

# DUKE ENVIRONMENTAL LAW AND POLICY CLINIC

NEWSLETTER

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Summer 2024



[law.duke.edu/envlawpolicy](http://law.duke.edu/envlawpolicy)

# ENVIRONMENTAL LAW AND POLICY CLINIC **FACULTY**



**Ryke Longest**



**Michelle Nowlin**



**Stephen Roady**



**Nancy Lauer**



**Michael Mocciano**

# Duke Environmental Law Courses

- Law 235 Environmental Law**  
*Michelle Nowlin and Steve Roady*
- Law 298 Ocean and Coastal Law**  
*Steve Roady*
- Law 320 Water Resources Law**  
*Dr. Nancy Lauer and Blakely Hildebrand*
- Law 327 Energy Law**  
*Amy Pickle*
- Law 338 Animal Law**  
*Shannon Arata*
- Law 349 Indigenous Justice**  
*Ryke Longest and Victoria Sutton*
- Law 443 Environmental Law and Policy Clinic**  
*Ryke Longest, Michelle Nowlin, and Dr. Nancy Lauer*
- Law 523 Law of the Sea**  
*Coalter G. Lahtrop*
- Law 566 International Environmental Law**  
*Timothy Meyer*
- Law 590 Risk Regulation in the U.S., Europe and Beyond**  
*Jonathan Weiner*
- Law 617 Environmental Law Readings for LLM Certificate**  
*Multiple faculty*
- Law 636 Food, Agriculture and the Environment**  
*Lee Miller*
- Law 677 Federal Policy Making**  
*Steve Roady*
- Law 737 Environmental Litigation**  
*Steve Roady*
- Law 741 Climate Change and Financial Markets**  
*Sarah Bloom Raskin*

*Additional courses are offered at Duke's Nicholas School of the Environment and Sanford School of Public Policy*

# NEWS AND ACHIEVEMENTS

**ELPC has become a major force for good policy across both the campus of Duke University and the field of environmental clinical education nationally.**

## **Environmental Law and Policy Clinic Receives Two Environmental Justice Grants**

Co-Director Ryke Longest, Co-Director Michelle Nowlin, and Staff Scientist Dr. Nancy Lauer were awarded grants from The Duke Endowment to work on environmental and climate justice in North Carolina. Longest and Lauer will implement a community driven-research plan to investigate contamination from the former Alcoa-Badin Works aluminum smelter in Badin, NC. Nowlin, along with NSOE faculty Dr. David Johnston and Peter Chada, will explore environmental and climate justice issues in Robeson County, NC related to industrial hog farms, waste production, and disposal.

## **Calling for Improvements to NC DEQ's Draft Environmental Justice Goals**

On behalf of Clinic clients, ELPC student-attorneys Indya Woodfolk '25, Max Lopez '24, Jessica Hardee '25, and Alison Munford '24 submitted comments critiquing the North Carolina Department of Environmental Quality's (NC DEQ) draft environmental justice goals. The draft goals were created in accordance with the North Carolina Governor's Executive Order 292, which called on cabinet agencies to develop goals with measurable outcomes to further environmental justice. ELPC's comments highlighted the need for NC DEQ to increase its environmental justice staffing, provide training to staff on how to identify environmental justice communities and assess cumulative impacts, and create lines of proactive communication between NC DEQ and environmental justice communities.



## NEWS AND ACHIEVEMENTS

### Reducing Single-use Plastics in North Carolina State Agencies

On behalf of clinic client, Oceana, ELPC student consultant Anne-Elisabeth Baker '24 and student attorney Andrew Kelbley '24 developed a single-use plastic reduction pilot program for the North Carolina Department of Natural and Cultural Resources (NC DNCR). The pilot program calls for state museums and aquariums to reduce single-use plastics in its operations, host staff trainings, create sustainability policy statements, and track waste-related metrics. Baker and Kelbley facilitated the implementation of this pilot program by hosting two sustainability trainings for NC DNCR staff in April.

### Strengthening GSA's Proposed Rule on Single-use Plastic Purchasing

ELPC student attorney Kelbley and student consultant Baker submitted comments on behalf of signatories from the North Carolina Plastic Waste Reduction Coalition to strengthen the General Services Administration's (GSA) proposed new rule "Reduction of Single-Use Plastic Packaging." The proposed rule seeks to encourage the use of plastic free packaging in products purchased through the GSA, the centralized purchasing agent for the federal government. Kelbley and Baker argued that the rule would better achieve its goal by banning harmful plastic packaging, such as polystyrene and plastic film, as well as plastic items that have existing alternatives from the GSA market.



