

A person wearing a cap and a long-sleeved shirt is crouched in a river, holding a handheld electronic device with a probe inserted into the water. The background shows a dense forest with trees and foliage. The entire image has a blue tint.

DUKE ENVIRONMENTAL LAW AND POLICY CLINIC

NEWSLETTER

Summer 2025



law.duke.edu/envlawpolicy

ENVIRONMENTAL LAW AND POLICY CLINIC **FACULTY & STAFF**



Ryke Longest
Co-Director



Michelle Nowlin
Co-Director



Stephen Roady
Senior Lecturing Fellow



Nancy Lauer, PhD
Staff Scientist



Michael Mocciaro
Paralegal

The Environmental Law and Policy Clinic is **training** the next generation of leaders to **solve** environmental problems and **providing access to justice** in underserved communities.

CONNECT WITH ELPC



RECENTLY OFFERED

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

ENVIRONMENTAL LAW COURSES

LAW 200

ADMINISTRATIVE LAW

Matthew Adler

LAW 235

ENVIRONMENTAL LAW

Jonathan Wiener, Michelle Nowlin, and Stephen Roady

LAW 298

OCEAN AND COASTAL LAW AND POLICY

Stephen Roady

LAW 320

WATER RESOURCES LAW

Dr. Nancy Lauer and Ryke Longest

LAW 327

ENERGY LAW

Amy Pickle

LAW 349

INDIGENOUS JUSTICE

Ryke Longest and Victoria Sutton

LAW 361

INTERNATIONAL TRADE LAW

Timothy Meyer

LAW 443

ENVIRONMENTAL LAW AND POLICY CLINIC

Dr. Nancy Lauer, Ryke Longest, and Michelle Nowlin

LAW 520

CLIMATE CHANGE AND THE LAW

Jonathan Wiener

LAW 557

SPACE LAW / LAWS OF MARS

Jonathan Wiener

LAW 566

INTERNATIONAL ENVIRONMENTAL LAW

Timothy Meyer

LAW 590

RISK REGULATION IN THE US, EUROPE AND BEYOND

Jonathan Wiener

LAW 617

ENVIRONMENTAL LAW READINGS FOR LLM CERTIFICATE

Multiple Faculty

LAW 636

FOOD, AGRICULTURE AND THE ENVIRONMENT

Lee Miller

LAW 677

DUKE LAW IN DC: FEDERAL POLICY REGULATION

Stephen Roady

LAW 737

ENVIRONMENTAL LITIGATION

Stephen Roady

LAW 741

CLIMATE CHANGE AND FINANCIAL MARKETS

Sarah Bloom Raskin

NEWS AND ACHIEVEMENTS

Advocating for Environmental Justice in Badin, NC

In September 2024, the Clinic gave comments during a meeting with the Governor's Environmental Justice Advisory Council (GEJAC) focused on the toxic pollution and environmental injustice in Badin, NC resulting from Alcoa's decades of aluminum production. The GEJAC, established by Governor Cooper in 2023, was created to advise the Governor's Office on how to embed environmental justice into state policies. Right before the meeting, the Clinic and members of the Council participated in a tour of Badin, hosted by the Concerned Citizens of West Badin, to learn about the lived experiences of former Alcoa employees and Badin residents.



Clinic student Anna Cullen ('25) presenting comments at the GEJAC meeting.



A group photo taken during the tour of Badin



Also in September 2024, the Clinic collaborated with the NC Environmental Justice Network to facilitate a participatory mapping session in Badin, NC. During the session, the community identified dozens of locations where smelting waste was known to or suspected to have been dumped. The Clinic is currently in the process of conducting field work to test for contaminants at these sites.

