

Environmental Law



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ENVIRONMENTAL LAW IN A NUTSHELL

Third Edition

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PREFACE

Like our Casebook on *Environmental Law*, this book focuses on basic issues that pervade environmental laws, regulations, planning and disputes. These issues relate generally to the process of integrating environmental policies into a social system which evolved with little regard for such matters. The process involves implementing environmental policies through a legal structure that stresses administrative discretion, judicial restraint, and respect for the authority of different levels of government. It also involves accommodating environmental values with the economic realities of our society, with traditional property rights, and with national policies in such areas as energy, public health, and transportation.

Chapter 1 considers the role of the courts in controlling environmental decisionmaking under the federal Administrative Procedure Act and National Environmental Policy Act. Chapter 2 then considers important regulatory limitations attributable to intergovernmental conflicts within our federal system.

Chapter 3 examines the structure of major federal pollution statutes; the extent to which problems of economic and technological feasibility

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operate as constraints on environmental protection; and ways in which government can create countervailing economic incentives to encourage environmental protection.

Chapter 4 is a general treatment of the legal regulation of risk. After an introduction to the meaning of risk and the distinction between risk assessment and risk management, the chapter analyzes important judicial opinions concerning public regulation under conditions of scientific uncertainty.

Chapter 5 then explores in detail federal statutes governing the sale of toxic chemicals; the toxic pollutant provisions of the Clean Air and Clean Water Acts; the Resource Conservation and Recovery Act, regulating treatment and disposal of hazardous wastes; and the rapidly expanding area of civil liability for improper waste disposal, under both CERCLA and the common law of "toxic torts."

Finally, Chapter 6 considers law and policies pertaining to the preservation of natural areas, including both private and federally owned lands, and the outer continental shelf.

As part of the Nutshell series, this book does not offer an exhaustive treatment of the subject of environmental law. For further helpful information the reader may consult R. Findley and D. Farber's *Casebook on Environmental Law* (3d ed. 1991); W. Rodgers' *Hornbook on Environmental*