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[P E R S P E C T I V E S]

THE ENVIRONMENT AND HUMAN RIGHTS AT THE INTER-AMERICAN HUMAN RIGHTS COMMISSION

Dinah Shelton, Manatt/Ahn Professor of International Law and Member,
Inter-American Human Rights Commission



IGUASSU FALLS, BRAZIL

During its March 2010 session, the Inter-American Commission on Human Rights was presented with a wide range of issues demonstrating once again the linkages between environmental protection and the enjoyment of human rights.

One of the most widely publicized matters centered on ensuring human rights to the fullest extent possible in the aftermath of the massive earthquake in Haiti. The Commission issued an early press release reminding all actors providing humanitarian

assistance of the need to carry out their activities consistent with the human rights of those affected. During a public hearing, participants raised concerns about trafficking in children and violence against women, in particular, as well as about the provision of clean

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★ ★ ★

FALL 2010

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[V I E W P O I N T]

GW's Environmental Law Program at 40

This year we celebrate the 40th anniversary of the GW environmental law program. Before 1970, GW Law already offered a few environmental courses and even an LL.M. in Administrative Law: Economic Regulation. However, its Environmental Law Program was concretely established in 1970 with a \$250,000 grant from the Ford Foundation, which brought Arnold Reitze to the Law School, where he remained the anchor of the program for 38 years. GW Law was one of the first law schools to establish a clearly designated environmental law program and perhaps the first to create an environmental law LL.M. Today, the Law School offers a diverse environmental curriculum that includes more than 20 courses ranging across the environment, energy, and resources spectrum.

In the early 1960s, there were no courses offered by GW that

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drinking water and sanitation in the temporary camps.

The cases presented during the session often centered on complaints about the activities of extractive industries in different countries, from gold mining to oil exploration and exploitation, and about the failure of the governments of those countries to enforce local laws such as those requiring environmental impact assessments and mitigation of harm. A similar set of problems has arisen with the building of large dams. Most of the cases concern the effects of these projects on indigenous populations, who complain about lack of information and consultation, lack of remedies, and in many instances forced relocation. In those regions where the indigenous people remain in their communities, severe water and soil pollution leading to public health crises have been reported.

Most of these cases have been declared admissible, and the Commission is in the process of evaluating the merits of the complaints. Already, several major cases have been decided by the Inter-American Court of Human Rights. Its judgments provide the legal framework for interpreting and applying the regional human rights instruments in respect to the cases heard by the Commission. In its judgments, the Court has emphasized the special responsibility governments have to indigenous peoples because of the original sovereignty and the subsequent historic injustices indigenous peoples have suffered, as well as because of their cultural and spiritual links to their lands. The ties of indigenous peoples to their ancestral lands have led to a validation of their property rights under the *American Convention on Human Rights, Art. 21* (right to property). As a consequence, any development projects proposed to take place on their lands,

including the exploitation of natural resources (living and nonliving) found therein require prior information and consultation between the government and the people. Projects that would cause substantial harm to the resources needed to preserve the way of life and physical existence of the group are absolutely prohibited, while major development projects that would have a substantial impact on the lands, territories, and other resources require not only prior consultation with but prior informed consent of the people on whose ancestral lands the proposed projects would take place.

Despite these norms, many problems remain, as governments and companies move further into exploiting the resources found on or under indigenous territories. Not every dispute is peacefully resolved, and it has been made clear that the rights of indigenous peoples—and even in many instances their very existence—are at stake.

The seven-member Commission, made up of independent experts elected by the members of the Organization of American States, has the duty to promote and protect human rights in the 35 countries of the Western hemisphere, in all of which are found descendants of the original inhabitants. The Commission holds three sessions a year and is able to undertake on-site missions for fact finding. It also may place itself at the disposal of the parties to negotiate friendly settlements of the cases that are filed. Among the approximately 1,800 cases now pending, a significant number concern environmental conditions as they negatively affect the enjoyment of guaranteed human rights. The decisions of the Commission on admissibility and the merits can be found at www.iachr.org. ★

{ WHAT'S NEW }

INTERNATIONAL STUDENT EXCHANGE OPPORTUNITIES

GW Law offers two attractive international study abroad programs at the University of Groningen, the Netherlands, and at NACLE-member schools for students interested in learning first hand about environmental law from a perspective outside of the United States.

