

TOXIC LOOPHOLES

*Failures and Future Prospects
for Environmental Law*

CRAIG COLLINS

Toxic Loopholes Failures And Future Prospects For Environmental Law

Philip L. Reichel, Ryan Randa



Toxic Loopholes Failures And Future Prospects For Environmental Law:

Toxic Loopholes Craig Collins, 2014-05-14 Investigates U S environmental laws and the EPA to explain why they have failed to clean up the country's land air and water

Toxic Loopholes Craig Collins, 2010-03-08 The EPA was established to enforce the environmental laws Congress enacted during the 1970s Yet today lethal toxins still permeate our environment causing widespread illness and even death *Toxic Loopholes* investigates these laws and the agency charged with their enforcement to explain why they have failed to arrest the nation's rising environmental crime wave and clean up the country's land air and water This book illustrates how weak laws legal loopholes and regulatory negligence harm everyday people struggling to clean up their communities It demonstrates that our current system of environmental protection pacifies the public with a false sense of security dampens environmental activism and erects legal barricades and bureaucratic barriers to shield powerful polluters from the wrath of their victims After examining the corrosive economic and political forces undermining environmental law making and enforcement the final chapters assess the potential for real improvement and the possibility of building cooperative international agreements to confront the rising tide of ecological perils threatening the entire planet

Environmental Law and Governance for the Anthropocene Louis Kotzé, 2017-06-15 The era of eco crises signified by the Anthropocene trope is marked by rapidly intensifying levels of complexity and unevenness which collectively present unique regulatory challenges to environmental law and governance This volume sets out to address the currently under theorised legal and consequent governance challenges presented by the emergence of the Anthropocene as a possible new geological epoch While the epoch has yet to be formally confirmed the trope and discourse of the Anthropocene undoubtedly already confront law and governance scholars with a unique challenge concerning the need to question and ultimately re imagine environmental law and governance interventions in the light of a new socio ecological situation the signs of which are increasingly apparent and urgent This volume does not aspire to offer a univocal response to Anthropocene exigencies and phenomena Any such attempt is in any case unlikely to do justice to the multiple implications and characteristics of Anthropocene forebodings What it does is to invite an unrivalled group of leading law and governance scholars to reflect upon the Anthropocene and the implications of its discursive formation in an attempt to trace some initial often radical future facing and imaginative implications for environmental law and governance

Environmental Law and Contrasting Ideas of Nature Keith H. Hirokawa, 2014-07-17 Law's ideas of nature appear in different doctrinal and institutional settings historical periods and political dialogues Nature underlies every behavior contract or form of wealth and in this broad sense influences every instance of market transaction or governmental intervention Recognizing that law has embedded discrete constructions of nature helps in understanding how humans value their relationship with nature This book offers a scholarly examination of the manner in which nature is constructed through law both in the hard sense of directly regulating human activities that impact nature and in the soft manner in which law's ideas of nature influence and

are influenced by behaviors values and priorities Traditional accounts of the intersection between law and nature generally focus on environmental laws that protect wilderness This book will build on the constructivist observation that when considered as a culturally contingent concept nature is a self perpetuating and self reinforcing social creation

Secrecy in the Sunshine Era Jason Ross Arnold,2014-08-25 A series of laws passed in the 1970s promised the nation unprecedented transparency in government a veritable sunshine era Though citizens enjoyed a new arsenal of secrecy busting tools officials developed a handy set of workarounds from over classification to concealment shredding and burning It is this dark side of the sunshine era that Jason Ross Arnold explores in the first comprehensive comparative history of presidential resistance to the new legal regime from Reagan Bush to the first term of Obama Biden After examining what makes a necessary and unnecessary secret Arnold considers the causes of excessive secrecy and why we observe variation across administrations While some administrations deserve the scorn of critics for exceptional secrecy the book shows excessive secrecy was a persistent problem well before 9 11 during Democratic and Republican administrations alike Regardless of party administrations have consistently worked to weaken the system s legal foundations The book reveals episode after episode of evasive maneuvers rule bending clever rhetorical gambits and downright defiance an army of secrecy workers in a dizzying array of institutions labels all manner of documents top secret while other government workers and agencies manage to suppress information with a sensitive but unclassified designation For example the health effects of Agent Orange and antibiotic resistant bacteria leaking out of Midwestern hog farms are considered too sensitive for public consumption These examples and many more document how vast the secrecy system has grown during the sunshine era Rife with stories of vital scientific evidence withheld justice eluded legalities circumvented and the public interest flouted Secrecy in the Sunshine Era reveals how our information society has been kept in the dark in too many ways and for too long

