

**ENVIRONMENTAL & ENERGY LAW SECTION EXECUTIVE COMMITTEE**  
**AGENDA**  
**MAY 19, 2021**



1. Welcome
2. Approval of Minutes from October Executive Committee Meeting (page 2)
3. Budget Report and CLE Revenue Sharing (J. Rigano) (pg. 7)
4. Membership (M. Hecker) (pg. 12)
5. Fall Meeting (L. Shaw) (pg. 19)
6. Climate Change Blog Update (C. Howard) (pg.22)
7. Green Amendment Update (K. Kuh) (pg.23)
8. Reorganization of Cabinet and Officers (N. Ward-Willis) (pg. 29 )
9. 2021 Essay Cntest (M. Villani) (pg. 32)
10. Bar Center Lease at 1 Elk Street Update (A. Kendall)
11. EELS Committee Reorganization (N. Ward-Willis) (to be circulated separately)
12. NYSBA Governmental Affairs Policy Discussion (N Ward-Willis) (pg. 33)
13. Diversity & Inclusion Fellowship and Committee Update (C. Leas) (pg. 34)
14. Newsletter/Social Media/Webpage (pg.35)
15. Future programming (pg. 41)
16. Awards Committee
17. Committee Reports (pg. 43)
18. New Business
19. Motion to Adjourn

Environmental & Energy Law Section  
EXECUTIVE COMMITTEE MEETING  
October 22, 2020

In Attendance: Please see Attached Attendance List

**Approval of May 13, 2020 Executive Committee Minutes**

- Motion to approve by W. Mugdan, seconded by K. Bernstein
- Minutes approved with two additions to attendee list.

**Treasurers Report** (J. Rigano)

Report on 2020 income (approx. \$55,000) and expenses (\$67,000) to date and comparison to 2019 income (approx. \$108,000) and expenses (\$153,000). Total 2020 deficit is approx. \$11,000 which is trying to be recaptured through sponsorships.

Section still has a surplus of approx. \$67,000.

**Membership Status & Initiatives** (M. Hecker)

- 946 members, which is slightly lower than normal but not unexpected due to pandemic.
- Committee actively working to increase membership.
  - Pushing law student numbers with recent law school panel, outreach to law professors and better/earlier advertising to law students.
- Discussed NYSBA decision to require law students to pay Section membership fees (\$17.50)
  - Motion by M. Hecker, seconded by S. Lobe, for Section to file Petition for Waiver of law student section fee. Following discussion, motion passed unanimously.
  - NYSBA Finance Committee meets in December at which time Section will know if its Petition is granted. If not, Section will consider sponsorships to cover Section membership fees for law students.
- Discussed other membership initiatives including targeting energy attorneys, government attorneys and Western New York programming.
- Membership Committee doing great work but needs more volunteers. Anyone interested in joining Membership Committee should reach out to N. Ward-Willis.

**NYCELLI** (W. Mugdan)

- Overview of Institute given and annual seminar that will be held virtually this year.
- Discussed promoting Section to Institute students, whether Institute graduates historically have joined Section and access to Institute articles.
- Motion by W. Mugdan, seconded by M. Bogin, for Section to provide \$1,500 funding to Institute in accordance with historic practice. Following discussion, motion passed unanimously.

#### **Diversity and Inclusion** (S. Lobe)

- Update on 2021 Fellowship given, including plans for expanded outreach to increase participation and plans for funding at \$7,500. The goal is to reduce Section funding through various fundraising efforts, including Wine Reception planned as part of Annual Meeting.
- Section ahead of other NYSBA Sections.
- Section's efforts should be part of the discussions with law schools. Request made to share law school contacts with D&I Committee.
- Fellowship form has been updated and available on Section website.

#### **Public Utility Law Committee** (N. Ward-Willis and Y. Hennessey)

- PULC, which is currently housed in the Business Law Section, will be voting to join the Section as of January 1, 2021.
- To accommodate this, there will be some changes to Section committees.
  - PULC will become the Utility Siting and Regulation Committee.
  - Existing Mining and Oil and Gas Committee will become only the Mining Committee.
  - Oil and Gas will be wrapped into existing Energy Committee.
- Motion by K. Bernstein, seconded by M. Hecker, to have PULC join Section and update Section committees. Following discussion, motion passed unanimously.

#### **Nominating Committee** (N. Ward-Willis)

- Y. Hennessey will Chair Committee per Section By-Laws.
- N. Ward-Willis will be appointing other committee members and taking recommendations, with goal of diversifying Nominating Committee.

#### **Green Amendment** (K. Kuh)

- Update given on Green Amendment to State Constitution.
- Section previously issued a report to NYSBA Executive Committee with our position. Constitutional Committee opposed our position and proposed alternative language.
- NYSBA Executive Committee has asked for additional briefing and will take issue up during November 6, 2020 Zoom Meeting. Issue may also be considered by House of Delegates although unclear if they must consider it.

#### **House of Delegates Update** (A. Kendall)

- Scheduled to meet by Zoom on November 7, 2020; A. Kendall will report back.
- HOD focused on NYSBA financials.
- Other reports being considered by HOD address the pandemic and mass shootings.

#### **Young Lawyer Section Liaison** (P. Logan)

- Report on lunch and learns via Zoom.
- No formal proposal yet but considering (1) CLE programming for young lawyers and (2) a Facebook group with a mentoring focus. Will report back at Annual Meeting.

#### **Social Media** (R. Parington/D. Gamils)

- 252 Twitter followers and 100 LinkedIn followers
- Looking at ways to expand followers – e.g., reposting Section members' posts and possible social media takeovers. Open to other ideas.
- Be sure to like and share posts.

#### **Upcoming Events** (N. Ward-Willis)

Superfund/Brownfield Update 2020 Webinar:

- Will be held December 2, 2020.

Annual Meeting:

- Will be held virtually over 2 weeks.
- Section programming Tuesday, January 26, 2021 from 9am to 1pm.
- Regulatory update will be Friday, January 29, 2021 at 4pm followed by Wine Reception to benefit D&I Fellowship.
- Date and time of Executive Committee meeting to be determined.
- Looking for both CLE and non-CLE sponsors. Discussed sponsorship opportunities.
- Committee Chairs asked to consider hosting a virtual committee meeting in January 2021, leading up to Annual Meeting.
- Committee Chairs need to send updates on committee activities for Annual Meeting.

#### **Federal Environmental Policy Task Force** (D. Freeman)

- Efforts paused pending election.

#### **Essay Contest** (M. Villani)

- Motion by M. Sinkman, seconded by K. Bernstein, to (1) automatically enroll any applicant as a member of the NYSBA and Section and (2) expand eligibility to law schools in all states that share a border with New York. Following discussion, the motion passed unanimously.

#### **Miscellaneous**

- Vacancy on Enforcement and Compliance Committee. Looking for another co-chair.
- Thank you to past chairs of Oil Spill Committee.
- If they have not already done so, Committee Chairs should provide A. Jasiewicz with committee description for new NYSBA Website.

PARTICIPANTS BY ZOOM/CONFERENCE CALL  
October 22, 2020 EXECUTIVE COMMITTEE MEETING

Nick Ward Willis  
Linda Shaw  
James P. Rigano  
Yvonne Hennessey  
Amy Jasiewicz  
Simone Smith  
Jose Almanzar  
Kevin Bernstein  
Michael Bogin  
Gary Bowitch  
Claudia Braymer  
Aliza Cinamon  
Philip Dixon  
David Freeman  
Drew Gamils  
Laura Godly  
John Greenthal  
Michael Hecker  
Bob Kafin  
Amy Kendall  
Alan Knauf  
Robert Knoer  
Barry Kogut  
Dan Kranin  
Katrina Kuh  
Jeanenne LaBella  
Christine Leas  
Richard Leland  
Sarah Lobe  
Patrick Logan  
Helen Mauch  
Walter Mugdan  
Rachel Parington  
Daniel Riesel  
Nicholas Robinson  
Steve Russo  
Dan Ruzow  
Adam Schultz  
Mackenzie Schoonmaker  
Larry Schnapf

Matthew Sinkman  
Adam Stolorow  
Howard Tollin  
Melissa Vale  
Miriam Villani  
Cheryl Vollweiler  
Maria Weider  
Mindy Zoghlin

