

R I C H A R D J . L A Z A R U S

The  
Making  
*of*  
Environmental  
Law



# Making Of Environmental Law

**Richard James Lazarus**



## **Making Of Environmental Law:**

The Making of Environmental Law Richard J. Lazarus, 2008-09-15 The unprecedented expansion in environmental regulation over the past thirty years at all levels of government signifies a transformation of our nation's laws that is both palpable and encouraging. Environmental laws now affect almost everything we do from the cars we drive and the places we live to the air we breathe and the water we drink. But while enormous strides have been made since the 1970s, gaps in the coverage, implementation and enforcement of the existing laws still leave much work to be done. In *The Making of Environmental Law*, Richard J. Lazarus offers a new interpretation of the past three decades of this area of the law, examining the legal, political, cultural and scientific factors that have shaped and sometimes hindered the creation of pollution controls and natural resource management laws. He argues that in the future, environmental law must forge a more nuanced understanding of the uncertainties and trade-offs as well as the better organized political opposition that currently dominates the federal government. Lazarus is especially well equipped to tell this story given his active involvement in many of the most significant moments in the history of environmental law as a litigator for the Justice Department's Environment and Natural Resources Division, an assistant to the Solicitor General and a member of advisory boards of the U.S. Environmental Protection Agency, the World Wildlife Fund and the Environmental Defense Fund. Ranging widely in his analysis, Lazarus not only explains why modern environmental law emerged when it did and how it has evolved, but also points to the ambiguities in our current situation. As the field of environmental law grays with middle age, Lazarus's discussions of its history, the lessons learned from past legal reforms and the challenges facing future lawmakers are both timely and invigorating.

**The Making of Environmental Law** Richard James Lazarus, 2004 The unprecedented expansion in environmental regulation since 1970 at all levels of the government signifies an extraordinary transformation of our nation's law. How environmental law emerged, why it has since evolved in the way that it has, and what are the challenges presented as environmental law moves now into its middle age is a fascinating and revealing story which *The Making of Environmental Law* seeks to tell. The story shows how fashioning pollution control laws presents special challenges both because of the nature of pollution itself and the known means of pollution control and because of our nation's varied processes for lawmaking and the ways those processes relate to important cultural norms. Many of these challenges relate to the varied, complex and uncertain spatial and temporal dimensions of pollution itself, factors which resist simple redress. The purpose of *The Making of Environmental Law* is to describe these challenges, relate them to actual events which occurred during the past three decades and discuss what lessons can be gleaned from those decades to meet those same challenges today and in the future. The book is accordingly divided into three parts. Part I, consisting of three chapters, provides a theoretical overview of the challenges presented by environmental protection for lawmaking. The first two chapters describe the relevant physical features of the natural environment and its transformation by humankind with emphasis on their spatial and temporal dimensions that especially

challenge the fashioning of legal rules The third chapter analyzes in more detail how these features relate to the structure of U S lawmaking institutions in federal state and tribal sovereign authorities and within all three branches of government Part II is more explanatory in nature It relates the more theoretical analytic framework regarding the nature of environmental lawmaking Developed in Part I to the actual events surrounding modern environmental law s evolution during the 1960s 1970 1980s and 1990s Finally Part III is more critical and speculative in character than either Part I or II The first chapter of Part III considers the current state of environmental law including both how environmental protection law has evolved during the past three decades and how those evolutionary trends reflect the features of the ecological problems environmental law seeks to address The second chapter in Part III considers the ways in which environmental law is likely to continue to be challenged in the future especially by ever changing conceptions of time and space The third and final chapter of Part III considers the potential historical significance of current times given the unprecedented ascendancy to dominant positions in both the federal legislative and executive branches of government officials who favor major reforms of existing environmental laws

*Making Environmental Laws Work* William Wilson,1999-01-19 The book considers the political context in which environmental laws are made and the implications for long term public support of them

Decision Making in Environmental Law LeRoy Paddock,Robert L. Glicksman,Nicholas S. Bryner,2016 Environmental issues are at the heart of some of the most complex and consequential decisions that society must face in pursuit of a more sustainable future They encompass the international national and local levels and engage all branches of government Decision Making in Environmental Law one of the constituent volumes in the Elgar Encyclopedia of Environmental Law brings together some of the leading experts in the field and provides a structured overview of the various dimensions of decision making from an environmental law perspective Topics include the use of treaties common law tools rulemaking access to information regulatory structures market based and trading mechanisms monitoring and reporting voluntary programs and private regulation environmental impact analysis public engagement and environmental justice administrative and judicial review and the role of environmental courts and tribunals