NEWS AND ACHIEVEMENTS



Clinic students Aleksandra Zaborowska ('25) and Lauryn Khaw ('25) presenting at the NC Parks Interpretation and Education Summit

Reducing Plastic in North Carolina State Parks

On behalf of its client, Oceana, the Clinic worked with the NC Department of Natural and Cultural Resources (DNCR) to develop a plastic reduction initiative for NC State Parks. In Fall 2024, the Clinic worked with Anne-Elisabeth Baker ('24), former Clinic student and now Environmental Policy Fellow at DNCR, to survey NC Parks to identify sources of plastic waste. The team presented findings and recommendations to phase out plastic bags and bottled water at the NC State Parks Interpretation & Education Summit in December 2024. In Spring 2025, the DNCR began implementing a pilot program at William B. Umstead and Raven Rock State Parks with a goal to expand the program to more parks.

Clinic Co-Publishes Report on Cost of Litter in North Carolina

In Spring 2025, the Clinic published a report, *The Cost of Litter in North Carolina*, in collaboration with several nonprofit partners. The report revealed that the state spent over \$56 million in 2023 to clean up litter—most of it plastic. To address this growing problem, the report recommended a range of strategies to reduce plastic waste and litter, including restoring local authority to regulate single-use plastics, implementing a bottle deposit system, revising state and local procurement practices, leveraging existing water quality regulations, requiring extended producer responsibility, and increasing funding for the Department of Transportation's litter management programs. The report concludes that we must stop treating litter as an inevitable nuisance and start preventing pollution at the source.

The Cost of Litter in North Carolina

Litter is imposing a significant financial cost on taxpayers and community members across North Carolina.

We can change this.

Durham, NC

Duke UNIVERSITY

ENVIRONMENTAL
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mountaintrue.
Preserving the Places We Share



North Carolina
Conservation
Network

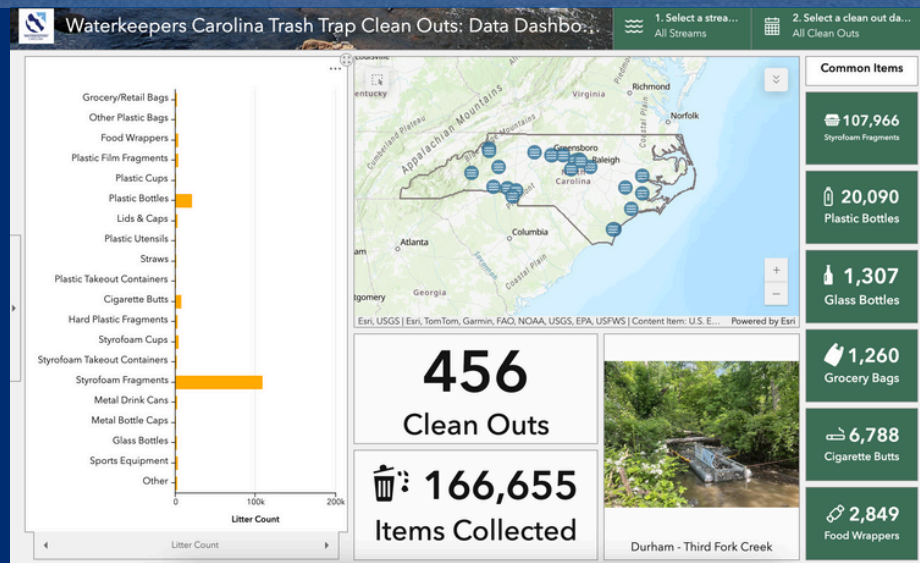
NEWS AND ACHIEVEMENTS

Keeping Plastic Out of Freshwater Streams

In Spring 2025, the Clinic submitted a comment letter during the North Carolina Department of Environmental Quality's (NCDEQ) Triennial Review of surface water quality standards. The comment letter, developed on behalf of Haw River Assembly, asked NCDEQ to adopt a new water quality standard for macroplastics, explaining that the state's failure to address plastic pollution violates the Clean Water Act. The letter documented the harms macroplastics pose to human health, ecosystems, and the economy, and proposed methods for assessing surface waters for plastic-related impairment. To support these recommendations, the Clinic team tested the U.S. EPA's Escaped Trash Assessment Protocol (ETAP), a protocol to count and catalog trash, during the Haw River Assembly's March 22nd trash trap cleanout at Third Fork Creek.

