PREFACE

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 so many other areas of legal practice, including real estate and commercial transactions, corporate law, criminal law, torts, contract law, and bankruptcy. This book seeks to provide a comprehensive introduction to environmental law.

The tenth edition of this book goes to press at a particularly eventful time in the development of environmental law. The severity of the global climate crisis has become readily apparent. The year 2023 was the hottest in recorded human history by a wide margin, shocking scientists with the largest jump in global temperatures they ever have observed. While the Biden administration seeks to speed the U.S. transition to a green energy economy, its opponents in the 2024 presidential election support efforts to increase fossil fuel extraction and use.

The first edition of this casebook appeared nearly three decades ago. Subsequent editions repeatedly added new material to keep pace with developments in the field. The end product was a book that repeatedly grew in size with layers of new material that became somewhat unwieldy. With the tenth edition it was time to take a fresh look at the casebook, to pare down dated material, and to focus on the essentials. Thus, the 10th edition is more user friendly and compact even as it comprehensively updates material in the casebook. Prior adopters will be pleased that this was accomplished while retaining the same basic structure as previous editions.

As in the prior 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 non-specialist. 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 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 will provide 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 online (*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 previous editions of this text. These comments and suggestions have been invaluable in helping us improve the tenth edition, as we hope you will notice. We hope you will continue to give us such useful feedback on this edition as well. Professor Percival appreciates the research assistance of Maeve Kessler.

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