

**Environmental Law and Ethics Web Sites.***Updated: 8/13/17.****Timeline of Environmental Law in the United States:***

[http://www.nytimes.com/interactive/2010/04/22/science/earth/20100422\\_environment\\_timeline.html?ref=earth](http://www.nytimes.com/interactive/2010/04/22/science/earth/20100422_environment_timeline.html?ref=earth) [Extends only to 2010]

Current Environmental policy issues: <https://www.nytimes.com/section/climate>

**Recommended starting point to become familiar with environmental law issues:**

To understand why Environmental Law is important, it can help to watch the video or DVD of either “*A Civil Action*” (Toxic exposure that caused childhood leukemia cluster in Woburn, Mass.), based on Jonathan Harr’s excellent book; see: <http://www.learnnc.org/lp/pages/756> or <http://www.readinggroupguides.com/reviews/a-civil-action/guide> or <http://blogs.law.unc.edu/admitted/2013/07/31/a-civil-action--a-peek-at-the-rules-of-evidence/>; or the film “*Erin Brockovich*” (lawsuit for contamination of drinking water with chromium VI, which led to \$333 million settlement; see: [http://en.wikipedia.org/wiki/Erin\\_Brockovich](http://en.wikipedia.org/wiki/Erin_Brockovich) and [https://en.wikipedia.org/wiki/Erin\\_Brockovich\\_\(film\)](https://en.wikipedia.org/wiki/Erin_Brockovich_(film)) and Erin Brockovich Official Site: <http://www.brockovich.com/> or one of the many PBS *Frontline* documentaries on environmental issues, especially now as the EPA is run by opponents of environmental law: <http://www.pbs.org/wgbh/frontline/topic/environment/> .

When you watch any of these films, **think about** (1.) the role of citizens in pursuing redress for their injuries, even in the face of scientific uncertainty; (2.) the role of tort plaintiffs' attorneys in providing representation (on a contingent fee) in some of these actions; and (3.) the actions of the corporations and their attorneys in terms of whether or not they provide complete and accurate discovery; how they participate in the legal process; and how they carried out their ethical obligations as responsible businesses (or, if not, why not). ***A 'tort suit' is a suit for a 'civil injury other than a breach of contract,' and can include accidents or injuries caused by an environmental harm.***

(4.) Many environmental lawsuits are brought by non-governmental organizations (NGOs) representing environmental groups seeking to force the federal and state governments to actually comply with the law: citizens' suits encouraged by the original laws themselves. These actions are particularly important when the EPA is run by opponents of environmental law, as happened under Reagan, G.W. Bush and now under Trump. Of particular importance are the many lawsuits seeking to compel government to address the reality of climate change, particularly the Children's Trust Lawsuit: <https://www.ourchildrenstrust.org/> ; <https://www.ourchildrenstrust.org/federal-proceedings/> ; and <http://www.rollingstone.com/politics/features/youth-led-high-stakes-climate-lawsuit-shifts-focus-to-trump-w473224> .

These stories and the films based on them raise questions such as: Does civil litigation, either under the common law, or to enforce environmental rules, provide an adequate solution to the needs of injured parties, and the protection of environmental

values? If not, do agencies like the Federal EPA, the Fish and Wildlife Services, the U.S. Department of the Interior, or other federal agencies and parallel state agencies adequately enforce the statutes, regulations and treaties that make up contemporary environmental law? Do regulatory agencies, in short, do a significantly better job than private lawsuits? *Or*.

Does the success of environmental policy depend on research, politics, protest, citizens' suits and publications, in the manner of Rachel Carson, David Brower, Amory Lovins, Bill McKibben, Tim DeChristopher and other individual citizen activists and the organizations they have created? Is the success or failure of environmental law of greater importance than other types of law? Consider the impact of Al Gore's slide show and film, "*An Inconvenient Truth*" and its recent sequel, "*An Inconvenient Sequel*," [https://en.wikipedia.org/wiki/An\\_Inconvenient\\_Sequel:\\_Truth\\_to\\_Power](https://en.wikipedia.org/wiki/An_Inconvenient_Sequel:_Truth_to_Power) .

