



EARTHJUSTICE
BECAUSE THE EARTH NEEDS A GOOD LAWYER

OUR MOMENT



EARTHJUSTICE

ANNUAL REPORT 2019

THIS KIND OF FIGHT IS ABSOLUTELY AT THE CORE OF WHAT WE DO.

Earthjustice President Abigail Dillen



Fern Shepard (left) and Abigail Dillen (right).
Melissa Lyttle for Earthjustice

A LETTER FROM OUR PRESIDENT AND BOARD CHAIR

This is a defining moment for our country and our planet. The courts have never been more important as a bulwark against assaults on our rights, our health, our democracy, and the natural systems that sustain us. Earthjustice was built for this fight – and thanks to supporters like you, we are stronger than ever.

With your extraordinary support, we are taking every opportunity to hold the administration accountable to the rule of law. And we are making a tremendous impact, winning tough, high-stakes cases, beating back the attacks on our bedrock laws, and defending the principles of good government and sound science that make our laws work. A few highlights of the year include protecting the Arctic and Atlantic oceans from offshore drilling, stopping billions of dollars of new investment in fossil fuel infrastructure, securing stronger protections from pesticides, and safeguarding imperiled species ranging from grizzlies to sharks. These victories prove that facts still matter in a court of law.

To confront our accelerating climate crisis, Earthjustice ramped up our work to scale clean energy and built our capacity to fight an ongoing oil and gas rush, both in the U.S. and abroad. As we witnessed the fallout of climate disasters around the world, we worked alongside environmental justice leaders and colleagues at leading national groups to develop an Equitable and Just National Climate Platform that is animating our work at a moment when visionary, values-driven climate policy is essential. We agreed that community leadership must inform climate policy that reckons with the legacy of environmental racism and advances a truly just transition to a new, clean energy economy.

The window of time left to secure a livable climate is narrowing fast. But together we can spur transformational climate action that also stops the poisoning of people, the deadening of oceans, the industrialization of wildlands, and the wholesale loss of species that represent life on earth. It will take each and every one of us to rise to these unprecedented challenges.

Thank you for joining us in the fight.

Abigail Dillen



President

Fern Shepard



Chair of the Board of Trustees

OVER **RULED**

The Trump administration is attacking human and civil rights and going all-out to gut critical protections for our communities and the environment. But with your support, Earthjustice attorneys have so far filed 135 lawsuits to defend critical environmental and health protections. And in one court ruling after another, federal courts have sided with us to block the administration and uphold the rule of law.

TOGETHER WE'RE FIGHTING BACK AND WE'RE WINNING.

PROTECTING PUBLIC LANDS FROM COAL MINING

Further frustrating the administration's plans to ramp up fossil fuel production across the country, a federal judge struck down President Trump's executive order to reopen tens of thousands of acres of public lands to coal leasing. Coal mined on federal land currently accounts for more than 10% of total U.S. greenhouse emissions. Earthjustice is representing conservation clients and partnering with the Northern Cheyenne Tribe in this case.

DEFENDING NATIONAL MONUMENTS

Cadiz Inc.'s plan to construct a 43-mile-long water pipeline through Mojave Trails National Monument and other public lands in Southern California hit a roadblock when a federal court ruled that the administration's approval of the project violated the law. Earthjustice represented conservation and public health groups in their challenge to the project, which would have drained desert springs, destroying the fragile ecosystem.

Arctic National Wildlife Refuge, Alaska Kate Orlinsky / National Geographic Image Collection

137 EARTHJUSTICE ATTORNEYS

634 ACTIVE LEGAL BATTLES

135 LAWSUITS AGAINST THE ADMINISTRATION

> 85% WIN RATE AGAINST THE ADMINISTRATION

SAFEGUARDING THE TONGASS

A preliminary injunction secured by Earthjustice on behalf of conservation groups has spared, for now, nearly 1,200 acres of irreplaceable old-growth rainforest in Alaska's Tongass National Forest from chainsaws. The ruling halts a massive old-growth timber sale approved by the U.S. Forest Service on Prince of Wales Island in the Tongass, the crown jewel of our national forest system. Majestic old-growth trees play a vital role in sequestering climate-destabilizing carbon.

BLOCKING DRILLING IN THE ARCTIC OCEAN

Most of the U.S. Arctic Ocean and key areas of the Atlantic are once again off-limits to oil and gas drilling, thanks to a district court ruling that President Trump exceeded his constitutional authority when he issued an executive order reversing a ban on drilling in these fragile waters. Earthjustice and the Natural Resources Defense Council argued the case on behalf of conservation and Alaska Native groups.

CENTERING **COMMUNITY** VOICES

“ PEOPLE MUST BE AT THE CENTER OF THE ENVIRONMENTAL MOVEMENT. THE ENVIRONMENT INCLUDES EVERYWHERE PEOPLE LIVE, WORK, PLAY, LEARN, AND WORSHIP, AND THIS PROGRAM FOCUSES ON THOSE SPACES.”

Earthjustice Managing Attorney
Angela Johnson Meszaros

Across the country and around the world, communities on the front lines of pollution, climate change, and economic inequality are at the forefront of the most powerful fights for change — for clean air and water, for climate justice, for a better future. Earthjustice is privileged to represent and partner with community-based clients that have the deepest stakes in tackling pollution and the lived experience to demand solutions that are genuinely transformative. Over the past year Earthjustice expanded our capacity to collaborate with partners who are most directly affected by pollution and environmental injustice. Working together, we can build strong, durable coalitions to force change and advance our shared vision for safe, healthy, and thriving communities.

