



DC Appleseed Center for Law and Justice

2023 Annual Report

For 30 years, DC Appleseed has helped make the District of Columbia a better place to live and work. Through in-depth research and analysis, persuasive advocacy, broad collaboration, and forceful litigation, we have taken on some of the District's toughest problems, developed proposed solutions, and successfully worked to get them adopted and implemented.

2023 Selected Achievements

Racial Equity and Health Equity

Anacostia River Restoration

In 2023, DC Appleseed continued its emphatic and consistent advocacy for the equitable and complete restoration of the Anacostia River. DC Appleseed sits on the Mayor's Leadership Council for a Cleaner Anacostia (LCCAR) and co-led the December 2022 LCCAR meeting. Beginning with the March 2023 LCCAR meeting, DC Appleseed began convening Anacostia River advocates on a monthly basis to coordinate their joint advocacy through LCCAR and other avenues.

In January 2023, DC Appleseed presented at the Battelle International Conference on the Remediation and Management of Contaminated Sediments in Austin, Texas. This conference serves as a forum for exchanging scientific findings and innovative methods for examining, resolving, and reestablishing the environmental and monetary viability of waterways and aquatic systems. With input from key partners, DC Appleseed presented "More Than Just Volunteering," which touched on the history of the Anacostia River, historical cleanup efforts in the District, and ways to increase volunteerism and activism within major environmental restoration efforts.

The restoration of the Anacostia River reached multiple regulatory milestones in 2023.

- In August, the District Department of Energy and the Environment (DOEE) released its Baseline and Performance Management Plan for the Anacostia River Sediment Project. DC Appleseed responded with detailed public comments urging DOEE to provide enforceable benchmarks tied to the results of ongoing sampling and to increase sampling after major flood events. We additionally worked with our expert sediment consultant to identify and raise approximately forty technical errors or omissions that appeared in DOEE's Plan.
- In September, the Anacostia River Natural Resource Damage Assessment and Restoration (NRDAR) Trustees released a draft Damage Assessment Plan (DAP). The DAP is intended to clearly outline how the NRDAR Trustees will assess injuries to natural resources and resource services in the Anacostia River stemming from releases of hazardous substances, which includes providing accurate data and site-specific knowledge on the proposed methodologies, thresholds, and injury quantification standards that will be used. DC Appleseed submitted expansive public comments urging the Trustees to include greater specificity in subsequent drafts, including details that would allow potentially responsible parties to assess the size and costs of early action projects.
- In December, DOEE released the Anacostia River Sediment Project (ARSP) Basis of Design Report for the 30% design phase. DC Appleseed drafted and coordinated with other Anacostia River advocates to submit joint public comments in January 2024, flagging several key issues. Most importantly, the comments highlighted that DOEE's proposed reliance on a relatively new treatment approach suggests the need for a clear contingency plan setting forth the triggers for other kinds of remedial action if the new technology substantially fails to do the job. The comments also pointed out that beneficial reuse criteria for treated sediment are still unclear and not yet final, making it very difficult for the public to evaluate the volume of sediment to be reused, the likely locations, and the impact of such reuse in and near the community. The narrative comments were paired with a table of technical comments from DC Appleseed's technical consultant.

In October 2023, when the Office of the Attorney General announced a \$57 million settlement with Pepco related to the Anacostia River's contamination, DC Appleseed drafted and coordinated a sign-on letter from Anacostia River advocates to the Mayor. The letter urged the District to: (1) ensure appropriate, expedient, and transparent usage of the Pepco environmental settlement funds; and (2) ensure local dollars are allocated to disproportionately impacted DC residents.

Anacostia Parks and Community Collaborative

Several years ago, DC Appleseed expanded its Anacostia River advocacy to ensure our work benefited the residents of Wards 7 and 8, who most directly suffered from the historic contamination and degradation of the river. DC Appleseed currently sits on the steering and policy committees for the Anacostia Park and Community Collaborative (APACC), which is a coalition of organizations focused on restoring the health of the Anacostia River and equitable use of the area surrounding the river. Through APACC, we support residents of Wards 7 and 8 by helping make their voices heard regarding the clean-up of the river and responsible development of neighborhoods near the river. By partnering with APACC, we aim to maximize the benefit of the river's restoration for residents of Wards 7 and 8, while also minimizing any potentially negative economic impacts on that community, such as displacement.

