

Environmental Law at Maryland

University of Maryland School of Law

Summer-Fall 2003, No. 17

"WHERE THE STREETS HAVE NO NAME" CLINIC SUES TO PROTECT RIGHT TO KNOW

Highlights...

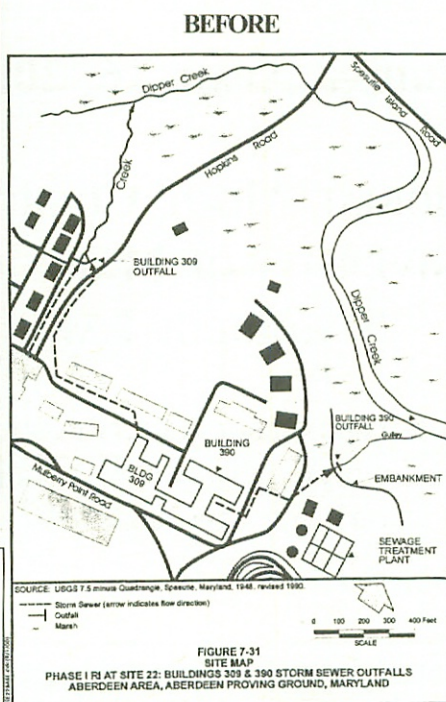
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University of Maryland
Environmental Law Program.*

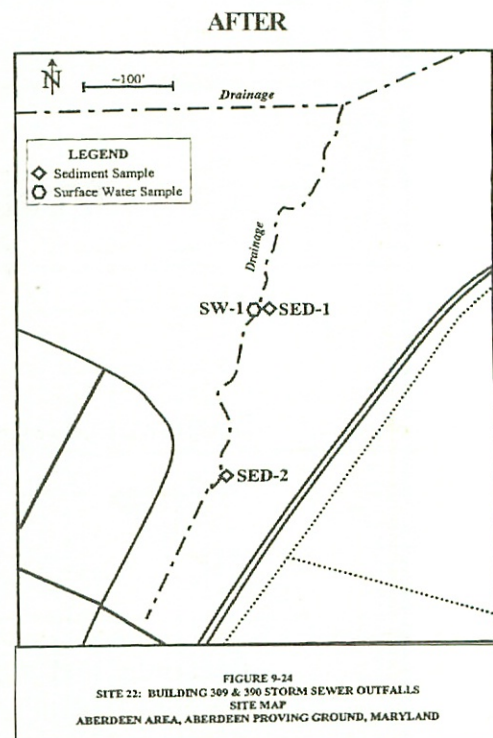
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friends of the Environmental Law
Program.



OCT. 2000 - SITE 22



APRIL 2003 - SITE 22

On August 8, 2003, the environmental law clinic filed a lawsuit on behalf of the Aberdeen Proving Ground Superfund Citizen Coalition that challenges the Army's refusal to disclose information about environmental contamination. The Army's excuse for censoring maps showing the nature and scope of contamination is that it could reach terrorists. The before and after maps above show the same site as portrayed in 2000 and as portrayed in 2003. The clinic students have written an article about these issues which will be published in the *Environmental Law Reporter*. An excerpt from the article is on p. 3.

**THE UNIVERSITY OF MARYLAND SCHOOL OF LAW
ENVIRONMENTAL LAW PROGRAM**

ANNOUNCES

**THE 2004 WARD, KERSHAW
ENVIRONMENTAL LAW
SYMPOSIUM**

"CLEAN SCIENCE"

FRIDAY, APRIL 16, 2004

**CEREMONIAL MOOT COURT ROOM
UNIVERSITY OF MARYLAND
SCHOOL OF LAW**

**IF YOU WOULD LIKE TO RECEIVE A BROCHURE, PLEASE EMAIL LAURA MROZEK
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Allegations that regulators do not use "sound science" when deciding to control pollution abound, and increasingly preoccupy policy debates at the national level. But just what do people mean by this loaded term, and do these meanings diverge from traditional scientific principles regarding investigation, discovery, replication, validation, and the elimination of bias? The Environmental Law Program, in cooperation with the Center for Progressive Regulation's Clean Science Project, will assemble experts from a range of scientific disciplines to debate these issues, and will publish the proceedings of this timely effort to analyze the implications of a rhetoric that has come to dominate national policy-making debates.

WHERE THE STREETS HAVE NO NAME: THE COLLISION OF ENVIRONMENTAL LAW AND INFORMATION POLICY IN THE AGE OF TERRORISM

EDITOR'S NOTE: The following is an excerpt from an article authored by Christopher Gozdor, Shana Campbell Jones, Kristen Klick, and Matthew Steinhilber, students in the 2002-2003 Environmental Law Clinic. The article will be published in the October 2003 issue of the Environmental Law Reporter.

Perchlorate, a chemical component of rocket-fuel that is used in explosives, was found in drinking water wells in the City of Aberdeen, Maryland late last year. The chemical interferes with the body's uptake of iodine, disrupting thyroid function. Low thyroid levels interfere with brain development in fetuses, infants, and children. Aberdeen's small but vigilant band of environmental activists were alarmed, although no one doubted the source of the contamination. Aberdeen abuts the 72,500 acre Army weapons proving ground that bears its name, one of the largest such facilities in the country.

Given the Aberdeen Proving Ground's (APG) size and prominence, it is surprising that last year's perchlorate discovery was only the second time chemicals from the base had been found in municipal water supplies. In the 1990s, trichloroethene was found in water supplies derived from the Perryman well fields. The Army agreed almost immediately to erect a \$2.2 million groundwater treatment plant near Perryman, and most citizen activists expected similarly rapid action to clean up the perchlorate. This happy ending was not to be.

Preoccupied and emboldened by the war in Iraq, impatient with what they believe are unreasonably rigorous environmental regulations, and intent on maintaining the security of military installations by keeping sensitive information from the public, the Pentagon's top leadership has refused to address perchlorate contamination, not just at Aberdeen Proving Ground but across the country. Military representatives assert that national security is the justification for the secrecy, but citizens refer to the new rules as "censorship" and angrily demand full and immediate disclosure.

Few Americans would disagree with the notion that the tragic events that began on September 11, 2001, should change the equation for decisions to disclose information that could prove useful to terrorists. Most people would probably agree in the abstract that they would rather know less about what

the military or the police are doing if disclosure might make them less secure. Yet as we overcome the sense of siege produced by those cataclysmic events, dilemmas like the Aberdeen situation test the military and EPA bureaucracies as well as the law. So, for example, while it is undoubtedly true that disclosing the precise location of drinking water wells makes it easier for terrorists to poison them, the citizens' interest in monitoring the movement of the perchlorate plume toward those wells is an equally compelling consideration. Unfortunately, there is no neutral arena for balancing the government's interest in secrecy against the public's right to know that is readily available to the people of Aberdeen and millions of others across the nation. The law's development has lagged behind the escalating importance of these issues, and in too many instances government officials are simply ignoring the law.

This dialogue argues that we are already paying too high a price for this state of affairs. The military's unrestrained urge to "go dark," as its covert operatives might say, will inevitably undermine public trust in its credibility and integrity, especially because the military's environmental track record is mixed, its good faith suspect, and the stakes for public health and the environment very high. Secrecy will also make it much easier for the Pentagon to avoid acting to protect human health and the environment, in effect nullifying laws designed to achieve goals as compelling as eliminating the terrorist threat. To avoid this unacceptable damage, we must accept that we cannot classify our way out of danger, and must instead balance our desire to shut terrorists out against our need to ensure government accountability and foster the ability of citizens to participate in democratic decisions that affect them.

Our solution to this clash of competing interests in security and the public's right-to-know is that any decision as to whether information should be withheld must balance the reasonable possibility that releasing information poses a threat to local or national security against the benefits of disclosure to the public. The balancing of these competing interests is intended to ensure that decisionmakers explicitly identify the benefits

that can be gained from either disclosure or keeping the information secret.

In applying this balancing test, decisionmakers should consider such factors as whether the information is already widely available to the public, whether the information directly reveals a potential vulnerability or weakness in security, and the specific benefits that disclosure gives to the citizens requesting the information beyond the general benefits traditionally associated with open government.

To achieve a fair result that upholds both of these important values, our test is premised on an affirmative demonstration by the government agency seeking to withhold information that doing so advances a legitimate security measure. At the same time, the test rests upon the fundamental notion that the public has a right-to-know — and need not assume the burden of demonstrating a specific need-to-know — with respect to all but the most sensitive information.

Percival Appointed to Brownfields Commission

Professor Robert Percival, Director of Maryland's Environmental Law Program, has been appointed to serve as a member of the state of Maryland's Environmental Restoration and Development Task Force. The Task Force, created by legislation adopted in 2003 by the Maryland General Assembly, is to review the impact of new amendments to the federal Superfund legislation on Maryland law encouraging cleanup of brownfield sites. The Task Force is expected to issue its report by December 31, 2003. Percival previously has served as a special master in a Superfund contribution action by appointment of Maryland's federal district court.