These questions are particularly important in light of the causes and consequences of the BP Oil Spill in the Gulf, which is explored in the PBS Frontline documentary "**The Spill.**" See: <http://www.pbs.org/wgbh/pages/frontline/the-spill/> and then look at [http://www.ted.com/talks/naomi\\_klein\\_addicted\\_to\\_risk.html](http://www.ted.com/talks/naomi_klein_addicted_to_risk.html) and [http://www.oilspillcommission.gov/sites/default/files/documents/DEEPWATER\\_Report\\_to\\_the\\_President\\_FINAL.pdf](http://www.oilspillcommission.gov/sites/default/files/documents/DEEPWATER_Report_to_the_President_FINAL.pdf) For updates on Gulf Restoration developments, see: <http://eli-ocean.org/gulf/> For further comments by Naomi Klein, see: <http://www.naomiklein.org/main> .

With the *Citizens United* 5-4 Supreme Court decision gutting campaign finance laws by falsely claiming that corporations are real "people" under the Constitution, [https://en.wikipedia.org/wiki/Citizens\\_United\\_v.\\_FEC](https://en.wikipedia.org/wiki/Citizens_United_v._FEC) and <https://www.oyez.org/cases/2008/08-205> , unlimited secret "dark money" contributions to "SuperPacs" are contributing to attacks on environmental law in general and the EPA's work in particular. The current Congress and President resist recognizing the scientific consensus that climate change or global warming is real, and is the result of human action requiring significant measures to avoid a serious climate catastrophe this century. The attempt to force through the Keystone XL pipeline reflects this misunderstanding. Efforts to weaken mining laws (finally defeated this year) and the continued rejection of reasonable support for solar energy in Maine, reflect the tension between environmental law and policy and the public interest, on the one hand, and the interests of specific business and political groups at the state level.

Take time to consider how state agencies and political actors in Maine are addressing environmental concerns, and whether they are relying on science, business and economic pressure, local support or opposition for particular issues, dark money groups supporting ALEC [see: [http://www.alecexposed.org/wiki/ALEC\\_Exposed](http://www.alecexposed.org/wiki/ALEC_Exposed) , or other factors in making their decisions. See also: [http://www.sourcewatch.org/index.php/American\\_Legislative\\_Exchange\\_Council](http://www.sourcewatch.org/index.php/American_Legislative_Exchange_Council) and <https://www.theatlantic.com/politics/archive/2012/04/exposing-alec-how-conservative-backed-state-laws-are-all-connected/255869/> . ALEC's web site is: <https://www.alec.org/>

*Selected Web Sites on Environmental Law & Policy.* See also: Lexis/Nexis Academic Universe and Westlaw databases, on-line at many university libraries. Check your local public library or university campus branch library for help.

#### *U.S. Law Sources and Information*

American Bar Association, Section of Environment, Energy & Resources:

[https://www.americanbar.org/groups/environment\\_energy\\_resources.html](https://www.americanbar.org/groups/environment_energy_resources.html)

They also have a "Transition of Administrations' Tracker" which tracks changes made after Trump took office:

[https://www.americanbar.org/groups/environment\\_energy\\_resources/resources/transition.html](https://www.americanbar.org/groups/environment_energy_resources/resources/transition.html)

Findlaw: <http://www.findlaw.com/>

Jurist: <http://www.jurist.org/>

Legal Information Institute (LII), Cornell University Law School:

<http://www.law.cornell.edu/>

Environmental Law Institute: <http://www.eli.org/>

#### *International Law*

American Society of International Law (ASIL) Guide to Electronic Resources for International Law - International Environmental Law Link:

<http://www.asil.org/resource/env1.htm>

Basel Convention Controlling Transboundary Movement of Hazardous Wastes and Their Disposal: <http://www.basel.int/>

Europa - European Commission - Sustainable Development Goals:

[http://ec.europa.eu/environment/sustainable-development/index\\_en.htm](http://ec.europa.eu/environment/sustainable-development/index_en.htm)

The Trilateral Cooperation on the Protection of the Wadden Sea: <http://www.waddensea-secretariat.org/>