New York State Bar Association  
Environmental and Energy Law Section  
For the Three Months Ending Wednesday, March 31, 2021

	2021 Budget	March	2021 Year To Date	Percent	2020 Budget	2020 Year To Date	Percent	2019 Year To Date	2018 Year To Date	2017 Year To Date
<b>Income</b>										
Dues	\$28,000.00	\$1,365.00	\$24,075.00	85.98%	\$28,200.00	\$25,503.34	90.44%	\$26,905.00	\$27,317.84	\$27,247.50
Meetings	20,000.00		9,831.25	49.16%	35,000.00	7,715.00	22.04%	10,640.00	6,976.00	13,815.00
Sponsorship	34,000.00		13,500.00	39.71%	25,000.00	7,900.00	31.60%	5,500.00	20,000.00	17,250.00
Newsletters	1,000.00	135.00	540.00	54.00%	300.00	270.00	90.00%		495.00	370.00
Prior Years Surplus Used				0.00%	27,000.00		0.00%			
<b>Total Income</b>	<b>83,000.00</b>	<b>1,500.00</b>	<b>47,946.25</b>	<b>57.77%</b>	<b>115,500.00</b>	<b>41,388.34</b>	<b>35.83%</b>	<b>43,045.00</b>	<b>54,788.84</b>	<b>58,682.50</b>
<b>Expenses</b>										
Postage & Shipping	1,500.00	3.37	130.11	8.67%	1,500.00	440.63	29.38%	835.51	555.99	654.20
Awards & Grants	6,500.00	32.37	1,937.01	29.80%	10,000.00	4,120.62	41.21%	1,141.04	1,500.00	663.10
Misc Travel Costs	1,000.00			0.00%		295.97	0.00%			
Diversity	250.00			0.00%	1,000.00		0.00%			
Membership Initiative	1,000.00			0.00%	1,500.00		0.00%			
Meeting Rooms	2,500.00			0.00%	1,500.00	680.00	45.33%			
Catering & Banquets	20,000.00			0.00%	40,500.00		0.00%		1,626.50	
Beverage Service & Receptions	10,000.00		2,172.10	21.72%	20,000.00	24,570.61	60.67%	21,902.07	27,469.71	28,278.06
Speaker & Guest Expense	1,000.00			0.00%	1,500.00	5,380.00	26.90%	15,482.32	4,297.50	5,785.76
Audio/Visual Expense	6,000.00			0.00%	8,000.00	466.10	31.07%		500.00	
Promotional Costs	1,000.00			0.00%	1,500.00	8,893.97	111.17%	5,151.61	3,380.26	3,506.76
Activities & Entertainment	500.00			0.00%	1,500.00		0.00%			
Gratuities				0.00%	500.00		0.00%			
Section Executive Committee Meetings	4,000.00			0.00%	8,500.00	9,850.47	115.89%	6,907.84	6,575.13	1,428.49
Officers Expense	150.00			0.00%	2,000.00		0.00%	1.90	1.18	72.07
Miscellaneous Meeting and Program Costs	7,500.00			0.00%	8,000.00	726.88	9.09%	2,028.02	778.04	3,949.21
Section Subcommittee Meetings	1,000.00			0.00%	500.00		0.00%		80.76	92.67
Newsletters	5,000.00		4,273.21	85.46%	6,000.00	3,291.26	54.85%	3,696.42		3,099.32
Graphic Department Allocations	1,500.00			0.00%	1,500.00	995.04	66.34%	771.90	589.49	314.80
<b>Total Expenses</b>	<b>70,400.00</b>	<b>35.74</b>	<b>8,512.43</b>	<b>12.09%</b>	<b>115,500.00</b>	<b>59,711.55</b>	<b>51.70%</b>	<b>57,918.63</b>	<b>47,354.56</b>	<b>47,844.44</b>
<b>Net Income over Expense</b>	<b>12,600.00</b>	<b>1,464.26</b>	<b>39,433.82</b>	<b>312.97%</b>		<b>(18,323.21)</b>	<b>0.00%</b>	<b>(14,873.63)</b>	<b>7,434.28</b>	<b>10,838.06</b>

**Accumulated Surplus (Deficit)** \$62,957 (as of YE 2020)

New York State Bar Association  
**Environmental & Energy Law Section**  
2021 Program Report

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### **Annual Meeting 2021 Webinars**

#### **Environmental & Energy Law Section Annual Meeting 2021**

Tuesday, January 26, 2021 | 3.0 MCLE Credits | **129 Participants** | \$ 22,788.00

#### **Environmental & Energy Law Agency: Annual Meeting Agency Update 2021**

Friday, January 29, 2021 | 1.0 MCLE Credit | **214 Participants** | Free

#### **Environmental & Energy Sip, Swirl & Support: Annual Meeting 2021**

Friday, January 29, 2021 | 0.00 MCLE Credit | **65 Participants** | \$ 9,831.00

### **CLE Live Webinars**

#### **All is *Not* Quiet in WNY: The Latest Legal Environmental Issues**

Thursday, February 25, 2021 | 3.0 MCLE Credits | **45 Participants** | \$ 3,375.00

#### **Land Use – The Comprehensive Plan: What, Why And How Can It Address Our Changed World**

Tuesday, March 9, 2021 | 1.5 MCLE Credits | **132 Participants** | \$ 4,432.00

#### **Land Under Water: Navigating Legal Nuances of Waterfront Development**

Tuesday, April 6, 2021 | 1.5 MCLE Credits | **130 Participants** | \$ 7,750.00

#### **New York's Clean Energy Agenda for Building a Green Economy**

Thursday, April 14, 2021 | 4.0 MCLE Credits | **81 Participants** | \$ 8,045.00

#### **Hot Topics With Underwriting Environmental Insurance: Marketplace Updates And Current Case Law**

Thursday, April 29, 2021 | 1.5 MCLE Credits | **35 Participants** | \$ 2,050.00

#### **Superfund/Brownfield Update 2021: Federal And State Environmental Law And Policy | ALB**

Wednesday, December 8, 2021 | 4.5 MCLE Credits | **TBD Participants** | \$ TBD

### **Co-Sponsored Programs**

***Legal Issues Regarding Heavy Metals In Baby Food And The Baby Food Safety Act – 12 Participants***

***Rights of Nature & Other Emerging Legal Movements to Save the Planet - 39 Participants***

**Earth Day 2021 with the New York City Bar**



## **Informational Non-CLE Events and Networking Programs**

### **Legislative Forum**

Wednesday, May 19, 2021 | **TBD Participants** | Free

### **Meet the Section Officers and Section Members**

Tuesday, June 1, 2021 | **TBD Participants** | Free

New York State Bar Association  
**Environmental & Energy Law Section**  
 2021 Program – Online Sales Report  
 as of May 1, 2021

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**2021 Online/Archive Sales (as of May 1, 2021)**

<a href="#"><u>Environmental &amp; Energy Law Section Annual Meeting 2021</u></a>	5	\$199
<a href="#"><u>All is Not Quiet in WNY: The Latest Environmental Legal Issues</u></a>	14	\$679.17
<a href="#"><u>Land Under Water: Navigating Legal Nuances of Waterfront Development</u></a>	4	\$100
<a href="#"><u>New York's Clean Energy Agenda for Building a Green Economy</u></a>	13	\$450
<a href="#"><u>Hot Topics With Underwriting Environmental Insurance: Marketplace Updates And Current Case Law</u></a>	4	\$100

**2020 Online/Archive Sales (as of May 1, 2021)**

<a href="#"><u>Coronavirus: Treatment, Legal &amp; Insurance Issues</u></a>	1	\$ 0
<a href="#"><u>The Regulation of Disinfectants &amp; Their Safe Use: Controlling SARS-CoV-2</u></a>	2	\$ 50
<a href="#"><u>Wading in Uncertainty: Confusion Continues in</u></a>	4	\$ 50

<b>Wetland Regulation</b>		
<b>Environmental &amp; Energy Law Section Virtual Fall Meeting: Day One</b>	<b>5</b>	<b>\$525</b>
<b>Environmental and Energy Law Section Virtual Fall Meeting: Day Two</b>	<b>3</b>	<b>\$ 300</b>
<b><u>Superfund/Brownfield Update 2020: Federal &amp; State Environmental Law &amp; Policy</u></b>	<b>8</b>	<b>\$405</b>

Prepared by Amy Jasiewicz, Staff Liaison and Simone Smith, CLE Program Manager

Type

Section

Status

Multiple selections

Friday, April 30, 2021

NYSBA Community Group Profile Report

Office Size

Count

Percent

Valid Percent

Community Group Name

Paid Vs Free Membership

Environmental & Energy ...

