

ASPEN CASEBOOK SERIES

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**ENVIRONMENTAL LAW**  
**A Conceptual and  
Pragmatic Approach**

*Third  
Edition*



Wolters Kluwer

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*Environmental Law*

*A Conceptual and Pragmatic  
Approach*

*Third Edition*

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# *Environmental Law*

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To our parents, George and Sue Driesen, the late David and Juanita Adler, and  
John Ronald and Joan Gibb Engel



# Preface

This third edition teaches the principal concepts that underlie environmental law. The book's structure reflects this emphasis, as it offers chapters on key concepts, such as technology-based standard setting, economic incentives, and citizen enforcement. This approach takes advantage of some of the commonalities that bind environmental law together in order to provide a coherent introduction to environmental law.

While we weave detailed information about particular environmental statutes into the text and summarize statutory schemes where needed to put cases in context, we single out for special emphasis details that help illustrate key concepts. This approach recognizes that it is not possible to teach all of environmental law, or even all of one of the more comprehensive statutes, in a single introductory environmental law course. This means that textbooks must reflect some selection principle or risk presenting environmental law as an incoherent mass of meaningless detail. We have employed a principle of choosing the materials that best illustrate the concepts most central to environmental policy and practice.

We also employ problems to give students practice in applying the law illustrating key concepts to concrete facts. The problems focus on climate disruption—perhaps the defining environmental issue of our time—and its many environmental ramifications and potential legal and policy responses. By using this example in many different chapters, we help students see how many statutes and concepts can often address a single problem. Also, by using a common problem throughout the book, we hope to increase the depth of students' understanding and free them to devote most of their energy to learning the law.

No environmental law course can hope to teach practitioners all of the law they might need to know. But such a course can orient students, so that they know important aspects of the law and are well prepared to deeply understand new material, even material that is not part of the law today. We hope this book provides a coherent introduction to this complex field.

January 2016

David M. Driesen  
Robert W. Adler  
Kirsten H. Engel



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