

2007

EARTHJUSTICE VICTORY REPORT 2007



Earthjustice is the legal backbone of the conservation movement. When you read or hear about a legal ruling that protects an endangered species or wild lands, protects our air and water, or addresses global warming — there is a good chance that Earthjustice is behind that victory. Each year we act on behalf of hundreds of non-profit organizations, without charging for our services. Earthjustice's experience and proven track record of victories, are powerful resources that are made available because of the generosity and support of thousands of concerned people from around the nation.

We proudly share with you eight of the most important victories won by our legal, policy and legislation, and communications teams in 2007 — victories we share with Earthjustice's supporters.



EARTHJUSTICE
Because the earth needs a good lawyer

Global warming is the biggest threat to our environment, and addressing its major causes is the top priority on our docket. Earthjustice won two important victories in the battle against global warming this year. The first was against the Environmental Protection Agency, which sought to avoid restricting greenhouse gas emissions from vehicles by claiming that the agency had no authority to do so. The Supreme Court, in its April 2, 2007 ruling, sided with us.

In the second case, we made the case that conservation measures need to be factored into the true cost of plans by Florida Power and Light to construct a new, coal-fired power plant between the Everglades and Lake Okeechobee — the largest such plant planned in the nation. We argued not only that this plant would add to global warming, but also that conservation measures by the utility could make the plant unnecessary. Thanks to Earthjustice's efforts, the Florida Public Service Commission nixed the plan, in a ruling that is already deterring other efforts across the nation to build coal-fired plants, while spurring the building of cleaner power plants with 21st Century technology.

GLOBAL WARMING



HEALTH

In 2007, Earthjustice won a hard-fought victory against corporate attempts to overturn tough regulations that prevent needless lung disease. We had to overcome fierce industry opposition in our effort to protect the air we breathe.

Ground-level ozone is a major pollutant that leads to smog. And smog leads to respiratory difficulties, such as asthma, which affects over 17 million Americans including many children and senior citizens. In 1997, the Environmental Protection Agency imposed stiffer regulations to tighten controls on the release of ozone from industrial sources. But in 2004 EPA, at the behest of corporate interests, turned back the clock by issuing new regulations that were weaker than even the pre-1997 regulations. Earthjustice immediately filed suit, and in June 2007 the judges issued a final ruling in our favor that will result in much healthier air quality.

In 1976 our government entrusted the health of our National Forest System to the American people by passing the National Forest Management Act. This important legislative act granted the public a role in decision-making processes that determine the management of these areas. Unfortunately, today neither the will of the people nor conservation of our national forests means much to highly-placed government officials.

To satisfy friends in the timber industry, the Forest Service sought to implement new forest management rules that removed the obligation to prepare environmental impact studies and abolished public comment on logging plans. At stake were 191 million acres of forest land, so environmental organizations across the country turned to Earthjustice to fight this change. Our lawyers made the case and a federal judge ruled that the proposed changes to the National Forest Management Act were illegal. This victory ensures public participation and the use of the best available science in future public land decisions



WILDLIFE

PUBLIC LANDS



Earthjustice led the way to a legal victory that will prove vital to saving a species close to extinction. The delta smelt is a small fish that lives only in the waters of the San Joaquin Delta in California. Its numbers have dropped dangerously low due to federally operated water projects in that area. Not only would the loss of this species be tragic, but its decline is a bellwether indicating the worsening health of this ecosystem. Despite the threat of the smelt's extinction, state and federal water managers went ahead with designs to construct another huge pump that would be disastrous for this species.

To justify this plan, the U.S. Fish and Wildlife Service submitted a biological opinion claiming that the expansion of these water facilities would not jeopardize these fish or threaten their habitat. Earthjustice lawyers filed suit over the adequacy of the biological opinion, which failed to include the important fact that the smelt population had already reached record lows. When the decision was handed down, the court ordered the opinion be rewritten, resulting in a major victory for endangered species threatened by government projects.