J.D. students may apply to participate in these exchange programs as visiting students in their second or third year for one semester. For most students visiting at the University of Groningen, the second semester of their second year will be the most convenient semester for the exchange program. With both the NACLE and Groningen programs, students pay tuition through GW Law.



GRONINGEN, THE NETHERLANDS

University of Groningen, the Netherlands

GW Law has recently signed a student exchange agreement with the University of Groningen in the northern part of the Netherlands. Founded almost 400 years ago, Groningen has been ranked as the top law school in the Netherlands. Located about two and a half hours by train northeast of Amsterdam, the university provides a small-town setting for studying environmental law while being accessible to many of Western Europe's most interesting cities.

Studying at Groningen allows students to focus on European Union law. The European Union has led the world in environmental legislation over the past decade, particularly in the areas of climate change, toxics management, renewable energy, and producer responsibility. Groningen offers courses in International Environmental Law, European Union Environmental Law, and Energy Law.

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LEGAL ISSUES IN THE CONTROL OF GEOLOGICAL CARBON SEQUESTRATION

Arnold W. Reitze, Jr., Professor Emeritus, GW Law; Professor of Law, S.J. Quinney College of Law, University of Utah; and Member, University of Utah's Institute for Clean and Secure Energy



PROFESSOR REITZE LED GW LAW'S ENVIRONMENTAL LAW PROGRAM FOR 38 YEARS, BEGINNING IN 1970.

Carbon capture and storage (CCS) in geological formations is a way to reduce emissions of carbon dioxide (CO₂). CCS begins by separating CO₂ from other gases, which may be done before or after fuel is combusted. Post-combustion capture is the more important technology because it can be used to capture CO₂ from existing fossil-fueled facilities. After the CO₂ is removed from the exhaust gas stream, it must be converted from a gas to a supercritical fluid before it is transported to the injection site by pipeline. This reduces the efficiency of the electric-generation process because of the energy required to liquefy CO₂. CCS is projected to increase the cost of producing electricity by about 30 to 60 percent.

A modern power plant utilizing CCS will need to transport over 1.85 million cubic feet each day of liquid CO₂ to an underground injection site, which is equivalent to the volume of a football field over 32 feet deep. Many federal agencies have some responsibility

for pipeline regulation, but new legislation is needed because it is not clear which agency has jurisdiction over CO₂ transport. Pipeline construction plans can be expected to be met with "not in my backyard" opposition. This issue was addressed in Montana, which allows owners of pipelines transporting carbon dioxide to use eminent domain to acquire private property.

CO₂ under high pressure is injected into underground geological formations at a depth of about 800 meters (2,625 feet). The Energy Independence and Security Act of 2007 requires the U.S. Geological Survey to determine the capacity for CO₂ sequestration. Issues of concern to the Geological Survey include the effect of sequestration on mineral extraction and on surface activities as well as a site's potential for injection-induced earthquakes. Sequestration will require dealing with the properties of supercritical CO₂ including its relative buoyancy, its mobility within subsurface formations, the corrosive properties of the gases in water, the effect of the impurities in the flue gas, and the large volume of material that will need to be injected. In order for viable carbon storage to occur, many technical problems must be overcome. In addition, a cost-effective environmental protection program must be implemented, ownership issues concerning carbon storage must be settled, and the issue of long-term liability must be resolved. While large-scale CCS

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{ WHAT'S NEW }

JEEL PUBLISHES FIRST ISSUE

THE GEORGE WASHINGTON UNIVERSITY



JOURNAL OF ENERGY & ENVIRONMENTAL LAW

GW Law is proud to announce the publication of the first issue of the *Journal of Energy and Environmental Law* (JEEL). The journal, which is edited by students, is published in cooperation with the Environmental Law Institute and distributed to the subscribers of *Environmental Law Reporter News & Analysis*.

