



UNDERSTANDING ENVIRONMENTAL LAW

SECOND EDITION



Philip Weinberg
Kevin A. Reilly



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To Mary, Bill, and Matt.
—*Philip Weinberg*

To my children, Kevin and Alanna, who, everyday, make
everything worthwhile, and to my wife Mary.
—*Kevin A. Reilly*

ACKNOWLEDGMENTS

As the historian Barbara Tuchman sagely observed, “the best book is a collaboration between author and reader.”* We have endeavored to keep our end of the bargain by furnishing students and practitioners with a concise, direct introduction to the burgeoning field of environmental law.

Environmental law, an increasingly significant area of legal study and practice, encompasses a full range of issues from tort law through property law to constitutional considerations. This volume attempts to present this mosaic, as its title suggests, in an understandable way. We have tried to avoid either undue concentration on the individual titles or an equally inappropriate focus on generalities.

The book covers not only the traditional terrain of air and water quality, solid and hazardous waste, and pesticides, but also the environmental implications of land use, energy generation and use, and the increasingly important area of international environmental law. It also tries to connect environmental law with the political and constitutional bases for the statutes and court decisions it examines.

Environmental law does not presuppose a background in science, and the references in this book to chemistry, biology and hydrogeology are kept simple and, we hope, understandable — a task rendered easier by the authors’ own lack of scientific expertise.

As the reader will see, environmental law was not born fully-grown, like Botticelli’s Venus, with the advent of the modern regulatory statutes. It stems from tort law, property law and related concepts that trace their roots to the common law. This book attempts to relate those common-law principles to today’s regulatory framework, from which modern environmental law directly descends.

Readers should know that Philip Weinberg wrote chapters one through four and nine through thirteen, as well as minor portions of chapters five, six, and eight. Kevin Reilly wrote chapters seven and fourteen and the bulk of chapters five, six, and eight.

*BARBARA TUCHMAN, *PRACTICING HISTORY* 24.

The authors are deeply indebted to Heidi Luna (St. John's Law School 1999) for invaluable research assistance in preparing the book. We earnestly hope this book will prove useful to the reader in achieving precisely what its title proffers: understanding environmental law.

Philip Weinberg
Kevin A. Reilly
New York, NY
October 2007

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