



# 2022

## ANNUAL REPORT

*Making law work for people, places, and the planet*



# FROM THE PRESIDENT & BOARD CHAIR

Some days it's hard to know what to think about the state of the world, and the state of efforts to make it a better place. One day you think you understand the problem and might even know the answer; the next an entirely new dimension has been added to the challenge, and you need to begin again.

It's during times like these that we are so profoundly grateful to work with our colleagues at ELI. For over 50 years, ELI has been known as a leading provider of unbiased, credible, and detailed information about the world around us and how we can protect it. Our staff is renowned for bypassing headline-catching work, instead opting to roll up their sleeves and dig into the messy, complicated issues that are impeding progress. The problems we wrestle with around the world have no easy answers. And when that feels like a lot to handle, it's gratifying to look around at everyone at ELI and realize that there is in fact an answer – if we just keep placing one foot in front of the other, we really can change the world.

Which is why we are proud to share our 2022 Annual Report with you. You won't find snappy taglines. Instead, you'll find honest descriptions of the progress we've made in areas of great friction and the partnerships that are driving long-term advancements. We summarize some of what we've done over the past year to protect individual and community health and well-being, strengthen protection of natural resources, and address some of the most nebulous of today's environmental challenges. Rooted in the rule of law, this impactful work touches on things such as tribal sovereignty and health in California, safeguarding against corruption in mining practices in Peru, and reducing the climate impacts associated with food waste.

Thank you for being part of the global effort to protect the future for all. We would not be where we are today, and we will not be here tomorrow, without you. We look forward to hearing from you and are profoundly grateful for your support.

