A NEW VISION FOR AN ABANDONED QUARRY IN WEST BALTIMORE

Pictured from left to right: Suzy Kelly, Board Member, Earth Conservation Corps, Gertrude Hack, Allendale Community Assn., Professor Steve Solow, Mrs. Ethel Kennedy, Board Member, Earth Conservation Corps.

Story on page 3
ENVIRONMENTAL LAW CLINIC BUILDS A BRIDGE TO UZBEKISTAN

by Karyn Bergmann and Steve Solow*

The Environmental Law Clinic has become the “sister” clinic to an environmental law clinic in Tashkent, Uzbekistan. This may be the first such program in the United States. The Tashkent clinic is a part of the University of World Economy and Diplomacy (UWED) in Tashkent, Uzbekistan. The goals of the new relationship are to provide a new perspective on environmental law, and to share ideas, strategies and solutions on protection of the environment. The Maryland clinic is developing a new web page with a “chat room” designed to allow students in Baltimore and Tashkent to have an active dialogue. Eventually, the clinics hope to have regular videoconferences and a student exchange program.

UWED organized their environmental law clinic in February 2001 with the assistance of the American Bar Association’s Central and East European Law Initiative (CEELI). CEELI is a public service project of the American Bar Association. The project is designed to advance the rule of law by supporting the law reform process underway in Central and Eastern Europe and the New Independent States of the former Soviet Union. Through various programs, CEELI makes available the legal expertise of American volunteers to assist emerging democracies in modifying or restructuring laws and legal systems. The UWED Clinic is one of many CEELI projects in Uzbekistan and has a full-time U.S. lawyer serving as the on-site clinic director.

The UWED clinic consists of both graduate and undergraduate students studying international law. The UWED clinic has already been busy. In their first year, they conducted a workshop on transboundary pollution, prepared a television broadcast devoted to educating Uzbek citizens on their environmental rights, hosted an exhibition entitled “Ecology of the Soul,” and is currently developing a model environmental code.

Uzbekistan declared independence in 1999. The first election was held in March 1990, when Islam Karimov was elected. (He remains in power.) Unlike the United States, the Uzbek government consists of a unicameral legislature. The judiciary is not independent and is under the direct control of the President. Because of the government’s organization, this fledgling democracy and developing economy does not have a strong legal infrastructure. Consequently, regulation of the environment is not easy in Uzbekistan, and the UWED students face a significant challenge. With the war in Afghanistan, Uzbekistan has become a major staging area for U.S. and allied forces which has brought attention to the region. Maryland students look forward to assisting them as they develop their clinic and gaining insight first hand into international environmental issues.

Insignia of the University of World Economy and Diplomacy in Uzbekistan

To view the clinic’s web page, go to http://www.law.umaryland.edu/Environment/program.asp

Karyn Bergmann is a second year law student in the Environmental Law Clinic. Steve Solow is a Visiting Professor for the Environmental Law Clinic.
A NEW VISION FOR AN ABANDONED QUARRY IN WEST BALTIMORE
by Karyn Bergmann & Steve Solow*

Residents in West Baltimore have gained a new ally in their battle against a planned dump site in the middle of their community. Mrs. Ethel Kennedy, the widow of former U.S. Senator Robert F. Kennedy, has joined the community's fight to stop a local construction company from turning a former quarry into a dump site. Instead, the community is beginning to explore ways to turn the site into a valuable community resource and make it a part of a planned Gwynns Falls Greenway that will run through Baltimore City to the harbor. With Mrs. Kennedy's help, and with the help of the Washington, D.C.-based Earth Conservation Corps, the community has also obtained the voluntary assistance of architect Mike Bartlett. Mr. Bartlett has agreed to work with the community to develop conceptual designs for alternate uses of the property. "We want to create a new vision for the site, which forces the owners of the site, the City, and the State to think about how a disastrous plan for a dump can be transformed into a unique community resource," says Karyn Bergmann, one of the student attorneys in the Environmental Law Clinic working on behalf of the residents.

On December 19th of last year, Mrs. Kennedy traveled to Baltimore from her home in Virginia to meet with representatives of some of the four community groups that are opposing the dump. She was accompanied by members of the Board of the Directors of the Earth Conservation Corps, including the group's director, Bob Nixon. The meeting with representatives from the community group's fighting the dump site, which are represented by the Environmental Law Clinic, was held in a community recreation center in West Baltimore.

