

United States Environmental Law Bibliography:
Selected Materials

Prepared by:

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Reference/Faculty Services Librarian
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April, 2007

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Table of Contents

Dictionaries.	1
Hornbooks/Nutshells/Treatises	1
Reporters	6
Periodicals	7
Statutes	
General	9
CAA	10
CWA	12
RCRA	13
CERCLA	14
BRERA	15
ESA	16
FIFRA	18
NEPA	18
CZMA	19
United States Government Agencies	
Environmental Protection Agency	20
Department of Commerce (National Marine Fisheries Service)	21
Department of Defense (U.S. Army Corps of Engineers-ERDC)	21
Department of the Interior (BLM and FWS)	21
Department of Transportation (FWHA)	24
Environmental Justice	22
Compliance	24
Environmental Impact Statements	26

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Dictionaries.

James, Dick, and W.J. James, eds. *Glossary of Environmental and Regulatory Terms and Phrases*. Tulsa: Penwell Publishing, 1993. Reference KF3775 .A68 G56 1993.

This glossary contains definitions of terms, acronyms and abbreviations commonly encountered in the field of environmental regulation. The editors state that definitions in this glossary were taken from EPA documents, such as rules and compliance information. There are no footnotes, nor other documentation for definitions contained herein.

King, James J. ed. *The Environmental Regulatory Dictionary*. 4th ed. New York: J. Wiley & Sons, 2005. Reference KF3775 .A68 K57 2005.

This book serves not only as a dictionary, but also as a way to locate the regulations that apply to environmental terms defined in Title 40, *Code of Federal Regulations*, entitled *Protection of Environment*. Although definitions contained therein are reproductions of what appears in the *Code of Federal Regulations*, the reader should not cite or quote this dictionary, but rather the *CFR*.

Hornbooks/Nutshells/Treatises.

Buck, Susan J. *Understanding Environmental Administration and Law*. 3d ed. Washington, DC: Island Press, 2006. KF 3775 B83 2006

The author explains various aspects of environmental laws and policy processes with which middle level environmental managers work every day. Fictitious case studies, based on recent actual cases, elucidate ways to apply environmental law to real life situations. There is coverage of the public policy process and of legal concepts such as due process, standing, nuisance and public trust. Pollution control, hazardous substances, state and federal management of wildlife programs, as well as the acquisition, disposal and reservation of public lands are considered. There is a discussion of international environmental policy and law. This edition is current through the summer of 2005.

Environmental Defense. New York: Environmental Defense, c. 2000 - . KF 3775 .E58
WEB URL: <http://www.environmentaldefense.org/home.cfm>.

This subscription electronic database, formerly known as Environmental Defense Fund, is available to faculty, students and staff at any of the law library's computers and off-campus by proxy server. The home page is a good source of information regarding current environmental developments and "hot topics". The publications archive has information about programs regarding: climate and air, oceans, health, and land, water and wildlife. Many online publications concern issues including: marine protected areas, air quality, energy, environmental justice, global warming, green design, pollution prevention, endangered species protection, watershed protection and restoration.

Ferrey, Steven. *Environmental Law: Examples and Explanations*. 3d ed. New York: Aspen Publishers, 2004. Reserve KF3775 .Z9 F45 2004.

This is a practical, scientifically oriented treatise about environmental law generally. Many major environmental law topics are discussed, including: air quality regulation; water pollution; water rights; hazardous substance remediation; wetlands and open space preservation; and solid wastes management. There are also chapters about: the Endangered Species Act (ESA); the Toxic Substances Control Act (TSCA); and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These analyses are followed by practical examples/problems and answers and explanations.

Findley, Roger W., and Daniel A. Farber. *Environmental Law in a Nutshell*. 6th ed. St. Paul, Minn.: West, 2004. Reserve KF3775 .Z9 F56 2004.

This treatise provides basic general coverage of certain environmental law topics, including: air and water pollution control, and the regulation of hazardous wastes, toxic chemicals and genetically modified organisms. Judicial review, federalism and preemption are considered. There is a chapter about risk assessment and management. Cases are discussed as appropriate. Preservation of land, coastal waters and endangered species are considered.

Goodwin, Proctor & Hoar LLP. *Massachusetts Environmental Law Handbook*. 3d ed. Rockville, Md.: Government Institutes, 1999. KFM2754 .M38 1999.

This handbook is a basic discussion of the Commonwealth of Massachusetts' major environmental statutes and regulations. There are descriptions of the state agencies concerned with environmental regulation. State enforcement requirements are set forth. The Massachusetts Environmental Policy Act (MEPA) review procedure, including references to state regulations, is set forth. Separate chapters cover major areas of environmental regulation in Massachusetts, such as: air and water pollution control; protection and regulation of water supplies; wetlands regulation; solid and hazardous waste management and underground and above ground storage tanks. There is a chapter regarding use of chemicals with discussion of the Massachusetts Right-to-Know Act and

the Massachusetts Toxics Use Reduction Act. An appendix contains a list, with brief descriptions and citations, of additional Massachusetts environmental laws and regulations. There is no discussion of federal statutes and regulations.

Grad, Frank. *Treatise on Environmental Law*. New York: M. Bender, 1973- KF3775 .A6 G72 1973.

This eight-volume looseleaf treatise is a comprehensive source of useful information on most aspects of environmental law. Individual volumes contain valuable information about the following topics: 1. air pollution; 2. water pollution; 3. solid waste, CERCLA, toxic substances/emergency planning and community Right-to-Know Act; 4. noise, radiation, fertilizer pollution, pesticides and NEPA; 5. land use planning, energy regulation and public lands; 6. international aspects of environmental protection, attorneys' fees, alternative dispute resolution, Native Americans' issues, compliance and reform. There is a long, inclusive list of definitions, abbreviations and acronyms. "Primary Source Manuals" contain the text of numerous statutes and selected rules, regulations and policies. There are looseleaf updates.

Jasper, Margaret C. *Environmental Law*. Dobbs Ferry, N.Y.: Oceana Publications, 2002. KF3775 .Z9 J37 2002.

This is a basic guide to environmental law. There is a discussion of the U.S. Environmental Protection Agency and its many subdivisions, with brief descriptions of their roles in ensuring compliance. There is brief consideration of issues such as hazardous wastes, wetlands, endangered species, water and air quality, global warming, and biodiversity conservation. The effect of pollution on health is considered as well. Appendices include contact information for state information sources, text of some statutes and a reference guide of major pollutants in the home.

Kubasek, Nancy K., and Gary S. Silverman. *Environmental Law*. 4th ed. Upper Saddle River, NJ: Prentice Hall, 2002. KF3775 .K83 2002.

This treatise is intended as a general overview of this country's system of environmental law. Part I is a basic introduction to the law. Part II concerns environmental law and policy regarding: air-quality, water-quality, toxic substances, waste management and hazardous releases, energy, natural resources and international environmental law. Most chapters describe scientific information needed to comprehend the topic. Each chapter contains suggestions for further reading material, a list of internet resources and endnotes. An appendix lists abbreviations and acronyms. There are a Table of Contents and a detailed index. The Third Edition of *Environmental Law* is also part of the law library's collection. KF3775 .K83 2000.

Lazarus, Richard. *The Making of Environmental Law*. Chicago: University of Chicago Press, 2004. KF3775 .L398 2004.