Critical Issues in Environmental Law and Science



Professor Rena Steinzor and Dr. Kathy Squibb

Professors Rena Steinzor and Dr. Katherine Squibb prepare to teach the first session of their new course — “Critical Issues in Environmental Law and Science.” Dr. Squibb is the director of the University of Maryland Medical School's Program in Toxicology. The course considers the pressing scientific issues of the day — from the nature and scope of the precautionary principle to the ethics of human testing to the rules that should govern peer review. For a copy of the syllabus, contact Laura Mrozek at lmrozek@law.umaryland.edu. This new offering is part of the joint program in environmental issues sponsored by the Law and Medical Schools at the University of Maryland.

PROFILE: PESTICIDE ACTION NETWORK

by Robin Schoeps Lewis*

Pesticide Action Network (PAN) is a worldwide organization that works to eliminate the hazards presented by pesticides. Each year pesticides injure millions of individuals. They are the only chemicals that are both deliberately manufactured to be toxic and directly introduced into the environment. Individuals are exposed to pesticides in a variety of ways. Pesticides are used in agriculture, households, and urban areas to kill and/or control insects, weeds, and diseases. The World Health Organization estimates that every year 3 million people suffer from severe acute pesticide poisoning.¹ An even greater number of unreported, mild cases result in acute conditions such as dermatitis.² A 1996 International Labor Office report found that pesticides cause 14% of all known occupational injuries and 10% of all fatal injuries. Many of these injuries are the result of improper usage or incorrect application techniques.

In spite of these inherent dangers, over 800 different pesticide chemicals are made globally and sold in tens of thousands of mixtures. Each year between US\$28-30 billion is spent on pesticides worldwide and the dependence on pesticides continues to grow. Within Europe alone, pesticide sales have increased from 295,289 tons in 1992 to 326,870 tons in 1999.³ PAN's goal is to eliminate these dangers and decrease international reliance on pesticides.

Pesticide Action Network International

PAN International is a worldwide organization whose purpose is to promote the safe use of and alternatives to pesticides. PAN International is a network of over 600 participating nongovernmental organizations, institutions, and individuals, in over 60 countries, working to replace the use of hazardous pesticides with ecologically sound alternatives. Five autonomous Regional Centers — PAN UK/Europe, PAN North America, PAN Asia and the Pacific, PAN Africa, and PAN Latin America — coordinate its projects and campaigns. The PAN groups work to address pesticide issues by:

- Publishing independent information on pesticides for governments, researchers, trade unions, public interest groups, those affected by pesticides, the media, academics, educational bodies, and concerned citizens;
- Undertaking and targeting appropriate research to promote better understanding of the cause and effect of pesticide problems;
- Advocating for effective and progressive policies to eliminate pesticide hazards;

- Networking with other organizations to expand their capacity and provide and strengthen other organizations' understanding of pesticide problems; and
- Supporting projects in developing countries to demonstrate the viability of organic production.⁴

More information about the individual PAN Regional Centers may be found on the PAN website at www.pan-international.org.

PAN UK

PAN UK is the only organization in the United Kingdom dedicated to raising awareness of the hazards associated with pesticides. PAN UK works both nationally and internationally with like-minded groups and individuals concerned with health, environment, and development to:

- Eliminate the hazards of pesticides;
- Reduce dependence on pesticides and prevent unnecessary expansion of use; and
- Increase the sustainable and ecological alternatives to chemical pest control.

As an independent, non-profit organization, PAN UK relies on funding from a variety of sources. A range of British-based trusts and foundations that support non-profit organizations provide partial funding. The United Kingdom government (specifically the Department of International Development and the Department for Environment, Food and Rural Affairs) and the European Commission Development Directorate support some of the projects. A significant portion of the funds raised each year supports the work of African partners and work programs undertaken in conjunction with PAN Regional Centers.

PAN UK's projects tackle pesticide problems in differing ways and at various levels. At the national level, PAN UK promotes agricultural policies focusing on pesticide safety and reduction. Strategies have included publishing a report, as part of the Working Group on the Risk Assessment of Mixtures of Pesticides, highlighting the potential health effects of exposure to pesticide cocktails. PAN UK also lobbied for a pesticide tax and continues to lobby for its implementation over the voluntary initiative adopted by the British government.

A key success for PAN UK came in response to their continual lobbying of the British government to expand the scope of the Advisory Committee on

Pesticides and to adopt a strategy looking at the least toxic methods of pest control. In 2002, the British government announced its plans to add two new members to the Advisory Committee on Pesticides (ACP) who will provide advice on the interaction between government and the environment. In addition, ACP recommended that the British government establish an ad-hoc subcommittee responsible for alternative approaches to pest control. PAN UK continues to work with ACP in implementing these changes.

In addition to working at the national level, PAN UK works at the local level by helping localities to reduce their pesticide use and raise awareness of the dangers associated with pesticide use in schools and communities. PAN UK operates a service for the public providing information, via fact sheets and the Internet, on health, environmental impacts of specific pesticides, and alternatives to certain household pesticides. PAN is working currently on the problem of leftover household pesticides. Due to an absence of proper disposal facilities, individuals often improperly dispose of these pesticides by placing them with household waste or by pouring them down the drain. PAN UK is liaising with local governments and other stakeholders to minimize the amount of pesticide waste and to encourage localities to provide proper disposal facilities within communities.

PAN UK also provides assistance to individuals exposed or concerned about exposure to pesticides through the PEX project. The PEX project provides assistance to individuals exposed to pesticides via a helpline staffed by PAN UK. The project guides a caller through the regulatory process, refers them to the appropriate agencies, and directs them to healthcare professionals with experience in pesticide exposures. After numerous calls from individuals concerned with local spraying, PAN UK convinced regulators that current laws do not sufficiently protect bystanders (including individuals living next to sprayed fields or walking on rights of way) from pesticide exposures. Regulators have now acknowledged that manufacturers are not carrying out proper risk assessments for these scenarios. PAN UK continues to press for improvements in surveillance and prevention of pesticide-related ill health.

In addition to action on the local and national fronts, PAN UK is very active in the international arena. PAN UK has worked closely with the international community on the ratification of the Rotterdam Convention on Prior Informed Consent (PIC Convention) and the Stockholm Convention on Persistent Organic

Pollutants (POPs Convention). PAN UK recently published guidelines for local organizations illustrating the steps that they may take to assist governments in implementing legislation necessary to the ratification of the PIC and POPs Conventions. PAN UK also succeeded in lobbying for the implementation of new standards in the *International Code of Conduct on the Distribution and Use of Pesticides*, which was revised in 2002.

Much of PAN UK's international work focuses on pesticide problems that exist in Africa. The Africa Stockpiles Programme aims to clear the hazards of obsolete pesticides that are polluting the local and global environment. Working with the World Wildlife Fund, the Africa Stockpiles Programme cleaned up and safely disposed of over 50,000 tons of pesticide waste throughout Africa. In 2002, PAN UK established a center in Ethiopia to work in Eastern and Southern Africa to ensure that local organizations are involved in local disposal operations and to campaign for the prevention of future dumping.

PAN UK continues to work in Africa, encouraging organic crop production and integrated crop management. The Cotton Project works with African partners in seeking a ban on the use of endosulfan on cotton and encouraging the production of organic cotton by training local farmers in organic farming techniques. PAN UK has promoted the use of farmer field schools, which train local farmers to reduce pesticide dependency and increase yields and income.

Future Projects and Goals

PAN UK continues to pursue its goals. By promoting the concept of least toxic alternatives, PAN UK is encouraging the British government to continue to make reforms on the manner in which new pesticide formulations are approved. In addition, PAN UK and Friends of the Earth recently published a report on alternatives to pesticides entitled: *Breaking the Chain: the Alternatives to Pesticides Coming off the European Market*.⁵ The report criticizes the British government for failing to promote safer alternatives to pesticides. PAN UK will continue to lobby the government to adopt such alternatives.

Educating school children on pesticide safety is a new focus for the group. With support from the Environment Action Fund, PAN UK is producing two educational projects. The first is a video, appropriate for

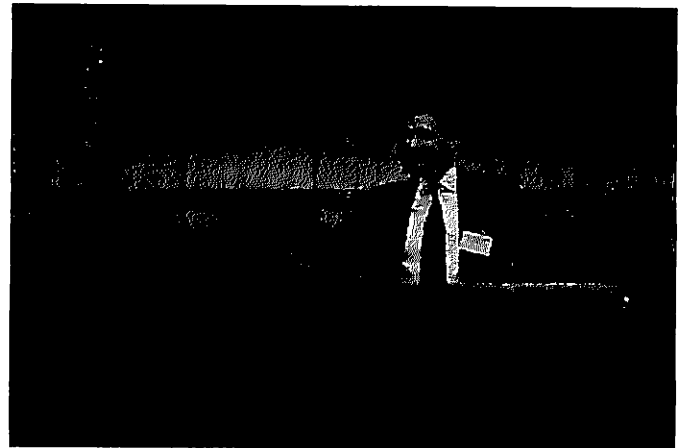
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MARYLAND HOSTS ABA WATER LAW CONFERENCE

by Cortney Madea*

On May 30, 2003 the University of Maryland School of Law hosted the thirty-first national spring conference of the American Bar Association's Standing Committee on Environmental Law. Cosponsored by the University of Maryland's Environmental Law Program, the conference focused on the theme "Water Wars in the East: The Newest Legal Battlefield." Approximately 100 attorneys, students and other professionals participated in the conference which examined how disputes over water supply and water quality are being handled by EPA, the courts, and state and local governments.

