

Panel II: Environmental Justice Roadblocks on California's Path toward Zero Emissions

Eddie Ahn, Subin DeVar, Melissa Lin Perrella, Mad Stano, Shalini Swaroop

MAD STANO: Welcome, everyone, and thank you so much for the opportunity from SEEJ to be here. My name is Mad,¹ and I have the privilege of introducing and cheerleading our all-star panelists today on roadblocks on the path toward a zero emissions future. Or if you want to reframe it in an optimistic way—your path toward working on the just transition away from fossil fuels.

The goal of the panel is to make sure that you all, as students, have the opportunity, first and foremost, to understand how lawyers are using their degrees on environmental justice issues. So the panelists are going to focus on their roles within their organizations and the efforts they are making to overcome the barriers to achieving zero emissions in California for environmental justice communities. What could be more fun?

We have right next to me Eddie Ahn. Eddie is the executive director of Brightline Defense,² an environmental justice nonprofit in San Francisco. He also serves on two commissions: the San Francisco Commission on the Environment, which sets environmental policy for San Francisco, through its Department of Environment and the Bay Conservation and Development Commission, a planning agency that shapes development along the Bay shoreline. Prior to being a nonprofit attorney, he worked as an after-school programmer for elementary students in Oakland's Chinatown at Oakland Asian Students Educational Services.

Then we have Melissa Lin Perrella. Melissa is a senior attorney and director of the Natural Resources Defense Council's Environmental Justice team in Los

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1. Mad Stano is currently the Program Director at California Environmental Justice Alliance. CAL. ENVTL. JUSTICE ALL., <https://caleja.org/> (last visited Feb. 6, 2020). At the time of the Summit, Mad was the Energy Equity Legal Counsel at the Greenlining Institute. *Our Mission & History*, GREENLINING INST., <https://greenlining.org/about/our-mission-history/> (last visited Feb. 3, 2020).

2. BRIGHTLINE DEF., <https://www.brightlinedefense.org/> (last visited Feb. 3, 2020).

Angeles.³ She graduated from UC Berkeley in 1996 and then attended Georgetown Law Center. Melissa is a proud mother of two and started competing in trail races last year. I did ask for fun facts.

Next, we have Shalini Swaroop. Shalini is a proud graduate of Berkeley Law and has been representing energy consumers before state agencies since 2011. She has advocated on issues relating to equity, lowering rates, in-language outreach, assistance for low-income customers, and other issues. Shalini is also a legislative expert and has negotiated dozens of energy-related bills in the state legislature. Shalini has now rescued two dogs from different islands in the Pacific.

Then we finally have Subin DeVar. Subin directs the Community Renewable Energy Program at the Oakland-based Sustainable Economies Law Center⁴ to promote a just and rapid transition to clean energy through community ownership. He works to break down legal barriers to community-owned energy through policy advocacy, public education, and developing new legal models. Subin is currently leading the law center's incubation of the People Power Solar Cooperative, a new model for achieving equity through cooperatively owned solar projects. His fun fact is that every time Subin has moved cross-country—this is kind of like an LSAT question—he's done so by driving—from Texas to DC, DC to Texas, Texas to California, and California to DC, where he now lives.

So with that, we are going to turn it over to Eddie for opening remarks.

EDDIE AHN: My name is Eddie Ahn, and I work for a legal and public policy nonprofit called Brightline. Brightline has worked with multiple environmental justice communities in the Bay Area and on a broad range of subject matter. We build coalitions around programming, such as a localized air quality monitoring program, and engage in policy work around the environment as well as equitable economic and workforce development.

The inspiration for our work has always come from the community. Dr. Espanola Jackson was a community organizer, described by the press as “the godmother of Bayview-Hunters Point,” and someone who worked heavily on environmental justice issues, ranging from Heron’s Head Park to the Potrero Hill Power Plant, which was Brightline’s first policy campaign. I have to emphasize that Brightline only came on at the ending of that struggle. Espanola herself had worked for decades against the fossil fuel power plant that had existed there. And part of the narrative was also making sure that we could promote solar for low-income communities and jobs for low-income communities as a result of the clean energy that hopefully would replace those fossil fuel power plants. We finally won in 2009.

3. *Communities*, NAT. RES. DEF. COUNCIL, <https://www.nrdc.org/issues/communities> (last visited Feb. 3, 2020).

4. SUSTAINABLE ECONS. L. CTR., <https://www.theselc.org/> (last visited Feb. 3, 2020).

The power plant itself existed in Potrero Hill, but it was polluting on the southeast sector of the city, which is a heavily isolated part of town. Its history is like that of many urban low-income areas: It was originally a vibrant middle-class neighborhood built off the shipyard that used to exist there, and at the end of World War II when the shipyard shut down, the resulting loss of jobs and the toxics on that site—whether from the shipyard or power plant—led to the decline of the neighborhood. Transportation there is difficult. Housing there is difficult as well. The community has a number of issues, as you would expect.

There is important table-setting that occurs before we engage in policy advocacy. For instance, we put on a policy summit two years ago in Bayview that a number of organizations participated in. And just last summer, we did an open house, basically just bringing community out and mingling with each other, whether it is with government folks or other stakeholders.