For inquiries about subscriptions or to submit an article for potential publication, please contact the journal staff at JEEL@law.gwu.edu or visit the JEEL website at www.law.gwu.edu/JEEL.

JOIN US AS WE CELEBRATE 40 YEARS OF THE ENVIRONMENTAL LAW PROGRAM



Please join the GW Law community as we celebrate the Environmental Law Program's 40th anniversary on Saturday, November 6, with a program at the Law School and a luncheon at the nearby American Institute of Architecture.

The event will feature tours of the law school led by current students; a "Greening of GW" Campus Tour led by the GW Office of Sustainability; luncheon remarks by former GW Law Professor Arnold Reitze; and a program on The Gulf Oil Spill and the Law led by Tom Hayes, chief, Environmental Law, U.S. Coast Guard, with remarks by GW Law faculty. CLE credit will be available for the Gulf Oil Spill program.

Visit www.law.gwu.edu/environmental for more details and to register.

{ PROFILES }

WILLIAM W. SAPP (LL.M.'95)

It was only natural for Bill Sapp to pursue a career in environmental law. He grew up near Lake Placid in New York's Adirondack Mountains, with nature in his backyard. But as a senior attorney in the Atlanta office of the Southern Environmental Law Center (SELC), he is focused on protecting a landscape very different from the rolling peaks and clear glacial lakes of his boyhood.

Sapp is a wetlands attorney who uses his legal skills to defend the swamps, tidal creeks, and vast expanses of salt marsh that line the Georgia and Alabama coasts. These species-rich environments provide a host of benefits, he points out, from filtering pollutants and absorbing floodwaters to providing

the first line of defense against hurricanes and other coastal storms.

They also face a host of threats, he adds, including intense growth pressures that continue to mount even in the struggling economy. To counter these pressures, Sapp and his SELC colleagues have helped organize Save Georgia's Coast, which combines the strengths of 10 local, state, and regional conservation groups dedicated to preserving one of the nation's ecological gems. Sapp serves as the coalition's chief legal advocate and also is helping to shape and implement its conservation strategies.

He brings a wealth of experience to this task. After receiving his J.D. from Harvard, he became assistant counsel for environmental law and regulatory programs for the Army Corps of Engineers and helped draft the Tulloch Rule and other wetlands guidance and regulations. While completing his LL.M. degree at GW Law, he accepted a federal judicial clerkship in Savannah, where he discovered the unspoiled natural treasures of the Georgia coast. He then practiced with the Atlanta law firm of Alston & Bird for six years before becoming lead wetlands attorney for Region 4 of the U.S. Environmental Protection Agency (EPA). He moved to SELC in 2007 and recently completed a term as chair of the environmental law section of the State Bar of Georgia.

With his insider's knowledge of the Corps and the EPA, Sapp tries to bridge the divide that can form between regulatory agencies and environmental groups pushing to protect a special place or clamp down on polluters. "Environmental groups will invariably say that agencies don't do their jobs. But I say we can help agencies do their

jobs by identifying the capabilities they and our conservation partners can bring to the table and taking advantage of what everyone has to offer," he said.

Among the issues Sapp and his SELC colleagues are tackling are the legal uncertainties arising from the U.S. Supreme Court's *SWANCC* and *Rapanos* decisions, which in Sapp's view have shattered the fundamental framework of the Clean Water Act. He was one of the contributors to *Courting Disaster: How the Supreme Court Has Broken the Clean Water Act and Why Congress Must Fix It*, a report providing case studies of valuable wetlands that have been lost or put in jeopardy due to the confusion created by the Court's decisions.

"The nut of the problem is the Court's misinterpretation of the phrase 'navigable waters' in the original Clean Water Act," he explains. "As a result of these decisions, individual districts of the Corps of Engineers must determine case by case whether certain streams and wetlands are covered by the law, and often the Corps makes the wrong call. The aim of our report is to educate members of Congress on the impacts of the Court's decisions and to secure passage of legislation that makes clear that all the waters of the United States are protected by federal law."