OPPOSITE FROM LEFT: Earthjustice Managing Attorney Angela Johnson Meszaros and Associate Attorney Byron Chan at a community hearing in Glendale, CA, on a proposal to repower an old gas-fired plant. Jessica Chou for Earthjustice. Pawnee Nation member Walter Echo-Hawk, left, with Earthjustice’s Director of Tribal Partnerships Gussie Lord and former staff attorney Yvonne Chi. Chris Jordan-Bloch / Earthjustice



FRONTLINE COMMUNITIES

Earthjustice Managing Attorney Angela Johnson Meszaros is leading a healthy communities initiative focused on building Earthjustice’s capacity to provide legal, technical, and communications support to frontline communities as they fight pressing environmental threats to their health. The core team dedicated to the initiative is already active in communities fighting pollution from refineries, heavy industry, power plants, and waste incinerators. In California, for example, we have partnered with community clients to block numerous proposals for new investment in polluting gas-fired power plants. Together, we have convinced regulators to adopt clean-energy solutions instead.

Earthjustice provided legal support to community partners in Glendale, California, who fought a controversial \$500 million gas plant retrofit proposal. Community members packed public hearings, generated public comments, and garnered letters of opposition to the project from elected leaders in California. Thanks to this resistance, in 2018 the Glendale City Council paused the retrofit in order to study clean energy alternatives, and in 2019 the city officially scrapped the project in favor of renewables.

TRIBAL PARTNERSHIPS

In May 2019 we welcomed attorney Gussie Lord as our first-ever director of tribal partnerships. We have a long history of partnering with Native groups and Indigenous communities, and as Native peoples lead from the front lines of many of today’s pivotal environmental fights, these partnerships are more critical than ever to Earthjustice’s work. The tribal partnerships team is leading work across the entire organization to develop cross-cutting strategies and provide added capacity and expertise to support our Native and Indigenous clients’ efforts to protect their sovereignty, health, lands, waters, treaty rights, sacred sites, culture, and way of life.

After the federal Bureau of Indian Affairs and Bureau of Land Management approved 17 oil and gas leases on Pawnee lands without any consultation, members of the Pawnee Nation of Oklahoma fought back, passing a moratorium on fracking and partnering with Earthjustice to challenge the leases in court. The Bureau of Indian Affairs invalidated 13 of the 17 leases in 2018 after concluding they were illegal, and we continue to contest the four remaining leases.

CLIMATE+ ENERGY

CHAMPIONING CLEAN ENERGY

In the face of a climate emergency, we must move swiftly to 100% clean energy and zero-emissions solutions that leave no community behind. The good news is that, despite the administration's efforts to take us backwards, a clean energy transformation is already underway across the country. More than 100 U.S. cities and a growing number of states and territories have adopted 100% clean energy goals and other climate-friendly laws and policies. For years Earthjustice has been working in state-level courts, commissions, and legislatures to lay the groundwork for clean energy to outcompete fossil fuels. We and our partners are pushing ahead, derailing utility plans to replace coal-fired power with gas, which would only substitute one dirty fossil fuel for another. Instead, we are securing big new commitments to invest in clean energy and electrifying our transportation and buildings with clean power.

Earthjustice attorney Adrian Martinez and his daughter Caroline ride one of the new electric buses he helped bring to Los Angeles.
Brinson+Banks for Earthjustice

This year Earthjustice helped convince utilities in states ranging from California to Indiana, Michigan, and New York to invest in clean energy rather than new gas infrastructure. In California, our "Right to Zero" campaign is partnering with conservation and community groups to win historic advances toward zero emissions in the state's power, transportation, and building sectors — victories that will ensure cleaner air and a healthier climate in the communities that need it most. And with renewables' steep price declines in recent years, one of the biggest barriers to the clean energy transition around the world is outdated laws that favor polluting energy sources. To address this, Earthjustice's International Program is partnering with organizations and government agencies overseas to help them accelerate clean energy transformations in their own countries.

Earthjustice is partnering with C40, a network of megacities dedicated to climate leadership, to assist vanguard cities worldwide in accelerating their transition to clean, renewable energy to meet their climate goals, reduce air pollution, and provide least-cost, reliable energy to their residents. We are providing legal strategies and support to cities including Buenos Aires, Mexico City, New Orleans, Durban, Pretoria, Lagos, and Cape Town. We are also supporting the Pacific island state of Palau to reform its energy laws and regulations to become a clean-energy leader.

Aerial view of Cape Town, South Africa
Dan Dedekind / Getty Images



To expand access to the benefits of clean energy, Earthjustice is working alongside our partners to grow community solar state by state. Community solar projects allow households that can't install rooftop panels themselves to subscribe to a solar installation in their community and receive credit on their utility bill for their share of the power produced. It's an important way to make the benefits of solar available for all. We are advocating passage of community-solar enabling legislation in Pennsylvania, Florida, and New Mexico, and working to ensure that pilot community solar programs we helped launch in Maryland, New Jersey, New Orleans, and Hawai'i succeed.

Maryland's groundbreaking community solar program is bringing the benefits of solar power to communities like Baltimore's Patterson Park area. Matt Roth for Earthjustice



“ WITH A GROWING GROUP OF PARTNERS, WE ARE EXPANDING OUR EFFORTS FOR AN EQUITABLE TRANSITION TO CLEAN ENERGY IN WHICH EVERYONE SHARES IN THE BENEFITS, FROM ENERGY EFFICIENCY SAVINGS TO COMMUNITY SOLAR TO CLEAN-ENERGY JOBS THAT PROVIDE LIVABLE WAGES AND BENEFITS.”

Kim Smaczniak stepped into the role of managing attorney for Earthjustice's clean energy program in May 2019.



