

Partners

*A Newsletter of the Environmental Law Institute
Council of Partners*

Edited by Kathleen B. McNeill

Partner Spotlight: Ira Feldman

"When we try to pick out anything by itself, we find it hitched to everything else in the universe," wrote John Muir of his first summer in the Sierras. Ira Feldman's interdisciplinary approach to his work in strategic environmental management and sustainability policy exemplifies this "connectedness."

Cutting across "big picture" policy issues; legal and regulatory innovations; and organizational best practices, Ira's practice defies conventional categorization. "Intentionally so!" exclaims the president and senior counsel of Greentrack Strategies.

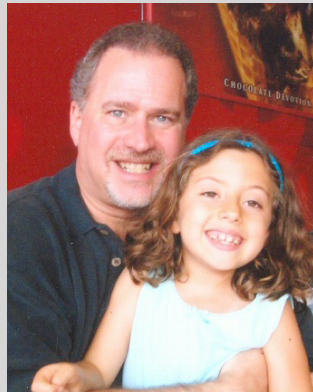
A long-time proponent of multi-disciplinary practice, Ira routinely works on teams with lawyers and non-lawyers. "I'm drawn to cutting-edge issues and alternate approaches, especially those utilizing voluntary standards as a complement to mandatory regulation." He asserts that traditional environmental legal practice will gradually morph into a sustainability and a corporate social responsibility practice, bundling a broader range of issues. Ira is already there with Greentrack Strategies.

Ira led in the development of the International Organization for Standardization's voluntary environmental management guidelines (the ISO 14000 series of standards). At the same time he was helping to develop the Global Reporting Initiative's (GRI) protocol on sustainability reporting. He's now working to incorporate environmental standards into the broad areas of corporate social responsibility and sustainability. ISO 26000, the guidance for social responsibility of organizations, expected by 2009, will reinforce such historic inter-governmental agreements as the Universal Declaration of Human Rights and agreements adopted by the International Labour Organization, and link to such existing initiatives as GRI and the UN Global Compact.

As a leader on the global, multidisciplinary team shaping ISO 26000, Ira has earned the respect of Working Group members from around the world, among other things for co-chairing the Environment Drafting Team, with industry, government, labor, consumer, and nongovernmental representatives. "The international and unique process requires a lot of knowledge, insight, understanding, collaboration, and dialogue with different cultures," says colleague Marie d'Huarte, a Belgian industry expert, competencies she feels Ira has used "with brio."

But it was during his tenure at the U.S. Environmental Protection Agency (EPA), starting in hazardous waste enforcement and culminating as Special Counsel in the Office of Enforcement and Compliance Assurance, that Ira recognized the importance of environmental management systems (EMS). Because he undertook the first comprehensive study of EPA penalties across all statutes, he could suggest that better audit and voluntary disclosure policies could allow flexibility to mitigate gravity-based penalties. In quick succession he pioneered the inclusion of EMS as injunctive relief in the enforcement context; he wrote the EPA audit and self-disclosure policy with an EMS framework in mind;

and he developed EPA's first voluntary excellence program for corporate environmental programs, the Environmental Leadership Program, with an EMS as the core element.



Ira and his daughter, Lena.

If Ira's work on EMS provided many of the building blocks for a new era of strategic environmental management, then what's next? Ira's well-informed crystal ball points towards ecosystem services. Nature's services are so essential to our lives that you would expect law and policy to play a much big role in the discourse among ecologists and economists about ecosystem services. So why aren't they?

Writing with Richard Blaustein in "Ecosystem Services as a Framework for Law and Policy," in ELI's Environmental Law Reporter, Ira suggests that one approach to overcoming today's stove-piped regulatory scheme may be based on an enhanced understanding of ecosystem services. "It is clear from the Millennium Ecosystem Assessment that the ecosystem services framework is already fully accepted in the scientific and technical realm; it is inevitable that we will see a transition of this thinking to the policy and regulatory arena."