WILLIAM W. SAPP

J. BRETT GROSKO (J.D. '00)

As a child hiking through the North Georgia mountains and collecting animals of all kinds around his house, Brett Grosko was drawn to environmental issues at a young age.

Today, he defends federal agency decisions concerning the management and protection of wildlife as a trial attorney for the U.S. Department of Justice's (DOJ) Environment and Natural Resources Division, Wildlife and Marine Resources Section. At DOJ, Grosko represents the Fish and Wildlife Service and other federal agencies when their decisions are challenged under various federal wildlife statutes. His caseload encompasses the defense of fishery closures, Forest Service land management decisions, wild horse gathers, and listing decisions under the Endangered Species Act. The job constantly challenges him to think about new aspects of the statutes he works on. A typical day involves writing briefs or preparing for oral argument in federal district court.

Grosko brought a wealth of experience to DOJ. Before law school, he spent a year in Costa Rica studying forestry law enforcement on a Fulbright scholarship. After earning his J.D. at GW Law and an M.A. in international affairs from Johns Hopkins University School of Advanced International Studies, he served as a judicial law clerk at the U.S. Court of International Trade in Manhattan before spending four years in private practice at a large firm in Miami.

In 2005, Grosko returned to Washington, D.C., as an attorney advisor at the National Oceanic and Atmospheric Administration (NOAA). At NOAA, his tasks included drafting for the secretary of commerce Coastal Zone Management Act consistency appeal decisions, which weigh the



ENVIRONMENTAL
PERSPECTIVES

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{ WHAT'S NEW }

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The North American Consortium on Legal Education (NACLE) represents an explicit recognition by its member law schools that law professors, law students, and lawyers are increasingly confronted with complex legal issues as a result of the interaction between institutions and individuals across North America. Effective legal education and lawyering in the 21st century requires an understanding of the similarities shared by the legal systems of the United States, Canada, and Mexico while remaining sensitive to their differences. GW Law is proud to be a founding member of NACLE, which was formed in 1999 to promote increased understanding within North American countries of neighboring legal systems by providing opportunities for cross-border research, curriculum development, and student exchange.

J.D. students may apply to participate in the consortium as visiting students in their second or third year for one semester at one of NACLE's Canadian or Mexican member institutions: Dalhousie University Faculty of Law in Halifax, McGill University Faculty of Law in Montreal, the University of Ottawa Faculty of Law, Instituto Tecnológico de Estudios Superiores de Monterrey Escuela de Derecho in Monterrey, Universidad Nacional Autónoma de México Instituto de Investigaciones Jurídicas in Mexico City, and Universidad Panamericana Facultad de Derecho in Mexico City. Credits earned as a visiting student in the NACLE program count toward the total credits required for the J.D. degree at GW Law.

For students interested in environmental law, several of the Canadian member universities offer particularly attractive opportunities. Dalhousie University focuses on marine law; the University of Ottawa offers a wide variety of both code and common law environmental courses in English and French; and the University of British Columbia offers several environmental law courses, many of which focus on natural resources law.

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we would today classify as environmental or natural resources courses. The curriculum, however, did include energy courses covering public utilities, oil and gas, and nuclear energy. The Law School added land use and transportation courses in the mid-1960s and created a "law, science, and technology" program directed by Professor Harold Green. GW Law introduced the first natural resources law courses in 1968,

adding new courses in Land Development Law, Water Resources Law, and Natural Resources Law and Policy and two classes on Intergovernmental Relations.

The first focus on pollution control courses came in 1970, with Reitze teaching new courses on Environmental Law and on Air, Water, and Pollution Control. By 1975, the environmental law program added a course on Environmental



J. BRETT GROSKO

national interests of a development project against its adverse effects to determine whether it should go forward—even over the coastal state's objection. This experience provided Grosko with the opportunity to observe environmental federalism up close. He also had the privilege of working with his colleagues to draft the Department of Commerce's 2007 proposal to strengthen the Coral Reef Conservation Act by adding enforcement and natural resource damage provisions.

