Public concern for the environment has been a catalyst for profound changes in American law. During the past half century, environmental law has grown from sparse common law roots into a vast system of public law that lies at the heart of the modern regulatory state. Environmental law has generated an immense and fiercely complex web of regulations that affects the way we live, work, and do business. Environmental regulation has profoundly affected other areas of legal practice, including real estate and commercial transactions, corporate law, criminal law, and bankruptcy. This book seeks to provide a comprehensive introduction to environmental law.

The eighth edition of this book goes to press at a time of considerable conflict over environmental policy. Eighteen months after the nations of the world reached a historic agreement in Paris to coordinate their efforts to respond to climate change, a U.S. president openly hostile to environmental regulation announced his intention to withdraw the United States from it. His EPA administrator is focused on rolling back environmental regulations and reviving the economic fortunes of the coal industry. Despite a remarkable bipartisan consensus on new legislation to update controls on toxic chemicals, the U.S. Congress generally remains mired in partisan gridlock. The judiciary is closely divided on many important issues of environmental law with a single Justice casting the decisive vote in many Supreme Court cases.

The eighth edition provides a comprehensive updating of the casebook while retaining the structure of the seventh edition. As in the previous editions, the text seeks to broaden students’ vision by inviting them to explore how law relates to the larger problems society seeks to solve through collective action. It approaches environmental law through a regulatory policy focus that explores the full range of forces that shape the way law affects human behavior. By focusing on regulation—viewed expansively as embracing all forms of collective action to protect the environment—the text seeks to enhance understanding of the way law affects the behavior of institutions and individuals. This requires far more than mastery of “black letter” law; it also demands an appreciation of the complex processes by which political, economic, and ethical concerns shape regulatory policy. Thus, the text consistently focuses not only on the substance
of environmental statutes, but also on how they are translated into regulations and on the factors that affect how they influence real-world behavior.

Despite its comprehensiveness, the book seeks at every turn to make environmental law and policy accessible to the nonspecialist. Among the key features it employs to accomplish this goal are charts and diagrams mapping the structure of each of the major environmental statutes, problems and questions based largely on real-world environmental controversies, “pathfinders” explaining where to find crucial source materials for every major subject area, an extensive glossary of environmental terms, and a list of environmental acronyms. The casebook’s website is now located at a site whose URL is easy to remember because it is the acronym for Environmental Regulation: Law, Science & Policy: www.erlsp.com. The site provides chapter-by-chapter updates of material in the casebook and links to the rich array of environmental information available through the Internet. Each year a statutory and case supplement to the text is published (Environmental Law: Statutory and Case Supplement), which provides both the updated text of the principal environmental statutes and recent judicial decisions in the field.

The chapters are organized in a manner that gives teachers considerable flexibility in deciding what to cover and in what order. Because each chapter is designed to be self-contained, the material may be covered in a variety of sequences, depending on the length of the course and the teacher’s desired areas of emphasis. The teacher’s manual identifies several alternative coverage options.

The authors appreciate the numerous comments received from faculty and students who have used the previous editions of this text. These comments and suggestions have been invaluable in helping us improve the eighth edition, as we hope you will notice. We hope you will continue to give us such useful feedback on this edition as well.

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