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Foreword

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FOREWARD

Senator Alan Cranston

The degradation of our environment continues to be a major concern of people across our nation, to the surprise of those political pundits who considered environmental issues to be a passing fad. There should be no surprise. The air we breathe, the water we drink, and the noise outside our windows are constant reminders to all of us of the magnitude of our problem.

Science and technology are attempting to keep pace with the problem. We are better able to monitor environmental pollution and to understand its causes and effects. We are more aware of the impact of pollution and other ecological depravations upon health, the quality of our surroundings, and the sustenance of life.

However the findings of science and the developments of technology are only the first steps in the solution of our environmental crisis. In our system, the crucial step is for our lawmakers to pass sound and effective laws which our lawyers can utilize and our judges sustain.

Responses to the environmental challenge have been numerous and varied. There have been realistic proposals and foolish ones; sound predictions and unfounded speculations; strong laws and meaningless pieces of legislation. As Senators, Congressmen, and state legislators more fully understand the legal and scientific issues of ecology, they are better able to examine the complex issues of the environment, spot simplistic attempts at solutions for what they are, and enact the kinds of laws necessary to hold the line on the growing number of abuses of our resources.

In 1969 Congress made major progress toward the establishment of an adequate national environmental policy when we passed the National Environmental Policy Act, designed to require a review of the
environmental impact of federal projects and regulatory activities.\(^1\) In addition, Congress has considered and passed major legislation to clean up and conserve our air and water resources. Public concern with the environment is getting a much more receptive audience on Capitol Hill than it did a few years ago.

At the state level, there have been literally hundreds of legislative proposals, not to mention regulations, in response to environmental issues. Some are particularly noteworthy. In Michigan, for example, the legislature provided a broad authorization for the bringing of suits "for the protection of the air, water, and other natural resources and the public trust therein from pollution, impairment, or destruction."\(^2\) New York has enacted an Environmental Conservation Law which sets out an environmental policy for the state to carry out and establishes a Department of Environmental Conservation to implement the policy on a coordinated basis.\(^3\) Other states are considering similar solutions.

The mere creation of new laws, however, will not solve our environmental problems. New laws must be evaluated within the contexts of existing laws and of scientific knowledge. Existing laws must be reevaluated for their ecological impact and adjusted accordingly. The successful legislative policy innovations and programs of one state must be communicated to other states for their consideration. The old and the new must be integrated so that lawyers attempting to stop the waste of our environmental resources can make the best use of the legal tools available. *Ecology Law Quarterly* can be an essential response to these evaluative and informational needs.

Law reviews typically provide exhaustive legal research and innovative analysis of local legislative and judicial pronouncements. *Ecology Law Quarterly* intends to fulfill this role in the expanding field of environmental law on a national basis, by including not only the perspectives and analyses of the legal profession but also the new theories and findings of scientists. Lawyers, lawmakers, and judges have much to learn from the scientific community and from each other in making legal responses to environmental problems. Science and industry will benefit from examining existing and proposed laws to determine those areas where technological advances are most needed. *Ecology Law Quarterly* can provide an essential and valuable forum for all responsible views, giving us a vital tool for evaluation in our struggle to save the environment.

\(^3\) Environmental Conservation Law, N.Y. Consol. Laws § 43-B.