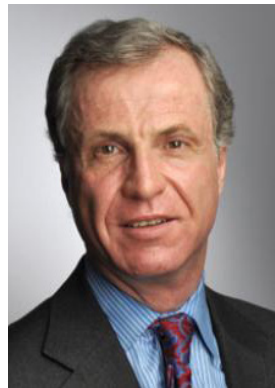
With gratitude,

Jordan Diamond  
President

Robert Kirsch  
Chair of the Board

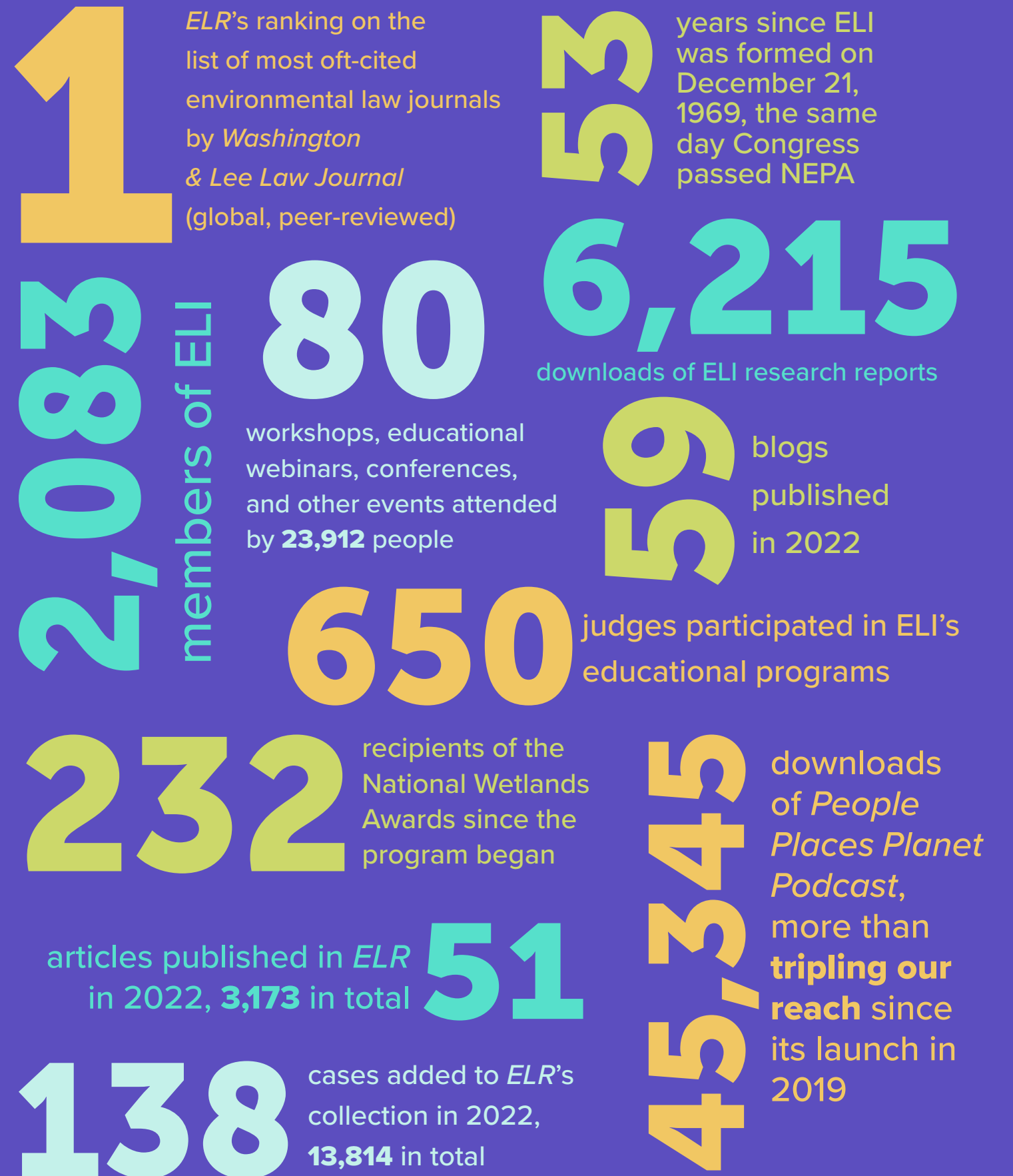


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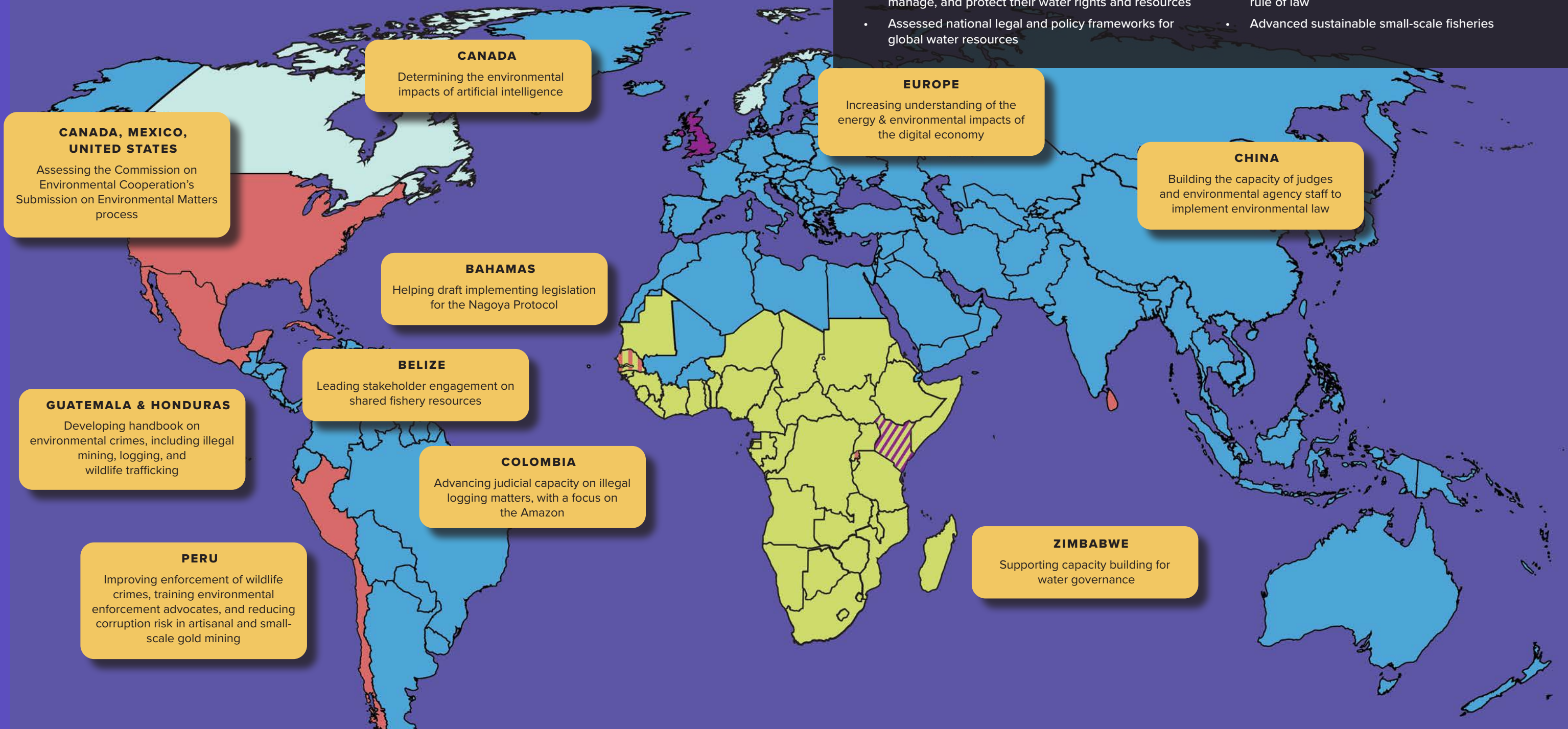
# 2022 BY THE NUMBERS



# INTERNATIONAL WORK AT ELI 2022

## ● WORLDWIDE

- As Secretariat of the International Network for Environmental Compliance and Enforcement, led global efforts to reinvigorate compliance and enforcement
- Helped women, communities, and nations realize, manage, and protect their water rights and resources
- Assessed national legal and policy frameworks for global water resources
- Empowered women, improved gender equality, and advised on best practices for environmental peacebuilding
- Researched and analyzed global state of environmental rule of law
- Advanced sustainable small-scale fisheries



- **Identifying best practices for sustainable, environmentally responsible industrial aquaculture:** *Canada, Norway, and United Arab Emirates*
- **Advancing ocean & coastal fisheries governance:** *Chile, Cuba, Mexico, Peru, Rwanda, Senegal, Sri Lanka, and the United States*
- **Helping climate migrants relocate with dignity:** *Kenya, Marshall Islands, Federated States of Micronesia, Palau, and the United Kingdom*

- **Identifying laws to mitigate conflicts related to Africa's growing renewable energy sector:** *Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Republic of Congo, Republic of Côte d'Ivoire, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Uganda, Zambia, and Zimbabwe*

# DOMESTIC WORK AT ELI 2022

## ● NATIONAL WORK

Convened multi-day training workshops to improve Clean Water Act management, implementation, and data sharing

Administered judicial education on climate science

Provided resources and education for local governments on environmental management and compliance

Helped legal experts and policymakers better understand the science behind sea-level rise

