

CHASING THE WIND

regulating air pollution in the common law state Noga Morag-Levine

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Chasing The Wind Regulating Air Pollution In The Common Law State:

Chasing the Wind Noga Morag-Levine, 2009-01-10 The Federal Clean Air Act of 1970 is widely seen as a revolutionary legal response to the failures of the earlier common law regime which had governed air pollution in the United States for more than a century Noga Morag Levine challenges this view highlighting striking continuities between the assumptions governing current air pollution regulation in the United States and the principles that had guided the earlier nuisance regime Most importantly this continuity is evident in the centrality of risk based standards within contemporary American air pollution regulatory policy Under the European approach by contrast the feasibility based technology standard is the regulatory instrument of choice Through historical analysis of the evolution of Anglo American air pollution law and contemporary case studies of localized pollution disputes Chasing the Wind argues for an overhaul in U S air pollution policy This reform following the European model would forgo the unrealizable promise of complete perfectly tailored protection a hallmark of both nuisance law and the Clean Air Act in favor of incremental across the board pollution reductions The author argues that prevailing critiques of technology standards as inefficient and undemocratic instruments of command and control fit with a longstanding pattern of American suspicion of civil law modeled interventions This distrust she concludes has impeded the development of environmental regulation that would be less adversarial in process and more equitable in The Legacy of American Copper Smelting Bode J. Morin, 2013-04-30 Throughout world history copper has been outcome a significant metal for a vast number of cultures from the oldest civilizations on record to the Bronze Age and Greek and Roman antiquity Though replaced by iron as the primary metal for tools and weapons in ancient civilizations copper found new resurgence in the nineteenth century when it was discovered to have particularly high thermal and electrical conductivity Copper mining quickly escalated into a large scale industry and because of its vast reserves and innovative mining techniques the United States seized the reins of global production with the opening of significant copper mines in Tennessee and Michigan in the 1840s and Montana in the 1870s Copper mining prosperity and America's dominance of the industry came with a heavy environmental price however As rich copper deposits declined with increased mining efforts large deposits of leaner ores oftentimes less than one percent pure had to be mined to keep pace with America s technological thirst for copper Processing such ore left an inordinate amount of industrial waste such as tailings and slag deposits from the refining process and toxic materials from the ores themselves and copper mining regions around the United States began to see firsthand the landscape degradation wrought by the industry In The Legacy of American Copper Smelting Bode J Morin examines America's three premier copper sites Michigan's Keweenaw Peninsula Tennessee's Copper Basin and Butte Anaconda Montana Morin focuses on what the copper industry meant to the townspeople working in and around these three major sites while also exploring the smelters environmental effects Each site dealt with pollution management differently and each site had to balance an EPA mandated cleanup effort alongside the preservation of a once

proud industry Morin's work sheds new light on the EPA's efforts to utilize Superfund dollars and or protocols to erase the environmental consequences of copper smelting while locals and preservationists tried to keep memories of the copper industry alive in what were dying or declining post industrial towns This book will appeal to anyone interested in the American history of copper or heritage preservation studies as well as historians of modern America industrial technology Is Administrative Law Unlawful? Philip Hamburger, 2022-12-22 Hamburger argues persuasively that America has overlaid its constitutional system with a form of governance that is both alien and dangerous Law and Politics Book Review While the federal government traditionally could constrain liberty only through acts of Congress and the courts the executive branch has increasingly come to control Americans through its own administrative rules and adjudication thus raising disturbing questions about the effect of this sort of state power on American government and society With Is Administrative Law Unlawful Philip Hamburger answers this question in the affirmative offering a revisionist account of administrative law Rather than accepting it as a novel power necessitated by modern society he locates its origins in the medieval and early modern English tradition of royal prerogative Then he traces resistance to administrative law from the Middle Ages to the present Medieval parliaments periodically tried to confine the Crown to governing through regular law but the most effective response was the seventeenth century development of English constitutional law which concluded that the government could rule only through the law of the land and the courts not through administrative edicts Although the US Constitution pursued this conclusion even more vigorously administrative power reemerged in the Progressive and New Deal Eras Since then Hamburger argues administrative law has returned American government and society to precisely the sort of consolidated or absolute power that the US Constitution and constitutions in general were designed to prevent With a clear yet many layered argument that draws on history law and legal thought Is Administrative Law Unlawful reveals administrative law to be not a benign natural outgrowth of contemporary government but a pernicious and profoundly unlawful return to dangerous pre constitutional absolutism The Age of Smoke Frank Uekötter, 2009-02-15 In 1880 coal was the primary energy source for everything from home heating to industry Regions where coal was readily available such as the Ruhr Valley in Germany and western Pennsylvania in the United States witnessed exponential growth yet also suffered the greatest damage from coal pollution These conditions prompted civic activism in the form of anti smoke campaigns to attack the unsightly physical manifestations of coal burning This early period witnessed significant cooperation between industrialists government and citizens to combat the smoke problem It was not until the 1960s when attention shifted from dust and grime to hazardous invisible gases that cooperation dissipated and protests took an antagonistic turn The Age of Smoke presents an original comparative history of environmental policy and protest in the United States and Germany Dividing this history into distinct eras 1880 to World War I interwar post World War II to 1970 Frank Uekoetter compares and contrasts the influence of political class and social structures scientific communities engineers industrial lobbies and