*Andrew Kelbley '24, and Anne-Elisabeth Baker MEM '24*

## NEWS AND ACHIEVEMENTS

### **Clinic Submits Series of Comments on Improving NC Fisheries Management**

Clinic students submitted comments on behalf of the Coastal Fisheries Reform Group regarding the State of North Carolina's application for an Incidental Take Permit (ITP) – a request to “take” endangered sea turtles and sturgeon in the inshore gillnet fisheries. In September, Clinic students submitted comments on the National Marine Fisheries Service's draft Environmental Assessment for the ITP. In March, Clinic students submitted supplemental comments on the draft Environmental Assessment, bringing new research on the imperiled status of the Atlantic and short nose sturgeon to the agency's attention. These three sets of comments focus on the impacts of gillnets to the estuary's ecosystem, the state's history of non-compliance with the existing ITP, and recommendations for improved oversight and regulatory alternatives.

### **Roady gives Testimony on Endangered Species Protection before U.S. House Committee**

On October 25, 2023, Senior Lecturing Fellow Steve Roady testified before the Subcommittee on Water, Wildlife, and Fisheries of the U.S. House Committee on Natural Resources where he advised the Subcommittee to disapprove three bills that would run counter to the Endangered Species Act and increase the extinction risk for the critically endangered Gulf of Mexico Rice's whale.



### **Clinic Submits Comments on Proposed General Permits for Animal Feeding Operations**

In November 2023, clinic students submitted comments on behalf of several Waterkeeper organizations critiquing the proposed general permits for regulating animal feeding operations for failing to protect human health and the environment from the impacts of livestock waste.



## NEWS AND ACHIEVEMENTS

### Workshop on Social Cost of Plastic Hosted in Washington, D.C.

Co-Director Michelle Nowlin and Staff Scientist Dr. Nancy Lauer, in collaboration with partners at the Nicholas Institute for Energy, Environment, and Sustainability, hosted a workshop on the Social Cost of Plastic in Washington, D.C. in January 2024. The workshop brought together nearly 30 experts specializing in plastic pollution, climate, economics, policy, and law to discuss the challenges and opportunities with assigning a dollar value to the harms caused by plastic, analogous to the Social Cost of Carbon. The workshop was funded by a grant from the Duke Climate Research Innovation Seed Program (CRISP).



*Duke students, including Clinic alums Anne-Elisabeth Baker '24 and Sai Powar '24, attending the workshop.*



*Group photo of the Social Cost of Plastic workshop attendees on the roof of the Duke in D.C. office.*