In August, DC Appleseed cosponsored a virtual event with APACC and the DC Environmental Justice Network, focusing on the intersection of health equity and environmental justice. That event featured three local professors working in that space: Dr. Janet Phoenix (Milken Institute of Public Health, George Washington University); Uwe Brandes (Chairman, DC Commission on Climate Change & Resiliency); and Dr. Sacoby Wilson (Maryland Institute for Applied Environmental Health, School of Public Health, University of Maryland). Over eighty people attended the successful virtual event, which highlighted the impacts of climate change on economically disinvested communities in DC.

In September, DC Appleseed hosted a listening session for APACC members about the potential addition of a wellness spa in the Ward 7 and 8 community. Over 50 community members attended this event, which offered local residents the opportunity to ask questions and raise concerns about accessibility, cost, and environmental impacts.

Over the course of this past year, much of DC Appleseed's work with APACC focused on park parity. Currently, parks owned by the National Park Service located east of the Anacostia River receive less than half the funding per square acre that Rock Creek Park receives and one-tenth the funding of the National Mall. District residents living east of the river deserve safe, clean, and maintained parks as much as residents in other areas of the city.

- In 2023, we launched a collaboration with a law firm, Covington & Burling, to provide APACC a clear road map for addressing this disparity.
- In September, DC Appleseed participated in a community bike ride through Anacostia Park alongside Anacostia Urban Waters Federal Partnership and APACC leadership. The local groups were joined by members of the Federal Council on Outdoor Activities to discuss matters regarding DC residents' inequitable access to clean, safe, and well-maintained outdoor space.
- In October, DC Appleseed and attorneys from Covington & Burling spent a day at Anacostia Park engaging the public about a public planning process, "Reimagine Anacostia Park." To ensure local residents and park users could engage in the public comment period, DC Appleseed and its volunteers spoke with between 75-100 park users about the process for submitting comments. We additionally helped multiple park users submit comments about their needs and preferences for the park.



Gun Safety: Improving Communication Among Violence Intervention Programs

For more than fifteen years, DC Appleseed aimed to limit the number of firearms in the District. More recently, DC Appleseed shifted its gun safety work to emphasize a public health approach to gun violence reduction. Since July 2022, DC Appleseed has fostered a partnership with DC's Office of Gun Violence Prevention (OGVP). OGVP is the DC government agency tasked with implementing the District's strategic plan to end community violence using a public health approach. OGVP sought DC Appleseed's help in improving intragovernmental information sharing so that OGVP, violence intervention workers, and credible messengers can better provide services needed by victims or individuals at risk of engaging in gun violence.

Beginning in 2023, and with the assistance of key pro bono partners, DC Appleseed analyzed the web federal and local privacy laws applicable to gun violence intervention programs. DC Appleseed now convenes a monthly meeting with OGVP, the Executive Office of the Mayor, other related DC agencies, and key violence interruption programs to share research updates and advance violence reduction initiatives.

- In April, DC Appleseed shared with key DC government leaders a memorandum analyzing the local privacy laws and regulations that govern DC agencies, drafted in coordination with our pro bono partners at Hughes, Hubbard, and Reed.
- In October, DC Appleseed presented with our pro bono partners from Cooley on relevant federal privacy laws, such as the Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA). Because this is a cutting-edge issue faced by multiple jurisdictions, DC Appleseed is meeting with other community and advocacy groups working on similar initiatives to share research and knowledge.
- In November, at the request of OGVP, DC Appleseed engaged with the White House Office of Gun Violence Prevention. DC Appleseed and its pro bono partners drafted a letter advocating for federal support of local public health programs tackling community gun violence through clear information sharing policies, including clarification of current confusion around HIPAA's Privacy Rule and the Public Health Exception.

HIV and Health Equity

In 2023, DC Appleseed began to transition its award-winning HIV project into a broader initiative focused on health disparities within DC. In February, DC Appleseed released its final situation analysis report on efforts to end the HIV epidemic in the District. The 2021 HIV data released by DC Health shows that infection rates are falling in the District, except for several communities that are ignored or underserved by governmental and medical institutions, especially young people, men who have sex with men, and Black people. In its situational analysis, DC Appleseed identified several areas that require the District's special attention or bolstered efforts to be effective in ending the HIV epidemic in DC.

