

# Reflections on the Arc of Environmental Law

Takeaways from B&D's  
50th Anniversary Symposium

Beveridge  
& Diamond



The Environmental Law Firm  
CELEBRATING **50** YEARS

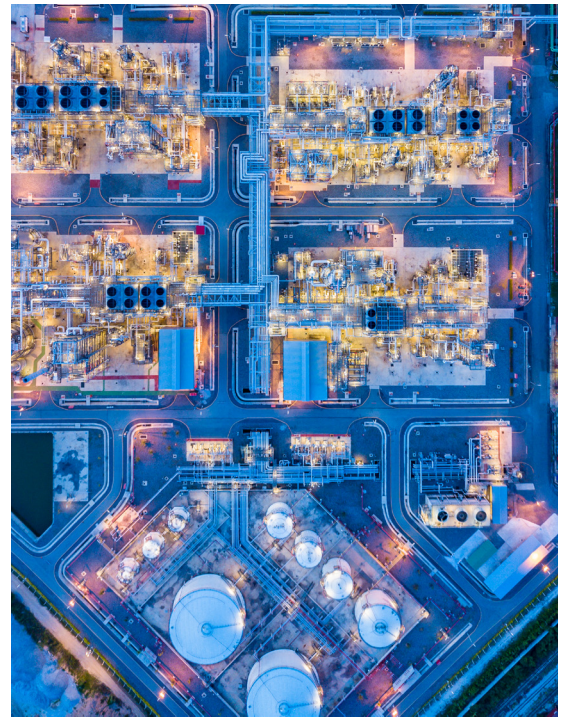


As part of the yearlong celebration of its 50th anniversary in 2024, Beveridge & Diamond (B&D) held a symposium “**The Arc of Environmental Law: The First and Next 50 Years**” on April 16 in Washington, DC. The event featured perspectives on key milestones in environmental law and predictions for the future from a diverse mix of public and private sector lawyers, including current and former B&D attorneys.

## Foreword

The arc of environmental law and Beveridge & Diamond are, in many ways, the same. Both started small 50 years ago, with uncertainty about whether there was a place in the American legal system for this new area of law. From strong foundations, the field of environmental law and B&D grew, reaching into new areas and addressing new challenges.

Today, as we have since our beginnings, B&D proudly claims the title of the first and largest law firm in the United States solely focused on environmental law and litigation with a nationwide and global perspective. The scope and contours of environmental law have expanded dramatically in the last 50 years, and so has our practice. This symposium acknowledged the foundational first 50 years of environmental law, considered whether that foundation is sufficient to tackle today's environmental issues, and peered into the future to examine challenges yet to come.



The symposium was an unforgettable day. We've attempted to capture the substantive highlights in these pages, and we appreciate the distinguished symposium speakers for lending their perspectives to the program\*.

We are also grateful to our clients, who trust B&D for its unique ability to find solutions to seemingly intractable regulatory problems and to manage their most challenging litigation matters. We highly value the close relationships we have developed and maintained over the years with clients, industry colleagues, regulators, alumni, and others.

Nessa Horewitch Coppinger  
*B&D 50th Anniversary Committee Chair*

### B&D 50th Anniversary Committee Members



Nessa Coppinger  
*Principal & 50th Anniversary Committee Chair*



Marc Goldstein  
*Firmwide Managing Principal*



Kathy Szmuszkovicz  
*Firm Chair*



Katelyn Ciolino  
*Principal*



Nathan Darling  
*Chief Business Development & Marketing Officer*



Drew Silton  
*Principal*



Nadia Wagner  
*Chief Administrative Officer*

\* The views expressed by panelists during this program were their own and not necessarily of their company/organization/agency. This document is a summary of key takeaways and general themes and does not attempt to directly transcribe the discussion or attribute comments to any particular panelist or point of view. This document is not legal advice and does not represent the position of Beveridge & Diamond or any of its clients on any issue.