*Making Environmental Law* Nancy E. Marion,2011-08-10 From Eisenhower to Obama this book provides a comprehensive analysis of the policies Congress and the president have proposed and passed to protect the environment over time The U S federal government first began to consider legislation to protect the environment and natural resources in 1940s Since that time Congress and the president have considered and passed numerous environmental policies laws that serve to protect the quality of the air we breathe the water we drink the natural beauty of the land and the animals that live both on land and in the water In *Making Environmental Law The Politics of Protecting the Earth* experienced and accomplished environmental law researcher Nancy E Marion shows what policies Congress have proposed and passed to protect the environment over time Each chapter focuses on the members of Congress s response to a different environmental concern such as ocean dumping pesticides and solid waste With green awareness

now affecting every aspect of our modern world this text serves as an invaluable reference for students and researchers who need a deeper historical background on the political aspects of these issues

**International Environmental Law-making and Diplomacy** Tuomas Kuokkanen, Ed Couzens, Tuula Honkonen, Melissa Lewis, 2016-01-29 Bringing together contributions from diplomats UN agency officials lawyers and academics this book provides insight into the evolution of international environmental law diplomacy and negotiating techniques Based on first hand experiences and extensive research the chapters offer a blend of practice and theory history and analysis presenting a range of historical episodes and nuances and drawing lessons for future improvements to the processes of law making and diplomacy The book represents a synthesis of the most important messages to emerge from the annual course on Multilateral Environmental Agreements delivered to diplomats and negotiators from around the world for the last decade by the University of Eastern Finland and the United Nations Environment Programme The book will be of interest as a guide for negotiators and as a supplementary textbook and a reference volume for a wide range of students of law and environmental issues

Environmental Law Stuart Bell, Donald McGillivray, Ole W. Pedersen, Emma Lees, Elen Stokes, 2017 This edition of Environmental Law includes material on environmentalism and the law international environmental law access to environmental justice noise pollution and new legislation on pollution prevention and new case law

*The Oxford Handbook of Business and the Natural Environment* Pratima Bansal, Andrew J. Hoffman, 2012 This Handbook discusses the main issues research and theory on business and the natural environment and how they impact on different business functions and disciplines

*Science-Based Lawmaking* Dionysia-Theodora Avgerinopoulou, 2019-08-31 The Book takes the approach of a critique of the prevailing international environmental law making processes and their systemic shortcomings It aims to partly redesign the current international environmental law making system in order to promote further legislation and more effectively protect the natural environment and public health Through case studies and doctrinal analyses an array of initial questions guides the reader through a variety of factors influencing the development of International Environmental Law After a historical analysis commencing from the Platonic philosophy up to present the Book holds that some of the most decisive factors that could create an optimized law making framework include among others progressive voting processes science based secondary international environmental legislation new procedural rules that enhance the participation in the law making process by both experts and the public and also review the implementation compliance and validity of the science base of the laws The international community should develop new law making procedures that include expert opinion Current scientific uncertainties can be resolved either by policy choices or by referring to the so called sound science In formulating a new framework for environmental lawmaking processes it is essential to re shape the rules of procedure so that experts have greater participation in those in order to improve the quality of International Environmental Law faster than the traditional processes that mainly embrace political priorities generated by the States Science serves as one of the main tools that will

create the next generation of International Environmental Law and help the world transition to a smart inclusive sustainable future

Making Environmental Laws Work William Wilson, 1999

Environmental Law for The Built Environment Jack Rostron, 2013-03-04 An exposition of the relevant law and the techniques commonly used to meet the regulatory requirements concerning the built environment Each chapter deals with a discrete topic combining law policy and administrative aspects with the engineering technological and management remedies available

**Improving Compliance with International Environmental Law** Jacob Werksman, James Cameron, Peter Roderick, 2014-01-14 Measures for regulating the behaviour of nation states in relation to the global environment have increasingly taken the form of international treaties and conventions Many have argued that this has proved to be an ineffective way of halting unsustainable development for the provisions of these agreements are either too weak or are flouted regularly by the parties concerned This volume seeks to address the crucial question of how compliance with these agreements could be encouraged effectively without damaging the fragile political consensus that is emerging on environmental issues With extensive use of case studies *Improving Compliance* will make stimulating reading for all students and researchers working in this area as well as for anyone concerned about the effectiveness of international environmental measures

