Ethics and Sustainable Development

Synopsis of the Gilbert and Sarah Kerlin Lecture by Juan Mayr Maldonado, former Minister of the Environment of Colombia, delivered September 25, 2002

Development has economic, social, political and environmental consequences, which affect our freedom. There is no freedom without equity and development must promote equity to provide an improved common welfare. Ethical behavior in the context of development is behavior that promotes equity, providing benefits to all affected by development, not just to those conducting the development. However, major economic, political, and social players do not act ethically in making development decisions. Corruption and greed are all too common in each of these sectors. This is evident in the ongoing investigations of legal and ethical failures of well-known corporations such as Enron, Xerox, Global Crossing, Qwest, Schering-Plough, WorldCom and Arthur Anderson. Corrupt and unethical practices are also pervasive in governments; Fernando Marcos in the Philippines, Mobutu Sese Seko in Zaire, Anastasio Somoza in Nicaragua, Alberto Fujimori in Peru, Manuel Noriega in Panama, Alfredo Stroessner in Paraguay, and General Suharto in Indonesia, are but a few examples.

When corporations and governments are not governed by a strong sense of equity and ethics in their decisions, it is no wonder that the goals of sustainable development are not achieved. One example of this is South America’s high level of water pollution resulting from the mismanagement of water resources. Another is the miserable condition of half a million families in Colombia caused by corporate actions in derogation of the International Coffee Pact. Environmental organizations have been reluctant to acknowledge the necessity of creating a code of ethics applicable to sustainable development, although Mayr and Secretary General Kofi Annan have frequently noted the need for one. Although Agenda 21, the Millennium Declaration and the Earth Charter represent a move toward a code of ethics, such a code has yet to be developed. Until it is, we will not achieve sustainable development as envisioned at the Rio Summit. Mr. Mayr argued that the absence in contemporary society of a strong ethical dimension is largely responsible for our failure to achieve the goal established ten years ago at the Rio Summit of sustainable development. He concluded that a code of ethics applicable to sustainable development must be created in order for this goal to be accomplished.

About the Speaker

Juan Mayr has dedicated his life to the environment. His commitment to environmental issues started when he first visited the Ecoregion of the Sierra Nevada de Santa Marta in the northeastern Caribbean coast of Colombia. This area, characterized by its great cultural and environmental complexity, as well as its political, socioeconomic and environmental problems, represents a micro-universe of the Colombian reality. He was promoted and became the first Executive Director of the Pro-Sierra Nevada de Santa Marta Foundation. He later became a member of the World Conservation Union where he promoted processes of decentralization and regionalization within the organization. During the World Conservation Union Congress in Montreal (1996), these new mechanisms were adopted as bylaws. In addition, Mr. Mayr started the recognition of National and Regional Committees, and the establishment of Regional Congresses. In 1998, he was appointed Minister of the Environment of Colombia where he began promoting a national participation process for the formulation of the National Environmental Plan. Mr. Mayr has participated as President of the Extraordinary Session of the Convention on Biological Diversity in 1999, as Chairman of the VIII session of the Commission on Sustainable Development in 2000. He also chaired the High Level Segment of the Second Session of the United Nations Forum on Forests in March 2002.

Ethical behavior in the context of development is behavior that promotes equity, providing benefits to all affected by development, not just to those conducting the development.
The Pace University School of Law Center for Environmental Legal Studies has, since 1997, published Environmentally Friendly, an award-winning journal that included short, well-researched articles and updates on developments in environmental law. We decided this year to update the publication giving it a new look and layout, and to re-title it to more clearly reflect our work in environmental law. GreenLaw, our new publication, will continue the tradition of providing our readers with short, quality articles on a wide range of environmental law issues. It will also provide summaries of important lectures on environmental law at Pace, give you some insight into the student experience here, and keep you up-to-date on other activities at the Law School.

I am also new to Pace Law School. I come to Pace as Director of its Environmental Law Program after more than 20 years in the Minnesota Attorney General’s Office where I served in a number of positions including more than 13 years as Director of Environmental Policy. During the four years before coming to Pace, I worked as an independent researcher and consultant, holding positions as a Senior Consultant to the National Academy of Public Administration and Visiting Scholar with the Environmental Law Institute.

Pace University School of Law's Environmental Program has a long and rich tradition that has led to its being consistently rated as one of the top programs in the country. The National Environmental Law Moot Court Competition, the Energy Project, the Land Use Law Center, the Center for Environmental Legal Studies, the Environmental Litigation Clinic, the Washington, D.C. Externship Program, the Yale School of Forestry and the Bard College Center for Environmental Policy joint degree programs, the Kerlin and Garrison Lectures, graduate level LL.M. and S.J.D. programs, as well as a long list of environmental classes provide students with tremendous opportunities to pursue their interests in, and passion for, environmental law.

