



FACULTY OF LAW
2008-2009

ENVIRONMENT AND THE LAW

(CMPL-580)

Professor Richard Janda

COURSE SYLLABUS

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1. Introduction and Synopsis

This course will explore the relationship between law and the natural world, with emphasis upon the ways in which we manage risk and uncertainty in the creation of public goods in the environment. What is characteristic of environmental law regimes is their effort to provide stewardship of a natural heritage left to us from the past for the sake of bestowing it the future. How this is and ought to be accomplished through combinations of state, market and civil society initiatives will provide the subject matter of the course.

In the McGill Faculty of Law curriculum, Environment and the Law is related most closely to Administrative Process and to International Environmental Law. Administrative Process provides an introduction to the various forms of action engaged in by state and para-statal entities. This course could be conceived as an offering in advanced administrative process, since the techniques we have for the protection of environmental public goods require concerted regulatory action – even if that action in some cases is designed to deploy markets and to provide incentives for private choice. It should be noted, however, that the distinction between “public law” and “private law” is not entirely satisfactory in the environmental domain since civil law liability remains a relevant and important technique. In contrast to the International Environmental Law course, this course focuses on the domestic law. It will draw principally upon the Canadian sources at the federal, provincial and municipal levels, but in the spirit of trans-systemic legal education, will also draw on relevant comparisons particularly in the second half of the course dealing with case studies. Nevertheless, we will touch upon the domestic implementation of international obligations, particularly as concerns the United Nations Framework Convention on Climate Change and the Kyoto Protocol.

The course divides into two parts. This first part, to just over half way through the course, treats domestic environmental law panoramically, setting out basic concepts, an overview of the sources and exercise of jurisdiction, and a general inventory of regulatory instruments used in environmental law. The second part delves into three case studies of environmental law regimes: conservation, pollution control and climate change remediation. The logic of the course, therefore, is to move from breadth to depth. There are a range of other case studies that could also merit more detailed attention and about which some readings are available in the materials for the course, such as the restoration of contaminated lands, the regulation of toxic substances, oversight of boundary waters and the protection of species. The selection of only three case studies is designed to ensure that we have sufficient time to explore not only the workings of the existing legal framework but also emerging developments and policy alternatives.

Thus, the course can be summarized as follows:

Part I: An overview of domestic environmental law

- A. Basic concepts informing environmental law (2 classes)
- B. Sources and exercise of jurisdiction (6 classes)
- C. An inventory of regulatory instruments (6 classes)

Part II: Case studies of environmental law regimes

- A. Conservation (3 classes)
- B. Pollution control (3 classes)
- C. Climate change remediation (4 classes)

The reading list appended to this syllabus provides a more detailed breakdown of this basic structure.

2. Learning Outcomes and Evaluation

In addition to the substantive goals set out in the above synopsis, the course seeks to achieve three main learning outcomes. **First**, you will understand the functioning of the main domestic legal instruments that address our interaction with the environment. **Second**, you will gain an appreciation of how various stakeholders engage these legal instruments. **Third**, you will be able to formulate basic legal advice of a policy nature Canadian environmental law. Each of these three learning outcomes is linked to a separate mode of evaluation.

In order to assess your understanding of the basic course materials, there will be a 24 hour take home examination worth 50% of the grade. You are free to write this examination at any point during the Fall Term Examination Period (December 6 to December 20). The examination will consist of three questions testing your knowledge and reflection upon (1) sources and exercise of jurisdiction; (2) regulatory instruments and (3) the conservation and pollution control case studies.

Your appreciation of the role of various stakeholders in environmental law will be assessed in a simulation exercise that will take place toward the end of Part I of the course in supplementary evening sessions the **week of October 20** after class, for which you will sign up. This will be a group exercise assessed on a pass-fail basis and worth 15% of the grade. You can think of this as a “free” 15% if you participate conscientiously.