Developing an Appropriate Contaminated Land Regime in China Xiaobo Zhao,2012-12-13 Like all industrialized countries China has encountered increasing problems with land contamination in recent years Abandoned mining and manufacturing sites and obsolete industrial complexes while also creating new polluting industrial enterprises represent impending environmental threats More importantly a number of social and economic problems have developed and must be dealt with in some cases urgently Contaminated land laws and regulations have been established and have evolved in the US and UK and many other jurisdictions over the past few decades These regimes have substantially influenced the relevant legislation in the context of numerous Asian and European countries and will inevitably benefit similar legislative efforts in China This book is the first monograph that focuses on how China can learn from the US and UK with respect to contaminated land legislation and comprehensively illustrates how contaminated land law could be created in China It will be of interest to academics and practitioners in environmental law in China as well as the US and UK

The Ecological Constitution Lynda Collins,2021-05-20 The Ecological Constitution integrates the insights of environmental constitutionalism and ecological law

in a concise engaging and accessible manner This book sets out the necessary components of any constitution that could be considered ecological in nature In particular it argues that an ecological constitution is one that codifies the following key principles at a minimum the principle of sustainability intergenerational equity and the public trust doctrine environmental human rights rights of nature the precautionary principle and non regression and rights and obligations relating to a healthy climate In the context of the global environmental crisis that characterises the current Anthropocene era these principles are important tools for changing consciousness and driving pragmatic policy reforms around the world Re imagining constitutions along these lines could play a vital role in the collective project of building a sustainable future for humans animals ecosystems and the biosphere we all share This book will be of great interest to students and scholars of environmental law ecological law environmental constitutionalism sustainability and rights of nature *Nature's Trust* Mary Christina Wood,2014 This book exposes the dysfunction of environmental law and offers a transformative approach based on the public trust doctrine An ancient and enduring principle the public trust doctrine empowers citizens to protect their inalienable property rights to crucial resources This book shows how a trust principle can apply from the local to global level to protect the planet Water Rights and the Environment in the United States John R. Burch Jr.,2015-07-20 This sweeping study traces the development of water policy in the United States from the 19th century to the present day exploring the role of legislation in appropriating access to water to the American people Three factors influence the development of water policy and politics in the United States the availability of water the manner in which people use the commodity to its maximum economic benefit and governmental control This book is a one stop resource for understanding the scope of water issues in America from governing doctrine and legislation to Native American water rights to water protection and pollution and to the mitigation of natural and manmade disasters Distinguished author and noted scholar John R Burch Jr reviews the conflicts among state federal and international agencies in dealing with water supply and points to competing legal rulings and laws as undermining the creation of a cohesive policy for all Through an analysis of key documents Burch examines the recent calamities befalling the American water system including droughts oil spills and natural disasters and considers the future of water distribution to the American people Organized into six parts sections include doctrines and rights waters of the West border regions water management and flood control environmental issues and water supply and safety

Transnational Environmental Crime Rob White,2018-10-08 This book provides a comprehensive introduction to and overview of eco global criminology Eco global criminology refers to a criminological approach that is informed by ecological considerations and by a critical analysis that is global in scale and perspective Based upon eco justice conceptions of harm it focuses on transgressions against environments non human species and humans At the centre of eco global criminology is analysis of transnational environmental crime This includes crimes related to pollution of air water and land and crimes against wildlife including illegal trade in ivory as well as live animals It also includes those harms that pose threats to the

environment more generally such as global warming In addressing these issues the book deals with topics such as the conceptualization of environmental crime or harm the researching of transnational environmental harm climate change and social conflict threats to biodiversity toxic waste and the transference of harm prosecution and sentencing of environmental crimes and environmental victimization and transnational activism This book argues that analysis of transnational environmental crime needs to incorporate different notions of harm and that the overarching perspective of eco global criminology provides the framework for this Transnational Environmental Crime will be an essential resource for students academics policy makers environmental managers police magistrates and others with a general interest in environmental issues

