

# ENVIRONMENTAL LAW

I. Beginning Research.....	2
A. Current Awareness Services.....	2
B. Secondary Sources.....	3
1. Books.....	3
2. Dictionaries.....	4
3. Finding Books in the Online Catalog.....	4
4. Finding Articles.....	5
C. Lexis Advance and WestlawNext.....	5
II. Federal Materials.....	6
A. Major Federal Statutes.....	6
B. Rules and Regulations.....	7
C. Environmental Protection Agency.....	8
D. Other Federal Agencies.....	9
E. Federal Data Sources.....	10
III. North Carolina and Other State Materials.....	11
A. North Carolina Environmental Laws.....	11
B. North Carolina Environmental Regulations.....	12
C. Secondary Sources.....	12
IV. International Materials.....	13
A. Books and Treatises.....	13
B. Dictionaries.....	13
C. Electronic Materials.....	14

**Environmental law** is a complex mix of federal, state and local laws, regulations, policy choices, science, and health concerns. In addition, it is a dynamic area of the law with changes occurring rapidly. Researching environmental law requires awareness that this area of the law is more than just a collection of laws and regulations and is, in fact, a constantly changing legal system.

This guide provides an overview of federal, North Carolina-specific, and international environmental law sources. For additional sources, including different state materials, researchers may wish to consult other relevant research guides and portals such as Vermont Law School's **Environmental Law Research Resources** (<http://forms.vermontlaw.edu/library/resource-directory/index.cfm>), and/or the **Environmental Law** guide ([http://law.lclark.edu/library/research/environmental\\_law/](http://law.lclark.edu/library/research/environmental_law/)) prepared by Lewis & Clark Law School's Paul L. Boley Law Library.

## I. Beginning Research

### A. Current Awareness Services

It is possible to begin environmental law research in primary legal sources, such as an annotated code and the *Code of Federal Regulations*. However, because of the complexity of the subject, the importance of varied regulatory material, and the frequent changes in law and regulations, specialized research tools have been created. There are two major electronic and looseleaf services which can greatly aid in researching this complex area of the law: the *Environmental Law Reporter* and the *Environment Reporter*.

***Environmental Law Reporter (ELR)*** published by the Environmental Law Institute (KF3775 .A59 E58 & <http://db.library.duke.edu/search?id=DUKE004941608>) covers recent developments in the courts, Congress, and agencies and contains primary law sources and articles and analysis of environmental law issues. ELR includes the full text of important federal environmental statutes and major treaties and agreements, as well as state and international materials. No password is needed when accessing this resource on the Duke campus. For off campus access, Duke Law students and faculty can request the password at the Reference Desk. Since 2003, the print version contains only the News & Analysis section, which reports on major environmental law developments.

***Environment Reporter***, published by the Bureau of National Affairs (BNA) (<http://db.library.duke.edu/search?id=DUKE003796988>; also available on LexisNexis/Westlaw), includes primary and secondary material covering federal environmental laws, regulations, all significant federal and state court cases relevant to environmental law, policies, executive orders, current developments and, prior to July 1994, state environmental laws

BNA also publishes a topical service for international environmental law, which is available electronically to the Duke Law community: the ***International Environment Reporter*** (<http://db.library.duke.edu/search?id=DUKE003796988>). This series provides daily updates, as well as biweekly reviews, covering major international environmental developments.

E&E Publishing (Environment & Energy) provides daily coverage of environmental and energy policy through three main publications: ***Greenwire*** (<https://search.library.duke.edu/search?id=DUKE004380269>), which summarizes environmental news coverage from print, broadcast, and online sources; ***Environment & Energy Daily*** (<https://search.library.duke.edu/search?id=DUKE004373968>), which tracks Congressional environmental news; and ***ClimateWire*** (<https://search.library.duke.edu/search?id=DUKE004682776>), focusing on the politics surrounding climate change specifically.