The author reviews the history of modern environmental protection law in the United States. Theoretical and practical aspects are considered separately and together. There is discussion of the events and public attitudes during the 1970's, 1980's and 1990's, as well as of the laws enacted during each of these decades. Theoretical considerations are also presented.

Proto, Neil Thomas. *To A High Court: The Tumult and Choices That Led to United States of America v. SCRAP*, Lanham, Md.: Hamilton Books, 2006. KF 228 .S788 P76 2006

While a student at George Washington University Law School, the author chaired a group of five law students called Students Challenging Regulatory Agency Procedures (SCRAP) which filed a lawsuit against the ICC for failing to prepare an environmental impact statement for a railway freight rate increase, alleging the increase discouraged the use of recyclable goods because of higher rates for recycled materials than for raw materials. In 1973, the U.S. Supreme Court ruled in favor of SCRAP. This account, written from a law student/environmental activist's perspective, is an interesting read, especially for aspiring environmental activists, as the drama of this David and Goliath story is recounted.

Rodgers, William H., Jr. *Environmental Law*. 2d ed. St. Paul, Minn.: West, 1994 (Supp. 2003). Reserve KF3775 .R6 1994.

This hornbook contains much useful information regarding environmental law. There is a general introduction covering such topics as: the condition of the world environment; leading statutes; twenty-five (25) best law review articles and books on environmental law; and legal issues. Separate chapters provide comprehensive coverage of several major areas of environmental regulation including: air and water pollution; pesticides; and hazardous wastes and substances. There is a chapter regarding the National Environmental Policy Act (NEPA). There are numerous footnotes throughout the text. There are a detailed table of contents and an index.

Rodgers, William H. Jr. *Environmental Law*. St. Paul, Minn.: West Pub. Co. 1986-KF3775 .R59 1986 (Supp. 2006).

The first two chapters of Volume 1 of this four volume treatise concern policy and common law theories such as nuisance, public trust doctrine and trespass, as they relate to Air and Water Pollution. Chapter 3 in Volume 1 and Chapter 4 in Volume 2 have information about Air and Water Pollution respectively. In Volume 3, Chapter 5 concerns Pesticides and Chapter 6, Toxic Substances. Chapter 7 in Volumes 3 and 4 is about hazardous wastes. Chapter 8 in Volume 4 concerns CERCLA and hazardous substances. This treatise is kept current with pocket parts.

Rodgers, William H., Jr. *Environmental Law in Indian Country. Volume 1.* St. Paul, Minn.: Thomson/West, 2005. KF 3775 .E58 2005.

This is the first volume of a two volume series about the notions which distinguish environmental law in Indian Country such as: sovereignty, the “trust” relationship between the United States and the tribes, and the permanency of Indian property. There are discussions about: aboriginal, treaty, and statutory properties; Indian tribes in U.S. environmental law; NEPA; and NEPA complements, such as the Wilderness Act, and the Endangered Species Act.

Schoenbrod, David. *Saving Our Environment from Washington.* New Haven, Conn.: Yale University Press, 2005. KF3775 .S36 2005.

The author is a law professor and environmental advocate who has come to believe that the Environmental Protection Agency (EPA) is too large and remote to effectively protect our environment. He uses numerous anecdotes in support of his conclusion. He advocates a system of environmental protection which starts at the local level-- a “bottom-up” approach to environmental protection.

Sherwood, David F., and Janet P. Brooks. *Connecticut Environmental Protection Act.* Eagan, Minn.: Thomson/West, 2006. KFC 3680 .P7192 2006-.

This treatise is Volume 15 of Connecticut Practice Series and contains much useful information regarding the Connecticut Environmental Policy Act—General Statutes §§ 22a-14 to 22a-20 (CEPA) and its application. Various topics are considered, including: rules of statutory construction as applied to CEPA; jurisdictional, substantive and procedural issues; and information regarding intervention in administrative and judicial proceedings. Various forms of relief available under CEPA are considered. There are sample forms. A full-text copy of CEPA, its legislative history, and letters from the Attorney General are included. Numerous relevant cases are cited throughout.

Sullivan, Thomas F. P. ed. *Environmental Law Handbook.* 18th ed. Lanham, Md.: Government Institutes, 2005. KF 3775 .E55 2005.

This is a recently updated edition of a compliance handbook consisting of individual chapters written by experts, using a minimum of legal jargon. The fundamentals of environmental law, including basic discussions of tax, business regulatory, and tort law are considered. Civil and criminal liability for non-compliance and recent trends in enforcement are reviewed. Additional topics discussed by various authors include: the Resource Conservation and Recovery Act; Underground Storage Tanks; the Clean Air and Water Acts; the Oil Pollution Act; the Safe Drinking Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the National Environmental Policy Act; and the Toxic Substances Control Act. There are chapters devoted to:

pesticides and biotechnology; the Pollution Prevention Act; Emergency Planning and Community Right-to-Know Act; and the Occupational Safety and Health Act. The final chapter concerns the legal implications of environmental management systems (EMS), including a general discussion of the advantages of compliance with the ISO 14001 (International Organization for Standardization) EMS standard and its variants. There is a list of research sources at the end of each chapter, including URL's to many web sites.

Weinberg, Philip, and Kevin A. Reilly. *Understanding Environmental Law*. New York: Matthew Bender, 1998. Reserve KF3775 .W45 1998.

This is a clearly written, well-organized, succinct introduction to many facets of environmental law. There are separate chapters regarding various major areas of environmental regulation including: air, water and noise pollution; solid and hazardous wastes; toxic substances; fish and wildlife; land use; and energy production and conservation. The chapters contain information about the scientific background of each topic. There is a chapter regarding international environmental law. Future trends, including ISO 14000 (International Organization for Standardization), are discussed. Policy, judicial, administrative and constitutional matters are considered. There are a glossary, a table of cases, a table of federal and state statutes, an index and a detailed table of contents.

Reporters.

Environment Reporter [Electronic Resource]/ BNA, Inc. Internet KF3775 .E49 WEB
Access Restricted to School of Law and Controlled by IP Address.

This environmental electronic resource published by BNA contains news, full text documentation and explanatory material regarding numerous topics including: CERCLA/Superfund; Clean Air Act; Clean Water Act; the Endangered Species Act; the Federal Insecticide, Fungicide, and Rodenticide Act; and the Resource Conservation and Recovery Act.

Environment Reporter. Washington, DC: Bureau of National Affairs, 1970 - . KF3775 .A52 E58 1970-.

This multi-volume looseleaf service contains weekly editions of *Environment Reporter (ER)* with current developments concerning: air and water pollution; waste control and cleanup; and state and other news. Selected recent decisions are discussed in each issue. *ER* contains the text of recent decisions, EPA Policies and Guidance Documents as well as Memoranda of Understanding. There is information about various federal agencies including: Environmental Protection Agency; Council on Environmental Quality; Department of Justice; Department of Defense; Executive Office of the President; Department of Justice; and U.S. House of Representatives and Senate Committees and Subcommittees. There is information relative to federal statutes and Executive Orders. Each section is tabbed. Binders contain annual cumulations of weekly editions of *ER*.

There is a list of URL's for official government information and of sites consulted by BNA. There is an Annual Index-Summary at the end of each annual file binder. *ER* is currently updated.

Environment Reporter Cases: Opinions of Federal and State Courts in the Field of Environmental Law, with Topical Index, Classification Guide, Index Digest, Table of Cases, Supplemental Table of Cases, and Table of Cases by Jurisdiction. Washington, D.C.: Bureau of National Affairs, 1986-. KF3775 .A52 E5.