Your capacity to formulate legal advice of a policy nature will be assessed in short paper (maximum 4000 words) on a subject of federal or provincial environmental policy worth 35% of the grade. Each paper will be completed by a team of two students. The goal of the paper will be to formulate recommendation to the relevant federal or provincial Minister of Environment or Sustainable Development. I will provide a series of specific topics to choose from. You will submit to the website a one page outline and summary of sources for **Tuesday, October 6**. I will ask you to make a brief (5 minute) presentation on your paper at the end of the semester, although the paper will be due at SAO or on the course web site on the ordinary day for submission of Fall term essays and papers (December 15 15:00).

More information and detailed instructions will be provided separately regarding the simulation exercise and the policy paper.

Course Materials

After my experience with the course last academic year, I have decided not to require that you purchase a paper copy of the main materials for the course, Jamie Benedickson, *Environmental Law* (2d ed.) Toronto: Irwin, 2002. Additional materials are posted on the course web site, which will also be updated periodically. These have been selected by Karina Kessarar and Richard Janda. The Benedickson book is a readable general introduction to the subject and a useful and not inordinately expensive addition to your personal collection of reference texts. The supplementary materials go into greater depth and provide illustrations from case law, administrative proceedings, statute and secondary literature. The reading list is divided between required readings for class and supplementary readings for your edification.

Course Web-Page

There is a web-page for this course at mycourses.mcgill.ca. McGill's WebCT online course system uses account information that is maintained in Minerva, McGill's web-based self-service administrative system. If you have a valid McGill ID, you may use your McGill ID and 6-digit Minerva PIN to log into WebCT or you may use your McGill e-mail address and the e-mail password. After you log in, choose "Go to WebCt" on the right side. The course will appear on your list as Environment and the Law. For more information about Minerva IDs and passwords, visit <http://www.mcgill.ca/minerva-students/>. Please note that in order to use WebCt properly, you will have to run through a "browser check" and ensure in particular that you have enabled pop-up windows. There is a "Check browser" link at the top of the WebCt page. I have found the WebCt help desk to be very responsive. They can be reached at 398-3398.

Apart from providing access to electronic reading materials, the Web page for this course will become the locus for information about and submission of the in-term course exercises. It is also the place to communicate with me via and classmates via the web mail function.

Office Hours, Telephone Numbers and E-mail Addresses

My office in the Faculty of Law is located in Room 47 at 3664 Peel Street. My telephone number is: (514) 398-5097. My FAX number is: (514) 398-4659. My McGill e-mail address is: richard.janda@mcgill.ca. *I would however prefer that you communicate with me via the Course Web page. This will allow me to centralize all course communication and to keep better track of the course.*

The office of my secretary, Louise Beaudet, is located in on the main floor of Old Chancellor Day Hall near the main entrance. Her telephone number is: (514) 398-4400 ext. 00983. Her e-mail address is: louise.beaudet@mcgill.ca.

I have scheduled office hours for Wednesday and Thursday afternoons from 16h00 through 17h00. Students should feel free to drop by without appointment during these Office Hours. Normally I should also be available to meet students for a few minutes immediately after each class. Students may arrange an appointment to see me at some other time, either by speaking to me after class, or by telephoning or sending an e-mail.

Teaching Hours and Class Cancellations

The class is scheduled to meet for two 1 ½ hour sessions Mondays and Wednesdays at 9:30 p.m. in room 201. Any changes will be discussed with the class.

Classroom Teaching Format

Given the substantive objectives of this course, the teaching format implies the active engagement of at least a minimum number of students. Most classes will consist of a lecture and discussion commenting on assigned readings. At all times participation by students is most welcome. In addition, depending on the material assigned, students may be called upon to contribute to classroom discussions. I will also seek to incorporate relevant material from current events, and I welcome your contributions in that regard.

The language of instruction in the course will be English, although students should feel at liberty to ask questions or respond to the Course Instructor in either English or French. Essays, assignments and examinations may be written in either English or French.