Earthjustice Senior Legislative Representative Luis Torres talks with Fort Myers community leader Crystal Johnson. Torres is supporting Johnson's push to create "climate resiliency hubs," one-stop locations offering services — including backup power from community solar installations — after storms. Martin do Nascimento / Earthjustice

FIGHTING FOSSIL FUELS

Coal-fired power generation, a major source of greenhouse gas emissions, is clearly on the decline in the United States. Last year, coal use hit a 39-year low, and as of early 2019, more than one-half of U.S. coal-fired plants were slated for shutdown. In April and May 2019, U.S. monthly electricity generation from renewable sources exceeded that from coal for the first time ever. Vigorous litigation and advocacy by Earthjustice and our partners have helped accelerate coal's decline and the rise of renewables. But there is much more work to do to end our nation's reliance on coal. We continue to keep up the pressure by making the winning economic, health, and climate case for ending coal mining, burning, and export, and by cleaning up toxic coal ash dumps.

To stop runaway climate disruption, we must also slow the rush to replace coal with gas and block new fossil fuel infrastructure that could lock in harmful carbon emissions for decades. This year Earthjustice and our partners successfully blocked attempts to open up more of the nation's public lands to coal mining and protected much of the Arctic and Atlantic oceans from drilling for oil and gas (*see page 5*). Internationally, we are expanding our legal and technical support for partners in Australia, Indonesia, South Africa, Latin America, and elsewhere as they attempt to wean their nations off fossil fuels.

Coal ash, a toxic byproduct of burning coal, has been dumped into more than 1,000 unlined ponds and landfills nationwide, where it leaches into waterways and drinking water. Earthjustice is partnering with communities across the country to hold polluters accountable for cleaning up coal ash contamination; in Illinois, our coalition helped spur passage of milestone legislation establishing important new protections for people and the environment. Nationally, we are battling multiple attempts by the U.S. Environmental Protection Agency to severely weaken a 2015 rule protecting communities from coal ash, despite a landmark federal appellate-court ruling we won in August 2018 holding that the rule's protections must be strengthened.



Each year **hundreds of power plants** in the U.S. burn over a billion tons of dirty coal.



Burning coal creates **coal ash, a powdery substance containing toxic chemicals.**



Coal plants produce **108 million tons of coal ash** each year, which is then dumped in ponds or landfills.



Many coal ash sites are unlined and likely **leaking contaminants** into groundwater.

Working with our partners, Earthjustice is fighting a new fossil fuel threat to our health and the climate: the oil and gas industry's plans to build out more than 300 petrochemical facilities on the Gulf Coast and in Appalachia, to produce ethane from fracked gas for manufacturing plastics and other products. Estimates are that these facilities would collectively emit hundreds of millions of tons of climate-harming

carbon dioxide every year, as well as hazardous pollutants such as carcinogenic ethylene oxide that would acutely threaten the health of nearby residents. Earthjustice represents RISE St. James, the Louisiana Bucket Brigade, and the Sierra Club as they fight the massive Formosa petrochemical complex in St. James Parish, Louisiana. St. James Parish is part of a region dubbed "Cancer Alley" due to its high concentration of industrial plants and high rates of cancer among local residents.

RISE St. James founder Sharon Lavigne, foreground, is fighting to keep a petrochemical plant out of her Louisiana community. Julie Dermansky for Earthjustice

“ WE PLAN TO CONTINUE DOING MARCHES AND WRITING LETTERS. WE PLAN TO GO TO THE GOVERNOR’S MANSION. WE’RE NOT GOING TO DWELL ON WHAT WE CAN’T DO — WE’RE GOING TO DWELL ON WHAT WE CAN DO.”

Sharon Lavigne, founder and director of RISE St. James



THE WILD

Earthjustice stymied plans approved by the Trump administration to construct a 43-mile water pipeline through Mojave Trails National Monument and surrounding public lands.
Bob Wick / U.S. Bureau of Land Management

PROTECTING PUBLIC LANDS

The Trump administration's public lands policies represent an uncompromising effort to mine, drill, and frack, regardless of the cost to important cultural sites, scenic landscapes, and ecosystems. But that agenda is hitting roadblocks in the courts: In the past year alone, Earthjustice and our partners secured court rulings against mines that threatened treasured western lands, won a major decision overturning the president's executive order to reopen public lands to coal leasing, and won another ruling overturning the administration's decision to greenlight a harmful water project in Mojave Trails National Monument (*see page 5*).

The attacks keep coming, but Earthjustice was built for this fight. We're going all out to defend our country's prized national monuments and to block drilling for oil and gas in the Arctic National Wildlife Refuge and Western Arctic. Our yearslong defense of the nation's remaining old-growth forests continues as we battle attempts to roll back protections and ramp up logging in Alaska's Tongass National Forest. And we are fighting proposed mines that would harm waterways, wildlife, and Native cultures in Alaska, Michigan, Minnesota, and beyond.

Earthjustice won a series of court rulings in 2019 against proposed hard-rock mines that would harm special landscapes. In Arizona, a judge blocked the Rosemont mine, a huge open-pit copper mine in the Santa Rita Mountains that would raze the ancestral lands of our clients, three Native American tribes. In a significant victory for our conservation and community partners in their multiyear effort to protect Yellowstone National Park from new mines at its doorstep, a Montana district court quashed a permit that would have allowed a mining company to explore for gold in Emigrant Gulch. And court rulings in separate cases invalidated permits for the Rock Creek and Montanore silver-copper mines in Montana's Cabinet Mountains Wilderness, a remote expanse of glaciated peaks that sustains grizzly bears and threatened bull trout, and holds irreplaceable value for the Indigenous Ktunaxa Nation.