This bound reporter set consists of decisions of federal and state courts and administrative agencies from the Decisions Binder of the *Environment Reporter*. Cases construing a subject can be found using the Index Digest, which lists case headnotes by classification number. There is a Topical Index with references to classification numbers and several tables.

Environmental Law Reporter: A Project of the Environmental Institute. Washington, D.C.: The Institute, 1983- . KF3775 .A6 E5

Environmental Law Reporter (ELR) is a multi-volume looseleaf service, containing information regarding litigation and news and analysis from 1996 through 2002. There is also information concerning administrative materials and statutes.

Periodicals.

The Law Library's print collection contains more than fifty (50) environmental law reviews and journals. These can be identified via the WebCatalog by an "Advanced Search" for periodicals (location) using "Environmental Law" as search terms. Many of these law reviews and journals are available electronically, in PDF format, through the Law Library's subscription to Hein Online. Listings of environmental law reviews can be found in the *2006 Directory of Law Reviews* at pages 20 and 47, available at www.lexisnexis.com/lawreview. Selected environmental law reviews and journals which are part of the Law Library's collection are as follows:

Boston College Environmental Affairs Law Review. Newton Centre, Mass.: Environmental Affairs, Inc., 1978- . Periodicals.

This law review is published three times a year and edited by students at Boston College Law School. Articles concern environmental science, law and policy. *Boston College Environmental Affairs Law Review* is available electronically, in PDF format, through the Law Library's subscription to Hein Online.

Columbia Journal of Environmental Law. New York: School of Law of Columbia University, 1975- . Periodicals.

This journal, which is edited and published biannually by an organization of students at Columbia School of Law, contains articles and book reviews. This journal is available electronically, in PDF format, through the Law Library's subscription to Hein Online.

Environmental Law. Portland, Ore.: Northwestern School of Law, 1970- . Periodicals.

This journal is published quarterly and edited by students at Lewis and Clark Law School and covers various environmental legal issues. Articles include symposia materials and a periodic review of Ninth Circuit environmental cases and statutes.

The Environmental Lawyer. Washington, D.C.: American Bar Association, 1994-2003. Periodicals.

This journal was a joint venture between the ABA's Section of Natural Resources, Energy, and Environmental Law and the George Washington University National Law Center covering important developments in environmental law. *The Environmental Lawyer* was published three times a year from 1994 to 2003. Articles in this journal are available electronically, in PDF format, through the Law Library's subscription to Hein Online.

Environs: Environmental Law and Policy Journal. Davis, Calif.: Environmental Law Society, Univ. of California, 1977- . Periodicals.

This journal is published twice a year by students at UC Davis Law School. Their goal is to examine current trends in environmental law and policy by publishing articles which consider major, current issues in "new and enlightening ways". Authors include students, attorneys and academics.

The Harvard Environmental Law Review. Cambridge, Mass.: Harvard Environmental Law Review, Harvard Law School, 1977- . Periodicals.

The editors of *The Harvard Environmental Law Review (HELRL)* include a broad range of topics—at local, national or international levels—covering such areas as: air, water and noise pollution; energy use; radiation control; toxic substances control; work place pollution; and resource use and regulation. *HELRL* is available electronically, in PDF format, through the Law Library's subscription to Hein Online. *HELRL* is published twice yearly.

The International Journal of Marine and Coastal Law. London: Graham & Trotman/Martinus Nijhoff, 1993- . Periodicals.

This is a non student-edited peer reviewed journal, which is published quarterly. The Law Library's print collection commences with Volume 19. Volumes 8-18 are located in the Micrographics Room. *The International Journal of Marine and Coastal Law* is available electronically, in PDF format, through the Law Library's subscription to Hein Online.

Natural Resources Journal. Albuquerque: University of New Mexico, School of Law, 1961 - . Periodicals.

This journal is edited by faculty and students at the University of New Mexico School of Law. It is published quarterly. Volumes 10 to current are available in print. Earlier volumes are found in the Micrographics Room. *Natural Resources Journal* is available electronically, in PDF format, through the Law Library's subscription to Hein Online.

Ocean and Coastal Law Journal. Portland, Me.: Marine Law Institute, University of Maine School of Law, 1994- . Periodicals.

This student-edited law journal is published semi-annually by the Marine Law Institute at the University of Maine School of Law. *Ocean and Coastal Law Journal* is available electronically, in PDF format, through the Law Library's subscription to Hein Online.

Stanford Environmental Law Journal. Stanford, Calif.: Stanford Environmental Law Society, 1987- . Periodicals.

This law journal contains articles concerning various topics relating to environmental law and policy, international environmental law and natural resources law. *Stanford Environmental Law Journal* is available electronically, in PDF format, through the Law Library's subscription to Hein Online. It is published semiannually in January and June.

Statutes.

General.

Federal Environmental Laws 2000 Edition. Eagan, Minn.: West Group, 2000. KF3775 .A29 F43 2000.

This compilation of certain major environmental statutes is current to the end of the First Session of the 106th Congress in 1999. Although dated, this resource could serve as a convenient starting point for historic research regarding the following environmental statutes: Clean Air Act; Clean Water Act; Safe Drinking Water Act; Noise Control Act; Abatement of Aviation Noise; Food, Drug, and Cosmetic Act; Toxic Substances Control

Act; Federal Insecticide, Fungicide, and Rodenticide Act; Federal Land Policy and Management Act; Ocean Dumping Act; and the Endangered Species Act.

Legal Compilation: Statutes and Legislative History, Executive Orders, Regulations, Guidelines and Reports. Washington, D.C.: Supt. Of Docs., U.S. Gov't Print. Off., 1973 - . KF3775 .L42

As the title suggests, this is a compilation of the laws, orders, regulations and guidelines under which the EPA operates. There are sections concerning air, water, solid waste, pesticides, radiation and noise. General and international environmental laws are also covered.

Clean Air Act (CAA).

Belden, Roy S. *The Clean Air Act.* Chicago, Ill.: Section of Environment, Energy and Resources, American Bar Association, 2001. KF3812 .B45 2001.

This basic practice guide provides a clearly written, straightforward overview of the Clean Air Act (CAA) and regulations. In addition to a history of the CAA and amendments, there are chapters concerning National Ambient Air Quality Standards (NAAQS), State Implementation Plans (SIP), New Source Review (NSR). There are separate chapters concerning: the acid rain control program; the Title V operating permit program; MACT Standards; the control of mobile source emissions; and requirements for controlling chlorofluorocarbons. The final chapter concerns enforcement. There are several appendices including acronyms, frequently asked questions, synopses of key cases, a glossary and a bibliography of electronic and print resources.

Bryner, Gary C. *Blue Skies, Green Politics: The Clean Air Act of 1990 and Its Implementation.* 2d ed. Washington, D.C.: CQ Press, 1995. KF3812 .Z9 B78 1995.

This book comprises an analysis of the enactment of the Clean Air Act (CAA) of 1990 and discusses how the Congress and President of opposite parties worked together toward passage of this legislation. Problems and challenges encountered in implementation of this legislation are considered. The environmental policy making process and the challenges involved in regulation of air pollution are discussed. The evolution of the Clean Air Act Amendments of 1990 commencing from 1970, including debates between the Congress and the White House, among competing regional interests and among industry/environmentalist interests are set forth. The final chapter concerns implementation of the CAA Amendments of 1990.