The Handbook of Global Climate and Environment Policy Robert Falkner, 2016-09-26 The Handbook of Global Climate and Environment Policy presents an authoritative and comprehensive overview of global policy on climate and the environment It combines the strengths of an interdisciplinary team of experts from around the world to explore current debates and the latest thinking in the search for global environmental solutions Explores the environmental challenges we currently face and the concepts and approaches to solving these Questions the role of global actors institutions and processes and considers the links between global climate and environment policy and that of the global economy Highlights the connections between social science research and global policy Brings together authoritative coverage of recent research by internationally renowned experts from around the world including from North America Europe and Asia Provides an essential resource guide for students and researchers from across a wide range of related disciplines from politics and international relations to environmental sciences and sociology and for global policy practitioners

Playing with Fire John W. Sutherlin, Daniel Elliot Gonzalez, 2021-04-15 Playing with Fire chronicles the ongoing struggle facing Louisiana families trying to live and work against the backdrop of corrupt politicians and corporate greed However the story presented here is relevant wherever low income disenfranchised people are not included in decisions about their health and environment This book examines the tale of Marine Shale Processors the world's largest hazardous waste company and the women who fought to protect their community and their children The lesson here is that a dedicated group of people fighting for what is right can win and it serves as an example for any community that wants to determine what their own environmental future Playing with Fire is a well documented account that provides lessons for communities government agencies and corporations It dispels the narrative that low income communities must settle for jobs at the expense of clean air and water and politicians and demonstrates that corporations that further trample on the rights of people will ultimately pay the price

Transnational Crime and Global Security Philip L. Reichel, Ryan Randa, 2018-01-12 This two volume work offers a comprehensive examination of the distressing topics of transnational crime and the implications for global security National security is a key concern for individual nations regions and the global community yet globalism has led to the perfusion of transnational crime such that it now poses a serious threat to the national security of governments around the

world Whether attention is concentrated on a particular type of transnational crime or on broader concerns of transnational crime generally the security issues related to preventing and combatting transnational crime remain of top priority concern for many governments Transnational Crime and Global Security has been carefully curated to provide students scholars professionals and consultants of criminal justice and security studies with comprehensive information about and in depth analysis of contemporary issues in transnational crime and global security The first volume covers such core topics as cybercrime human trafficking and money laundering and also contains infrequently covered but nevertheless important topics including environmental crime the weaponization of infectious diseases and outlaw motorcycle gangs The second volume is unique in its coverage of security issues related to such topics as the return of foreign terrorist fighters using big data to reinforce security and how to focus efforts that encourage security cooperation

The Urgency of Climate Change Kiarash Aramesh, Gerard Magill, 2017-01-06 The Urgency of Climate Change addresses a pivotal challenge for the sustainability of our planet This topic was selected for the inaugural conference in 2015 of an annual series on the Integrity of Creation The essays in this collection were selected in a peer reviewed manner and appeal to a general audience The chapters move from general to more specific points of view with a discussion at the end of each section addressing the global impact of climate change The first section sets the Context for the discussion explaining that the climate is an indispensable common good The part on Science emphasises that empirical reality must guide any analysis of the climate as a matter of basic knowledge and comprehension A crucial implication is whether the climate is sufficiently robust for the Earth to flourish for millennia ahead as discussed in the part on Sustainability In turn these sections raise pivotal questions regarding Ethics about social obligations for the planet to flourish and regarding Religion to foster global stewardship Finally this alignment of Ethics and Religion around the problems related to Science and Sustainability leads to the final section on Law that considers policy possibilities to effectively engage Climate Change

An Integrated Approach to Environmental Management Dibyendu Sarkar, Rupali Datta, Avinandan Mukherjee, Robyn Hannigan, 2015-11-02 Covers the most recent topics in the field of environmental management and provides a broad focus on the theoretical and methodological underpinnings of environmental management Provides an up to date survey of the field from the perspective of different disciplines Covers the topic of environmental management from multiple perspectives namely natural sciences engineering business social sciences and methods and tools perspectives Combines both academic rigor and practical approach through literature reviews and theories and examples and case studies from diverse geographic areas and policy domains Explores local and global issues of environmental management and analyzes the role of various contributors in the environmental management process Chapter contents are appropriately demonstrated with numerous pictures charts graphs and tables and accompanied by a detailed reference list for further readings