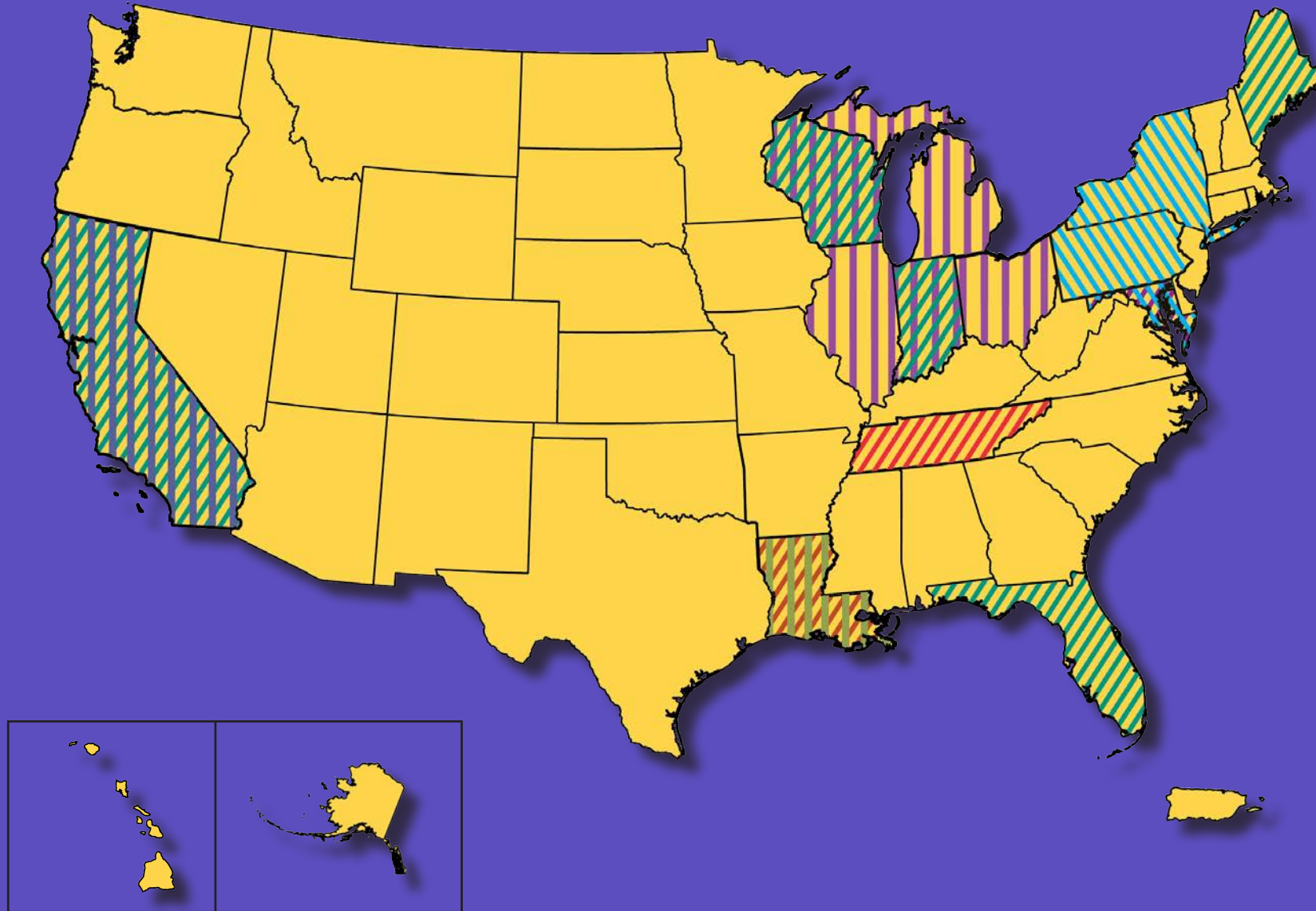
Strengthened indoor air quality policies, programs and practices

Developed policy framework for greater use of remote sensing in wetland programs

Assessed state water governance

Helped states and tribes integrate wetland restoration priorities into hazard mitigation plans

Improved compensatory mitigation, in-lieu fee program implementation, and wetlands management



Updated and disseminated knowledge on ocean and coastal law and policy

Advised on best practices for safe siting initiatives

Developed model municipal ordinances and executive orders for advancing food waste reduction at the local level

Increased understanding of the energy and environmental impacts of the digital economy

Analyzed characteristics of coastal management programs with strong enforceable policies

Identified environmental justice implications in the development of renewable energy and battery storage facilities

Helped states, territories, and tribes incorporate climate change and environmental justice considerations in the listing of impaired waters and development of TMDLs

## ○ SITE-SPECIFIC WORK

○ Advancing tribal health and sovereignty: California

● Promoting food waste reduction and climate action planning in Nashville: Tennessee

● Helping stakeholders participate in offshore wind energy decisionmaking: Louisiana

● Supporting coastal restoration & advanced natural and nature-based solutions to water management and water quality challenges: Louisiana

● Developing a tribal wetlands working group: Illinois, Indiana, Maryland, Michigan, Ohio, and Wisconsin (with 35 Tribal Nations)

● Analyzing differing structural scenarios to improve water quality in the Conowingo watershed: Maryland, New York, and Pennsylvania

● Identifying best practices for sustainable, environmentally responsible industrial aquaculture: California, Florida, Indiana, Maine, and Wisconsin

# ENVIRONMENTAL JUSTICE



The wind and solar power industries have taken off in the United States, and the energy transition is only going faster with the recent injection of federal funds. This development will help achieve carbon emission reduction goals, but as ELI's long-standing work supporting communities in dealing with the consequences of industrial development has shown, it will also have very real implications for the communities expected to absorb these new facilities. To reduce the negative and unjust impacts such development can bring, ELI, in partnership with the Electric Power Research Institute, developed a research report to help utility companies advance **environmental justice in the development of renewable energy and battery storage facilities**. The paper suggests practical approaches for engaging with communities and advancing the dimensions of environmental justice during siting, designing, constructing, operating, and decommissioning.

Many U.S. communities suffering from divestment, brownfields, and climate impacts are seeking to transform their neighborhoods, and the quality of their lives. But where should communities dealing with legacy pollution and other environmental justice issues begin? In 2022, the Blight Revitalization Initiative for Green, Healthy Towns (BRIGHT) released *The BRIGHT Guide* to **help communities develop and execute corridor projects in their own neighborhoods** to produce positive health, ecological, and economic outcomes. By emphasizing race-conscious, anti-gentrification practices, *The BRIGHT Guide* reframes brownfield revitalization as a source of equitable and sustainable development. You can learn more at [www.thebrightguide.com](http://www.thebrightguide.com).

Meanwhile, in step with ELI's December 2020 Statement on Racism and Environmental Justice, ELI's education department kicked off a new webinar series in 2022 that took a deep look at **the evolution of environmental justice within the U.S. legal system** of the United States, as well as the creative ways to use environmental and civil rights laws to advocate on behalf of communities facing environmental justice issues. The series, which also informs participants of ELI's Pro Bono Clearinghouse Community Lawyering CLE series, continues into 2023.

ELI's long-standing relationships with the water quality regulatory community across the country and expertise in all things water uniquely positions the Institute to engage on sensitive topics with federal and state water officials. In 2022, ELI led a series of workshops on the **intersections of environmental justice and water quality protection measures**. Conversations addressed approaches for states, territories, and tribes considering environmental justice in the listing and reporting of waters that do not meet standards, in water quality restoration and protection plans and efforts, and related activities and products. A brief summary of the practices and ideas conveyed in those forums can be found in Environmental Justice and the CWA 303(d) Program, available for free download on ELI's website.