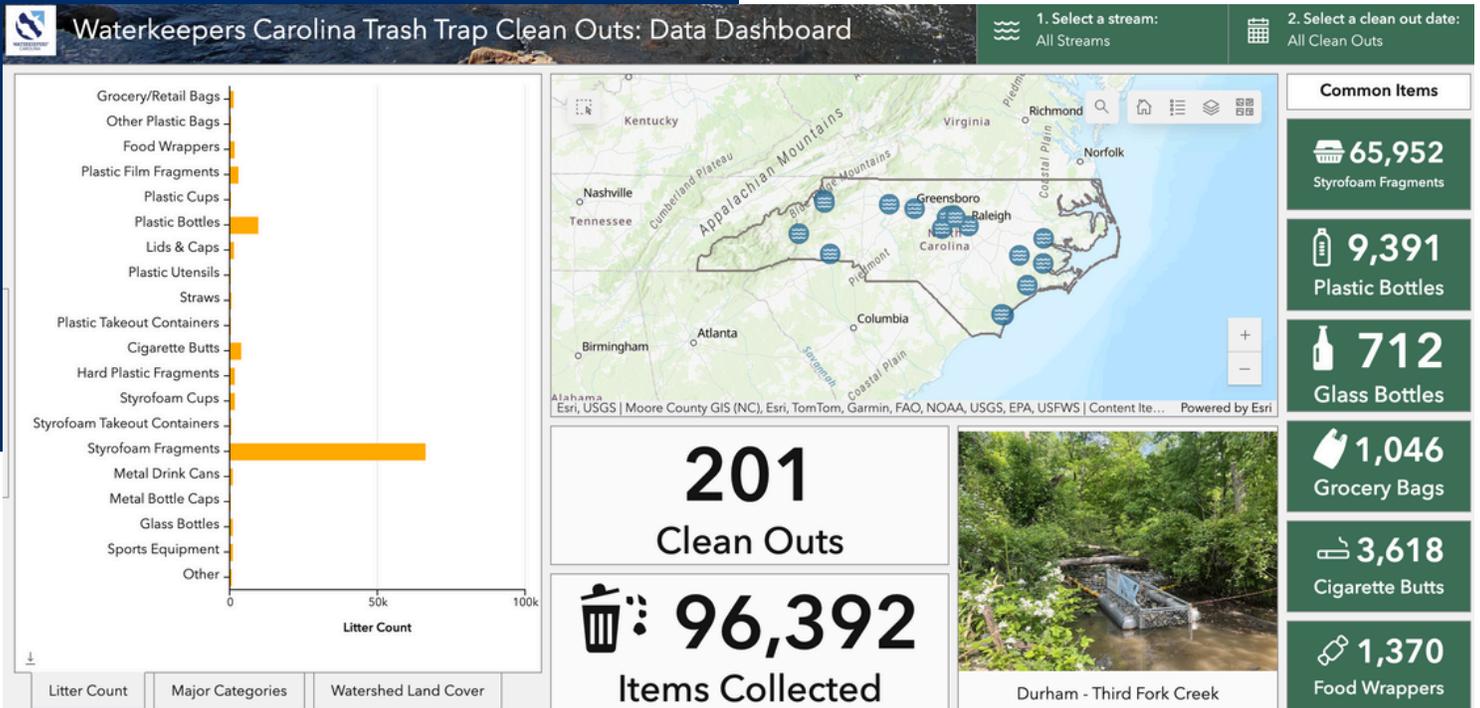
# NEWS AND ACHIEVEMENTS

## Utilizing Trash Traps to Collect Data on Litter in North Carolina Watersheds

Clinic Co-Director Michelle Nowlin and Staff Scientist Dr. Nancy Lauer have partnered with North Carolina Riverkeepers and Waterkeepers since 2021 to collect data on the litter captured by trash traps in North Carolina watersheds. The data are publicly available and updated in real time through an online Dashboard produced by Dr. Lauer. To date, these trash traps have removed more than 96,000 pieces of litter from North Carolina's waterways. Most of that litter is comprised of styrofoam fragments.



Clinic students Louisa Pitney '25 and Amanda Alokpa '24 counting Styrofoam fragments pulled from a trash trap.



The online dashboard, produced by the Environmental Law and Policy Clinic, tracking litter in NC waterways.

## NEWS AND ACHIEVEMENTS

### **Comments Submitted on EPA's Draft Strategy to Prevent Plastic Pollution**

Clinic Co-Director Michelle Nowlin and Staff Scientist Dr. Nancy Lauer worked with the university-wide [Plastic Pollution Working Group](#) to organize and submit [comments on EPA's Draft National Strategy to Prevent Plastic Pollution](#).

### **Proposed Plastic Waste Reduction Ordinance Presented to Durham City Council**

On September 21, 2023, the Clinic presented a proposed ordinance to reduce plastic waste across the community to the Durham City Council on behalf of long-time Clinic client [Don't Waste Durham](#). Developed in collaboration with the City's Solid Waste Management Department and a subcommittee of the City Council, and with input from the City's business community, the proposed ordinance would have imposed a 10-cent fee on all disposal bags at the point of sale; enforced a latent state ban on polystyrene in foodware; required reusable foodservice ware in dine-in restaurants; and limited disposable utensils, straws and condiments to customer request. Unfortunately, in September, the N.C. General Assembly amended its budget bill, which included a hard-fought expansion of Medicaid, to [prohibit local governments from regulating](#) such plastic reduction efforts.