Congressional Research Service. *A Legislative History of the Clean Air Act Amendments of 1990: Together with a Section-by-Section Index.* Buffalo, N.Y.: W.S. Hein, 1998, 1993. KF3812 .A31 A16 1993.

This multi-volume compilation of the legislative history of the Clean Air Act Amendments of 1990 was prepared by the Environment and Natural Resources Policy

Division of the Congressional Research Service (CRS) for the Senate Environment and Public Works Committee. It contains the significant bills, reports and congressional debates which led up to the passage of the CAA Amendments from the 100th, 98th, and 97th Congresses in reverse chronological order. The Appendix contains charts comparing different sections of the bills. There is a section by section index, parts of which track the legislative history portions of the CAA as amended, as well as parts of the 1990 CAA Amendments which did not amend the CAA.

Knauss, Charles H., Shannon S. Broome, and Michael E. Ward. *The Clean Air Act Operating Permit Program: A Handbook for Counsel, Environmental Managers, & Plant Managers*. Chicago, Ill.: Section of Natural Resources, Energy and Environmental Law, American Bar Association, 1993. KF3812 .Z9 K62 1993.

This handbook was written soon after the issuance, in July 1992, of EPA operating permit regulations which were required by Title V of the 1990 CAA Amendments and which described the framework for state operating permits programs. It contains “overview charts”, recommendations and much other information for practitioners, environmental staff, and plant managers regarding regulations in effect in 1992. Appendices include a list of Clean Air Acronyms; Title V of the CAA; a Federal Permit Rule promulgated on July 21, 1992; and a 1993 Memorandum from the Office of Air Quality Planning and Standards with guidance on state collection of permit fees.

Martineau, Robert J., Jr., and David P. Novello, ed. *The Clean Air Act Handbook*. 2d ed. Chicago, Ill.: American Bar Association, 2004. KF3812 . C554 2004.

This treatise is an informative reference manual for an attorney who seeks information relating to specific aspects of the Clean Air Act (CAA). There is a brief history of the Clean Air Act (CAA) and amendments, which helps one understand the current statutory and regulatory scheme. There is coverage of the setting and implementation of National Ambient Air Quality Standards, including development of State Implementation Plans (SIP). There is discussion of several programs including: the New Source Review Program, the Visibility Protection Program, the Section 112(r) Accidental Release Program, the Acid Rain Program, and the Title V Operating Permit Program. There are chapters about: civil and criminal enforcement; regulation of mobile sources, fuels and fuel additives; stratospheric ozone protection and global climate change. The final chapter discusses rule making and judicial review under the CAA. Two appendices provide information on how to obtain current information from the EPA, including a list of air-related web sites. There is a glossary of acronyms.

Rodgers, William H. Jr. *Environmental Law*. St. Paul, Minn.: West Pub. Co. 1986-KF3775 .R59 1986 (Supp. 2006).

The first two chapters of the first volume of this four volume treatise concern policy and common law theories such as nuisance, public trust doctrine and trespass, as they relate to Air Pollution. There is information about Air Pollution in Chapter 3 in Volume 1. For complete annotation, *see* Rodgers, *supra* at 4.

Clean Water Act (CWA).

Gross, Joel M. and Lynn Dodge, *Clean Water Act*, Chicago, Ill. : Section of Environment, Energy, and Resources, American Bar Association, c2005 KF 3790 .G76 2005.

This is a basic treatise concerning the Clean Water Act (CWA). There is coverage of the history of the CWA. Terms contained in the prohibition of discharges Section 301 are defined. There is an overview of the NPDES Process. Types of technology –based standards are considered. There is discussion of various aspects of water quality based effluent limits (WQBELs), including their history and purpose, three approaches to setting WQBELs and EPA’s Water Quality Trading Policy. Publicly owned treatment works (POTWs) and indirect dischargers are discussed. Regulation of wetlands, including definitions and the permitting process, is considered. Wet-weather discharges from point sources and nonpoint source pollution control are discussed. There is consideration of civil and criminal enforcement, including citizen suits. Appendices contain acronyms, FAQs, and a glossary.

Houck, Oliver A. *The Clean Water Act TMDL Program: Law, Policy, and Implementation*. 2d ed. Washington, DC: Environmental Law Institute, 2002. KF3790 .H68 2002.

This treatise is about the status of water quality standards, set forth in the total maximum daily load (TMDL) program of section 303(d) of the Clean Water Act. The author presents a history of clean water legislation from 1948 to 2002, including analysis of congressional testimony and committee reports. There is an examination of implementation by the EPA of Section 303 including discussion of what was perceived by the author as EPA’s initially lax enforcement. The author presents a detailed discussion of the present and future of the TMDL Program.

Rodgers, William H. Jr. *Environmental Law*. St. Paul, Minn.: West Pub. Co. 1986-KF3775 .R59 1986 (Supp. 2006).

The first two chapters of the first volume of this four volume treatise concern policy and common law theories such as nuisance, public trust doctrine and trespass, as they relate to Air and Water Pollution. Chapter 4 in Volume 2 has information about Water Pollution. For complete annotation, *see* Rodgers *supra* at 4.

Ryan, Mark A. ed. *The Clean Water Act Handbook, Second Edition*. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2003. KF3790 .C54 2003.

This treatise includes discussions of traditional point sources of water pollution such as industrial facilities and sewage treatment plants. There is consideration of more recent developments concerning non-point source and storm water runoff, total daily maximum

daily loads (TMDL's), and wet weather regulations, especially storm water and feed lot regulations. There are several URL's to facilitate locating various government documents, statutes and the like. There are articles about issues such as water pollution control under the National Pollutant Discharge Elimination System (NPDES) and NPDES permit application and issuance procedures. There is discussion of publicly owned treatment works (POTW's), including information about permit requirements, applicable effluent limits, pretreatment programs and use and disposal of sewage sludge. There is information about the Section 404 wetlands permit program and about Section 311 concerning prevention and response to oil and hazardous substances spills in U.S. waters. Civil and criminal enforcement procedures are discussed.

Resource Conservation and Recovery Act (RCRA).

Garrett, Theodore L. ed. *The RCRA Practice Manual: Second Edition*. 2d ed. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2004. KF3946 .R375 2004.

This practice manual comprises a useful, clearly written, quite comprehensive guide to RCRA. Topics include: statutory definitions of solid and hazardous wastes; the obligations imposed on generators and transporters; and the treatment, storage and disposal of hazardous wastes. Regulation of land disposal facilities, including land ban disposal restrictions, is considered, as are underground storage tank regulations and the corrective action program. Final chapters address civil and criminal enforcement. Appendices include: flow charts of the RCRA Permit Application Submittal Schedule and of conventional EPA Permitting Procedures; a list of Guidance Documents released by EPA's Office of Solid Waste; and numerous forms.

Rodgers, William H. Jr. *Environmental Law*. St. Paul, Minn.: West Pub. Co. 1986- KF3775 .R59 1986 (Supp. 2006).

Chapter 5 in Volume 3 concerns Pesticides. Chapter 6 in Volumes 3 and 4 concerns Toxic Substances and Hazardous Wastes. Chapter 7 in Volume 4 concerns Hazardous Wastes. For complete annotation, *see* Rodgers *supra* at 4.