Legislative committees also provide current information on new laws under consideration. The **House Committee on Natural Resources** (<http://naturalresources.house.gov/>) considers legislation about American energy production, mineral lands and mining, fisheries and wildlife, public lands, oceans, Native Americans, irrigation and reclamation. The **Senate Committee on Environment and Public Works**

(<http://www.epw.senate.gov/public/>) provides the latest information on the Committee's work regarding federal energy and environmental policy as well as our nation's transportation and infrastructure systems. More generally, **GovTrack.us** allows users to monitor actions on specific bills related to environmental policy, as well as gather information on upcoming committee meetings.

## **B. Secondary Sources**

The Law Library has a number of materials to aid your understanding of environmental law.

### **1. Books**

Hazelton, Penny A., ed., *Specialized Legal Research*, 2d ed., (Ref Desk KF240 .S642). This annually-updated volume contains a chapter called “Environmental Law and Land Use Planning”.

Findley, Roger W. & Farber Daniel A., *Environmental Law in a Nutshell*, 9th ed. (Reserve KF3775.Z9 F56 2014). Addresses major topics in environmental law such as judicial review, federalism, toxic substances, pollution control, risk management and preservation.

Grad, Frank P., *Treatise on Environmental Law*. (KF3775 .G72 through 1998; full-text and up-to-date on Lexis Advance). Comprehensive treatise on environmental law issues by Professor Grad including analysis of climate change initiatives domestically and internationally. Professor Grad’s work has been cited in numerous environmental law cases.

Novick, Sheldon M., Stever, Donald W. & Mellon, Margaret G., *Law of Environmental Protection* (KF3775 .N68 1987) (Updated annually). A treatise on the legal aspects of the release of pollutants, wastes and toxic substances into the environment. Includes a section by section analysis of the nine principle federal environmental statutes administered by the Environmental Protection Agency.

Riesel, Daniel. *Environmental Enforcement Civil and Criminal*. 1997- . (KF3775 .R53) (Updated irregularly). A treatise dealing with the complex system of civil and criminal enforcement of federal and state environmental laws.

Rodgers, William H., *Environmental Law*, 2d ed., (Reserve KF3812 .R63 1994). This single-volume hornbook, written specifically for law students, provides detailed treatment of issues, legal principles, and current law. The author’s four-volume treatise, *Rodgers’ Environmental Law*, is available electronically in WestlawNext.

Salzman, James & Thompson, Barton H. Jr. *Environmental Law and Policy*, 4th ed. (KF3775 .S26 2014). An overview of the major themes and issues in environmental law, including air and water pollution, endangered species protection, and the National Environmental Policy Act (NEPA).

Selmi, Daniel P. & Manaster, Kenneth A., *State Environmental Law* (KF3775.Z95 S45 1989; also available on WestlawNext) (Updated annually). This treatise focuses on four areas: air quality, water quality, current hazardous waste management, and cleanup of hazardous waste from past activities.

Weinberg, Phillip & Reilly, Kevin A., *Understanding Environmental Law*, 3d ed. (KF3775 .W45 2013). Provides a comprehensive yet compact discussion of the major issues in environmental and land use law in the United States. Although the focus is on the federal framework, chapters include some information on state-specific laws as well.

## 2. Dictionaries

King, James, J., *The Environmental Regulatory Dictionary*, 4th ed. (Reference KF3775.A68 K56 2005). Designed to be a supplement to researching environmental regulations in the *Code of Federal Regulations* (CFR), Title 40, Protection of Environment. It is a compilation of terms from both Title 40 of the CFR (as of July, 1987) and material in the Federal Register pertaining to Title 40 (as of June, 1994).

Robinson, Nicholas A., *Environmental Law Lexicon* (Reference KF3775 .A68 R67 1992) (updated through 2010; also available on Lexis Advance). Compilation of the principal definitions used in environmental statutes, regulations and management systems in the United States.

## 3. Finding Books in the Online Catalog

Many more books and treatises written about environmental law topics can be located using the **Duke Libraries Online Catalog** (<http://search.library.duke.edu/>). A particularly useful approach to searching for these secondary sources is to perform subject searches. For example, a search using the subject heading *environmental law* will return a result with many subheadings. If you are researching a particular subject or narrower subtopic, you can narrow your search by using the "Refine Your Search" feature in the left sidebar. Below are some suggestions for common environmental law subject headings. Note: the catalog will auto-fill subject headings.