Ira traces his interest in interdisciplinary environmental approaches to undergraduate days at the University of Pennsylvania. As a Benjamin Franklin Scholar, he was able to design his own program pursuing his concern for environmental effects on human health especially in urban areas. Using that theme, to the surprise of the deans of the various schools at Penn, he constructed a combined undergraduate and masters program to include elements of human biology, ecosystem biology, urban design, regional planning, ecological anthropology and urban sociology. Ira joined all these concerns with law, receiving his doctorate from Columbia Law School where he was a Harlan Fiske Stone Scholar.

Like habitat and niche in the natural world, where you come of age as an environmentalist can foretell how you see the world and where you end up. Ira was born and raised in Brooklyn, New York, son of a wholesale diamond industry father and a public school teacher mother. It was in Brooklyn that he first became interested in the health effects of air pollution. In places like Marine Park and Jamaica Bay, he saw the close juxtaposition of the natural and built environments. At Brooklyn Poly Prep, located near the Verrazano Narrows Bridge, he took charge of making the posters for the first Earth Day in 1970.

And then there's Brooklyn's larger history to consider. With a 1970 population of over 2.5 million, Brooklyn would be the nation's fourth-ranked city in its own right, with an ethnic mix from across the globe. Brooklyn is America's greatest E Pluribus Unum—kind of like an ecosystem.

Members of the Council of Partners

Anonymous
Vicki Aranow Feiner
Bruce Barnbaum
Lynn L. Bergeson
Kenneth Berlin
Joseph L. Boren
David C. Cannon, Jr.
Leslie Carothers
Carol Casazza Herman
John H. Claussen
Carolyn W. Conkling
Richard T. Dewling
Amy L. Edwards
E. Donald Elliott
Gail Charnley Elliott
Ira R. Feldman
Linda Fisher
James S. Gilliland
Robert L. Graham
Paul E. Hagen
Ridgway M. Hall, Jr.
Howard M. Holtzmann
William H. Hyatt, Jr.
Douglas H. Keare
Clair E. Krizov
Stanley W. Legro
R. Christopher Locke
Angus Macbeth
Craig Mathews
Clifton McFarland
Leonard Miller
Eileen Millett
Michael Richardson
Kathy Robb
Nicholas A. Robinson
Ernie Rosenberg
John P. Sall and Virginia B. Sall
Turner T. Smith, Jr.
Robert B. Stang
Donald W. Stever
Margaret N. Strand
Edward L. Strohbehn, Jr.
Robert M. Sussman
Herbert H. Tate, Jr.
William L. Thomas
Michael Traynor
David J. van Hoogstraten
Lucy R. Waletzky

Dear Council of Partners member:

One day at the end of the sixties, well before Earth Day, a law school classmate and I responded together to a questionnaire probably from one of our alma maters asking us to name women we thought were most influential as opinion leaders or important political figures in contemporary society. We quickly came up with our first three nominees (Betty Friedan, Gloria Steinem, and Helen Gurley Brown if you are curious), but we had trouble identifying a woman who seemed to stand out in public affairs. Then we both thought of Lady Bird Johnson who had just concluded her service as First Lady.

I wondered why we initially overlooked her. Perhaps it was because of her primary public role as the devoted wife of the powerful and mercurial personality who was President Lyndon Johnson. Her success as a businesswoman who bought a small radio station with her own money and grew it into a major telecommunications enterprise was less well known. But a closer look revealed contributions to national policy and progress as an early environmentalist that made her a leader of vision and achievement in her own right even then.

ELI recognized her leadership in 1996 by awarding her its Annual Achievement

Award. Our citation called her “The First Lady of the Environmental Movement.” The tribute went on to say: “Lady Bird Johnson’s name is synonymous with the beautification of America. Shoulder to shoulder with her husband and Interior Secretary Stewart



Udall, she has crusaded to protect America’s natural heritage. She helped create the Great Society’s legacy of scenic highways, wild rivers, and wilderness areas.”

