

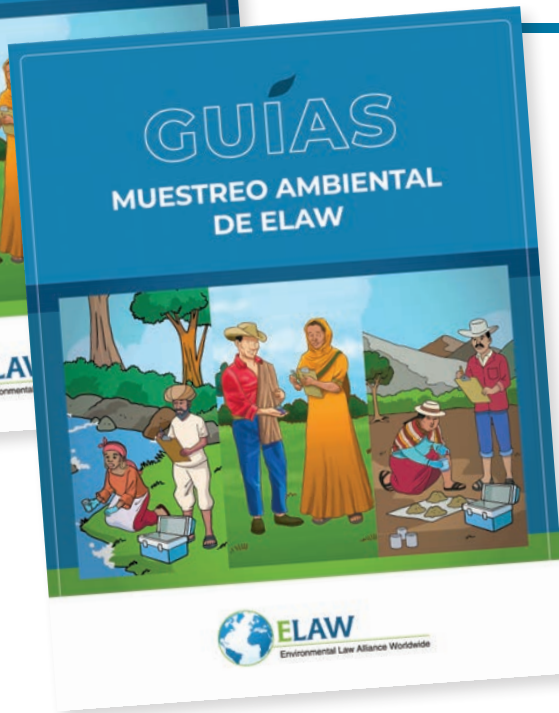


ELAW

advocate

SUMMER 2022

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Winning Victories for Communities and the Environment With Science

ELAW's team of six PhD scientists gives grassroots advocates around the world the scientific information and expertise they need to win victories for communities and the environment through law.

Environmental challenges raise complex scientific questions, so citizens speaking out to protect communities and ecosystems need to tap scientific expertise. Citizens need help forecasting the impact of proposed projects, identifying ways to reduce impacts, and developing plans to remedy damage.

At the request of partners around the world, ELAW's Science Team provides the scientific help that citizens need. They level the playing field by critiquing scientific arguments presented by project proponents, help design systems to test and monitor environmental impacts, and provide advocates and local communities with scientific findings in plain language (see a full list of the support ELAW's Science Team provides on page 2).

ELAW's "Guide to Collecting Environmental Samples" is a user-friendly series with comprehensive instructions on environmental sampling.

IN THIS ISSUE:

Protecting Communities and the Environment With Science
(pgs. 1-3)

Webinars and Online Training
(pgs. 4-5)

Ukraine: ELAW Fellow Kateryna Polianska
(pg. 6,8)

Inside ELAW
(pg. 7)

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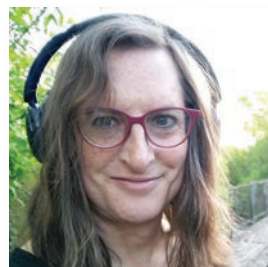
Dr. Mark Chernaik



Dr. Meche Lu



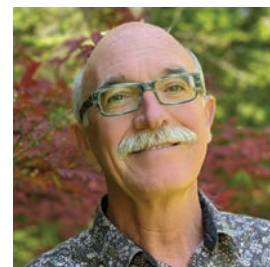
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ELAW helps communities speak out for clean air, clean water, and a healthy planet. We are a global alliance of attorneys, scientists, and other advocates collaborating across borders to promote grassroots efforts to build a sustainable, just future.

Protecting Communities and the Environment With Science

ELAW scientists:

- Design projects to identify environmental contamination
- Recommend and/or provide portable equipment for monitoring or measuring environmental quality
- Interpret environmental monitoring data
- Review current or proposed environmental quality standards
- Critique Environmental Impact Assessments (EIAs)
- Prepare questions to regulatory agencies considering whether to approve an EIA
- Provide information about sustainable alternatives
- Prepare comments for public hearings on an EIA or project
- Evaluate conditions of project approval
- Publish guidebooks with scientific information in plain language for communities
- Prepare affidavits for submission in support of petitions or pleadings
- Critique testimony from opposing scientists
- Provide onsite technical support
- Participate in workshops and meetings with affected communities, authorities, and stakeholders
- Testify in court as an expert witness

We are pleased to share the following news about our latest community guidebook and examples of our scientific work in the Philippines, the Maldives, and South Africa.

Community Guidebook for Collecting Environmental Samples

Waterways, air, and soil are vulnerable to pollutants from industrial activities, including mining, coal-fired power plants, oil development, leaky wastewater treatment plants, and more. Grassroots attorneys and communities seek to hold polluters accountable, but collecting, analyzing, interpreting, and presenting evidence of pollution can be a challenge.