The outcome of the meeting was a commitment by the community representatives to work together on a plan for a positive use of the site, and to obtain the Clinic's assistance in that effort. Mrs. Kennedy pledged her continued involvement as well. It was an inspiring and exciting day. A meeting has now been scheduled with community representatives and Mr. Bartlett, the architect, to begin the process of developing ideas and plans for a better future for the site.

The 32-acre heavily wooded property is on the western bank of the Gwynns Falls, a small river that flows through the heart of the Carroll Community. The property was once an active gravel and sand quarry. When the quarry ceased operation forty years ago, the property remained abandoned, marred by two gaping, water-filled pits. The former owner tried to start a rubble landfill, but could not attain the required permits for that use. In spite of this, the new owner, Potts & Callahan (a major construction company), has been trying to use the site to dispose of excavation debris from the company's many projects. Potts & Callahan obtained a grading permit in 1998 to fill 4.5 acres. However, grading permits are for short-term projects, not for landfill operations, even those involving allegedly clean fill.

When the company attempted to renew the grading permit to fill the remaining 23 acres, the community rose up in protest, aided by the Environmental Law Clinic. Just the filling of the 4.5 acres had given the community considerable grief. The uncovered trucks passing through the neighborhoods created layers of dust on homeowners' property, and the weight of the trucks fractured the neighborhood streets while posing a considerable safety hazard to neighborhood children. If the company has its way, it would be able to send up to a 100 trucks a day through this residential community for
100 trucks a day through this residential community for the next twenty years.

Even more disturbing was the fact that the company was planning on filling the site not just with its own waste, but with waste from other companies. Although Potts & Callahan vowed that only “clean” fill, consisting of rock, concrete, non-refractory brick, and asphalt, would be accepted, their prior behavior on the site did not give the community much comfort. City inspectors found the company in violation of its grading permit five times out of seven visits, including a failure to adequately monitor what was being dumped.

After considering the strong opposition by the community and the company’s abuse of its prior permit terms, the City denied Potts & Callahan a renewal.

The company filed suit against the City in Circuit Court for Baltimore City on the grounds that the City’s decision was arbitrary and capricious. The court found that the company had not exhausted its administrative remedies before the Board of Municipal and Zoning Appeals. Potts & Callahan appealed that decision to the Court of Special Appeals of Maryland. The case has not progressed. The company’s brief to the Court of Special Appeals did not conform to the court’s rules. After giving the company an opportunity to amend their brief and after the company failed to conform to the rules, the court dismissed the case. The company moved for reconsideration in October, but the court has not ruled upon the request. In the meantime, the Clinic’s clients, aided by Mrs. Kennedy and others, will move forward with efforts to turn the site into a benefit to the community, instead of a dangerous dump.

*Karyn Bergmann is a second year law student in the Environmental Law Clinic. Steve Solow is a Visiting Professor for the Environmental Law Clinic. From left to right: Christina Heath, Mary E. Rodman Recreation Center, Dan Smith, 3D, Mary Roby, Parks & People, Suzy Kelly, Board Member, Earth Conservation Corps, Professor Steve Solow, Mrs. Ethel Kennedy, Board Member, Earth Conservation Corps, Terry Harris, Cleanup Coalition, Gertrude Hack, Allendale Community Assn., James Willie, Earth Conservation Corps, George Fitzgerald, Allendale Community Assn., Robert Nixon, Director, Earth Conservation Corps, and Michael Hughes, 3D.

NOTICE TO ALUMNI

PLEASE CONTACT LAURA MROZEK WITH CHANGE OF ADDRESS OR EMPLOYMENT. YOU MAY EMAIL TO:

lmrozek@law.umd.edu

Thank you so much!
The Environmental Law Clinic represents several clients on environmental legislative matters. In addition to representing clinic clients such as the Clean Up Coalition (CUC) on legislative matters, the clinic has served as counsel to Senator Brian Frosh, Chairman of the Maryland Senate Subcommittee on the Environment.

During the fall 2001 semester, the clinic worked with both clients to develop a series of bills that could strengthen environmental laws in Maryland. One issue that surfaced was the need to strengthen environmental enforcement laws, such as fines, fees, and penalties. Partly in response to September 11, 2001, the clinic also helped to develop a “chemical terrorism protection” bill, designed to increase public safety in and around chemical facilities in Maryland. In addition to working on new bills to protect the environment, the clinic helped to defeat a proposed “audit privilege and immunity” bill. This bill would have allowed companies to keep the details of environmental violations a secret from the government and the public, and would provide immunity for such violations in certain circumstances. Similar legislation has been proposed, but not passed, at the federal level for several years. Several states have passed such bills in the past, but since 1998 no state has passed such a bill after they began to face strong opposition from both environmentalists and law enforcement officials.