Grosko has given back to the environmental legal community whenever possible since starting at NOAA. While at GW Law, he wrote for and edited *The Environmental Lawyer*, and since 2008, he has found an outlet for this impulse as the editor of the American Bar Association (ABA) Section on Environment, Energy, and Resources' International Environmental Law Committee newsletter. The newsletter has recently published issues on the nexus between agriculture and international environmental law, Latin American environmental law, Chinese and Indian environmental law, and climate change. He also has written articles on the status of World Trade Organization negotiations designed to reduce global fishery subsidies and on the urgent need to find new legal

mechanisms to combat marine dead zones and harmful algal blooms. In addition, Grosko has enjoyed serving as a judge at the ABA's international environmental moot court competition.

Best of all, his career, along with his role in the ABA, allows him to continually expand his knowledge of environmental law and to engage with top-notch colleagues. "The myriad issues that arise in environmental law are uniquely fascinating and entirely compelling," he says. "I feel fortunate to have chosen this field and found a career that I love."

JENNIFER BOWMAR

Shaw Environmental Fellow

Jennifer Bowmar, who joins GW Law this fall as a Shaw Fellow, was on her way to pursuing a career in environmental law before she even realized that was her aspiration. "It seems clear in hindsight that I gravitated towards professional endeavors with strong environmental themes long before I made the conscious decision to make a career in environmental law," she explains.

Bowmar earned a B.S. in civil engineering from Purdue

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JENNIFER BOWMAR (LL.M. EXPECTED '12)

University in 2000. As part of her engineering curriculum, she studied topics such as soil and fluid mechanics and geology, and she completed a survey course in environmental engineering that covered topics on landfill design and contaminated soil remediation. Beginning what she thought would be a career in engineering, Bowmar found herself working at the Florida Department of Transportation's Office of Planning and Environmental Management in Fort Lauderdale, where she was involved in performing environmental reviews and preparing National Environmental Policy Act documents for roadway projects. Her interest in environmental regulations took off when she contributed to preparing an environmental impact statement (EIS) for a four-lane new bridge crossing over a navigable waterway. She says "working on that EIS really opened my eyes to the array of impacts that development can have on the natural environment and introduced me to the complex regulatory frameworks put in place in an effort to strike a balance between development and environmental protection."

She then moved to the Federal Highway Administration (FHWA), where she continued

to gain hands-on experience with environmental reviews and regulatory compliance. That position also afforded her opportunities to work hand-in-hand with regulatory agencies in broader, program-level collaborative activities. For example, she participated in a work group with others from the FHWA, the Oklahoma Department of Transportation, and the U.S. Fish and Wildlife Service, developing a programmatic biological opinion for a listed endangered species. The opinion was designed to simultaneously expedite individual roadway project approval and also to fund research to expand the Fish and Wildlife Service's knowledge base on the species. She recalls that "at this point my position title was 'transportation engineer,' but I found I was much more eager to take on any environmental review task or get involved with any environmental policy development activity than any engineering design task. I wanted to learn more about environmental laws and regulations implicated by the highway projects, and I wanted to be in a position to shape the agency's practices in terms of complying with environmental requirements." Law school was a logical step to put her on that path.

Bowmar received her J.D. *magna cum laude* in 2008 from the University of Cincinnati College of Law, where she was a member of the *U.C. Law Review*. She joins GW Law this fall after two years as an associate attorney in a defense litigation practice. As a Shaw Fellow, she will be pursuing an LL.M. in environmental law and working with Dean Paddock to further scholarship on emerging issues, including environmental governance and nanotechnology. She will also share her practical experiences with environmental review in the classroom while serving as a visiting associate professor.

LONI SILVA (J.D. EXPECTED '12)



After receiving her undergraduate degree in anthropology and political science from Elmira College in upstate New York, Loni Silva worked for a year as a teacher in a small city in Poland. She then moved to the international hub of Istanbul, Turkey, to teach business English to executives and corporate groups. During the three and a half years she lived in Istanbul, she received her master's degree in critical and cultural studies from Bosphorus University. "My time abroad gave me a sense of how different cultures approach natural resources and the effect we collectively have on the planet," she says.

