Impact of Environmental Activism on the Law

Environmental activism has led to an increased awareness of various issues concerning the effect human activities have on the environment. But activism has also played a major role in producing legislation designed to help preserve and protect health and the environment.

“Environmental organizations have certainly forced developers to plan their developments with potential legal challenges in mind,” says Francine Shay, CP, FRP, senior paralegal at Florida law firm Lewis, Longman & Walker, P.A., who serves on the South University, Savannah and South University, West Palm Beach Legal Studies Advisory boards.

Environmental activism emerged as a widespread movement in the 1960s, ignited by fears linked to the development of nuclear technologies, toxic chemicals, and the depletion of natural resources. By the early 1970s, environmentalism had become a part of the American political agenda. Since then, the U.S. Congress has enacted and revised several laws that directly or indirectly attempt to protect the environment. Many of these laws are regulatory in nature and deal with a wide range of pollution problems, including the contamination of air, land, and water.

The number of environmental agencies and organizations speaks to the complexity and specific nature of environmental regulations. Environmental activist organizations range from small, single-issue campaign groups to global institutions such as Greenpeace and Friends of the Earth.

Activists use a variety of strategies to provoke change, including petitions and letters to policy-makers and businesses. They also engage in protests and boycott products associated with environmental abuse.

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Social media has brought environmental groups closer to their supporters and the public. Using Facebook, Twitter, and YouTube, these groups can send messages to boost fundraising efforts, membership, and participation in traditional activism activities.

Every business is in some way affected by environmental laws. For example, businesses are required by the Occupational Safety and Health Administration (OSHA) to educate their employees about hazardous materials in the workplace. They must also inform their communities about such materials on their premises, in accordance to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Meanwhile, manufacturing facilities must apply for and adhere to permits from the federal Environmental Protection Agency (EPA) regarding emissions into air and water.

There are also many municipal, state, and federal laws regarding land use, development, and infrastructure.

“I see the main goals of environmental legislation as the push and pull of developers vs. the public to either make it easier for developers or other big businesses to do business profitably or to keep the environment as pristine and pure as environmental groups and individuals would like it to be,” Shay says.

Environmental regulations are constantly changing, making it difficult for many businesses to keep up with all the rules and regulations that apply to them. Environmental lawyers provide services to help businesses, individuals, and governments deal with these ever-changing regulations.

Environmental law at Lewis, Longman & Walker involves helping developers obtain their environmental permits and ensure that their developments conform to rules and regulations. Shay says. “Every development has an environmental impact, and today the impacts are taken very seriously,” she says. “Hot-button issues in the South and West include water, which is what my law firm focuses on.”

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Environmental law paralegals assist licensed attorneys with preparing for cases involving environmental regulations and litigation.
Paralegals working in environmental law perform the typical litigation, trial preparation, and attendance duties that other paralegals perform. “But, these cases are in environmental matters so my responsibilities include preparing, organizing, and reviewing the results of public records and Freedom of Information Act (FOIA) requests to governmental entities,” says Shay, who also monitors governmental plans and public meetings for items that are of relevance to her firm’s clients.

Environmental law and environmental activism requires individuals, businesses, and government to work together to find ways to preserve and protect the environment. Although there have been vast improvements, more work still needs to be done.

Environmental Legislation: The Big Three

These three pieces of U.S. environmental legislation have helped to greatly improve the health of people and the environment.

• Clean Air Act

Congress passed the first Clean Air Act in 1963 – it was later amended in 1966, 1970, 1977, and 1990. The Clean Air Act is the principle law addressing air pollution, including carbon dioxide emissions. The act is significant in that it was the first major environmental law in the United States to include a provision for lawsuits by private citizens.

• Clean Water Act

Passed in 1972, the Clean Water Act was originally known as the Federal Water Pollution Control Act. The act has helped improve the health of rivers, lakes, and coastal waters. It has also stopped billions of pounds of pollution from contaminating the water, and dramatically increased the number of waterways that are safe for recreational use.

• Endangered Species Act

The Endangered Species Act was signed into law by President Richard Nixon on Dec. 28, 1973. The act contains two classifications – endangered species and threatened species. The first are at the brink of extinction now and the latter are likely to be at the brink in the near future. Some of the species which increased in population size since being placed on the endangered list: whooping crane, gray wolf, and Florida’s Key deer.