In November 2001, the clinic began to gear up for the legislative session, which commenced in early January 2002. On behalf of the CUC the clinic drafted a memo that set out a “wish list” of proposals to enhance environmental enforcement. The memo was circulated to the Governor’s office and the Maryland Department of the Environment. Among other things, the clinic proposed an extension of the statute of limitations for environmental crimes in Maryland (currently, only one year long), the addition of felony provisions for certain environmental crimes, and the addition of attempt provisions for all environmental crimes in Maryland (currently, none exist). When the legislative session began in January of 2002, the Governor decided to incorporate some of the clinic’s suggestions regarding environmental enforcement in his legislative package. In addition, the clinic became involved in revising and analyzing four other bills. First, we looked at a “critical areas” bill, which attempted to reiterate an existing law that protected the “critical areas” of the Chesapeake Bay watershed. “Critical areas” are buffer zones along the shoreline that exist to mitigate the negative toll of development on the waters of the bay. Since the original law passed, Maryland courts have created many exceptions to the restrictions imposed by the law, which has weakened the state's ability to curb development in critical areas. Thus, the legislature proposed a bill designed to reinstate the original restrictions on developing this type of land. The clinic provided comments on how the new bill would close those loopholes created by the recent litigation of this law.

Next, Senator Frosh planned to introduce a “chemical terrorism protection” bill, and Delegate
Robert Zirkin planned to introduce a bill that covered the rail transportation of hazardous materials through Maryland. Among the legal issues for the clinic to consider for both bills was whether or not federal law would preempt state regulation of the chemical or rail industries.

Senator Frosh’s chemical terrorism prevention bill required a lot of the clinic’s attention during the legislative session. In reviewing drafts of the bill, the clinic foresaw several potential challenges to the bill that opposition might raise. The clinic helped to prepare Sen. Frosh for the hearings on the bill by preparing a section-by-section analysis of the bill, some suggested changes in the language and format, and a list of anticipated questions and proposed answers.

One of the salient issues arising from both the chemical terrorism bill and the rail safety bill was the question of federal preemption of Maryland’s ability to regulate these entities. In considering the preemption issue, we examined litigation of the preemption doctrine in general, and in the context of state regulation of rail safety and of local safety hazards.

In addition, we took into consideration Baltimore’s safety and security in light of the CSX tunnel fire of last July, which displayed the potential public health disaster from the use of underground tunnels in the heart of the city’s populated areas to transport hazardous materials. Finally we looked at the vulnerabilities of Maryland’s chemical facilities to terrorism in light of post-September 11th national security issues.

We concluded that the federal law currently governing these areas, including the Hazardous Materials Transportation Act and the Federal Rail Safety Act, left room for the states to regulate when the federal law did not specifically cover what the state wished to regulate or when the state had a local safety hazard that federal law could not adequately address.

In support of proposed revisions to the state’s enforcement provisions, the clinic also researched the fines, penalties, fees, and statutes of limitations provisions of Maryland law. We compared these provisions to the laws of other states, in order to help the CUC create convincing testimony in favor of the proposed enforcement bills. In our research, we discovered that Maryland is one of a handful of states with a one-year statute of limitations for environmental violations. Most other states allow at least three years to discover and report environmental infractions. We also looked at the fines, penalties, and fees of certain environmental laws and realized that Maryland’s are not as strong as they could be.

All of the hearings for the bills on which the clinic had focused were scheduled during the last week of February. During that week the clinic got a taste of the chaos involved in the legislative process, especially during the final hours of preparation before the hearings. The hearing for Sen. Frosh’s chemical security bill was on February 26th and heard by the Senate Subcommittee on Education, Health, and the Environment. On behalf of the Clean Up Coalition, Terry Harris testified on the need for the bill in general, and I (Ariel Close, Student Attorney) testified as to why this legislation was not preempted by federal law.