All

*This report counts by community group members, not unique contacts. Please select a single community group to obtain accurate data as one individual can belong to many community groups*

Gender	Count	Percent	Valid Percent
X (no data)	75	10.1%	
Female	214	28.7%	31.9%
Male	457	61.3%	68.1%

Total	746	100.0%	100.0%
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Practice Setting	Count	Percent	Valid Percent
Court System	5	0.67%	0.90%
Educational Institution	6	0.80%	1.08%
Non-Profit/Public Interest	21	2.82%	3.79%
Miscellaneous/Other	24	3.22%	4.33%
Business/Corporation (In-House)	41	5.50%	7.40%
Government	58	7.77%	10.47%
X (no data)	192	25.74%	
Law Firm/Private Practice	399	53.49%	72.02%

Total	746	100.00%	100.00%
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7 One Hundred and greater	134	18.0%	24.5%
1 Solo Practitioner	87	11.7%	15.9%
2 Two to Five	85	11.4%	15.6%
5 Twenty to 49	72	9.7%	13.2%
4 Ten to Nineteen	68	9.1%	12.5%
6 Fifty to 99	55	7.4%	10.1%
3 Six to Nine	45	6.0%	8.2%
X (no data)	200	26.8%	

Total	746	100.0%	100.0%
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Race/Ethnicity	Count	Percent	Valid Percent
White/Caucasian	409	54.8%	88.3%
X (no data)	286	38.3%	
Decline to Answer	27	3.6%	5.8%
Asian/Pacific Islander	8	1.1%	1.7%
Hispanic/Latinx	6	0.8%	1.3%
Black/African American	5	0.7%	1.1%
Other	3	0.4%	0.6%
Black/African American;Native American	1	0.1%	0.2%
Multiple Race/Ethnic Group	1	0.1%	0.2%

Total	746	100.0%	100
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Type

Section

▼

Status

Multiple selections

▼

Community Group Name

Environmental & Energy ...

▼

Paid Vs Free Membership

All

▼

Who Paid for Membership Dues	Count	Percent	Valid Percent
Fully by Firm or School or Organization	228	30.6%	49.9%
Member	202	27.1%	44.2%
Collectively by Employer & Member	22	2.9%	4.8%
No Dues Paid	5	0.7%	1.1%
X (no data)	289	38.7%	

Total	746	100.0%	100.0%
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Age Segment	Count	Percent	Valid Percent
24 and Under	8	1.1%	1.2%
25 to 35	80	10.7%	11.6%
36 to 45	110	14.7%	15.9%
46 to 55	97	13.0%	14.1%
56 to 65	213	28.6%	30.9%
66 and Over	182	24.4%	26.4%
X (no data)	56	7.5%	
Total	746	100.0%	100.0%

Years Admitted to Practice	Count	Percentage	Valid Percent
01 to 03	49	6.57%	6.9%
04 to 05	30	4.02%	4.2%
06 to 07	38	5.09%	5.3%
08 to 014	77	10.32%	10.8%
15 to 19	61	8.18%	8.6%
20 and more	457	61.26%	64.2%
No Admit Date	34	4.56%	

Total	746	100.00%	100.0%
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Sexual Orientation	Count	Percent	Valid Percent
Heterosexual	309	41.4%	87.8%
Decline to Answer	39	5.2%	11.1%
Lesbian/Gay/Bisexual/Queer/Asexual	4	0.5%	1.1%
X (no data)	394	52.8%	
Total	746	100.0%	100.0%

Type	Status	Community Group Name		Paid Vs Free Membership			
Section	Multiple selections	Environmental & Energy ...		All			
Position	Count	Percent	Valid Percent	Practice Interests	Count	Percent	Valid Percent
Partner	181	24.3%	46.6%	Administrative Law	2	0.3%	0.3%
Associate	71	9.5%	18.3%	Alternative Dispute Resolution (General)	7	0.9%	1.1%
Managing Partner	32	4.3%	8.2%	Antitrust & Trade (General)	3	0.4%	0.5%
Solo Practitioner	31	4.2%	8.0%	Banking	1	0.1%	0.2%
Of Counsel	28	3.8%	7.2%	Bankruptcy/Insolvency	1	0.1%	0.2%
Staff Attorney	26	3.5%	6.7%	Business & Corporate (General)	10	1.3%	1.6%
Senior Associate	8	1.1%	2.1%	Business Organizations/Corporate Structure	7	0.9%	1.1%
General Counsel	5	0.7%	1.3%	Civil Litigation	1	0.1%	0.2%
Judge	3	0.4%	0.8%	Commercial Litigation	1	0.1%	0.2%
Other	2	0.3%	0.5%	Construction	1	0.1%	0.2%
Court Personnel	1	0.1%	0.3%	Contracts (General)	5	0.7%	0.8%
X (no data)	358	48.0%		Corporate/Business Tax	1	0.1%	0.2%
Total	746	100.0%	100.0%	Creditors' Rights/Collections	1	0.1%	0.2%
				Criminal Law (General)	6	0.8%	1.0%
				Disability & Special Needs	1	0.1%	0.2%
				Diversity, Inclusion & Civil Rights (General)	1	0.1%	0.2%
				Energy Law	3	0.4%	0.5%
				Entertainment, Arts & Sports (General)	3	0.4%	0.5%
				Environmental & Energy (General)	29	3.9%	4.7%
				Total	746	100.0%	100.0%

Table to the right shows only the top 22; however the total and percents consider all categories. Multiple selections are accepted.

Table to the right shows only the top 22; however the total and percents consider all categories. Multiple selections are accepted.

Judicial District	Count	Percent	Valid Percent
01	50	6.7%	8.8%
02	18	2.4%	3.2%
03	83	11.1%	14.7%
04	31	4.2%	5.5%
05	30	4.0%	5.3%
06	9	1.2%	1.6%
07	30	4.0%	5.3%
08	30	4.0%	5.3%
09	82	11.0%	14.5%
10	61	8.2%	10.8%
11	6	0.8%	1.1%
12	1	0.1%	0.2%
13	1	0.1%	0.2%
99	133	17.8%	23.5%
Unknown	181	24.3%	
Total	746	100.0%	100.0%

Employment Status	Count	Percent	Valid Percent
Full-Time Law Practice	14	1.9%	48.3%
Part-Time Law Practice	4	0.5%	13.8%
Retired	8	1.1%	27.6%
Unemployed	3	0.4%	10.3%
Unknown	717	96.1%	
Total	746	100.0%	100.0%

Prior to 2020 this field was part of Practice Setting and did not include Full-Time.

Disability	Count	Percent	Valid Percent
No	390	52.3%	85.5%
Decline to Answer	58	7.8%	12.7%
Yes	8	1.1%	1.8%
X (no data)	290	38.9%	
Total	746	100.0%	100.0%



Type	Status	Community Group Name	Paid Vs Free Membership	Membership Type	State
Section	<div> <div></div> <div>Multiple selections</div> <div></div> </div>	<div> <div>Environmental &amp; Ener...</div> <div></div> </div>	<div> <div>All</div> <div></div> </div>	<div> <div>Multiple selections</div> <div></div> </div>	<div> <div>New York</div> <div></div> </div>

Law Schools	Count		Percent
Albany Law School	1	5.9%	
Brooklyn Law School	3	17.6%	
New York Law School	1	5.9%	
New York University School Of Law	1	5.9%	
Pace University Elisabeth Haub School of Law	10	58.8%	
Touro College Jacob D. Fuchsberg Law Center	1	5.9%	
<b>Total</b>	<b>17</b>	<b>100.0%</b>	

Top City Concentration	Count	Percent	Valid Percent
NY/ White Plains	2	11.8%	11.8%
NJ/ Jersey City	1	5.9%	5.9%
NJ/ Nutley	1	5.9%	5.9%
NJ/ Passaic	1	5.9%	5.9%
NJ/ Scotch Plains	1	5.9%	5.9%
NY/ Albany	1	5.9%	5.9%
NY/ Armonk	1	5.9%	5.9%
NY/ Brooklyn	1	5.9%	5.9%
NY/ Chester	1	5.9%	5.9%
NY/ Flushing	1	5.9%	5.9%
NY/ Hartsdale	1	5.9%	5.9%
NY/ Honeoye Falls	1	5.9%	5.9%
NY/ New York	1	5.9%	5.9%
NY/ Port Chester	1	5.9%	5.9%
NY/ Valley Stream	1	5.9%	5.9%
NY/ Wheatley Heights	1	5.9%	5.9%
<b>Total</b>	<b>17</b>	<b>100.0%</b>	<b>100.0%</b>

Table to the right shows top 20 and considers only the mailing city, not the metropolitan area.