# Agenda and Speakers

---

## Welcome & Opening Remarks



**Kathy Szmuszkovicz**  
*Chair*  
Beveridge & Diamond

---

## The First 50 Years: Environmental Law Driving Change in the Regulated Community



**John Cruden**  
*Principal*  
Beveridge & Diamond



**Dave Wagner**  
*Senior Counsel - Environmental & Regulatory Affairs*  
Covestro



**Ben Wilson**  
*Former Chairman*  
Beveridge & Diamond



**Allyn Stern**  
*Seattle Office Managing Principal*  
Beveridge & Diamond  
(Moderator)

---

## Environmental Law Now: Global Challenges & Opportunities



**Mike Allen**  
*Managing Counsel, Global Sourcing, Responsible Sourcing, and eCommerce Business Development*  
Walmart



**Dacie Meng**  
*Policy Director, North America*  
Ellen MacArthur Foundation



**Vicki Arroyo**  
*Associate Administrator for Policy*  
U.S. Environmental Protection Agency



**Roger Martella**  
*Chief Sustainability Officer*  
GE Vernova



**Heath Knakmuhs**  
*Vice President and Policy Counsel, Global Energy Institute*  
U.S. Chamber of Commerce



**Beth Richardson**  
*Principal*  
Beveridge & Diamond  
(Moderator)

---

## The Next 50 Years: Innovation and Leadership of the Regulated Community Driving Change



**Amy Lincoln**  
*Senior Corporate Counsel, Global Environmental Programs*  
Amazon Web Services



**Nancy Young**  
*Chief Sustainability Officer*  
Gevo, Inc.



**Keith Tashima**  
*Environmental Safety & Health Counsel*  
Lockheed Martin



**Roy Prather**  
*Principal*  
Beveridge & Diamond  
(Moderator)

---

## Closing Remarks



**Brenda Mallory**  
*Chair*  
White House Council on Environmental Quality

---

*\* The views expressed by panelists during this program were their own and not necessarily of their company/organization/agency. This document is a summary of key takeaways and general themes and does not attempt to directly transcribe the discussion or attribute comments to any particular panelist or point of view. This document is not legal advice and does not represent the position of Beveridge & Diamond or any of its clients on any issue.*

# Reflecting on the First 50 Years

Kicking off the event, panelists reflected on the birth of environmental law as a transformative period in history, laying the groundwork for regulations that became the framework to protect natural resources and ensure public health. Since those early days, significant legal and societal changes have shaped modern environmental practice.



## Key Takeaways

**The 1970s and 1980s transformed environmental policy.** The creation of the EPA, the first Earth Day observance, and the enactment of the first environmental statutes all took place in the 1970s. Ambition, political pressure, and public interest led to early successes like the Clean Water Act, the Montreal Protocol on ozone depletion, and the Clean Air Act amendments.

**From the enactment of foundational laws to the more recent Infrastructure Investment and Jobs Act and Inflation Reduction Act, environmental law's scope has expanded and integrated multidisciplinary approaches.** And while it progressed slowly over the first 50 years, environmental law now plays a dominant role on the Supreme Court docket. Environmental law has come alive.

**Environmental justice as we know it today evolved to address disparate treatment, disproportionate impact, and systemic racism.** Historically, enforcement mechanisms were inadequate, and marginalized communities faced significant barriers to accessing legal remedies and resources to address environmental harm. Addressing environmental injustice requires acknowledging and confronting underlying power imbalances perpetuating environmental inequalities.

**Modern-day climate challenges still disproportionately affect poor people and people of color.** We see signs of progress in the U.S. As one example, the Inflation Reduction Act now provides funding for financial and technical assistance to support environmental and climate justice activities that benefit underserved and overburdened communities.

**Market and litigation pressures, coupled with consumer and shareholder demands, can motivate and drive significant change.** Companies leverage their economic power to influence suppliers, contractors, and other stakeholders to act more quickly. Developing robust environmental justice, sustainability, and environmental, social, and governance (ESG) policies can give companies a competitive advantage, and consumers are often willing to pay a premium for sustainable products. Litigation threats, especially regarding issues like emerging contaminants, can push companies to adopt proactive measures. Shareholder pressure further compels many companies to embrace sustainable practices and transparent policies.