The following day there were hearings before the House Environmental Matters Committee. That day Harris and the clinic contributed testimony on behalf of the CUC for several bills. First, Harris and Clinic Co-Director Steve Solow testified for several bills addressing administrative enforcement of environmental fines and penalties, introduced by the Governor, and for bills to phase out the use of chlorine in water and wastewater treatment in Maryland, introduced by Del. Zirkin. Then, also on behalf of the CUC, Andrew Brought, clinic teaching assistant and student attorney, and Professor Solow testified on the need for longer statutes of limitation for environmental violations. Finally, Professor Solow testified on behalf of the CUC against the audit privilege and immunity bill. The CUC opposed the bill because it would allow violators who voluntary disclose certain violations to the government to be immune from enforcement and to keep the facts in their internal audits a secret.

The House Environmental Matters Committee only provided a short time for those who opposed the bill to testify, so on March 12, 2002 the clinic submitted a letter detailing the danger such a “secrecy” bill presents to continued compliance with environmental laws. On Monday, March 18, 2002, the clinic was able to report to the CUC that the House Committee had reported unfavorably on the bill, meaning it was dead for this legislative session. On March 18, the clinic informed the CUC that the House Environmental Matters Committee had reported favorably on increasing the statute of limitations for clean water violations to three years.

Environmental Law 6 continued on page 8
Accidents Waiting to Happen?

by Rena Steinzor*

According to the Washington Post, a study conducted by the U.S. Army Surgeon General projects that as many as 2.4 million people could be killed or injured in a terrorist attack on a facility using, storing, or producing acutely toxic chemicals that is located in a densely populated area. Even middle-range casualty estimates for an explosion at a toxic chemical plant are as high as 903,000. In fact, the Army analysis ranks such threats second only to bioterrorism as priorities for ongoing efforts to improve America’s homeland security.

None have described this danger more succinctly than Frederick Webber, president of the American Chemistry Council, the industry’s preeminent trade association. “No one needed to convince us that we could be—and indeed would be—a target at some future date. If you are looking for a big bang, obviously you don’t have to go far in your imagination to think about what the possibilities are,” he told the Washington Post soon after the September attacks.

If you thought about it for only a moment, you might well assume that the government had this situation well in hand. Surely it was conducting inspections at the biggest, most vulnerable plants; surely new standards for reducing the threat by eliminating the hazard were being formulated; and surely the owners and operators of such facilities would soon be told—if they hadn’t already been—to take immediate steps to improve site security.

Well, you would be wrong on all counts. In fact, federal security experts and chemical industry executives are rumored to be in constant consultations, but neither the content nor the scope of those conversations have yet been shared with Congress or the public. EPA Administrator Christine Todd Whitman says she is satisfied so far at the promises the chemical industry has made to take voluntary action to beef up site security and has no plans to issue new federal standards. The Justice Department has ignored an August 5, 2000 statutory deadline for performing an interim study of chemical plant vulnerability to terrorist attacks, and recently announced that the money to pay for the study—a whopping six million dollars—won’t be available until at least 2003. Presumably, the Justice Department has found better ways to spend the $40 billion appropriated for homeland defense.

On March 11, 2002, the six-month anniversary of the World Trade Center tragedies, the Natural Resources Defense Council, on behalf of its 400,000 members nationwide, sued John Ashcroft, in his official capacity of course, seeking a court order putting the Justice Department on a schedule to produce the vulnerability assessment. This case will return with me to Maryland, where student attorneys enrolled in next year’s Environmental Law Clinic will assume responsibility for pursuing the lawsuit. While the case will almost certainly result in the court-imposed schedule, the assessments, which should have been completed this coming August 5, will take significantly longer, and the government will be no closer to developing an effective response to this crucial problem.

Why the blind spot? We would not think of assigning the airlines sole responsibility for airport security in the wake of “9/11,” as it is commonly known. Is the government overwhelmed? Misinformed? Lulled into inaction by whatever the chemical industry is saying behind closed doors?

There are no easy answers to the dilemma of protecting chemical plants from attack. Because some of the facilities are very large—the FMC agricultural chemicals facility in South Baltimore covers 100 acres, for example—comprehensive site security, which included constant monitoring of a facility’s entire perimeter—would be very costly. Even if such steps were taken, the threat of sabotage from within would remain; background checks and better labor relations seem indispensable parts of the solution to those possibilities.