**Environmental Law: Text, Cases & Materials** Elizabeth Fisher, Bettina Lange, Eloise Scotford, 2013-04-25 This new title offers a compact and complete resource for students featuring extracts from leading cases and articles alongside clear explanations and insightful analysis from an experienced author team This unique approach places environmental law in context enabling you to develop a clear and sophisticated understanding of this dynamic area

**Beyond Environmental Law** Alyson C. Flournoy, David M. Driesen, 2010-02-26 This book offers a vision for the third generation of environmental law designed to enhance its ability to protect our environment The book presents two core proposals an Environmental Legacy Act to preserve a defined environmental legacy for future generations and an Environmental Competition Statute to spark movement to new clean technologies The first proposal would require for the first time that the federal government define an environmental legacy that it must preserve for future generations The second would establish a market competition to maximize environmental protection The balance of the book provides complementary proposals and analysis The first generation of environmental law sought broad protection of health and the environment in a fairly fragmented way The second sought to enhance environmental law's efficiency through cost benefit analysis and market mechanisms These proposals seek to create a broader more creative approach to solving environmental problems

Law in Environmental Decision-making Tim Jewell, Jenny Steele, 1998 This collection of essays adopts a distinctive approach to environmental legal issues representing a variety of specializations ranging from public law to international law

*Environmental Law* Elizabeth Fisher, Bettina Lange, Eloise Scotford, 2019 *Environmental Law Text Cases and Materials* offers a comprehensive critical and case focused approach to the subject combining insightful author commentary with carefully selected extracts to fully support students

**Time and Environmental Law** Benjamin J. Richardson, 2017-08-03 Disciplined by industrial clock time modern life distances people from nature's biorhythms such as its ecological evolutionary and climatic processes The law is complicit in numerous ways It compresses time through fast track legislation and accelerated resource exploitation It suffers from temporal inertia such as grandfathering existing activities that limits the law's responsiveness to changing circumstances Insouciance about past ecological damage and neglect of its restoration are equally serious temporal flaws we cannot live sustainably while Earth remains degraded and unrepaired Applying international and interdisciplinary perspectives on these issues Time and Environmental Law explores how to align law with the ecological timescape and enable humankind to tell nature's time Lending insight into environmental behaviour and impacts this book pioneers a new understanding of environmental law for all societies and makes recommendations for its reform Minding nature not the clock requires regenerating Earth adapting to its changes and living more slowly

**Environmental Law and Justice in Context** Jonas Ebbesson, Phoebe N. Okowa, 2009-02-19 political science and international relations Book Jacket Introduction to Environmental Law Ine Ventyrina, SH., MH., Dr. Siti Kotijah, SH., MH., Agustina SH., MH., 2017-09-10 This book entitled Introduction to Environmental Law has purpose to provide initial previews for the general reader law scholar or students of faculty of law The book divides into five chapters introduced general understandings of environmental aspects in legal science

Wolf and Stanley on Environmental Law Susan Wolf, Neil Stanley, 2013-10-23 Written with real clarity by authors teaching and researching in the field Wolf and Stanley on Environmental Law offers an excellent starting point for both law and non law students encountering this diverse and rapidly developing subject for the first time The focus of the book is on the regulation and control of pollution and includes chapters on environmental permitting waste management air and water pollution and contaminated land The book also includes the administration and enforcement of environmental law EU environmental law the environmental torts and the private regulation of environmental law The book is supported by a range of learning features designed to help students Consolidate your learning Chapter learning objectives and detailed summaries clarify and highlight key points Understand how the law works in practice Law in Action features demonstrate the application of pollution control law Plan your research Detailed end of chapter further reading sections outline articles books and online resources that provide next steps for your research This sixth edition has been updated and revised to take into account recent developments in the subject including coverage of the Environmental Permitting England and Wales Regulations 2010 developments in the Environment Agency enforcement and sanctions policy documents updates relating to the defence of statutory authority in the tort of private nuisance and current issue relating to compliance with the Aarhus Convention Suitable for students of environmental law and the wider environmental studies Wolf and Stanley on Environmental Law is a valuable guide to this wide ranging subject

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