Climate Insurgency Jeremy Brecher, 2015-11-17 Twenty five years of human effort have failed even to slow climate change let alone reverse it Climate Insurgency lays out a strategy

for protecting the earth's climate a global nonviolent constitutional insurgency This short book starts with a brief history of official climate protection efforts from above and non governmental ones from below that explains why climate protection has failed so far Then it proposes a global nonviolent insurgency for climate protection to overcome that failure Historian and longtime activist Jeremy Brecher presents a public trust doctrine that can legitimate global climate insurgency in national and international law He shows how to make national economies climate safe and points the way toward justly distributing the global costs and benefits of climate protection In addition he lays out a new strategy to make governments and economies meet their obligations to protect the climate

Stratospheric Ozone Damage and Legal Liability

Lisa Elges, 2016-12-19 While government enforcement of laws and regulations to control the production of chlorofluorocarbons in 1987 has been hailed as exemplifying the precautionary principle for almost two decades US companies failed to take precautionary measures to prevent chemical emissions despite the probable risk of stratospheric ozone loss As a result human harms in the form of skin cancer have reached epidemic proportions globally and in the United States where today one person dies every hour from skin cancer This book reviews US laws regulations and policies as well as case law regarding similar toxic tort cases to consider whether companies can and should be held legally liable under tort common law theories and related tort justice theories for having contributed to increased risks of skin cancer

Green Criminology

Rob White, Diane Heckenberg, 2014-02-03 Over the past ten years the study of environmental harm and crimes against nature has become an increasingly popular area of research amongst criminologists This book represents the first international comprehensive and introductory text for green criminology offering a concise exposition of theory and concepts and providing extensive geographical coverage diversity and depth to the many issues pertaining to environmental harm and crime Divided into three sections the book draws on a range of international case studies and examples and looks at the conceptual and methodological foundations of green criminology before examining in detail areas of environmental crime and harm and how they are addressed including climate change and social conflict abuse and harm to animals threats to biodiversity pollution and toxic waste environmental victims environmental regulation law enforcement and courts environmental forensic studies environmental crime prevention Green Criminology is packed with pedagogical features including dialogue boxes case examples discussion questions and lists of further reading and is perfect for students around the world engaged with green criminology and crime against the environment

American Oligarchy

Ron Formisano, 2017-09-27 A permanent political class has emerged on a scale unprecedented in our nation's history Its self dealing nepotism and corruption contribute to rising inequality Its reach extends from the governing elite throughout nongovernmental institutions Aside from constituting an oligarchy of prestige and power it enables the creation of an aristocracy of massive inherited wealth that is accumulating immense political power In a muckraking tour de force reminiscent of Lincoln Steffens Upton Sinclair and C Wright Mills American Oligarchy demonstrates the way the corrupt

culture of the permanent political class extends down to the state and local level Ron Formisano breaks down the ways this class creates economic inequality and how its own endemic corruption infects our entire society Formisano delves into the work of not just politicians but lobbyists consultants appointed bureaucrats pollsters celebrity journalists behind the scenes billionaires and others Their shameless pursuit of wealth and self aggrandizement often at taxpayer expense rewards channeling the flow of income and wealth to elites That inequality in turn has choked off social mobility and made a joke of meritocracy As Formisano shows these forces respond to the oligarchy's power and compete to bask in the presence of the 01 percent They also exacerbate the dangerous instability of an American democracy divided between extreme wealth and extreme poverty

Fiduciary Duty and the Atmospheric Trust Ken Coghill, Tim Smith, Professor Charles Sampford, 2013-02-28 This book explores the application of concepts of fiduciary duty or public trust in responding to the policy and governance challenges posed by policy problems that extend over multiple terms of government or even as in the case of climate change human generations The volume brings together a range of perspectives including leading international thinkers on questions of fiduciary duty and public trust Australia's most prominent judicial advocate for the application of fiduciary duty top law scholars from several major universities expert commentary from an influential climate policy think tank and the views of long serving highly respected past and present parliamentarians The book presents a detailed examination of the nature and extent of fiduciary duty looking at the example of Australia and having regard to developments in comparable jurisdictions It identifies principles that could improve the accountability of political actors for their responses to major problems that may extend over multiple electoral cycles

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