environmental groups in each nation He concludes with a discussion of the environmental revolution arguing that there were indeed two environmental revolutions in both countries one societal where changing values gave urgency to air pollution control the other institutional where changes in policies tried to catch up with shifting sentiments Focusing on a critical period in environmental history The Age of Smoke provides a valuable study of policy development in two modern industrial nations and the rise of civic activism to combat air pollution As Uekoetter's work reveals the cooperative approaches developed in an earlier era offer valuable lessons and perhaps the best hope for future progress **Environmentalists** James Longhurst, 2012-06-22 A telling look at the lives and strategies of women environmental activists in the long 1960s solidly grounded in a national context Political Encyclopedia of U.S. States and Regions Donald P. Haider-Markel, Michael A. Card, 2009 Providing expert analysis of government and politics in all 50 states and the US territories this innovative two volume reference fills the critical need for information and analysis of the roles and functions of state government through accessible state by state and regional overviews of government and politics Wood William Boyd, 2015-11-05 The paper industry rejuvenated the American South but took a heavy toll on its land and people When the paper industry moved into the South in the 1930s it confronted a region in the midst of an economic and environmental crisis Entrenched poverty stunted labor markets vast stretches of cutover lands and severe soil erosion prevailed across the southern states By the middle of the twentieth century however pine trees had become the region s number one cash crop and the South dominated national and international production of pulp and paper based on the intensive cultivation of timber In The Slain Wood William Boyd chronicles the dramatic growth of the pulp and paper industry in the American South during the twentieth century and the social and environmental changes that accompanied it Drawing on extensive interviews and historical research he tells the fascinating story of one of the region s most important but understudied industries The Slain Wood reveals how a thoroughly industrialized forest was created out of a degraded landscape uncovers the ways in which firms tapped into informal labor markets and existing inequalities of race and class to fashion a system for delivering wood to the mills investigates the challenges of managing large papermaking complexes and details the ways in which mill managers and unions discriminated against black workers It also shows how the industry s massive pollution loads significantly disrupted local environments and communities leading to a long struggle to regulate and control that pollution Trade, Health and the Environment Marjolein van Asselt, Michelle Everson, Ellen Vos, 2013-10-30 The trade conflicts that the EU has faced within the EU or WTO context demonstrate that the question of how to balance trade and other societal values in situations of uncertainty has not been solved by the regulatory model evolved by the EU in the aftermath of the BSE crisis one which privileges processes of depoliticisation and scientification This book addresses the current key dilemmas around science law and the regulation of trade both on a regime level and in the context of particular industrial sectors e g pharmaceuticals climate change and nanotechnology It will present possible future research avenues by looking at both theory and practice and learning from various disciplines law and social sciences legal realities WTO USA and EU and actors regulators stakeholders courts *Michigan Law Review*, 2003 **Environmental Regulation** Robert V. Percival, 2006 Examines policies that focus on the substance of environmental statutes how they are translated into regulations and on the factors that affect how they influence real world behavior This book offers teaching and study aids real world based problems and questions pathfinders explaining where to locate crucial source materials and more

