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## Book Review of Environmental Law Practice Guide: State and Federal Law, by Michael B. Gerrard

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**ENVIRONMENTAL LAW PRACTICE GUIDE: STATE AND FEDERAL LAW; The  
Lawyer's Bookshelf**

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### **Body**

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#### **The Lawyer's Bookshelf**

**By Michael B. Gerrard. Matthew Bender, 1992, New York, N.Y. Six Volumes with Supplements, \$695. \$690 1 years service of updates.**

WHAT IS ENVIRONMENTAL LAW? Perennially on the list of hot areas even in a contracting legal market, the specialty of environmental law has grown in so many different directions that the term is devoid of precision. As a concept, it is the equivalent of a landscape, not a landmark. To say one is an environmental lawyer is about the same as saying one is a surgeon; a potential client will want to know more before signing on.

The specializations within environmental law could make a lexicographer's eyes cross. There are PCB's, CFC's, RI/FS's, ROD's, EIS's, and on and on. Worse, there are also criminal indictments, civil fines (\$25,000 per day), personal liability, and just plain bad publicity. And there are emerging issues arising out of the unintended side effects of environmental law like the environmental justice movement, which seeks to overcome excessive siting of noxious but legal activities among poor and minority communities,

and the reclamation movement to re-establish uses on abandoned urban land so poisoned from past activities that no one will use it.

The complexity of the field is further complicated by the uniqueness of each state's approach. The field of environmental law has been diced up like so many carrots for the stew. Except for patently federal problems like registering new chemicals for commerce and dealing with automobile exhausts, the states are now or will become the main actors. State legislatures and agencies have their own ideas on standards and procedures, and Congress mostly prefers to delegate administration of federally mandated regulatory programs to the states. As a result a lawyer who is expert solely in federal environmental law will often be about as useful to a client as a theologian is to a couple seeking a marriage license. He or she will know why but not how.

This situation is not completely new, and major publishers of environmental legal materials like ELI and BNA have from the early 1970s published extensive state materials. But no publisher directly confronted the need for a practice guide that linked all of the states and their individual requirements with the overlaying federal requirements. Now for the first time, both for the expert and the neophyte, an attempt has been made to open up the field. Michael B. Gerrard, co-writer of the **New York Law Journal's** regular environmental law column, has edited a versatile six-volume treatise on environmental law. Mr. Gerrard's *Environmental Law Practice Guide* (Matthew Bender) covers the world of environmental law, the federal system as well as each of the 50 states, the District of Columbia and Puerto Rico. To achieve such breadth, 140 authors from around the country contributed individual sections. The effort paid off. Mr. Gerrard has captured the essential elements of environmental law in the 1990s both topically and geographically.

How useful could such an encyclopedic effort be? It turns out to be quite useful. The six volumes are organized in matrix fashion, which allows the user to enter a topic from many different directions. This ease of entry allows the user to focus on his or her immediate problem. The authors have thereby solved the conundrum of how to deal with the substantive, procedural and geographic complexities of environmental law all at the same time - which is how a practitioner has to deal with real client problems.

It is as if the daily newspaper, in reporting its prediction for tomorrow's weather, also told you which suit to wear.

The volumes are divided into four units: procedures, environmental quality, wastes and state laws. Each section is in turn broken down into many chapters. In toto the matrix divisions work to ease problem solving.

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**T**AKE THE PRESENCE of hazardous wastes at an old site. The immediate problem might be hiring a consultant to inspect the property. Chapter 5 discusses consultants and suggests sample requests for proposals and contracts. Insurance questions? Chapter 8 discusses policies and suggests draft claim notices and complaints. What about sale of the property? Chapter 32 discusses transfer restrictions and suggests representations and warranties and lease clauses. Bankruptcy possible? Chapter 10 explains treatment of claims in a plan of reorganization. Tax treatment for cleanup expenses? Chapter 9 focuses on whether the amounts may be deducted as an ordinary business expense or capitalized and depreciated over time. Which state is the property in? Each state has its own chapter containing a substantive summary of the state's laws and procedures, an environmental directory for the state's environmental officials, and telephone numbers.

This brief example cannot fully convey the extensiveness of the coverage contained in the **Practice Guide**. Such diverse topics as land preservation techniques, Freedom of Information Act forms, pesticide restrictions, storage tanks, used oil, flood plain regulations, medical wastes, radioactive materials, wildlife and habitat protection, among others, all receive full chapter treatment.

With such a range of topics, detailed analyses are left out. Presumably a user, however, will have access to statutes, regulations, federal registers, and other more extensive and in-depth materials. I include the telephone among the other materials. A call to the agency or person listed in a state chapter of the **Environmental Law and Practice Guide** may well be the fastest route to an answer. But the guide remains the starting point, and for many problems the ending point as well.

Many have noted the maturation of environmental law as the field reaches midway into its third decade. No one can claim to know it all when it comes to the vast landscape. **Environmental Law and Practice Guide** reflects that reality by making accessible to the general practitioner and the specialist a guide so useful that it ought to be included in every law office library.

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