Staff Scientist Nancy Lauer (left) with North Carolina Riverkeepers at the public hearing for NC DEQ's Triennial Review. Dr. Lauer gave comments urging NC DEQ to adopt a water quality standard for macroplastics.

The Clinic's comments also relied on data collected by North Carolina Riverkeepers from streams across the state. The data are publicly available through an [online dashboard](#) (right) developed by Clinic Staff Scientist Nancy Lauer. Since 2021, Riverkeepers and their volunteers have collected more than 166,000 pieces of litter.



NEWS AND ACHIEVEMENTS

Fighting to Preserve the Historic Wilderness Battlefield

In February 2025, the Clinic, on behalf of the National Parks Conservation Association (NPCA), the National Trust for Historic Preservation, and the Coalition to Protect America's National Parks, prepared and filed an amicus brief seeking to protect the Wilderness Battlefield in Virginia from intense development, including large-scale data centers. The brief, filed in support of the American Battlefield Trust's lawsuit against Orange County, Virginia, provides the Orange County Circuit Court with critical information about the history and significance of the Wilderness Battlefield, which is preserved as part of the National Park System, and the risks of proposed development to the Battlefield's natural and cultural resources.

**AMERICAN BATTLEFIELD TRUST,
et al.)**

Plaintiff- Petitioners,

v.

**BOARD OF SUPERVISORS FOR
ORANGE COUNTY, VIRGINIA, et al.**



Clinic Evaluates National Marine Fisheries Service Incidental Take Permit

In Fall 2024, the National Marine Fisheries Service (NMFS) issued an Incidental Take Permit (ITP) that authorizes commercial fishers to "take" (harm or kill) endangered species when they use anchored gill nets to harvest fish in state waters. Previous teams of Clinic students submitted comments on the state's application for the ITP and the Environmental Assessment. In these comments, they advised NMFS of the industry's chronic violations of the terms of earlier ITPs and the state's failure to impose penalties for noncompliance and provided a comprehensive evaluation of new data about Atlantic and shortnosed sturgeon populations in North Carolina waters. Since its issuance, Clinic students have evaluated the ITP, initiated a benthic habitat analysis to identify potential critical habitat for juvenile sturgeon, and evaluated legal arguments related to the state's public trust responsibilities in the regulation of commercial fisheries.

NEWS AND ACHIEVEMENTS

Longest Co-Authored Article in Frontiers in Sustainable Food Systems

Ryke Longest co-authored an article entitled "From Pollution to Resource: Advancing Swine Waste Treatment in the USA," published in *Frontiers in Sustainable Food Systems*. The article looks at the environmental and public health issues caused by waste from concentrated animal feeding operations (CAFOs) in North Carolina. It discusses how the state's "Environmentally Superior Technology" (EST) initiative, started under the 2000 Smithfield Agreement, set important standards to reduce pollution. The authors recommend seeking new public policies to incentivize new waste treatment systems that create rural jobs, establishing a follow-up to the Smithfield Agreement to evaluate technological improvements, ensuring biogas capture projects address all pollution concerns, and requiring federally funded projects to meet EST standards that protect human health and the environment.

Roady Orchestrated Amicus Brief in the US Court of Appeals for the 2nd Circuit

Steve Roady recently orchestrated the filing of an amicus brief before the US Court of Appeals for the 2nd Circuit on behalf of Natural Resources Law and Property Law Professors in United States of America ex rel. v. Cooke Inc. The brief challenged the district court's ruling that "fish are not property" and that "no one" owned the fish at the center of the case. In support of the appellants, the brief argued that the decision disregarded centuries of American legal tradition affirming the "state ownership doctrine": the principle that wildlife, including fish, were held in trust by State and Federal governments for the benefit of the public. The brief urged the Second Circuit to reverse the decision and affirm the sovereign duty to safeguard shared wildlife like fish, which were the property of the sovereigns in whose waters they swam.