DC Appleseed testified about the need to improve health equity during the DC Council's FY 2024 budget hearings.



- DC Appleseed submitted testimony to the DC Council Committee on Health for the Department of Behavioral Health's Budget Oversight Hearing. In this testimony, we urged the Council to support health equity in the District by ensuring appropriate, expedient, and transparent funding of the Opioid Litigation Proceeds Act, ensuring local dollars are allocated to syringe services programs, and fully funding DC's School-Based Behavioral Health Program.
- DC Appleseed additionally submitted testimony to the DC Council's Committee of the Whole urging them to ensure DC's opioid litigation funds remain available for their intended purpose. This testimony was spurred by a proposed transfer of \$2,082,410 from DC's Opioid Abatement Fund to the unassigned fund balance of the General Fund. DC Appleseed testified that this transfer would take funds away from preventing, treating, and addressing opioid usage in DC and use them instead to make up the District's budget shortfall.

DC Appleseed additionally served on the Policy Planning Committee for the LGBTQ+ Budget Coalition's Housing Summit, a two-day event in November 2023. The summit aimed to transform barriers to housing for DC's LGBTQ+ community by exploring innovative approaches with service providers, governmental agencies, policy experts, and housing advocates from across the District. DC Appleseed staff facilitated panel discussions on Displacement, Policing, and Gentrification and also participated as a panelist on the topic of rent, particularly as it relates to health equity.

Economic Mobility

Workforce Development Landscape Assessment

DC Appleseed continues to move forward on our comprehensive and collaborative approach to reforming DC's workforce development system to improve DC's return on investments in this area. Through its assessment, DC Appleseed hopes to spark the improved collaboration needed to develop more accessible, effective services. Over the past several years, we began a landscape analysis of the current workforce development system in the District. While our initial planning for this project was interrupted by the COVID-19 pandemic, we relaunched this effort in earnest during 2022.

To ensure broad collaboration in this effort, we conducted interviews and outreach to over forty different entities working in this space, including DC's Workforce Investment Council, Federal City Council, The DC Chamber of Commerce, The University of the District of Columbia, So Others Might Eat (SOME), Bread for the City, The Executive Office of the Mayor, and DC City Council's Committee on Labor and Workforce Development, led by Councilmember Anita Bonds. Working with pro bono lawyers from eight area law firms, we are now conducting research that has focused on the pandemic's impact on the following areas of the workforce system: Local Government, Employers, Education, Labor, Training Providers, and the Philanthropic Community. In May, we convened our pro bono partners as well as several workforce development experts for a half-day convening. This event provided our partners an opportunity to discuss the common themes and challenges that cross different sectors of the workforce development system. In September, these teams began submitting detailed research memos, which will become part of a landscape assessment report. We anticipate releasing our extensive report in 2024, and the contents of the report will guide DC Appleseed's advocacy and convenings.

Improving Opportunities and Conditions Within the Long Term Care Sector

DC Appleseed provides active leadership in the DC Coalition on Long Term Care, which works to address a critical shortage in long-term care providers in DC. In July, DC Appleseed and our pro bono partners at Arnold & Porter hosted a strategic planning session for the coalition. The event brought together 30 key actors in the coalition for a brainstorm on future strategy and tactics. Beginning in November, DC Appleseed staff serve as the interim convener of this critical coalition.

DC Appleseed additionally pushed for the introduction of the Direct Care Worker Amendment Act of 2023 (B25-0565). As introduced, this bill would establish a new credential for direct care workers to replace the duplicative home health aide and certified nursing assistant certifications. It would also eliminate barriers to certified apprenticeship programs for direct care workers and lower the age requirement for direct care workers to 16 years of age. It would additionally ease DC's care shortage by permitting workers certified in Maryland or Virginia to practice in the District, and it establishes a minimum wage for direct support services. DC Appleseed helped Councilmember Christina Henderson frame the bill and recruit the seven co-sponsors. Our staff also visited with councilmembers who did not co-sponsor the bill to strengthen support followed by testimony in support of this bill at a hearing in March 2024. We will continue to advocate for the support and passage of this critical policy intervention.