**Corporate reputation matters.** As we learned with many large-scale corporate environmental disasters like the Volkswagen emissions and Deepwater Horizon scandals, it only takes a few individuals to negatively impact a company's culture. The government examines corporate culture when deciding on cases and penalties, highlighting the need for consistent efforts to change company culture over time.

*We should not measure success by what environmental laws we **don't** have, but instead on what we do with **existing** laws. We are a lot better than we were 50 years ago. And we can get better yet.*

# Current Global Challenges and Opportunities

The discussions underscored that we are in a transformative era of action, with incentives for some in the regulated sector to adopt aggressive environmental stances while others struggle to adapt or find themselves struggling to reach regulatory and policy goals. Environmental law is evolving, incorporating new tools, approaches, and strategies to address the urgent issues of today, like climate change and the transition to renewable energy sources. It is expanding to comprehensive frameworks focused on global sustainability to address new challenges in an interconnected world. To be most successful today, environmental lawyers must engage in or at least be aware of the broader, multidisciplinary practice playing field, including commercial and tax considerations, data protection, national security-related implications, circular economy and global supply chain issues.



## Key Takeaways

**The arc of environmental law reflects a balance to implement major changes over time to allow for adaptation and metrics while also recognizing when the time is right for bold new approaches in the near term.** Balanced policies that align environmental regulations, new technologies, and realistic implementation timelines are crucial for sustainable progress. These approaches need to consider the tension between advocates for rapid changes and proponents of a more measured, pragmatic pace.

**The relationship between the private and public sectors has evolved from regulatory command-and-control to more cooperative, incentive-based approaches and innovation-driven strategies.** Regulators see businesses as partners in driving policy changes, like eliminating plastics in packaging and creating the infrastructure to make reusable packaging scalable and economically feasible. We see the same approach to clean energy and energy efficiency in both grid-based deployment and mobile sources, but this is a more complicated calculus, as for some industries even incentive-based regulations translate to business extinction.

**Environmental, social, and governance (ESG) issues are integral to corporate ethics, with companies gaining competitive advantages through sustainability initiatives.** With this new focus, companies recognize the direct connection between environmental compliance, environmental justice, and other corporate responsibility issues, integrating them into their business strategies.

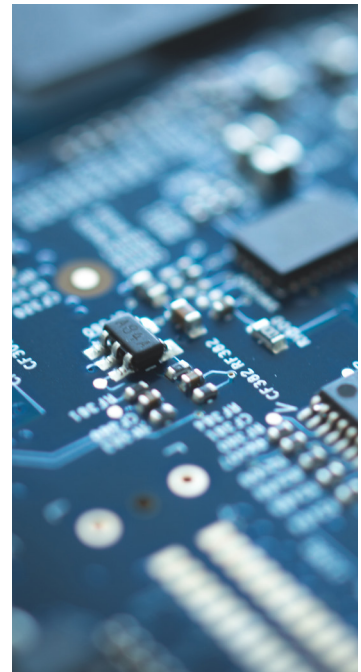
**Local and regional efforts are increasingly important in addressing global environmental challenges.** Global initiatives like the Global Plastic Pollution Treaty address worldwide issues, but local management of solutions is often more effective when resources and specific conditions are better understood. Navigating compliance across various jurisdictions is complex, and there are continued challenges in balancing local, regional, national, and global approaches to today's environmental issues.

**The U.S. is emerging as a leader in the global energy transition, driven by policies like the Inflation Reduction Act and the CHIPS Act.** These policies spark investment in energy security, job creation, and manufacturing. The international community views climate change as a catalyst for innovation and growth, and other countries are now looking to the U.S. as a model, eager to join its supply chain. While the EU historically led on climate and sustainability matters, the U.S. now has momentum, transforming the clean energy economy into an opportunity akin to a modern space race.