In 2007, Earthjustice successfully challenged the coal industry over a highly-destructive mining process termed “mountaintop removal.” Mountaintop removal is just that — mining corporations blow the tops off Appalachian mountains to reveal the coal underneath. The broken rock, dirt, and destroyed timber are then pushed into the surrounding valleys, covering and polluting nearby streams and rivers, leveling the natural landscape, and causing massive flooding that devastates communities.

This practice, though not permitted by long-standing Clean Water Act rules, was given a green light after the Bush administration came into office. Since then, the coal companies have needlessly returned to destroying whole mountains to gain access to one of the worst fossil fuels for our environment. To stop this process, Earthjustice filed suit in federal court in West Virginia, arguing that this practice violates the Clean Water Act. The judge agreed and declared five mine permits illegal. This ruling forces the mining industry to reconsider the viability of this highly destructive form of mining.

WATER



INTERNATIONAL

Earthjustice also won a major victory on behalf of people throughout the world, affirming that they have the right to address assaults against the environment within their own nations. In 1998, the Earthjustice-endorsed Aarhus Convention was created by the United Nations to link environmental protection with human rights. In short, this agreement requires national governments to provide the public with access to information, a right to participate in decisions, and access to justice concerning environmental matters.

The establishment of this convention is unique in the history of international law, and would not be judged effective until proven through the successful implementation of a real case. In 2007, Earthjustice, working on behalf of the Aarhus Convention, won a suit challenging authorities in Albania and the World Bank for failing to guarantee public participation in the creation of an industrial park that endangered a wetland. This case not only had a major impact in Albania, but also established a rule of law that ensures public participation in environmental debate and policy internationally.

For years the Environmental Protection Agency has failed to protect the public by adequately enforcing regulations governing the release of toxic air pollutants. In 2007 Earthjustice achieved break-through victories that forced EPA to adhere to the letter of the law in restricting these deadly emissions.

The paper and plywood industries have used their political clout to avoid pollution regulations for decades. So it was no surprise when EPA issued a rule granting these manufacturers an exemption from emission controls, especially since former lawyers for the plywood association are now on EPA staff. The Earthjustice legal team responded by challenging the rule in court, which overturned the exemption and forced nearly 75 percent of these manufacturers to meet maximum standards.