It is worth noting the difference between policy advocacy and service provision to begin with: Service provision is usually the act of directly providing services like after-school programming and health care counseling. Advocacy, which is a little separated by a degree, is taking the perspectives of community leaders and service providers and trying to translate it into policy actions.

Finally, after the table-setting, the policy agenda-setting occurs. Whether it is divestment with the pension board—that is still an ongoing struggle—it is very hard given the way institutions work in San Francisco. But it is connected, to some degree, to the work in New York City that is occurring by a much larger organization, the organizing group 350.org.

Beyond shutting down fossil fuel power plants, a lot of the work that Brightline does has expanded dramatically, such as advocacy at the San Francisco Municipal Transit Authority (SFMTA) around zero-emissions buses and advocating for incentives programs around solar for low-income households. We do that blend of legal and policy actions that exist at different regulatory agencies, whether it is California Public Utilities Commission, or more locally, at city halls in the Bay Area.

SHALINI SWAROOP: Hello everyone! I am Shalini, the general counsel and director of policy at Marin Clean Energy (MCE).⁵

The way energy works, in a very simplistic form, is that you have (1) the sources of energy and (2) the delivery of that energy to the customer. The sources of energy can range from coal to solar, renewables, fossil fuels, et cetera. Energy is transmitted over the poles and wires through the transmission and distribution system. What happens for most people in Northern California is that they have used Pacific Gas & Electric (PG&E) for both the sources of electricity and for the delivery of electricity.

In communities that have chosen community choice energy, new local government agencies are formed to choose those sources of energy. MCE is one

5. MCE, <https://www.mccleanenergy.org/> (last visited Feb. 3, 2020).

of those community choice government agencies, known as Community Choice Aggregators. At MCE, we choose our sources of energy to be more renewable than PG&E because our mission is to combat climate change. MCE's renewable energy is transmitted over PG&E's poles and wires, and MCE's renewable energy gets to community members in their homes and businesses with no interruption in service.

At MCE, we have three energy options for our customers. Our default product is 60 percent renewable. That is about double the renewable energy content as PG&E, and MCE costs slightly less than PG&E. An MCE customer can also choose 100 percent renewable energy from MCE for an increased price of about \$5 per month. The third option from MCE is a local renewable energy option where you can receive energy from a local project located in your community at a premium cost.

Marin County is where MCE started, but MCE serves four counties now. MCE is expanding to unincorporated Solano County in 2020. MCE also serves all of Napa County and a large portion of Contra Costa County. There are disadvantaged communities throughout MCE's service area, as well as communities that have been disproportionately burdened by pollution.

As a local government agency, MCE's board is comprised of local elected governing officials: mayors, city council members, and county supervisors from all thirty-three of our member communities.

I am going to talk about a few environmental justice initiatives that we have at MCE. First, MCE has a group called the Community Power Coalition. It is a coalition of nonprofits and grassroots groups throughout our service area that give us input on MCE's programs and policies to ensure that we are developing inclusive and equitable programs for all of our customers, especially in our low-income communities. As an attorney, I spearheaded the formation of the coalition. I wrote the grant application to the San Francisco Foundation for the seed funding to get it started.

Second, I will focus my remarks today on MCE's Solar One project. The Chevron refinery is in Richmond; we heard the speech earlier that there had been a refinery explosion in 2012. And Richmond is one of our MCE communities. Chevron came to MCE and said, we will lease you sixty-five acres of land so you can build solar on it. Chevron offered the land to MCE for \$1 a year for twenty years—far below market value. MCE considered Chevron's offer but wanted to be sure that the environmental justice communities we serve in Richmond were supportive.

So, MCE went to our Community Power Coalition and we asked organizers from Asian Pacific Environmental Network (APEN) and Communities for a Better Environment, "What do we do? Do your communities support this partnership to build renewable energy at the Chevron refinery?" And they said, "Yes! Take that cheap land, build that solar facility, and create jobs for our community."

Through the MCE Solar One project, MCE supported about 350 jobs. The jobs were created primarily through RichmondBUILD, which is a city training program for folks who are underemployed or formerly incarcerated. MCE sponsored a class at RichmondBUILD to create a pipeline to train the students in the skills they would need to build solar projects. The students graduated on Friday, and on Monday, some of them came to work building MCE Solar One.

We are really excited about that project. And I will probably talk a little bit more about it later. The other thing I will mention is that MCE had a 50 percent local hire requirement for Solar One, so we wanted to make sure that the jobs from this project went directly back into the community.

I just talked a little bit about commitment to local jobs—a third environmental justice initiative MCE has is a sustainable workforce policy. And as a lawyer, I helped draft the sustainable workforce policy.

Fourth, MCE also provides low-income solar rebates. MCE partners with Grid Alternatives to ensure that the gap funding they need to provide solar for low-income housing in our service area is covered.

Fifth, MCE is also starting rebates for electric vehicles for low-income customers next month in our service area.