I hope to help Pace Law School build on this strong tradition by increasing our efforts in three areas that I see as critical to the future of environmental law. First, I believe we need more thoughtful and more strategic environmental planning processes that are better able to identify priority problems, and we must set goals for addressing those problems, choose from a broad range of approaches to find the most effective methods for attacking the problems and then track and measure results. To accomplish this, students who will be part of the next generation of environmental leaders need to be conversant in more than just the basics of the Clean Air Act and Superfund. They need to develop broader analytical and policy development skills to help them identify innovative ways to solve problems.

Second, the importance of local environmental law will continue to grow. Land use is at the heart of many of our environmental problems, from transportation-related air quality concerns to habitat fragmentation and nonpoint pollution. Countries such as the Netherlands recognized this fact several years ago and began allocating resources to build the capabilities of local governments to address environmental issues. Our Land Use Law Center is a national leader in this area. We need to continue to critically examine the role of local governments, and the role of lawyers who work with local governments, in creating more sustainable land use patterns.

Finally, the development of international environmental legal capacity is critical. Building a workable legal regime to address global climate change is a key part of this challenge. But, there are many more factors, including: addressing sanitary conditions associated with concentrated animal feeding operations that may be the source of deadly diseases like SARS, helping developing countries design energy law structures that support sustainable energy production, and understanding the interaction between international trade regimes and environmental protection. Pac Law School’s recent efforts to help launch an international Academy of Environmental Law, which will be featured in our next edition of GreenLaw, is key to building the worldwide capacity to address international environmental law problems. Our next generation of environmental lawyers will need to be conversant in international environmental law in order to provide good legal advice to many of their clients, including their business clients.

Pace Law School is involved in important work in each of these areas, which I believe will contribute to the training of more versatile and adaptive environmental lawyers and to a more sustainable world. I look forward to assisting in these important endeavors.

GreenLaw is published biannually. To minimize our use of paper, and for easier access for our readers, GreenLaw is also available in an electronic version (pdf format). To add your name to our electronic distribution list, please contact lpaddock@law.pace.edu.
Clean Energy: The Importance of Sound Economic Analysis

By Fred Zalcman and Tom Bourgeois

The Pace Energy Project is one of the national leaders in policy design to promote cogeneration — commonly referred to as Combined Heat and Power (CHP). CHP has great potential to improve energy efficiency and environmental performance by using both the heat and electric power output from small generation systems situated on the energy user’s premises. In typical power generation operations the waste heat produced as part of the electric generation process is not used. Instead it must be vented to the atmosphere or discharged into a cooling water body where the excess heat can cause environmental damage.

The Pace Energy Project recently joined with the energy consulting firm Energy Nexus Group to assess the market potential for CHP in New York State. Their report, “Combined Heat and Power Market Potential for New York State,” is a detailed study of the market opportunities for CHP applications. Important questions addressed in the study include: how much new CHP could be installed in the next decade in New York State, what benefits would this yield, and what actions can policymakers and planners pursue in order to promote market penetration of clean and efficient CHP.

The study finds that penetration of CHP into the commercial/institutional and light industrial markets has been minimal to-date. This is likely due to a combination of factors: Deficiencies in small CHP technologies and systems, lack of an adequate sales and service infrastructure for small systems, low familiarity of users and building owners of CHP systems and benefits, and a number of critical market and regulatory hurdles. These hurdles encompass a variety of concerns that typically face new entrants offering competing services and products in markets with well-established incumbents.

Implementation of CHP creates a complicated interaction between the user and the local power distribution utility. The CHP system must meet interconnection regulations and requirements (i.e., the legal and technical standards for connecting such systems to the utility grid) that, in some cases, are not well defined and may be costly to meet. The tariffs for backup power (i.e., power provided to the CHP owner by the distribution utility) when the CHP system in not operational are higher in New York than in other large states where CHP has made an impact. Securing the necessary environmental regulatory permits for a CHP system can likewise be a costly and time consuming process. Local building codes often don’t adequately address the needs of CHP systems, creating delays, expense and uncertainty for project developers. Financing capital-intensive CHP process is also a hurdle.

The Energy Project has been actively involved in regulatory proceedings to address these barriers. For example, in the context of New York Public Service Commission proceedings to streamline and standardize interconnection of small generation and CHP systems, the Energy Project has developed a model interconnection agreement—a short, simplified and fair contract between the owner of the on-site power system and the distribution utility. The resulting agreement eliminates many of the onerous cost requirements utilities historically imposed on customer-generators.