Teets, John W., and Dennis Reis, with Danny G. Worrell. *RCRA: Resource Conservation and Recovery Act*. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2003. KF3946 .T44 2003.

This treatise contains simple, basic discussion of selected provisions of RCRA. A reader seeking general information regarding the "more commonly encountered" sections of RCRA may most benefit from this treatise. For example, the authors set forth in textual and flow-chart form, the inquiries, pursuant to Title C, to be used in the identification of a material as a hazardous waste. Regulation of generators and transporters is considered. There is coverage of selected treatment, storage and disposal facility (TSDF) related issues. The final chapters deal with underground storage tanks and solid waste. There is

an acronym list, an appendix of frequently asked questions, synopses of key cases, and a glossary.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Rodgers, William H. Jr. *Environmental Law*. St. Paul, Minn.: West Pub. Co. 1986-KF3775 .R59 1986 (Supp. 2006).

Chapter 8 in Volume 4 concerns Hazardous Wastes and CERCLA. For complete annotation, *see* Rodgers *supra* at 4.

Switzer, Carole Stern, and Lynn A. Bulan. *CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)*. Section of Environment, Energy, and Resources: American Bar Association, 2002. KF1299 .H39 S95 2002.

This is a clearly written, general overview of several basic aspects of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA's unique legislative history is outlined, as are its basic provisions. There is discussion of the Superfund Amendments and Reauthorization Act of 1986 (SARA), including consideration of new mandatory clean-up standards, settlement provisions, public participation and state involvement. Liability and defenses to liability are considered. Power granted to the government and to private parties for recovery of costs for remedial activities is discussed. Appendices contain an Acronym List, Frequently Asked Questions, Key Cases, websites and a summary of the Small Business Liability Relief and Brownfields Revitalization Act.

Topol, Allan J. and Rebecca Snow. Updated by Caroline Buenger. *Superfund Law and Procedure*. Eagan, Minn.: Thomson/West, 2004 -. KF1299 .H39 T65 .

The authors of this two volume treatise discuss numerous aspects of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C.A. §§9601-9675, ("CERCLA" or "Superfund") litigation. There is an overview of the Superfund statute. Parties to CERCLA litigation are considered. There is extensive coverage of possible claims, defenses and counterclaims. Numerous procedural issues are set forth, including: pre-litigation information gathering; subject matter jurisdiction; stays of action; discovery issues; trial by judge, jury or master; settlement procedures. Liability and valuation issues concerning damages to natural resources are considered. There is discussion of CERCLA's criminal provisions. Various procedural considerations in connection with private cost recovery or contribution actions are set forth. Petition procedures for claims against the fund, indemnity agreements and releases are considered. The authors' assertions are supported by citations to federal court opinions interpreting CERCLA, documented in numerous and substantial footnotes throughout. Environmental insurance coverage cases are not included. CERCLA, 42 U.S.C.A. §§9601 to 9675, is reprinted in Appendix A. Additional appendices contain a table of laws and rules, and a table of cases.

Brownfields Revitalization and Environmental Restoration Act of 2001 (BRERA).

Davis, Todd S., ed. *Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property: Second Edition*. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2002. KF3946 .Z95 B76 2002.

This treatise is a comprehensive, useful resource concerning the redevelopment of contaminated property. There is an overview of pertinent state and federal statutes which govern liability for cleanup of brownfields sites, including discussion of the interrelation between brownfields cleanup and RCRA, CERCLA, and parallel state statutes. Several articles about the legal, business, financial and political issues relating to the redevelopment of contaminated property address valuation, creative financing, insurance, and tax ramifications. The importance of retaining the appropriate laboratory is considered. There is discussion of the science of brownfields and the role of risk assessment. There is coverage of the voluntary cleanup programs of numerous states, including Rhode Island, Connecticut and Massachusetts.

Edwards, Amy L. ed. *Implementing Institutional Controls at Brownfields and Other Contaminated Sites*. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2003. KF3946 .I48 2003.

Articles in this compilation detail various methods of implementing institutional controls relating to environmental clean-ups. There is discussion of the Terradex web based tracking system, the Navy's LUCIS System and Zurich's institutional control protection program. The implementation of institutional controls in several states is discussed. There is consideration of the particular issues involved in the transfer of title to real property out of the federal inventory by the United States Government, including certain affirmative duties imposed by Congress. Several appendices contain useful information, such as EPA and Department of Defense Guidance documents.

Geltman, Elizabeth Glass. *Recycling Land: Understanding the Legal Landscape of Brownfield Development*. Ann Arbor: The University of Michigan Press, 2000. KF3946 .G45 2000.

The introduction provides an overview of brownfields redevelopment in the context of CERCLA liability. The numerous common law and statutory causes of action which could arise in the context of brownfields are briefly considered. There is a review of the brownfields programs and statutes in all the states by U.S. EPA Region. Lastly, current federal brownfields initiatives and policy options are discussed.

Endangered Species Act (ESA).

Baur, Donald C. and Wm. Robert Irvin, eds. *Endangered Species Act: Law, Policy and Perspectives*. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2002. KF5640 .A315 E53 2002.

This is a collection of articles by various authors many of which consider the purposes of Congress in enacting the Endangered Species Act (ESA)--to preserve endangered species and their ecosystems-- and whether Congress provided the tools necessary to accomplish these purposes. Various chapters consider different sections of the ESA, including the processes for listing a species and for critical habitat designation, as well as the jeopardy/critical habitat modification prohibition and the Section 9 take prohibition. There is discussion of federal agencies which administer the ESA. Citizen suit provisions of the ESA, international conservation and ESA reform are among other topics discussed.

Foreman, Paul. ed. *Endangered Species: Issues and Analyses*. New York: Nova Science Publishers, 2002. KF5640 .E533 2002.

This compilation of articles provides general information about the Endangered Species Act . The ESA Listing and Designation of Critical Habitat processes are considered with chronologies of two actual cases. There are lengthy analyses of S. 1180 and H.R. 2351, two bills introduced in 1997, concerning, *inter alia*, the listing process for declining species, habitat preservation and recovery plans. The “success” of delisting/downlisted, as well as descriptions of eleven species which were delisted/downlisted is addressed. The Convention on International Trade in Endangered Species (CITES) is considered. There are summaries of several cases concerning the tension between individual property rights and ESA.

Petersen, Shannon. *Acting for Endangered Species: The Statutory Ark*. Lawrence, Kan.: University Press of Kansas, 2002. KF5640 .P48 2002.

The author reviews the historical background of federal legislative efforts to protect endangered species from the late 1800's to enactment of the Endangered Species Act (ESA) in 1973. In so doing, the author discusses efforts to preserve the bison, bald eagle, and grizzly bear. Remaining chapters concern the snail darter and spotted owl controversies, considered in the context of their evolving political, social and scientific environment. The conclusion is a discussion of the effect of ESA on the rate of modern global extinctions.

Reinke, Danny C. and Lucinda Low Swartz. Eds. *Endangered Species: Legal Requirements and Policy Guidance*. Columbus, Ohio: Battelle Press, 2001. KF5610 .E53 2001.