### **Longest Advocates to Preserve Coastal Habitat on Topsail Island**

Co-Director Ryke Longest [asked local government on Topsail Island to reject a development proposal](#) on environmentally sensitive, coastal floodplain habitat. Longest advocated for a partnership of land conservation and local government interests to seek to permanently preserve the area known locally as the Point. On April 10, 2024, the Topsail Beach Board of Commissioners approved a resolution supporting the purchase of the area by the North Carolina Coastal Land Trust.

### **Report from Workshop on Transboundary Marine Species Published**

In November 2022, Co-Director Michelle Nowlin and Senior Lecturing Fellow Stephen Roady organized a workshop with colleagues at Dalhousie University and the Environmental Law Institute, "Transboundary Marine Species at Risk in a Changing Atlantic: Taking Stock of Canadian and US Scientific and Governance Responses, Enhancing Future Cooperation," which was held at the Duke in D.C. office. [The report and article from the workshop were recently published in the Fall of 2023.](#)

# RECOGNITION & APPOINTMENTS

**Co-Director Nowlin was selected as Vice-Chair for the Environmental Law Section of the American Association of Law Schools.** Along with colleagues from Vermont Law School and the University of Hawai'i, Nowlin organized a cross-sectional Works-In-Progress scholarship session for the 2024 AALS Annual Meeting. (January 2024)

**Co-Director Ryke Longest was appointed to the University's Climate Commitment Advisory Council's External Engagement Subcommittee.** (December 2023)

**Co-Director Michelle Nowlin was appointed to the University's Climate Commitment Advisory Council's Operations Subcommittee.** The Subcommittee is tasked with developing "next-level sustainable operations that focus on campus energy use, transportation, waste management, and procurement." (November 2023)

**Co-Director Michelle Nowlin was appointed to the search committee for the next director of Duke University's Nicholas Institute for Energy, Environment and Sustainability.** In May, the University announced that Brian Murray had been appointed to a 5-year term as Director. (November 2023)

**Co-Director Ryke Longest was named as one of the dozen Duke University Climate Change Faculty Fellows,** working with colleagues across the campus to develop and lead a cross-disciplinary course for undergraduates delivered in the fall semester of 2023. (Fall 2023)

**Co-Director Ryke Longest was named the inaugural John H. Adams Clinical Professor of Law,** honoring Duke Law Alumnus and founder of the Natural Resources Defense Council, John H. Adams. Longest continues serving a term as Director of Clinical Programs this year. (Summer 2023)

**Staff Scientist Nancy Lauer completed the Duke Office of Durham & Community Affairs Community Engaged Scholarship Program.** (May 2023)

Duke Environmental Law and Policy Clinic

# PUBLIC ENGAGEMENT

Senior Lecturing Fellow Steve Roady moderated a discussion about multilateral fisheries negotiation during the 2024 Science Diplomacy Summit at The Johns Hopkins University Bloomberg Center in Washington, D.C. (April 2024)

Staff Scientist Dr. Nancy Lauer participated in a plastic policy panel at UNC. The panel was hosted by the UNC Science Policy and Advocacy Group and Environmental Sciences and Engineering Student Organization. (April 2024)

Co-Director Michelle Nowlin and Staff Scientist Dr. Nancy Lauer gave a talk on policy strategies to reduce single-use plastics at The Forest at Duke. (April 2024)

Staff Scientist Dr. Nancy Lauer gave a talk to the Durham Engineers Club on trash traps and opportunities under the Clean Water Act to reduce litter in waterways. (April 2024)

Co-Director Michelle Nowlin moderated a Duke Nature panel discussion, "Working at the Intersection of Environmental Law, Policy, and Science," with participants from the EPA, SELC and NC DEQ. (April 2024)

Senior Lecturing Fellow Steve Roady delivered a lecture on The Politics, Policy, and Science of Ocean Governance at the University of Miami Rosenstiel School of Marine, Atmospheric and Earth Science. (March 2024)

Professor Victoria Sutton, who co-teaches Indigenous Justice with Co-Director Ryke Longest, visited Duke's campus to meet with students and participate in the screening of 100 Years: One Woman's Fight for Justice. (March 2024)