This study was prepared for the New York State Energy Research and Development Authority (NYSERDA) in support of its nationally acclaimed Distributed Generation and Combined Heat and Power Program. A Project Advisory Board of State regulatory, policymaker, business community and environmental stakeholders familiar with the benefits and hurdles to CHP guided the development of the study methodology.


The following table provides an estimation of the range of potential benefits CHP might provide under a base case and accelerated case in which the above-identified market and regulator barriers are ameliorated. CHP contributes economic savings, energy savings, reduction in criteria pollutants, and a reduction in emissions that contribute to global warming.

Table ESS. CHP Benefits in New York

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<th>CHP Benefits</th>
<th>Base Case</th>
<th>Accelerated Case</th>
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<td>Net Present Value ($million)</td>
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Life and Law in Australia

By Carlisle Tuggey

Freihills is a large corporate and commercial law firm comprised of approximately 1000 lawyers, with locations across Australia and South East Asia. The firm houses 11 specialty practice areas of law including the Major Projects Practice Group, where I worked as a legal intern through the Pace Summer Semester Abroad Program.

Australia has a common law legal structure like the United States. However, Australian structures such as the split-bar, a different socio-economic structure, and a unique world view resulting from Australia’s geographic isolation, created a challenging learning experience.

The Major Projects Practice Group handled the firm’s infrastructure project development and financing. The Group’s function was to help arrange governmental contracts (usually in the form of a concession) required for major infrastructure projects such as highways, tunnels, stadiums and other public assets. Under the concession agreements the government contracts with a private entity conceding the rights to develop and profit to such entity for a period of years after which the asset returns to the government. As a result of this system, the lawyer’s role is often one of creative negotiator as well as advocate and counsel. Tasks ranged from document preparation and organization for an arbitration hearing concerning a power plant liability, to drafting legal memoranda for associates on contractual issues of assignment liability, and contributing to the due diligence undertaken in connection with an energy asset storage facilities.

With every major project undertaken by Freihills, an entire analysis of any possible present or contingent environmental risk had to be assessed and explained to all parties investing or otherwise taking part in the project. Further, the majority of infrastructure projects needed an Environmental Impact Review to determine any likely future detrimental effects the project would have on the local and regional ecology as well as the impact it could have on nearby property and private land owners. As a result I was assigned to prepare a research document designed to assist practitioners at Freihills understand the basics of the risks involved when undertaking a major infrastructure project.

The quality of life for the urbanites of Sydney has little in common with the experience of residing in downtown New York City. Rather, an unpolluted Tasman Sea awaits the surfers each morning and the sky is nearly always crystal blue, unpolluted by smog. However, even in my short stay I witnessed “Americanization” with the opening of new Subways and McDonalds. Living in Sydney provided me with a fresh perspective on the state of the environment in the United States, through the lens of a foreign mindset and culture. Working in a commercial law firm proved most rewarding, even in the area of environmental law.

Willamette University Wins Environmental Law Moot Court Competition

Willamette University College of Law’s Karolyn Klohe and Shawn Aaron Young emerged from a field of 64 law schools to win the 2003 National Environmental Law Moot Court Competition at Pace Law School. Willamette University is in Salem, Oregon. The student-run event sponsored by Pace Law School is the premier environmental law moot court competition in the country and one of the largest competitions of its kind.

The competition, now in its fifteenth year, simulates the process for preparing a legal case and presenting that case to a United States Court of Appeals. Students are given a complex environmental issue and must prepare legal briefs supporting the position of one of the parties to the case. They then travel to Pace Law School to argue the case before attorneys who serve as judges. Judge Morton I. Greenberg, U.S. Third Circuit Court of Appeals, presided at the final round of the competition together with Judge John R. Gibson, U.S. Eighth Circuit Court of Appeals and Judge Ronald L. McCallum, U.S. Environmental Protection Agency Appeals Board.

Drake University Law School of Des Moines, Iowa (Ron Bailey, Randy Goodwin, and Scot Kreider) and Louisiana State University Paul M. Herbert Law Center (Kristy Boxberger, Hope Robertson, Megan Terrell) of Baton Rouge, Louisiana were the other finalists. The University of Hawaii William S. Richardson School of Law (Della Au Belatti, Summer Kupau, Stanton K. Oishi) took home the award for Best Brief. Chrysi Pejot of Stetson University College of Law in Gulfport, Florida received the award for the best oral argument.