This practice manual presents information relating to case law, federal statutes, rules and regulations. There is a chapter which contains the text of numerous policy notices and decision letters from various federal agencies including the Fish and Wildlife Service (Interior), and National Marine Fisheries Service (Commerce) and National Oceanic and Atmospheric Administration (Commerce). Excerpts from the Interagency Consultation Handbook include discussion of informal, formal, emergency and special consultations and conferences held pursuant to Section 7 of the Endangered Species Act of 1973, as amended. This book contains the text of the Endangered Species Act of 1973, as modified through the 100th Congress, and of the Marine Mammal Protection Act, 16 U.S.C. §§1361-1421h. There are also excerpts from Parts 17 and 18 of Title 50 of the Code of Federal Regulations—relating to endangered and threatened wildlife and plants and concerning marine mammals, respectively. There are synopses of and citations for several Federal Court decisions. Finally, there are names and addresses of U.S. Fish and Wildlife Service Regional Offices.

Shogren, Jason F. *Private Property and the Endangered Species Act*. Austin: University of Texas Press, 1998. KF5640 .P75 1998.

The articles in this book are the work of a research study panel of University of Wyoming faculty and external experts, who were commissioned by the University's Institute for Environment and Natural Resources Policy Board (Board) to write about key policy issues relating to the Endangered Species Act (ESA) and private property. Topics include: brief history of wildlife and endangered species laws; review of judicial opinions regarding the scope and constitutional limits of ESA regulation of private property; discussion of the biological effectiveness and economic impacts of the ESA. Conflicts between the ESA and owners of private property are considered, as are ways to protect endangered species while affording flexibility to private property owners. Finally, there is brief discussion of eight recommendations made by the Board relative to the ESA and private property.

The Stanford Environmental Law Society. *The Endangered Species Act*. Stanford, Calif.: Stanford University Press, 2001. KF5640 .E5 2001.

The authors provide a complete legal framework concerning the Endangered Species Act (ESA). There is a brief history of the ESA followed by discussion of Section 4 requirements of listing, critical habitat designation, and development and implementation of recovery plans. Section 7 requirements that federal agencies act for the benefit/conservation of listed species are considered. Section 9 protections afforded to individual members of listed species and enforceable *inter alia* against individuals and corporations are reviewed. Incidental take permits (ITP) and habitat conservation plans (HCP) pursuant to Section 10 are considered. Citizen suits under Section 11 and the

ESA's role in international conservation under Section 8 also are discussed. An Appendix contains the full text of the ESA, 16 U.S.C. §§ 1531-1544.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Bergeson, Lynn F. *FIFRA: Federal Insecticide, Fungicide, and Rodenticide Act*. Chicago, Ill.: Section of Environment, Energy, and Resources, American Bar Association, 2000. KF3959 .B37 2000.

This basic practice guide can be a useful resource for lawyers, including in-house counsel, in attaining familiarity with many of the fundamental requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136 *et seq.* Federal pesticide registration, data and labeling requirements are considered, as are interagency jurisdictional issues. Other topics considered are recordkeeping and reporting requirements, exports and imports, reregistration and data call-ins, reporting of adverse effects and biotechnology. There is a chapter regarding special review, cancellation and suspension of pesticide registration. Civil and criminal enforcement are considered. Appendices contain frequently asked questions, lists of acronyms and key cases, and a glossary.

National Environmental Policy Act (NEPA).

Bass, Ronald E. and Albert I. Herson. *Mastering NEPA: A Step-by-Step Approach*. Point Arena, Calif.: Solano Press Books, 1993. HC110 .E5 B37 1993.

This handbook is intended to be a simple guide to assist in understanding and implementing the National Environmental Policy Act (NEPA), and the environmental review process incorporated therein. Citations to cases and other legal citations are limited. The authors discuss the role of the various participants in the NEPA process, including the numerous and various federal agencies, their regulations and roles. There is much consideration as to whether and how to prepare an Environmental Impact Statement (EIS). Information about legal requirements for an EIS is supplemented by the authors' advice about aspects of style, emphasis and analysis particular to EIS preparation. There is also discussion about federal agency decision making and judicial review pursuant to NEPA. There are several illustrations and sidebars. Appendices contain texts of certain NEPA regulations.

Caldwell, Lynton Keith. *The National Environmental Policy Act: An Agenda for the Future*. Bloomington, Ind.: Indiana University Press, 1998. KF3775 .C35 1998.

This treatise examines the policy of NEPA and sets forth the author's ideas concerning the need for a "national plan of action" to implement NEPA. There is discussion of Environmental Impact Assessments. There is also consideration of the importance of integrating environmental policy within and among Federal agencies in order to reduce

duplicative, conflicting and competitive programs and projects. Various aspects of United States environmental policy are examined in connection with transnational environmental issues—both bilateral and multilateral.

Coastal Zone Management Act (CZMA).

Christie, Donna R., and Richard G. Hildreth. *Coastal and Ocean Management Law in a Nutshell*. 3d ed. St. Paul, Minn.: Thomson/West, 2007. Reserve KF5627 .Z9 C48 2007.

The authors discuss the management of coastal resources, including the Coastal Zone Management Act. Public and private rights in the coastal zone and public access to the shoreline are among the topics examined.

Ducsik, Dennis W. *Shoreline for the Public: A Handbook of Social, Economic, and Legal Considerations Regarding Public Recreational Use of the Nation's Coastal Shoreline*. Cambridge, Mass.: MIT Press, 1974. KF5627 .D83 1974.

As the title indicates, the author discusses various issues relating to public recreational use of the shoreline. Social, economic and legal considerations relating to the development of shoreline management policies to prevent further encroachment on the public's interest in the coastline are considered.

Kalo, Joseph J., Richard G. Hildreth, Alison Rieser, et al. *Coastal and Ocean Law*. 2d ed. Houston, Texas: J. Marshall Pub. Co., 1994. KF5627 .K35 1994.

This treatise contains discussions concerning private and public interests in coastal lands and waters and the protection of the quality of water and habitats in the coastal zone. The discussion regarding comprehensive management of coastal development includes some consideration of the Coastal Zone Management Act of 1972 (CZMA). The CZMA consistency doctrine is discussed as are its purposes and policies. Relevant cases are mentioned as well. The rights and jurisdiction of the United States in the ocean under the International Law of the Sea Convention are considered. There are also chapters concerning ocean energy, mineral resources, fisheries, marine endangered species and pollution.

Nixon, Dennis W. *Marine and Coastal Law: Cases and Materials*. Westport, Conn.: Praeger, 1994. KF5627 .A7 N59 1994.

This casebook concerns marine and coastal law. The author's intended audience is law students and graduate students in marine affairs. There are chapters discussing, *inter alia*, the Coastal Zone Management Act, the public trust doctrine, and public access to the shoreline.

United States Government Agencies.

Environmental Protection Agency.

U.S. Environmental Protection Agency, Office of Administration, Office of Management and Organization Division. *How EPA Works: A Guide to EPA Organization and Functions*. Rockville, Md: Government Institutes, Inc., 1994. KF3775 .A23 H69 1994.

This guide was prepared by the EPA's Office of Administration and was updated as of 1993. Although dated, this manual gives a description of how the EPA is organized to do business. Reporting relationships within the EPA are described as well as "key functional assignments" within the agency. Job functions for various administrators and staff are described in individual chapters detailing the functions of, for example, the Offices of the Administrator; General Counsel; Inspector General; Research and Development; Air and Radiation; Prevention, Pesticides and Toxic Substances. Each of the ten (10) EPA regions are described. There are organizational charts at the end of every chapter. Additional and updated information about the EPA's organization is available online at www.epa.gov/history/org/index.htm (Site was last visited on 4/13/7.)