- *Environmental law -- United States.*
- *Environmental law -- North Carolina.*
- *Air -- Pollution -- Law and legislation.*
- *Water -- Pollution -- Law and legislation -- North Carolina.*
- *Liability for environmental damages.*

You can also try a **title keyword** search using various environmental law terms such as the following examples: *Clean Air Act*, *Clean Water Act*, *Superfund*, *CERCLA*, *RCRA*, *NEPA*, or *Toxic Substances Control Act*.

## 4. Finding Articles

**LegalTrac** (<http://db.library.duke.edu/search?id=DUKE002990148>) contains citation information for articles from all major law reviews, law journals, specialty law and bar association journals, and legal newspapers. The articles range in date from 1980 to the present. One useful approach is to use the “Subject Guide Search” setting for *environmental law*. This will retrieve a very large number of articles, but it will also display many narrower subdivisions and related subjects from which to choose relevant material. For example, one of the related subjects, *Liability for Environmental Damages*, is divided into many narrower subdivisions which you can scan for relevant material. Note that you will have to enter the related subject as a new search in order to access the narrower subdivisions.

Other databases which will provide citations to articles and the full text of articles on environmental law topics include the law review databases on Lexis and Westlaw and **Index to Legal Periodicals** (<http://db.library.duke.edu/search?id=DUKE003350460>).

## C. Lexis Advance and WestlawNext

### 1. Lexis Advance (<http://lawschool.lexis.com>)

A listing of the environmental law resources on Lexis Advance can be located using the **Browse Sources > By Practice Area > Environmental Law**. Lexis' environmental law resources contain primary law material, legislative histories of major acts, regulatory material, EPA site records, secondary sources, and news sources.

### 2. WestlawNext (<http://lawschool.westlaw.com>)

WestlawNext contains more than 150 environmental law databases covering all aspects of environmental law. A list of these databases can be found using the **Practice Areas** tab and selecting **Energy & Environment** which will place you in the **Practitioner Insights for Energy & Environment**. Resources will be listed in the right sidebar and include primary law, legislative history, regulatory material, secondary sources, and news.

Various environmental records are also available on WestlawNext from the **Practitioner Insights for Energy & Environment** page in the **Tools & Resources** sidebar on the right. To view a list of available environmental records select **Environmental Data Resources**.

WestlawNext also has access to *Rodgers' Environmental Law* under **Energy & Environment Texts & Treatises**. This four-volume treatise contains environmental statutes, court decisions, and administrative regulations governing air and water pollution, land management, toxic and hazardous wastes, and pesticides.

## II. Federal Materials

### A. Major Federal Statutes

There are many laws that make up the federal environmental law field. A few of the most important laws are summarized below. These and other important federal environmental laws can be accessed from the **Environmental Protection Agency's** (EPA) website: <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