UN Environmental Program (UNEP): <http://www.unep.org/>

Intergovernmental Panel on Climate Change (IPCC): <http://www.ipcc.ch/>

United Nations Framework Convention on Climate Change: <http://unfccc.int/2860.php>

UN Human Development Reports: <http://hdr.undp.org/en/data>

*Selected U.S. & State Government Agencies [The EPA under Trump and Pruitt has removed references to climate change and has significantly altered or deleted much of the information traditionally available on their various sites. I cannot vouch for their reliability as to matters of fact, science, or of law, after Jan.20, 2017.]*

#### U.S. Links

EPA <http://www.epa.gov/>

EPA Guidance "Waters of the United States" (WOUS) [Currently Pruitt is attempting to remove or revise this Guidance]:

<http://water.epa.gov/lawsregs/guidance/wetlands/CWAwaters.cfm>

EPA Notice of Extended comment period on oil and natural gas drilling rule:

<http://www.epa.gov/airquality/oilandgas/actions.html>

Americas Great Outdoors: <http://americasgreatoutdoors.gov/>

Klamath Restoration Project: <http://klamathrestoration.gov/>

NASA: <http://www.nasa.gov/>  
NOAA (National Oceanic & Atmospheric Administration): <http://www.noaa.gov/>  
NOAA Fishers Office of Protected Resources – Endangered Species Act (ESA):  
<http://www.nmfs.noaa.gov/pr/laws/esa/>  
<http://www.yaleclimateconnections.org/2015/06/new-noaa-reports-shows-no-recent-warming-slowdown-or-pause/>  
Toxic Substances Control Act: [http://www.epa.gov/enviro/facts/tsca/tsca\\_search.html](http://www.epa.gov/enviro/facts/tsca/tsca_search.html)  
U.S. Dept of the Interior: <http://www.doi.gov/>  
U.S. Army Corps of Engineers: <http://www.usace.army.mil/>  
U.S. Army Corps of Engineers – Wetlands Regulations:  
[http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx)  
US Army Corps of Engineers Regulations:  
[http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx)  
U.S. Department of Energy NEPA Review: <http://www.gc.energy.gov/NEPA/>  
U.S. Department of State – Keystone XL E.I.S.: <http://www.keystonepipeline-xl.state.gov/clientsite/keystonexl.nsf?Open>  
U.S. Department of Transportation, Federal Highway Administration, NEPA and Project Development: <http://www.environment.fhwa.dot.gov/projdev/index.asp>  
U.S. Energy Information Administration: <http://www.eia.gov/>  
*[Let me know if you find any of these links dead, or containing questionable claims of fact or law.]*

DataRefuge.org is a data base set up to save data sets from the trump/Pruitt science purge: <https://www.datarefuge.org/> The University of Pennsylvania is involved in this project: <http://www.ppehlab.org/> as further described here:  
<http://www.ppehlab.org/storytelling>

On Twitter or Facebook there are some "alternative EPA" accounts formed by current or former EPA staff aimed at preserving accurate information about environmental laws and regulations that may be censored or deleted altogether by Pruitt

See for example:

<http://www.core77.com/posts/60230/Heres-a-List-of-All-the-US-Govts-Rogue-Twitter-Accounts-Fighting-Trumps-Crackdown-on-Science> and  
[http://www.huffingtonpost.com/entry/environmental-protection-network\\_us\\_593edf75e4b0c5a35ca2191f](http://www.huffingtonpost.com/entry/environmental-protection-network_us_593edf75e4b0c5a35ca2191f)

#### Maine Links

Maine Dept. of Environmental Protection (DEP): <http://www.maine.gov/dep/>  
Maine Public Utilities Commission (PUC): <http://www.maine.gov/mpuc/>  
Maine State Legislature Office of Program Evaluation and Government Accountability (OPEGA): <http://legislature.maine.gov/opega/>

#### Other State Level Links

Association of State Wetlands Managers: <https://www.aswm.org/>  
In particular: <https://www.aswm.org/wetlands-law/rapanos-carabell/44-maps-and-pictures-of-carabell-and-rapanos-sites>  
Gateway to State Resource Locators: <http://www.envcap.org/statetools/index.cfm>