A second crucial category is to improve the response capacity of the local emergency response forces that would be deployed in the event of an attack. Not only do firefighters need special equipment and training to fight the immediate aftermath of such attacks, medical personnel and the police must be equipped and trained to evacuate the healthy as well as the injured to safe places where effective treatment is available.
Ultimately, the only fail-safe approach is to reduce the threat by eliminating the target, and yet industry has, with a few notable exceptions, resisted this outcome for many years. “Hazard reduction,” or the use of “inherently safer technology,” would include such measures as:

1. Substituting less dangerous alternatives for acutely toxic chemicals (for example, all gaseous chlorine used for disinfection can be substituted with hypochlorite—essentially household bleach—or ultraviolet light);
2. Eliminating storage of acutely toxic chemicals by using closed loop just-in-time manufacturing processes;
3. Reducing total quantities of chemicals stored on site and/or fractionating the quantity stored in single locations at the site; and
4. Hardening facilities storing these acutely toxic compounds to enable them to withstand some attack, including steps to put storage underground, within secure structures.

Senator Jon Corzine, a Democrat from New Jersey, has introduced legislation calling for the use of inherently safer technologies, with implementation of such methods to be supervised by EPA, and State Senator Brian Frosh, Democrat from Montgomery County, introduced comparable legislation during this session of the General Assembly. While neither bill is counted as a “must pass” measure, the chemical industry is already talking about the possibility of upgrading its voluntary programs to eliminate “process safety hazards” – a technical term that, if implemented properly, would have the same hazard reduction effects.

All we can hope is that these efforts proceed with some deliberate speed and do not require a second catastrophe to impel them to conclusion.

*Professor Steinzor is on sabbatical during the 2001-2002 academic year and has spent her time as an academic fellow at the Washington, D.C. office of the Natural Resources Defense Council. This article describes a major project she undertook there, which will return with her to Maryland where she will direct next year’s Environmental Law Clinic.

2002 LEGISLATIVE SESSION CONTINUED FROM PAGE 6

During the February hearings, Terry Harris testified once again for the Clean Up Coalition in favor of Del. Zirkin’s rail safety bill. The clinic provided key information for him to incorporate into his testimony, including reasons why federal law did not preempt the rail safety bill from becoming law.

Needless to say it has been a busy couple of months for the clinic, but as a result we have been exposed to the legislative climate for environmental issues in particular, as well as to the legislative process in general. We already have a couple of victories in the defeat of the audit privilege and immunity bill and a favorable report by the committee on the bill to extend the statue on limitations. The clinic is also pleased to have had the opportunity to participate in this process on behalf of our clients. To have had this experience in law school will be invaluable to us as environmental lawyers. Yet another facet of environmental law to consider in choosing a career!

Ariel Close, 3D, is a student attorney with the Environmental Law Clinic.

THE 2002 WARD KERSHAW ENVIRONMENTAL LAW SYMPOSIUM

DEVELOPING ENVIRONMENTAL POLICY IN THE SHADOW OF THE WAR ON TERRORISM

THURSDAY, APRIL 25, 2002

WASHINGTON, DC

For more information about agenda and registration, see pages 18-20 of this newsletter.
Tobacco is the leading cause of preventable death in the United States, associated with one of every five deaths. Over the last two decades, a massive body of evidence compiled through health research and access to tobacco industry documents has defined the health impacts of tobacco use on the population. Today there can be no argument that the life span and quality of life of individuals who use tobacco products, as well as non-smokers in environments of second hand smoke, have been substantially decreased.

The growing awareness of the enormous problems associated with tobacco use and exposure to environmental tobacco smoke is causing the social and political acceptance of smoking to change. In order to capitalize on this change there has come a need for organized and concerted responses from the tobacco control community.

In recognition of this fact, nearly 3,000 lawyers, state and local officials, community advocates, and concerned citizens from across the United States came together to share their experiences and initiatives aimed at tackling tobacco control issues. The University of Maryland School of Law and its new Legal Resource Center for Tobacco Regulation, Litigation, and Advocacy were pleased to participate in the event.

From Tuesday, Nov. 27 through Thursday, Nov. 29, the Louisiana Department of Health and Hospitals' Office of Public Health hosted the 2001 National Conference on Tobacco or Health. The annual conference is a forum to discuss the national tobacco control movement, to bring together local, state, and national advocates and experts, to create new partnerships, to provide new information on cessation, youth access, prevention and the science of addiction, and to formulate public policy and advocacy strategies against exposure to tobacco.

The 2001 conference was the largest and most representative event to date. Participants included leading experts from the American Cancer Society, American Heart Association, American Legacy Foundation, American Lung Association, American Medical Association, Centers for Disease Control and Prevention, National Cancer Institute, Robert Wood Johnson Foundation, Substance Abuse and Mental Health Services Administration, and U.S. Environmental Protection Agency. The University of Maryland School of Law was well represented by Professor Robert Percival, Michael Strande, and students Melanie Blumenthal, Andrew Bokan, Christina Donato and Patricia Teck.