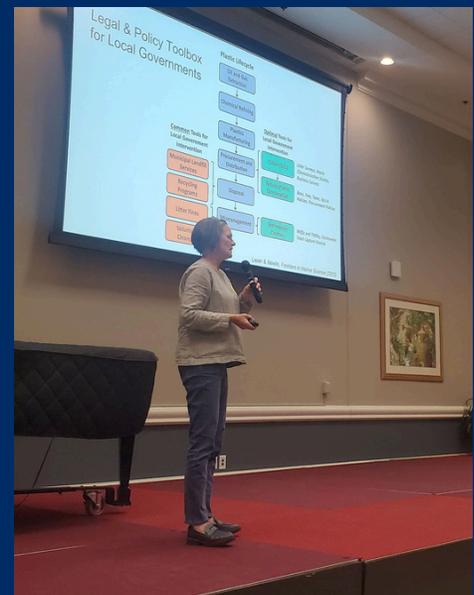
# PUBLIC ENGAGEMENT

Clinic Staff Scientist Dr. Nancy Lauer and Co-Director Michelle Nowlin presented a talk at the Mid-Atlantic Region Council on the Ocean's Marine Debris Summit focusing on data collection efforts Dr. Lauer is leading with North Carolina's Riverkeepers and using stormwater permits to prevent trash from reaching aquatic environments. Dr. Lauer also presented this research as part of the North Carolina Department of Environmental Quality's Wow Webinar series for stormwater professionals. (December/November 2023)

Duke Professor of Conservation Ecology Stuart Pimm, along with Earthjustice Oceans Lawyer Andrea Treece, Stetson Law Assistant Professor Jaclyn Lopez, and Photographer and Conservationist Sutton Lynch participated in the Duke Environmental Law & Policy Forum's Annual Symposium: Celebrating 50 Years of the Endangered Species Act. Speakers discussed the landmark act's triumphs, limitations, and path forward, as well as the legal milestones and conservation work it has inspired. (November 2023)

The Environmental Law and Policy Clinic co-sponsored the Summit on Climate & Environmental Justice, Racism & the Law organized by Taproot Earth on the campus of North Carolina Central University in Durham, NC. (November 2023)

Co-Director Michelle Nowlin gave a keynote talk to the Chapel Hill Bird Club, "Bird Law: protecting birds through legal advocacy." (October 2023)



# OTHER CLINIC ACTIVITIES

The ELPC team, Duke Law Clinical faculty, students, and their families celebrated the end of a productive academic year by attending a Durham Bulls minor league baseball game. Go Bulls!



We recognized many ELPC students for the successful completion of their Certificates for Public Interest and Public Service Law (PIPS) on May 10. We are proud of all they have already accomplished and look forward to their important work ahead.

Staff Scientist Dr. Nancy Lauer and Co-Director Michelle Nowlin helped the Haw River Assembly and Paperhand Puppet Project create "The Spirit of the River," a sculpture made from litter collected in trash traps throughout the Haw River watershed. The sculpture was featured at the Haw River Festival in Saxapahaw, North Carolina in May.



## OTHER CLINIC ACTIVITIES

In May, The ELPC team visited the Museum of Life and Science to meet the 5 new red wolf pups who were just starting to emerge from their den. Co-Directors Ryke Longest and Michelle Nowlin previously worked on red wolf related issues in their respective legal careers.



# ALUMNI HIGHLIGHTS

The people are what make ELPC's work possible. Many ELPC post-graduate fellows and Clinic alumni have continued working in the environmental field after their clinical experience. They are taking the experience and skills developed working for our clients into their new communities, expanding access to justice, and advocating for better laws and oversight to safeguard our natural resources. ELPC alumni are an accomplished group. We are excited to share some of their stories and celebrate their many achievements across a variety of fields and sectors!



**Josephus Allmond '19** gained experience as a Legislative Policy Intern in addition to Summer Associate experience at Kirkland & Ellis LLP and Baker Botts. Allmond is a Staff Attorney in SELC's Charlottesville office.



**Amanda Alokpa '24** completed an internship with the Judicial Service of Ghana and has worked as an Associate with Koranteng & Koranteng Legal Advisors as well as a Research Assistant for the Wilson Center for Science and Justice at Duke Law. She will join the IGSD later this summer.

## ALUMNI HIGHLIGHTS



**Molly Bruce '21** worked as an Advanced Law Clerk with NC Conservation Network and is currently a Wheeler Water Institute Fellow with Berkeley Law.



**Henry Gargan '21** completed internships with the Natural Resources Defense Council, the Southern Environmental Law Center and was a Judicial Extern to Judge Christopher Brook. His recent experience includes working for SELC as an associate attorney in their Asheville office.