Type

Section

Status

Multiple selections

Community Group Name

Environmental & Energy ...

Paid Vs Free Membership

All

Community Group Name

Count

Percent

Valid Percent

Environmental & Energy Law Section

746

1.99%

1.99%

Total

746

1.99%

1.99%

NYSBA Section

Community Group Profile

Report

## Email to EELS Drops from the Chair

I hope that this message finds everyone in good health and that you and your loved ones are doing well.

The Environmental & Energy Law Section ("EELS") has had a busy Spring with several Committee meetings, past CLEs on Environmental Insurance, Energy Law, Lands Under Water, Comprehensive Plans and Environmental issues in Western NY, among others. Our next program is the May 19th Legislative Symposium featuring a keynote address from EPA's Acting General Counsel. I encourage everyone to get involved. Whether it's by writing an article for the Section's *Environmental Lawyer* publication, participating in a Committee, or assisting in the planning and participation of programming and events, there are many opportunities for members to get involved in the Section.

As a reminder, members who have not renewed with NYSBA or EELS were deactivated as a member on April 1st. We do not want you to miss out on the valuable benefits, including:

- Subscription to the *Environmental Lawyer* Journal
- Access to discounted and FREE CLE Programs
- Access to free subscriptions to leading New York legal publications including the NYSBA Journal, New York State Law Digest, State Bar News and CasePrepPlus
- Access to the Section's online community

Please visit the EELS website to take a look at all the Section has to offer, including upcoming events, programs and resources: (link: <https://nysba.org/committees/environmental-energy-law-section/>) With the stress and changes due to the COVID-19 pandemic this past year, I understand the impact, both personal and financial that this has had on many of our members and am aware that you may be contemplating renewal as a result.

The New York State Bar Association offers many payment solutions, and I welcome you to take advantage of them if you can. These include:

- NYSBA's monthly payment program. This makes membership more affordable by dividing annual NYSBA dues into smaller monthly payments.
- NYSBA also provides a dues waiver program for those facing financial challenges. Members may submit the online dues waiver form to receive discounts on their annual NYSBA dues. If you are interested in taking advantage of this program, please visit [https://nysba.org/renew2021/#dues\\_waiver](https://nysba.org/renew2021/#dues_waiver).

To complete your membership renewal and inquire further about payment solutions, please contact the NYSBA Member Resource Center at 1-800-582-2452. Don't forget to ask the Member Resource Representative to reactivate the Sections and Committees that you were serving on as well so that you do not miss any notifications!

If there is anything that I can do to persuade you to re-join, please let me know. Your input will be taken very seriously in assisting us to better serve our members. I can be contacted via email at [nward-willis@kblaw.com](mailto:nward-willis@kblaw.com). Thank you.

Nick Ward-Willis



**Pamela McDevitt, Esq.**  
Executive Director  
New York State Bar Association  
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[pmcdevitt@nysba.org](mailto:pmcdevitt@nysba.org)  
518.487.5555

March 30, 2021

To: Members of the Executive Committee, Section and Committee Leaders

Re: In-Person NYSBA Events After June 2021

NYSBA continues to closely follow both Center for Disease Control and New York State Department of Health guidelines and protocols on COVID-19 precautions. This guidance helps steer our decisions on how to safely and practically resume the scheduling of in-person NYSBA events.

In adherence with the current guidelines, we are pleased to report that in-person NYSBA events, including Section and Committee events, may resume after June 2021 with the safety protocols recommended by public health authorities.

We encourage the Sections to consider planning these in-person events at nearby venues, either within the State or in a contiguous state, to avoid subjecting attendees to potential travel rules and restrictions for non-contiguous states.

NYSBA will continue to monitor state and federal guidance and adjust our recommendations for in-person events to comply with this guidance. Regarding potential out-of-state destination meetings, this will require adherence not only to CDC and NYS guidelines, but to the guidelines and situation at the location of the destination meeting.

We appreciate your patience as we begin to transition back to in-person meetings and events. Your Section and Meetings Liaison, along with Pat Stockli, look forward to working with you on planning in-person events.

We look forward to seeing you as we transition back to in-person Section events.

Sincerely,

Pamela McDevitt  
Executive Director



## In-Person Meeting Attendance During COVID-19

### SUMMARY

- Total respondents = 1,385
- 32% of respondents do not plan on attending an in-person event during in 2021.
- Based on open-ended responses, hundreds of respondents have already been vaccinated.
- Events held June through August
  - 49.5% will not attend in-person
  - 19.5% would attend in-person
  - 31% would have a varying position based on COVID-related statistics released.
- Events held September through December
  - 24.5% will not attend in-person
  - 25.5% would attend in-person
  - 50% would have a varying position based on COVID-related statistics released.
- 66% of respondents prefer virtual events primarily, complemented by occasional in-person events, moving forward.
- A healthy number of respondents are excited to get back to in-person events, and miss networking, but virtual events are viewed very favorably both from a convenience standpoint as well as a cost-effectiveness standpoint. A number of comments from members living in rural areas, or outside of NY, expressed appreciation for the number of virtual CLE programming that continues to be offered.
- In summary, while a small % of respondents are very eager to return to in-person events, and would have done so far before the vaccine was even made available, many respondents still seem hesitant at the idea of attending one in the coming months, not knowing what to truly expect when it comes to the pandemic.

The existence of the vaccine appears to have alleviated some concerns, but respondents are still adamant about adhering to strict social distancing guidelines, and many have articulated that their presence at an in-person event would require either proof of vaccination from attendees or a negative COVID test prior.

## Future NYSBA In-Person Meetings & Events

ANSWER CHOICES	RESPONSES	
50+	13.68%	168
Antitrust Law	2.20%	27
Business Law	9.36%	115
Commercial & Federal Litigation	9.28%	114
Corporate Counsel	3.83%	47
Criminal Justice	5.54%	68
Dispute Resolution	10.26%	126
Elder Law & Special Needs	15.88%	195
Entertainment, Arts & Sports Law	4.15%	51
Environmental & Energy Law	3.66%	45
Family Law	11.07%	136
Food, Drug & Cosmetic Law	1.71%	21
General Practice	9.53%	117
Health Law	6.43%	79
Intellectual Property Law	4.80%	59
International	5.46%	67
Judicial	1.30%	16
Labor & Employment Law	8.22%	101
LGBTQ Law	4.23%	52
Local and State Government Law	5.94%	73
Real Property Law	13.93%	171
Tax	3.26%	40
Torts, Insurance, & Compensation Law	7.57%	93
Trial Lawyers	5.37%	66
Trusts & Estates Law	21.09%	259
Women in Law	8.39%	103
Young Lawyers	7.90%	97
Total Respondents: 1,228		

Contact: Full Name (Formal)	Leadership Title	Permissin Granted
Barry Werbin, Esq.	Entertainment, Arts And Sports Law	YES
Andrew H. Braiterman, Esq.	Tax	
Anthony Q. Fletcher, Esq.	Business Law	
Jill Choate Beier, Esq.	Trusts And Estates Law	YES
Laura A. Kaster, Esq.	Dispute Resolution	YES
Terri A. Mazur, Esq.	Women In Law	YES
Robert J. Masters, Esq.	Criminal Justice	
Michael Drew DiFalco, Esq.	Young Lawyers	
Joy D. Echer, None, Esq.	Corporate Counsel	YES
Anthony J. Enea, Esq.	50+ (Formerly Senior Lawyers)	YES
Michael A. Oropallo, Esq.	Intellectual Property Law	YES
Lori E. Petrone, Esq.		
Sharon N. Berlin, Esq.	Local And State Government Law Section	YES
Nicholas M. Ward-Willis, Esq.	Environmental & Energy Law	I GUESS SO
Matthew J. Nolfo, Esq.	Elder Law And Special Needs	YES
Rosalia Baiamonte, Esq.	Family Law	YES
Karen L. I. Gallinari, Esq.	Health Law	YES
Jay L. Himes, Esq.	International Section	YES
Hon. Barbara R. Kapnick	Judicial	
Domenick Napoletano, Esq.	General Practice Section	YES
Benjamin Sirota, Esq.	Antitrust Law	YES
Ira S. Goldenberg, Esq.	Real Property Law	YES
Jonathan B. Fellows, Esq.	Commercial and Federal Litigation Section	YES
Christopher A. D'Angelo, Esq.	Labor & Employment Law Section	YES
Christopher R. Riano, Esq.	LGBTQ Law Section	

🖨 Click to print or Select '**Print**' in your browser menu to print this document.