Benjamin Grumbles, EPA Deputy Assistant Administrator for Water, began the conference by explaining why fears of a looming "water crisis," a perennial concern out West, are now arising in the Eastern United States. Despite its abundance of rain, the East is not immune to periods of prolonged drought and growing populations are placing increased demands on aging water supply infrastructure. Over the next 20 years there is a projected gap of \$500 billion between the money needed for investments in waste and drinking water infrastructure and the amount likely to be spent. EPA is responding to these problems by promoting demand management and full cost and conservation pricing methods for water, as well as new technology to improve recycling and reuse of



Keynote Speaker Benjamin Grumbles, Deputy Assistant Administrator, Office of Water, U.S. EPA

wastewater. Grumbles noted that water supply issues generally are left to the states because the Clean Water Act authorizes the federal government to get involved only in water quality issues. Because water quantity can profoundly affect water quality, Grumbles argued that both concerns must be considered in an integrated fashion through management approaches focusing on watersheds.

"Fears of a looming water crisis, a perennial concern out West, are now arising in the Eastern United States."



Panelist Daniel Adamson, Of Counsel, Davis Wright Tremaine LLP

The first panel examined how relicensing proceedings before the Federal Energy Regulation Commission (FERC) affect competition over access to water supplies. FERC affects water allocation because nonfederal hydroelectric dams must be relicensed by FERC every 30 years and FERC must issue permits if municipalities or power plants seek to make water withdrawals. William J. Madden, Jr., a partner with Winston & Strawn in Washington, D.C., argued that while FERC has the legal authority to play an enormous role in regulating interstate water flows and encouraging conservation, it generally chooses not to get involved. Margaret Bowman from American Rivers, emphasized the need for FERC to use its expansive authority to address water allocation issues because of the harmful consequences of unnatural flow variations on fish and wildlife. She echoed Grumbles in arguing that the major problem in the East is management and that a focus on

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PRESENTS

**Saving Our Oceans : Legal and Policy Responses to
the Continued Decline of Marine Ecosystems**

**ABA STANDING COMMITTEE ON
ENVIRONMENTAL LAW**

**32ND NATIONAL
SPRING CONFERENCE
ON THE ENVIRONMENT**

FRIDAY, JUNE 11, 2004

**CEREMONIAL MOOT COURT ROOM
UNIVERSITY OF MARYLAND SCHOOL OF LAW**

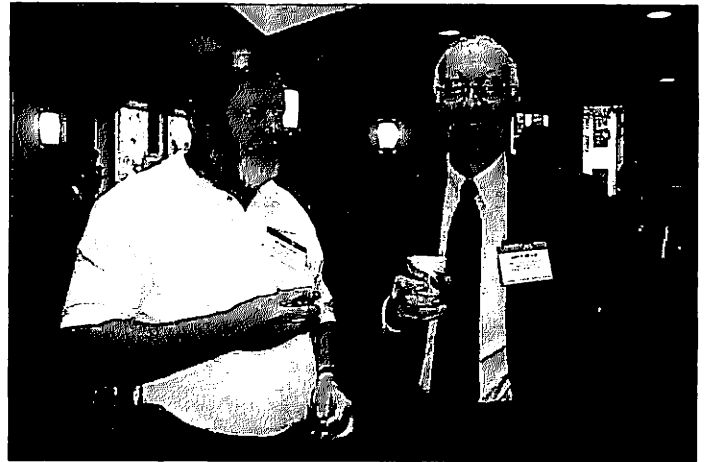
The program will draw together senior government policymakers and a wide-range of stakeholders and practitioners to address the current state of oceans and marine conservation law and policy, and the changes that are needed to reverse the ongoing decline of marine wildlife, fisheries and ecosystems in the U.S. and globally. Topics to be addressed include overfishing, coastal pollution, wildlife conservation, and international ocean governance. For more information contact Planning Chair Paul E. Hagen at (202) 789-6022 or Staff Director Elissa Lichtenstein at (202) 662-1695.

demand side management is necessary to promote sustainability.

Another panel focused on interstate battles over water and the need for cooperative solutions that transcend state borders. Disputes between Florida, Alabama, and Georgia over water allocation in the Alabama-Coosa-Tallapoosa River Basin (ACT) and the Apalachicola-Chattahoochee-Flint River Basin (ACF) were discussed by Teri Donaldson from the Florida Department of Environmental Protection and Todd Stillman, a partner with McKenna, Long & Aldridge in Atlanta. After describing the geography of the water flowing between the states and the uses of the water by each, they discussed how agreement was reached between them. The three states have entered into interstate compacts providing that the three governors will develop water allocation formulas, subject to federal review, and enforceable under federal law. The compacts provide for a mediation mechanism to respond to future problems and to enforce agreements already in force. The speakers emphasized the importance of gathering good data on water supply and demand, using computer models, and employing adaptive management strategies. Kenneth J. Warren, general counsel for the Delaware River Basin Commission, then discussed the Delaware River Basin Compact reached between New York, New Jersey, Pennsylvania, Delaware and the federal government. The Commission is composed of representatives from each of the five member governments. The Commission establishes minimum water flow targets for specific areas and adjusts flows in time of drought. The Commission has overcome the problems of ad hoc, uncoordinated responses in times of emergency and remarkably there has been no litigation among the members over issues subject to the Commission's jurisdiction since the Compact became effective.

Professor Dan Tarlock, Director of the Environmental and Energy Law program at Chicago-Kent College of Law, described lessons learned from the water wars of the West. He emphasized the need for a form of strengthened property rights in water to avoid a tragedy of the commons, while respecting whatever priority system for water use already is in place. Even though a system of allocating water rights based on first use may not be fair, existing entitlements must be treated with respect. Through priority and administration, a

"A wide variety of creative approaches are being employed by all levels of government to respond to competing demands for water use that often transcend governmental boundaries."



Panelist, John Morris (right), Director, North Carolina Division of Water Resources, Dept. of Environment and Natural Resources, speaks with an attendee at the conference.

model for private use should be established incorporating the notion that entitlements of water allocation are subject to an overriding public interest.

The third panel focused on water law developments at the state level. Professor Joseph Dellapenna of Villanova University School of Law discussed the need for a third model of water allocation – a regulated riparian rights system. He argued that the common law riparian rights system will lead to the tragedy of the commons while an appropriative rights system provides a well-defined right to use water that is limited as to time, location, and amount of use, but not for a limited duration. A regulated riparian system would allocate permits that set a time limit on the right to use the water. While expiring permits can be renewed, more stringent conditions can be placed on water use at the time of renewal, which may allow state agencies to reallocate the water. John Morris, director of the North Carolina Division of Water Resources, spoke about North Carolina's efforts to regulate ground water use. Two main features of the North Carolina program are its requirement of a permit for any ground water use over 100,000 gallons a day and its mandate that water users in two critical areas reduce use by 30-75% during a 16-year transition period. The targets will be readjusted at five-year intervals based on expansive real data monitoring. The plan gives the state leeway to make changes where necessary, making it more difficult for various groups to oppose the rule. John Hines, Pennsylvania's Acting Deputy Secretary for Water Management, spoke about Pennsylvania's developing state plan. He stressed the

importance of listening to stakeholders and developing a database to record water withdrawals.

Another panel analyzed local regulation of water use. Michael Marschner, Director of the Division of Utilities and Solid Waste Management for Frederick County, Maryland, described the county's elaborate plan to expand its treatment plants to cope with future emergency situations. While many speakers mentioned the need to reduce demand, in practice much effort and focus is put on increasing supply. Matthew Pajeroski, Chief of the Water Rights Division of Maryland's Department of the Environment, described Maryland's permit system. A permit does not convey a right to water which must be established first based on geographic location. Anyone who is going to use the water needs a permit, with five exceptions that include such things as domestic use and temporary construction. The amount of water one is allowed to use is related to the size of their property with respect to the size of the basin. The state does constant flow-by analysis to monitor flows and to assure compliance with permits. Richard Cairo, general counsel and secretary to the Susquehanna River Basin Commission, then explained that the Susquehanna River Basin operates under a regulated riparian system that follows a federal intrastate compact similar to the Delaware Compact. The Commission opposes regulation of water withdrawals by local governments arguing that allocation is better controlled on a larger scale and that the local government's role lies in planning for water availability.