MCE administers energy efficiency programs in all of the sectors—residential, small commercial, industrial, agricultural, and multi-family. MCE focuses on energy efficiency in multi-family sectors, specifically for low-income communities through MCE's Low-Income Families and Tenants (LIFT) program, which is the sixth environmental justice initiative I will speak about.

Specifically, MCE has a fuel-switching program to incentivize residents to change from gas to electric appliances to reduce their greenhouse gas emissions and improve health and safety in their homes. This money actually comes from a charge that is on everybody's electricity bill. MCE applied to the Public Utilities Commission to get that money for these programs.

As the attorney, I wrote the application, argued the case, helped witnesses submit testimony, briefed the issues, and advocated for MCE's programs and low-income communities. MCE ultimately received about \$4 million over two years, just for low-income energy-efficiency programs.

That is a brief smattering of what we do at MCE. Thank you all for having me.

SUBIN DEVAR: Hi, everyone. I am Subin. I am really excited to be here. It has been an even shorter time since I was here as a student. It has been just over three years since I graduated from Berkeley Law.

I am going to briefly talk a little bit about my role in advancing justice in the transition to clean energy, and then speak a little bit more to some initial thoughts on this panel's topic. My role specifically is not just on fighting for access to the green electrons of clean energy to all communities. My job is trying to really go beyond that so that the true full, holistic benefits of clean energy are really shared by all—the jobs, the wealth, and the health created by this massive

transition. There is a lot of good stuff that can come with this shift, but there is this fundamental question of who is going to see these benefits.

What I work on is ensuring that those benefits are shared equally by empowering communities to be in the driver's seat of this transition. I mainly work on ownership—so that communities own and control their own power. I see this as something that is truly fundamental to ensuring that communities are not just getting access to clean electricity, but that they are really receiving the full scale of benefits that are possible. I do that through developing legal project models and improving policies to make community ownership possible, but I am not going to go into too much detail about the ins and outs of my job.

I am more interested in actually talking about the roadblocks on the path towards a zero-emissions future—because I like the word roadblocks. I do not know if you could tell from my fun fact, but I like roads. I thought it would be helpful to tell you a little bit about how I think about roads and where people are going.

Just after I turned eighteen, my brother suggested that we go on a road trip, nowhere in particular, just so that we could go somewhere fun and see some adventure. He suggested Tennessee. I was like, "Sure." I had not really been to many places outside of Texas.

We hit the road, and we did not get very far, maybe about two hours northwest, before we realized we had no idea what we were doing. We thought we should stop in a bookstore and get a travel guide. We were flipping through books in the store. Then my brother looks at me and says, "What if we go to California?" Again, I am like, "That sounds awesome." That was even more adventure, exactly what we were looking for. So, we did it. We spent two hours going one way, but we ended up shifting directions and going another way. In the end, when I look back, I feel like that was the right trip for us to take.

I share that story because I think it is helpful to check in and course-correct sometimes. It is helpful to think about the roadblocks in the short view. But it is also helpful to sometimes look at the long view and ask, are we even on the right path? The only way to answer that question is by asking: What is the true problem?

In the climate movement, I think we are at a critical moment, and we now have to ask ourselves that question. What is the problem we are actually trying to solve? Is it a problem of emissions? Is that honestly what it is? Or is it the problem of people and the planet being exploited, and that exploitation causes the unsustainable practices at the root of this suffering?

If we continue to ruthlessly extract from human labor, from low-paid workers, or even lower paid women and lower paid people of color, and if we continue to ruthlessly extract from the land oil, gas, coal, and shale that has been trapped for millions of years, if we continue to ruthlessly extract this labor and land, then it is impossible to sustain a society on this earth. That is the fundamental problem, I think. I think it is the problem that stands in the way of having a just and sustainable humanity.

I share that because I think the place we have reached today in the climate movement is the realization that what we had previously thought of as two different roads—with a lot of people asking, “Well, what’s the big deal? Why can we not just deal with those things separately? Let’s deal with emissions, and let’s deal with inequity after?”—do not need to be separate roads. In fact, the two-road approach is no longer working. We have tried that. We have found today, in February 2019, that both of these problems (rising temperatures and growing inequality) have gotten worse.

We do not have time to wait. We do not have time to try to solve each problem separately. We have realized that we are not going far enough, and we are not going fast enough. I think this roadblocks concept is perfect, because what we have realized is that there is a detour off of both of these roads, the road to zero emissions and the road to zero inequity. There is a detour to a highway that is better and faster. It is the shared highway that drives us towards energy justice, that drives us towards a rapid and equitable transition.

For all the folks who have spoken here today, I do not have to tell you that this is the moral thing to do, that it is the right and just thing to do. But it is also the most effective thing to do. The social and political will that is a roadblock on the road to zero emissions can only be overcome when more people really care about the solution. And people being invested in finding the solution can only happen when we are on a shared path.

I could tell you more about the work that we are doing to try to push solutions that are really driving equity, and why that is important, but I really wanted to share why I think equity is not just this thing that is feel-good and important on its own. It is the only way we will solve the climate crisis.