Tim Hurlbert pets his dog Rush while standing in the Yellowstone River, which is threatened by industrial gold mining proposed in Emigrant Gulch, near Yellowstone National Park.
Chris Jordan-Bloch / Earthjustice



DEFENDING WILDLIFE AND THE ENDANGERED SPECIES ACT

At a time when scientists warn that nearly 1 million of our planet's species are at risk of extinction, the Endangered Species Act has never been more important. One of our nation's most effective environmental laws, the act has prevented the extinction of 99% of the species it protects. But its very strengths have provoked relentless attempts to gut it, and now the Trump administration has adopted measures that attempt to drastically weaken the act. Among other harms, the changes would prevent species newly listed as threatened from receiving automatic protections, allow economic considerations in species-protection decisions that until now have been based purely on scientific analysis, and make it harder to protect the habitat that a species depends upon for its survival and recovery.

These rollbacks violate both the language and spirit of the act, and undermine the mission of federal agencies charged with species protection. In August 2019, Earthjustice, representing seven conservation groups, filed a lawsuit challenging the revised regulations. A group of 19 states and cities from across the nation have since joined the legal challenge. At the same time, our policy and legislation team continues to fight off legislative attacks on the ESA. Despite relentless efforts by resource-extraction industries and their friends in Congress, no major legislation undermining the Endangered Species Act has made it out of Congress in recent years, thanks to powerful public support and the united opposition of congressional champions and our public-interest allies.

IT TAKES MILLIONS OF YEARS FOR SPECIES TO EVOLVE, BUT THEY CAN BE LOST IN THE BLINK OF AN EYE IF WE FAIL TO TAKE ACTION.

Endangered Species Act protections were restored to the Yellowstone region's grizzly bears thanks to a 2018 court ruling in Earthjustice's favor. We are currently defending our court win in the 9th Circuit Court of Appeals. Photo courtesy of Tom Murphy



THE EXTINCTION CRISIS

A U.N.-backed panel reported in May 2019 that the world is facing a rapid and alarming decline in plant and animal species due to human activities. Many species will become extinct within decades — threatening human health, food, and water security — unless we take action to reverse the trend, according to the IPBES Global Assessment Report on Biodiversity and Ecosystem Services.

> 40%
OF AMPHIBIAN
SPECIES AT RISK

≈ 1 MILLION
SPECIES THREATENED
WITH EXTINCTION

> 33%
OF MARINE
MAMMALS AT RISK

75%
OF LAND-BASED ENVIRONMENT
SEVERELY ALTERED BY HUMANS



SAFEGUARDING OUR OCEANS

Our world’s oceans are under immense stress due to climate change, overfishing, pollution, and habitat destruction. They urgently need our protection, and Earthjustice is partnering with conservation groups, fishing communities, and others to restore ocean health and resilience. With our partners, we work to strengthen protections for crucial marine ecosystems, advocate for sustainable fisheries, and protect key species, from forage fish — the foundation of the ocean food web — to top predators such as sharks.

Representing Oceana, Earthjustice won a court ruling in March 2019 that requires the federal government to use available scientific data to address rampant overfishing of dusky sharks in U.S. waters. Dusky sharks are magnificent apex predators, helping to maintain balance throughout the ocean food web. But their population numbers off the Atlantic and Gulf of Mexico coasts plummeted in the 1980s and remain very low as a result of bycatch; thousands are hooked every year by bottom and surface longline gear that is supposed to catch other species.

Photo courtesy of Robert Heil / robertheil@yahoo.com

One of the greatest threats to U.S. coastal waters currently is the Trump administration’s determination to massively expand offshore drilling for oil and gas. This year, the administration was forced to put those plans on hold thanks to a landmark court ruling that restored permanent protections from drilling to portions of the Arctic and Atlantic oceans (*see page 5*). In the Gulf of Mexico, we continue to fight the administration’s plans to auction off 78 million acres for offshore drilling that would threaten wildlife, human safety, and the environment and economies of coastal communities.

“THE GULF OF MEXICO HAS LONG BEEN WRITTEN OFF AS AMERICA’S GAS STATION, JEOPARDIZING GULF COAST COMMUNITIES, COASTAL ECONOMIES, AND THOUSANDS OF WHALES, SEA TURTLES, DOLPHINS, OYSTERS, AND OTHER SPECIES THAT WIND UP IN THE PATH OF OIL AND GAS SPILLS.”

Earthjustice attorney **Chris Eaton**



Demonstrators join hands on St. Pete Beach in Florida to oppose offshore oil drilling.
Scott Sroka / National Geographic Image Collection

On November 6, 2019, Earthjustice presented oral arguments before the U.S. Supreme Court in a case involving a wastewater treatment facility in Hawai’i that is injecting polluted water into groundwater that flows into the ocean, where the injected pollutants are killing coral reefs. Two lower courts agreed with our clients’ argument that those discharges are illegal under the Clean Water

Act, but the Trump administration and the County of Maui argue that the act has no jurisdiction over pollution that is added to our nation’s waterways via groundwater. The stakes are high: The Supreme Court’s ruling could either uphold or gravely weaken the act’s power to rein in water pollution from all manner of industrial facilities.



HEALTHY COMMUNITIES

ADVANCING PUBLIC HEALTH PROTECTIONS

Earthjustice's decades of litigation to strengthen and enforce bedrock environmental laws such as the Clean Air Act and Clean Water Act have helped save tens of thousands of lives and billions of dollars in health-related costs each year. But far too many people in the United States are still forced to deal daily with air and water pollution and other threats from industrial facilities, vehicle traffic, agricultural operations, and other health hazards in their communities. Now the Trump administration is attempting to roll back life-saving environmental protections at a record clip, threatening even greater harm. Working closely with national and state environmental and environmental-justice groups, civil rights organizations, labor, and frontline communities, Earthjustice is vigorously opposing these rollbacks, challenging the government at every step. At the same time, we are supporting the fights of communities across the country, using federal, state, and local laws and regulations to help them rein in toxic emissions and other threats to their families and neighborhoods.

