

# TBA Environmental Law Forum 2021

A Virtual CLE Event

December 10, 2021



**Program Producer:** Jennifer Brundige, Tennessee Valley Authority

**Total Credits:** 3 General, 1 Dual

The Environmental Law Section's annual forum will present timely information on legal issues including a PFAS update, a session on climate change law, a panel that will cover the scope of the recent Middle Claiborne Aquifer litigation, and a discussion of the EPA's Environmental Justice and Title VI Initiatives.

9:00 a.m. – 10:00 a.m.  
CDT

## **The Middle Claiborne Aquifer Litigation—a History and Recent Developments**

*The panel discussion will include a review of the geologic character of the Middle Claiborne Aquifer. The panel will review the history of the litigation, including the litigation initiated by the State of Mississippi in the federal district court in Mississippi and the subsequent original jurisdiction action. The positions of each side in the litigation will be reviewed, including the positions taken by each side in the recent argument before the United States Supreme Court.*

Randy Womack, Glankler Brown, PLLC

Wilson Buntin, Assistant Attorney General, Environmental Division

David L. Bearman, Baker, Donelson, Bearman, Caldwell & Berkowitz PC

Kristine Roberts, Baker, Donelson, Bearman, Caldwell & Berkowitz PC

10:00 a.m. – 11:00 a.m.

## **This Week With PFAS: Reviewing the News, Rules and Tennessee Activities**

*Our moderator and panelists will highlight the latest news and provide keen insight about regulations and TDEC activities regarding the ubiquitous family of chemicals known as PFAS. These emerging contaminants impact an array of stakeholders at all levels of government, private industry, non-governmental organizations, and the general public. In addition to upcoming TDEC actions, the discussion will center on events about EPA's recently announced plans and path forward, developments in select litigation, and an update or assessment of various regulatory methods being implemented and proposed.*

David Higney, Grant Konvalinka & Harrison P.C.

Jeremy Hooper, Tennessee Department of Environmental Conservation

11:00 a.m. – 11:30 a.m. **Break**

11:30 a.m. – 12:30 p.m.

**Climate Change Law and Litigation: A Rapidly Evolving Landscape**

*This panel will discuss recent climate change developments in the U.S. and globally, including recent Biden Administration developments, trends in the private sector, evolving voluntary and mandatory climate risk reporting frameworks, and recent litigation aimed at driving decarbonization. We will also examine the role of carbon offsets and sequestration and the opportunities they present, with emphasis on both the private and public sector. Finally, because agriculture and forestry are important economic sectors in Tennessee and are poised to play a substantial role in addressing climate change, we will discuss the Growing Climate Solutions Act, which recently passed the U.S. Senate, and its implications in Tennessee.*

Leah A. Dundon, Beveridge & Diamond P.C.

Kirstin Gruver, Beveridge & Diamond P.C.

12:30 p.m. – 1:30 p.m.

**DUAL**

**The Interplay Between Title VI and Environmental Justice and the EPA's Robust EJ & Title VI Initiatives**

*The EPA's Draft Fiscal Year 2022-2026 Strategic Plan includes an unprecedented strategic goal focused on advancing environmental justice and civil rights. At the foundation of the plan is a renewed commitment to the three principles articulated by EPA's first Administrator, William Ruckelshaus – follow the science, follow the law, and be transparent, while adding an additional fourth principle: advance justice and equity. The Draft Strategic Plan articulates a whole of government approach to advancing civil rights and environmental justice. One of the essential ways of working to accomplish this goal is strengthening partnerships, including early, meaningful involvement with Tribes and states and on-the-ground engagement with communities. This panel will provide an overview of the interplay between Title VI and Environmental Justice and some of the Agency's Civil Rights and Environmental Justice Initiatives.*

Kevin B. Smith, U.S. Environmental Protection Agency, Region 4

Kim Jones, U.S. Environmental Protection Agency, Region 4