MELISSA LIN PERRELLA: Good afternoon, everyone. Again, I’m Melissa Lin Perrella. I am at the Natural Resources Defense Council. Thank you so much for having me.

I’m particularly appreciative of being here today. As Mad mentioned, I graduated from undergrad at UC Berkeley. I majored in social welfare and ethnic studies and graduated in 1996. While I’ve come back to the Bay Area many times since then, this is actually only the second time that I’ve been on campus.

I flew in last night from Philadelphia, and I got up early this morning and took a walk, and just flooded with memories of where I had my 21st birthday. I think my old apartment is now a ramen house on Dwight.

I’m also appreciative because when I was a student, I did everything possible to not come on campus on Friday. So the fact that you’re all here after lunch with us, I think, is a really amazing testament to your commitment to environmental justice and social justice. Thank you for the opportunity for us to learn together.

I started at NRDC in 2004 and was hired as an air pollution attorney. And I’ll tell you, I had really no background in environmental law. I took a few environmental law classes at Georgetown. But I—like some of my colleagues at

NRDC—did not come out of the womb composting and driving a Prius. I worked at a firm for a little over four years, and I'm happy to talk to some of you who might be trying to decide where to go after law school.

I worked at a firm for about four and a half years and then wanted to make the transition to public interest law, which is what I originally set out to do when I went to law school. I started as an air pollution attorney in NRDC's Santa Monica office. And at that time, there was a group of three of us who were focused on trying to reduce pollution from the ports of LA and Long Beach.

Because you're in the Bay Area, I know port operations aren't new to you, but 40 percent of all goods that enter by water come in through the ports of LA and Long Beach. That means the phone that your friend has in Colorado, the tennis shoes that your aunt wears in Chicago, they probably touched the shores of Southern California. That means that there is a huge pollution burden that's borne by folks in Southern California in the LA Long Beach region, higher rates of childhood asthma, higher risk of cancer. I don't think it's any secret that LA has the worst smog problem in the country.

I started as an air pollution attorney in the LA area, and it became very clear to me over time that the distinction between being an air pollution attorney and an EJ attorney in LA were pretty indistinguishable. In Southern California, air pollution is not just an environmental issue, it's an environmental justice issue. The people who are affected by the dirty air from dirty big rig trucks and big ocean-going vessels tend to be low-income communities of color.

Over the last fifteen years, I've really had the privilege to work in coalitions with environmental justice communities, whether it's representing them in court, developing landmark policies at the ports of LA and Long Beach, fighting for stricter regulations at the state level, or just good old-fashioned, you know, movement building. As someone from a big green organization, I think it is particularly important to recognize the privilege and resources my organization has, and what role I can play within my organization, and within the larger movement, to support EJ organizations and EJ communities.

MAD STANO: Awesome. Well, thank you everyone for those introductory remarks. Now we are going to segue into the "Oprah's Soul Sunday" portion of our conversation and get a little more personal. Some of you have touched on this already, but I remember being a student and looking at people that I admired in some way and thinking "How can I get there? How can you do things?" I wanted to do things, and I did not necessarily see a lot of people in my faculty or in my immediate community that gave me that roadmap toward doing the work that brought me to law school or that inspired me.

So with that in mind, how did you get to where you are today? Discuss more about your journey beyond law school and into the legal field.

SUBIN DEVAR: Alright, I can jump in. When I would give unsolicited advice—but now I am actually being asked this question—one of the first things

I would say, after being in Berkeley for three years and hearing all this advice that just did not apply, was that you should only listen to people who are happy with what they are doing. Especially during law school, there are just tons of people giving advice that then admit they hate what they are doing.

I do not understand who has time for that. I think you have to find people who love what they are doing and recognize the combination of finding joy in what they are doing and the fact that people need it. That is just a starting point for me.

And so my path through the random different things that I have done has always been that if you ask what you are *supposed to be doing*, you are going to end up being unhappy. It is probably not going to be right for you.

EDDIE AHN: I wanted to jump off that. My own personal experience as a Korean-American kid of immigrants coming to this country was that my parents' metric of success in coming to the United States was making money. And so they were super excited I was going to law school. Then I graduated, and surprise, nonprofit world!

I think the challenge was also the soul searching that you have to do to figure out where you want to be. I think in hindsight, I had the fortune of graduating at the worst time it was to graduate from law school: 2009, the height of the recession, total bloodletting in the legal market. I think for every two graduates coming out of law school, there one legal job available.

So networking was a key part in developing mentors in the field. I did a legislation clinic in Sacramento that helped develop a network, and Greenlining was key at a very early stage. Mad represents an awesome organization that does a lot of work in all sectors of equity. I think developing mentors and being able to network is a key part.

SHALINI SWAROOP: I had the fortune, as Eddie, to graduate in 2009, and I am not going to say it was easy. I applied to eighty-five jobs before I got my first job.

I think having perseverance is probably helpful. I think also knowing yourself is probably the most important part because I did have leads for these corporate law firms. People would say "Oh, they would love to have someone like you." That was coded for something, I am sure.