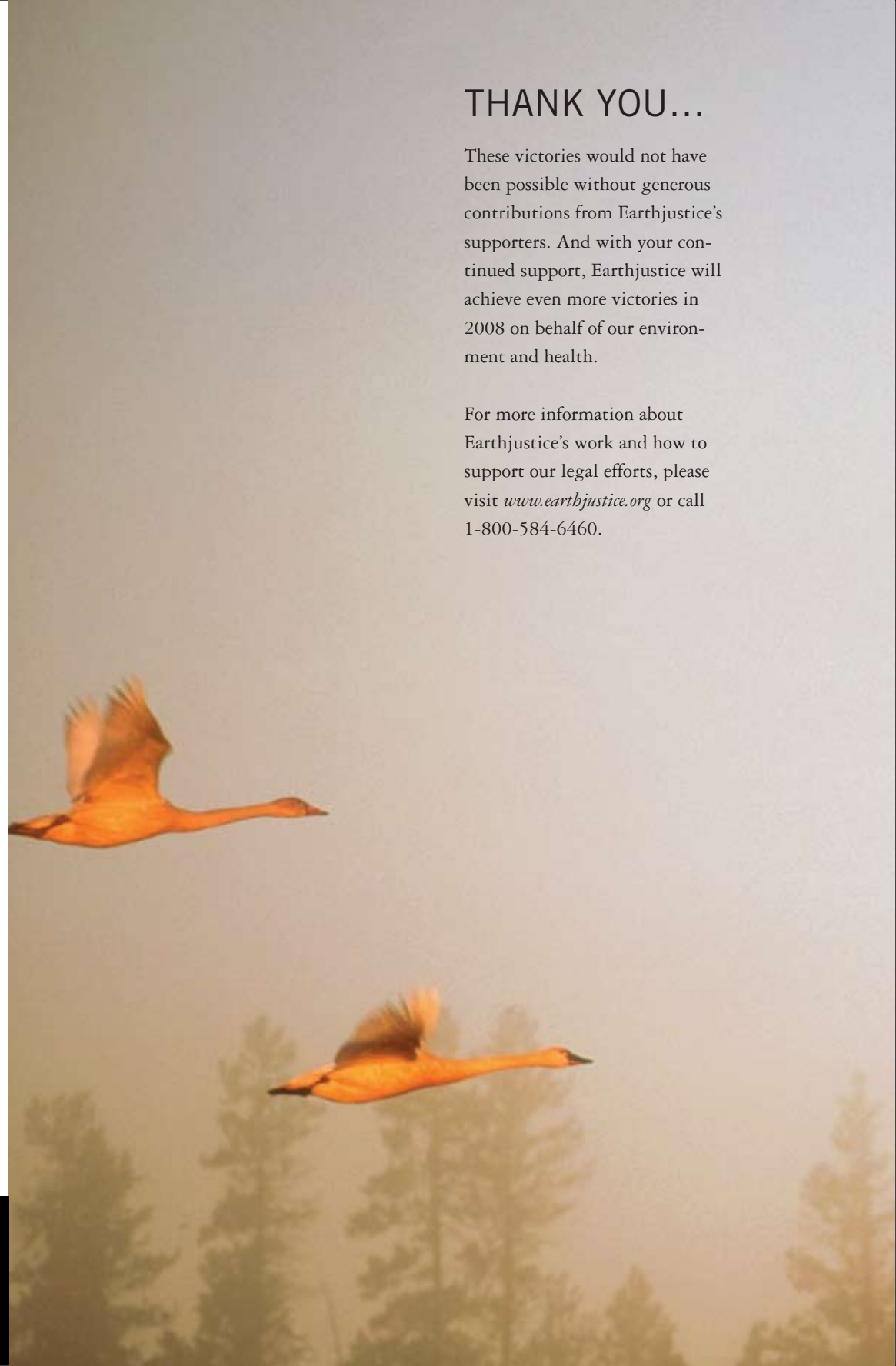
In another critical case, the EPA attempted to avoid classifying thousands of waste burning installations as "incinerators" so they could operate under less stringent regulations. But our lawyers convinced a Washington D.C. federal district court judge this was illegal, resulting in the strongest air pollution controls being placed on these highly toxic incinerators. Earthjustice also challenged the emissions limits the EPA adopted for brick and clay manufacturers, which were far below the law's requirements. Our victory in this case forced the EPA to impose the strict emissions standards set by the Clean Air Act on these facilities, which were spewing some of the worst pollution imaginable into our air.

THANK YOU...

These victories would not have been possible without generous contributions from Earthjustice's supporters. And with your continued support, Earthjustice will achieve even more victories in 2008 on behalf of our environment and health.

For more information about Earthjustice's work and how to support our legal efforts, please visit www.earthjustice.org or call 1-800-584-6460.