After returning to the United States, Silva spent a semester working in the California public schools before relocating to environmentally conscious Portland, Oregon. In Portland, she served as program coordinator at an energy-oriented nonprofit, where she gave presentations on home weatherization for low-income households. "Green innovations are often expensive, and lower-income households can be left out. This program not only gave them a way to be more comfortable in their homes and save money, but it gave them an opportunity to be part of

the green movement," Silva comments.

She decided to attend GW Law because she realized she could have a greater impact with a legal education. "It was definitely a question of legitimacy," she says, "of gaining a voice in the policy sphere." This summer, Silva began working on environmental justice issues as a research assistant to Dean Paddock. She also has researched the legal issues surrounding the Gulf Coast oil spill. In addition, she interned at the District of Columbia Superior Court, where she worked on complex civil litigation. She joined GW Law's Environmental Law Association to meet like-minded people, and she serves on the Executive Board. She plans to pursue a career in energy law. ★

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has not yet occurred, the body of law concerning enhanced oil recovery (EOR) and the use of geological storage for natural gas can be used to help shape an appropriate legal regimen for CCS.

Carbon sequestration in underground reservoirs requires a permit issued under the Safe Drinking Water Act (SDWA), which is administered by the Environmental Protection Agency (EPA) and by states that have been delegated enforcement authority. The Energy Independence and Security Act of 2007 gave the EPA explicit authority under the SDWA to regulate injection and geologic sequestration of carbon dioxide. The EPA's proposed rule governing underground injection of carbon dioxide under the SDWA was promulgated July 25, 2008. The proposed rule creates a new category for wells used for CCS, in addition to the five classes of wells that already require permits.

Proposed Class VI regulations include requirements to ensure

wells are appropriately sited and are constructed to prevent fluid movement. The confining zone for the injected CO₂ must be free of faults or fractures, and the injection may not be above the lowest formation containing a source of drinking water. There are monitoring and reporting requirements, including periodic re-evaluation to verify the material injected is moving as predicted. The rule also includes financial responsibility requirements to ensure the resources are available for well plugging, site care, closure, and emergency remedial response. Under the proposed rule, well operators remain responsible for post-injection site care many years following the cessation of injections. Migration that endangers underground sources of drinking water is subject to indefinite liability. The EPA's proposed rule affects state regulation, but states cannot easily be preempted because legal issues concerning sequestration involve property, tort, and contract law controlled by state law.

The Clean Air Act (CAA) requirements increase the cost and the time required for granting permits to coal-fired electric power plants, which reduces the cost advantage of coal-fired electric generation, and CCS will add to these costs. Separating CO₂ from the gas stream could result in new or additional air pollution, which could trigger additional pollution control requirements. Because of the energy requirements for compressing CO₂, a power plant will have to burn more fuel to achieve the same net generating capacity. This could increase emissions and potentially trigger construction permit requirements. CCS may be ruled to be the best available control technology (BACT) and therefore be mandated for new

or modified electric power facilities. Alternatively, integrated gasification combined cycle (IGCC) technology, which makes it easier to sequester carbon but is more costly, may be considered to be BACT.

The Resource Conservation and Recovery Act (RCRA) has stringent requirements for hazardous waste disposal. It is unlikely CCS would be considered hazardous waste disposal, but such a development cannot be ruled out. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, a.k.a. Superfund) provides for the clean up of contamination by hazardous substances, which potentially could include sequestered electric power waste streams. CERCLA allows federal, state, and local governments and private parties to recover the costs associated with a clean-up operation. Substances that are hazardous under the major environmental statutes are considered hazardous under CERCLA. The EPA's CAA endangerment finding for CO₂ could potentially trigger CERCLA liability. Alternatively, hazardous contaminants in the CO₂ waste stream could trigger CERCLA liability.

For the foreseeable future, costs will be the primary barriers to implementing CCS. If sequestration is to become a viable method of dealing with the need to reduce carbon emissions, however, many legal issues will need to be addressed. ★



IN PRINT

Robert L. Glicksman

Professor Glicksman has published the book *Administrative Law: Agency Action in Legal Context* (with Richard E. Levy, Foundation Press 2010). The book contains a chapter on EPA rulemaking processes and considers judicial review of EPA decisions.