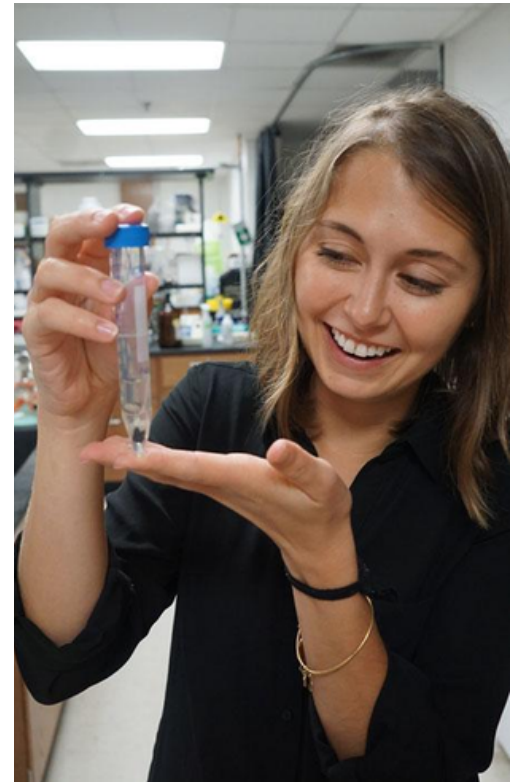
Roady Consulted on First Circuit Amicus Brief Supporting Constitutionality of Vessel Monitoring in Lobster Fishery

In April, Steve Roady consulted with the Harvard Environmental Law Clinic and helped prepare an amicus brief filed in Thompson v. Wilson before the United States Court of Appeals for the First Circuit. The brief was submitted by natural resources management and law scholars. It supported the State of Maine's installation of vessel monitoring devices on lobster fishing boats and argued that the "Department of Marine Resources Rule" appropriately balanced the State's interest in protecting a natural resource essential to its people and economy with the plaintiff's interest in avoiding improper searches and seizures. The brief highlighted the centuries-long history of government regulation and oversight of commercial lobster fishing and asked the Appeals Court to affirm the district court's judgment finding that the Department of Marine Resources Rule was consistent with the Fourth Amendment.

ALUMNI SPOTLIGHT: ZOIE DIANA

Former Environmental Law and Policy Clinic intern, Zoie Diana, PhD '23, has always been interested in how humans can live more sustainably. From her time in the Clinic to her current work, she has focused on one of the most wicked and pressing environmental challenges of our time: plastic pollution.

Now a Liber Ero Postdoctoral Fellow at the University of Toronto, Dr. Diana is working with scientists as well as practitioners from the Ocean Conservancy and Ontario Ministry of the Environment, Conservation and Parks to understand plastics in a whole new way. "I'm doing research that has never been done before. It's full of surprises."



Dr. Diana's current research focuses on microplastics derived from paint – an overlooked but significant contributor to microplastic pollution. Paint contains plastic components like acrylic and polyurethane. When paint wears off of things like roads, buildings, and boats, it sheds small particles of these plastic components into the environment. Dr. Diana's work seeks to better quantify and characterize these particles, understand their impacts on freshwater ecosystems like the Great Lakes, and inform management strategies.

Diana credits her experience in the Clinic with helping her to translate research into policy, even in times of scientific uncertainty. As an intern with ELPC during the COVID-19 pandemic, Dr. Diana analyzed the rollback of plastic bag policies resulting from a newly emerging mistrust in reusables. "We were wondering are these rollbacks warranted?" she recalls. "What really sticks out to me about the Clinic experience is learning how we can communicate risk in the face of uncertainty, which translates to so many different environmental problems that come up today."

Dr. Diana encourages students interested in applying science to environmental problems to participate in the Clinic. "Sometimes you're in the classroom or the lab, and you're wanting to make that link between the science and real-world problems. The Clinic is a great place to be able to make that connection."