Page printed from: <https://www.law.com/newyorklawjournal/2021/03/15/why-do-we-need-the-green-amendment/>

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## Why Do We Need the Green Amendment?

New Yorkers do not presently have a right to clean air and water.

By **Katrina Fischer Kuh** | March 15, 2021



This fall, New Yorkers will be asked to vote on whether the New York State Constitution should be amended to recognize a “a right to clean air and water, and a healthful environment.” I suspect that, for many, this will cause a bit of head scratching. You mean we don’t *already* have a right clean air and water?

No, New Yorkers do not presently have a right to clean air and water. There are many laws aimed at protecting human health and the environment, including laws designed to ensure that our drinking water is safe to drink and that our air is safe to breathe. But, as any resident of Hoosick Falls can tell you, if, for some reason, those laws don't apply or aren't being implemented effectively, citizens may have little recourse.

In the case of Hoosick Falls, a citizen concerned about an unusual number of family and neighbors getting cancer paid to have his drinking water tested, which revealed high levels of perfluorooctanoic acid (PFOA), a suspected carcinogen. Upon reporting the high levels of PFOA in the water to the relevant regulators, the Village of Hoosick Falls was assured by the Rensselaer County Department of Health and New York State Department of Health that Hoosick Falls' drinking water met all relevant standards and was safe to drink, going so far as to advise the Village that it was not necessary to collect more water samples. But here's the catch about PFOAS as well as many other so-called emerging contaminants, like 1, 4 dioxane (also regularly found in drinking water in New York). The laws designed to keep our drinking water safe only limit chemicals in drinking water for which drinking water standards have been established. If a standard hasn't been set (a process that can take decades), the chemical can lawfully remain in our drinking water. And, although serious concerns have been raised for decades about health risks from exposure to PFOA and similar chemicals, no national drinking water standard for it has yet been developed (although New York set its own standard of 10 parts per trillion in August 2020).

Long delays in developing drinking water standards are typical. Why are regulators slow to ascertain and address the risk of emerging contaminants? Partly because, as is frequently the case when trying to understand how low levels of chemicals affect human health and the environment, the scientific answers lie at the cutting edge of research and can be difficult to discern. But it is also because chemical manufacturers mislead and delay regulators like the manufacturers of PFOA did, as documented in the book *Exposure* and the movie it inspired, *Dark Waters*. And because our environmental agencies are stretched too thin, without adequate resources and time.

If the statute that governs drinking water doesn't help, what is a citizen drinking a potentially harmful chemical to do? Basically, live with your dread and beseech politicians to help. You can try to sue the companies who manufactured the chemical or allowed it to contaminate drinking water, but it's hard to recover based on the fear that you *might* develop a disease and even if you do develop an illness or condition, showing that it was caused by chemical exposure may be impossible.



In a parallel world, with a constitutional right to a healthy environment, the citizens of Hoosick Falls might never have been exposed to PFOA, or at least not for such a long time at such high levels. Environmental groups might have been able to invoke the environmental right to push regulators to address the risk with more alacrity. Failing that, upon discovering the contamination, instead of being forced to go hat in hand to politicians to ask for help, our concerned citizen might have been able to bring a lawsuit to demand government action to protect his right to clean water.

Those who oppose constitutionalizing environmental rights cite to uncertainty about how a right to a healthy environment would be interpreted by courts and observe that decisions about environmental protection are best made by legislators and expert agencies. But courts regularly interpret and apply broad rights without undermining legislative prerogative. And I suspect that most New Yorkers believe that they *already* have a right to clean air and water. What may surprise them is that the New York State Constitution doesn't protect it ... yet.

**Katrina Fischer Kuh** *is the Haub Distinguished Professor of Environmental Law at the Elisabeth Haub School of Law at Pace University and chaired the New York State Bar Association Task Force on the Environmental Aspects of the New York State Constitution (<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1962&context=plr>).*

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# For businesses, Green Amendment is double green

 [westfaironline.com/135277/for-businesses-green-amendment-is-double-green/](https://www.westfaironline.com/135277/for-businesses-green-amendment-is-double-green/)

April 19, 2021

## Legal Matters

By

Katrina Fischer Kuh and Maya K. van Rossum

-

In April 2019 and again in early 2021, the New York State Assembly and the New York State Senate passed legislation to place a constitutional amendment measure, the Green Amendment, on the ballot in November 2021. Voters will be asked whether to amend the New York State Constitution to provide in Section 19, Article I: “Environmental rights. Each person shall have a right to clean air and water, and a healthful environment.”

As occupants of the state, New York businesses will benefit from passage of the amendment. The Green Amendment could benefit businesses by reducing litigation risk, improving the overall resilience and health of communities and fostering conditions that support the development of forward-looking green industries in New York. Additionally, businesses who advocate for adoption of the Green



Amendment can, in doing so, communicate their commitment to a sustainable future to their customers, employees and local communities. For businesses, the Green Amendment is double green – good for the environment and good for the bottom line.

The Green Amendment can reduce litigation risk by preventing situations where businesses inadvertently cause or contribute to environmental damages that might later become the basis for an action seeking damages under existing tort, nuisance or other law because existing statutes and regulations are not adequately protective. Consistent with the interpretation of similar constitutional provisions in New York, the Green Amendment would likely not be enforceable directly against private parties; it is instead a limitation on government action.

Protecting environmental rights from government action that results in a taking of a community’s clean water and air and/or healthful environments will reorient policymakers to focus on avoiding environmental harms before they occur —and before businesses find

themselves struggling *ex post* to defend lawsuits seeking damages for those harms. This focus on prevention of harm will encourage legislators and regulators to adopt protective laws and regulations and to work proactively on permitting that ensures a clean and healthy environment.

Experience in others states that already recognize environmental rights in their constitutions further indicates that little new litigation occurs simply because of the adoption of constitutional environmental rights. According to Green Amendments for the Generations, the national leader on advancing Green Amendments in states across the nation, the number of cases including constitutional environmental rights claims in Pennsylvania is typically only between three and nine cases a year, and in Montana the number is on the order of three cases a year.

This does not signal that constitutional environmental rights in these states have not proved beneficial. On the contrary, it reflects the fact that while constitutional environmental rights are sometimes enforced through litigation, they also permeate and influence decisions proactively at many early junctures in the development and implementation of environmental policy and decision making, thereby avoiding litigation. Moreover, claims alleging violation of a constitutional environmental right most often accompany claims brought under existing statutes and regulations — claims that would have been brought anyway but are now better informed by the constitutional obligation to protect environmental rights.

By strengthening efforts to ensure a clean and healthy environment, the Green Amendment will also support businesses in myriad direct and indirect ways. Some industries benefit in direct ways from a protected environment, such as those dependent on ecotourism. The availability of clean and plentiful water is essential for successful agriculture. Industries that rely on clean water in their operations, such as manufacturers and pharmaceutical companies, can see significant cost savings if water does not need extensive treatment before use.

Property values are enhanced by healthy green spaces. And clean air, water and a healthful environment promote the health and well-being of workers and the communities where they live. By proactively supporting protection, the Green Amendment will help avoid the costly harms of environmental degradation, including rising health care costs and lost worker days. In this pandemic moment, we can easily recognize that businesses depend upon and benefit from being part of healthy communities.