The conference was organized around five program areas: 1) public policy and advocacy strategies, 2) increasing diversity and eliminating disparities, 3) cessation, nicotine, and the science of addiction, 4) youth and prevention, and 5) media and communication strategies. Over 150 programs and presentations examining the numerous aspects of tobacco control issues were offered to participants. Programs included examination of tobacco promotion; countering tobacco industry tactics; establishing comprehensive State tobacco control programs; reducing smoking among youth; eliminating disparities among population groups; regulation of environmental tobacco smoke; enforcement of the Master Settlement Agreement; researching industry documents; and building relationships between attorneys and the public health community. The University of Maryland participants attended many of these programs and learned the latest available data and procedures for advancing Maryland's tobacco control programs.

The Opening Plenary, entitled "Why International Tobacco Control Matters in the United States," set the
tone for the conference. David Simpson of the International Agency on Tobacco and Health stunned the conference attendees with sobering graphs of the projected global epidemic of tobacco-related death and disease, a diagram showing how the Gross Domestic Product of many low-income countries is dwarfed by Big Tobacco’s annual revenues, and photos of outrageous marketing tactics from around the world. Most astonishing was Mr. Simpson’s description of a recent Philip Morris study seeking to convince the government of the Czech Republic that early deaths from smoking have “positive effects” because they save the government money in public health-care costs, state pensions due to early mortality of smokers, and public costs related to the support of the elderly. Throughout his talk, Mr. Simpson emphasized the need to channel more resources to tobacco control advocates in low-income countries. He concluded with a list of ways U.S. groups could take action.

Melanie Blumenthal, Andrew Bokan, Christina Donato, and Patricia Teck, all taking the Tobacco Control and the Law Seminar, co-taught by Professor Robert Percival and Linda Bailey, formerly of the Centers for Disease Control, participated in the conference by creating a display about the Center for Tobacco Regulation and tobacco control efforts throughout the state of Maryland. Many thanks to all four, who presented this information at one of the conference’s poster sessions. The students fielded a number of questions about the legal resource center and were invaluable in providing exposure to the school’s innovative program.

Maryland’s Center for Tobacco Regulation was also discussed as part of a breakout session on the “Legal Environment in Tobacco Control.” This session focused on the need for local tobacco control advocates and officials to form partnerships with attorneys at the outset of program establishment. The presentation described the increasingly complex nature of tobacco control issues and the ways in which collaboration and consultation with attorneys can help local health departments and community coalitions avoid potential legal pitfalls and develop new solutions to the public policy problems created by tobacco. The session also discussed the different legal support entities for tobacco control in proactive states such as California, Maryland, Massachusetts, and Wisconsin.

While the University of Maryland was visible at the academic and educational programs, the University’s participants made equal use of the more social settings the conference had to offer. Participants welcomed the opportunity to make friends with their colleagues in a less formal setting. This was New Orleans, after all; the birthplace of “the Hurricane” and site of untold debauchery. With the conference being held just blocks from Canal Street, the University’s staff and students took time to enjoy music, food, drink, and fun. The participants attended a number of social functions designed for conference participants. Notably, attendees spent one evening at the “Taste of New Orleans,” a reception showcasing tobacco-free restaurants in the Greater New Orleans area held at the D-Day Museum.

In addition to the wealth of information gathered at the conference, participants returned with new tobacco control partners from around the country and a whole lot of memories. These things will have to hold us over until the 2002 Conference in San Francisco. I, for one, can hardly wait.

*Mike Strande, ’01 is an attorney for the University of Maryland Law School’s Tobacco Control Legal Resource Center.
My interest in the environmental field was sparked as a student taking Environmental law in the late 80's with Professor Mike Millemann. I was around before there was an Environmental Law Program. This interest in the environment recently led to my participation along with my wife, Connie Kratovil Lavelle, a '90 University of Baltimore School of Law graduate, becoming volunteer SCUBA divers for the Magothy River Oyster Restoration Project. The goal of this project is to implement a five-year restoration plan to increase the abundance, growth, and survival of oysters in the Magothy River. If successful, the techniques and lessons from the Magothy River Project can be exported to other parts of the Chesapeake Bay. Using divers instead of traditional dredge-sampling techniques allows scientists to collect more pure samples and examine the oyster bars without any disturbance or dislocation of oysters. Connie and I recently took part in a training program put on by the Magothy River Association, National Oceanographic and Atmospheric Administration (NOAA), and Anne Arundel Community College (AACC). Held last October, the training program was designed to teach volunteer divers low-visibility underwater monitoring and mapping techniques. As part of the training, the divers had to pass a basic SCUBA skills test, and then learn and complete a series of underwater exercises with brown paper towels plastered to the inside of their masks to simulate the low-to-nonexistent visibility common in the Chesapeake Bay.