AIR





OFFICES

Headquarters

Oakland, California
510-550-6700
ejus@earthjustice.org

Bozeman

ejusmt@earthjustice.org

Denver

ejusco@earthjustice.org

Honolulu

ejushi@earthjustice.org

International

ejusintl@earthjustice.org

Juneau

ejusak@earthjustice.org

Oakland

ejusca@earthjustice.org

Seattle

ejuswa@earthjustice.org

Tallahassee

ejusfl@earthjustice.org

Washington, DC

ejusdc@earthjustice.org



OUR CLIENTS

ʻIlioʻulaokalani Coalition
Alaska Center for the Environment
Alaska Marine Conservation Council
Alaska Villagers and/or Native Groups
Alaska Wilderness League
Alliance for the Wild Rockies
American Bird Conservancy
American Canoe Association
American Lands Alliance
American Lung Association
American Nurses Association
American Rivers
American Soc. for Prevention of Cruelty to Animals
American Wildlands
Anacostia Watershed Society
Animal Welfare Institute
Association of Village Council Presidents
Audubon Alaska
Audubon Society of Portland
Audubon Society of the Everglades
Basel Action Network
Bay Institute of San Francisco
Beyond Pesticides
Biodiversity Conservation Alliance
Blue Ocean Institute
Blue Ridge Environmental Defense League
Bluewater Network
Border Power Plant Working Group
Cabinet Resource Group
California Native Plant Society
California Public Health Association - North
California Sportfishing Protection Alliance
California Trout
California Wilderness Coalition
Campaign for Tobacco Free Kids
Caribbean Conservation Corporation
Carmel Mountain Conservancy
Carson Forest Watch
Cascadia Wildlands Project
Center for Biological Diversity
Center for Biological Diversity - Portland
Center for Environmental Law and Policy
Center for Food Safety
Center for International Environmental Law
Center for Native Ecosystems
Center for Policy Analysis on Trade and Health
Center for Sustainable Economy
Central Sierra Environmental Resource Center
Chassahowitzka River Restoration Committee Inc.
Chinese Progressive Association
Citizens Campaign for the Environment
Citizens' Environmental Coalition
City of Bellingham
Clearwater Biodiversity Project
Coal River Mountain Watch
Coast Action Group
Coast Range Association
Colorado Environmental Coalition
Colorado Mountain Club
Colorado Wild
Columbia Riverkeeper
Communities for a Better Environment
Concerned Citizens for Nuclear Safety
Concerned Citizens of Kalihi-Palama
Conservation Alliance of St. Lucie County
Conservation Council for Hawai'i
Conservation NW
Cook Inlet Keeper
Crowley Museum and Nature Center
Defenders of Wildlife
Delta Fly Fishers
Delta Land Trust
DeltaKeeper
Desert Protective Council
Downwinders at Risk
Dugong Network Okinawa
Earth Island Institute
Earth Media
Earthworks
Ecology Center
Environmental Advocates
Environmental Confederation of Southwest FL
Environmental Defense
Environmental Integrity Project
Environmental Protection Information Center
Farm Labor Organizing Committee
Farmworker Legal Services of New York
Federation of Fly Fishers
Fellowship for Reconciliation
Fiscalia del Medio Ambiente (Chile)
Florida Audubon Society
Florida Citizens
Florida Keys Citizen Coalition
Florida Wildlife Federation
Forest Guardians
Forests Forever Foundation
Frente Indigena Oaxaquena Binacional
Friends of Butte Creek
Friends of Living Oregon Waters
Friends of the Clearwater
Friends of the Earth
Friends of the Everglades
Friends of the Gualala River
Friends of the Kaw

Friends of the River
Friends of the San Juans
Glifford Pinchot Task Force
GMO-Free Hawai'i
Golden Gate Audubon
Grand Canyon Trust
Great Bear Foundation
Great Old Broads for Wilderness
Greater Yellowstone Coalition
Greenpeace
Gulf Restoration Network
Hakipuu Ohana
Heal the Bay
Helping Our Peninsula's Environment
High Country Citizens Alliance
Horned Lizard Conservation Society
Hui Malama I Kohala
Hui o Nā Wai 'Ehā
Humane Society of the United States
Humboldt Watershed Council
Huron Environmental Activist League
Idaho Conservation League
Idaho Council of Trout Unlimited
Idaho Rivers United
Idaho Steelhead and Salmon Unlimited
Idaho Wildlife Federation
IMPACT (UK)
Institute for Fisheries Resources
Jackson Hole Conservation Alliance
Japan Environmental Lawyers Federation
John Muir Project
Juneau Audubon Society
Ka Lahui Hawai'i
Kahea
Kansas Natural Resource Council
Kansas Rural Center
Kilauea Neighborhood Association
Kingman Park Civic Association
Kipuka
Klamath Forest Alliance
Klamath-Siskiyou Wildlands Center
Kohanaiki Ohana
Latino Issues Forum
League to Save Lake Tahoe
Limu Coalition
Louisiana Environmental Action Network
Lynn Canal Conservation
Malama Makua
ManaSota-88
Maricopa Audubon Society
Maui Meadows Homeowners Association
Maui Tomorrow