The final panel addressed solutions through innovation and technology. Michael O'Brien, general counsel of the U.S. Filter Corporation, explained that in Europe 60-70% of private companies operate public utilities and in the U.S. it is less than 5%. Privatization can stabilize rates, and assist utilities in meeting environmental and safety regulations. Edwin Snyder of CH2MHill then described four innovative policy and planning approaches: shared water system assets, shared assets of mutual interests (such as transportation or school assets), inter-jurisdictional arrangements (where two cities share their resources to deliver water to a third city), and the formation of new water supply entities out of existing utilities to serve new communities. Mr. Snyder ended the conference on a promising note by discussing four new technological approaches: aquifer storage and recovery, membrane technologies, wastewater reuse, and alternative project delivery methods.

The conference highlighted the wide variety of creative approaches that are being employed by all levels of government to respond to competing demands for water use that often transcend governmental boundaries.

Necessity is the mother of invention, and our federalist structure of government can accommodate necessary responses to trans-boundary problems. As the conference demonstrated, considerable progress has been made to better align policymaking authority with the geographic scope of environmental problems.

**Cortney Madea is a second year law student and a research assistant for Professor Robert Percival.*

PAN

Continued from page 5

the British school curricula, highlighting concerns about the use of pesticides presented by school age children. The second project is an audit to be completed by school administrators and students examining how they might be exposed to pesticides in their daily lives. The goal of these projects is to raise awareness of the dangers inherent in pesticides and how the communities can balance such hazards.

Training farm workers in the safe handling of pesticides continues to be a goal of PAN UK's international work. This includes lobbying for pesticide containers with clearly written instructions in the local language, training on the mixing of chemicals, and alerting farmers to the dangers of spraying on non-target crops.

These and other goals make up some of the future projects on which PAN UK hopes to focus. Its past successes illustrate that, although a small organization, a great impact can be made through dedication and perseverance. PAN UK and PAN International will continue to strive to obtain and achieve their goals of promoting safe use of and alternatives to pesticides.

(Footnotes)

¹ Public Health Impact of Pesticides Used in Agriculture, WHO in collaboration with UN Environment Programme, WHO Geneva, 1990 p. 86.

² *Id.*

³ Pesticide Action Network UK, Review 2002. <http://www.pan-uk.org/Reviews/AR2002.pdf>.

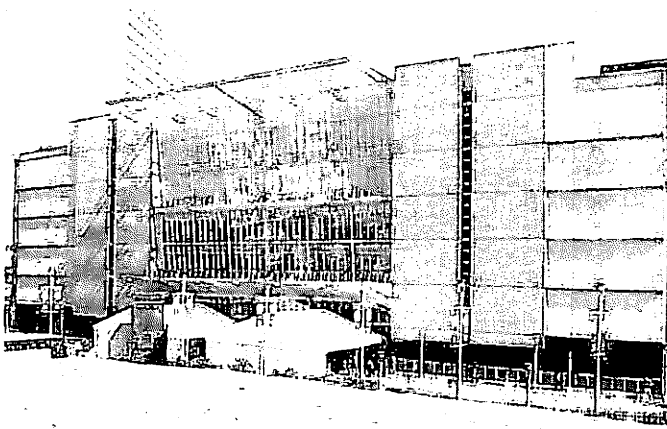
⁴ *Id.*

⁵ A copy of this report may be found at <http://www.pan-uk.org/press/91414foe.htm>.

**Robin Schoeps Lewis ('97) was a legal advisor to PAN UK. Details on all of PAN UK's projects may be found on its website, <<http://www.pan-uk.org>>.*

The WSSD: "Baby Steps" Toward Sustainable Development

by Karin Krchnak*



Sandtown - The Convention Center where WSSD negotiations were held.

A year has passed since the World Summit on Sustainable Development (also known as WSSD) was held in Johannesburg, South Africa. Approximately 100 Heads of State and over 30,000 people from intergovernmental organizations, non-governmental organizations, business, etc. came together on August 26 – September 4, 2002, to assess progress since the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro (UNCED is also known as the Earth Summit or just Rio) and to chart the course for the coming decade in making sustainable development a global reality. Although world leaders adopted Agenda 21, a global plan of action for sustainable development, in Rio, implementation of the plan's over 2,500 recommendations has been weak over the past decade.

WSSD concluded with three main outcomes. First, world leaders agreed upon "The Johannesburg Declaration on Sustainable Development," a 4-page political declaration. A ten-chapter "Plan of Implementation" details the actions needed to fight poverty and protect the environment. Finally, the concept of "partnerships" as a tool for implementing Agenda 21 was integrated into the work of the UN Commission on Sustainable Development (CSD), the entity created in Rio to ensure implementation of UNCED. Over 220 partnerships among governments, business, and civil society (with approximately \$235 million in resources) were identified in advance of the Summit and around 60 partnerships were announced during the Summit.

The CSD, other parts of the UN, and national governments, as well as host country governments

(Indonesia hosted a preparatory meeting and South Africa hosted the Summit) and civil society spent over two years planning for WSSD. At some points in the process, there were questions raised as to whether to postpone the Summit because there were so many difficulties encountered, including raising the funds to host such a large-scale event. The date of the Summit was changed so as to avoid ending on the anniversary of September 11th.

In February 2002, 41 American environmental leaders, including the heads of most major U.S. environmental organizations, issued an open letter to President Bush urging him to attend the Summit and to reassert U.S. leadership on international environmental issues. Unlike his father who after much media attention and debate did attend Rio, President Bush announced approximately one week before the Summit that Secretary of State Colin Powell would lead the U.S. delegation.

Although there has been much discussion as to the "success" or "failure" of Johannesburg, it is difficult to judge international efforts in such terms because it depends on one's perspective. Many, however, agree that the Summit fell far short of what is needed in establishing goals on some key issues and detailed plans of action and funding to fulfill the goals. In addition, despite approximately 4,000 members of the press at the Summit, many Americans only saw the Secretary of State being heckled at a press conference and did not get much coverage of the substance of the effort.

Over the span of four preparatory meetings (PrepComs), stakeholders met to negotiate text and debate the notion of partnerships, specifically whether partnerships would give governments the chance to evade their responsibilities toward sustainable development.

Unlike in many other UN and inter-governmental fora, the Summit process and the CSD as a whole allow significant involvement of civil society. Agenda 21 established nine Major Groups—Women, Children and Youth, Indigenous People, NGOs, Local Authorities, Workers and Trade Unions, Business and Industry, Scientific and Technological Communities and Farmers. Through the WSSD process, the Major Groups were central in lobbying governments and were able to make remarks at Multi-Stakeholder Dialogue Sessions.

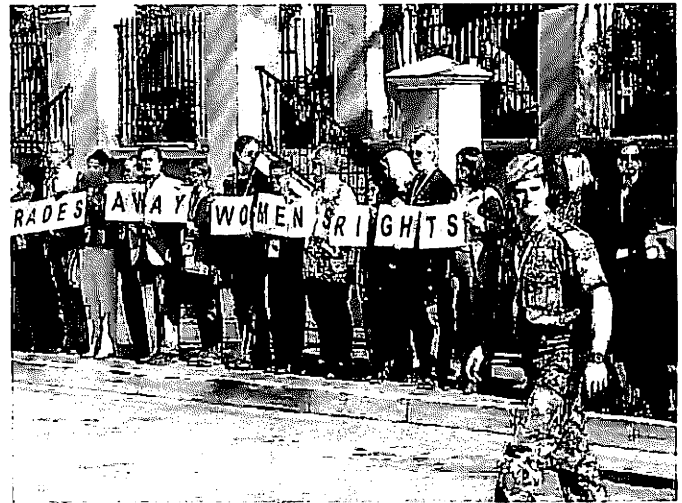
In addition to the Major Groups, there is a broad range of issue caucuses, ranging from Production &

Consumption to Biodiversity to Peace, that work through the Major Groups as well as on their own in trying to influence governments. At PrepCom IV in Bali, sixteen caucuses joined together in a press conference to comment on the lack of progress in reaching agreement on goals, timetables, and funding for achieving sustainable development. Asked to comment on the progress made so far, they described it as going backwards from commitments made at Rio.

The Major Groups and Caucuses are allowed significant access to the process, including the delegations representing their governments. For example, at PrepCom II, the Freshwater Caucus, which I co-chair, was faced with only a single paragraph on water. By PrepCom III, we were successful in getting governments to add our action points into the text. Many felt the text needed to be shortened since by PrepCom IV it was over 150 pages. Although each section was cut, in the end, on freshwater, governments agreed to the Millennium Development Goal (MDG) of halving the proportion of people without access to safe drinking water by 2015 and the added goal of achieving the same with regard to sanitation. Also worth noting is the commitment by governments to develop integrated water resource management and water efficiency plans by 2005.