Also new for 2022 was the release of *Environmental Justice: Legal Theory and Practice*, by **ELI Visiting Scholar Barry E. Hill**. Now in its 5th edition, the book provides a thought-provoking exposition and comprehensive review of the complex mixture of environmental laws and civil rights legal theories that are central to this still-evolving area of law.

**The Clearinghouse is a really important tool because it marries these two groups—folks who have the expertise and desire to help, and the folks who really need it—and it does so in an efficient way . . . to hopefully bridge the need for these communities with competent help.**

—Shailesh Sahay, Foley Hoag

## ELI's Pro Bono Clearinghouse

"How do we get our concerns resolved?" is a question often heard from overburdened communities dealing with environmental justice issues. The ELI community, which consists of thousands of lawyers, consultants, and other environmental professionals, has been asking a related question: "How can we meaningfully contribute to overcoming environmental racism?" In February 2022, ELI launched the Pro Bono Clearinghouse, which bridges the interests of communities in need of legal services and the interests of environmental professionals in securing pro bono service opportunities in their field of practice. The Pro Bono Clearinghouse is one of the many action items identified in the Institute's December 2020 Statement on Racism and Environmental Justice. If you are interested in performing environmental pro bono, or you are a community looking for legal support for your EJ matter, please visit [eli.org/probono](http://eli.org/probono).

## Indigenous Communities

For tribal citizens, physical, mental, and spiritual wellness are inextricable from environmental health, food sovereignty, and cultural identity. Respect for these values requires effective consultation to protect tribal traditional lands and resources when a construction project or planning decision threatens them. History shows that such consultation has been the exception. ELI is supporting Native American tribes in California to bridge the gap between tribal and state and local agency understanding of the nexus between environment, culture, and health. In partnership with the National Association of Tribal Historic Preservation Officers and experts in Indigenous community health and wellness, ELI is identifying legal tools and approaches to enable meaningful government-to-government consultation with state and local agencies. Among other activities, together they are developing a set of indicators of tribal health to give a more concrete expression to the ways tribal values may be impacted. Translation of intangible values to quantifiable indicators may facilitate a more effective evaluation of impacts. This experience may illuminate a way forward for other tribes in California and beyond.



# CLIMATE



Offshore wind is a developing industry in the United States, spurred in part by ambitious federal targets set in recent years. Even for states with well-established offshore management frameworks, however, offshore wind projects pose new challenges, and will require substantial engagement by state agencies, commissions, stakeholders, and communities to achieve appropriate and beneficial development.

As the federal Bureau of Ocean Energy Management lays the groundwork for offering wind leases in the Gulf of Mexico, in 2022, ELI provided an overview of the most relevant state laws, regulations, and intergovernmental authorities affecting offshore wind energy development in Louisiana. The effort aims to support participation by Louisiana stakeholders in offshore wind energy decisionmaking.

Meanwhile, cities, counties, and towns across the United States are developing or updating climate action plans that address mitigation, adaptation, and sustainability goals. **But best practices now integrate equity**, recognizing that frontline populations, including historically marginalized communities, often experience the worst impacts from climate change impacts while also not sharing equitably in the benefits from

transitioning to a low-carbon economy. ELI has been working with the Local Government Environmental Action Network (LGEAN) to offer municipalities much-needed programming and resources on **integrating equity into climate action planning**. For more on LGEAN generally, visit [lgean.net](https://lgean.net).

Implementing total maximum daily load (TMDL) limits to address nonpoint source pollution is notoriously challenging; evaluating that implementation in a warming world is even more so. Released in 2022, **Climate Change and the CWA §303(d) Program** examines the range of approaches to evaluating the water quality effects of TMDL implementation and conveys lessons learned to help resource managers determine what is working, inform associated restoration and protection efforts, and make their impact visible to the public. Available for free download on ELI's website, the report stems from a series of ELI workshops that, in part, addressed how states, territories, and tribes have considered and could consider climate change in the listing and reporting of waters that do not meet water quality standards, the development and implementation of water quality restoration and protection plans, and related activities and products.

## Combatting Food Waste

Up to 40 percent of food in the United States is wasted—and 95 percent is disposed of in landfills or incinerated. Diverting food waste from landfills, donating surplus food, and recycling food scraps can help municipalities achieve waste reduction and climate mitigation goals. However, many municipalities do not have data on the food wasted in their jurisdictions. Requiring organizations and companies that produce large amounts of food waste to report their waste is an important first step in reducing it. ELI's Food Waste Initiative aims to help stakeholders meet the U.S. food loss and waste goals by designing and implementing public policies and public-private initiatives to prevent food waste, increase donations of surplus food, and expand food scrap recycling. In 2022, and in partnership with NRDC, the Initiative created a model ordinance that municipalities can use to require businesses, universities, and other large organizations to report the amounts of food waste and surplus food they generate. This ordinance and other resources on food waste reduction are available through ELI's Food Waste Initiative website: <https://www.eli.org/food-waste-initiative/food-waste-prevention-recovery-and-recycling>.



**With the growth in climate-related litigation, judges need this kind of education to be prepared to weigh scientific evidence and make better informed decisions. I commend the ELI team for its creativity, diligence, and success to date in meeting this need.**

— Larry Kramer, President, William and Flora Hewlett Foundation

## Climate Judiciary Project

As the body of climate litigation grows, judges are seeking assistance with complex scientific and legal questions, many of which are developing rapidly. The Climate Judiciary Project (CJP) collaborates with leading national judicial education institutions and climate scientists to meet judges' need for familiarity with climate science methods and concepts. In 2022, CJP scaled up, reached out, and engaged judges in greater depth with the completion of *Climate Science and Law for Judges*, a first-of-its-kind resource that provides the judiciary with reliable, up-to-date information about scientific issues in climate litigation. In partnership with the National Judicial College (NJC), the project also convened a network of Judicial Leaders in Climate Science, delivering a model program at the state court level that has spun off local climate science education efforts across the country. In September, the CJP and the NJC co-hosted a three-day judicial education program at the Woods Hole Oceanographic Institution in Massachusetts featuring distinguished experts on climate science and law topics.