The business community should critically analyze exhortations to oppose the Green Amendment that imagine a flood of costly litigation and claim false assertions that strong environmental laws are bad for business. Understanding business and the environment to be in a zero-sum competition is both short-sighted and woefully outdated. We all thrive — businesses included — when our political system, laws and regulations work effectively to protect our lives and livelihoods.

*Katrina Fischer Kuh is the Haub Distinguished Professor of Law at the Elisabeth Haub School of Law at Pace University where she teaches Administrative Law, Climate Change Law, Environmental Law Survey and Torts. She has published widely on subjects related to environmental law and chaired the New York State Bar Association Task Force on the Environmental Aspects of the New York State Constitution.*



Katrina Fischer Kuh

*Maya K. Van Rossum, Pace Law '92, is the founder of Green Amendments for the Generations a grassroots nonprofit organization inspiring a nationwide movement to secure constitutional protection of environmental rights. Through the work of van Rossum and Green Amendments for the Generations, constitutional amendments have been proposed in 11 states to date. She is the author of The Green Amendment: Securing Our Rights to a Healthy Environment and the original organizer of the Green Amendment movement. van Rossum also holds the position of Delaware Riverkeeper, leading the watershed-based advocacy organization the Delaware Riverkeeper Network.*



Maya K. Van Rossum

## LEAVE A REPLY

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Please enter your comment!

Please enter your name here

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New York, NY 10022  
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**MEMORANDUM**

**TO:** NYSBA EELS Cabinet  
**FROM:** Nicholas M. Ward-Willis  
**RE:** Section Organizational Structure  
**DATE:** April 13, 2021

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As I am in the midst of my term as Chair of the Section, I am faced with a number of obstacles, inefficiencies and challenges that I see can be better handled if the responsibilities of the Chair and Section officers were redefined. I think it is unduly burdensome for the Chair to perform the functions of the Chair (which, in my view, should be focused more on long term policy making and steering the ship, rather than focusing on organizing the fall and annual meetings, which are only three months apart). I also think some of the officer's positions should have more defined tasks so that as officers transition from one position to the other they learn more about the inner workings of NYSBA as well as the needs of our Section. This would, hopefully, place them in a better position to advance long term policies when in the position of Chair.

To that end, I have the following suggestions:

- 1) That the position of Treasurer be eliminated, and we create the position of budget officer which would be for a fixed three to four-year term. I would suggest this be served by a younger member who we see in the future affiliated with a leadership role. There are several initial policies such as sponsorship, reimbursement of speakers, monies that the Section receives for programs, that are relearned by each new officer. There are many times that you will recall that one of us will ask the question and we will need to go back and refer to prior documents or try to reinvent the wheel. I think the Section would benefit from having a budget officer, which I understand other Sections have.

The Trusts & Estates Law Section and the Elder Law and Special Needs Section ("ELSN") have a Financial Officer. These two Sections have both a Treasurer and a Financial Officer, but the Tax Section, Food, Drug and Cosmetic Law Section and the Local & State Government Law Section have Financial Officers, but no Treasurers. ELSN defines the responsibilities and term in the Section's bylaws as:

SECTION 6. Financial Officer: The Financial Officer shall be charged with reviewing the financial status of the Section and advising the Section Chair, Treasurer and Executive Committee with regard to the finances. The Financial Officer will be appointed by the Chair and serve at the pleasure of the Chair. It is anticipated that the Financial Officer will continue in that position for several years, giving continuity and greater experience to the interpretation of and communication with the Fiscal Officers of the Association. The Financial Officer shall, in all respects, be treated as a member of the Executive Committee of the Section.

- 2) I suggest that the position of Secretary automatically be a co-chair of the Membership Committee. Membership is obviously key to the long term future of the Section and I think a good way for a Section officer to be introduced to the inner workings of NYSBA as well as an introduction to the responsibilities of all officers to grow the Section. I would also suggest that the Secretary be tasked with undertaking a defined membership initiative with goals and report back to the Executive Committee at the Executive Committee meetings. For example, I focused on law student membership and worked with Mike Hecker to implement that vision. Other membership initiatives could be directed to corporate counsel, out of state attorneys, governmental attorneys, etc.
- 3) The position of Treasurer would be replaced with a second vice chair. I suggest the responsibilities of the second vice chair would include being a liaison for the budget officer, as well as chairing the Section's Sponsorship Committee. With declining revenue and the Section not receiving any revenue from the CLE's, (a separate discussion), revenue is important for the Section and we should have a separate Sponsorship Committee. This will also introduce the second vice chair to more of the financial aspects of the Section as well as the need to network with outside sponsors as well as internal membership law firm sponsors. The second vice chair would also be responsible to coordinate the fundraising efforts of the Diversity & Inclusion Committee.
- 4) The first vice chair should have the responsibility of preparing the programming for the annual meeting and fall meeting (either or both; that is up for discussion). This will expand upon the prior themes of membership and finances by placing the requirements on the first vice chair to reach out to members and sponsors as well as the officers below to coordinate and prepare for the two meetings. This will also introduce the first vice chair to a closer working relationship with NYSBA staff.
- 5) The position of chair remains the same but this reorganization would allow the chair to focus more on long term policy issues and that with NYSBA.

Please let me know your thoughts on this as I would like to discuss at our May cabinet meeting and consider it and place it on for discussion and vote at the Executive Committee meeting in February. Thank you for thoughts and consideration.



## NEW YORK STATE BAR ASSOCIATION ENVIRONMENTAL & ENERGY LAW SECTION

# 2021 Professor William R. Ginsberg Memorial Essay Contest

The Professor William R. Ginsberg Memorial Essay Contest is an annual competition designed to challenge law students to analyze the environmental issues confronting us today.

### Topic:

Any topic in environmental law.

### Eligibility:

Contest open to all JD and LLM candidate students enrolled in a New York State law school. Essays may have been submitted for course credit or for law reviews, but not as part of paid employment.

### Length:

Maximum length, 35 double-spaced pages (including footnotes, which may be single-spaced).

### Format:

Each entrant MUST submit a hard copy AND an electronic version in Microsoft Word.

### Judging:

Criteria for judging entries will be: organization, practicality, originality, quality of research, and clarity of style. Entries will be judged by environmental law professors and other distinguished members of the Environmental & Energy Law Section from throughout the State.

### Awards:

The first-place winner will receive a \$1,000 prize, the second-place winner will receive a \$500 prize, and the third-place winner will receive a \$250 prize. All winners will receive certificates. In addition, the first-place essay will be published by the New York State Bar Association, and the second- and third-place essays will be considered for publication. All three winners will receive an invitation to the fall 2021 conference of the Environmental & Energy Law Section.

### To Enter:

Send hard copy to New York State Bar Association, One Elk Street, Albany, New York 12207, and email your entry to [ajasiewicz@nysba.org](mailto:ajasiewicz@nysba.org). Include with your entry a cover letter stating your name, mailing addresses (both school and permanent), telephone number, email address, name of school, and year of graduation. This letter should also certify that the essay was not written as part of paid work. Please make sure your name and student information do not appear on the essay. No more than one entry per student per year is allowed.

### Deadline:

June 1, 2021 (Winners will be announced in early September 2021.)