- **National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. §§ 4321-4370).** “NEPA is the basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy.” The most important provision in NEPA is § 102(c) (at 83 Stat. 853, codified at 42 U.S.C. § 4332(c)) which requires federal agencies to document their consideration of environmental factors by writing environmental impact statements (EIS) during their decision-making processes.
- **Clean Air Act (CAA) (42 U.S.C. §§ 7401 et seq.) (1970).** The CAA regulates air emissions from area, stationary, and mobile sources. It authorizes the EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. Under the CAA, each state must submit a State Implementation Plan (SIP) to the EPA, for the implementation of NAAQS. The result of eleven separate Acts of Congress, the CAA is the longest and most complex statutory and regulatory scheme for any of the environmental laws in the United States. A legislative history of the CAA is available (<https://search.library.duke.edu/search?id=DUKE005468555>).
- **Clean Water Act (33 U.S.C. §§ 1251 et seq.) (1977).** The 1972 amendments to the Federal Water Pollution Control Act of 1948 set the basic structure for regulating discharges of pollutants into waters of the United States. The 1977 amendments recodified the Act and stated that it “may be cited as the ‘Clean Water Act of 1977’”. A legislative history of the Clean Water Act is also available (<https://search.library.duke.edu/search?id=DUKE004711343>), as well as one of the Water Pollution Control Act Amendments of 1972 (<https://search.library.duke.edu/search?id=DUKE004711410>).
- **Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. §§ 9601 et seq.) (1980).** CERCLA was originally enacted in 1980 to address the threats to human health and the environment from abandoned hazardous waste disposal sites. CERCLA is commonly known as “Superfund” because it established the Hazardous Substance Superfund for response action and provides for federal and state sharing of response costs. CERCLA was substantially modified by the Superfund Amendments and Reauthorization Act of 1986 (SARA). A legislative history of CERCLA is also available (<https://search.library.duke.edu/search?id=DUKE004711346>).
- **Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. §§ 9601 et seq.) (1986).** SARA significantly amended CERCLA. SARA emphasized the importance of finding permanent remedies for cleaning up hazardous waste sites, increased State involvement in Superfund activities, focused on human health problems associated with hazardous waste, and encouraged citizen participation in hazardous waste cleanup decisions. SARA also directed the EPA to revise the **Hazard Ranking**

**System** (HRS) ([http://www.epa.gov/superfund/programs/npl\\_hrs/hrsint.htm](http://www.epa.gov/superfund/programs/npl_hrs/hrsint.htm)) to ensure that the relative degree of risk to human health and the environment posed by uncontrolled hazardous waste sites was taken into account when deciding which sites were placed on the National Priorities List (NPL) (<http://www.epa.gov/superfund/sites/npl/index.htm>).

- **Endangered Species Act (ESA) (7 U.S.C. § 136 & 16 U.S.C. §§ 1531 et seq.) (1973).** The ESA was enacted to conserve threatened and endangered plants and animals as well as their habitats. In order to receive protection, a plant or animal species must be placed on the federal list of endangered and threatened wildlife and plants (<http://www.fws.gov/endangered/>), maintained by the U.S. Fish and Wildlife Service.
- **Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901-6992k) (1976).** RCRA governs hazardous substances and toxic waste. It requires the EPA to promulgate standards that apply to generators and transporters of hazardous waste and owners and operators of facilities which treat, store and dispose of such waste. RCRA was significantly amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA).
- **Toxic Substances Control Act (TSCA) (15 U.S.C. §§ 2601 et seq.) (1976).** TSCA gives the EPA the ability to track the approximately 85,000 industrial chemicals currently produced or imported into the United States. Existing chemicals are listed on the **TSCA Chemical Substance Inventory** (<http://www.epa.gov/oppt/existingchemicals/pubs/tscainventory/>).
- **Marine Protection, Research, and Sanctuaries Act (MPRSA) (33 U.S.C. §§ 1401 et seq.).** The primary Federal environmental statute governing transportation of dredged material (soil or excavated material) for the purposes of disposal into ocean waters.

## B. Rules and Regulations

In general, environmental statutes grant power to administrative agencies, such as the EPA, to propose and promulgate regulations. These regulations have the force and effect of law. Environmental law is often characterized by legal disputes between private parties and government agencies rather than between private parties. As a result, regulations promulgated by the EPA and state agencies are fundamentally important sources of environmental law. Regulations explain how various environmental statutes are interpreted and enforced.

The vast majority of federal regulations governing environmental law issues are found in Title 40 (Protection of Environment) of the **Code of Federal Regulations (CFR)**. Relevant regulations are also found in Titles 5, 10, 15, 18, 26, 33 and 50. The current print version of the CFR is located in the Federal Alcove; previous editions are located on Level 1 in Law Documents (AE 2.106/3). The CFR may be found online in PDF via GPO's **Federal Digital System (FDsys)** (<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>), 1996-current edition; and **HeinOnline** (<http://db.library.duke.edu/search?id=DUKE003131760>), 1938-previous edition. **Regulations.gov** provides a searchable database of proposed and final rules, along with notices. You can easily run a basic search and use the filters provided on the results page to refine your search by agency, category, or type of document.