Her campaign against junkyards and billboards and for wildflowers and natural areas along our roadways was her best known effort to restore beauty to the landscape. A graceful tribute to her in the Economist observed that she never liked the term “beautification” and viewed her work to protect the landscape as “picking up a tangled skein of wool; all the threads are

interwoven—recreation and pollution and mental health, and the crime rate, and rapid transit and the war on poverty, and parks...everything leads to something else.” She continued her work on behalf of nature and the landscape after she left the White House, working both in Texas and nationally to advance the cause.

Lady Bird Johnson’s death is a fitting occasion to reaffirm that the beauty and peace of natural landscapes are worth protecting for many reasons, whether or not economists can agree on just how to put a dollar value on scenic vistas. As social critics have noted and all of us can see, we have lost ground in recent years to commercial interests who are, among other things, imposing taller, fatter, and mostly uglier signs on captive motorists—visual spam—than ever before. There is work to be done to recapture our scenic rights of way and to advance her vision of America the beautiful. Lady Bird Johnson led the way.

Sincerely,

Leslie Carothers
President

Council of Partners News

Meet Our Newest Partner:

Leonard A. Miller

Leonard A. Miller was one of the founding partners of Swidler Berlin, LLP, which merged with and was renamed Bingham McCutchen in March 2006. He focuses on cutting-edge issues at the intersection of science, public health and regulation and is an authority on water pollution control and pesticide laws.

Leonard was one of the pioneers in the federal government’s environmental program, starting out at the National Air Pollution Control Administration in 1968. He was one of the first employees of the newly formed U.S. EPA where he worked

until 1980. Leonard opened the EPA Seattle Regional Office, where he was head of the air pollution control program and later head of enforcement and was involved in many landmark cases, including pulp mills in the Pacific Northwest and Alaska, fish wastes off Kodiak Island, Alaska, arsenic emissions at the Tacoma, Washington smelter and lead emissions at the Bunker Hill smelter in Kellogg, Idaho. When he returned to EPA headquarters he headed up the national water enforcement and permits programs, and created the modern-day EPA water permits program (called NPDES). He also handled large cases like the Caribbean Rum distillers and set policy on the regulation of water discharges from all segments of U.S.

industry. He was selected by the EPA as one of the first group of federal civil servants to be promoted into the Senior Executive Service.

Leonard’s public-interest law career began when, as one of a small group of law students from Harvard and Yale, he worked with Ralph Nader in the summer of 1966 in an effort which later was called “Nader’s Raiders.” Leonard spearheaded investigations into Native American rights and natural gas pipeline **safety**.

Leonard was a lieutenant commander from 1968 to 1972 with the U.S. Public Health Service Commissioned Corps and received a Commendation Medal.

If you have any news to share with ELI and our Council of Partners members, please contact us at 202.939.3850 or via email at mceill@eli.org.

ELI Council of Partners

The ELI Council of Partners members help ensure a future of innovative programs for ELI.

Members of the Council of Partners are the leading supporters of the Environmental Law Institute. Each Partner has made a gift of \$5,000 or more. Members are listed in a custom-made showcase in the Institute’s headquarters and on its website (www.eli.org).

Through the ELI Council of Partners, the Institute recognizes individual donors at five cumulative giving levels:

- Leadership Circle (\$100,000+) • Chairman’s Circle (\$50,000+)
- Directors’ Circle (\$25,000+) • President’s Circle (\$10,000+) • Partner (\$5,000+)

Sustaining Partners continue their active involvement in the Council of Partners with an annual donation of \$2,500 or more.

ELI is a global leader in environmental protection through law, policy, and management.



ENVIRONMENTAL LAW INSTITUTE • 2000 L STREET NW, SUITE 620 • WASHINGTON DC 20036
202-939-3800 • WWW.ELI.ORG

Please Recycle ♻️