I think, ultimately, I knew I would never be happy and/or do my best work on something I was not passionate about. So, I think even if you are applying for eighty-five jobs, know yourself. And know that you are not going to go to retirement without getting a job, right? You will get a job eventually, and it has to be the one that sets the path for what you want.

I agree with Eddie about networking. Where you spend your 1L and 2L summers, or even a semester in the great field placement program here at Berkeley, headed by Sue Schechter—those are all really great ways to get involved in the field that you want to be in. We have hired three attorneys since

I came on to MCE. One of them we hired because he had been working at the Public Utilities Commission. And his mentor said to us, "You have really got to check this guy out. He is really great." Sure enough, he was really great. I think it is definitely worth it to cultivate those connections. And grow deep roots where you are happiest.

MELISSA LIN PERRELLA: As I mentioned, I went to a firm after graduating from Georgetown, and that's not what I originally had set out to do when I went to law school. I majored in social welfare and ethnic studies and took the most amazing classes at Berkeley. I remember being in Ronald Takaki's classes; it was standing room only, and he was talking about racism. My first ethnic studies class was in the African-American Studies department. It was the African Female Slave Narrative taught by Barbara Christian. She would sit perched up on her wooden school desk and read passages of Beloved in this very deep, raspy voice, and it's the closest thing I've ever had to religion. Those two majors sparked an interest in health and in civil rights, and so I thought, "I'm going to go off to law school and I'm going to fight for women's reproductive rights," or "I'm going to be a civil rights lawyer."

I guess some people can say maybe I lost my way by ending up at a firm, but I think there's a lot of challenges when you're getting ready to graduate. I graduated law school in 1999, so actually, the economy was very good. If you went to a good law school, and you had decent grades, it was very easy to get a job, and particularly, firm jobs where everything's set up for you.

You show up, and there's a list of interviews you have at the hotel across the street from the law school. They fly you out to have interviews. Just to be honest, I think that it was a little bit of me being a little lost and not knowing exactly what I wanted to do in public interest; maybe being a little competitive with my colleagues, wanting to know that I could get the firm job, too, and wanting to prove to myself that I could do it; and having law school loans, and knowing that if I took the law firm job, I would be able to pay those off and actually do what I really wanted to do.

All of those things were quite true. The economy was so good in 1999, I feel like it wasn't even six months into the job where law firms were starting to get really competitive with law students. I got a \$15,000 raise after six months of being on the job, not knowing how to do anything. My assistant knew how to do more litigation work than I did. But I stayed there for over four years because I started working with a young partner who taught me how to research and how to write and spent hours with me. Looking back now as a manager, the amount of time he spent with me to try to cultivate my skills was really remarkable. I did everything I could to fill my billable hours on the cases that he was working on.

After about four and a half years, I felt like I just didn't want to do it anymore. I kind of knew the first week that I was there that I had made this really horrible mistake, and I remember standing in the legal library of my law firm, reading the Rutter Guide, thinking, "What did I do? What choice did I make?" I

thought about, “I’m not going to be a lawyer anymore. I’m going to go off, and I’m going to do something totally different.” And that same mentor said, “You know, you can go off and do something totally different, and you’re probably going to be good at it, but what a shame because you’re actually good at what you do.” I thought, well, maybe I should give being a public interest lawyer a shot, and if that doesn’t work out, then I can go off and do something totally different. And so I ended up at NRDC.

The moral to my story is that you’re all here because you’re all incredibly talented, and, I have to believe, a little type A, and are trying to plan out every aspect of your life. But you have to give yourself a little freedom to try the unexpected or the unplanned because really amazing opportunities can come your way. My biggest piece of advice to you, regardless of where you go, is to try to find a place where you can really hone being a lawyer, where you are going to have to do probably a lot of grunt work, like research and writing, at all hours of the day and night. But that’s going to make you a better lawyer, and that’s going to make you better at whatever job you end up getting, whether it’s right out of law school or five years down the line.

MAD STANO: Awesome. Well, thank you all. I will just say, too, if it is helpful, that I did not know anything about energy. I had no interest in energy.

I am very interested in energy now. My pathway in was working at a community-based organization where I had a client that asked me about oil pollution, and that changed the course of my life.

The hustle of being a public interest attorney and building your expertise can lead to unexpected paths. My co-worker once confided in me, “Oh, man, how did I accidentally become the expert on electric vehicles? I can never get out, right?” They love their work, but I think that is part of it too, is staying committed to your values, and your passion, and what makes you happy, but also being open to what the world has in store: the nerdy niche environment where your expertise and your research skills will really be valued.

Moving on to the next question, what are some of the opportunities that you have had to advance environmental justice in this particular space?

SUBIN DEVAR: I feel lucky to have some experiences that came from while I was in law school, as well as some new opportunities in the work that I do now. Something that has changed since I was in school is that this field is exploding and growing now. If you are in law school now, you might be more likely to have an opportunity to see a job or an internship in this intersection of energy and equity than you would have been three years ago, than six years ago, or than ten years ago. So that is really changing.