We are pleased to announce ELAW's "Guide to Collecting Environmental Samples," a user-friendly series with comprehensive instructions on environmental sampling.

"Errors in sampling and handling can invalidate the results of sampling exercises," says ELAW Staff Scientist Dr. Meche Lu. Dr. Lu took the lead in developing the

guidebook, which is already being used by ELAW partners in Ecuador to test river water. In Honduras and Guatemala, ELAW partners plan to use the guidebook in training workshops for affected communities and local scientists.

Three of four modules (Introduction, Soil Sampling, Water Sampling) are currently available on the ELAW website in Spanish (See: elaw.org/guide-collecting-environmental-samples). An English translation and a fourth module (Air Sampling) will be available soon.

Many thanks to the Philip Stoddard Brown & Adele Smith Brown Foundation for making this guidebook possible.

Maldives: Halting Port Dredging and Coral Destruction

In the Maldives, the government proposes to dredge 20 million cubic meters of sand from the North Malé Atoll to reclaim Gulhifalhu Lagoon to create new land for a massive commercial port. The plan includes relocating a coral reef. ELAW partner Hasan Zaki reached out to ELAW for support challenging the massive dredging project. ELAW Scientist Dr. Melissa Garren's review of the coral relocation plan and ELAW Scientist Dr. Heidi Weiskel's review of the Environmental Impact Assessment for the port have been submitted to the civil court of Maldives. Drs. Weiskel and Garren's names have been submitted as expert witnesses for an upcoming hearing.



Humpback whales. PHOTO: Vivek Kumar on Unsplash

South Africa: Small-scale Fishers Celebrate Victory Against Oil Exploration on West Coast

A South African high court has halted a seismic oil exploration project along South Africa's West Coast. Small-scale fishers and an organization, We are South Africans, filed an application to stop the project and prevent irreparable harm to marine life and local livelihoods and heritage. On March 2, the company announced that due to the court ruling, it will abandon operations!

The court ruled that the company did not take proper steps to consult the impacted community members and fishers. It issued limited notifications in English and Afrikaans but did not convene any meetings or issue notices in isiXhosa, the language of the Xhosa. The applicants, represented by Legal Resources Centre (LRC), successfully showed that this did not meet the legal requirements for consultation.

"This is a major victory for these communities, whose lives are intertwined with the ocean," says South African attorney Angela Andrews. "Their culture and heritage are rooted in their relationship with the ocean, and many are reliant on fishing for their livelihoods. This judgment gives us hope that communities can take a stand to defend their traditions and chart a sustainable future."

ELAW partner Angela Andrews, a South African attorney who collaborated with the LRC on this case, thanked ELAW scientists for helping show that the company's claims of using best practice seismic technology to minimize harm to marine species, especially whales, were untrue.

Philippines: Fact Checking Claims About Plastic Waste Incineration

ELAW partners around the world work hard to counter false claims by industry that plastic waste incineration is harmless. ELAW Scientists and international partners help ground truth false claims.

Ron Gutierrez, Executive Director, Upholding Life and Nature (ULAN), recently called on ELAW to help investigate the claim that communities should sell plastic waste to cement companies for "clean" energy generation. He wrote:

"A former colleague is suggesting that one way to address the plastic waste problem is to encourage coastal communities to collect and dry the plastic wastes that tend to aggregate on their shores for sale as fuel to the kilns of cement plants. Supposedly, the kilns maintain a very high combustion level that is constantly monitored by regulatory agencies (electronically linked to their monitoring stations) and that the super-high temperatures do not produce the furans/POPs that are typically associated with ordinary burning of plastics. Is this true?"

ELAW Staff Scientist Dr. Rye Howard responded in detail, citing peer reviewed studies. Dr. Howard noted that the blanket statement that cement kilns are hot enough to destroy pollutants is often repeated, but not true.

"This is the kind of 'false solution' advanced by industry and government because it sounds easy and effective," says Dr. Howard, adding, "From an environmental justice point of view, it is notable that the plastic companies in the Global North are attempting to dispose of their wastes in this potentially very toxic way in less industrialized nations."

ELAW partner Leo Saldanha also responded to Ron's query, providing links to valuable information from the Asia Pacific office of the Global Alliance of Incineration Alternatives (GAIA) on work challenging cement industry efforts to make plastic the "new coal." Leo is the Coordinator of the Environment Support Group, based in Bengaluru, India. ELAW partner Dharmesh Shah also weighed in, providing Ron with a case study he wrote about cement co-incineration and serious concerns with the technology. Dharmesh, based in Kerala, India, is Senior Technical Advisor for Legal Initiative for Forest and Environment (LIFE).