Special Education

DC Appleseed continues to work with the Office of the State Superintendent for Education (OSSE) to improve outcomes for all children in DC's special education system. In March, DC Appleseed and our pro bono teams presented to OSSE detailed research and recommendations regarding developmental delays and extended eligibility during the post-COVID-19 period. OSSE requested DC Appleseed's research and expertise to determine whether DC's current definition of "developmental delay" was out of step with current data and practice. Through this meeting and other positive contacts, we have developed a strong, positive relationship with OSSE staff. Our positive relationship with OSSE provides a strong foundation for future advocacy.

Increasing Democratic Participation

Defending Autonomy and Increasing Self-Determination for DC's Residents

Beginning in 2023, the makeup of Congress changed substantially, resulting in unprecedented intervention in DC's local affairs. As a result, DC Appleseed's work in this area shifted from expanding DC's rights to defending against Congressional intervention in local affairs, including disapproval resolutions and budget riders. This year, DC Appleseed coordinated two sign-on letters (one from over a hundred attorneys practicing in DC and one from the Appleseed Network and other Appleseed centers) urging US Senators to reject the disapproval resolution regarding DC's Revised Criminal Code Act. We also participated in a webinar educating DC residents about the impacts of the US House of Representatives' riders included in the federal FY 2024 Budget. Our segment of the program focused on federal intervention in DC's syringe service programs, which dramatically lowered the rate of new HIV transmissions due to intravenous drug use.

In April 2023, DC Appleseed coordinated with the DC Affairs Community of the DC Bar to present two panel discussions on Home Rule for the Bar's Bench Bar Conference. The 2023 Bench Bar Conference was titled "Home Rule in DC at 50: Looking Forward and Looking Back" and drew the current and former attorneys general, DC's judicial officers, and legal leaders to discuss issues related to DC's autonomy. DC Appleseed staff planned and moderated a panel titled "Without the Consent of the Governed: Dobbs, Drug Policies, and Other Hurdles in DC's Pursuit of Local Autonomy." That panel focused on ongoing federal involvement in DC residents' personal lives, particularly on reproductive rights, drug policies, and the District's response to these challenges. The panel drew a broad and engaged audience from DC's legal and judicial leaders.

Improving Voter Representation in DC's Elections

In May, DC Appleseed launched a new initiative focused on voter representation in DC's elections. Initiative 83, a voter initiative currently pending in the District, would require the adoption of ranked choice voting and semi-open primaries in DC's elections. As a result, advocacy groups, political parties, and even the U.S. Congress are actively debating reforms related to DC's local elections. While many of these conversations focus just on ranked choice voting or open primaries, a much broader range of options exist. Current research on electoral reform suggests that the structure of an election impacts not only which candidate wins an election but also who casts their vote. DC Appleseed and our partners aim to analyze whether electoral reform makes sense for DC and, if so, which reforms best meet DC's needs. We believe the best solutions for DC will result in a clear majority and democratic mandate for elected officials while also reducing existing racial and economic disparities in voter turnout.

Beginning during the summer of 2023, DC Appleseed reached out to over forty different groups in DC to offer listening sessions about voter engagement. On September 30, 2023, DC Appleseed partnered with UDC-Law and ArentFox Schiff to host a public Voter Representation Convening. The keynote speaker was Maya Wiley, President and CEO of the Leadership on Human and Civil Rights. We featured a panel of national election law experts, including Lee Drutman (New America Political Reform Program), Deb Otis (Fair Vote), Chris Raleigh (The Center for Election Science), and Brian McCabe (Georgetown University Center for Social Justice). Additionally, Lisa Rice (Make All Votes Count DC) and Charles Wilson (DC Democratic Party) shared their arguments for and against DC Voter Initiative 83. During the convening, DC Appleseed polled attendees on the potential electoral reforms the audience felt best resolved DC's unique challenges.



After the convening, DC Appleseed launched a research project staffed by area law firms including HWG, ArentFox Schiff, Hogan Lovells, Barnes & Thornburg, O'Melveny, Gibson Dunn, and Akin. The forthcoming report will analyze existing research on seven potential electoral reforms to determine the potential impact to DC's elections if implemented in the city. We anticipate releasing a detailed report in Summer 2024 to educate voters and policy makers in advance of the fall 2024 elections.



DC APPLESEED



2023 Organizational Milestones

Spring 2023

DC Appleseed staff attended the National Appleseed Network meeting in Boston, MA to learn more about the work done at other Appleseed centers throughout the US and Mexico to build cross-center collaborations.