Groundwater Protection Council:[National Association of State Groundwater Agencies]  
[http://www.gwpc.org/home/GWPC\\_Home.dwt](http://www.gwpc.org/home/GWPC_Home.dwt)

### Maine Environmental Organizations

Conservation Law Foundation (New England): <https://www.clf.org/>  
Environment Maine <http://www.environmentmaine.org/home>  
Maine Audubon: <https://maineaudubon.org/>  
Maine Conservation Voters: <http://www.mlcv.org/>  
Midcoast Green Collaborative <http://www.midcoastgreencollaborative.org/>  
Natural Resources Council of Maine <https://www.nrcm.org/>  
Sierra Club Maine <http://www.sierraclub.org/maine>

National & International Environmental Organizations and Resources (*Too Numerous to list them all so these are the main ones you should know about*)

Alliance for Climate Education: <https://acespace.org/>  
American Rivers: <https://www.americanrivers.org/>  
Bill McKibben Official Site (EAARTH): <http://www.billmckibben.com/>  
Carbon Mitigation Initiative (C.M.I.), Princeton University:  
<http://www.princeton.edu/~cmi/>  
Carbon Tax Center: <http://www.carbontax.org/>  
Center for Biological Diversity: <http://www.biologicaldiversity.org/>  
CERES <https://www.ceres.org/>  
Climate Central: <http://www.climatecentral.org/>  
DeSmogBlog (Canadian site related to Hoggan “Climate Cover-Up”):  
<http://www.desmogblog.com/>  
Earth Island Institute: <http://www.earthisland.org/>  
Environmental Defense Fund: <https://www.edf.org/>  
ExxonSecrets : <http://www.exxonsecrets.org/html/index.php>  
Food and Water Watch: <https://www.foodandwaterwatch.org/>  
Friends of the Earth (FOE): <http://www.foe.org/>  
Glen Canyon Institute: <http://www.glencanyon.org/about/david-brower>  
Greenpeace: <http://www.greenpeace.org/usa/>  
League of Conservation Voters: <http://www.lcv.org/>  
Living on Earth: <http://www.loe.org/>  
The Nature Conservancy has some Maine related news:  
<https://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/maine/newsroom/index.htm>  
*Merchants of Doubt* site: <http://www.merchantsofdoubt.org/>  
National Audubon Society: <http://www.audubon.org/>  
National Parks & Conservation Association: <http://www.npca.org/>  
National Public Radio (NPR) Climate Connections:  
<http://www.npr.org/templates/story/story.php?storyId=9657621>  
National Wildlife Federation: <http://www.nwf.org/>  
Natural Resources Defense Council (NRDC): <http://www.nrdc.org/>

Peaceful Uprising: <http://www.peacefuluprising.org/>  
Rainforest Action Network: <https://www.ran.org/>  
Real Climate: <http://www.realclimate.org/>  
Restore HetchHetchy: <http://www.hetchhetchy.org/>  
Rocky Mountain Institute (RMI) (Amory Lovins): <http://www.rmi.org/>  
Sierra Club: <http://www.sierraclub.org/>  
Sierra Club-David Brower Timeline: <http://content.sierraclub.org/brower/timeline>  
The Climate Reality Project: <https://www.climate realityproject.org/>  
This Changes Everything (Naomi Klein book): <http://thischangeseverything.org/book/>  
Union of Concerned Scientists (UCS): <http://www.ucsusa.org/>  
Wattson: Monitor Your Home's Energy Use:  
[http://www.treehugger.com/files/2006/07/wattson\\_monitor.php](http://www.treehugger.com/files/2006/07/wattson_monitor.php)  
WattTime: <http://watttime.org/>  
We Can Solve the Climate Crisis: <http://www.wecansolveit.org/>  
Worldwatch Institute: Vision for a Sustainable World: <http://www.worldwatch.org/>  
World Wildlife Fund Renewable Energy Report:  
[http://wwf.panda.org/what\\_we\\_do/footprint/climate\\_carbon\\_energy/energy\\_solutions/renewable\\_energy/sustainable\\_energy\\_report/](http://wwf.panda.org/what_we_do/footprint/climate_carbon_energy/energy_solutions/renewable_energy/sustainable_energy_report/)  
Yale Climate Connections: <http://www.yaleclimateconnections.org/>