The **Federal Register** is the official daily publication for Rules, Proposed Rules, and

Notices of all federal agencies and organizations. Beyond the traditional daily print editions of the Federal Register, electronic versions are available that make searching for specific areas, such as environmental regulations, easier. **FederalRegister.gov** provides the current daily issue and back issues to 1994 in PDF, as well as a various search features.

Many of the regulations promulgated by the EPA and other federal agencies first begin as proposed regulations, and interested members of the public can comment on the proposed regulations in a process known as “informal” rulemaking or “notice and comment” rulemaking. The EPA’s **Docket Centers** provide information about the rulemaking process. A docket is established each time a rulemaking process is announced. A docket is assigned a tracking number and contains Federal Register documents, supporting documents and public comments. Information about dockets is available at <http://www.epa.gov/dockets/index.htm>.

### C. Environmental Protection Agency

The **Environmental Protection Agency (EPA)** (<http://www.epa.gov/>) was created in 1970 as an independent agency by Presidential Executive Order 11472 (<http://www.archives.gov/federal-register/codification/executive-order/11472.html>). The EPA is the primary enforcer of all federal environmental laws. The major laws that form the legal basis for the EPA’s regulatory power can be found at the EPA’s site (<http://www.epa.gov/lawsregs/laws/index.html>). The EPA also has a helpful A-Z index (<http://www2.epa.gov/home/az-index>) of keywords that website users most frequently use, and links to pages covering statutory, regulatory, and other materials related to those keywords.

The EPA provides online access to many of its technical and public information documents. To locate studies, a search of the EPA website or viewing the EPA's topical webpages is recommended. The **National Service Center for Environmental Publications (NSCEP/NEPIS)** (<http://www.epa.gov/ncepihom/>), which is a central repository for all EPA documents, contains thousands of titles in both print and electronic format. The **Envirofacts Data Warehouse** (<http://www.epa.gov/enviro/index.html>) provides the public with direct access to EPA data.

The **Environmental Appeals Board** (<http://www.epa.gov/eab/>) is the final agency decision-maker on administrative appeals under all major environmental statutes that EPA administers. Many of the Environmental Appeals Board’s formal written opinions are available online through this site.

The EPA’s **Office of Administrative Law Judges (OALJ)** (<http://www.epa.gov/oalj/>) is an independent office in the Office of the Administrator of the EPA. Administrative Law Judges (ALJ) conduct hearings and render decisions in proceedings between the EPA and persons, businesses, and government entities that are regulated under environmental laws. All decisions issued by an ALJ are subject to review by the Environmental Appeals Board (EAB). Decisions and orders of the ALJ (1974-present) are available at: (<http://www.epa.gov/oalj/orders.htm>).

A branch of the **EPA National Library Network** (<http://www2.epa.gov/libraries/research-triangle-park-library-services>) is located in Research Triangle Park, North Carolina. The



Library is open to U.S. EPA staff; on-site contractors; and the public during limited hours.

To learn about other divisions of the EPA, consult the *U.S. Government Manual* (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=GOVMAN>) or the EPA website.

#### **D. Other Federal Agencies**

While the EPA is the federal agency most directly involved with environmental law issues, no single agency is in charge of administering and enforcing all federal environmental programs. The federal agencies listed below also have some environmental law responsibilities.

The **Environment and Natural Resources Division** (<http://www.usdoj.gov/enrd/>), which is part of the Department of Justice, handles environmental and natural resources litigation on behalf of the United States. It is divided into nine litigating sections focusing on specific types of litigation. For example, the **Environmental Enforcement Section** brings civil enforcement cases on behalf of its client agencies, primarily the EPA. The **Environmental Crimes Section** is responsible for prosecuting individuals and industries which have violated federal environmental statutes.

