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Kolender’s Paper Earns Ohio Environmental Writing Award

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Kolender’s paper earns Ohio environmental writing award

When a Norfolk Southern train derailed in East Palestine, Ohio, spilling hundreds of thousands of gallons of toxic chemicals into the soil, water, and air, Zoe Kolender knew the cleanup efforts would be an arduous task. But she also knew something most people don’t—that environmental disasters like the Norfolk Southern derailment are treated differently depending on the areas in which they occur.

Kolender, a 3L at the Indiana University Maurer School of Law, had been studying the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) while developing a paper for Professor India Thusi’s seminar in Critical Race Theory. CERCLA provides a Federal “Superfund” to clean up uncontrolled or abandoned hazardous-waste sites as

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Her paper has now been recognized with the Environmental Law Student Writing Award, established by the Ohio Bar’s Environmental Law Section and Thompson Hine LLP to recognize current law students looking to advance the application and practice of environmental, energy, or resources law in Ohio.

The East Palestine train incident was a pure coincidence—Kolender’s paper was completed before it happened—but it was one more example of how the federal government responds to environmental catastrophes. As Kolender discovered, not every disaster is treated equally.

“There are no guidelines or standardization with how the Environmental Protection Agency funds the cleanup of waste of toxic sites,” she said. “The research shows that sites closer to minority communities go untouched, while others are cleaned up more thoroughly.”

The result is what Kolender calls “environmental racism.”

Another factor contributing to that disparity in cleanup response is in liability.

“CERCLA is a very complicated statute because there are a lot of ways landowners can be held liable for toxic waste that is on their property,” she said. “Landowners often have to pay for spills on their property, even if they didn’t cause them. The landowner is held liable regardless of their contribution to the contamination, which also disparately affects minority populations.”

Kolender took an interest in environmental law while spending time at her family’s cabin in rural Canada.
It has no running water or electricity, so I grew up fishing and camping and loving nature," she said. While she took a break from environmental activism in high school, her passion was reignited at the University of Michigan and has continued throughout her time at the Maurer School of Law.

“Very few schools have environmental law courses, and we have several,” she said, also noting her involvement with the Conservation Law Center.

While she continues looking for a career opportunity in environmental law, Kolender said her award-winning paper has reinforced her belief that she’s on the right path to making the world a better place.

“I’ve found that the more effort I put toward fixing things in our environment, the less anxiety I have about it,” she said. “I feel like I’m doing something to add to the conversation. I’m all in.”

Kolender’s paper will be presented at the Ohio Bar’s Environmental Seminar on March 30.