Book Review: Environmental Law Regulation in New York

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Book Review

of

ENVIRONMENTAL LAW AND REGULATION IN NEW YORK

as reviewed by

G. Robert Witmer, Jr.

WILLIAM R. GINSBERG & PHILIP WEINBERG, ENVIRONMENTAL LAW AND REGULATION IN NEW YORK (West Group 1996). One volume hardbound, 1227 pages. $105.00 per copy. 1-800-328-9353.

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Although much of environmental law has originated at the federal level, practice today requires a thorough knowledge of statutes, regulations, case law and regulators at both the federal and state levels. Environmental considerations are a factor in many of the decisions made by government and business, and therefore permeate most areas of legal practice. The goal of *ENVIRONMENTAL LAW AND REGULATION IN NEW YORK* is to provide a "road map for practitioners, whether environmental questions arise frequently or only occasionally in the course of their practice." It achieves that goal in an arena of increasing legal and technical complexity.

In fact, there are times when the practice of environmental law must remind the practitioner of James Madison's words in *The Federalist Papers No. 62*:

> It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood . . . or undergo such incessant change that no man who knows what the law is today can guess what it will be tomorrow.

This book is an admirable effort to distill for the practitioner the voluminous and changing field of environmental law.

This volume of West's New York Practice Series is organized thoughtfully. Even though much of environmental law is found in statutes and regulations, many common law principles remain applicable and often provide an understanding of the legislative and administrative requirements. Consequently, this book starts with a description of the applicable common law and proceeds to a separate chapter on toxic tort law in New York. It then tackles the area of administrative law which sets the stage for a comprehensive description of the State Environmental Quality Review Act, whose procedures form the framework for much of the practice of environmental law. From there we embark on a "soup to nuts" tour of the substantive areas of environmental law—starting with the
obvious favorites of air, water, and solid waste, and ending up with such esoteric subjects as wildlife protection and noise. For example, if you happened to be disturbed by a loud motor boat while reading this book at your favorite beach, you could immediately turn to page 954 for a description of the regulation of noise from pleasure vessels. The book tour concludes with that favorite attention grabber, "Criminal Enforcement of Environmental Law."

In general, this volume provides a reasonable balance between the need to identify issues of concern to the practitioner, and the temptation to provide an in-depth analysis and commentary which would expand this into a multi-volume treatise.

As is befitting a work designed for practitioners, most of the authors are themselves well known practitioners, and many of them also possess a regulatory background. The guidance of the two Editors-in-Chief, William R. Ginsberg and Philip Weinberg, is evident. In addition to being experienced practitioners, they are Professors of Environmental Law at Hofstra University and St. John's University, respectively. They also are past Chairmen of the Environmental Law Section of the New York State Bar Association, which has traditionally attracted the leading practitioners in New York from across the spectrum of the practice. It is no surprise therefore that most of the contributing authors are also prominent members of that Section who often convey valuable, practical tips in dealing with the varied constituencies involved in environmental matters.

The experience of these authors and editors is reflected not only in the careful analysis and ample citations contained in each chapter, but also in each chapter's organization, which begins with a Scope Note providing a short overview for the reader of the purpose and organization of that which follows.

In addition to the normal Table of Contents and Subject Index, the practitioner who has a citation can find where it is mentioned by referring to the Table of Cases, or to the comprehensive Cross Reference Tables, which include all state and federal

As one would expect in a compilation of chapters by different authors, some chapters may resonate more with the individual reader than others. This reviewer was particularly impressed by the practical tips sprinkled throughout the chapter on Administrative Agency Relationships, and the extensive coverage provided in the chapter on Hazardous Waste.

The editors and authors are to be congratulated for producing this comprehensive work for the benefit of New York practitioners who require a handy resource on environmental law.