The **Council on Environmental Quality (CEQ)** (<http://www.whitehouse.gov/ceq/>) was established by Congress within the Executive Office of the President as part of the National Environmental Policy Act of 1969 (NEPA). NEPA assigns CEQ the task of ensuring that federal agencies meet their obligations under the Act and plays a central role in the Environmental Impact Statement (EIS) process. The CEQ also assists and advises the President. While the CEQ does not have authority to enforce its regulations, courts often grant considerable deference to its guidelines.

The **Agency for Toxic Substances and Disease Registry (ATSDR)** (<http://www.atsdr.cdc.gov>), an agency of the U.S. Department of Health and Human Services, is the principal federal public health agency involved with hazardous waste issues. It is the lead agency which implements the health-related provisions of CERCLA, and it is charged under the Superfund Act to assess the presence and nature of health hazards at specific Superfund sites. ATSDR also assists the EPA in determining which substances should be regulated and the levels at which substances may pose a threat to human health. The ATSDR's **Toxic Substances Portal** (<http://www.atsdr.cdc.gov/substances/index.asp>) provides access to information about toxic substances and how they affect our health.

The **United States Department of the Interior** (<http://www.doi.gov/>) is the nation's principal conservation agency, and maintains most of our nationally owned public lands and natural resources. Established in 1849, the Department of the Interior is comprised of a number of bureaus and offices including the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, Bureau of Ocean Energy Management, the Fish and Wildlife Service, the U.S. Geological Survey, the National Park Service, the Office of Surface Mining, the Office of Insular Affairs, and the Office of the Secretary.

The **United States Army Corps of Engineers** (<http://www.usace.army.mil/>) works on engineering projects aimed at protecting and restoring the environment, including hurricane and storm damage reduction infrastructure. The Army Corps shares responsibility with the EPA for the regulation of the several hundred million cubic yards of sediment dredge produced annually (<http://water.epa.gov/type/oceb/oceandumping/dredgedmaterial/dredgemgmt.cfm>).

The **United States Department of Energy** (<http://www.energy.gov/>) was formed in 1977, consolidating the former Federal Energy Administration, the Energy Research and Development Administration, the Federal Power Commission, and several other programs. It is chiefly concerned with the policy and regulation surrounding energy and safety in producing, handling, and disposing of radioactive waste and products of nuclear programs. The **Office of Energy Management** (<http://energy.gov/em/about-us>) is directly responsible for clean-up of 107 designated Cold War legacy sites.

The **Pipeline and Hazardous Materials Safety Administration** (<http://www.phmsa.dot.gov/>), a part of the **United States Department of Transportation**, is the body responsible for regulating the safe and secure movement of hazardous materials by all modes of transportation. This includes oversight of design, construction, operation, maintenance, and spill response to the over 2 million miles of natural gas and liquid transportation pipelines in the United States.

## **E. Federal Data Sources**

Several federal agencies, while they may not have direct or significant regulatory responsibility, can be sources for essential environmental data crucial to policy-making decisions. Some of the more significant sources are below.

The **Congressional Research Service (CRS)** is an office of Congress which prepares nonpartisan research reports to help Congress understand public policy issues, including technical and policy reports covering environmental issues. Although not all reports are made available to the public, the **U.S. Department of State** has a topical list of some of the more recent reports, including those covering environmental issues (available online at <http://fpc.state.gov/c20421.htm>). More sources of CRS reports can be found on our Legislative History Research Guide (available online at <https://law.duke.edu/lib/researchguides/fedleg/>).

The **National Environmental Satellite, Data, and Information Service (NESDIS)** acquires and manages the national operational environmental satellites, as well as operates the **National Oceanic and Atmospheric Administration (NOAA) National Data Centers** (<http://www.nesdis.noaa.gov/>). The Data Centers include Environmental Information, Oceanographic Data, Climactic Data, and Geophysical Data.

The **National Institute for Occupational Safety and Health (NIOSH)**, under the Centers for **Disease Control (CDC)** publishes the *NIOSH Pocket Guide to Chemical Hazards* (<http://www.cdc.gov/niosh/npg/>). The *Guide* provides basic, key information and data in abbreviated or tabular form for several hundred chemicals/classes, primarily workers and employers who may have to deal with hazardous materials.