*Some Video and Film Links.*

An Inconvenient Sequel: <https://inconvenientsequel.tumblr.com/>  
Bidder70: <http://www.bidder70.org/>  
Blue Gold: <http://www.bluegold-worldwaterwars.com/>  
Chasing Ice: <http://www.chasingice.com/>  
Extreme Ice Survey: <http://extremeicesurvey.org/>  
Frontline Documentary "Poisoned Waters,"  
<http://www.pbs.org/wgbh/pages/frontline/poisonedwaters/view/>  
Gasland: The Movie: <http://www.gaslandthemovie.com/>  
Gasland II: <http://www.gaslandthemovie.com/>  
Monumental: David Brower's Fight For Wild America:  
<http://firstrunfeatures.com/monumentaldvd.html>  
Mountaintop Removal in West Virginia:  
<http://www.youtube.com/watch?v=ZDAFQjLoxCM>  
Petropolis: <http://www.petropolis-film.com/>  
Putting a Price on Nature:  
[http://www.ted.com/talks/pavan\\_sukhdev\\_what\\_s\\_the\\_price\\_of\\_nature.html](http://www.ted.com/talks/pavan_sukhdev_what_s_the_price_of_nature.html)  
This Changes Everything (the film): <https://thefilm.thischangeseverything.org/>  
Toxic Waters Video Clip from the New York Times' "Toxic Waters" reports:  
<http://video.nytimes.com/video/2011/12/19/science/100000001230824/edith-widders-new-crusade.html?scp=5&sq=Toxic%20Waters&st=cse>

**Recommended Books (The first two are textbooks I used in college classes)**

*Environmental Law and Policy*, 4<sup>th</sup> ed. (Concepts and Insights Series) Paperback – November 26, 2013 by James Salzman and Barton Thompson Jr.. ISBN-13: 978-1609303051 ISBN-10: 1609303059 Edition: 4<sup>th</sup>. Amazon Price: \$40.85 Kindle: \$24.04.

*Environmental Law Stories* (Stories Series), Richard J. Lazarus and Oliver A Houck eds., Foundation Press (2005). Paperback or kindle available. A collection of historically and topically organized stories of key environmental law disputes resulting in landmark cases.

Elizabeth Kolbert, *Fields Notes from a Catastrophe* (Bloomsbury, U.S.A.: 2006; revised and updated, 2015).

Elizabeth Kolbert, *The Sixth Extinction: An Unnatural History* (Henry Holt & Co.: 2014).

Richard Lazarus, *The Making of Environmental Law* (University of Chicago Press: 2006).

Michael E. Mann , *The Hockey Stick and the Climate Wars: Dispatches from the Front Lines* (Columbia University Press: 2012).

Michael E. Mann and Lee R. Kump, *Dire Predictions: Understanding Climate Change, The Visual Guide to the Findings of the IPCC* (2<sup>nd</sup> edition, DK: 2015).

Kathryn Miles, *Superstorm: Nine Days Inside Hurricane Sandy*, by Kathryn Miles, <http://www.kathrynmiles.net/books.html> ; see also: <https://www.kirkusreviews.com/book-reviews/kathryn-miles/superstorm/>; <http://www.nytimes.com/interactive/2012/10/28/nyregion/hurricane-sandy.html> and <http://www.huffingtonpost.com/news/hurricane-sandy-2012/>

Naomi Oreskes and Erik Conway, *Merchants of Doubt* (Bloomsury Press: 2011); now in paperback and a film been based on it; <http://www.merchantsofdoubt.org/>

Fred Pearce, *With Speed and Violence* (Beacon Press: 2008).

Zygmunt J. B. Plater, *The Snail Darter and the Dam: How Pork-Barrel Politics Endangered a Little Fish and Killed a River* (Yale University Press: 2013).