“EVERYONE REGARDLESS OF RACE OR INCOME IS ENTITLED TO LIVE IN A CLEAN ENVIRONMENT BY MEANS OF A JUST TRANSITION.”

Juan Parras, co-executive director and co-founder of Texas Environmental Justice Advocacy Services

■ Texas Environmental Justice Advocacy Services (t.e.j.a.s.) fights to clean up air pollution and other industrial harms in Houston Ship Channel communities such as Manchester, which is bombarded by toxic emissions from more than a dozen facilities, including oil refineries and chemical plants. Earthjustice partners with t.e.j.a.s. and other groups across the country to improve national and local environmental-health protections, and together we are opposing the administration's attempts to roll back a federal rule that helps prevent fires, explosions, and toxic leaks at chemical facilities, and to advance

meaningful regulatory controls for industries that emit the most and the worst hazardous contaminants. We are also supporting some of t.e.j.a.s.' critical local efforts challenging facilities' air permits and fighting for real public access to information and environmental decision-making.

■ After years of living with the pollution, odors, and disruption caused by an oil extraction site operating in their midst, residents of a South Los Angeles community will finally get relief. In August 2018, the owner of the Jefferson Drill Site announced it would shutter the facility rather than meet requirements imposed by the city after our client, Community Redeemer Partnership, submitted a petition calling for the same protections that residents of wealthier, predominantly white communities enjoy.

Pennie Opal Plant, left, and Casey Camp-Horinek take part in a protest at the Frontline Oil and Gas conference, an indigenous-led organizing summit held in Ponca City, Oklahoma, one of America's most intense oil and gas extraction zones. Earthjustice tribal attorneys spoke at the conference about using the law in conjunction with organizing in order to effect change. Chris Jordan-Bloch / Earthjustice

ADVANCING HEALTHY FOOD AND FARMING

Earthjustice is fighting for a food system that nourishes us without poisoning our air and water, putting consumers or farmworkers at risk, or exacerbating climate change. This year we helped secure stronger protections for the farmworkers who are most exposed to pesticides and continued our battle to ban the brain-damaging agricultural pesticide chlorpyrifos. We also worked to secure greater transparency about the safety of chemical additives used in food. And with our allies, we are suing the EPA to require industrial animal-production operations to report their toxic air emissions to their surrounding communities, study the habitat and climate impacts of the continued expansion of the corn ethanol program, and update water-pollution standards from slaughterhouses.

After years of litigation and advocacy by Earthjustice and our partners, in 2019 the EPA once again refused to ban chlorpyrifos, a widely used neurotoxic pesticide that causes brain damage in children, poisons farmworkers, and leaves unsafe residues in our foods. In response, we filed another lawsuit challenging the decision on behalf of health, civil rights, and labor organizations. But a growing number of states are no longer willing to wait for the administration to do the right thing, and in parallel with our litigation, Earthjustice scientists and policy experts are collaborating with local partners asking states to take action. Hawai'i, California, and the New York legislature have enacted legislation or taken other discrete steps to ban or limit use of chlorpyrifos, and we are working to secure similar restrictions in Maryland, Oregon, Connecticut, and New Jersey.



In March 2019, Congress passed into law a bill preserving two rules that strengthen pesticide protections for the 3.4 million U.S. farmworkers and pesticide applicators – including 500,000 children – who cultivate and harvest our food. This successful bipartisan effort, urged on by Earthjustice and our partners United Farm Workers and Farmworker Justice, follows years of our collective advocacy to convince the EPA to strengthen these rules.

Beekeeper Jeff Anderson checks on his bee boxes. Earthjustice is representing Anderson and others in a lawsuit brought by Earthjustice to challenge the Environmental Protection Agency for allowing sulfoxaflo, a bee-killing pesticide, back on the market.
Chris Jordan-Bloch / Earthjustice

“ PLACING INTO THE LAW STANDARDS PROTECTING AGRICULTURAL WORKERS AND PESTICIDE APPLICATORS WILL END DECADES OF EXCLUSION OF FARMWORKERS FROM BASIC PROTECTIONS THAT HAVE SAFEGUARDED OTHER U.S. WORKERS.”

Teresa Romero, president of the United Farm Workers

TARGETING TOXIC CHEMICALS

A major goal of Earthjustice's toxics work over the last decade has been to secure meaningful reform of the Toxic Substances Control Act (TSCA) to better protect human health and the environment from risks posed by the tens of thousands of chemicals that are in our communities, our food, our homes, our workplaces, and in the products we buy every day. Reforms enacted by Congress in 2016 were designed to prevent the introduction of new, untested chemicals into the market without any restrictions, and to require the EPA to assess and regulate the risks from chemicals already in use. But with a reckless disregard for public health and safety, the Trump administration is allowing the EPA to dictate how this new law will be implemented. On behalf of a wide array of clients, Earthjustice challenged the EPA's "framework" rules for TSCA implementation, and in November 2019 we won a ruling from the 9th Circuit Court of Appeals that will require the agency to make important changes to how it is evaluating chemical risks, compelling it to consider the full range of ways that people may be exposed to harmful chemicals. We are also working on numerous fronts to strengthen protections against dangerous chemicals such as lead, PFAS, and flame retardants.