Teams reaching the semifinal round other
Greening Businesses from Within
How My Yale Experience Changed My Thinking

By Melisa Chan

Before coming to Pace in the joint degree program, I spent last year pursuing a graduate degree in environmental studies at Yale University’s School of Forestry & Environmental Studies (FES), I anticipated studying either Coastal and Watershed Systems or Environmental Policy and Management, the latter of which had three possible tracks: Environmental Health, Policy Analysis or Industrial Environmental Management (IEM). My undergraduate work with waterborne, infectious diseases along the U.S./Mexico border, led me to the Environmental Health track, which focuses on the link between pollution concentrations and specific damages to human populations. With this goal in mind, I worked toward fulfilling other requirements for the degree, and by chance, I stumbled upon a course, Professor Thomas Graedel’s Environmental Aspects of a Technological Society, that changed how I wanted to go about bettering our environment.

Instead of focusing on government regulations, I began thinking of technological innovations and processes developed by businesses, with the ultimate goal of “greening” traditionally “brown” (polluting) industries, such as in manufacturing or energy. These same industries have been identified as the source of our environmental problems. However, some of these companies have gone beyond compliance, and are now crafting environmental policies with possible long-lasting effects on society. Business people at high-level positions are taking notice of consumer desires, of the money saved by using our natural resources efficiently, and of the growing number of investors who look for socially responsible companies. After telling my advisor, a hydrologist, about my change from Watershed System/Environmental Health to IEM, he jokingly said that I had gone over to the “dark side.” Still, I believe that our future environmental agenda, and the success of it, will hinge on how corporate environmental policies are enacted within the context of how business is done.

Ultimately, the best part of my Yale experience was my fellow students — my colleagues — most of whom have had significant experience in the environmental arena. Prior to the first year of study, FES requires all students to attend three one-week training modules in technical skills such as plant identification, ecosystem measurement, and land measurement. It is during these intense sessions that you bond with and truly get to know your fellow students. There’s something about cramming a bunch of people together in an isolated, outdoors setting. Maybe it’s the campfires, the roasting of s’mores, or seeing people at their most vulnerable moment (either really late at night or very early in the morning). My friends are from all over the world: Uzbekistan, The Netherlands, Singapore, Russia, Japan, Brazil, Nepal, Pakistan, Ethiopia, Zanzibar, and other exotic locales. It is from these friends that I glean the most knowledge about the environment and how it affects people from other countries and cultures. Want to know how deforestation of the Amazon is affecting indigenous populations? Ask the student who lives there.

Working in the Public Interest

By Ilona Coyle

At the end of my first year at Pace, I interned at the Environment and Natural Resources Division’s General Litigation Section at the Department of Justice. I was thrown into a crowd of dedicated, hardworking attorneys. Many attorneys arrived at the crack of dawn and left in the wee hours of the night. I had the opportunity to draft memos that were used by my supervisors to prepare various filings for court and I knew that my memos were helping to decide multi-million dollar claims. It was a lot of pressure but great work experience.

The other part of the District of Columbia externship program was the insightful class offered by Steve Solow, a Pace Law School Adjunct Professor and former Federal Prosecutor. One of the activities planned for us was to take a ride with the Riverkeeper, Damon Whitehead, on the Anacostia. The first time I was trying to find the office, I remember walking through a relatively low-income industrial area and I was wondering if I was lost because it didn’t seem like what one would picture as waterfront property a short walk from the nation’s capital. I did find the place and all of the externs were lead onto the boat by Damon, a large African-American gentleman whose imposing size could have intimidated, but whose gregarious demeanor put everyone at ease instantly.

The Anacostia is the Capitol’s “other river.” The Potomac, which runs through Georgetown and other affluent areas is much cleaner and has a beautiful waterfront, while the Anacostia, which runs through the low-income, minority communities within the District of Columbia has been all but forgotten. Nevertheless, the Anacostia is the hidden jewel of Washington. While it has borne the brunt of much of the pollution, it has also remained richly forested upstream as it nears Maryland with herons, white egrets, cormorants, osprey and eagles. Hearing Damon speak about the
Environmental Litigation Clinic Wins $5.7 Million Victory

The Pace Environmental Litigation Clinic recently won a major victory that will protect an important trout stream in New York in Catskill Mountains Chapter, Trout Unlimited v. City of New York. The Shandaken tunnel carries water from the Schoharie Reservoir to the Esopus Creek in the Catskills, which then flows into the Ashokan Reservoir. The New York City Department of Environmental Protection (DEP) operates this tunnel as part of its water supply system. Esopus Creek is a renowned trout fishing stream. Unfortunately, the water that is piped in from Schoharie Creek is of much lower quality than the natural flow in the Esopus, and contains high amounts of suspended solids, clouding the clear waters of the Esopus, and ruining the Esopus for trout fishing. DEP has no Clean Water Act permit for this discharge of contaminated water into the Esopus Creek.