*History will look back on these years as a time when everything changed; the law started to move forward to address climate change and the energy transition, but in a fundamentally different way than in the last 50 years.*

# Looking to the Future: The Next 50 Years

As the symposium concluded, panelists agreed that global sustainability brings challenges and opportunities for environmental law. Existing tools and laws are insufficient for climate change and the clean energy transition. Over the next 50 years, environmental justice, technological innovation, and private governance will shape the evolution of environmental law and policy. Transformative approaches to regulation and enforcement will be paramount, as will the importance of public-private collaborations. Innovative technologies will drive new ways to address environmental challenges, providing the tools and insights to navigate these shifts and potentially forestalling more heavy-handed government regulation or enforcement.



## Key Takeaways

**Innovations in the Internet of Things (IoT), artificial intelligence (AI), and other technologies demonstrate new ways to monitor, manage, and mitigate environmental impacts.** These technologies provide valuable data and insights, offering new methods to analyze and act on environmental data therefore enabling more informed decision-making and efficient compliance mechanisms.

### **A “grand green bargain” between government and private industry to fuel technological innovation?**

The private sector contributes significant expertise and funding for tech initiatives, while the government can provide incentives and streamlined regulatory processes that support emerging technology and innovative approaches. Panelists suggested that such a “grand green bargain” – focusing on this kind of collaboration – can further expedite the efforts already underway to bolster the development of new technologies that advance sustainability objectives and goals.

### **Data generation and collection undoubtedly offer significant opportunities, but standard-setting, privacy concerns, and accurate data interpretation must be addressed.**

The private sector can partner with the public sector to align on preferred technologies, models, mechanisms, inputs, and information transparency. Tools like EJ Screen, advanced GIS mapping-based technologies, and ready availability of Big Data-driven environmental reporting data can help communities access and interpret environmental data, but trusted intermediaries must guide them and help bridge any potential knowledge gaps.

### **AI can potentially reshape legal and regulatory practices, making it more efficient and cost-effective.**

The role of counsel remains essential, especially in ensuring due process and supporting and providing oversight for automated compliance functions. The government also will need to act as a leveling function, determining transparency requirements and appropriate models as we integrate these technologies into future regulatory schemes.

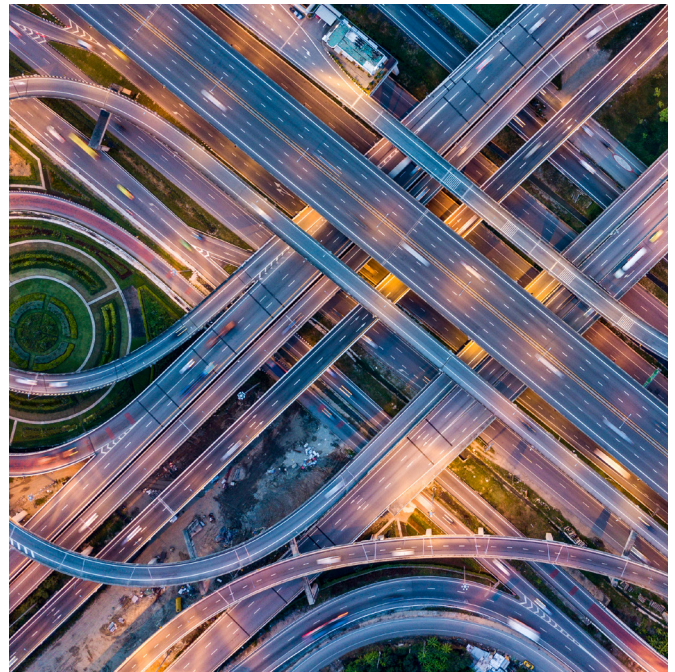
*How do you integrate multidisciplinary practices and speed things up without losing the core of environmental law? Technology and data, guided by foundational legal principles, will play a crucial role.*

*Not only technology, but also the creative spirit with which we utilize technology to solve the great challenges of coming generations.*



## Potential Action Items for the Regulated Community

The following high-level potential action items and “next step” considerations arose from the day’s discussions. Each member of the regulated community will need to weigh these against their own strategies to fulfill their purpose and meet whatever environmental goals they have set.