# 2022 ENVIRONMENTAL ACHIEVEMENT AWARD CEREMONY STAR SPONSORS

The Environmental Law Institute is grateful for the generous support it received from the Star Sponsors of the Annual Award Ceremony, which was held in person on October 25, 2022, and honored Benjamin F. Wilson, environmental lawyer and civil rights advocate. We would like to thank all of the Sponsors and the members of the Corporate, Professional, and Public Interest Associates Programs who helped make it a success.

## SUPER STAR

|                                     |                                       |  |
|-------------------------------------|---------------------------------------|--|
| Arnold & Porter Kaye<br>Scholer LLP | Crowell & Moring LLP<br>DLA Piper LLP | Latham & Watkins LLP<br>Sidley Austin LLP    |
| Baker Botts L.L.P.                  | Hunton Andrews Kurth LLP              | Wilmer Cutler Pickering Hale and<br>Dorr LLP |
| Beveridge & Diamond PC              | King & Spalding LLP                   |  |

## STAR

|  |                             |   |
|--|-----------------------------|---|
| Akin Gump Strauss Hauer<br>& Feld LLP      | Farella Braun + Martel LLP  | Stephen and Susan Mandel                          |
| Alston & Bird LLP                          | First Environment, Inc.     | Byron Marchant                                    |
| Baker & Hostetler LLP                      | Foley Hoag LLP              | Monterey Bay Aquarium                             |
| Bergeson & Campbell, P.C.                  | FTI Consulting, Inc.        | The Northwestern Mutual Life<br>Insurance Company |
| Best Best & Krieger LLP                    | General Electric Company    | Paul Hastings, LLP                                |
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| Laurie Burt                                | Greenberg Traurig LLP       | PG&E Corporation                                  |
| Leslie Carothers                           | Haynes & Boone              | William Rawson                                    |
| Center for Climate and<br>Energy Solutions | Hess Corporation            | Roth Foundation, Daryl & Steven                   |
| Climate Leadership Council                 | Hogan Lovells US LLP        | Shook, Hardy & Bacon L.L.P.                       |
| Constellation Energy                       | Holland & Knight LLP        | Skadden, Arps, Slate, Meagher &<br>Flom LLP       |
| Covington & Burling LLP                    | IBM Corporation             | Toyota Motor North America                        |
| Earthjustice                               | Jenner & Block LLP          | Van Ness Feldman LLP                              |
| ELI Climate Judiciary Project              | K&L Gates LLP               | Venable LLP                                       |
| Environmental Defense Fund                 | Keller & Heckman LLP        | Wiley Rein LLP                                    |
|  | Kirkland & Ellis LLP        |   |
|  | Maffei Foundation           |   |

# AWARD DINNER

On October 25, before a near-record crowd of supporters, longtime friend and colleague Brenda Mallory, Chair of the White House Council of Environmental Quality, presented ELI's 2022 Environmental Achievement Award to Benjamin F. Wilson—lawyer, scholar, pioneer, and mentor—in recognition of his visionary leadership and service to communities over a most distinguished environmental law career.

Born and raised in the segregated south, Ben served in the Civil Division of the U.S. Department of Justice, moved to private practice, and went on to become Chairman of Beveridge & Diamond PC, the largest and oldest environmental firm in the United States. Along the way, Ben represented clients in high-impact litigation but never lost sight of the hardships he and so many others have faced in advancing environmental protections and civil rights.

Ben is renowned for being a tireless advocate for diversity, equity, and inclusion in the legal field. He counseled clients on environmental justice matters, founded the Diverse Partners Network in 2008, and

helped establish the African American General Counsel and Managing Partner Networks in 2012. Ben also teaches environmental law at Howard University School of Law, where he co-founded the Howard Energy and Environmental Law Society. A recognized leader in pro bono work, Ben was instrumental in creating ELI's Pro Bono Clearinghouse (see page 8).

ELI is especially grateful that Ben served for over a decade on ELI's Board of Directors, the last six as its Chair. His grace, fortitude, and compassion helped the Institute both to navigate some of its most complex challenges, and to forge a vision for our future.

By honoring individuals and organizations that demonstrate outstanding commitment to environmental protection, ELI helps set the standards for the profession. The dinner is a signal opportunity for environmental professionals to forge new bonds of cooperation, while supporting the agenda-setting research, education, and training programs of the Institute. The event is a unique gathering of the nation's environmental leaders, with professionals attending from across the country and around the world.

**THANK YOU!**

# WATER & OCEAN



Jessica Troell (middle of second row) and Elizabeth Koch (far right) at the Resilience ANCHORS Water Law & Governance Workshop, Zimbabwe

ELI works domestically and internationally on clean, accessible water and sustainable water resources. From helping existing programs evolve to meet today's needs, to developing new models for water management, the goal is to embed equity and sustainability in the governance of this most vital resource. Below are a few examples.

Aquaculture holds great promise for meeting the global demand for sustainable protein, and the industry is growing quickly—experts project two-thirds of all fish will be farmed by 2030. But it is not without its technical and biological challenges and associated impacts, and few successful models of large-scale, industrial aquaculture operations exist. ELI launched a new project in partnership with the Belfast, Maine-based Friends of Harriet L. Hartley Conservation Area to identify **best practices for sustainable, environmentally responsible industrial aquaculture**, and offer states and localities regulatory tools to enhance sustainability that they can tailor to local circumstances.

The scope of the Clean Water Act has been the subject of many judicial and administrative changes in recent years, which have major implications for state regulators. In the September 2022 issue of *ELR—The Environmental Law Reporter*, ELI Senior Attorney James McElfish presented recent research conducted by him and ELI Senior Science & Policy Analyst Rebecca Kihlslinger, which updated a 2013 analysis of **legal constraints on the ability of states to develop gap-filling regulations**. The resulting article examines the existing legal framework for state protection of nonfederal waters and the potential impacts of

upcoming federal decisions, including the U.S. Supreme Court's consideration of *Sackett v. Environmental Protection Agency*, which the Court heard in October. The article highlights recent actions some states have taken in their attempt to respond to gaps, although it still concludes that our current patchwork of gap-filling, uncertainty, and state inaction cannot adequately protect the country's interconnected water systems.