Pace Environmental Litigation Clinic filed a notice of intent to sue DEP on behalf of Riverkeeper and several other Catskill sportsmen’s organizations. Despite recent First Circuit precedent holding that the Clean Water Act applied in exactly these circumstances, the court granted the City’s motion to dismiss. The Clinic appealed the dismissal, and the appeal was argued on May 25, 2001. On October 23, 2001, the Second Circuit reversed the District Court’s dismissal and reinstated Trout Unlimited’s claims. In June 2002, the District Court granted plaintiffs’ motion for summary judgment declaring liability. Trial of plaintiffs’ claims for penalties and injunctive relief was on January 8, 9, 13, and 14 of 2003. Pace Law School students Megan Brillault, Lisa Cox, Nicole Parisi-Smith, and John Paul conducted a significant part of the trial. The court’s February 7 decision assessed a $5.7 million penalty against the city. The largest Clean Water Act penalty against a municipality prior to this case was about $800K. The Clinic also obtained an injunction ordering the city to file a complete application for a CWA permit within 18 months, which is about as fast as such a thing can possibly be done.

Other significant cases currently on the Clinic’s docket include:

**Indian Point** The Clinic filed a petition on behalf of Riverkeeper to close down Indian Point Nuclear Power Facility pending a review of security concerns and evacuation planning in the wake of the September 11 attacks on the United States. The Executive Director of the Nuclear Regulatory Commission has issued a decision denying the relief requested. Riverkeeper is likely to appeal this decision to the Second Circuit Court of Appeals.

**No Spray Coalition v. New York City** The Clinic represents several groups that are opposed to the application of pesticides for mosquito control purposes related to the West Nile Virus outbreak. A notice of intent to sue was previously filed by the client organizations for unlawful discharge of pesticides into waters without a Clean Water Act permit. The Clinic filed a Clean Water Act and RCRA case against the City of New York in July, and sought immediate injunctive relief against the spraying. Although the preliminary injunction was denied, the hearing attracted favorable press attention, including the playing of a videotape that shows New York City pesticide spray trucks spraying crowds of people on street corners in northern Manhattan. The Clinic’s appeal of the dismissal of its RCRA claim, and denial of preliminary injunction, was rejected by the Second Circuit. In November, District Court Judge John Martin granted the City’s motion to dismiss the remaining Clean Water Act claims, ruling that the Clean Water Act does not apply to the application of pesticides regulated under the Federal Insecticide, Fungicide, and Rodenticide Act in the absence of a “non-technical” violation of pesticide labeling. As this ruling is contrary to several Court of Appeal decisions, and appeal to the Second Circuit is likely.

Bard and Pace Offer Joint Degree Program

Pace Law School and The Bard Center for Environmental Policy will offer a combined degree program with a J.D. degree in environmental law at Pace University and a M.S. degree in environmental policy at Bard College. Environmental lawyers increasingly need strong policy skills to identify ways to solve today’s complex environmental problems such as global climate change, agriculture and urban runoff. The Bard Center for Environmental Policy’s innovative curriculum is specifically designed to provide students with the scientific, economic, public health and political system foundations needed for effective environmental policy making. These skills, combined with the in depth legal environmental education available at Pace Law School, will give students the training they need to formulate new ways of addressing the world’s environmental challenges.

The Pace-Bard Program requires four years in residence, with two and a half years spent at Pace and one and a half years at Bard. Students in the program must earn 84 credits to obtain a J.D. from Pace Law School (10 of which may be transferred from Bard) and 44 credits to obtain an M.S. from Bard.

The Bard Center for Environmental Policy was created in 1999 to promote education, research, and public service on critical issues pertaining to the natural and built environments. The primary goal of the Center is to improve the quality of environmental policies by facilitating the use of the best available scientific knowledge in the policy-making process at the local, regional, national, and international levels.

The Center’s graduate program was launched in the fall of 2001 with the goal of producing leaders who can translate the science behind environmental and natural resource problems into creative, feasible policies. The program leads to either a Master of Science degree or a professional certificate in environmental policy. BCEP’s unique modular program offers an intensive course of study, grounded in the sciences as well as economics, law, ethics, and political institutions and including communication skills, leadership and financial training, and internships. Graduates are prepared for careers in nonprofit organizations, government, and the private sector.

