

Environmental & Energy Law Section  
EXECUTIVE COMMITTEE MEETING MINUTES  
October 23, 2021  
Noon – 1:30 p.m.

In Attendance: Please see Attached Attendance List

**Welcome by the Chair** (L. Shaw)

- General welcome and overview of Fall 2021 event.
- Discussed reorganization of the Cabinet, with creation of the Budget Director role, and intent to discuss consolidation of the committees later in the session.

**Approval of May 2021 Executive Committee Minutes**

- Motion to approve by Helen Mauch, seconded by Michael Hecker. Approved unanimously.

**Budget Report** (Julia O’Sullivan, Budget Report)

- Submitted this year’s budget in August 2021, and awaiting NYSBA approval.
- Last year, the section was able to provide a larger Diversity scholarship due to last year’s wine fundraiser.
- G. Robbins inquired as to what is included in the EELS section awards. J. O’Sullivan and L. Shaw discussed the nature of the events, and how fundraising needs to be included to meet the expected payments to be made. Further clarification was provided on line item considerations.

**Annual Meeting** (J. Rigano)

- A. Jasiewicz provided clarification on the NYBSA President’s letter, dated October 22, 2021, regarding the Annual Meeting and remote considerations. All section events will be remote; the only in-person events will be the marquee NYSBA events
- Standard 4-hour program, including presentations on: renewable energy; NYS Brownfield Program and related updates; Green Amendment; and, Agency Update. We will still have our standard Executive Committee and Committee meetings. Final agenda due by November 5, 2021.

**2021 Essay Contest Winners** (M. Villani)

- 34<sup>th</sup> annual essay contest. Worked hard to increase entries this year, with Columbia (8), Pace (4), and Albany (1) having participation.
- 6 winners:
  - 1<sup>st</sup> place – Tied with two students from Columbia Law
  - 2<sup>nd</sup> place – Tied with a student from Columbia Law and Albany Law
  - 3<sup>rd</sup> place – Tied with a student from Pace Law and Columbia Law
- The winners will be splitting the award allocations for each position.
- Miriam thanked the various EELS committee members that judged the essays.

- W. Mugdan raised potentially allocating additional funds to the prize pool so that the winnings are not diluted. L. Shaw raised considering this issue after the Fall 2021 conference, depending on how the finances turn out, given lower turnout.

#### **October 29, 2021 NYSBA Executive Committee Brownfield Extender Bill Presentation** (L. Shaw)

- L. Shaw and A. Kendall will be present for the NYSBA Executive Committee meeting, where the NYS Brownfield Task Force's legislative proposal is being considered. The package was delivered by the August 2021 deadline for consideration.
- D. Freeman commented on the importance of this process, the benefit of utilizing it in the future, and thanked all members for their commitment, including L. Shaw. L. Shaw seconded this point, and discussed the importance of having access to NYSBA's legislative outreach for support during the budget season process.
- L. Shaw indicated she had heard that certain Upstate groups are likely to object to the administrative fee portion of the proposal.

#### **Diversity and Inclusion Fellowship and Committee Update** (G. Robbins)

- G. Robbins indicated that a fundraiser is being planned to support the fellowship. Last year, the Section raised over \$11,000.00 through the virtual fundraiser, which funded two fellows.
- Law schools are contacted directly regarding the fellowship, with outreach by committee members to begin shortly. The application deadline is February 4, 2022.

#### **Newsletter/Social Media/Webpage** (R. Partington)

- We will be using a hashtag for the Fall 2021 Meeting: #NYSBAFall21
- Total social media followers: 317 on Twitter; 257 on LinkedIn. The LinkedIn followers is particularly strong, given the recent nature of that account. Planning is underway for an Instagram account.
- Followers have been added through linking to the Section's Climate Change Blog.
- Planning to do more virtual events and a Section podcast. L. Shaw commented on the potential podcast title as "Meet Me in the Middle," which emphasizes the intended focus to discuss two extreme positions, with a moderate approach being discussed between the two. The podcast would be moderated by a Section member.

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

- N. Ward-Willis will Chair, and will be appointing other committee members.
- Two awards will be presented at the Annual Meeting.

#### **EELS Committee Reorganization & Committee Reports by Chairs** (L. Shaw and Committee Chairs)

- L. Shaw raised the issue of reorganizing the committee roster, and placing committee oversight under the purview of individual Cabinet members.
- R. Partington discussed the need to add additional members to the Social Media committee to assist in regular posting.