Meanwhile, the **enforceable policies of NOAA-approved coastal management programs** vary significantly within and across coastal states and territories, both in content and in form. In a legal context, some enforceable policies are clear in their mandates and constructed well for federal consistency review purposes; others are not. ELI reviewed the enforceable policies of ten states from around the country to identify the characteristics of strong enforceable policies, offering examples, explanations, and discussions of policies' strengths and weaknesses. The analysis will be useful to any state looking to incorporate new or revised enforceable policies into their coastal management programs, which they can do at any time.

Outside of the United States, ELI is part of a consortium of partners implementing the five-year USAID-Zimbabwe Resilience Through Accelerating New Community-based Holistic Outcomes for Resource Sustainability (Resilience ANCHORS) Activity, which **supports rural communities' efforts to sustainably govern and draw economic benefits from their local natural resources**. In 2022, ELI convened a two-day workshop in Harare, Zimbabwe, in furtherance of the project. The Resilience ANCHORS Water Law and Governance Workshop

buttressed the technical capacity of the Zimbabwe Environmental Law Association to undertake legal and governance activities related to water, including capacity-building to improve integrated water resources management, enhance gender equality aspects of programming and implementation, and recognize and protect community water tenure.

Secure water tenure is a prerequisite for indigenous and local communities' cultural integrity, livelihoods and food security, health, and climate resilience. Building on our past work in this sphere, ELI, in partnership with the UN Food and Agriculture Organization (FAO), co-convened the second meeting of the Water Tenure Experts' Group in Rome. This group will continue to support a new, FAO-led Global Consultative Process to develop principles on the **responsible governance of water tenure**. ELI also worked with the FAO to develop and implement a national Water Tenure Assessment Methodology, and with the International Water Management Institute to further explore the legal mechanisms for recognizing and protecting customary water tenure.

ELI also co-convened the inaugural **Women in Water Diplomacy** Global Network Forum in advance of World Water Week in Stockholm, Sweden. The Forum was opened by ELI's Elizabeth Koch, Senior Manager of International Programs. Aimed at enabling inter-basin exchange and learning and fostering linkages between women water diplomats, the Forum was attended by over 80 water diplomats primarily engaged in the Women in Water Diplomacy Network in the Nile and the Women in Water Management Network in Central Asia and Afghanistan, in addition to new Network supporters and basin representatives.

And at the United Nations Ocean Conference in Lisbon, Portugal, ELI hosted a side panel entitled *The Future of Food Is Blue*. The event formally launched the Aquatic Blue Food Coalition, which promotes fish, shellfish, plants, and other aquatic foods to address **food security and climate**. ELI Oceans Program Director Xiao Recio-Blanco spoke at a reception immediately following to share ELI's work on developing effective policy mechanisms to sustainably manage small-scale fisheries.



In keeping with our annual tradition of recognizing individuals' extraordinary commitment to the conservation and restoration of our nation's wetlands, ELI presented the National Wetlands Awards on May 19, 2022, at the National Academy of Sciences in Washington, D.C. The honorees were: Dr. Jessica Hua (Promoting Awareness); Dr. Mark Laska (Business Leadership); Mick Micacchion (Wetlands Program Development); Zachariah Perry (Local Stewardship); and Dr. John R. White (Scientific Research). Now in its 34th year, the Awards recognize those that put themselves at the forefront of protecting vital wetland resources, in the face of both development and climate impacts. Learn more about these and other wetland heroes at <https://www.eli.org/national-wetlands-awards>.



# ENFORCEMENT AND RULE OF LAW

ELI envisions “a healthy environment, prosperous economies, and vibrant communities founded on the rule of law.” Critical for achieving rule of law is effective enforcement. In 2022, ELI supported the advancement of environmental enforcement to tackle critical environmental threats in the Peruvian Amazon. ELI identified **effective legal tools for enforcement of wildlife trafficking crimes** with a report to the Peruvian legislature. A law adopting enhanced legal penalties for wildlife trafficking crimes was passed a few months later.

A primary obstacle to the rule of law is corruption. In *Corruption in Artisanal and Small-Scale Mining in the Peruvian Amazon*, ELI analyzed the problems, components, and mechanisms of **corruption in illegal and informal artisanal and small-scale mining (ASM) in the Amazon rainforest of Peru**. Written in Spanish, the report provides more than 50 recommendations that aim to assist the Peruvian government in improving decisionmaking and implementing measures to strengthen the processes of control and oversight of ASM.

In addition to providing educational programming to more than 300 judges, ELI provided technical support to a draft environmental crimes bill that Colombia adopted. Since 2020, ELI has been working to transform **illegal logging in Colombia** by building the capacity of the Colombian judiciary to hear and adjudicate illegal logging cases. The project seeks to substantially decrease illegal logging by supporting enforcement in court, enhancing the timely adjudication of such cases, removing illegal profits, and protecting Colombian community activists seeking to steward their forests. By enhancing sustainable management of its forests, for the benefit of many, the project also advances sustainable

development, biodiversity, climate security, and long-term peace in Colombia.

Since 2016, ELI has served as Secretariat to the **International Network for Environmental Compliance and Enforcement (INECE)**, a partnership of government and nongovernmental enforcement and compliance practitioners from more than 150 countries. In 2022, in addition to regular network meetings and lesson-sharing, INECE hosted webinars on the use of data analytics in environmental compliance and enforcement in the Americas, and also on the role of injunctive relief, restoration orders, and other instruments when addressing environmental justice issues via enforcement actions.

ELI’s ongoing work on **environment, conflict, and peace**—including on wartime damage to the environment—was thrust into the spotlight by Russia’s invasion of Ukraine (see side bar). The invasion led to greater international interest in the peace dimensions of sustainable development. Among its ongoing activities in this space, ELI hosted an official side event at the Stockholm+50 International Meeting to discuss the linkages between environment, conflict, and peace.

2022 was also exciting for the finalization of the **International Law Commission’s Principles on Protection of the Environment in Relation to Armed Conflicts**. ELI played a catalytic role in convincing the International Law Commission to take up the topic (with a report for UNEP that ELI co-authored) and then provided follow-up support through the process. In December, ELI and the international community celebrated when the UN General Assembly called upon states and international organizations to disseminate and apply the principles and their commentaries.