Continued on page 10
Prestigious Department of Education Grant goes to Pace

The development of a consortium focusing on the environment between Pace, the University of Texas-Austin and two federal universities in Brazil will be funded by a $210,000 grant. The proposed U.S.-Brazil Consortium for Environmental Responsibility will fashion a robust interdisciplinary environmental studies curriculum and interhemispheric learning experience for faculty and students.

The University’s goal is to establish a permanent partnership that trains future citizen-leaders and experts who understand the complexity of relations (economic, business, political, legal, ethical, cultural, social, scientific, educational, health) that impact efforts to devise and sustain environmental policy within each nation and region as well as across borders; are bilingual and have a great appreciation of the hemispheric partner and peoples; and will advance U.S.-Brazil dialogue, collaboration and problem solving on environmental issues.

The program emphasizes undergraduate education. However, several of the Brazilian students will come from law faculties and will take some classes at Pace Law School. In addition, law students fluent in Portuguese will be eligible for a semester abroad in Brazil under the program.

The project coordinator is Catherine Tinker, S.J.D., who is currently teaching a political science course on environmental sustainability. She lived in Brazil as a Rockefeller Foundation Fellow and has traveled extensively throughout the country over the last 20 years, lecturing on international environmental law and biodiversity. She has an extensive record of work in the area of international environmental law, with special focus on the United Nations Convention on Biological Diversity. Tinker earned a doctorate in international law from New York University School of Law.

Pace University Associate Provost Beverly L. Kahn led efforts supporting this interdisciplinary, university-wide program.

Pace Law School also offers a course in Comparative Brazilian Law each year, one week of which takes place in Brazil after the conclusion of the Spring semester.

Center for Environmental Studies, Federal University of Pará in Belém in the Brazilian Amazon (UFPA).

Pace Academy for the Environment Launched

Governor George E. Pataki and Pace University President David A. Caputo called for a major new commitment on behalf of the environment by institutions of higher education at a November 19 press conference announcing the launch of the Pace Academy for the Environment (PAE).

The Academy is an interdisciplinary, university-wide institute. Its mission is to use the University’s unique role in human affairs to foster policies, practices, and ideas that sustain a mutually enhancing relationship between nature and society. The mission statement follows the proposal the president made in his state of the university address last March to make the environment a core theme of Pace-Westchester.

PAE seeks to transform the Hudson Valley and surrounding regions into an extended interactive classroom and laboratory for education, community service, and intellectual exploration. Among its first initiatives:

- The Hudson Valley Environmental Consortium of Colleges and Universities will be created by Pace to:
  - Encourage other colleges and universities to immerse their considerable resources in the environmental affairs of the world;
  - Create opportunities for faculty and students across school boundaries;
  - Increase resources for high school and elementary school teachers;
  - Create access to intellectual resources for policy makers.

David A. Caputo, Pace University President

“The complexity of the environmental issues is such that they are not simply about technology and science but require the best thinking of cultural experts, social scientists, economists, political experts and philosophers. Where else but the University are these resources so readily available.”

Building on a distinguished history of dedication to the environment and community service, through Pace’s already strong programs in environmental studies, environmental science at the Dyson College of Arts & Sciences, and environmental law at Pace Law School, the Academy will become an active hub connecting all Pace campuses and schools with the broader higher education community to support environmental reform.

John Cronin, Pace resident scholar in environmental studies and former Hudson Riverkeeper, will direct the Academy. “Rivers and estuaries are the place where human settlement meets nature with the most profound, and often disturbing, results. The Hudson is challenged by an interwoven web of ecological, social, cultural and economic issues that requires the interdisciplinary resources and intellectual talent that only colleges and universities can provide,” said Cronin.

Governor George Pataki speaking at the inauguration of Pace Academy for the Environment.
New Legal Research Service

Pace Environmental Notes (P.E.N.)

Pace Environmental Notes (P.E.N.) offers citations to the latest articles, library acquisitions, and other related resources in the areas of environment, ecology, public utilities, and related subjects. Citations include law review articles, new books, legislation, and articles in non-law scholarly and popular periodicals. These citations are compiled from the Current Index to Legal Publications, online non-law indexes, and law library recent acquisitions lists. In addition, each P.E.N. issue highlights an online environmental resource of interest to students and scholars. Online resources are described in depth and unique features are explained.

Jack McNeill, Associate Library Director of Pace Law Library, produces P.E.N. for the Pace environmental law community. Jack received his undergraduate degree from New York University, his law degree from New York Law School, and his library degree from the University of South Florida. Before becoming a law librarian, Mr. McNeill worked in private practice, specializing in construction law. As a law librarian, Mr. McNeill held positions at St. Thomas University School of Law Library before coming to Pace Law Library in 2000.

