

Summer 2024



Dear friends and alumni,

Summer provides time to savor our experiences with recent ELC student teams and clients; to delight in the clinic's expanding geographic reach; and to reflect on the deepening of our work. This spring, we visited activists and project sites in Alaska, the Pacific Northwest, and San Francisco to provide legal support to communities exposed to toxics and radiation. We Zoomed into city attorney offices throughout California to insist on jurisdictions' compliance with a state law designed to expedite permitting for rooftop solar energy and battery storage. And through the generosity of supporters, we were able to conduct laboratory testing of consumer products, support a grassroots organizer, and purchase a scanner and portable drive for a client to collect evidence for litigation — all costly items that can be essential to advocacy success.

Along the way, we've fielded calls from victims of the East Palestine train derailment and connected them with pro bono resources; participated in our first Global Day of Action with environmental law clinics worldwide; and continued to welcome and mentor select undergraduates, whom we hope will replenish our advocacy ranks in due course. We hope you take even half the pleasure in reading our news that we had in making it!

Claudia Polsky  
Director, Environmental Law Clinic

# Clinic News

## Tackling Alaska's legacy of military pollution



*Pam Miller, executive director of Alaska Community Action on Toxics and a clinic client, pinpoints sites that the U.S. military has left contaminated with toxic chemicals and spent fuel on the Bering Strait island of Sivuqaq. Students Connor Hughes '25 and Daija Chambers '25 look on and cross-check Miller's description with statements in government documents.*

Alaska's proximity to Russia, and corresponding strategic relevance to the Cold War, is a key reason the state has dozens of defunct former military and communications installations — many contaminated with spilled fuel, pesticides, and other toxics. ELC is collaborating with nonprofit client Alaska Community Action on Toxics (ACAT) to address legacy military contamination, with a focus on sites that have been erroneously deemed clean by the Army Corps of Engineers and abandoned without adequate remediation. During a spring team visit to Anchorage, ACAT's Executive Director Pam Miller (pictured above) described the organization's work to study the pollution fingerprints of individual polluted sites, document the contamination's health effects on Alaska Native communities, and seek redress.

The clinic recently presented our client with a detailed strategy memo outlining legal and political options. This summer, we're sponsoring a team member's return to Alaska to gather further evidence. ELC will also be sub-granting funds to advance ACAT's field scientific research to illuminate toxic pollution of the Arctic. Among ACAT's near-term research goals is to probe the permafrost to determine whether melting due to climate change will exacerbate pollution of surface and drinking water for local communities. ELC's travels to and work in Alaska are justice-critical (Alaska has no law schools, and relies on the lower 48 for pro bono clinic help); are educationally rich; and are expensive. We're thus tremendously grateful to the Grantham Foundation for supporting this multifaceted, multiyear project.

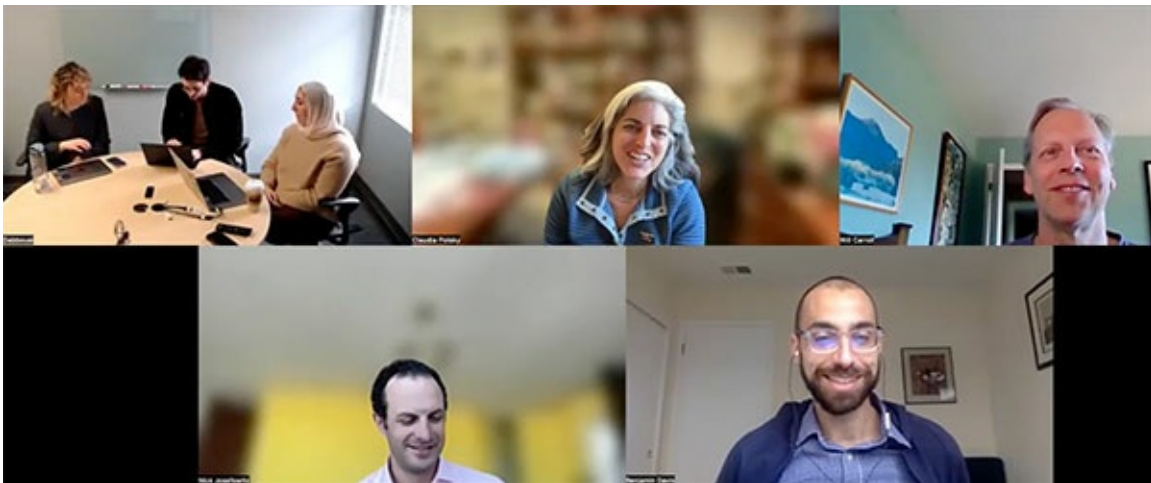
## Reducing toxics on your plate



*Clinic students Sophie Flynn '25, Sayaka Reed '25, Cat Chervenak '25, and Ryan Laws '25, supervised by Clinic Director Claudia Polsky (far right), package soil samples to test for toxic contamination.*

In a scene that looks straight out of “Breaking Bad,” an ELC project team this spring donned masks and gloves to measure samples of retail and wholesale agricultural products. We then worked with multiple specialized labs to test for heavy metals, PFAS, and other contaminants. Twenty thousand dollars of testing later, we have emerged with some reassuring and some troubling data about chemicals that can hitch their way onto unsuspecting dinner plates. Some of this information, obtained on behalf of a client concerned for the safety of the U.S. food system, is the first of its kind in the nation. Here too, we are grateful to the Grantham Foundation for supporting the data collection essential to our most technical advocacy projects. On the legal front, students have shared with our client detailed recommendations for how to improve regulatory oversight of products that may enter agricultural soil, and ultimately, surface water, groundwater, and our produce. Stay tuned for more developments.