## INVASION OF UKRAINE

With war looming in early 2022, ELI, the Environmental Peacebuilding Association, and others convened the Second International Conference on Environmental Peacebuilding, a four-day virtual conference attended by more than 2,100 people from 105 countries. Three weeks later, while ELI’s Director of International Programs, Carl Bruch, was in Geneva, Switzerland, working with international law experts, military lawyers, and others to strengthen legal frameworks for protecting water infrastructure during armed conflict, Russia invaded Ukraine.

From early in the invasion, environmental impacts were pronounced. Water infrastructure was directly targeted. Industrial infrastructure bombed. Nuclear power plants were fought over, occupied, and used to launch missile attacks.

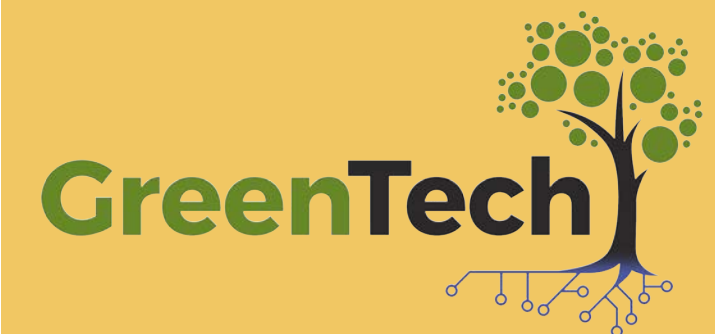
ELI worked with the Center for International Environmental Law to draft and circulate an open letter on the *Environmental Dimensions of the Russian Invasion of Ukraine*, which attracted more than 1,000 signatures from environmental professionals and scholars around the globe within a few days. ELI convened and moderated a series of events on the topic throughout the year, including a television program on Earth Day that attracted more than one million viewers, an ELI Associates webinar, and webinars co-organized by the Environmental Peacebuilding Association.

## DIGITAL ECONOMY

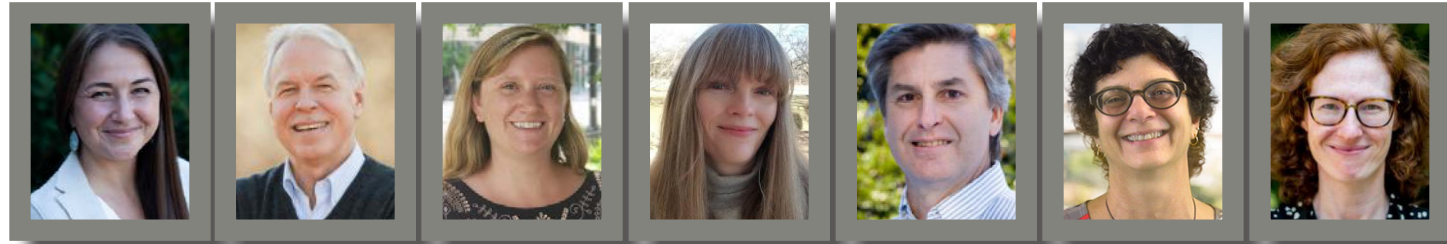
Indirect environmental impacts from digital technologies are myriad, complex, and not always obvious. Ensuring that our digital economy contributes to sustainability requires more research on the intersection of multiple and often-disparate disciplines along with increased scientific cooperation across national borders.

The **Network on the Digital Economy and the Environment (nDEE)**—an initiative of ELI, the Yale School of the Environment, and the Center for Law, Energy & the Environment at the University of California, Berkeley—is working to close disciplinary and knowledge gaps, increase the quality and quantity of research, and help grow a new field with a focus on digitalization and sustainability. This research will help improve our understanding of the environmental impacts of digital technologies, such as artificial intelligence, blockchain, the “Internet of Things,” and sharing e-commerce platforms. Visit [www.networkdee.org](http://www.networkdee.org) to learn more.

Thanks to the support of our sponsors, ELI continued its GreenTech discussion and webinar series in 2022. GreenTech brings together environmental thought leaders on a wide range of timely topics, including tech equity, renewable energy technologies, digitization of water and energy services, and closed loop supply chains. The initiative focuses on the challenges of ensuring our governance systems keep pace with rapidly advancing technologies meant to benefit the environment. More information about events and conferences is available at <https://www.greentechconference.org>.



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Granta Nakayama is a leading environmental and energy lawyer in the Washington, D.C., office of King & Spalding. A former nuclear engineer with the U.S. Navy, he advises clients in a wide range of regulatory matters and enforcement actions. He has been involved with ELI for over 20 years because "ELI brings together people from across our society interested in thinking deeply about environmental governance." A longtime donor, Grant has donated nearly \$100,000 to the organization over the last five years, helping us grow key initiatives.



## THANK YOU, PRIANKA!

Prianka Sharma is an administrative and regulatory attorney focused on agriculture, energy, and natural resource policy within a federal agency. In 2022, she co-hosted a panel with ELI entitled "Pro Bono Goes Green" during D.C. pro bono week. As a recent donor to ELI, Prianka knows her contributions "help ELI work on the research and projects that create a common ground for debate on important environmental issues," and she is "proud to support these important efforts and ensure the health and growth of ELI for years to come."



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- **Nicholas Targ—EJ and the Law Fellowship**



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## Statements of Financial Position