Summer 2023

DC Appleseed hosted our Seeding Change Luncheon, which highlighted our health equity projects including a panel with community nature-based wellness expert, Akiima Price and DC Councilmember Christina Henderson. The program additionally honored DC Appleseed co-founder, Nick Fels.

Early Fall 2023

DC Appleseed relaunched our Advisory Council composed of outstanding pro bono partners, past board members, and former senior staff who remain involved with DC Appleseed and offer their time and talents to support our mission.

While DC Appleseed's Board of Directors maintains responsibility for governance, our Advisory Council members will leverage their unique gifts to further support our growth: valuable knowledge about the District and its systems, a legacy of significant policy wins, and a deep knowledge of the organization.



Fall 2023

Ward 8 is a food desert. With this challenge in mind, DC Appleseed provided staffing and hot apple cider during Thanksgiving, an event in downtown Anacostia which served 300 meals and turkeys to residents.



Late Fall 2023

DC Appleseed hosted a professional clothing drive in support of our Workforce Development Partner, SOME. Over 25 boxes of gently used items were donated to their employment program.

Winter 2023

Annemargaret Connolly (Weil), DC Appleseed's board chair since 2020, stepped down. The board elected Beth Halpern (Hogan Lovells) as its new chair. Ms. Halpern has worked with DC Appleseed for more than 20 years, focusing most of her efforts on our award-winning HIV project.

DC Appleseed moved to new offices at 1900 L St, NW, Suite 220.



DC Appleseed's Approach

We are independent, non-partisan, and objective. We do not come to any issue with an agenda or predetermined viewpoint and we take a position on an issue only after thoroughly researching it from all sides - with this approach, we meet our goal of finding the best possible solutions for all who live and work in the District.

We leverage our limited budget several times over with pro bono support from law firms, accountants, and other professionals - allowing our small staff and hands-on Board of Directors to tackle a broad range of activities that improve the quality of life in the National Capital Area.

DC Appleseed Staff

Vanessa Batters-Thompson, Executive Director
Neil Richardson, Deputy Director
Erin M. Calloway, Director of Development & Communications
Kristin D. Ewing, Policy Counsel
Noah Lee-Shapiro, Administrative Coordinator

DC Appleseed Board of Directors

Amanda Butler-Jones
Partner, Akin

Annemargaret Connolly | Past Board Chair
Partner, Weil

Apera Nwora
JERA Americas, Inc

Elizabeth Halpern ("Beth") | Board Chair
Partner, Hogan Lovells

William Stein ("Bill") | Vice Chair
Senior Counsel, Hughes Hubbard & Reed

Chanell Autrey
Director, Government Affairs, Target Corporation

Christopher Wright ("Chris")
Partner, HWG

Daniel Flores
Vice President, Greater Washington Board of Trade

Dr. Deborah Chollet | Vice Chair
Senior Fellow, Mathematica

Gershon M. Ratner ("Gary")
Co-Founder, Lawyers Defending American Democracy

Henry J. Brothers II ("Hank")
Principal, Law Office of Hank Brothers

Jamie Underwood
Partner, Latham & Watkins

Jeffrey Handwerker
Partner, Arnold & Porter

Joshua Wyner
Vice President, Aspen Institute; Executive Director,
Aspen College Excellence Program

Karen Dunn
Partner, Paul, Weiss

Karen Hardwick
Senior Vice President & General Counsel, Washington Gas &
WGL Holdings, Inc.

Kenneth Kratovil ("Ken") | Treasurer
Partner, Credibility International, an HKA Company

Lorelie Masters ("Lorie") | Secretary
Partner, Hunton Andrews Kurth

Mary Morningstar
Retired, Associate General Counsel, Lockheed Martin

Dr. Matthew Hegreness ("Matt")
Partner, Covington

Michele Blackwell
Public Policy Manager, Uber

Patrick Campbell
Partner, Milbank

Peter Denton
Partner, Steptoe

Rev. Kendrick Curry
Senior Pastor, The Pennsylvania Avenue Baptist Church

Katherine Broderick ("Shelley")
Dean Emerita and Joseph L. Rauh, Jr. Chair of Social Justice,
University of the District of Columbia School of Law

Shomari Wade
Shareholder, Greenberg Traurig

Victor Bonett | Member At-Large
Senior Manager, Public Policy, Amazon