Medical Advocates for Healthy Air
Mid-Hudson Catskill Rural Migrant Ministry
Mineral Policy Center
Montana Environmental Information Center
Montana Wilderness Society
Montanans Against Toxic Burning
Mountain Lion Foundation
Muckleshoot Indian Tribe
Na Imi Pono
National Audubon Society
National Center for Conservation Science and Policy
National Marine Fisheries Service
National Parks Conservation Association
National Wildlife Federation
Native Fish Society
Natural Resources Council of Maine
Natural Resources Defense Council
Neighborhood Network Research Center
Neighbors for a Safe Dragon
New Mexico Wilderness Alliance
New Mexico Wilderness Association
New Mexico Wildlife Federation
New York Public Interest Research Group
North Carolina Wildlife Federation
Northcoast Environmental Center
Northern Alaska Environmental Center
Northern California Council Federation of Fly Fishers
Northwest Coalition for Alternatives to Pesticides
Northwest Energy Coalition
Northwest Environmental Advocates
Northwest Sportfishing Industry Association
Ocean Advocates
Ocean Conservancy
Ocean Mammal Institute
Oceana
Ohana Pale Ke Ao
Ohio Valley Environmental Coalition
Oregon Natural Resources Council
Oregon Trout
Oregon Wild
Pacific Coast Federation of Fishermen's Associations
Pacific Environment
Pacific Rivers Council
PennFuture
People for Puget Sound
Pesticide Action Network - North America
Physicians for Social Responsibility
Pineros y Campesinos Unidos Del Noroeste
Plumas Forest Project
Powder River Basin Resource Council
Predator Conservation Alliance
Preserve South Bay

Preserve Wild Santee
Public Access Shoreline Hawai'i
Public Employees for Environmental Responsibility
Puget Sound Harvesters
Puget Soundkeeper Alliance
Ramonans for Sensible Growth
REDOIL
Redrock Forests
Redwood Region Audubon Society
Rock Creek Alliance
Rocky Mountain Clean Air Action
Sacramento River Preservation Trust
Safe Air for Everyone
Salmon for All
San Diego Audubon Society
San Diego Herpetological Society
San Francisco BayKeeper
San Juan Citizens Alliance
San Luis Valley Ecosystems Council
Santa Monica BayKeeper
Save Our Creeks
Save our Forests and Ranchlands
Save our Suwannee
Save San Francisco Bay Association
Save the Dugong Foundation
Save the Manatee Club
Sea Mar Community Health Center
Sea Turtle Restoration Project
Seattle Audubon Society
Selkirk Conservation Alliance
Sequoia Forest Keeper
Sierra Club
Sierra Club Environmental Law Program
Sierra Forest Legacy
Sierra Nevada Forest Protection Campaign
Siskiyou Regional Education Project
Sitka Conservation Society
Southeast Alaska Conservation Council
Southern Utah Wilderness Alliance
Southwest Environmental Center
Surfrider Foundation Kaua'i Chapter
Swinomish Indian Tribal Community
Teamsters Local 890
The Bay Institute
The Breast Cancer Fund
The North Umpqua Foundation
The Steamboaters
The Wilderness Society
Tongass Conservation Society
Trout Unlimited
True Blue Woman
Tule River Conservancy

Tuolumne River Trust
Turtle Island Restoration Network
Umpqua Valley Audubon Society
Umpqua Watersheds
United Farm Workers of America, AFL-CIO
United Southeast Alaska Gillnetters Association
Upper Green River Valley Coalition
US Public Interest Research Group
Vermont Natural Resources Council
Village of Point Hope
Washington Environmental Council
Washington Toxics Coalition
Washington Wildlife Federation
WaterKeepers Northern California
WaterWatch of Oregon
West Virginia Highlands Conservancy
Western Colorado Congress
Western Organization of Resource Councils
Western Slope Environmental Resource Council
Western Watersheds Project
Wetlands Action Network
Wild Steelhead Coalition
Wild West Institute
Wilderness Workshop
Wildlands CPR
Winnemem Wintu Tribe
Winter Wildlands Alliance
Wyoming Outdoor Council
Wyoming Wilderness Association
Yakutat Tlingit Tribe



EARTHJUSTICE

426 17th Street, 6th Floor
Oakland, CA 94612-2820

www.earthjustice.org

Printed on recycled paper