Earthjustice is working to strengthen protections against toxic chemicals known as PFAS, which are found in a variety of everyday products.

COMMON ITEMS WITH PFAS



FOOD PACKAGING
microwave popcorn bags, sandwich wrappers, takeout containers, fast food wrappers



OUTDOOR GEAR
with a "durable water repellent" coating



NONSTICK COOKWARE



STAIN-RESISTANT
carpets, rugs, and furniture



HOUSEHOLD ITEMS
makeup, floss, waxes, paints, stains



FIREFIGHTING FOAM

Stuart Cox for Earthjustice

“THE U.S. ENVIRONMENTAL PROTECTION AGENCY KNOWS THAT METHYLENE CHLORIDE IS KILLING WORKERS, AND IT KNOWS THAT ONLY A BAN WILL PROTECT THEM. YET THE TRUMP ADMINISTRATION IS SO BEHOLDEN TO THE CHEMICAL INDUSTRY THAT IT HAS CHOSEN TO LEAVE WORKERS AND CONSUMERS IN HARM’S WAY.”

Earthjustice attorney **Jonathan Kalmuss-Katz**



Firefighters such as retired captain Tony Stefani are at increased risk for cancer due to exposure to high levels of hazardous chemicals on the job, including toxic flame retardants used in furniture. Stefani founded the San Francisco Firefighters Cancer Prevention Foundation, which has joined other health and environmental groups such as Earthjustice in the fight to reform our broken toxics regulatory system. *Chris Jordan-Bloch / Earthjustice*

On behalf of the Labor Council for Latin American Advancement, Earthjustice filed a lawsuit against the EPA in April 2019 for failing to protect workers by refusing to ban commercial uses of the deadly solvent methylene chloride in paint strippers. More than 50 people have died from acute exposure to methylene chloride since 1980, most of whom were workers exposed on the job. Many more have been harmed by long-term exposure, which increases risks of serious health effects including cancer and liver disease.

FY2019 FINANCIAL REPORT

The critical work Earthjustice does would not be possible without the partnership, generosity, and commitment of supporters like you. Your financial support helped us grow our ranks and bolstered our fight against relentless attacks on the environment.

Here are a few highlights of this past fiscal year:

- Earthjustice closed this fiscal year on June 30, 2019, with \$95.8 million in funds raised, \$21 million over our original budget.
- We have maintained our baseline of 100,000+ donors across the country.
- For over a decade, Earthjustice has received Charity Navigator's highest rating of four stars — an accomplishment achieved by only 1% of all charities that Charity Navigator analyzes.

Earthjustice was spurred by your calls to do more at this critical time for the environment and for communities on the frontlines of environmental injustice. With increased support, in 2019 we opened our new Chicago office and hired our first-ever Midwest regional managing attorney, who is building a fantastic team there. Our work in the region includes stopping new mining projects near Minnesota's beloved Boundary Waters and in the ancestral lands of the Menominee Indian Tribe of Wisconsin; enforcing coal ash cleanup throughout Illinois; and urging Indiana to make the leap to clean energy. We plan to expand upon this work in the years to come from our new outpost.

And we're delivering on our promise to do more in other regions. We now stand firmly as the most active plaintiffs' lawyer for the environment, second only to the Department of Justice in the number of environmental cases fought in the federal courts.



This year we increased our annual budget by 23%, adding 50 new full-time employees — including new attorneys, communications staff, and policy and legislative advocates.

Our work defending against the administration's attempts to roll back federal environmental protections is second to none — we have filed over 130 challenges against the administration so far, and we are winning. In the years ahead, we will look back with pride at what we've accomplished standing side by side to defend what is sacred — our public lands, communities, endangered species, and democracy. We know that we must keep up our fight until we have reined in the worst threats from climate change.

You have the sincere gratitude of all of us at Earthjustice for your unyielding commitment to our mission and for what you are helping us accomplish. We take your commitment seriously and promise you our best work in return.

Statement of Activities & Change in Net Assets

REVENUES	2019	2018
Contributions	\$82,018,842	\$67,380,509
Donated services	4,085,068	6,303,024
Bequests	13,800,126	7,351,145
Court awards	3,487,389	2,547,054
Investment income	7,524,991	5,988,082
Other income	200,259	351,997
Total Revenues	\$111,116,675	\$89,921,811
EXPENSES		
Program Services		
Litigation	43,938,051	35,757,621
Donated services	3,303,422	3,002,386
Public information	17,665,197	13,590,065
Donated public information services	781,646	3,300,638
Total Program Services	\$65,688,316	\$55,650,710
Supporting services		
Management & general	8,732,604	5,099,818
Fundraising	8,105,852	9,450,174
Total Supporting Services	\$ 16,838,456	\$14,549,992
Total Expenses	\$ 82,526,772	\$70,200,702
CHANGE IN NET ASSETS	\$28,589,903	\$19,721,109

Statement of Financial Position

ASSETS	2019	2018
Cash & investments	\$139,261,098	\$118,567,890
Split-interest gift agreements	10,019,288	9,979,059
Accounts receivable	28,098,873	20,031,017
Property & equipment, net	3,513,218	3,420,122
Other assets	2,722,558	2,657,698
Total Assets	\$183,615,035	\$154,655,786
LIABILITIES		
Accounts payable	2,284,823	2,496,420
Accrued vacation payable	2,851,396	2,401,239
Client trust funds	565,235	813,418
Deferred compensation liability	642,553	1,063,134
Deferred lease liabilities	2,005,576	1,351,437
Other liabilities	5,263,802	5,117,944
Total Liabilities	\$13,613,385	\$13,243,592
NET ASSETS		
Without donor restrictions	124,144,068	102,319,033
With donor restrictions	45,857,582	39,093,161
Total Net Assets	\$170,001,650	\$141,412,194
TOTAL LIABILITIES & NET ASSETS	\$ 183,615,035	\$154,655,786

CLIENTS

As the world's premier public-interest environmental law organization, Earthjustice represents a wide diversity of clients, from small grassroots groups to large national organizations. Thanks to the generous support of individual donors and foundations, we are able to represent our clients free of charge, which allows us to choose cases strategically rather than based on a client's ability to pay. In addition to the hundreds of clients listed here that we formally represent, there are scores of others with whom we partner, co-counsel, and ally to achieve our goals.