Class Committee

Because this is a relatively large class, an informal, volunteer Class Committee will be organized in order to facilitate feedback about the course. Class members should immediately begin reflecting on which three or four classmates they would like to nominate for a position on the Class Committee.

Members of the Class Committee will be selected during the second week of term. There is no remuneration for those agreeing to serve, although they will get an occasional free lunch at the Faculty Club!

Course Reading

INTRODUCTION (class 1: September 3)

Introduction to the course, explanation of its structure, caveats about the professor's research focus and expertise.

PART I: AN OVERVIEW OF DOMESTIC ENVIRONMENTAL LAW

A. BASIC CONCEPTS (class 2 & 3: September 8 and 10)

i. General Environmental Law Concepts

- Understanding common terms: sustainability, toxicity, diversity, ecosystems, etc.
- Sustainable development
- Polluter pay principle
- Precautionary principle
- Preventative principle

Required Readings:

- ▶ Benidickson , Chapter 1: Basic Concepts in Environmental Law (p. 12- 24)
- ▶ Segger and Khalfan , Chapter 1: Origins of the Sustainable Development Concept
- ▶ Wilkinson , Chapter 4 : Principles of Environmental Law
- ▶ Imperial Oil Ltd. v. Quebec , [2003] 2 S.C.R. 624

Read: para 1-2, 19-26, 33.

- ▶ Garrett Hardin, The Tragedy of the Commons (1968) 162 *Science* 1243

Further Reading:

- Daigneault, Robert. "La portée de la nouvelle loi dite 'du pollueur-payeur'" (1991), 36 McGill L.J. 1027.
- Helene Trudeau "Du droit international au droit interne: l'emergence du principe de precaution en droit de l'environnement » (2003) 28(2) Queen's Law Journal 455-527
- McGill International Journal of Sustainable Development Law and Policy: First volume 2005

ii. The Science

- Building Blocks

Water, Air and Soil: their interaction

Defining the environment

Defining pollution

- Limitations of science

Uncertainty

Diverging opinions

Risk evaluation

Required Readings:

- Wilkinson, Chapter 2: Legal Concepts of Environment
- Wilkinson , Chapter 7: Science, law and the environment

Further Readings:

- Helene Trudeau. « La précaution en cas d'incertitude scientifique: une des interprétations possibles de l'article 20 in fine de la Loi sur la qualité de l'environnement? » (2002) 43(1) Cahiers de Droit 103-136

A. SOURCES AND EXERCISE OF JURISDICTION(classes 4 to 9: September 16, 18, 21, 23, 28 and October 1)

i. The Constitution

- Relevant features of the division of powers
- Applicable Charter rights
- Treaty and international obligations

Required Readings:

► Constitution Act, 1867, ss. 91, 92, 92A, 95, 109, 117, 132

► Benidickson, Chapter 2: The Constitutional Allocation of Environmental Responsibilities and Interjurisdictional Coordination

► Benidickson, Chapter 3: Environmental Rights

► Benidickson, Chapter 4: The International Context of Canadian Environmental Law

► R. v. Crown Zellerbach [1988] 1 SCR 401

Read: para 1-5, 12, 15-16, (19-22), 23, 33-35, 37-40.

► Friends of the Oldman River Society v. Canada , [1992] 1 S.C.R. 3

Read: para 1-4, 31, 82-87

► Beaudoin, Gérald A. "La protection de l'environnement et ses implications en droit constitutionnel" (1977), 23 McGill L.J. 207

Further Readings:

► Bowden, Marie-Ann. "Friends of the Oldman River Society v. Canada et al: Two Steps Forward, One Step Back" (1992), 56 Sask. L. Rev. 209.