One of the opportunities that I had while in law school was to spend a summer at Communities for a Better Environment for my 1L summer. That was really exciting to witness how many fights there are on the ground, especially

here—every refinery means multiple fights. There were opportunities that summer to get involved. I got to speak at city council meetings.

In my current work to promote community ownership of renewables, there have been a couple of areas where the overlap between trying to promote community ownership and environmental justice goals are strongly aligned. On the policy side, I have gotten the opportunity to work with the California Environmental Justice Alliance on advancing energy policy to work on alternatives to net metering. There are a lot of communities that cannot simply get the advantages of solar by putting solar on their rooftop. If you do not own your home, or if you cannot afford to invest in solar on your own rooftop, there are, depending on which numbers you look at, either 50 to 80 percent of people that cannot get that advantage of owning solar. So we worked on some proceedings with the Public Utilities Commission to look for alternatives.

There are a lot of policies that need to be changed. But there are also ways where we can act right now to advance equity beyond just access to these “green electrons,” as I like to put it. How do we expand who can own and invest in clean energy?

Our organization has just recently incubated and started a new cooperative called People Power Solar Cooperative. After several years of research, we’ve created a new model to make it possible for ordinary people to pitch in \$100 to \$1,000, and pool that money together to buy and own solar systems that are installed on someone else’s roof.

We are finding ways to work around the fact that the existing policies are not ideal to support communities that are trying to work on owning their own power. There are some models that we can advance even now.

MELISSA LIN PERRELLA: On the most basic level, as lawyers, you have a skillset that can add capacity to an environmental justice organization or an EJ campaign, and that’s a critical role. There are not a lot of environmental justice organizations that have lawyers on staff, and so being able to provide that skillset can add a lot of value to an EJ organization or an EJ community. A lot of times, folks are fighting for new laws, new legislation, and a lot of times, the response is, you can’t do that, the law doesn’t allow you to do that, I don’t have the authority as the state agency, I don’t have the authority to do that. Being able to have a partner who has a law degree, who can create a law, who can challenge a law, who can explain, “Yeah, you do have the authority to do that,” can be huge to adding capacity to an environmental justice campaign.

I’ll also note that the role is limited, and I always remind myself of that for a couple of reasons. There are a lot of other important aspects to EJ work other than just lawyering—organizing, communications work, media, good old-fashioned door-knocking. I think as lawyers, it’s important to value the role and the expertise that we provide, but really provide that with a sense of humility. There’s a lot of other, sometimes far more important aspects to moving political

power than a lawsuit. The law can be a very powerful tool, but it's just one of many.

EDDIE AHN: I wanted to share a story to illustrate that point, too. Local hiring in particular is a policy that Brightline has worked a lot in the past. We do a lot of local hiring for construction projects, the theory being that construction is good middle-class work, especially if you are part of a union. Ensuring that a percentage of those work hours go to local, low-income, underemployed residents is something we have worked on in terms of crafting legislation.

For the longest time, for decades, what had existed was something called a “good faith effort,” because there was a certain deputy city attorney that insisted that it was unconstitutional to force local hiring. But all that lawyer had to say, despite all the base-building and community organizing that occurred, was, “No, no, it is not legal.” And then the conversation would end there.

Brightline actually did some research around the case law—a circuit split that allowed crafting a local hiring law in a constitutionally-sound way. I think this story also illustrates the values of each position and the different skillsets. If you have a JD, do not be a jerk either. Try not to use a JD as a power unto itself—wield it judiciously.

MAD STANO: Wonderful. What challenges have you faced? What tensions arise in your role or your institution, in environmental justice work and working directly with, or indirectly with, communities impacted?

MELISSA LIN PERRELLA: NRDC is a very large, privileged organization, and in comparison to most community-based organizations, we're a behemoth. We have a staff of, I think, now over 600, have offices across the country, and do work in China and in India. That gives us a lot of privilege and power, and we don't always have members in the communities in which we're doing work.

I think one of the challenges that NRDC constantly has, and legitimately has, is building trust with communities. I think there are often very legitimate questions of what's my organization's interest in fighting this fight? What's in it for you? Are you in it for the long term? Or is there some short-term goal that's not really aligned with the communities that you're trying to pursue? I think those are all very legitimate questions.

One of the goals that I've always had in my work is to really focus on the relationship-building and seeing it as a personal relationship, not just as a professional relationship, because the communities that I work with, they're doing their job not because they're getting paid, but because it's a personal issue. They're worried about their families, they're worried about their health, and so I need to treat the partnership that I have with them as a personal one.

My goal in the work that I do is to try to strengthen the community. Like I said earlier, I have this law degree that allows me to add capacity to a campaign.

The idea of trying to leave a community with more capacity than when I first entered it is always something that I strive to do.

It's not easy. I don't try to distance myself from the organization that I'm a part of. But we're a large organization, and not everyone operates the same. There are different theories of change within my own organization, but I do what I can do to model what I think is an effective partnership and build that within my team.

SHALINI SWAROOP: A challenge we have often had at MCE is that we want to engage in local workforce development. We want to build solar projects and other kinds of renewable energy projects locally. That way, we are lessening the strain on the grid. We are creating local jobs. That leads to many indirect benefits and economic benefits as well.