Your generosity makes Earthjustice's work possible, and we are deeply grateful. We encourage you to investigate the crucial work of our frontline clients and partners as well. Thank you!

350 New Orleans

A

Adirondack Wild - Friends of the Forest Preserve
Air Alliance Houston
Alabama Center for Rural Enterprise
Alaska Wilderness League
Alianza Nacional de Campesinas
Alliance for Affordable Energy
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics
American Bird Conservancy
American Lung Association
American Prairie Reserve
American Rivers
Amigos del Rio Guaynabo, Inc.
AMP Creeks Council
Anacostia Riverkeeper
Anglers Conservation Network
Animal Welfare Institute
Apalachicola Riverkeeper

Appalachian Mountain Club
Ashurst Bar/Smith Community Organization
Atchafalaya Basinkeeper

B

Badlands Conservation Alliance
Baltimore Harbor Waterkeeper -
Blue Water Baltimore
Bar Harbor Whale Watch
Bay.Org dba Bay Institute of San Francisco
Blackfeet Headwaters Alliance

C

California Wilderness Coalition
Californians for Renewable Energy
Campaign to Defend Local Solutions
Canyonlands Watershed Coalition
Capital Area Urban League
Carrizo/Comecrudo Nation of Texasoo
Cascabel Conservation Association

Cascadia Wildlands
Cathedral of Faith, COG
Cathedral of Praise COGIC, International
Catskill Mountainkeeper
Center for Biological Diversity
Center for Community Action and
Environmental Justice
Center for Environmental Health
Center for Food Safety
Center for Native Ecosystems
Chafee Park Neighborhood Association
Chesapeake Climate Action Network
Chesapeake Physicians for Social Responsibility
Cheyenne River Sioux Tribe
Citizens Action Coalition of Indiana
Citizens for Alternatives to Radioactive Dumping
Citizens for Clean Energy
Clark Fork Coalition
Clean Air Coalition of North Whittier
and Avocado Heights
Clean Air Council
Clean and Healthy New York
Clean Water Action
Climate Access Fund
Climate Solutions
Coast Range Association
Colorado Latino Forum
Colorado Mountain Club
Colorado Trout Unlimited
Columbia Riverkeeper
Comite Basura Cero Arecibo
Comité Dialogo Ambiental, Inc.
Communities for a Better Environment
Connecticut Coalition for Environmental Justice
Conservancy of Southwest Florida
Conservation Colorado
Conservation Council for Hawai'i

The legal team and client representatives in *County of Maui v. Hawai'i Wildlife Fund* (see page 19) on the steps of the U.S. Supreme Court. On Nov. 6, 2019, Earthjustice attorney David Henkin (fourth from left) presented oral arguments before the court in this high-stakes Clean Water Act case. Mariana Bellot-Flores / Earthjustice



Conservation Law Foundation
Conservation Northwest
Council of Churches of Greater Bridgeport
Crossett Concerned Citizens for
Environmental Justice
Cully Air Action Team

D

Damascus Citizens for Sustainability
Defend H2O
Defenders of Wildlife
Delaware Riverkeeper Network
Delaware-Otsego Audubon Society
DINE Care
Downwinders at Risk

E

Earthworks
East Yard Communities for Environmental Justice
EcoCheyenne
Elyria and Swansea Neighborhood Association
Endangered Wolf Center
Energy Efficient West Virginia
Environmental Confederation of Southwest Florida
Environmental Defense Fund
Environmental Protection Information Center
Ezra Prentice Homes Tenants Association

F

Florida Wildlife Federation, Inc.
Fort Berthold Protectors of Water and Earth Rights
Friends of the Boundary Waters Wilderness
Friends of the Clearwater
Friends of the Columbia Gorge
Friends of the Earth
Friends of the River

Friends of the San Juans
Friends of the Wild Swan
Full Gospel Pentecostal COGIC

G

Gateway Striper Club
Glacier-Two Medicine Alliance
Globeville, Elyria-Swansea Coalition
Golden Gate Salmon Association
Grand Canyon Trust
Grassroots Environmental Education
Great Neck Breast Cancer Coalition
Great Old Broads for Wilderness
Greater Yellowstone Coalition
GreenLatinos
Greenpeace, Inc.
Gunpowder Riverkeeper

H

HEAL Utah
Healthy Gulf
High Country Conservation Advocates
Hispanic Federation
Huntington Breast Cancer Action Coalition

I

Idaho Conservation League
Idaho Rivers United
Idaho Steelhead and Salmon Unlimited
Idaho Wildlife Federation
Institute for Energy and Environmental Research
Institute for Fisheries Resources
International Federation of Fly Fishers
Ironbound Community Corporation
Izaak Walton League of America

J

Justice and Beyond – New Orleans

K

Kentucky Waterways Alliance
Kingman Park Civic Association
Klamath Forest Alliance
Klamath Riverkeeper
Klamath-Siskiyou Wildlands Center
KS Wild
Ksanka Crazy Dog Society