P.E.N. is published each month during the school year, September through May and is distributed to Pace Law faculty, Pace Environmental Law programs, Pace Law students, Pace Law School alumni, Pace Environmental Notes subscribers, Pace Law School alumni, Pace Law School staff, Pace Law School faculty, Pace Law School junct professors, provide career counseling to students, oversee academic lectures on environmental topics and publish the Law School's environmental newsletter.

Lee Paddock Named Director of Environmental Law Programs

Pace Law School named LeRoy (“Lee”) Paddock as Director of Environmental Law Programs at Pace Law School in October 2002. As the Director of Environmental Law Programs, Lee will work with the faculty at the Law School to continue to provide a comprehensive and integrated curriculum in environmental law that serves both the student and the environment. He will also recruit adjunct professors, provide career counseling to students, oversee academic lectures on environmental topics and publish the Law School's environmental newsletter.

Lee comes to Pace after serving in the Minnesota Attorney General’s Office for nearly two decades, developing and implementing its civil and criminal programs to enforce environmental law. His duties there included thirteen years as Director of Environmental Policy, and three as manager of its Agriculture and Natural Resources Division. While there he also participated in numerous national dialogues on environmental law, including President Clinton’s Council on Sustainable Development, the Aspen Institute’s Series on the Environment in the 21st Century, and EPA’s Dialogue on Environmental Auditing. He was Senior Environmental Counsel to the National Association of Attorneys General from 1985-1986.

Lee taught as an Adjunct Professor at the University of Minnesota and the William Mitchell College of Law. He has published numerous articles in a variety of law journals. He is an avid softball player, gardener and an aficionado of Cajun and Zydeco music.
Meetings of the Minds


The Energy Project will hold the first annual RECHARGE ENERGY Expo on September 12 and 13th, 2003 at the Bear Mountain Inn and State Park. Located just 45 miles of New York City, RECHARGE will include two full days of displays, demonstrations, and discussions designed to promote the use and advancement of clean energy in the tri-state New York, New Jersey and Connecticut region.

RECHARGE will be open to the public and free of charge. RECHARGE puts market providers of clean energy products and services in “arms length” contact with prospective buyers. A 'one stop' venue, will allow consumers to learn about available products, secure low interest financing, and determine their eligibility for the area’s attractive suite of state grants, loans, tax credits and other financial incentives — in short, everything the consumer needs to make informed energy decisions.

More information can be found at the RECHARGE Web site at www.rechargeexpo.com.

Redefining the Human Relationship to Nature: The Role of Colleges and Universities

On December 4, 2002 the Pace Academy for the Environment and Pace Law School co-hosted Thomas Berry and Steven Rockefeller along with representatives from seventeen Hudson Valley colleges and universities at its workshop entitled “Redefining the Human Relationship to Nature: The Role of Colleges and Universities.” This gathering marked the launch of the Hudson Valley Higher Education Environmental Consortium. One of the goals of the Consortium is to share resources among the region’s colleges and universities, including courses and professors. Additionally, the Consortium will strive to meet community environmental needs with the knowledge and strengths that our institutions possess individually and collectively.

Thomas Berry founded and directed the Riverdale Center of Religious Research until 1995. He is a historian of cultures and spoke at the workshop about environmental ethics in the university. Professor Berry discussed his view of the four establishments that guide or control our civilization: government, business, religion, and the university. Of these four establishments, Berry explained, the university teaches all the others making it the most central establishment in society. Accordingly, the university has a unique opportunity to shape and define how society values the environment. Professor Berry emphasized that our civilization must cease its role as the dominant force of the period and become integrated into an ever-renewing cycle of a more organic total functioning.

Steven Rockefeller is an Earth Charter Commissioner and Chair of the Earth Charter International Drafting Committee. As described by Rockefeller, a mission of the Earth Charter is to establish a sound, ethical foundation for the emerging global society and to help build a sustainable world based on respect for nature. He further commented that the national interest today is linked to global ethics and therefore we need principles that are common, shared, and are hammered out through dialogue.

Professor Rockefeller stressed the importance of interdisciplinary work and collaboration within the learning institution and that this is fundamental to a holistic approach toward addressing environmental issues. Rockefeller also discussed how “greening the university” is just as significant as anything that goes on in the classroom in terms of teaching environmental and sustainable development. He recommended that greening the university be incorporated into a basic research opportunity involving students and faculty.
In Print
The Faculty, staff and students involved in the Pace Law School Environmental Program have produced a number of new publications including:

Professor John Nolon

Honors and Awards
Professor Nicholas Robinson received the National Environmental Quality Award presented at the annual Conservation Community Awards banquet on September 25, 2002. The award honors him for decades of work related to the National Environmental Policy Act (NEPA).