► Elizabeth Brandon, "Does International Law Mean Anything in Canadian Courts?" (2001) 11 Journal of Environmental Law & Practice 399.

ii. Federal Jurisdiction

- Canadian Environmental Protection Act
- Canadian Environmental Assessment Act
- Criminal Code
- Specialized legislation
- Regulations

Required Readings:

► Canadian Environmental Protection Act

Read: Declaration and Preamble, articles 2, 3-definitions of aboriginal government, aboriginal lands, air pollution , biological diversity, ecosystem, environment, environmental emergency, environmental

quality, federal work or undertaking, sustainable development, articles 6(1.1), 11& 22, 24, 29-34, 39-40, 44, 56, 66, 89, 95, 121, 139, 185, 194, 208, 234-235, 272, 274.

► Canadian Environmental Assessment Act (WebCT)

Read: preamble, article 2 definitions of environment, EA and environmental effect

Federal lands, SD, articles 4-8, 11-12, 14-16, 20-24, 34-35, 46-48, 50, 54, 62-63

► Benidickson, Chapter 12: Environmental Assessment

► Criminal Code (articles 180, 219-221, 178, 430, 79-82, 444-447)

► Benidickson, Chapter 8: Offences, Prosecution, and Penalties

► Benidickson, Chapter 9: Corporate Environmental Obligations and Director's Liability

► R. v. Hydro-Quebec [1977] 3 SCR 213

Read: para 85-89, 97-98, 99-102, 108-123, 127-130

Further Readings:

► John D. Wilson. "Re-thinking penalties for corporate environmental offenders: a view of the Law Reform Commission of Canada's sentencing in environmental cases." (1986) 31(2) McGill Law Journal 313

► J.S.P. Johnson. "The role of the courts in environmental law" (1983) 25(3) Criminal Law Quarterly 304

► C. Reasons. "Crimes against the environment: some theoretical and practical concerns" (1991) 34(1) Criminal Law Quarterly 86

► Kathleen F. Brickey "Environmental crime at the crossroads: the intersection of environmental and criminal law theory" (1996) 71(2) Tulane Law Review 487

► Elaine L. Hughes and David Iyalomhe. "Substantive Environmental Rights in Canada" (1998-1999) 30 Ottawa L. Rev. 229

► Hélène Trudeau "La responsabilité civile du pollueur: de la théorie de l'abus de droit au principe du pollueur-payeur. » (1993) 34(3) Cahiers de Droit 783

► Stewart A.G. Elgie and Anastasia M. Lintner. "The Supreme Court's Canfor Decision: Losing the Battle but Winning the War for Environmental Damages" (2005) 38 U.B.C. L. Rev. 223

iii. Provincial Jurisdiction

- Quebec

The CcQ

Environmental Quality Act

Required Readings:

- ▶ CCQ 976, 981, 982 : neighbour laws and water laws
- ▶ *Gestion Serge Lafrenière c. Calvé* [1999] RJQ 1313 (focus on pp. 1318, 1326-1327)
- ▶ CCP 1003 : class actions
- ▶ *Nadon c. Anjou* [1994] RJQ 1823 (in attached package)

Read para 12-16, 21-24, 32-36, 42-43

- ▶ Environmental Quality Act

Read: definitions, articles 2, 19-31.10, 31.42-31.45, 31.53, 31.69, 32, 34, 47-48, 70.1, 95.1, 106, 113.

- ▶ *Alex Couture c. Jean Piette* [1990] RJQ 1262 (pp. 1262-1268)
- ▶ *PG du Québec c. Laidlaw* [1996] RJQ 377 (pp. 377-379)

Further Readings:

- ▶ *Entreprise MG De Guy c. PG du Québec* [1996] RJQ 258
- ▶ Odette Nadon, « Civil Liability Underlying Environmental Risk-Related Activities in Quebec » 91998) 24 Canadian Environmental Law Reports (NS) 141
- ▶ Hélène Trudeau. "Légalité administrative et environnement: l'intérêt à agir des regroupements de citoyens au Canada et en France." (1999) 17 Windsor Yearbook of Access to Justice 102
- ▶ Hélène Trudeau. » L'intérêt à poursuivre du citoyen québécois en droit de l'environnement." (1998) 29(1) Cahiers de Droit 183
- ▶ Jean Rhéaume. « L'environnement: à quel prix? » (1996) 27(4) Revue Générale de Droit 531

- Ontario

Environmental Protection Act

Ontario Environmental Bill of Rights

Private law or Common Law Causes of Action: Nuisance, Trespass, Negligence, Strict Liability, Breach of Statutory Duty, riparian rights, etc.