The Magothy River Project has four elements: (1) System Characterization to identify suitable restoration sites, document the successes and failures of previous restoration projects, and establish a quantitative restoration goal; (2) Brood-Stock study to research and test the scientific hypothesis that oysters form a small native population near Persimmon Point are a better genetic source for oysters to restore the Magothy River than are oysters from other sources; (3) Restoration Projects to stock, promote, garden, and develop mounded oyster bars, systematically monitoring each bar to evaluate the merits of various approaches and technique; and (4) Adaptive management update restoration plans as the results of ongoing studies become available.

With a new addition to our family, our son Sean, we recently moved to Kent Island in a house that overlooks the Chesapeake Bay. I developed a deep appreciation for the Chesapeake Bay during my years at St. Mary’s College of Maryland, and now, with Bay sunsets and the sound of waves lapping the shore a home scene, the Chesapeake Bay has become an integral part of our life and recreation. This is one small thing we can do to help pass on a clean and healthy Chesapeake Bay to Sean.

Certified SCUBA divers who are interested in volunteering for this project should contact Susan Holiday, NOAA, at 301-713-3000 or Paul Spadero, President of the Magothy River Association at 301-713-2058.

*Tom Lavelle, '92, is Director of Regulatory Affairs, Federal Systems Division, ADI Technology Corporation in Washington, DC.
THE MARYLAND ENVIRONMENTAL LAW SOCIETY

PRESENTS ERIC SCHAEFFER & STEVE SOLOW

Eric Schaeffer, former Director, Office of Regulatory Enforcement, U.S. E.P.A. and Professor Steve Solow, former Chief, Environmental Crimes Section, U.S. Department of Justice, will speak on “Enforcement and Environmental Protection.” Eric Schaeffer served as Director of the Office of Regulatory Enforcement for the U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, from April 1997 - February 2002. The Office of Regulatory Enforcement manages civil enforcement for most EPA programs, not including superfund and federal facilities. Schaeffer, who resigned in protest of EPA's planned weakening of its new source review regulations, is currently a consultant with the Rockefeller Foundation.

WHEN: Thursday, April 11, 2002
WHERE: Westminster Hall
Fayette & Greene Streets
Baltimore, MD

TIME: 6:30 p.m.
RSVP: lmrozek@law.umaryland.edu
ALL ARE INVITED - MUST RSVP

Jomar Maldonado, 2D, Gemma Vestal, 3D, and Erin Hutchison, 3D, participated in the International Moot Court Competition held at Stetson College of Law in St. Petersburg, Florida.
MELS TO HOST NAELS CONFERENCE IN 2003

With bid in hand, Chris Corzine, Shawn Steel, and Erin Hutchison Smith, attended the National Association of Environmental Law Societies (NAELS) annual conference at Washington University in St. Louis, MO. The conference was entitled "Sustainable Agriculture: Food for the Future." NAELS is a student run organization that focuses on the creation of environmental law societies and clinics throughout the United States. Each year member schools compete for the honor to host the following year conference by presenting their bid at the annual board meeting. Bids are voted on during the last general meeting, each school having one vote. With tough competition from Michigan, our bid won out. Next year’s conference will be held here at the University of Maryland School of Law in March 2003, taking advantage of the law school’s new building. Paper and panel presentations will cover many environmental issues that plague Maryland such as air and water pollution, as well as lead paint infested housing. In addition to students attending from throughout the country, the conference will be open to the public. In our next newsletter due out in the fall, we will have more information about the conference.