- D. Freedman discussed the December 8, 2021 Annual Superfund/Brownfield Update, which will be held virtually, on behalf of the Hazardous Waste/Brownfield/Site Remediation committee. The event will include 4 panels. Keynote speaker will be Walter Mugdan.
- J. Cavaluzzi discussed the environmental insurance program that has been conducted semi-annually by the Environmental Insurance committee, with the intent to do an in-person event next year. There is the potential for another virtual 1/1.5 hour event to be held in the Spring 2021.
- H. Mauch discussed the April 2021 well-attended Environmental Business Transaction committee meeting, and the need to create sub-committees, given the breadth of areas covered. Planning to hold workshops or webinars on various topics, including SEC disclosure on Climate Change; environmental in rep and warranty insurance; legislative case law update; and, effects on the potential Federal infrastructure bill.
- H. Tollin discussed the importance of the Corporate Counsel committee, and the need to bring in greater in-house into the Section.
- T. Putsavage discussed the priority of agricultural issues over pesticides in the Pesticides, Agricultural & Rural Issues committee, and suggested a possible reorganization. L. Shaw indicated S. Wyner intends to potentially coordinate a Spring 2021 webinar.
- L. Shaw indicated she will discuss topics with the Solid Waste committee on Part 360 landfills.
- M. Wieder reported that the Continuing Legal Education committee does not have that much to do at this point, given the Fall and Annual meetings, plus committee-based webinars/in-person events. Happy to coordinate with the committees on their programs.
- G. Robbins indicated that the Global Climate Change committee will be hosting another April 2022 Earth Day event. The committee is also proposing to review the CLCPA scoping plan once its available, and that the Section consider providing comments on it.
- K. Bernstein reported on the Mining committee. He indicated that they would like to remove the "Oil & Gas Exploration" title from the committee, given the lack of ongoing oil & gas exploration in the State. The committee will be considering a program.
- J. Kublick reported on the Adirondacks committee. He indicated that there are knock-on issues with regard to the protect the Adirondacks matter to be considered, and there has not been any substantive updates to the Adirondack Park Agency's regulations.
- L. Shaw reported on the Petroleum Spills program, and the positive program handled this Fall.
- A. Kendall reported on the Water Quality committee, with the upcoming November 18, 2021 CLE program. That is a co-programmed webinar with the Toxic Torts committee.
- M. Sinkman reported on the Enforcement & Compliance committee, with the publishing of two articles in The New York Environmental Lawyer, and a future potential panel on law enforcement.
- J. Almanzar reported on the Environmental Justice committee, with a meeting earlier this year. A number of presentations are underway or planned, including at the Fall 2021 CLE and the December 2021 Brownfields update.
- Given timing considerations, L. Shaw reserved on the remaining committee updates.

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

- The Green Amendment legislation subject to vote passed the Senate and Assembly in February 2021. The EELS Section took a prior vote to support the event, but NYSBA has an internal policy of not taking a position on ballot initiatives. This issue will be decided at the ballot box.

### **Future Programming** (Y. Hennessey)

- Next event on November 4, 2021, being put on by the Siting and Utility Regulation committee, discusses Public Service Commission issues and related effects on climate change and sustainability.
- Mid-November 2021 CLE will be held on PFAS, which will touch on groundwater and air contamination.
- Spring 2022 Energy Law CLE will be planned.

### **New Business & Nomination Committee Update** (M. Hecker)

- M. Hecker discussed the approach of the Nominating Committee, and asked members to provide recommendations for Secretary and At-Large positions.
- Reverted back to certain committee updates.
- L. Alexander mentioned that there has been a significant change in the Office of General Counsel for the DEC in Regional offices. A roster will be provided to the Cabinet.
- Discussion was raised regarding reduced membership pricing for governmental attorneys based on a question by M. Sinkman. A. Giuda mentioned the State's lobbying and gift law would be a bar to it. L. Alexander indicated that the DEC does offer CLE credits, which does off-set some interest, and the potential to influence and promote changes to the existing gift law. W. Mugdan indicated that the Federal rules would not prohibit a discount providing universally to all government employees.

### **Motion to Adjourn**

- Motion to adjourn by Alan Knauf, seconded by Kevin Bernstein. Unanimously approved.

PARTICIPANTS BY ZOOM/CONFERENCE CALL  
October 23, 2021 EXECUTIVE COMMITTEE MEETING

Nick Ward-Willis  
Linda Shaw  
James P. Rigano  
Yvonne Hennessey  
Howard Tollin  
John Greenthal  
Amy Jasiewicz - NYSBA  
Catherine Carl – NYSBA  
Marla Wieder  
Simone Smith - NYSBA  
Kevin Bernstein  
Claudia Braymer  
Helen Mauch  
Philip Dixon  
Michael Hecker  
Alan Knauf  
Katrina Kuh  
Walter Mugdan  
Daniel Riesel  
Nicholas Robinson  
Matthew Sinkman  
Miriam Villani  
Ginny Robbins  
Jan Kublick  
Martin Baker  
Lou Alexander  
John Parker  
Gregory Brown  
Daniel Richmond  
Jerry Cavaluzzi  
Dave Quist  
Teresa Bakner  
Julia O’Sullivan  
Alita Giuda  
Adam Schultz  
Jose Almanzar  
David Freeman  
Telisport Putsavage  
Amy Kendall  
Rachel Partington  
Rosemary Nichols