### For Further Information:

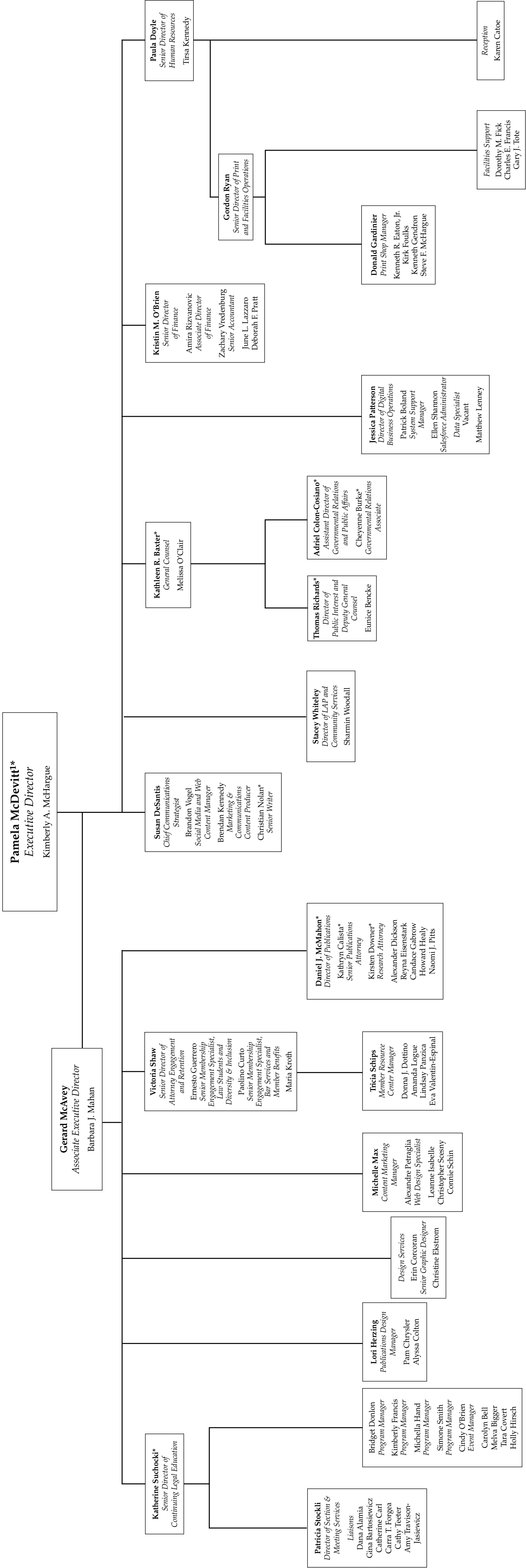
Contact your environmental law professor or Miriam E. Villani, Esq.  
Sahn Ward, PLLC  
333 Earle Ovington Blvd., Suite 601  
Uniondale, New York 11553  
(516-228-1300)





# NEW YORK STATE BAR ASSOCIATION

## Organizational Chart



\* Attorney

1. Provides onsite direction and oversight for The New York Bar Foundation, which is served by Deborah Auspelmyer (Director) and Leigh Dorr (Foundation Assistant)



# ANNUAL MEETING

A TWO-WEEK VIRTUAL CONFERENCE

JANUARY 19 – 29, 2021

## ENVIRONMENTAL & ENERGY LAW SECTION D&I FELLOWSHIP SUPPORT EVENT

### Swirl, Sip and Support Event

*A Virtual Reception Sponsored by Langan, Roux, SESI and Tenen*

Funds will support the **Diversity & Inclusion Fellowship in Environmental & Energy Law**



The Environmental and Energy Law Section's Diversity & Inclusion Fellowship Program is designed to encourage diverse law students to enter the field of environmental and energy law. The selected Fellowship recipient receives a stipend to spend the summer working on legal matters for a government environmental or energy agency or public interest environmental organization in New York State. EELS began this program in 1992 and appreciates your support of this Fellowship.

#### Registration Fee – \$75

The registration includes a wine sampler shipped to you in advance of the event. A portion of this registration fee will support next year's diversity fellowship and their summer intern salary.

☐ \$75

**Registration deadline: January 15.** Registrations received after deadline will not allow time for shipping the wine sampler.

#### Additional Support for the Fellowship

Support in addition to the registration fee would be greatly appreciated and will go directly to the EELS D&I Fellowship program.

Please Check Desired Fellowship Sponsor Level

- ☐ Vineyard – \$50   ☐ Sommelier – \$150   ☐ Vintage – \$300  
☐ Other – Please contact Amy Jasiewicz

**Required:** Please indicate address below so we know where to mail your wine sampler (RSVP deadline January 15):

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Email \_\_\_\_\_

Swirl, Sip and Support Reception:

**Friday, January 29, 2021**

5:30 p.m. – 6:30 p.m.

For more details, go to:  
**NYSBA.ORG/AM2021**

### Payment Information:

Check or money order enclosed in the amount of  
 \$ \_\_\_\_\_

(Please make checks payable to the  
**New York State Bar Association.**)

- ☐ Charge \$ \_\_\_\_\_ to:  
☐ American Express   ☐ MasterCard  
☐ Visa   ☐ Discover

Card number \_\_\_\_\_

Expiration date \_\_\_\_\_

CVN \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Cardholder Name \_\_\_\_\_

### Register Online:

**NYSBA.ORG/eelsAM2021reception**

### Questions? Contact:

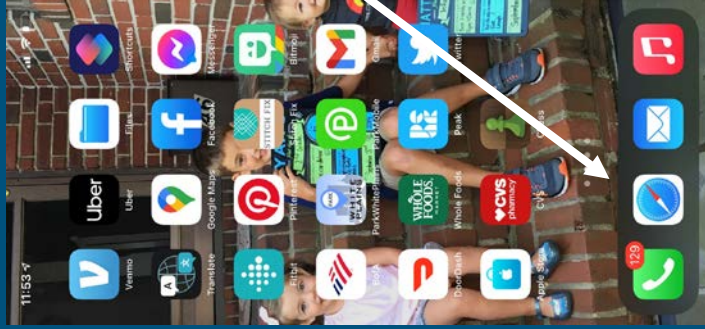
Amy Jasiewicz  
 New York State Bar Association  
 1 Elk Street, Albany, NY 12207  
 Email: [ajasiewicz@nysba.org](mailto:ajasiewicz@nysba.org)  
 Phone: 518-487-5682

### Deadlines:

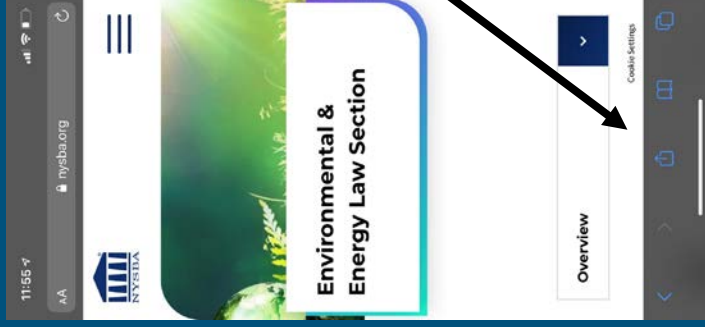
Payments must be received with completed form. If submitting a check for payment, it should arrive no later than 2 weeks upon submitting your completed form.

1. From a Home Screen, tap the Safari icon.

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2. Navigate to the desired web page then tap the More icon at the bottom.  
(<https://nysba.org/committees/environmental-energy-law-section/>)

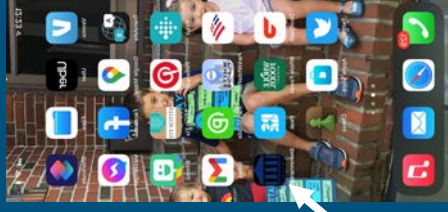
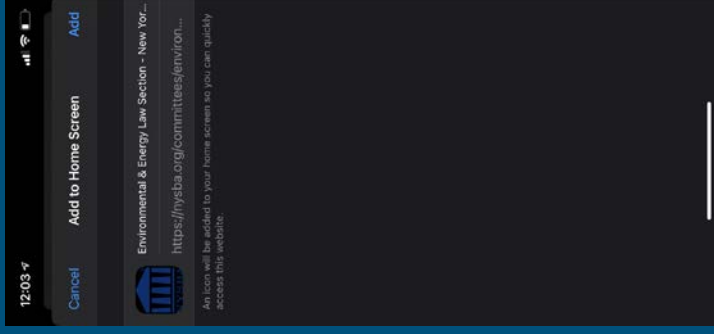


3. Tap Add to Home Screen.

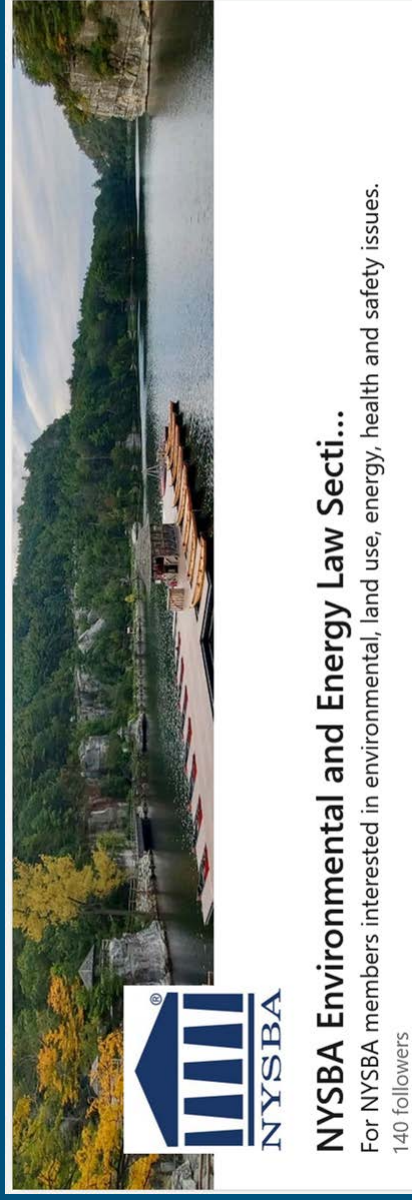


4. Enter the info then tap Add (upper-right)

By default, the level and address of the website currently visited will appear.