**Max Lopez '24** gained experience as a Legal Intern for both Harvard Law School and NRDC. He also completed a Stanback Clean Air Legal Fellowship with NRDC. He will join the Environmental Law and Policy Center in Chicago.



**Joy Reeves '22** is an award-winning artist and author and worked as an Energy Transitions Assistant for The Nicholas Institute for Energy, Environment and Sustainability. She works for The Rachel Carson Council, starting as a Presidential Fellow and is now the Assistant Director of Policy and Programs.

## ALUMNI HIGHLIGHTS



**Emma Wellbaum '21** completed Legal Internships with SELC and NRDC in addition to Graduate Teaching Assistant positions at Duke Law and the Nicholas School of the Environment. She also gained experience as a Research Intern with the Duke Lemur Center and as a Marine Conservation Summer Institute Fellow at the Duke Marine Lab. She is currently an Associate Attorney with SELC.



**Anne-Elisabeth Baker '24** worked as a Graduate Research Assistant for the Plastic Pollution Working Group. She was also Co-President of the Duke Environmental Justice Network and completed a Stanback Fellowship with SELC. She will join the NC Department of Natural and Cultural Resources as an NC STEM Policy Fellow later this summer.



**Zoe Gabrielson '23** worked as a Summer Law Clerk for the U.S. Department of Justice and was a Stanback Legal Intern with SELC. She is currently an associate attorney in SELC's Chapel Hill office.



**Alicia Zhao '20** worked with the Nicholas Institute for Environmental Policy Solution as a Graduate Research Assistant and worked as a Graduate Teaching Assistant with the Nicholas School. She currently works for the Center for Global Sustainability as a Research Manager, Climate Mitigation and Sustainability.

## ALUMNI HIGHLIGHTS



**Paige Varner '22** gained experience as a National Science Foundation Fellow at Duke and worked as a Postdoctoral Research Fellow with the U.S. Environmental Protection Agency. She now works as a Healthy Communities Scientist with the Environmental Defense Fund.



**Marianne Salas-Fuentes '24** gained experience as an Honors Law Clerk with the U.S. Environmental Protection Agency, a Summer Law Clerk for Earthjustice and a Legal Intern for NRDC. She was also a Research Assistant with the Wilson Center for Science and Justice at Duke Law. She will join the Honors Program at the US Army Corps of Engineers.



**Emma Shahabi '24** worked as a Summer Law Clerk for the Attorney General's Office in Massachusetts and as a Legal Extern and Summer Law Clerk for Earthjustice. She will join the Honors Program at the US Department of Energy.

**ELPC alumni, we want to hear from you!**

**Let us know where you are and what you're doing and you'll be featured in the next newsletter.**

**Email us at [DukeELPC@law.duke.edu](mailto:DukeELPC@law.duke.edu)**

# RECENT PUBLICATIONS

## Michelle Benedict Nowlin

**Clinical Professor of Law, and Co-Director of the Environmental Law and Policy Clinic**

*Enhanced U.S.-Canadian Collaboration on Marine Migratory Species*, The Environmental Law Reporter, Volume 53, No. 12 (December 2023) (with Jonathan Choi, Stephen Roady, and others). Available at <https://www.elr.info/articles/elr-articles/enhanced-us-canadian-collaboration-marine-migratory-species>.

*Transboundary Marine Species at Risk & Their Recovery in a Changing Climate: Taking Stock of Canadian and U.S. Scientific and Governance Responses, Enhancing Future Cooperation*, Workshop Report, The Environmental Law Institute (December 2023) (with Jonathan Choi, Stephen Roady, and others).

Transdisciplinary doctoral training to address global sustainability challenges, with Dr. Zoie Diana and others, PLOS Sustainability and Transformation (Fall 2023).

## Stephen Roady

**Senior Lecturing Fellow**

Stephen E. Roady, *The Public Trust Doctrine: Chapter 2 in Ocean and Coastal Law and Policy*, Eichenberg, T., Hancock, G., Sutton, M. (eds.) American Bar Association (3d. ed. [in press]).