The issue is that land costs more in the Bay Area than it does in the Central Valley. So, when we do local projects, they inevitably cost more. We end up asking ourselves, "If we have so many local projects that our energy becomes unaffordable for most folks, how is that fair? How does that move us to a renewable energy future?" I think that is a tension that we have at MCE. It mirrors the tension the state has in renewable energy, in local development generally and in high-cost areas in particular.

SUBIN DEVAR: The tension that I see is often framed in a way I do not always agree with, as a frame between fast and slow. It comes up in cultural contexts in different organizations, and even in structural and meta ways, which is why I kind of launched into this idea of roadblocks, because there is this tension about this timeline ticking. So what are the fastest ways to solve the climate crisis? And what are the fastest ways to get benefits to communities?

"Well, we know the answer. Let's do it. Let's give it to them." This is a core principle of environmental justice: It is not a solution if it is not coming from those impacted.

To not be involved in the creation of the solution, that is not effective. I love the quote from the Haas Institute about belonging: "Belonging really goes beyond access, that it is respect, that it is contribution, and it is the ability to make demands." That is what is powerful in owning a business in the clean energy industry. That is what is powerful about owning solar.

I think today, we are finally seeing that it is not "fast" to just ignore the communities. The slower process of building power from the ground up cannot be passed over. I think that tension is been playing out, both on a project level and policy level.

EDDIE AHN: I will speak a little bit about commissioner work that I have been engaged in over the last two years. And this goes back to what Subin mentioned earlier, about the voracious nature of capitalism and the big problem

of climate change itself. How difficult it is to achieve solutions at scale to try to fix these issues that basically grind down environmental justice communities.

The Commission on the Environment sets policy for a department of about one hundred staffers that basically coordinates sustainability work within the City and County of San Francisco. Everything from electric vehicle charging infrastructure to zero-waste management all fall under the purview of the Department of Environment.

But to be realistic, San Francisco is a relatively small city. It has high visibility, yes, but we have to be realistic: Just because it happens in San Francisco does not mean it is going to happen in the rest of the country. So understanding that as a challenge and a roadblock, I think, is really important.

The San Francisco Bay Conservation and Development Commission itself is a really interesting institution but very obscure. Most laypeople do not have any idea this institution even exists, but it shapes billions of dollars' worth of development along the shoreline. So anything that gets built within one hundred feet of the shoreline has to go before this commission.

In addition, we are also dealing with sea level rise in environmental justice communities. Obviously, as a commissioner, you are not going to part the waters or anything like that. You are only a commissioner, after all. But the point is trying to make sure that environmental justice is even incorporated in our framework and planning and permitting processes.

It is a long process. In fact, some of this process happened yesterday with our Environmental Justice Working Group, but it is something that started in 2017.

Institutions, by their nature, move really slowly toward addressing problems to begin with. So the process is ongoing. It is still going to be another year before we manage to incorporate environmental justice into our processes.

MAD STANO: Thank you. Based on your own experiences, what do you believe is one of the more difficult aspects of moving toward clean energy, especially in regard to environmental justice communities?

MELISSA LIN PERRELLA: A lot of my work historically at NRDC has been focused on trying to reduce air pollution from the ports of LA and Long Beach. In the beginning years of that work, there was a huge attempt to shift from dirtier diesel to cleaner diesel, and now the emphasis is really to shift to zero emissions. I think one of the specific roadblocks is the natural gas industry. In particular, serious attempts to say that natural gas is either a bridge fuel or something that's going to lead to short-term benefits in air quality, or faster benefits than zero emissions technologies. I think these attempts really are, in many ways, a distraction to where we need to be going, which is zero emissions equipment and vehicles.

At a higher level, I think one of the difficulties in moving to clean energy—and this is really from kind of the lawyer's head space—is that the legal process

is slow. When I think about some of the cases that I've been involved in, they've involved the adoption of a really great state law or policy that's been challenged by an industry group. One of these cases took seven years to resolve. Another one, I had two children in the amount of time it took to resolve the litigation.

Legal processes are slow, and I think a lot of times, legal remedies are very limited. Someone this morning spoke about the idea of cumulative impacts. Even if you're successful in one case to shut down one facility or to clean up one facility, in a community there may be ten or twenty more, and so the legal remedies can be very limited. I don't want to, in a room full of soon-to-be lawyers, convince you or somehow say that litigation can't be an important tool, because it is. But, again, I want to go back to what I said earlier, that it's just one of many tools. One of the things that I think is frustrating sometimes is the pace of litigation, particularly when there is the urgency in the community to find a resolution.

I went on a community tour in cancer alley in Louisiana, which Mustafa mentioned this morning. I had the privilege of listening to some community stories, and a woman in her 60s talking about cancer in her family, and very painfully, talking about the way her body has been cut and dissected because of all of the toxins that she's breathed. To tell a community like that to be a little more patient because the legal process is slow is really tone deaf. I think one of the difficulties in practicing in EJ communities is being mindful of both the urgency and the limitations of the law.