---

**Cultivate a Responsible Corporate Culture:** No matter where on the spectrum your environmental or ESG ambitions fall, foster a culture that prioritizes environmental responsibility and learns from past corporate missteps to maintain a strong reputation.

---

**Enhance Corporate Compliance and ESG Policies:** Develop ESG policies and sustainability initiatives that you can deliver, that align with regulatory requirements, and that may provide competitive advantages. Ensure proactive measures to avoid litigation, enhance corporate compliance and transparency, and maintain consumer and shareholder confidence.

---

**Embrace and Facilitate Public-Private Partnerships:** Encourage and participate in collaborations between government, private sectors, NGOs, and communities to foster technological innovation and catalyze and leverage sustainability efforts.

---

**Develop Multidisciplinary Expertise:** Integrate knowledge from intersecting fields such as corporate and tax law, information governance, national security, and global supply chain management to provide comprehensive solutions.

---

**Leverage Technological Innovations:** Embrace advancements in IoT, AI, and data analytics to enhance environmental monitoring, compliance, and decision-making processes.

---

**Invest in Research and Development:** Allocate resources towards the research and development of new technologies and practices that advance sustainability and environmental performance.

---

**Promote Data Transparency and Privacy:** Implement robust data generation, collection, and analysis systems to monitor environmental impacts. Ensure data privacy and accuracy while making information accessible to relevant stakeholders.

---

**Balance Long-term and Short-term Approaches:** Implement balanced policies that align technological advancements with realistic implementation timelines. Ensure regulatory frameworks accommodate the need for rapid innovation while maintaining a practical, phased approach.

---



Brenda Mallory  
Chair, White House Council on Environmental Quality

## Closing Keynote

Chair Mallory delivered closing remarks. She recounted her career, including her tenure at B&D (May 1985 – June 2000). Chair Mallory highlighted the Biden-Harris Administration administration’s current and future priorities, including environmental justice, the clean energy transition, water and wetlands, the National Environmental Policy Act, data-based decision-making, the importance of collaboration and transparency, and modernizing the regulatory framework to meet 21st-century goals.

Looking to the future of environmental law and policy, Chair Mallory emphasized the need for:

- faster and more efficient decisions in environmental reviews,
- efficient building practices that protect public health and the environment,
- utilizing technology to improve environmental review processes; and,
- adequate resources and skilled staff to meet environmental goals.



## **B&D's Steadfast Leadership**

When B&D started in 1974, no one knew how the government would implement and enforce the new environmental laws or what an environmental law practice would look like. The firm's steady leadership and dedication to knowing, developing, and interpreting the law as applied to numerous industry sectors – including through seminal litigation challenges that continue to this day – distinguish us.

As the arc of environmental law continues to unfold, B&D attorneys will continue to handle the most complex, challenging, and impactful environmental and natural resource matters to ensure our clients' success in day-to-day operations and plans for the future.

**Let us know how we can help you.**

Beveridge & Diamond's more than 140 lawyers in seven U.S. offices focus on environmental and natural resource law (including ESG, environmental justice, sustainability, energy, air and climate change, water, and contaminated properties), litigation and alternative dispute resolution (including white collar, internal investigations, and crisis response) and product and chemical regulation. We help clients around the world resolve critical environmental and sustainability issues relating to their products, facilities, and operations. B&D holds top-tier rankings from legal directories and ranking services, including *Chambers USA*, *Best Lawyers*, and *The Legal 500*. We are also Mansfield 6.0-Plus certified by the Diversity Lab.

*Learn more at [bdlaw.com](http://bdlaw.com)*



The Environmental Law Firm  
CELEBRATING **50** YEARS