

Environmental Law

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Course Materials:

- 1.) Coursepack available at Barrister's Bookstore
- 2.) Environmental Law for Non-Lawyers, 5th Edition, available at Barrister's Bookstore

Page assignments and what to emphasize in these page assignments will be provided in class.

- I. Introduction and Perspectives
 - A. The need for environmental controls
 - B. Legislative approaches to environmental control
 - C. "Causes of Action" in environmental cases
 - D. The role of courts and administrative agencies in the environmental control process
 1. Standing
 2. Standards for judicial review

- II. National Environmental Policy Act (NEPA)
 - A. The applicability of NEPA – federal government
 - B. NEPA's substantive policies, procedural requirements, and the role of courts under NEPA
 - C. The Environmental Impact Statement (EIS)
 1. Applicability – when do you need an EIS?
 2. Judicial review of agency action – substantive issues vs. procedural issues
 3. The contents of an EIS – cost benefit analysis, comparison of alternatives
 4. Who prepares the EIS?
 5. The scope of an EIS – segmentation
 - D. NEPA's applicability to the private sector
 - E. Remedies under NEPA

- III. Public Utility Regulation
 - A. Public utilities as polluters
 - B. Public utilities and the use of resources
 - 1. Rate setting
 - 2. Encouraging alternative energy production

- IV. Pollution
 - A. Defining pollution
 - B. Pollution control without environmental statutes – tort law
 - C. Public pollution control – statutes and regulations
 - 1. Discharge permits and effluent charges
 - 2. Clean Air Act (CAA)
 - a. Control mechanisms and federalism
 - b. Interpretive issues
 - c. Economics
 - 3. Clean Water Act (CWA)
 - a. Comparison with Clean Air Act
 - b. The extent of federal jurisdiction
 - 4. Noise Control Act (NCA)
 - a. Comparison with Clean Air Act
 - b. State-federal conflict and federal preemption

- V. Pesticides and Toxic Substances
 - A. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) – Registration, use, and termination of registration
 - B. Toxic Substances Control Act (TSCA) – Comparisons with FIFRA
 - C. Food, Drug and Cosmetic Act (FDCA) – Relationship to FIFRA (tolerance levels)

- VI. Waste Disposal and Resource Conservation
 - A. Resources Conservation and Recovery Act (RCRA) – Disposal
 - 1. Solid waste disposal
 - 2. Hazardous waste disposal
 - B. Resource Conservation and Recovery Act (RCRA) – Resource Conservation