The Women's Major Group made one particular point in which a Major Group had significant impact on the final text. Governments reached agreement on the Plan of Implementation late in the night of September 3rd. The final sticking point in the text was over Paragraph 47. The U.S. and other countries reached a deal at PrepCom IV in Bali that deleted language on reproductive health and included language to strengthen the capacity of health care systems to deliver basic health services to all "consistent with national laws and cultural and religious values." The Women's Major Group and others lobbied heavily to include language that these services would be "in conformity with all human rights and fundamental freedoms." On September 3rd, the Women's Major Group, including many supporters, demonstrated, calling for a change to paragraph 47, at the entrance to the Sandton Convention Center while government representatives were entering the building for negotiations. After continuous lobbying by NGOs throughout the day, the governments agreed to the human rights language but did not agree to delete "consistent with national laws and cultural and religious values."

In terms of positives, WSSD did not "rock the boat" per se but did reaffirm the commitment to the Rio principles. However, much work needs to be done to implement not only Agenda 21 but also the WSSD Plan of



The Women's Major Group and supporters fight for recognition that "women's rights are human rights."

Implementation. It is not possible to think that the world could have implemented the complex and detailed recommendations set out in Agenda 21 in only 10 years. I remember talking to some youth in the former Czechoslovakia a year after the fall of Communism and they wondered why they were not having better opportunities since the wall had come down. We could not think that the fall of Communism would mean full-fledged democracies and economic opportunities overnight. In the same vein, we cannot expect adoption or reaffirmation of Agenda 21 to mean sustainable development worldwide in the blink of an eye.

The Summit also made the point of focusing on the global need to eradicate poverty. In this way, WSSD did move toward a more holistic approach to global problems, finding ways to cope with the social, economic, and environmental aspects of an increasingly globalized world. There was also emphasis on strengthening the capacity of developing countries. However, this will continue to require financial assistance from developed countries.

The Summit also recognized the importance of indigenous knowledge. The involvement of local communities and the use of indigenous knowledge is key to achieving long-term results. For example, rainwater harvesting has significant potential and many groups were advocating for this throughout the Summit. Empowerment of women also received attention. In the water sector, for example, women must be empowered to participate in decision-making processes. In many rural areas, women and children must walk many kilometers to fetch water for household use. In Africa, for instance, women and girls spend 40 billion person-hours a year hauling water. They must be empowered to be part of the solution to our problems.

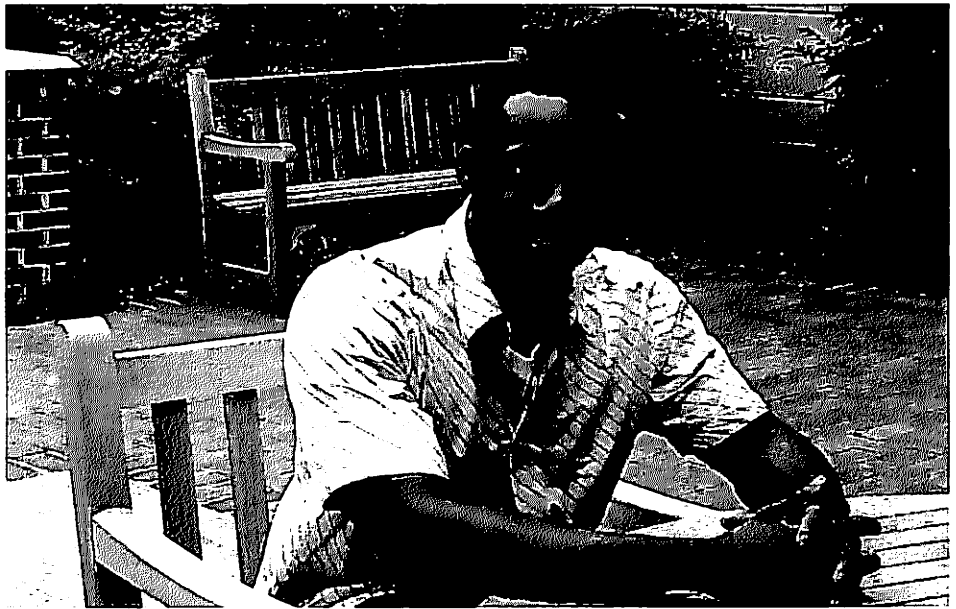
An Extern's Perspective: NWF

by Jonathan Nwagbaraocha*

As an undergraduate I developed an interest in international environmental policy. Through my undergraduate coursework I learned about the history and theory regarding international environmental policy. Even with this knowledge I still felt inexperienced in my area of interest. I felt I needed practical experience. As I applied to law school, I vowed to use the resources available to me not only to gain more information about international environmental policy through my academic coursework, but also to pursue the practical experience that I desired. During my second semester of my first year, I was offered a position as a legal intern at the National Wildlife Federation's (NWF) Office of Trade and Environment and I jumped at this opportunity.

The National Wildlife Federation is the nation's largest member-supported conservation group. The purpose of the NWF is to unite individuals, organizations, businesses, and government to protect wildlife, wild places, and the environment. The international department of the NWF uses litigation, lobbying, and participation in various international agreements to address many international environmental issues. The Office of Trade and Environment, in the NWF's international environmental department, works to promote the reform of U.S. and international policies and institutions to ensure that the protection of wildlife and wild places becomes an integral part of international economic development.

During my first week at work I met with Jake Caldwell, the program manager of the Trade and Environment Office, and developed specific assignments to be completed during the internship. My first assignment consisted of researching the North Atlantic Free Trade Agreement (NAFTA), the U.S.-Chile Free Trade Agreement, the U.S.-Singapore Free Trade Agreement, and any relevant U.S. law for mechanisms available to ordinary citizens or NGOs allowing them to assert that a



Jonathan Nwagbaraocha

country participating in a free trade agreement was not adhering to environmental provisions within the free trade agreement. I compared the environmental provisions of the U.S.-Chile Free Trade Agreement with those in the European Union-Chile Free Trade Agreement for my second assignment. For my third assignment I prepared an overview of the discussion concerning environmental labeling and certification taking place in the World Trade Organization.

These assignments gave me the opportunity to sharpen my research and analytical skills. Even though Jake was available for guidance on these assignments, he gave me the freedom to develop my own approach to completing these comprehensive documents. While I used traditional legal methods to find the text of certain trade agreements such as internet legal databases, I also learned to be flexible and pursue non-traditional methods to attain information vital to my assignments such as interviewing officers at both the U.S. Trade Representatives Office and the European Union Embassy.

Along with the development of my research skills, my analytical skills also progressed. Jake stressed developing my critical thinking skills and asked my opinion on issues being discussed in the various assignments I had to complete. During the development of NAFTA there were concerns about the impact of increased trade on the environment and to address those concerns a side agreement was executed, the North American Agreement on Environmental

Cooperation(NAAEC). The NAAEC contained a promise that all countries participating in NAFTA would effectively enforce their environmental laws. Since the NAAEC is a side agreement and not included in the main text of NAFTA, the dispute settlement mechanism described in the text of NAFTA is not applicable to countries failing to effectively enforce their environmental laws. However, the NAAEC contains a dispute settlement procedure separate from the dispute settlement procedure found in the text of NAFTA. Through the NAAEC dispute settlement mechanism, a country participating in NAFTA can assert that another party is failing to enforce its environmental laws with the possibility of fines and suspension of benefits for the failing party. In addition to the separate dispute resolution mechanism, the NAAEC also grants citizens and NGOs the power to assert that a country participating in NAFTA is not effectively enforcing its environmental laws and grants these same parties the right to petition for the preparation of a factual record concerning a country's enforcement of its environmental law. In the two recent U.S. free trade agreements with Chile and Singapore, the environmental provisions were included in the main text of the free trade agreement, but the citizen and NGO petition process was left out. Now under these current free trade agreements, countries failing to effectively enforce their environmental laws can only be fined and citizens and NGOs lack the power to petition for a factual record. This change in the application of environmental provisions is intriguing and could affect the approach of future U.S. free trade agreements, most notably the Free Trade Areas of Americas and Central America Free Trade Agreement. Using my analytical skills, I often had to understand complex issues involving trade and the environment and assess their potential impact.

Even though I had these assignments to do, Jake always stressed that these assignments were only part of my experience as a legal intern at the NWF. He always encouraged me to attend Congressional hearings, meetings with the U.S. trade representative, environmental NGO strategy sessions, brown bag lunches, and other forums where the connection between economic growth and protection of the environment were being discussed. I attended these activities as my schedule permitted. Of these activities, the North American Commission for Environmental Cooperation (CEC) public council meeting was my most memorable experience.