L

Labor Council for Latin American Advancement
Latino Pastors Assn of Greater BPT
LCPA-West
League of Conservation Voters
League of Women Voters of Florida
Living Rivers
Local Environmental Action Demanded (LEAD)
Agency
Louisiana Environmental Action Network
Lower San Pedro Watershed Alliance
Lower Susquehanna Riverkeeper
Lummi Nation Tribe

M

Madres de Negro de Arecibo
Maricopa Audubon Society
Maryland League of Conservation Voters
Medical Advocates for Healthy Air
Menominee Tribe of Wisconsin
Methow Valley Citizens Council
Miami Waterkeeper
Midwest Renewable Energy Association

Montana Environmental Information Center
Montana Renewable Energy Association
Montana Wilderness Association
Montana Wildlife Federation

N

National Audubon Society
National Parks Conservation Association
National Trust for Historic Preservation
National Wildlife Federation
National Wildlife Refuge Association
Native Village of Nuiqsut
Natural Resources Defense Council
New Vision International Ministries
North Carolina Environmental Justice Network
North Oyster Bay Baymen's Association
Northcoast Environmental Center
Northern Alaska Environmental Center
Northern Cheyenne Tribe
Northwest Coalition for Alternatives to Pesticides
Northwest Sportfishing Industry Association
NW Energy Coalition

O

Ocean Conservancy
Ocean Mammal Institute
Ocean River Institute
Oceana
Okanogan Highlands Alliance
Oregon Environmental Council
Oregon Wild
Outstanding Grand Lake

P

Pace Energy and Climate Center
Pacific Coast Federation of Fishermen's Associations
Pacific Environment
Pacific Rivers Council
Park County Environmental Council
Pascua Yaqui Tribe
Pawnee Nation of Oklahoma
Pikuni Traditionalist Association
Portland Clean Air
Portland Harbor Cleanup Coalition
Potomac River Smallmouth Club
Potomac Riverkeeper Network
Powder River Basin Resource Council
Prairie Rivers Network
Prince of Peace, AOG
PT AirWatchers
Puget Soundkeeper Alliance

Q

Quinault Indian Nation

R

Ratepayer and Community Intervenors
Redeemer Community Partnership
Resisting Environmental Destruction on Indigenous
Lands
Rio Grande International Study Center
Riverkeeper, Inc.
Rock Creek Alliance
Rock the Earth
Rocky Mountain Wild
Rural Empowerment Association for
Community Help
Russell Temple C.M.E.

S

Salmon for All
San Francisco Baykeeper
San Juan Citizens Alliance
Save Our Cabinets
Save Our Gallatin Front
Save the Manatee Club
Scenic Hudson
Seneca Lake Guardian
Shenandoah Riverkeeper
Shiloh Baptist Church of Bridgeport
Sierra Club
Sierra Club, Lone Star Chapter
Sierra Forest Legacy
Soda Mountain Wilderness Council
Solar United Neighbors
Solar United Neighbors of D.C.
Solar United Neighbors of Maryland
Sound Action
Southeast Alaska Conservation Council
Southern Alliance for Clean Energy
Southern Environmental Law Center
Southern Utah Wilderness Alliance
Southwest Energy Efficiency Project
Southwest Environmental Center
St. Francis Prayer Center
St. John's Riverkeeper
Standing Rock Sioux Tribe
Stewards of the Lower Susquehanna
Suquamish Tribe
Surfrider Foundation
Sustainable FERC Project
Swan View Coalition
Swinomish Indian Tribal Community

T

Texas Environmental Justice Advocacy Services
 The Alaska Center
 The Bay Institute
 The Boat Company
 The Fuel Fund of Maryland
 The Hopi Tribe
 The Wilderness Society
 Tohono O'Odham Nation
 Tongass Conservation Society
 Trout Unlimited, Inc.
 Tucson Audubon Society
 Tulalip Tribes

U

West Virginia Citizen Action Group
 Western Colorado Congress
 Western Organization of Resource Councils
 Western Resource Advocates
 Western Watersheds Project, Inc.
 Whale and Dolphin Conservation
 WildEarth Guardians
 Wilderness Watch
 Wilderness Workshop
 Wishtoyo Chumash Foundation
 Wolf Conservation Center
 Wyoming Outdoor Council
 Wyoming Wildlife Advocates

U

Union of Concerned Scientists
 Unite North Metro Denver
 Upper Missouri River Waterkeeper
 Utah Physicians for a Healthy Environment
 Utah Rivers Council

Y

Yankton Sioux Tribe
 Yurok Indian Tribe

V

VAYLA New Orleans
 Verde
 Vermont Natural Resources Council
 Vermont Public Interest Research Group
 Vote Solar

INDIVIDUALS

1 Air Pollution Scientist
 1 Commercial Beekeeper
 1 Resident of Arizona
 1 Wolf Recovery Leader
 2 Advocates for Uniontown, Alabama
 2 East Coast Fishermen
 2 Mid-Atlantic Fishermen
 2 Residents of Montana
 3 Residents of Okinawa, Japan
 3 Residents of Texas
 4 Residents of North Carolina
 6 Residents of Uniontown, Alabama
 7 Public Health Scientists
 7 Residents of Hawai'i
 32 Residents of New York
 40 Residents of Pennsylvania

W

Washington Environmental Council
 Washington Wildlife Federation
 Waterkeeper Alliance
 Waterkeepers Chesapeake
 WaterWatch of Oregon

Earthjustice client Casey Camp-Horinek is a member of the Ponca Tribe of Oklahoma and Councilwoman and Drumkeeper of the Ponca Pa Tha Tah. *Chris Jordan-Bloch / Earthjustice*



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Earthjustice President **Abigail Dillen**