Professor Ann Powers continues to serve on the Emerging Issues Committee of the National Research Council’s Board on Environmental Studies and Toxicology (BEST). Her work with BEST has focused particularly on applied ecology and resource management.

Recent BEST reports received widespread notice include Arsenic in Drinking Water, which addressed standards established by EPA for public drinking water supplies; Estimating the Public Health Benefits of Proposed Air Pollution Regulations, which reviewed recent EPA analyses and provided recommendations for improvement of the methods used; Compensating for Wetland Losses Under the Clean Water Act; and Strengthening Science at the U.S. Environmental Protection Agency. Other studies currently underway include an examination of the scientific information available on the cumulative environmental effects of oil and gas production on Alaska’s North Slope.

The Land Use Law Center received an award at the formal signing of an intermunicipal agreement for land use coordination between the Village and Town of Warwick thanking it for its advice in creating an joint land use preservation and smart growth initiative.

2002–2003 Senior Fellows at the Land Use Law Center included 3Ls Jessica VanTine, Tiffany Zezula, and Kristen Kelley along with Katie Plunkett, who was in the semester-long London Program at the time of their award. The Senior Fellows have written and published a small book series — a dozen guidebooks on land use law. Tiffany Zezula and Jessica VanTine will be awarded the first ever post-graduate fellowship in Land Use Law at Pace Law School. Their one-year appointment will begin August 1, 2003.

Bard-Pace Joint Degree Program
Continued from page 6
private sector.

For information about the Bard Center for Environmental Policy or the Graduate Program, call 845-758-7071, e-mail cep@bard.edu or log on to www.bard.edu/cep.

The Bard program is modeled on the joint degree program between Pace Law School and Yale University’s School of Forestry and Environmental Studies (J.D./M.E.M.), launched in the fall of 2001. In fall of 2002, 7 students from Pace were given the opportunity to pursue their Master of Environmental Management degree and 1 student from Yale to pursue her J.D. Five of the Pace students are currently at Yale for their second year of the program; the other two Pace students will be at Yale for their third year.

The student experience
Continued from page 5
poverty line to trying to work with well-meaning but financially strapped government officials trying to decide between risking the health of local communities by lowering water quality standards or further burdening low-income families with rate hikes. No choice was easy and the discriminatory choices of decades past lived on perpetuated by economic inertia. By the end of the year the Anacostia Riverkeeper was no more. We lost our funding due to the downturn in the economy, and I found myself consulting on similar issues for Doug Siglin with the Chesapeake Bay Foundation’s Anacostia River Initiative. Doug is a skilled lobbyist, insightful and patient with an astute understanding of how to get things accomplished when they seem next to impossible. Working with him helped me see the other side of public policy, not just how to work with existing law, but to understand that with a creative lobbyist one can find alternative solutions to any problem.

Returning to school, studying law seems much more practical. With every case I find myself asking how I will apply it in the future and, were I in that position, what I would do to avert disaster. Previously, my education seemed interesting and academic; however, now, this same information is applicable to my future. It wasn’t the traditional program, but my experience on the Anacostia really changed my life for the better.
In virtually every state, large and small U.S. communities struggle to control sprawling land use patterns, while they attempt to promote smart growth. Environmentally sound land use law and practice directly address these issues. The Environmental Law Institute® is proud to announce the publication of John R. Nolon’s critically acclaimed suite of books on land use and its control through environmental policy, law, and practice. Nolon, the Charles A. Frueauff Professor of Law and Director of the Land Use Law Center at Pace University School of Law, has created these comprehensive, easy-to-use, and practical references for land use professionals, academics, and citizens.

**Well Grounded: Using Local Land Use Authority to Achieve Smart Growth**
This publication places land use practice into the national perspective of sprawl and smart growth, by fully describing one of the nation’s most complete state land use regimes—The New York system. The New York system is highly textured, and it is typical of the approaches and techniques used in most of the other 49 states. Retail: $39.95.

**New Ground: The Advent of Local Environmental Law**
Local governments have adopted a host of laws that establish new standards governing the use of the land. Professor Nolon edits a collection of papers from a variety of contributing authors, which examine local environmental law and its role in shaping responses to a new generation of environmental and land use challenges. Retail: $39.95.

**Open Ground: Effective Local Strategies for Protecting Natural Resources**
Disappearance of open space is associated with the general degradation of the quality of community life, and in a broader sense, what is happening to open space is what is happening to the local environment. In this book (due spring 2003), Professor Nolon creates strategies for local natural resource protection. Retail: $39.95.

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