ELAW's Science Team and partners around the world will continue to collaborate with Ron to protect the Philippines from cement company plans to incinerate plastic.

Webinars and Online Training

The global pandemic forced ELAW to pivot much of its work to a virtual format. We are pleased with the impact of our online webinars and trainings, which now play a growing part of our work to protect communities and ecosystems around the world. The following are recent examples.

Moving to 100% Renewables

Lawyers challenging fossil fuels often face the false narrative that renewable energy costs too much or that the grid will be unstable if we transition to renewables. ELAW collaborated with staff at the Institute for Energy Economics and Financial Analysis (IEEFA) to hold a discussion for lawyers about why fossil fuels no longer make economic sense.

Webinar panelists included ELAW Staff Scientist Dr. Mark Chernaik; David Schlissel, IEEFA Director of Resource Planning Analysis; and Dennis Wamsted, IEEFA Energy Analyst.

The May session included ELAW partners from 10 countries and was translated simultaneously into Spanish and French. Participants learned about financial and technical aspects of moving toward 100% renewable energy, including comparing fossil fuels to renewables, assessing future risk to fossil fuel projects, and technologies to enhance the compatibility of increasing use of renewable energy sources with electric grid stability.



Offshore Oil Exploration and Exploitation in Colombia

In May, ELAW's Marine Working Group (MWG) hosted Colombian attorney Ana Lucía Maya-Aguirre who presented her research on offshore oil exploration and exploitation, and how these projects impact artisanal fishing and other communities in the Caribbean.

Ana was joined by two of her staff. Luis Fernando Sanchez presented regulations tied to offshore oil development in Colombia. Melany Velasquez spoke about environmental impacts and identified developers involved in the projects.

"The procedures for company contracts are flexible and opportunities for participation by civil society is limited," said Ana, adding: "The environmental impact assessments often ignore impacts on marine and coastal ecosystems, and socio environmental impacts on communities, such as damaged fisheries."

The MWG facilitates the work of ELAW partners in more than 25 countries and advances legal strategies for marine conservation around the world.

Tackling the Plastic Menace in Asia

Asia contributes large amounts of global plastic waste and marine plastic pollution. High plastic production and consumption, rapid economic development, waste mismanagement, and plastic waste trade have been identified as key factors that drive this problem. ELAW Staff Attorney Genee Misleng moderated webinars in April and May to help partners in Asia discuss false solutions and hold those responsible for plastic waste accountable.

In the April session, ELAW Staff Scientist Dr. Rye Howard unpacked the science behind biodegradable and compostable plastics and Justine Maillot, Policy Coordinator of Rethink Plastic Alliance, shared European Union policies aiming to regulate "bioplastics."

The May session focused on "sachets" – single use plastic packets found in many countries filled with single-use toothpaste, shampoo, etc. Miko Aliño, Project Coordinator for Corporate Accountability at Break Free From Plastic (BFFP) discussed plastic pollution in Asia, corporate false solutions, and BFFP's Asia Strategy on sachets. Bella Nathania, Researcher and Environmental Lawyer at the Indonesian Center for Environmental Law shared Indonesia's policies on

sachets and related litigation. Lubna Anantakrishnan, SWaCH Recycling and Livelihood Program Manager, spoke about multi-layered plastics collection in Pune, India. She said an Indian fast-moving consumer goods company (FMCG) is partnering with Pune's waste pickers in an extended producer responsibility (EPR) system. EPR laws aim to make plastic producers and brand owners responsible for the cost of dealing with plastic waste through the use of different tools, such as requiring companies to manage the plastic packaging, imposing fees or taxes, or providing incentives to encourage companies to ultimately reduce their use of plastic in their products.



Cartagena Convention: How to Protect the Caribbean Sea from Oil Activities

The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention) is a regional legal agreement for the protection of the Caribbean Sea. ELAW is working with the Secretariat of the Convention to raise awareness of the Convention in Caribbean countries where ELAW partners are working to protect ocean and coastal ecosystems.

In April, ELAW co-hosted a webinar: "Cartagena Convention: How to Protect the Caribbean Sea from Oil Activities." ELAW partners from across the Caribbean participated. Panelists included ELAW Attorney Alejandra

Serrano; Sarah Wollring and Georgina Singh from the Cartagena Convention Secretariat; Marlen Perez Hernandez from the Centre of Research and Environmental Management of Transport; and Lieutenant Commander Floyd Patterson, a consultant with the International Maritime Organization.

