

## Preface to the Second Edition

Environmental law in Michigan has matured in several ways since the publication of the first edition and supplements of the *Michigan Environmental Law Deskbook* in the 1990s. In many respects, the expansion of environmental law and practice that we observed during the early 1990s, particularly concerning investigation and remediation of contaminated sites, slowed after 2000. In other respects, Michigan environmental law and policy has broadened to address perceived economic and social (and perhaps global) impacts of environmental regulation.

We saw the codification of Michigan environmental statutes into a single chapter of the Michigan Compiled Laws, the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, MCL 324.101 *et seq.* As a result of the codification, we now speak of Part 201 of NREPA rather than Act 307, and we refer to Part 303 instead of the Goemaere-Anderson Wetland Protection Act. This legislative codification resulted directly from the Environmental Law Section's compilation of environmental statutes published in 1992.

We saw Governor Engler in [Executive Order 1995-18](#) split the former Department of Natural Resources into two departments, the Department of Natural Resources to manage public lands and wildlife and the Department of Environmental Quality to regulate pollution emissions and issue permits for activities that affect the environment. Governor Granholm reversed the split in January 2010, when she merged the two departments into the Department of Natural Resources and Environment in [Executive Order 2009-45](#). Governor Snyder restored the split in [Executive Order 2011-1](#). Reasonable minds can differ on the wisdom of each of these moves, but each became a fact of our law practice.

We saw significant amendment of the former Act 307, so that, in one view, the present Part 201 contains a more rational liability scheme tethered to the concept of causation, or, in another view, it relieves some formerly liable parties from many of their obligations to remediate contaminated sites.

We saw an initial focus on the cleanup of highly contaminated sites under compulsion of judicial or administrative orders broadened to include the remediation and redevelopment of less contaminated "brownfield" sites, often financed by government incentives rather than legal compulsion.

The second edition of the *Deskbook* reflects this maturation of Michigan environmental law. Several chapters, such as brownfields, takings, criminal, ADR, and climate change, have been added to reflect current law and practice. Some chapters in the first edition have been dropped because the subject areas are outside the core needs of most readers. Other chapters have been divided or consolidated for clarity.

The *Deskbook* is now freely available, because the Environmental Law Section takes seriously its mission to educate the public. The second edition takes advantage of current technology by being available primarily on-line. (Readers who wish to order—at cost—a printed version

should read the Reader's Guide.) To keep the text as current as possible, chapter authors will include new cases, legislation, administrative rules and other developments through electronic updates.

Environmental law will continue to evolve. For instance, we have seen several efforts in Michigan, as well as at federal and international levels, to respond to the issue of climate change (discussed in Chapter 21). While we do not now know what these efforts will produce, the *Deskbook* will cover them, as well as other topics important to practitioners, with up-to-date and reliable analysis.

Jeffrey K. Haynes

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