The **Toxicology and Environmental Health Information Program** maintains the *TOXicology Data Network*, or *TOXNET* (<http://toxnet.nlm.nih.gov/>). TOXNET is a collection of databases that covers information on chemicals and drugs, diseases and the environment, environmental health, risk assessment and regulations, and toxicology, among other areas. The *Hazardous Substances Data Bank*, a part of the collection, contains information on regulatory requirements for thousands of potentially hazardous chemicals. Citations to the relevant scientific literature are included.

### III. North Carolina and Other State Materials

Despite the importance of federal environmental law, state and local governments have responsibility for enforcing most environmental laws. Generally, states are the primary authority for issuing permits and enforcing the laws subject to federal intervention only if they do not enforce environmental laws effectively enough. At the state level, an environmental agency carries out the pollution control laws, whereas an agriculture agency often handles regulation of pesticides. In most communities, the responsible agency is the city or county health department.

The American Association of Law Libraries publishes a reference guide to various state materials, *State Practice Materials: Annotated Bibliographies* (KF1 .S73 & online in HeinOnline: <https://search.library.duke.edu/search?id=DUKE006273587>). The bibliography provides state-by-state information on accessible sources including cases, statutes, administrative materials, periodicals, encyclopedias and treatises on all subjects, including those related to environmental law and policy. Cheryl Rae Nyberg has also compiled an annotated bibliography, *Subject Compilations of State Laws* (KF1 .F67 & HeinOnline (<https://search.library.duke.edu/search?id=DUKE004036025>)). The collection provides access to state materials on environmental law generally, as well as environmental audits, impact statements, and protection and other more specific topics.

For more information on the states' involvement with environmental regulation, see Selmi & Manaster's *State Environmental Law* (KF3775.Z95 S45 1989; also available on WestlawNext). This annually-updated treatise explains the role of state and local governments in the implementation of federal environmental law, and also discusses environmental laws within specific states.

The agency in North Carolina with the primary responsibility for environmental issues is the North Carolina Department of Environment and Natural Resources (DENR) (<http://portal.ncdenr.org/web/guest/>). Additionally, the EPA has divided the United States into 10 regions (<http://www.epa.gov/epahome/whereyoulive.htm#regiontext>). Each EPA Regional Office is responsible within selected states for the execution of EPA programs. North Carolina is in Region 4 (<http://www.epa.gov/region4/>).

#### A. North Carolina Environmental Laws

North Carolina's environmental laws are found in the *General Statutes of North Carolina, Annotated*, located in the North Carolina Alcove, and available online at <http://www.ncleg.net/gascripts/Statutes/Statutes.asp>. Most North Carolina environmental laws

are found in Chapters 113 (Conservation and Development), 113A (Pollution Control and Environment), and 143, Article 21B (Air Pollution Control). Some of the key North Carolina environmental statutes are listed below:

- Air Pollution Control, Chapter 143, §§ 143-215.105, et. seq.
- North Carolina Environmental Policy Act of 1971, Chapter 113A, §§ 113A-1, et. seq.
- Solid Waste Management law, Chapter 130A, §§ 130A-290, et. seq.
- Hazardous Chemicals Right to Know Act, Chapter 95, §§ 95-173, et. seq.
- North Carolina Drinking Water Act, Chapter 130A, §§ 130A-311, et. seq.
- Oil Pollution and Hazardous Substances Control Act of 1978, Chapter 143, §§ 143-215.75, et. seq.
- Water and Air Resources, Chapter 143, §§ 143-211, et. seq.

## **B. North Carolina Environmental Regulations**

North Carolina's environmental regulations are found in the *North Carolina Administrative Code*, located in the North Carolina Alcove, and available online at <http://reports.oah.state.nc.us/ncac.asp>. Some of the key environmental regulations are listed in Title 15A (Department of Environment, Health and Natural Resources); Title 1 (Department of Administration), Chapter 25 (North Carolina Environmental Policy Act); and Title 4 (Department of Commerce), Chapter 18 (North Carolina Hazardous Waste Management Commission).