Required Readings:

- ▶ Environmental Protection Act

Read: articles 1 (relevant terms), 2-4, 6-9(2), 10, 14, 18. + look at table of content to get an idea of the subjects covered by the Act.

► Ontario Environmental Bill of Rights

Read: Preamble, articles 1-8(1), 15, 38, 74, 84-85, 103.

► Benidickson, Chapter 5 : Civil Liability for Environmental Harm

► Ontario v. Canadian Pacific Ltd. [1995] 2 SCR 1031 (in attached package)

Read Para 25-32, 43-44, 49-59, 83-87

iii. Aboriginal jurisdiction

- Aboriginal rights and the environment

- Aboriginal solutions to environmental problems

Required readings:

► Constitution Act, 1982, s. 35

► Haida Nation v. BC and Weyerhaeuser [2004] (in attached package)

Read para 4-11, 16-21, 26, 35-38, 52-59, 74-80

► La première Nation de Betsiamites c. PG du Québec et du Canada

(Cours Supérieur no. 500-17-022878-048)

Read para 2-10, 12-15, 27-35, 37, 77-86, 106-109, 121-131, 151-152, 212-222

► John Borrows. "Living between Water and Rocks: First Nations, Environmental Planning and Democracy" (1997) 47 Univ. of Toronto L.J. 417

Further Readings:

- ▶ Cherie Metcalf. "Indigenous rights and the environment: evolving international law" (2003) 35(1) Ottawa Law Review 101
- ▶ André Goldenberg. "Surely Uncontroversial" -- The Problems and Politics of Environmental Conservation as a Justification for the Infringement of Aboriginal Rights in Canada" (2002) 1 J.L. & Equality 278
- ▶ Allan Greenbaum, Alex Wellington and Ellen Baar. Social Conflict and Environmental Law. (Captus Press, 1995) pp.163-179 Chapter 7: First Nations and Resource Development

iv. Municipal jurisdiction

- Municipal bylaws regarding pesticides, waste disposal and land use

Required readings:

- ▶ Municipalité de St-Michel-Archange c. Québec Inc [1992] RJQ 875 (pp. 875-894)
- ▶ Spraytech Société d'arrosage v. Hudson (Town) [2001] 2 S.C.R. 241

Read Para 1-4, 17-20, 23, 26-27, 30-32, 43.

- ▶ Arlene J. Kwasniak "Municipal and Land Use planning" in Hughes (pp. 521-535)
- ▶ Dianne Saxe "Municipalities given powers for environmental protection" (June 10, 2005) The Lawyers Weekly Vol. 25, No. 6
- ▶ Michael Millar, Shari Elliott and Michael Bowman. "Trend toward increasing the jurisdiction of municipalities" (June 4, 2004) The Lawyers Weekly Vol. 24, No. 5

III. AN INVENTORY OF REGULATORY INSTRUMENTS (classes 10 to 15: October 4, 11, 16, 19, 23 and 25)

i. Minister's instruments

ii . Permits

iii. Standards

iv. Tradable credits

v. Appeal mechanisms and public participation

vi. Environmental audits

vii. Compliance mechanisms

viii. Voluntary Codes

Required Readings:

- ▶ Benidickson, Chapter 6 : Environmental Regulations and Approvals
- ▶ Benidickson, Chapter 7: Administrative Compliance Mechanisms
- ▶ Benidickson, Chapter 16: Consultation, Alternative Dispute Resolution & Voluntary Measures
- ▶ Benidickson, Chapter 17: Economic Instruments
- ▶ Benidickson, Chapter 18: Environmental Reporting and Information Sources
- ▶ Carraro & Lévêque "The Rational and Potential of Voluntary Approaches" " in Voluntary Approaches in Environmental Policy (Boston: Kluwer, 1999) p.1-10