To implement the objectives of the NAAEC, a permanent tri-national commission called the North American Commission for Environmental Cooperation (CEC) was established. The CEC consists of the Council, the Secretariat, and the Joint Public Advisory Committee. The key functions of the CEC include facilitating cooperation among NAFTA countries, providing a forum for consultation on environmental issues, and providing a forum for public participation. This summer the Council of the CEC held a public meeting where Mexican, U.S., and Canadian organizations voiced their concerns and ideas about a wide range of topics concerning the environmental affects of NAFTA. At this meeting Jake was given a few minutes to speak about improving the implementation of the citizen and NGO petition process discussed above. Attending this meeting gave me a chance to see that as a lawyer my activity will not be limited to a courtroom. This activity, along with others, enhanced my experience at the NWF by giving me the opportunity to network and understand how different interests in the international environmental sector interact in an effort to create sustainable economic policy while protecting the environment.

I benefited greatly from my summer internship at the National Wildlife Federation. I finally gained the practical experience that I had desired. I strengthened those research and analytical skills that will prove valuable to me in the future. Along with the development of these skills, I had the opportunity to participate in enriching activities in the D.C. area. Most importantly I worked with passionate people trying to encourage sustainable international environmental policy. My experience at the NWF's Office of Trade and Environment will prove invaluable and I am happy that I spent my summer as a legal intern there.

**Jonathan Nwagbaraocha is a second year law student.*

MARYLAND ENVIRONMENTAL LAW SOCIETY

PLANS AN ACTIVE NEW YEAR



*MELS Board Members (left to right): Ulka Patel, Cortney Madea, Jonathan Nwagbaraocha, Paige Poechmann, and Ami Grace
Not Shown: Rynne Bellarin, Ray Schlee, Jennifer Svava, and Zaza Friedman*

The Maryland Environmental Law Society (MELS) has big plans for this year. Not only will MELS host the same popular events we hold every year, such as the environmental alumni mentoring dinner, but this year MELS also will focus on enjoying the great outdoors while actively working to protect it. This fall MELS members will enjoy the beauty of Maryland's rivers on a canoe trip, and next spring MELS members will take a weekend hike or two. MELS plans to perform some green community service projects while also working with the Sierra Club to improve the future of Maryland's environment. Jennifer Svava, 2D, MELS Grassroots advocate, is a Sierra Club representative that will help funnel the enthusiasm of MELS members into local environmental improvements.

Other exciting MELS events planned for this year include a speakers series, an environmental alumni mentoring dinner, and a day trip to the Chesapeake Bay Foundation "green building" in Annapolis. MELS prides itself on being one of the most involved student groups in the law school and looks forward to a very active and productive year.



Unfortunately, the Summit did not address the linkages among human population growth and sustainable development. We add approximately 77 million people to the planet every year. Although there are a range of projections, possibly one-half of the global population could live under water stress or scarcity by the middle of this century or sooner. This year is the UN International Year of Freshwater and much work is being done to help educate people about how to avoid a water-short world. In fact, there is a UN Interagency Working Group on Water as well as one on Water and Gender. The Summit called for increased inter-agency collaboration, and it is good to see such efforts.

Many involved in the Summit were also critical of attempts by governments and business to promote trade at the cost of multilateral environmental agreements. Even at the most recent session of the CSD (see below for more information), many in civil society pointed out the need for broad governmental representation at CSD. Finance and trade representatives need to be involved if real progress is to be made as in many countries, the environment ministries cannot on their own make a dent in overcoming the obstacles to sustainable development.

The site of the Summit brought an incredible amount of criticism. Access to the Sandton Convention Center, the main venue for negotiations, was limited for the first few days. As a result, civil society focused on addressing access issues as opposed to providing substantive input to the deliberations. The Summit was spread across four main venues with long distances to travel between them. Groups with a small number of delegates were forced to decide how to spread their limited amount of time and resources. At one point, I had to remain in the Convention Center because I feared not being let back into the building. This meant I had to miss a Freshwater Caucus meeting that I was supposed to co-chair.

We passed Rio+11 this year when the CSD concluded its first meeting since the Summit on May 9, 2003 with an agreement on its future program and organization of work for the next 15 years. Approximately 40 ministers, other government representatives, heads of UN agencies and other international organizations, as well as over 900 representatives of non-governmental organizations and other stakeholders attended the two-week meeting in New York.

Some major changes were introduced at this last CSD. First, the CSD will work in seven two-year cycles, with each cycle focusing on selected thematic clusters of issues. Moreover, delegates will not negotiate text at each meeting. "Policy" sessions will be held every other year with means of implementation being addressed in every cycle and for every relevant issue, action and commitment. Linkages to crosscutting issues (such as poverty eradication, changing unsustainable patterns of consumption and production, and gender) are also to be addressed in every cycle.

CSD11 reaffirmed that voluntary multi-stakeholder partnerships contribute to the implementation of inter-governmental commitments and that they are a complement to, not a substitute for, inter-governmental commitments. A set of criteria and guidelines for partnerships were agreed to at CSD11, and the CSD will have the role of overseeing the partnerships.

CSD11 was also new in that a Partnerships Fair was held as well as a Learning Centre aimed at building the capacity of those attending CSD as well as other interested persons.

Many in civil society point out their disappointments in the Summit and CSD11. I have been one of them but at the same time, I feel we also need to give CSD a chance, and not just CSD12. These are not easy issues and as the world seems to get more complex, we need to rethink how we define "success." We are prone to criticize but not really offer suggestions on how we would solve these problems if we walked in the shoes of those in the UN. In the end, it will take all of us working together, putting aside our territorial interests.

CSD12 will be tackling the thematic cluster of water, sanitation, and human settlements. That does not mean that all other issues such as agriculture, energy, climate change, biodiversity, etc. will be forgotten. The new CSD will try to address these issues in the context of the thematic cluster. Being part of the Freshwater Caucus, I know we have not just an uphill road but rather a mountain to scale. Again, we need to come together—governments, Major Groups, UN agencies, Caucuses, etc.—if we really think we have a chance of ensuring healthy freshwater ecosystems, drinking water and sanitation for all, and conflict-free transboundary waters.

For more information on the Summit, please visit <http://www.un.org/events/wssd/>. For information on CSD, visit <http://www.un.org/esa/sustdev/index.html>.

**Karin M. Krchnak ('93) is Co-Chair of the United Nations Commission on Sustainable Development Freshwater Caucus. She worked for the National Wildlife Federation during the World Summit process but has since joined the World Resources Institute as a Senior Associate and Director of The Access Initiative and PP10.*

ENVIRONMENTAL LAW STUDENT SUMMER JOB REPORT

Class of 2005

Lauren Axley – law clerk with the Equal Employment Opportunity Commission in Baltimore, MD.

Sarah Brull – spent the first half of the summer with the Environmental Protection Agency (EPA), Office of Enforcement in Washington, DC, and the second half in the Netherlands at the Hague Academy Program for private and international law.

Ellen Cornelius – law clerk with the Women's Law Center of Maryland.

Zara Friedman – law clerk with Community Law in Action in Baltimore, MD.

Ami Grace – law clerk with the U. S. Department of Justice, Civil Rights Division.

Gerald Lambert – law clerk with Montgomery County State's Attorney office.

Cortney Madea – Research assistant for Professor Robert Percival, Director of Environmental Law Program.

Jonathan Nwagbaraocha – summer extern at the National Wildlife Federation in Washington, DC.

Ulka Patel – law clerk for the Attorney General's Office, Baltimore Environmental Crimes Unit and research assistant for Professor Robert Percival, Director of Maryland's Environmental Law Program.



*"My summer was spent doing what I love - working on environmental issues with Terry Harris, President of the Cleanup Coalition."
Jennifer Svara*

Jennifer Svara - legal intern with volunteer community group "Cleanup Coalition."

Sandra Young – spent summer studying international environmental law in India.

Class of 2004

Katherine Baer – law clerk with Natural Resources Defense Council in Washington, DC.



"Environmental clinic skills were especially helpful while working for NRDC this past summer." Katherine Baer

Joshua Beail-Farkas – law clerk with the Office of Attorney General for Maryland, Medicaid Fraud Control Unit.

Ryanne Bellarin – law clerk with the environmental law firm of Rich & Henderson in Annapolis, MD.

Christie Biggs – legal intern at the Florida Attorney General's Office in Tampa.

Kristen Crowley – summer associate with the New Jersey Department of Environmental Protection.

Kip Digges – summer associate with Piper Rudnick LLP in Baltimore, MD.

Jonathan Dowling – summer associate with Ballard, Spahr, Andrews & Ingersoll.

Jaclyn Ford – law clerk with environmental law firm of Rich and Henderson in Annapolis, MD.

Daniel Fruchter – summer associate with Arent Fox in Washington, DC.

Ella Hayes - law clerk with Coalition to End Childhood Lead Poisoning in Baltimore, MD.

Mary Kelley - law clerk with the Office of the Attorney General at Maryland Environmental Services.

Lonnie Kishiyama - law clerk with Office of Environmental Law, U.S. Coast Guard Headquarters in Washington, DC.

Becky Lukaesko - legal intern with Mineral Policy Institute in Washington, DC.

Mala Malhotra - legal intern with U.S. EPA in Puerto Rico.