ELAW partners are working to protect the Caribbean Sea from pollution caused by inadequate wastewater treatment and oil spills from fossil fuel development. "ELAW partners are helping achieve the aspirations of the Convention, and the Convention provides tools for local legal advocacy," says ELAW Associate Director Lori Maddox. "It's a win-win."

Mounting Plastic Crisis in Africa: Sharing Lessons Across the Continent to Avert Disaster

Single-use plastic products are piling up as waste, filling drainage systems, and collecting in waterways across Africa. Public interest lawyers in Africa are looking for solutions and calling on ELAW to help develop cases to rein in plastic, reform laws, and ensure enforcement of existing laws to accelerate the end of single-use plastic.

Answering the call for help, ELAW launched a six-part webinar series: Challenging Plastics in Africa. We are pleased to report that 60 advocates from 15 countries participated, including Cameroon, Democratic Republic of Congo, France, Ghana, Guinea, Honduras, India, Kenya, Liberia, Mexico, Morocco, Tanzania, Uganda, the U.S., and Zimbabwe. The series, moderated by ELAW Africa Law Associate Bernard Ngalim, helped ELAW partners gain skills and is building a strong corps of lawyers to challenge plastic for years to come.

Colleagues in Uganda, Sri Lanka, Senegal, South Africa, and Rwanda made guest presentations on reining in plastic in their countries and ELAW Staff Scientist Dr. Rye Howard provided key insight on the science behind plastic pollution.

We will keep you informed of our collaboration with lawyers across Africa and around the world to turn the tide on plastic pollution.

"Connections made and lessons learned through our series have already sparked new legal initiatives and strengthened connections between advocates working on these issues."

Bernard Ngalim
ELAW Africa Law Associate

ELAW Fellow Kateryna Polianska



Kateryna at Heceta Head, Oregon Coast.



Kateryna in the Carpathian Mountains, Ukraine.

Ukraine ELAW Fellow Kateryna Polianska

In March, Ukrainian scientist **Dr. Kateryna Polianska** traveled to Oregon for an ELAW Fellowship. ELAW made plans for Kateryna’s capacity building visit long before Russia’s February 24 invasion of Ukraine. In June, Kateryna wrapped up her intensive work at ELAW with field trips to protected areas in Alaska and California.

In an April interview in the Eugene Weekly, Kateryna described the Russian military’s crimes against humanity and attacks on Ukraine’s environment and animals: “Russians came in and destroyed everything — bridges, forests, parts of rivers, a lot of buildings.”

Kateryna worked hard on her Fellowship and we admire her courageous work protecting communities and the environment in Ukraine.

Kateryna is a landscape ecologist at the Kyiv office of Environment People Law (EPL). ELAW has worked with EPL for decades and hosted many of Kateryna’s EPL co-workers. Due to the war, Kateryna’s Fellowship pivoted to building skills to document the environmental impacts of war, calculate damages, and identify best practices for restoring destroyed ecosystems.

Kateryna worked closely with ELAW Staff Attorneys, Staff Scientists, and other experts across the U.S. and around the world to advance EPL’s work. She also completed the 10-week Intensive English Program at the University of Oregon American English Institute.

Kateryna met with many experts in Oregon who shared local conservation initiatives. She visited forest fire reclamation areas in the Oregon Cascades with members of McKenzie River Trust; toured Eugene’s Greenhill Humane Society with Executive Director Cary Lieberman and learned how they care for abandoned animals; explored model management projects on the Oregon Coast with Paul

Engelmeyer from Portland Audubon; visited California’s redwoods and later discussed forest protection with Marcus Kauffman from the Oregon Department of Forestry; toured the City of Eugene’s green urban infrastructure with urban forester Scott Altenhoff; and much more.

“Traveling to Eugene for an ELAW Fellowship was a difficult decision, due to the war, but I am pleased with what I accomplished and eager to go home and use what I learned,” said Kateryna.

Many thanks to AEI for providing Kateryna with a Janet Hughes Mersereau Scholarship. And thanks to the Trust for Mutual Understanding for making Kateryna’s ELAW Fellowship possible.



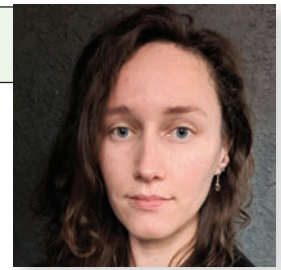
Kateryna visits Jedediah Smith Redwoods State Park, Crescent City, CA.

