% or more of residents identify as minority, 25% of households having limited English proficiency), and there was a cap rather than a floor on the investment. We suggested that the utilities extend their subsidies to communities meeting at least one criterion and to change their investment from a cap to a minimum commitment.

Oceans

CLF also advocates for healthy oceans, sustainable fisheries, and smart ocean planning. One of the focus areas is the protection and conservation of forage fish, which form the basis of healthy ecosystems and populations of valuable predator species. Near the beginning of my fellowship, I worked on a comment letter for a squid fishery management plan amendment, advocating for conservative measures and compliance with federal and management council policies. If sustainable practices are used, there will be positive impacts on the ecosystem and the fishermen, both commercial and recreational, who rely on healthy populations of squid. I attended a public hearing on the amendment and delivered oral comments on behalf of CLF in May. We submitted the letter to the fishery management council in late May and the results of the amendment were announced in June. The council adopted one of our recommended alternatives, but rejected another. Nevertheless, this was an encouraging move by the council and it showed their willingness to consider and implement sustainable fishing practices. I wrote a blog post highlighting the amendment process, which was published on CLF's Talking Fish blog.

Clean Water

CLF has an extensive clean water enforcement program to target polluters who discharge pollutants without valid permits. One of the ongoing clean water projects this year involves an incinerator and ash landfill located near several environmental justice communities and within residential and school areas. The ash that is generated from this facility (and all incinerators) contains high levels of toxins, including dioxins, mercury, and lead. The ash is landfilled in a salt marsh (literally), which has also been designated an area of critical environmental concern. CLF has raised concerns about this facility because evidence suggests that they are failing to comply with federal and state waste management regulations, particularly by failing to conduct groundwater monitoring. Groundwater monitoring is critically important, because it indicates whether toxins from the ash landfill are contaminating the groundwater and making their way into water supplies and nearby rivers.

I assisted with some general research on permitting requirements, requirements for bringing a citizen suit under the relevant federal statutes, and a small portion of the notice letter that was recently sent to the facility. We hope to advance environmental justice goals in these communities, protect residents from continued contamination, and protect the nearby environment as well. The work on this particular project is closely tied to zero-waste initiatives at CLF. Landfills and incinerators harm the environment, climate, and public health. They are also disproportionately situated in environmental justice communities which lack the resources to fight the siting of these facilities and their unlawful expansions. On the other hand, increasing recycling programs in cities and towns will benefit the environment, public health, and economy by producing jobs, avoiding the release of contaminants and toxins, and reducing the need for virgin materials.

CLF has also been engaged in advocacy efforts surrounding the Boston Harbor, with a significant victory several decades ago in ensuring the clean-up of the harbor. The sewage and toxic pollution have been removed and Boston Harbor is now restored as a place for public use, economic growth, and recreation. CLF's ongoing efforts to restore the Harbor for public use have extended to an action challenging government approval of a municipal harbor plan that sets

new, more lenient standards for harbor development projects. I assisted a staff lawyer at CLF in researching cases and arguments for a response to several motions to dismiss, and our response was filed during my last week as a fellow. This case is especially significant because it involves the rights of the public to use and access Commonwealth tidelands, which CLF has fought to protect for many years.

Conclusion

I have also had the opportunity to explore some of the other work that CLF is involved in. I attended several public hearings on relevant bills at the nearby Massachusetts State House, a workshop on climate change adaptation in Boston, and an energy policy briefing. CLF organized several lunch seminars where senior fellows delivered presentations on the work they were currently involved in. These included zero-waste initiatives for Boston and Massachusetts, investigating the implications of Attorney General Jeff Sessions' prohibition on third party payments in settlement agreements, and the restoration of historic canals in the environmental justice community of Lawrence. These experiences helped me appreciate the aspects of CLF's work that I was not directly involved in and gave me a more comprehensive understanding of CLF's work and strategies.

I had a wonderful time this summer working as a fellow with CLF, and it opened my eyes to the many different types of advocacy that can be used to protect the environment and pursue environmental justice goals. I am very grateful to my supervisors, who patiently educated me on state and federal laws and found ways to get me involved in essentially all of CLF's areas of focus. Thank you IHRP and CLF for this opportunity!