## Accelerating the clean energy transition



*(Clockwise from top left) Clinic project team Meg O'Neill '26, Andrew Olivei '25, and Dana Dabbousi '25 strategize with supervisor Claudia Polsky, co-counsel Will Carroll, and clients Ben Davis and Nick Josefowitz from Permit Power, a local nonprofit working to speed deployment of renewable energy nationwide.*

Working with two new nonprofits — Permit Power as client, and Third Act as co-counsel — ELC this semester launched what we predict will be an ongoing and impactful line of

climate-related work. Designed to ensure broad public-entity compliance with legislation meant to cut through the red tape that can impede deployment of green infrastructure, Permit Power identifies strategic pressure points and then educates; cajoles; and impliedly, threatens to sue where necessary any local jurisdictions that are not getting with the climate-protection program.

Third Act, the latest organizational brainchild of climate rock star Bill McKibben, consists of retired professionals eager to contribute their skills to the fight against climate change. With the organizer of California's Third Act lawyer group as our super-charged co-counsel, ELC this spring designed and implemented a statewide enforcement strategy to obtain city and county compliance with California's Solar Access Act (Senate Bill 379). The act requires localities to automate permitting for rooftop solar and residential battery storage systems, using sophisticated software designed by the National Renewable Energy Lab that reduces time and cost of going solar, while also resulting in better-constructed projects. Within a single semester, our Permit Power/Third Act/ELC troika got multiple jurisdictions educated about SB 379, conceptually on board, and into compliance with the statute, with many others on the right path. In a delightful surprise, bill author Senator Weiner wrote our team directly:

*"Just a quick note to thank you for all your work this year to ensure that all the covered cities and counties in California come into compliance with SB379. Between increases in the cost of living, the recent residential solar market decline in California, municipal budget crunches, and our continued climate crisis, these types of cost saving measures are uniquely important at this very moment. It takes a team. Thank you. — Scott"*

## A "Toni award" for ELC staff!



Recently retired Clinical Supervising Attorney and ongoing project consultant **Antonette (Toni) Cordero** will be recognized September with the 2024 Lifetime Achievement Award by the Environment Section of the California State Bar. This is an extraordinary recognition of Toni's decades of work at the intersection of civil rights and environmental protection, and her lifelong efforts to elevate the visibility of the state's Native Nations. Among Toni's pathbreaking projects has been to make visible to the legal community the Tribes displaced by the creation of Yosemite National Park — the very place the

Environment Section annually convenes. As a result of Toni's masterful project development during her time at ELC, we continue work to advance these Tribes' legal rights to environmental protection and cultural preservation, and achieve broader recognition of their sovereignty and ongoing vitality.

## A pathway to practice: ELC's auditor-mentee rogram

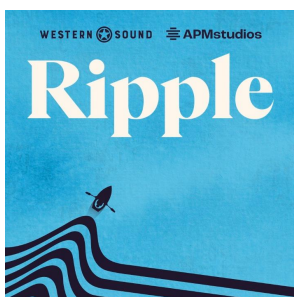


*(Left to right) Current and past undergraduate auditor-mentees Tanya Hanson '24, Diego Morales '26, and Shreya Chaudhuri '25 (front row), and Jessalyn Fong UC Berkeley '25 and Director Claudia Polsky (back row) catch up last spring. Photo credit: Brittany Hosea-Small*

Shortly after our clinic's 2016 birth, we launched a small-scale “auditor-mentee” program to identify and welcome into our clinic seminar extremely promising, environmentally inclined UC Berkeley undergraduates who are both tempted and daunted by the idea of law school — its admission process, its unfamiliar culture, its expense. Typically BIPOC, first-generation college students, or from families and communities without ready access to attorney role models, these students seek exposure to environmental law and policy professionals, and social support from law students and practicing attorneys as they contemplate their own trajectory. [Read the law school story.](#)

## Short takes

Previously reported work by client Greenaction for Environmental Health and Justice to hold the U.S. military accountable for radioactive contamination at Hunter's Point Naval Station, San Francisco, is now teed up for action. In June, [Greenaction \(through ELC\) sued the Navy](#) for its shoddy and incomplete site cleanup, and sued the EPA for insufficient oversight of the Navy's remediation. Our suit was covered in the [San Francisco Chronicle](#) and on [KQED](#).



ELC's work to address chemical pollution from oil spills features heavily in a recently released podcast about enduring community health effects of the BP Deepwater Horizon Oil Spill in 2010. Western Public Radio's eight-episode [Ripple podcast](#) contains interview clips with ELC client Dr. Riki Ott and ELC's director (episodes six and seven), discussing the need to curb the use of toxic dispersant chemicals in oil spill response.

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