*Enhanced U.S.-Canadian Collaboration on Marine Migratory Species*, The Environmental Law Reporter, Volume 53, No. 12 (December 2023) (Jonathan Choi, Michelle Nowlin, and others). Available at <https://www.elr.info/articles/elr-articles/enhanced-us-canadian-collaboration-marine-migratory-species>.

*Transboundary Marine Species at Risk & Their Recovery in a Changing Climate: Taking Stock of Canadian and U.S. Scientific and Governance Responses, Enhancing Future Cooperation*, Workshop Report, The Environmental Law Institute (December 2023) (with Jonathan Choi, Michelle Nowlin, and others).

# FEATURED IN THE NEWS

[Lauer and Baker are cited in the White House's new Mobilizing Federal Action on Plastic Pollution Progress Principles and Priorities strategy guide](#) (July 2024)

[Nowlin says some efforts to prevent homes from falling into the sea do little, come at great cost](#) (July 1, 2024)

[Nowlin tells N&O environmental advocates were "blindsided" by sneak provision barring local regulation of retail packaging](#) (June 17, 2024)

[Trapping a river of trash: clinic works to clean up waterways](#) (February 2, 2024)

[Lauer explains how trash traps help identify the source and composition of plastics in the water](#) (December 5, 2023)

[Nowlin says "troubling" ruling on animal waste permitting will slow down regulators and make them less nimble](#) (November 21, 2023)

[Nowlin: Adding rule review for hog farm permitting could make regulators' job "longer and more onerous"](#) (November 13, 2023)



**“THE TRASH TRAPS ARE IMPORTANT BECAUSE THEY PHYSICALLY TRAP TRASH BEFORE IT MOVES DOWNSTREAM, BUT WHEN WE CAN ALSO COLLECT DATA ON WHAT THE TRAPS ARE CAPTURING, WE ARE BETTER EQUIPPED TO KEEP THE TRASH OUT OF THE WATERWAYS TO BEGIN WITH.”**

— Staff Scientist Dr. Nancy Lauer

# FEATURED IN THE NEWS

[Longest tells WUNC hazardous waste from Alcoa's past operations is still contaminating the water near Badin \(October 25, 2023\)](#)

[Nowlin and Lauer speak to Durham Council on the hazards of plastic waste and the viability of local efforts to reduce single-use bags \(September 29, 2023\)](#)

[Nowlin: Businesses can create their own rules on single-use plastics, even with state blocking local ordinances \(September 25, 2023\)](#)

[Miller says regulators could measure emissions from individual industrial dairies "if they wanted to" \(August 20, 2023\)](#)

[Longest: Development's large amount of impervious surface area "a one-two punch" for runoff issues, flooding potential \(August 17, 2023\)](#)



**“THAT’S JUST FUNDAMENTALLY UNFAIR, TO REQUIRE SOMEBODY TO MANAGE THIS WASTE, BUT DENY THEM THE TOOLS THAT THEY FIND NECESSARY IN THAT MANAGEMENT PROCESS.”**

— Co-Director Michelle Nowlin

# FEATURED IN THE NEWS

[Longest urges preservation of Topsail Island's southern tip](#) (July 10, 2023)

[Longest comments on the possibility of a settlement in North Carolina lawsuits over PFAS contamination](#) (June 21, 2023)

[Longest says the state Department of Environmental Quality is failing its mandate to protect NC's air and water from pollution](#) (May 30, 2023)

[Longest speaks at online forum on the continuing leaching of hazardous waste from Alcoa sites near Badin and questions why the state hasn't ordered a cleanup](#) (March 13, 2023)

[Nowlin and Environmental Law & Policy Clinic present case for plastic bag surcharge to Durham City Council](#) (February 13, 2023)

[Miller comments on the consequences of letting the farm bill expire, including a rise in dairy prices](#) (February 3, 2023)

[Nowlin criticizes lack of environmental impact statement in SC development plan that would likely kill endangered birds](#) (January 4, 2023)



**“I THINK THE BIGGER QUESTION IS HONESTLY WHY HASN'T THE STATE OF NORTH CAROLINA ORDERED ALCOA TO DIG UP THE CAUSES OF THIS HAZARDOUS WASTE THAT IS LEACHING OUT?” LONGEST SAID, NOTING THE DUMP SITES HAVE BEEN COVERED WITH DIRT “AND THEY ARE NOT PROTECTING THE ENVIRONMENT.”**

— Co-Director Ryke Longest