ALUMNI SPOTLIGHT: BRIANNA ELLIOT

This past May, former Clinic student Brianna Elliott graduated with her Ph.D. in Marine Science and Conservation from Duke's Nicholas School of the Environment.

Dr. Elliot's doctoral research focused on the challenge of marine mammal bycatch in the Indian Ocean. Indian Ocean fishing data are sparse, but estimates suggest that huge numbers of marine mammals have been killed there as a byproduct of commercial fishing. Dr. Elliot analyzed Indian Ocean gillnet fishing bycatch, as well as efforts by the Indian Ocean Tuna Commission (IOTC) to address the problem. She also examined a range of potential solutions to this particular bycatch challenge. Her work included several trips to Reunion Island and to meetings of the IOTC in the Seychelles.

Dr. Elliot is now working with Global Fishing Watch (GFW) on ocean conservation issues. GFW distributes detailed information to the public on the location and behavior of fishing fleets world-wide, in the hope of protecting ocean biodiversity. Brianna's initial focus at GFW includes an effort to persuade Regional Fishery Management Councils (such as the IOTC) to reduce shark bycatch.



ALUMNI SPOTLIGHT: CELEBRATING OUR PIPS GRADUATES

This year, four clinic alumnae who focused their studies on environmental law graduated with a certificate in Public Interest and Public Service (PIPS): Mary Peyton Brown, Jess Hardee, Lauryn Khaw, and Indya Woodfolk. The PIPS certificate, which is administered by the Public Interest and Pro Bono Office, features academic, experiential learning, career, and faculty support to help students develop the skills they will need for public interest careers.

In addition to working in the Clinic, these students distinguished themselves by completing multiple internships and externships in environmental law at organizations like the Southern Environmental Law Center, Earthjustice, Natural Resources Defense Council, NC Conservation Network, Food & Water Watch, Environmental Working Group, the environmental law sections of both the federal and NC Departments of Justice, NC Department of Environmental Quality, and Maryland Department of the Environment. They also were actively involved in the Duke Environmental Law & Policy Forum, the Environmental Law Society, and other clinics and pro bono programs.

While at Duke, they seized every opportunity available to develop their skills and networks and give back to their communities. We wish them – and all our graduates – success in their careers, where their voices will help shape more just environmental laws and regulations.



Mary Peyton Brown ('25)



Jess Hardee ('25)



Lauryn Khaw ('25)



Indya Woodfolk ('25)

ELPC alumni, we want to hear from you!

**Let us know where you are and what you're doing:
DukeELPC@law.duke.edu**

RECOGNITIONS & APPOINTMENTS

Longest Stepping Down as Director of Clinical Programs

The Clinic's co-director, Ryke Longest, is stepping down from his position as Director of Clinical Programs after serving four years from July 2021 through June 2025. Longest worked to increase the growth in subject matter, scope, and scale of the clinics while building on the tradition of excellence to meet both client needs and the educational goals of the students. During his tenure as Director of Clinical Programs, he oversaw the reestablishment of the Appellate Litigation Clinic and the expansion of the Criminal Defense Clinic, reflecting his commitment to expanding and enhancing the Clinic's impact on students and clients. Kate Evans, who leads the Immigrant Rights Clinic, will serve as the new Director of Clinical Programs, and Allison Korn, who leads the Health Justice Clinic, will serve in the newly created position of Assistant Director.

Nowlin Appointed as Chair of Duke's Carbon Reduction Advisory Committee

In January 2025, Michelle Nowlin was appointed to chair the Carbon Reduction Resource Allocation Ad Hoc Advisory Committee. The committee, which consisted of staff and faculty from 10 different schools across the University, was charged with advising the University's leadership on a critical decision concerning its Climate Commitment. That decision is whether to continue purchasing annual carbon offsets to maintain climate neutrality or divert allocated funding towards projects that will reduce the University's greenhouse gas emissions in pursuit of its new commitment of reaching net zero emissions by 2050. The committee delivered its report in May 2025 and will formally present its recommendations in Fall 2025.