MELS ANNUAL ITALIAN DINNER

We were thrilled to have Mike Walker from the Office of Enforcement and Compliance Assurance, U.S. EPA, as our speaker for MELS annual italian dinner. Mike both informed and entertained students about his experience working at the EPA. He gave "common sense" information about resume writing, legal internships, and job opportunities. His wit and knowledge made for a very enjoyable evening.
10TH ANNUAL WINETAStING BRINGS TOGETHER

Chad Littleton, ’01, with wife, Mary

Melissa Hearne, ’00, and Michele Vanyo, ’01

Professor Bob Percival (right) with Melinda Kramer, ’01 and husband, David
ALUMNI, PROFESSORS AND STUDENTS

Cheryle Wilson, '97 and Brian Perlberg, '97

Charles Wagner, '99 and Katy Byrne, '99

Professor Sue Leviton with Jaclyn Ford, 1D and Melissa Feliciano, '99
WINETASTING CONTINUED

John Hopkins, '91 and John Kalas, '91

Jackie McNamara, '93 with husband Pat and Joe Pellitier, '98 with wife, Elizabeth

Mellisa Feliciano '99 (left) with Gemma Vestal, 3D and friend Jim Gentry, Jr.
The 2002 Ward Kershaw Environmental Law Symposium

Developing Environmental Policy in the Shadow of the War on Terrorism

Washington, DC
Thursday, April 25, 2002

This symposium will explore how the direction of environmental policy has changed since September 11. At the national level, the tragedies of September 11 brought a fundamental shift in public policy priorities, as the Bush Administration and Congress responded to the attacks by focusing attention on the War on Terrorism and stepping up homeland security.

Symposium panels will address emerging issues and shifts in energy policy, the role of cost benefit analysis in federal environmental regulation and enforcement, and chemical security. Speakers will provide a wide range of dynamic perspectives, from those of federal agency officials and congressional aides to industry representatives and environmentalists. As these issues are beginning to take on increasing critical importance in the development of environmental policy, the symposium will provide a glimpse of what we expect in the foreseeable future from the Administration, Congress, and public interest community.

Melanie Shepherdson, '00 Alumna
Coordinator
Ward Kershaw Environmental Law Symposium
PROGRAM AGENDA

8:30 - 9:15  Registration and Continental Breakfast

9:15 - 9:30  Welcoming Remarks
  Professor Rena Steinzor, University of Maryland School of Law

9:30 - 11:00  Directions for National Energy Policy

  Moderator:
  Erik Meyers, Environmental Law Institute

  Panelists:
  James Connaughton, Council on Environmental Quality, Invited
  Gary Fuhrman, Constellation Energy
  Sharon Buccino, Natural Resources Defense Council
  Chris Miller, Senate Environment and Public Works Committee

11:00 - 11:15  Morning Break

11:15 - 1:00  Role of Cost Benefit Analysis in Developing Environmental Policy

  Moderator:
  Rena Steinzor, Natural Resources Defense Council and University of Maryland School of Law

  Panelists:
  William Pizer, Council of Economic Advisers
  Lisa Heinzerling, Georgetown University Law Center
  Nandan Kenkeremath, House Committee on Energy and Commerce
  Alexandra Teitz, House Committee on Government Reform

1:00 - 2:00  Lunch

2:00 - 3:30  Directions for National Chemical Security Policy

  Moderator:
  Professor Robert V. Percival, University of Maryland School of Law

  Panelists:
  Jamie Conrad, American Chemistry Council
  Alison Taylor, Senate Environment and Public Works Committee
  Rick Hind, Greenpeace USA
  Robert Bostock, U.S. Environmental Protection Agency

3:30 - 3:45  Closing remarks
THE ENVIRONMENTAL LAW PROGRAM

Founded in 1987, the Environmental Law Program of the University of Maryland School of Law provides students with specialized preparation for careers in the field of environmental law. The Program has developed a broad and innovative curriculum, and Environmental Law Clinic, an extensive externship program, and a Concentration certificate in Environmental Law that students may qualify to receive upon graduation.

THE WARD KERSHAW ENVIRONMENTAL LAW SYMPOSIUM

The Ward Kershaw Environmental Law Symposium was established in 1987 by a gift to the University of Maryland's Environmental Law Program from the Baltimore firm of Ward Kershaw, P.A. The law firm, founded in 1984, specializes in complex civil litigation, including class actions and environmental litigation.

REGISTRATION IS FREE:
SEATING IS LIMITED
RESERVATION REQUIRED
(continental breakfast and lunch provided)

WHEN: Thursday, April 25, from 8:30am – 3:45pm
WHERE: RFF 1st Floor Conference Room, at 1616 P St, NW and 1400 16th St, NW (3 blocks east of Dupont Circle)
RSVP: By phone, (202) 939-3863, or by email, memurrin@eli.org
CLE credit for Virginia will be offered (Hour total confirmation pending)

Funds for the 2002 Ward Kershaw Environmental Law Symposium are administered by the University of Maryland Foundation, Inc.