SUBIN DEVAR: Two difficulties come to mind to me. First, the difficulty starts with the fact that we have not seen many environmental justice laws state by state. What we have seen are clean energy laws. So the difficulty of moving towards clean energy in regards to environmental justice arises from the fact that the will and the direction that we have set from the beginning, in California, is within the framework of getting utilities to build clean energy first. Second, let's get people who own their homes and have a lot of money to build clean energy. And third, we have reached the question: Now what does everyone else do?

That starting framework—what we were mobilizing, what we were incentivizing, and how long that is going to take to implement—is a challenge.

An example is the conversations at the Public Utilities Commission, where we are trying to implement rules now about how justice communities can get access to clean energy. A successor tariff to net metering started three years ago and was supposed to consider environmental justice communities, but they punt it, they punt it, they punt it.

The PUC developed a tariff for everybody, the normal tariff. Even though the law said, "Hey, the first time you guys did this, a lot of people got left out, and they cannot access this benefit, so make sure this time there is some alternative for them."

"Great. Let's look at that three years later."

The legislation takes years. Then the regulatory process takes years. And then developing the project takes years. But I do not say that from an unhelpful place because I think it comes back to that idea of now the timeframe is flipping. If we pass a jobs and justice act instead of a clean energy act at the federal level, we will see more progress in environmental justice communities. The Green New Deal is a total different flip in perspective. There were tons of people who had no idea that it was coming. Particularly mainstream environmental groups are saying, "What? You sure? You want to give everyone a job?" I think now people are seeing that we do not have enough time to think about this differently. That has to be the same thing.

SHALINI SWAROOP: I am going to give a macro answer and a micro answer. My macro answer is that the cost of batteries is really high. There are natural gas peaker plants that are located in environmental justice communities, and we need to build more batteries so that we do not have to turn on the peakers when everybody gets home at night and the solar goes off the grid. Well, the issue is that batteries are so expensive that it cannot be done in an affordable way. I think, oddly enough, the high price of batteries is really one of the large issues facing the slow removal of natural gas from California's energy grid.

The second answer is a much more micro answer, which is: we must build trust in those hard-to-reach communities. Not only are there gas peaker plants near folks' homes in environmental justice communities, but these homes are not energy efficient. They are leaking. There are also issues with health and safety in many homes.

In a community that has been continuously marginalized and disadvantaged, no one is going to happily answer a knock on their door and say, "Oh, you want to walk into my house and look through all my things? Great!" That is just not going to happen and it blocks environmental progress for communities that have been continuously disenfranchised.

What we have done at MCE is to work with trusted community-based organizations within those communities. So that when we are knocking on doors, we are going with folks who are neighbors, who know these people, who we have put through a job training program, who can do the energy-efficiency work themselves for their neighbors. And it is through building trust that we can make an impact.

EDDIE AHN: I want to push back on what I talked about earlier with power building at scale. I think the beauty of environmental justice is that you can focus on smaller communities instead of just doing state legislation all the time.

A lot of good advocacy, in my opinion, is just finding the right timing and moment to frame your narrative. What is happening right now with the Green New Deal, I think, is super exciting at the federal level. I would not have had high hopes around federal-level advocacy three or four months ago because of the grim way the federal administration has pushed an anti-environment agenda.

I think it just depends, again, on going back to what you want to do later on in life and doing that soul-searching. If what gives you joy is direct empowerment with a local community leader, then that should be what you do.

MAD STANO: Wonderful, and one last question. What are ways that attorneys like yourselves and aspiring ones in the audience can work towards zero emissions, while keeping environmental justice communities in mind? Or rather, keeping these communities at the center of our thinking?

SUBIN DEVAR: What people maybe underestimate is how often this comes up. I think that is maybe why we are quiet because it is everywhere, there is always some opportunity.

I have spoken a lot about the idea of working towards zero emissions and the combination of both things. But if I was to just put it down to one thing or the principle that really stands out for me, it is: There is no shortcut to being involved. There is no time for thinking the ivory tower solution is going to work now without actually engaging in community-building work.

SHALINI SWAROOP: I think we are all probably going to say versions of the same thing, which is you have to spend the time and go to the community. We have our Community Power Coalition—we had our first meeting at our offices in Marin, and we had a great turnout.

But over time, participation dwindled. People do not have time to drive to Marin to talk about what is going on in their communities. So we had to make a concerted effort to go meet our Community Power Coalition members one by one, over and over, to make sure we understood their issues. We went to the sites that they were talking about, to make sure we understood what they are facing in their community.

I agree there is no shortcut. To put the community first, you have to go to them, and that is really hard for people who do statewide policy in the buildings in San Francisco and Sacramento, because the system is built around commissioners and legislators that have people come to them.

And often, folks in environmental justice communities do not have resources to be traveling in the middle of the day. Maybe they are working one, two, three, even four jobs. Maybe they are taking care of elders and children. Maybe they are not able to work. Maybe they have mobility issues.

I think at the end of the day, it really is about going to a community to understand what goes on in that community. From the outside, you have no ability and no right to talk about or for that community.