United States Environmental Protection Agency, Office of Public Awareness. Washington, D.C. *EPA Journal: A Magazine on National and Global Environmental Perspectives*. Washington, D.C.: U.S. Environmental Protection Agency, Public Affairs Office: [Supt. Of Docs., U.S. G.P.O., distributor], 1975-1995. Periodical section.

This journal, published from January 1975 through the Spring of 1995, has informative articles relating to environmental law issues. Note especially an article entitled "Creating a Healthier Environment: How EPA Works For You" at page 33 of the Winter 1995 issue in Volume 21 of *EPA Journal*, which describes EPA programs and initiatives in place in 1995, thereby providing an easy-to-read (although dated) overview of many programs and functions of the Environmental Protection Agency.

Environmental Protection Agency --www.epa.gov/

The Environmental Protection Agency website's home page has a "laws, regulations and dockets" section with links to full text versions and summaries of the major statutes which comprise the legal basis for EPA programs. The website contains much information regarding numerous and various environmental topics including hazardous waste, acid rain, global warming, superfund, clean air, wetlands, radon, recycling, mercury, and pesticides. (Site was last visited on 4/7/7.)

Department of Commerce.

Buck, Eugene H. *Summaries of Major Laws Implemented by the National Marine Fisheries Service*. Washington, D.C.: Congressional Research Service, Library of Congress, 1995. JK1108 .M35 Suppl. 1996 no. 95-460 ENR MICRO.

Summaries of major statutes implemented by the National Marine Fisheries Service are part of a comprehensive collection of reports on major legislative issues prepared by the Library of Congress' Congressional Research Service. These summaries, which the library holds from 1991, are located in the Micrographics Room in Cabinet 4, Drawer 3.

NOAA's National Fisheries Service (NOAA Fisheries Service)—www.nmfs.noaa.gov/

This website features information regarding the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, other marine resources laws, the NOAA Aquaculture Program, bycatch and strandings. There is a permits portal which provides links to programs requiring permits. There are also links to various offices within NOAA, including the Offices of Sustainable Fisheries, Protected Resources, Habitat Conservation, Science and Technology, and Law Enforcement. There are numerous press releases and much additional useful information. (Site was last visited on 4/13/7.)

Department of Defense.

U.S. Army Corps of Engineers Environmental Laboratory-- el.erdc.usace.army.mil/

The staff of the U.S. Army Corps of Engineers Environmental Laboratory supports the Department of Defense's environmental mission, *inter alia*, by giving customers access to "state-of-the-art environmental assessment, evaluation, and engineering capabilities" and by providing research and development and other services in support of environmental sustainability. (Site was last visited on 4/13/7.)

Department of the Interior.

United States Department of the Interior. *Decisions of the Department of the Interior and General Land Office in Cases Relating to the Public Lands*. Washington, D.C.: G.P.O., 1887 -. KF5501 .A555.

These volumes contain selected, important legal opinions and administrative decisions made by Department of the Interior officials from July 1881 through December 30, 1994.

Bureau of Land Management—www.blm.gov/nhp/index.htm

The Bureau of Land Management (BLM) website includes information relating to BLM's Healthy Lands Initiative, and BLM's NEPA Handbook. There is information regarding energy development on public lands as well. (Site was last visited on 4/4/7.)

Fish & Wildlife Service—www.fws.gov/

This website has links with information about: coastal conservation programs; habitat protection, management and restoration; the endangered species program. The “legislation” link includes the Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service. (Site was last visited on 4/7/7.)

Department of Transportation.

Federal Highway Administration—www.fhwa.dot.gov/environment/

The two offices within the Federal Highway Administration (FHWA) which focus on the protection and improvement of the environment are the Office of Natural and Human Environment and the Office of Project Development and Environmental Review. The FHWA website contains links to information regarding these offices’ numerous environmental responsibilities and initiatives including: FHWA’s Vital Few Goals for Environmental Stewardship and Environmental Streamlining and the Negotiated Timeframes Wizard, which is downloadable, to help local agencies negotiate timeframes, etc. for completing Environmental Impact Statements (EIS) and Environmental Assessment (EA) review processes. (Site was last visited on 4/7/7.)

Environmental Justice.

Cole, Luke W., and Sheila R. Foster. *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement*. New York: New York University Press, 2001. GE180 .C65 2001.

The authors present grassroots accounts of environmental injustice and environmental racism. Two of the case studies concern ultimately unsuccessful attempts to expand toxic waste facilities near the poor Latino communities of Kettleman and Buttonwillow, California. The authors’ discussion and analysis are informative and instructive. Activities of the Minnesota-based Indigenous Environmental Network (IEN), an international coalition of scattered grassroots Native American tribal groups seeking environmental justice, are considered. The transformative politics of the Environmental Justice Movement are examined.

Gerrard, Michael B., ed. *The Law of Environmental Justice: Theories and Procedures to Address Disproportionate Risk*. Chicago: Section of Environment, Energy, and Resources, American Bar Association, 1999. KF3775 .E4667 1999.

This is a compilation of articles by environmental lawyers who are private practitioners, law professors and government environmental officials. The first part of this treatise concerns the legal bases of environmental justice (EJ) law, including the United States Constitution’s Equal Protection Clause, the Civil Rights Act of 1964, Native American

law, and state statutes. State environmental justice programs are listed. President Clinton's Executive Order 12,898 and accompanying Presidential Memorandum, which require federal agencies to seek environmental justice, are discussed. The second part, legal procedures, includes articles regarding: impact assessment; public participation; access to the courts; evidentiary issues; and EJ legal ethics. Part three contains articles on various topics including: stopping and constructing new hazardous facilities; controlling existing facilities; controlling residential and workplace exposure; and cleaning up inactive contaminated sites. This book is current through early 1999.

Moore, Gary S. ed., *Environmental Compliance: A Web-Enhanced Resource*. Boca Raton: Lewis Publishers, 2000. KF3775 .E58 2000.

The intended audience includes professionals who work in the field of environmental regulation and compliance, and each chapter addresses a specific aspect thereof. There is a chapter concerning environmental justice with websites. Note full annotation *infra*.

Rechtschaffen, Clifford, and Eileen Gauna. *Environmental Justice: Law, Policy & Regulation*. Durham, N.C.: Carolina Academic Press, 2002. KF3775 .R43 2002.

The authors examine the environmental justice ramifications of certain environmental regulations, standards and statutes. This examination is accomplished through a collection of law review articles and case excerpts. There is a history/overview of the environmental justice movement. Environmental Title VI claims are considered.

Shrader-Frechette, K.S. *Environmental Justice: Creating Equality, Reclaiming Democracy*. New York: Oxford University Press, 2002. KF3775 .S63 2002.

The author provides analysis of environmental justice (EJ) issues and reasons why citizens, especially in a democracy, have a duty to work as advocates to solve EJ problems. The ethics of equality are analyzed and a principle of prima facie political equity (PPFPE) is posited as a basis for furthering EJ. The valuing of Appalachian coal land and California farm land are presented as examples of environmental inequities; land use planning and controls are offered as ways to eliminate these inequities. There is discussion of a multinational corporation's attempts, which were ultimately unsuccessful, to locate a noxious uranium facility in a poor African-American community in Louisiana. Intergenerational ramifications of permanent disposal of high-level radioactive waste are considered. Proposed siting of waste facilities on Native American land is discussed. The rationale for workers' being allowed to be exposed to higher levels of pollution in the workplace in exchange for higher pay is examined. The author discusses the extreme environmental injustices imposed on developing countries by developed countries. The last chapter reiterates the author's view that working for EJ is the responsibility of ordinary citizens everywhere.