"My summer externship at the US EPA in Puerto Rico gave me the opportunity to work on protecting the only undeveloped wetland remaining in the San Juan Bay area. Because of this experience, I return to school with a new sense of confidence as a student." Mala Malhotra

Clare McCown - legal intern with Maryland Environmental Trust.

Evynn Overton - law clerk with Beveridge & Diamond in Washington, DC.

Kelly Pfeifer - law clerk with Federal Energy Regulatory Commission in Washington, DC.

Paige Poechmann - research assistant for Professor Rena Steinzor, Director of Maryland's Environmental Law Clinic.

Alison Prost - law clerk for the Chesapeake Bay Foundation in Annapolis, MD.

Ray Schlee - research assistant for Professor Rena Steinzor, Director, Environmental Law Clinic.



"As Professor Rena Steinzor's research assistant for the summer, I gained valuable experience in filing my first civil lawsuit. It is experiences like this that make Maryland's environmental program so vital." Ray Schlee

Gregory Schwab - law clerk with Venable Baetjer in Baltimore, MD.

Paul Sorisio - law clerk with Resources for the Future in Washington, DC.

Evening Students

John Bascietto - Senior Environmental Protection Specialist, U. S. Department of Energy in Washington, DC.

Jerry Blanding - Field Operation Engineer, Federal Highway Administration.

Jee Kim - Office of Inspector General, U.S. EPA.

Richard Mattick - Environmental Scientist, U.S. EPA, Office of Underground Storage Tanks. Richard spent his summer doing an externship with the EPA's Office of General Counsel in Washington, DC.

Joshua Silverman - law clerk for U.S. Department of Justice in Washington, DC.



"Working as an engineer with the FHWA (Federal Highway Administration) for the last 5 years, I've had many opportunities to be actively involved in the development and implementation of environmental documents. I am looking forward to learning more about the legal aspects through the Environmental Law Program." Jerry Blanding

ENVIRONMENTAL ALUMNI UPDATES

1976

Jane Barrett is a partner with Blank Rome LLP (formerly Dyer Ellis & Joseph) in the Washington, DC office and is co-chair of its white-collar, internal and government investigations practice group. Her practice emphasizes the defense of environmental crimes and complex fraud cases throughout the United States. Ms. Barrett is a member of the American Bar Association's Standing Committee on Environmental Law and the ABA Task Force on Gatekeeper Regulation and the Profession.

1989

Pamela Wexler is an associate with Camdus Group, Inc., an energy and environmental consulting firm in Rosslyn, VA. Pamela and her husband have one son, Seth, age 2 and are expecting a second child in October.



Pamela Wexler's ('89) son Seth, age 2.

1990

Elizabeth Donley is a Grants and Contract Manager for the Charlotte Harbor National Estuary Program in Florida. Liz became an American Canoe Association certified kayak instructor this past spring and works part-time as a kayak guide in southwest Florida.

1991

Safia S. Kadir (formerly Mohammadally) is an attorney with Heise Jorgensen & Shefanelli. Safia was married in 2002 and lives in Silver Spring, MD.

1993

Ali Alavi has been appointed Vice President & General Counsel with Horsehead Industries, Inc., whose major

subsidiaries are Zinc Corporation of America and Horsehead Resource Development Company, Inc., in Pittsburgh, PA.

Karin Krchnak is Director of The Access Initiative (TAI) and PP10 Project (PP10) with World Resource Institute in Washington, DC.

Colleen Ottoson has been transferred to Ferney, France, with her company PATH (Program for Appropriate Technology in Health). Ferney is across the border from Geneva, Switzerland. Colleen and her husband expect to be in France for two years. They are expecting their first child, a girl, in late November.

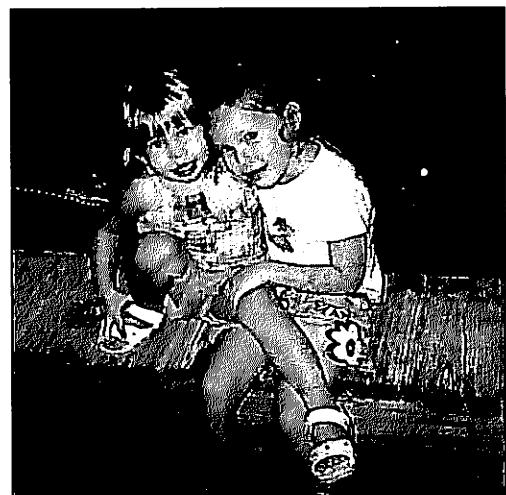
James Smiley is an attorney with the Law Offices of Joseph M. Jagielski in Baltimore, MD. James and his wife Nancy have two sons, Jason, 1 and Joshua, 3.

1994

Carrie Capuco has her own consulting firm, providing program management and communication services in three major areas - government, non-profit, and private sector clients. Her clients include Maryland Citizens Against Lawsuit Abuse, Annapolis Area Ministries Homeless Shelters, and the City of Annapolis.

Kathryn Delahanty teaches at Towson University in the College of Business and Economics. Her son, Connor, is two years old.

Jeanne Grasso is a partner with Blank Rome LLP (formerly Dyer Ellis & Joseph in Washington, DC), specializing in maritime and environmental law, including white collar defense, internal investigations, and compliance audits.



Shannon Miller's ('94) daughters, Jessica, age 3, and Alex, age 5.

Shannon Miller, a sole practitioner, lives in Florida with her husband, Andrew Smock, '94 med. school grad, and two daughters, Alex, age 5 and Jessica, age 3 (see pictures).

Douglas Moorhead is Assistant Regional Counsel for the Pennsylvania Department of Environment in Meadville, PA. Doug has a 2 year old son, Dane, and his wife, Heidi, is expecting another child in the spring.



KC Murphy's ('94) son Kevin, 5 months and Emma, 2.

KC Murphy works part-time as the Assistant Attorney General, Environmental Crimes Unit, Maryland Department of the Environment. KC and her husband reside in Sparks, MD and have two children (see picture).

Kim Strasser is currently teaching legal research part-time at the University of Maryland University College. The rest of the time Kim is a stay-at-home mom to Kevin, age 7, and Tara, age 3.

1995

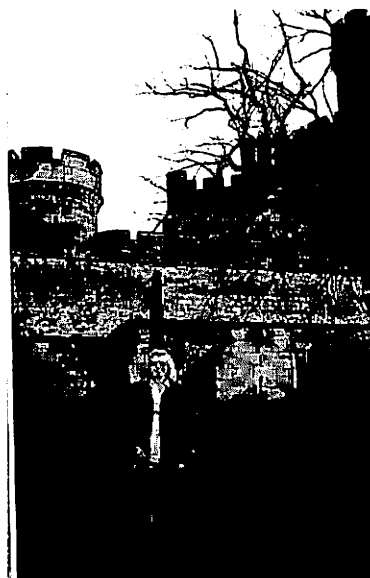
Steven Anderson is Director of Research Services at Gordon Feinblatt Rothman Hoffberger & Hollander, LLC in Baltimore, MD.

Theresa Boutchyard has recently taken over a law practice and is now a sole practitioner in Harford County, MD, practicing mostly estate work.

Michael Caplan is an environmental associate with Willkie, Farr & Gallagher in Washington, DC. In 2002, Mike was an international economic law fellow at Georgetown Law Center and recently lectured on administrative and environmental law at the Academy of American and International Law in Dallas, TX.

Ray Kempisty is a sole practitioner with a focus on family law.

Michael Levy is an associate with Kenyon & Kenyon in New York practicing patent law, concentrating in the pharmaceutical and chemical industry. Michael and his



Jennifer Lewis ('97) in Scotland attending a friend's wedding at Castle Fraser.

wife, Daniela have a daughter, Giorgia, age 2, and are expecting a second child in November.

1997

Jennifer Lundgren Lewis has been promoted to head of the corporate legal department at Spectra, Inc., a United Health Group Company (see picture).

Robin Schoeps Lewis recently gave birth to a baby girl and is currently take time off from her job at Pesticides Action Network (see page 5). Robin and her husband still reside in London (see picture).



Robin Schoeps Lewis ('97) daughter, Sloane Elizabeth, born June 12, 2003.

Brian Perlberg is a legislative attorney for Howard County Maryland, County Council's Office. Brian and Rebecca Hirshhorn '98, were married on August 31, 2003.

Mark Petruskas is an assistant attorney with the Maryland Department of Housing and Community Development. Mark's primary role involves advising the Maryland Historical Trust, the Department's Single Family Lending Program and the Smart/Building Codes Programs.

Pat Deem Ranzetta has left the firm of Piper Rudnick and moved with her son and husband to her hometown area of Oregon/Washington.

1999

Stuart Barr is an attorney with Lerch Early & Brewer in Bethesda, MD. Stuart focuses on a wide range of land use, planning, and zoning matters primarily in Montgomery County, Maryland. Stuart and his wife Tracy Spriggs Barr ('00), are expecting their first baby in September.