PART II: CASE STUDIES

I. CONSERVATION (classes 16 to 18: October 30 and November 1 and 6)

Required Readings:

- ▶ Anne Drost and Jane Matthews Glenn "Mont-Tremblant Resort: an integrated approach to ecosystem protection." (Symposium: Mountain Resorts; Ecology and the Law) (2002) 26(3) Vermont Law Review p593-628
- ▶ James L. Huffman. "Biodiversity and Its Effects on Private Property" (2002) 38(2) Idaho Law Review 421
- ▶ Deborah M. Brosnan. "Ecosystem management: an ecological perspective for environmental lawyers." (1994) 4(2) University of Baltimore Journal of Environmental Law 135
- ▶ Vincent P. Fiore. "Federal wetlands regulation in Canada and the United States: suggestions for Canada in light of Crown Zellerbach and the Peace, Order and good Government clause of the Canadian Constitution." (1993) 27(1) George Washington Journal of International Law and Economics 139
- ▶ Deborah Curran and Michael M'Gonigle . "Aboriginal Forestry: Community Management as Opportunity and Imperative" (1999) 37 Osgoode Hall L.J. 711
- ▶ Robert B. Keiter. National parks, ecosystem management, and the law. (Symposium: National Parks Workshop) (1995) 15(2) Journal of Energy Natural Resources & Environmental Law 249
- ▶ P.S. Elder "Biological Diversity and Alberta Law" (1996) 34 Alta. L. Rev. (No. 2) 293

II. POLLUTION (classes 19-21: November 8, 13 and 15)

Readings:

- ▶ Denis W. Boivin. 'La criminalisation de la pollution environnementale'. (1991) 20 (3) Manitoba Law Journal p625-655
- ▶ Geoffrey M. Bickert, John Z. Vertes, Michael Bourassa. 'Environmental regulation and pollution control: three perspectives from Canada's north.' (1986) 14 (9) International Business Lawyer p337(9)
- ▶ J.F. Castrilli. Control of toxic chemicals in Canada: an analysis of law and policy. (1982) 20 (2) Osgoode Hall Law Journal p322-401
- ▶ Paule S. Halley "Instituer la prudence environnementale : le régime pénal québécois de lutte contre la pollution» (1996) 41 McGill L.R. 928
- ▶ Paule Halley, Le Droit Pénal de l'environnement : l'interdiction de polluer (Cowansville, QC : Yvon Blais Publications, 2001)

Chapter 2 : L'altération de la qualité environnementale : le rejet d'un contaminant nocif

Chapter 3 : Les conditions matérielles de l'imputation des risques de pollution : l'identification de la source d'émission

III. CLIMATE CHANGE (classes 22-24: November 20, 22 and 27)

Readings:

- ▶ Browse Canada's website on CC: <http://www.climatechange.gc.ca>
- ▶ David R. Boyd , Unnatural Law Chapter 3:2 Climate Change
- ▶ Steven Bernstein, "International institutions and the framing of domestic policies: The Kyoto Protocol and Canada's response to climate change" (2002) 35(2) Policy Sciences 203-23
- ▶ Takuya Takahashi et al, "Rising to the Kyoto Challenge: Is the Response of Canadian Industry Adequate?" (2001) 63(2) Journal of Environmental Management 149-161
- ▶ Benjamin J. Richardson. "Climate law and economic policy instruments: a new field of environmental law." (2004) 12 (1) Environmental Liability 19-32 ▶ Phillip Barton. State responsibility and climate change: could Canada be liable to small island states? (2002) 11 Dalhousie Journal of Legal Studies, 65-87

Further Readings:

► Thomas D. Peterson. "The evolution of state climate change policy in the United States: lessons learned and new directions." (Facing Climate Change: Opportunities and Tools for States) (2005) 14(1) Widener Law Journal, p 81-120

► Michael Northrop. "Leading by example: profitable corporate strategies and successful public policies for reducing greenhouse gas emissions." (2005) 14(1) Widener Law Journal p21-80.