Inside ELAW

We are pleased to welcome new staff and directors, a summer intern, Killian O. Doherty Environmental Justice Fellows, and new job responsibilities for ELAW team members.

Bear Berry | Program Assistant

Bear joined ELAW in May as Program Assistant. Ze will manage ELAW's information database, helping ELAW better share its success stories. Bear earned an Associate's degree in psychology at Lane Community College, followed by a Bachelor's degree (cum laude) in linguistics at the University of Oregon. Bear is the first in zer family to earn a four-year degree. Bear also studied French and Korean, spending time at Yonsei University in Seoul. Bear is a life-long advocate for people with developmental disabilities, inspired by zer brother who has speech barriers and autism.



Bear Berry

New ELAW Directors

We are thrilled to welcome two new members to ELAW's Board of Directors.

Kristen McDonald leads the China Program at Pacific Environment, supporting grassroots environmental organizations in China and Southeast Asia to address climate change, industrial pollution, and plastic pollution. Her work includes connecting organizations with public interest lawyers and training the next generation of environmental lawyers. Kristen earned a PhD from the University of California at Berkeley in Environmental Science, Policy and Management and a Bachelor's degree in Literature and Environmental Studies at Yale University. She lives in Point Reyes Station, CA.



Kristen McDonald

Diana McCaulay is a Jamaican environmental activist and the founder of the Jamaica Environment Trust. She has 30 years experience in delivering environmental education programs and leading successful advocacy campaigns to protect the island's natural resources. She is a graduate of the University of Washington, with a Master of Public Administration and a Graduate Certificate in International Development Policy. She is also a published novelist and has written frequently on the environment for a range of publications.



Diana McCaulay

Esmé Aston | Legal Intern

Esmé is ELAW's Summer 2022 Legal Intern. She is a law student at Georgetown University Law Center where her coursework has focused on international law, human rights law, and environmental law. At Georgetown, Esmé helped develop tools for negotiators at the Biodiversity Beyond National Jurisdiction Treaty being negotiated under the auspices of the United Nations. She has spent a summer working at the D.C. Public Defender's Office and is excited to spend this summer with the ELAW team and learn from the vast experience of the ELAW network.



Esmé Aston

Killian O. Doherty Environmental Justice Fellows

ELAW welcomes **Renata Corrêa Vieira** and **Juana Trujillo Cardenas**, our latest Killian O. Doherty Environmental Justice (KODEJ) Fellows.

Renata is a lawyer working in Amazonas, the largest state in Brazil and home to more than 60 different Indigenous peoples. She works with Instituto Socioambiental (ISA) representing Indigenous peoples in this large territory. Many of these Indigenous peoples face dire threats, including illegal mining, illegal sport fishing that threatens food security, and drug trafficking.

Juana is an Ecuadorian lawyer. She earned her law degree at the University of San Francisco, Quito (USFQ) where she founded the University's Environmental Law Club. She is currently enrolled in an LLM program with a focus on the rights of nature and intercultural justice at Universidad Andina Simon Bolivar in Quito. She has participated in leadership, climate change, and human rights trainings in the U.S. and Hungary and published articles on environmental regulation.



Renata Corrêa Vieira

New Responsibilities

ELAW Attorney **Pedro León** will now serve as Law Program Associate Director and former ELAW Project Manager **Colleen Keane** will now serve as ELAW Network Support Coordinator.



Juana Trujillo Cardenas



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"Thank you ELAW for this opportunity! My busy schedule of trainings, meetings, and field trips helped me become a better scientist for nature protection and more useful for Ukraine.

I gathered information about U.S. conservation systems, the protection of rare and endangered plants and animals, the preservation of urban green spaces in cities, and programs to restore natural complexes using traditional knowledge. I also had many meetings and conversations with experts who assess the impact of hostilities on the environment. I hope for further cooperation."

ELAW Fellow Kateryna Polianska
Kyiv, Ukraine

Kateryna (bottom right) with Liz Mitchell, ELAW Staff Attorney, and Liz's husband, Mike, on Mount Si near Seattle, Washington.

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Charity Navigator and Candid give ELAW their highest ratings for financial management, accountability, and transparency. To make a gift to ELAW, please visit elaw.org/give or use the enclosed envelope. Please contact Karen Guillory, ELAW Outreach Coordinator, with any questions. (541) 357-6767 karen@elaw.org