## **C. Secondary Sources**

Locate additional materials in the **Duke Libraries Catalog** (<http://search.library.duke.edu/>) with a subject search for *Environmental law—North Carolina*.

*Basics of Environmental Law* (KFN7754.A75 B37 2003). A North Carolina Bar Association Foundation publication which contains an overview of primary federal and state environmental laws, underground storage tank regulations, criminal enforcement, environmental science, environmental audits, and the North Carolina Administrative Procedure Act. The 2011 edition contains a less-extensive overview of the primary laws.

*Environmental Legislation and Regulatory Update* (KFN7754.Z9 E54 2004). A North Carolina Bar Association Foundation publication which covers North Carolina environmental legislation as well as significant federal environmental case law, legislation and regulations.

The *North Carolina General Practitioner's Guide to Litigation* (available in Bloomberg Law: Search & Browse > Books & Treatises > North Carolina CLE), published in 2012, has a chapter dedicated to familiarizing practitioners with environmental issues that they may face in connection with various other legal matters. It also includes a list of DENR regional office and a sample environmental indemnification clause.

## IV. International Materials

### A. Books and Treatises

Alam, Shawkat, *Routledge Handbook of International Environmental Law* (K3585 .R68 2013) consists of individual essays by experts in the field and meant to be an in-depth, comprehensive analysis of the key issues in international environmental law. In addition to general issues, the *Handbook* also covers those particular to individual regions.

Brunée, Jutta et al., *The Oxford Handbook of International Environmental Law* (K3585 .O94 2007; also available electronically <https://search.library.duke.edu/search?id=DUKE005994216>) includes recent developments in international environmental law as well as analysis of its core assumptions and concepts. The *Handbook* contains 47 chapters, attempting an interdisciplinary stance on the subject.

Guruswamy, Lakshman D. *International Environmental Law in a Nutshell*, 4th ed. (Reserve K3585 .G87 2012). This book addresses international issues such as global climate change, trans-boundary pollution, and the impact of world population on environmental law.

Kiss, Alexandre & Shelton, Dinah, *Guide to International Environmental Law*, (K3585 .K56 2007) addresses in particular the reciprocal relationship between international environmental systems and obligations and national/local ones. It also addresses the potential interactions between environmental law and international trade, human rights, and refugee policies.

Koivuru, Timo, *Introduction to International Environmental Law* (K3585 .K6513 2014) provides a concise introduction to the basic issues, history, development, principles, branches, and issues of responsibility in environmental law in the international context.

Krämer, Ludwig, *EU Environmental Law*, 7th ed. (KJE6242 .K73 2010) focuses on environmental law for the European Union.

Stephens, Tim, *International Courts and Environmental Protections* (K3585 .S74 2009) provides the first comprehensive examination of international environmental litigation, looking at the variety of adjudicative bodies engaged in the settlement of environmental disputes.

### B. Dictionaries

Robinson, Nicholas A. et al., *Dictionary of Environmental and Climate Change Law* (Reference K3584.6 .D53 2013) defines terms employed in international agreements related to comparative and international environmental law. It includes pinyin translation for each term in order to facilitate access to Mandarin variants.

### C. Electronic Materials

**The American Society of International Law (ASIL)** has published a series of topical guides, known collectively as the **Electronic Resource Guide (ERG)** (<http://www.asil.org/resources/electronic-resource-guide-erg>) since 1997. The international environmental law chapter, compiled by Anne Burnett, provides a description of primary and secondary sources available electronically, focusing on materials available on the internet but including CD-ROMs, library catalog, and commercial services. In addition to providing information and access to many sources, the ERG also suggests search strategies.

**ECOLEX** (<http://www.ecolex.org/start.php>) is a simple, searchable database aimed at providing a comprehensive source of global environmental law. Its search engine interface allows you to limit your searches to treaties, legislation, court decisions, and general literature.

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10/2015