► Richard W. Thackeray Jr. "Struggling for air: the Kyoto Protocol, citizen's suits under the Clean Air Act, and the United States' options for addressing global climate change." (2004) 14(3) Indiana International & Comparative Law Review, p855-903

► Hélène Trudeau (2004) 34 Revue générale de droit 141-197

TERM PAPER PRESENTATIONS (class 25: November 29)

CONCLUSION AND REVIEW (class 26: December 4)

SUGGESTED BOOKS

Elizabeth J. Swanson and Elaine L. Hughes. The Price of Pollution: Environmental Litigation in Canada. Environmental Law Centre, 1990.

Sunstein, Cass R. Risk and reason : safety, law, and the environment.

Elaine Hughes, Alastair R. Lucas & William A. Tilleman, Environmental Law and Policy, 3rd ed. (Toronto: Emond Montgomery Publications Limited: 2003)

Henley, Doreen C. [Materials book series (McGill University. Faculty of Law)] Environmental law and policy: course materials 1987

Marie-Claire Cordonier Segger & Ashfaq Khalfan, Sustainable Development Law: Principles, Practices and Prospects. (Toronto: Oxford University Press: 2004)

Paule Halley, Le Droit Pénal de l'environnement : l'interdiction de polluer (Cowansville, QC : Yvon Blais Publications, 2001)

Bjørn Lomborg, The Skeptical Environmentalist: Measuring the Real State of the World. (New York: Cambridge University Press: 1998).

For a different perspective and to see "the other side's" numbers and where they come from.

Fred T. Mackenzie, Our Changing Planet: An Introduction to Earth System Science and Global Environmental Change, 2nd ed. (Upper Saddle River: Prentice Hall inc., 1998).

For a thorough understanding of the scientific background , easy to read for non scientists.

David B. Firestone & Frank C. Reed, Environmental Law for Non-Lawyers, 3rd ed. (South Royalton, Vermont: SoRo Press, 2004).

For a critical and simplified view of the American system.

David R. Boyd, *Unnatural Law: Rethinking Canadian Environmental Law and Policy*. (Vancouver, BC: UBC Press, 2003) 469 pp.

For a critical view of Canadian environmental laws. Very easy to read and very instructive.

Sean Coyle & Karen Morrow, *The Philosophical Foundations of Environmental Law: Property, Rights and Nature* (Portland: hart Publishing, 2004)

For a more philosophical reasoning...

Peter W. Hogg, *Constitutional Law of Canada*, Chapter 29 Natural Resources

For a comprehensive constitutional analysis of environmental protection and managing of natural resources.

Elaine Hughes, Alastair R. Lucas & William A. Tilleman, *Environmental Law and Policy*, 3rd ed. (Toronto: Emond Montgomery Publications Limited: 2003) at 133.

This book is a collection of cases and doctrine and comments on environmental law in Canada.

Marie-Claire Cordonier Segger & Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects*. (Toronto: Oxford University Press: 2004).

Charlotte Streck and David Freestone Eds. *Legal Aspects of Implementing the Kyoto Protocol Mechanisms: Making Kyoto Work*. (Toronto: Oxford University Press: 2005)

Bruce Ackerman and William T. Hassler. *Clean Coal, Dirty Air: Or How the Clean Air Act Became a Multibillion-Dollar Bail-Out for High-Sulfur Coal Producers and What Should Be Done About It*. (New Haven, CT: Yale University Press: 1981)

Rachel Carson. *Silent Spring*. (New York: Houghton Mifflin Company, 1962)

P. Halley, *Le Droit Pénal de l'environnement* (Cowansville, QC : Yvon Blais Publications, 2001)