| Years Ended December 31                             | 2022                | 2021                |
|---|---------------------|---------------------|
| <b>Assets</b>                                       |                     |                     |
| Current assets                                      |                     |                     |
| Cash and cash equivalents                           | \$3,276,263         | \$3,513,949         |
| Accounts receivable                                 |                     |                     |
| Awards and contracts                                | 86,338              | 96,861              |
| Other   | 6,210               | 8,368               |
| Contributions receivable, net                       | 2,019,539           | 1,006,079           |
| Investments   | 5,522,461           | 6,455,030           |
| Prepaid expenses and inventory                      | 192,331             | 162,225             |
| Total current assets                                | 11,103,142          | 11,242,512          |
| Deferred compensation plan assets                   | 144,744             | 82,824              |
| Property and equipment, at cost                     |                     |                     |
| Furniture, equipment, and software                  | 551,670             | 466,280             |
| Leasehold improvements                              | 1,050,566           | 1,010,393           |
| Total   | 1,602,236           | 1,476,673           |
| Less: Accumulated depreciation and amortization     | (938,038)           | (851,017)           |
| Property and equipment, net                         | 664,198             | 625,656             |
| Other assets  |                     |                     |
| Security deposit                                    | 65,604              | 65,604              |
| Right-of-use asset; operating lease                 | 2,635,560           | -                   |
| <b>Total assets</b>                                 | <b>\$14,613,248</b> | <b>\$12,016,596</b> |
| <b>Liabilities and Net Assets</b>                   |                     |                     |
| Current liabilities                                 |                     |                     |
| Accounts payable and accrued liabilities            | \$438,409           | \$230,621           |
| Accrued payroll and vacation                        | 714,029             | 818,708             |
| Deferred revenue                                    | 246,399             | 440,014             |
| Refundable advances                                 | 1,399,917           | 1,338,373           |
| Deferred rent, current portion                      | -                   | 122,587             |
| Lease liability - operating, current portion        | 437,720             | -                   |
| Total current liabilities                           | 3,236,474           | 2,950,303           |
| Deferred compensation plan liability                | 149,644             | 83,323              |
| Deferred rent, net of current portion               | -                   | 881,743             |
| Lease liability - operating, net of current portion | 3,115,307           | -                   |
| Total long term liabilities                         | 3,264,951           | 965,066             |
| Total liabilities                                   | 6,501,425           | 3,915,369           |
| Net assets  |                     |                     |
| Net assets without donor restrictions               | 5,690,311           | 6,237,785           |
| Net assets with donor restrictions                  | 2,421,512           | 1,863,442           |
| <b>Total net assets</b>                             | <b>8,111,823</b>    | <b>8,101,227</b>    |
| <b>Total liabilities and net assets</b>             | <b>\$14,613,248</b> | <b>\$12,016,596</b> |

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## Statement of Activities and Change in Net Assets

|  | Year Ended December 31, 2022 |                    |                                  |                         |                    |
|--|------------------------------|--------------------|----------------------------------|-------------------------|--------------------|
|  | Without Donor Restrictions   | Board Designated   | Total Without Donor Restrictions | With Donor Restrictions | Total              |
| <b>Operating revenues</b>                              |                              |                    |                                  |                         |                    |
| Contributions  |                              |                    |                                  |                         |                    |
| Federal government                                     | \$1,441,988                  | \$ -               | \$1,441,988                      | \$ -                    | \$1,441,988        |
| Foundation   | 1,230,939                    | -                  | 1,230,939                        | 1,821,426               | 3,052,365          |
| Corporations and individuals                           | 790,309                      | -                  | 790,309                          | 92,879                  | 883,188            |
| Contributed services                                   | 322,421                      | -                  | 322,421                          | -                       | 322,421            |
| Award dinner   | 470,098                      | -                  | 470,098                          | 15,000                  | 485,098            |
| Less direct dinner benefit                             | (152,867)                    | -                  | (152,867)                        | -                       | (152,867)          |
| Employee retention tax credit*                         | 1,155,339                    | -                  | 1,155,339                        | -                       | 1,155,339          |
| Exchange Transactions                                  |                              |                    |                                  |                         |                    |
| Federal government                                     | 61,855                       | -                  | 61,855                           | -                       | 61,855             |
| Non-government   | 355,445                      | -                  | 355,445                          | -                       | 355,445            |
| Publication sales and subscriptions                    | 197,841                      | -                  | 197,841                          | -                       | 197,841            |
| Membership   | 524,310                      | -                  | 524,310                          | -                       | 524,310            |
| Conferences and meetings                               | 169,027                      | -                  | 169,027                          | -                       | 169,027            |
| Other revenue  | 205,505                      | -                  | 205,505                          | -                       | 205,505            |
| Net assets released from restriction                   | 1,371,235                    | -                  | 1,371,235                        | (1,371,235)             | -                  |
| <b>Total operating revenues</b>                        | <b>8,143,445</b>             | <b>-</b>           | <b>8,143,445</b>                 | <b>558,070</b>          | <b>8,701,515</b>   |
| <b>Operating expenses</b>                              |                              |                    |                                  |                         |                    |
| Program services                                       |                              |                    |                                  |                         |                    |
| Research, policy, and training                         | 3,964,704                    | -                  | 3,964,704                        | -                       | 3,964,704          |
| Associate membership                                   | 685,268                      | -                  | 685,268                          | -                       | 685,268            |
| Publications   | 560,010                      | -                  | 560,010                          | -                       | 560,010            |
| Other projects   | 906,786                      | -                  | 906,786                          | -                       | 906,786            |
| Total Program services                                 | 6,116,768                    | -                  | 6,116,768                        | -                       | 6,116,768          |
| Supporting services                                    |                              |                    |                                  |                         |                    |
| Fundraising  | 337,300                      | -                  | 337,300                          | -                       | 337,300            |
| Management and general                                 | 1,326,419                    | -                  | 1,326,419                        | -                       | 1,326,419          |
| Total supporting services                              | 1,663,719                    | -                  | 1,663,719                        | -                       | 1,663,719          |
| <b>Total operating expenses</b>                        | <b>7,780,487</b>             | <b>-</b>           | <b>7,780,487</b>                 | <b>-</b>                | <b>7,780,487</b>   |
| Net operating income                                   | 362,958                      | -                  | 356,958                          | 558,070                 | 921,028            |
| Investment return                                      | (910,432)                    | -                  | (910,432)                        | -                       | (910,432)          |
| Changes in net assets                                  | (547,474)                    | -                  | (547,474)                        | 558,070                 | 10,596             |
| Transfer between net assets without donor restrictions | (1,006,446)                  | 1,006,446          | -                                | -                       | -                  |
| Net assets, beginning of year                          | 5,501,660                    | 736,125            | 6,237,785                        | 1,863,442               | 8,101,227          |
| <b>Net assets, end of year</b>                         | <b>\$3,947,740</b>           | <b>\$1,742,571</b> | <b>\$5,690,311</b>               | <b>\$2,421,512</b>      | <b>\$8,111,823</b> |






\*ELI was fortunate to receive funding from the Employee Retention Tax Credit. This funding contributed to our success in 2022.

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