Professor Glicksman also published "The Failure of U.S. Climate Change Policy" (with Chris Schroeder) and "Anatomy of Industry Resistance to Climate Change: A Familiar Litany," in *Economic Thought and U.S. Climate Change Policy* (D. Driesen, ed., The MIT Press, 2010); the Center for Progressive Reform White Paper # 1004 *Failing the Bay: Clean Water Act Enforcement in Maryland Falling Short* (March 2010) (with Y. Huang) (available at www.progressivereform.org/articles/MDE_Report_1004FINALApril.pdf); and the updated Environmental Law Series *Public Natural Resources Law* Releases 7 and 8 (West).

Dinah Shelton

Professor Shelton has recently published "Developing Substantive Environmental Rights," 1 *Journal Of Human Rights and the Environment* 89 (2010); "Balancing Rights and Responsibilities: Human Rights Jurisprudence on Regulating the Content of Speech," in *Human Rights: Limitations and Proliferation* (Peter Wahlgren, ed., 55 *Scandinavian Studies in Law* 2010); "Intergenerational Equity," in *Solidarity: A Structural Principle of International Law* (R. Wolfrum & C. Kojima, eds., Springer 2010); and "Equitable Utilization of the Atmosphere: A Rights-Based Approach to Climate Change?" in *Human Rights and Climate Change* (Stephen Humphreys, ed., Cambridge University Press, 2010).

Lee Paddock

Associate Dean Lee Paddock will publish the article "An Integrated Approach to Nanotechnology Governance" in the fall edition of the *UCLA Journal of Environmental Law and Policy*. His article on "Collaborative Problem Solving in Minnesota" will be published in the fall edition of the ABA's *Natural Resources and the Environment*. Dean Paddock is also a co-editor of *Compliance and Enforcement in Environmental Law: Towards More Effective Implementation*, which is scheduled for publication in spring 2010 (Edward Elgar Press).

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LEE PADDOCK

Litigation and an environmental law clinic. The program reached something close to its current form in 1980 with 11 courses, several of which were taught by some of the most prominent environmental lawyers in Washington, D.C., including Oliver Houck, Sheila Hollis, and William Hedeman, Jr. This tradition continues today with courses taught by a number of the region's top energy, resources, and environmental lawyers.

There are several important milestones in GW Law's environmental law history. From 1994 to 2003, the Law School published *The Environmental Lawyer* in collaboration with the American Bar Association (ABA). Lee Hoffman served as the first managing editor of the publication. He is perhaps the only student to have taken every course in the program, earning both a J.D. and an LL.M. from GW Law. More recently, the Law School has launched the new *Journal of Energy and Environmental Law* (JEEL) in collaboration with the Environmental Law Institute. JEEL is one of only a few law journals that focuses on the intersections between energy, environment, and climate.

Today, GW Law graduates practice environmental law in every sector across the country and around the world. At least

3,980 students have enrolled in GW Law's environmental law survey course since 1970. Almost 900 students have environmental LL.M. degrees from the Law School, and close to 200 Armed Services lawyers have received their environmental LL.M. degrees from GW Law since 1980. These lawyers have played a central role in building the Department of Defense's expertise in environmental law over the past 30 years.

The program continues to add new milestones as it adapts to the changes in the fields of environmental, energy, and resources law. In 2008, the Law School added a course on the International Law of Climate Change. During that same year, GW Law was the first law school to join the ABA-EPA Climate Challenge recognizing organizations that take steps to reduce energy and paper use. In 2009, the Law School created

a new LL.M. specialty in Energy and Environmental Law and launched a new Congressional Environmental Fellowship program that places top environmental law students with the personal staff of members of Congress or with Congressional Committees. And this fall, the Law School introduced a new semester abroad exchange program with the University of Groningen.

For two generations, we have been among the national leaders in teaching environmental law. We look forward to continuing that work as we begin the third generation of environmental law at GW. ★

Associate Dean for Environmental Legal Studies

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