

Chapter 24 Environmental Law

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

INTRODUCTION

- Past, present and future methods for handling pollution problems
- Review Federal legislation that governs items like clean air, water, and noise

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Historical

- Property owners historically were granted relief from pollution by courts under certain common law doctrines
 - Nuisance
 - Trespass
 - Negligence
 - Strict liability

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Regulation of the Environment

- State government
 - Varies from state to state
- Local government
 - Use a variety of techniques including zoning, land use, appearance of buildings, and garbage disposal
- Private litigation
 - Private parties can recover damages and obtain injunctions for environmental harm
 - Class action lawsuits

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

National Environmental Policy Act

- Created Environmental Protection Agency
- Mandates Environmental Impact Statements for every proposed major federal or federally-funded project

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Clean Air Act

- EPA sets Ambient Air Quality Standards
- Each state is required to develop its own state implementation plan
- Two types of air pollutants are covered
 - Pollution that causes death or serious illness at low levels
 - Criteria pollutants
- Federal government provides companies that pollute certain allowances

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Other Air Pollution Issues

- Acid Rain
- Ozone layer and climate protection
- Water pollution
 - Rivers and Harbors Act

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Clean Water Act

- Goals
 - To make waters safe for swimming
 - To protect fish and wildlife
 - To eliminate discharge of pollutants into the water
- Enforcement
 - By businesses and governments
- Injunctive relief and damages must turn money received to the federal government
- A permit issued by the Army Corps of Engineers is necessary to fill in wetlands

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Other Water Regulations

- Oil Pollution Act
- Marine Protection, Research, and Sanctuaries Act
- Safe Drinking Water Act

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Nuclear Waste Policy Act

- Requires the building of a permanent repository for the disposal of spent nuclear fuel and high-level wastes

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Shore Protection Act

- Controls the disposal of solid wastes in oceans and lakes

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Noise Control Act

- Established a goal of creating an environment free from noise that injures public health and welfare

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Toxic Substances Control Act

- Requires the EPA to track more than 75,000 industrial chemicals produced or imported into the US

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

FIFRA and FEPCA

- EPA requires that pesticides cannot cause any unreasonable harm to the environment

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Solid Waste Disposal Act

- Designed to reduce solid waste by encouraging the recycling of waste and the reuse of material

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Resource Conservation and Recovery Act

- Governs EPA studies and recommendations on solid waste disposal, ranging from glass and plastic to landfill used at airports

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Superfund (CERCLA)

- Superfund cleans up hazardous wastes when the polluter cannot be found
- Defenses to Superfund
 - Act of God
 - Act of war
 - Act of a third party (an innocent purchaser can use this defense)

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Pollution Prevention Act

- Focuses on reducing the amount of pollution through cost effective changes in production, operation, and use of raw materials

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

Endangered Species Act

- Adopted to conserve the species themselves and to protect the ecosystems of endangered species

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Source: Bohlman/Dundas, The Legal, Ethical, & International Environment of Business

NAFTA

- North American Agreement on Environmental Cooperation
 - Establishes a council composed of each country's top environmental official, and an independent secretariat and joint advisory commission to advise the council on environmental law violations

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International Considerations

- Among the environmental laws that have been developed internationally are
 - Montreal Protocol on Substances that Deplete the Ozone Layer
 - Vienna Convention on the Protection of the Ozone Layer
 - United Nations Convention on the Law of the Sea
 - Convention on the Law of Non-navigational Uses of International Watercourses
 - UNESCO regional agreements to stop pollution

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Summary

- Historical
- Regulation of the Environment
- National Environmental Policy Act
- Clean Air Act
- Other Air Pollution Issues
- Clean Water Act
- Other Water Regulations
- Nuclear Waste Policy Act
- Shore Protection Act
- Noise Control Act
- Toxic Substances Control Act
- FIFRA and FEPCA
- Solid Waste Disposal Act
- Resource Conservation and Recovery Act
- Superfund
- Pollution Prevention Act
- Endangered Species Act
- NAFTA
- International Considerations

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