American Conservatism Sanford V. Levinson, Melissa S. Williams, Joel Loyola of Los Angeles Law Review ,2004 Parker, 2016-05-17 A collection of essays that unpacks the history nature development and beliefs of American Conservatism The topic of American conservatism is especially timely and perhaps volatile Is there what might be termed an exceptional form of conservatism that is characteristically American in contrast to conservatisms found in other countries Are views that are identified in the United States as conservative necessarily congruent with what political theorists might classify under that label Or does much American conservatism almost necessarily reflect the distinctly liberal background of American political thought In American Conservatism a distinguished group of American political and legal scholars reflect on these crucial questions unpacking the very nature and development of American conservative thought They examine both the historical and contemporary realities of arguments offered by self conscious conservatives in the United States offering a well rounded view of the state of this field In addition to synoptic overviews of the various dimensions of American conservative thought specific attention is paid to such topics as American constitutionalism the role of religion and religious institutions and the particular impact of the late Leo Strauss on American thought and thinkers Just as American conservatism includes a wide and sometimes conflicting group of thinkers the essays in this volume themselves reflect differing and sometimes controversial assessments of the theorists under discussion Symposium .2008 **Environmental** Politics & Policy 7e Walter A Rosenbaum, 2008 Coming to grips with todays environmental policy challenges is no small feat What are the practical problems involved with sustainable development policies What impact do environmental values have on public opinion and policymaking What roles have the states taken in environmental policy innovation Rosenbaums classic comprehensive text offers definitive coverage of environmental politics and policy lively case material and a balanced assessment of current environmental issues This updated seventh edition presents an extensive revision and update with sharp evaluation of the Bush administrations most significant environmental decisions with particular attention to the conflict between conservative and environmentalist approaches to ecological issues increased emphasis on the interaction of global and domestic environmental issues such as climate change and growing importance of other transboundary issues in the domestic economy balanced discussion of petroleum consumption and its environmental impact greater attention to the politics of energy conservation including regulatory and technological approaches and increased coverage of environmental justice issues New and revised tables and figures capture key environmental data while additional Web based references and

research materials point students toward further study Publisher **25th Anniversary Symposium Issue** ,2007

Principles of Law and Economics Daniel H. Cole, Peter Z. Grossman, 2005 Describing and explaining the interrelations of law and economics this useful reference guide is authored by an economist and a law professor mathematics is kept to a minimum and the analysis language is clear and jargon free Sufficient explanations of concepts principles and arguments enable all readers to follow along without great difficulty allowing them to possess a basic understanding of fundamental economic principles the structure of the U S legal system and the importance of combining legal and economic analyses Common law topics such as property contracts torts and crime are comprehensively covered Those involved in law and economics will find this a useful reference for basic concepts and analyses The Role of Litigation in Environmental Protest and Policy Change in Japan Margaret F. Gibbons, 2007 Environmental Politics and Policy Walter A. Rosenbaum, 2005 Coming to grips with today s environmental policy challenges is no small feat What are the major environmental policy changes under the George W Bush administration and how do they compare with policies of previous administrations What are the merits and limits of recent market approaches to environmental regulation and management How can students best understand the concept of acceptable risk and other scientifically based decision making tools with regard to the regulation of toxic substances Rosenbaum's classic comprehensive text now in a totally revised sixth edition offers definitive coverage of environmental politics and policy lively case material and a balanced assessment of current environmental issues actors institutions and processes involved in environmental policymaking giving students a solid foundation for understanding our most pressing environmental concerns In addition Rosenbaum provides in depth coverage of emerging environmental issues such as sustainable development and transboundary policymaking and pays special attention to the interrelation of science and politics and to the economic issues associated with environmental regulation New coverage includes Crisp analysis of the Bush administration s most significant environmental decisions with particular attention to the conflict between conservative and environmentalist approaches to ecological issues Streamlined discussion of the policy process key institutions and actors and issues common to environmental policy problems environmental policymaking Updated discussion of the political impacts of technical decisions especially with respect to risk analysis Extended coverage of the emerging politics of transboundary environmentalism including ecosystem management sustainable development climate warming and acid rain Balanced discussion of petroleum consumption and its environmental impact and greater attention to the politics of energy conservation including regulatory and technological approaches New and revised tables and figures capturin Journal of Economic Literature ,2005-12 **Nothing New in the (North) East?** Luke Nattage, 2006

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