Compliance.

DeLong, James. *Out of Bounds, Out of Control: Regulatory Enforcement at the EPA*. Washington, DC: Cato Institute, 2002. KF3775 .Z9 D45 2002.

The author is critical of the Environmental Protection Agency's enforcement policy, asserting what he describes as EPA's failure to "comport with the rule of law." Various chapters detail the reasons for this conclusion. He discusses what he considers to be the arbitrary nature of the EPA's enforcement practices, the vague language of environmental regulation, and problems caused by the bifurcation of authority between state and federal agencies. Proposals for reform are set forth.

Fiorino, Daniel J. *The New Environmental Regulation*, Cambridge, Mass.: The MIT Press, 2006. KF 3775 .F56 2006.

The author's intent is to inform students, practitioners and scholars about environmental regulation and how it should be changing. He describes the existing "rules and deterrence" regulatory framework as outdated and prescribes a course toward building a new system of regulation in the future. A history of environmental regulation is presented. There are examples of industries motivated to go "beyond compliance" and their reasons for doing so, such as offering products which lower customers' environmental costs to gain market share, and redefining markets by leasing rather than selling products. Numerous other examples of and explanations for "beyond-compliance behavior" are presented. The last chapter is a discussion of a new model of environmental regulation, including how it might be achieved.

Friedman, Frank B. *Practical Guide to Environmental Management*. 8th ed. Washington, DC: Environmental Law Institute, 2000. KF3775 .F77 2000.

This basic guide contains practical information concerning environmental management issues including environmental audits and review of acquisitions. There is a chapter about examples of organization and staffing for environmental management within certain companies. There is a discussion about implementing an environmental management program including policies, procedures and corporate program review.

Iannuzzi, Jr., Al. *Industry Self-Regulation and Voluntary Environmental Compliance*. Boca Raton: Lewis Publishers, 2002. KF3775 .I26 2002.

As the title indicates, this treatise is about the examination and encouragement of certain voluntary environmental compliance programs. There are chapters about the OSHA Voluntary Protection Program (VPP) and the EPA Region 1 self-regulation initiative called StarTrack. Another chapter examines the voluntary compliance activities of a number of leading companies such as IBM, DuPont, Electrolux, Bristol-Myers Squibb, Johnson and Johnson, and Ford Motor Company. A model for a self-regulation program is set forth in the last chapter.

Lincenberg, Gary S. and David S. Krakoff, ed. *The Environmental Crimes Case: From Pretrial Proceedings to Sentencing Guidelines*. Chicago, Ill.: American Bar Association, 1999. KF3775 .K73 1999.

This treatise is a general, practical guide for lawyers who will deal with the statutes and criminal procedure distinctive to environmental cases. The authors provide overviews of federal criminal environmental statutes and a history of the federal environmental criminal program. There is a chapter with a discussion of defenses which can be raised at the pre-trial stage in the proceedings, as well as defenses which ought to be established before a government investigation has begun, such as an environmental compliance program, including self-audits. Post indictment defense strategies and criminal penalties for environmental offenders are also presented. Sample documents are included in the nine (9) appendices.

Mandiberg, Susan F. and Susan L. Smith. *Crimes Against the Environment*. Charlottesville, Va.: Michie, 1997 & Supp. 2003 and 2004. KF 3775 .M373 1997.

The focus of this treatise is the criminal enforcement of environmental laws. The authors' goal is to provide information for both government and industry. In addition to the usual general legal information, the authors present much practical advice. This treatise is intended to provide as much information regarding all aspects of litigating criminal environmental cases as possible. This book was updated by a Cumulative Supplement in 2003 and by a pocket part Update in 2004. Specifics of numerous crimes in most all aspects of environmental regulation are discussed, including: clean air and water act, hazardous waste, CERCLA, pesticides, federal wildlife and resource protection. Also considered is the possibility of criminal liability under Title 18 of the United States Code, which covers such crimes as mail and wire fraud, false statements, conspiracy, obstruction of justice and racketeering, conviction for which could trigger use of the sentencing guidelines. There is a chapter concerning collateral or affirmative defenses. Other chapters cover topics such as: individual and corporate criminal liability; the federal government's decision making process; inspections; the gathering of oral and written evidence and defenses thereto; pretrial motions practice; and sentencing. Several Appendices contain policy statements and criminal enforcement memoranda.

Moore, Gary S. ed., *Environmental Compliance: A Web-Enhanced Resource*. Boca Raton: Lewis Publishers, 2000. KF3775 .E58 2000.

The author's intended audience includes professionals who work in the field of environmental regulation and compliance, and each chapter addresses a specific aspect thereof, such as: the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA); Hazardous Materials Transportation Act (HMTA); and air and water quality regulations. There is a chapter on environmental justice. Explanations are succinctly and simply stated, and in some cases illustrated. There are lists of numerous relevant websites at the end of each chapter.

Rechtschaffen, Clifford, and David L. Markell. *Reinventing Environmental Enforcement & the State/Federal Relationship*. Washington, DC: Environmental Law Institute, 2003. KF3775 .R43 2003.

The authors consider civil and administrative environmental enforcement and the Environmental Protection Agency's relationship with state governments. Historical, traditional state/EPA enforcement relationships, as well as more recent, reinvented enforcement relationships involving devolution of environmental authority to the states, are examined. Suggestions for change are discussed, including a proposal to shift environmental enforcement to an approach focusing on cooperation rather than deterrence. Ways to improve EPA oversight of state programs are suggested.

Situ, Yingyi, and David Emmons. *Environmental Crime: The Criminal Justice System's Role in Protecting the Environment*. Thousand Oaks, Calif.: Sage Publications, 2000. KF 3775 .S549 2000.

This is a basic textbook about several aspects of environmental crime, including corporate environmental crime, organized crime against the environment and environmental crime by the government. There is also discussion about personal environmental crime. Enforcement at the local, state and federal levels is discussed, as are approaches to investigation and criminal prosecution.

Environmental Impact Statements.

Moore, Emmett B. *The Environmental Impact Statement Process and Environmental Law*. 2d ed. Columbus: Battelle Press, 2000. KF3775 .A16 .M2000.

Although the author's intended audience is a graduate level environmental science class, this is a useful resource for law students and lawyers who seek basic information regarding the preparation of an Environmental Impact Statement (EIS). This treatise contains helpful overviews of the entire EIS process. There is a chapter about the legal framework of the National Environmental Policy Act (NEPA) and other environmental laws. There are brief descriptions of the environmental documents which could be part of the NEPA process, with a list of CFR citations. Criteria which trigger the preparation of an EIS are defined with references to the CFR. Steps for applying for an EIS are set forth. There are chapters about the contents of Environmental Impact Statements and Environmental Assessments. Chapters 10 through 29 comprise an overview of many varied federal environmental laws and regulations not to be overlooked in the preparation of an EIS, such as the Clean Air Act, the Oil Pollution Act, the Resource Conservation and Recovery Act, etc. There is a list of major environmental permits. NEPA is set forth in Appendix A. There is a List of Acronyms.