Phil Diamond is an attorney with Gallagher, Evelius & Jones in Baltimore. He recently spent ten days touring the west coast of Ireland with his wife and daughter.



Phil Diamond ('99) with his wife Claudia and 5 year old daughter Zipporah in Ireland.

Kimberle Dodd is an associate with Sidley Austin Brown & Wood in Washington, DC practicing in the environmental, civil litigation and government contracts areas. (see picture).

Nicole Lacoste is an associate with Tydings & Rosenberg LLP in Baltimore, MD, focusing on land use law. She recently was elected Treasurer/Secretary of the Planning and Law Division of the National American Planning Association.

Mila Leonard Neubert was married in the summer of 2002 and lives in Fairbanks, Alaska.

William Piermattei is an attorney with Dehay & Elliston LLP in Baltimore, MD.

Daniel Schreier is Director of Special Education in the Chicopee Public Schools in Springfield, MA. Dan and his wife, Kerryann O'Meara, have 3 year old twins, Molly and Emma.



Kimberle Dodd ('99) with boyfriend, Robert Vilchez at Machu Picchu in Peru.

Lori Schectel is a Regulatory Specialist with the San Francisco Public Utilities Commission.

Cpt. Yosefi Seltzer is with the Army's Environmental Law Division, Department of Restoration and Natural Resources, United States Army Legal Services Agency.

Michael Woodruff is an associate with Drinker Biddle & Shanley LLP, practicing commercial real estate, including conveyancing, leasing, financing, and land use. He was married in 2001 and lives in Branchburg, NJ.

2000

Brian Anderson has left his job with Venable Baetjer LLP in Baltimore and moved back home with his wife and 2 children to Madison, Wisconsin.

Kerstin Schuster is a budget analyst with the Social Security Administration.

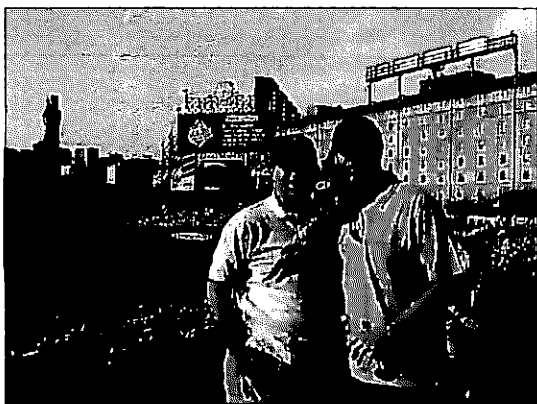
Evan Wolff is with Mitre Corporation working with the Dept. of Homeland Security on infrastructure protection issues. He recently bought a house in Falls Church, VA.

2001

Michele Dunlop is an associate with Arnold & Porter in Washington, DC.

James Lichty is an attorney for McAngus Goudelock & Courie in Columbia, SC. This spring he led the firm's softball team to the city's law league championship.

Gail Orendorff has recently accepted a position with the Federal Aviation Administration in their Airports and Environmental Law Division.



Jim Lichty ('01) visits his hometown to take in O's game with his brother at Camden Yards.

Wade Wilson is an associate in the litigation section of Morgan, Lewis & Bockius in Washington, DC. He works with the CWA, CERCLA, and RCRA, with a focus on large spills. For fun Wade hunts for lobsters in the Keys and ducks in the Chesapeake.

2002



Drew Brought ('02) married Kristen Kuntscher on August 23, 2003.

Andrew Brought is an associate with Baker Botts in Houston, TX. He was recently married (see picture).

Ariel Close is Associate Director of Food & Agriculture Policy, Environment, Technology & Regulatory Affairs, U. S. Chamber of Commerce in Washington, DC. Ariel is engaged to be married.

Margaret Clune is an associate in the commercial litigation group at Piper Rudnick LLP in Baltimore, MD.

Chris Corzine is an attorney with the Coalition to End Childhood Lead Poisoning in Baltimore, MD.

Ioannis Laskaris will be married on October 25, 2003 and recently moved to Catonsville.

Lee Ann Lezzer is an attorney with the U.S. Dept. of Housing & Urban Development in Washington, DC. She is currently working on lead-based paint policy and enforcement.

Daniel Smith is an attorney with the Department of Justice, Environment and Natural Resources Division in Washington, DC. Dan recently married (see picture).

Shawn Steel is an attorney-advisor with the U.S. Coast Guard Office of Administrative Law Judges.



Daniel Smith ('02) married Danielle on August 8, 2003.

Jessica Stuart is an associate with the American Chemistry Council.

2003

Jeffrey Barmach is a law clerk for Judge James. E. Seibert, United States Magistrate Judge, United States District Court, Northern District of West Virginia.

Ryan Bautz is a law clerk for Chief Judge Joseph H. Kaplan, Circuit Court for Baltimore City.

Karyn Bergmann is a Fellow with the Center for Health & Homeland Security at the University of Maryland School of Law.

Andi Thomas Bernat is an attorney with The Fund for Animals.

Andrew Bokan is with the law firm of Henderson, Franklin, Starnes & Holt, in Fort Myers, Florida.

Michael Collins is an attorney with Capital Markets Group at Bank One in Chicago. IL.

Christopher Gozdor is a Fellow with the Center for Health & Homeland Security at the University of Maryland School of Law.

Ted Hilke is an associate with Graham, Curtin & Sheridan in Morristown, NJ.

Shana Jones is clerking for Judge Lynne Battaglia of the Maryland Court of Appeals.

Jon Kallen is an environmental consultant with DPRA, Inc., in Rosslyn, VA, focusing on legal/policy analysis, rulemaking, and administrative law work. Their clients include EPA, DOD, and private industry.

Kristen Klick is a law clerk with Judge Beth Gesner, Magistrate Judge in the Federal District Court. After completion of the clerkship, she will be an associate with

Arnold and Porter in Washington, DC. Kristen recently married and lives in University Park, MD.

Tracy Kulikowski has moved to Redding, CT and will be a temporary assistant clerk for the Connecticut trial courts.

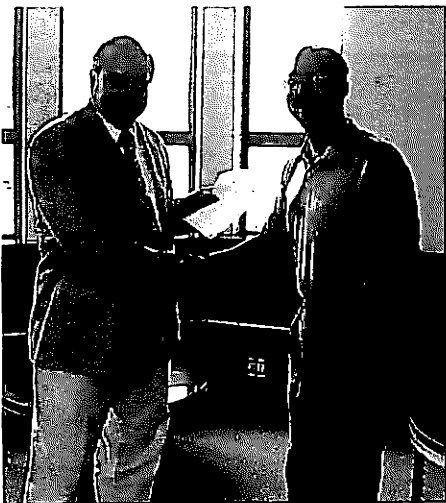
Christina McGarvey is an associate with Vinson & Elkins in Washington, D.C.

Roy Potter is a primary patent examiner at the United States Patent Office.

Alan Sachs is an environmental associate with Beveridge & Diamond in Washington, DC.

Matthew Steinhilber is a law clerk for Judge Deborah Eyler at the Maryland Court of Appeals in Annapolis, MD. After completion of the clerkship, Matt will be an associate with Ballard, Spahr, Andrews & Ingersoll in Baltimore, MD.

Lonnie Kishiyama, Wins Second Place in Roscoe Hogan Environmental Essay Contest



We are proud to announce that Lonnie Kishiyama (3D) won 2nd place in the Roscoe Hogan Environmental Law Essay Contest. His essay was entitled "Countering Corporate Evasion of Environmental Obligations Through Bankruptcy." Twenty-seven schools submitted essays for the national competition. His essay will be published in the *Vermont Journal of the Environment*.

21 STUDENTS GRADUATE WITH ENVIRONMENTAL CONCENTRATION

Twenty-one students of the class of 2003 received the Concentration in Environmental Law Certificates.



From left to right, back row: Jomar Maldonado, Alan Sachs, Mike Collins, Ted Bliman, Adm. Asst. Carole Marshall, Matt Steinhilber, Chris Gozdor, Ryan Bautz.

Front row: Coordinator, Laura Mrozek, Director of Program, Bob Percival, Marcia Tannian, Karyn Bergmann, Christina McGarvey, Tracy Kulikowski, Shana Jones, Kristen Klick and Director of Clinic, Rena Steinzor.

Not Shown: Jennifer Abbruzzese, Jeffrey Barmach, Andrew Bokan, Mike Decker, Ted Hilke, Roy Potter, Andi Thomas Bernat, and Gemma Vestal.

ATTENTION!! ENVIRONMENTAL ALUMNI AND STUDENTS 12TH ANNUAL ENVIRONMENTAL LAW WINETASTING

DATE: FRIDAY, NOVEMBER 14, 2003

TIME: 6:30 P.M.

PLACE: WESTMINSTER HALL

R.S.V.P. to Laura Mrozek at lmrozek@law.umaryland.edu