# LinkedIn



Follow our Page! - NYSBA Environmental and Energy Law Section

<https://www.linkedin.com/showcase/nysba-eels>

- Click on the search icon at the top of any LinkedIn page. Type NYSBA Environmental and Energy Law Section in the search field.
- Click the Follow button in the search results list.
- Interact with us!

# Twitter

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Follow us! <https://twitter.com/NYSBAEELS> or search @NYSBAEELS

- Create an account or use an existing one
- Day-to-day updates on case law, statutes, issues, and events
- Like us, retweet, and tag us by writing @NYSBAEELS
- We want to hear from you!

# HOW TO SIGN UP FOR TWITTER

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1. Go to <http://twitter.com> and find the sign-up box, or go directly to <https://twitter.com/signup>. You can also download the twitter app on your phone.
2. You will be guided through the sign-up experience and prompted to enter information such as your name and email address.
3. Once you sign up for an account, you can select a username (usernames are unique identifiers on Twitter).
4. Once you have your account set up, search our handle (@NYSBAEELS) and click the Follow button in the top right hand corner of the page. You will now receive all our Tweets and updates.

# Tuesday Takeover

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- Goal: To spotlight the work of our members and the environmental/energy fields
- How it works:
  - The Social Media Committee will select different members or accept volunteers to “takeover” the NYSBEELS twitter account.
  - Selected members or volunteers will prepare 3-5 twitter post on who they are and projects they are working on.
  - Members submit posts to Social Media Committee for review and edits.
  - Committee publishes posts on Tuesdays.



# Key Environmental Issues in U.S. EPA Region 2 June 23–24, 2021

## SPONSORED BY

U.S. Environmental Protection  
Agency, Region 2

American Bar Association  
Section of Environment, Energy  
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New York State Bar Association,  
Environmental and Energy Law  
Section

New Jersey State Bar Association,  
Environmental Law Section

New York City Bar Association,  
Environmental Law Committee

Columbia Law School

Sabin Center for Climate Change Law

Columbia Climate School

This biennial conference examines key and emerging environmental issues in the Environmental Protection Agency (EPA) Region 2 area, which includes New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands.

## FREE REGISTRATION, AND FOR MATERIALS AND ZOOM LINK

[www.law.columbia.edu/EPARegion2](http://www.law.columbia.edu/EPARegion2)

## FOR MORE INFORMATION

CLE INQUIRIES:

[cle@law.columbia.edu](mailto:cle@law.columbia.edu)

GENERAL INQUIRIES:

Kemi Adetayo, [aadetayo@law.columbia.edu](mailto:aadetayo@law.columbia.edu)

## CLE CREDIT

**NEW YORK STATE:** Columbia Law School has been certified by the New York State Continuing Legal Education (CLE) Board as an Accredited Provider of CLE programs. Under New York State CLE regulations, this live CLE program, suitable for both transitional and nontransitional attorneys, will provide credit hours in an amount to be determined.

**NEW JERSEY:** New Jersey CLE Board approval is pending for this live program.

**ELIGIBILITY:** CLE credit is awarded to attorneys for full attendance of the program in its entirety.

Attorneys attending only part of the program may be eligible for partial credit. Attendance is determined by an attorney's submission of their Attorney Attendance Affirmation with appropriate course codes noted for each session. On submission of the Attorney Attendance Affirmation, attorneys also should submit their completed Evaluation Form, provided by the program organizers.

See [website](#) for full details.

## EPA Region 2 Conference

### WEDNESDAY, JUNE 23, 2021

- 8:50 a.m. Welcome and Opening Remarks**  
Michael B. Gerrard, Professor and  
Director, Sabin Center for Climate Change  
Law, Columbia Law School
- 9 a.m. Panel One: Climate and  
Air Pollution**  
MODERATOR  
Michael B. Gerrard  
  
Joseph Siegel, EPA Region 2  
  
Lilliana Villatora, EPA Region 2  
  
Jared Snyder, New York Department  
of Environmental Conservation  
  
Paul Baldauf, New Jersey Department  
of Environmental Protection
- 10:15 a.m. Break**
- 10:25 a.m. Panel Two: Cross-Cutting Issues**  
MODERATOR  
Eric Schaaf, EPA Region 2  
  
CIVIL ENFORCEMENT  
Paul Simon, EPA Region 2  
  
CRIMINAL ENFORCEMENT  
Patricia Hick, EPA Region 2  
  
ENVIRONMENTAL JUSTICE  
Charles Lee, EPA Headquarters  
  
ENVIRONMENTAL JUSTICE  
Olivia Glenn, New Jersey Department  
of Environmental Protection
- 11:40 a.m. Break**
- 11:50 a.m. Keynote Address**  
MODERATOR  
Margaret Barry, Arnold & Porter  
Kaye Scholer  
  
Walter Mugdan, Acting Regional  
Administrator, EPA Region 2
- 12:30 p.m. Adjourn**

### THURSDAY, JUNE 24, 2021

- 9 a.m. Panel Three: Contaminated Site  
Cleanup and Redevelopment**  
MODERATOR  
James P. Rigano, Rigano LLC  
  
CERCLA/RCRA UPDATE  
Thomas Lieber, EPA Region 2  
  
Andrew O. Guglielmi, New York  
Department of Environmental  
Conservation  
  
Mark Pederson, New Jersey Department  
of Environmental Protection
- 10:15 a.m. Break**
- 10:25 a.m. Panel Four: Water Issues**  
MODERATOR  
Tirza S. Wahrman, Law Office  
of Tirza S. Wahrman, LLC  
  
Phyllis Feinmark, EPA Region 2  
  
COASTAL RESILIENCE,  
STORMWATER MANAGEMENT  
Vincent Mazzei, New Jersey Department  
of Environmental Protection  
  
OFFSHORE WIND  
Amanda Lefton, U.S. Bureau  
of Ocean Energy Management
- 11:40 a.m. Break**
- 11:50 a.m. The Commissioners Speak**  
MODERATOR  
Michael B. Gerrard  
  
COMMISSIONERS  
New York Environmental Commissioner  
Basil Seggos  
  
New Jersey Acting Environmental  
Commissioner Shawn LaTourette  
  
New York City Environmental  
Commissioner Vincent Sapienza  
  
Puerto Rico Secretary of Natural  
and Environmental Resources Rafael  
Machargo (invited)  
  
Virgin Islands Department of Planning  
and Natural Resources Commissioner  
Jean-Pierre Oriol (invited)
- 1:10 p.m. Closing Remarks**  
Eric Schaaf

<b>Committee</b>	<b>2021 Report</b>	<b>Web site Description</b>	<b>Meeting Scheduled</b>
Adirondacks		X	5/6/21
Agriculture & Rural			
Brownfields Task Force		X	Meets regularly
CLE			Pending date
Coastal & Wetland			
Corporate Counsel			
D&I		X	X May 15 Hope to schedule quarterly
Energy		x	3/25/21
Enforcement & Compliance	x	x	
Environmental Business Transactions	x	x	4/21/2021 Next: July
Environmental Impact Assessment		x	
Environmental Insurance	x	x	X
Environmental Justice		X	3/8/21 Next: Sept 2021
Future of Federal Policy Task Force			
Global Climate Change			
Hazardous Waste		X	
Land Use		X	3/9/21 CLE
Legislation		X	
Membership			
Mining & Oil			
Pesticides		X	
Petroleum Spills		X	
Social Media		X	3/19/21
Solid Waste		X	Pending date
Toxic Torts		X	
Water Quality			