Nowlin Elected Chair of the AALS Section on Environmental Law

Michelle Nowlin was elected chair of the Association of American Law Schools (AALS) Section on Environmental Law. The Section makes recommendations on matters of interest in the teaching and improvement of the law relating to natural resources and the environment. As chair, she is responsible for developing the Section's programming for the annual AALS conference, which will take place in New Orleans in January 2026.

PUBLIC ENGAGEMENT

Nancy Lauer and Michelle Nowlin gave a presentation to members of the Osher Lifelong Learning Institute on local strategies to reduce plastic waste in Durham, NC. (September 2024)

Michelle Nowlin was a featured presenter for a webinar hosted by the National Academies of Sciences, Engineering, and Medicine's Roundtable on Plastics, a multi-sectoral forum that examines national efforts to reduce plastic pollution. (October 2024)

Steve Roady chaired a panel discussion on international ocean governance at the Yale Law School-hosted "New Directions in Environmental Law" conference. (February, 2025)

Michelle Nowlin presented at the Research Triangle Environmental Health Collaborative's Summit on microplastics. Her talk explored the spectrum of laws and policies designed to address plastic pollution, from global frameworks to local initiatives in North Carolina. (January, 2025)

Nancy Lauer and Madison Haley (formerly with Haw River Assembly) presented at the Water Resources Research Institute annual conference on insights from data collected during trash trap cleanouts across the state. (March 2025)

Nancy Lauer presented to participants in Duke's Health and Environmental Scholars program on the process of making policy to address environmental challenges. (March 2025)

Michelle Nowlin gave the keynote address at the Ocean Policy Working Group spring symposium on Marine Plastic Pollution. Her talk explored the policy and legal frameworks to combat plastic pollution in the ocean, as well as community engagement and engineering approaches. (March 2025)

Michelle Nowlin and Dr. Jason Somarelli, an Assistant Professor in the Department of Medicine, presented to the League of Women Voters on Earth Day about the latest research into the impacts of microplastics on human health and the legal and policy tools to mitigate those impacts. (April 2025)

OTHER CLINIC ACTIVITIES

Cliff Villa Visits Duke to Discuss Environmental Justice

In February 2025, the Clinic hosted a Lunch Chat on Environmental Justice with Cliff Villa, Professor of Law at the University of New Mexico. Prof. Villa had just finished four years of service as Deputy Assistant Administrator of the U.S. EPA Office of Land and Emergency Management, where he provided political leadership for national programs including Superfund cleanups, Brownfields revitalization, hazardous waste management, and emergency response.

Professor Villa, a renowned expert in environmental law, has dedicated his career to advancing environmental justice, disaster law, and public health protections. Students and faculty enjoyed the opportunity to engage in a meaningful conversation about the intersection of law, policy, and community advocacy in environmental justice.



OTHER CLINIC ACTIVITIES

Clinic Sponsors Student Team for Environmental Law Moot Court Competition

In January and February, the law school fielded its 3rd ever team for the National Environmental Law Moot Court Competition hosted by Pace Law School. The Clinic sponsored the team, which featured three Clinic alumnae: Mary Peyton Brown (JD/MEM '25), Jess Hardee (JD '25), and Indya Woodfolk (JD '25). Michelle Nowlin and Steve Roady coached the team, culminating with a final pre-moot round with Ryke Longest, Duke Law Professor Don Beskind, and clinic alumna Chelsea Nielsen (JD/MEM '25) serving as judges.

The problem featured a detailed set of facts that highlighted not only the technical and legal complexity of environmental law, but also delved into the uncertainty created by recent Supreme Court rulings that upended the status quo in administrative law. The team wrestled with questions of deference to agency expertise, new challenges to determining the statute of limitations, and the reach of the major questions doctrine, and also delved into more standard questions of standing and the proof needed to establish ongoing violations of the Clean Water Act.





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