TULANE ENVIRONMENTAL LAW JOURNAL

VOLUME 18  WINTER 2004  ISSUE 1

CONTENTS

ARTICLES

THREE FALLACIES OF THE CONTEMPORARY LEGAL CONCEPT OF ENVIRONMENTAL INJURY: AN APPEAL TO ENHANCE “ONE-EYED REASON” WITH A NORMATIVE CONSCIOUSNESS ................................................Erin Englebrecht 1

ENVIRONMENTAL HARM AND DILEMMAS OF SELF-INTEREST: DOES INTERNATIONAL LAW EXHIBIT COLLECTIVE LEARNING? ............................................Michael Ilg 59

“... TO THE GULF STREAM WATERS”: STEWARDSHIP FOR ESSENTIAL FISH HABITAT ................. Marian Macpherson 97

REGULATION OF POWER GENERATED BY STATIONARY FUEL CELLS IN THE UNITED STATES ............................................ Andrew R. Thomas Brad N. Mondschein Shellie Gutman 141

THE ENDANGERED SPECIES ACT AND THE IMPRECISE SCOPE OF THE SUBSTANTIAL EFFECTS ANALYSIS ................. John T. Winemiller 159

ESSAY

JUDGING ENVIRONMENTAL LAW ............... Richard J. Lazarus 201
NOTES

RAYTHEON CONSTRUCTORS, INC. V. ASARCO INC.: THE TENTH CIRCUIT FINDS A SUCCESSOR IN INTEREST NOT LIABLE FOR THE CLEANUP COSTS OF A MINE SITE UNDER CERCLA . . . BUT WHAT ABOUT STATE CORPORATE LAW? ................................................................. Pia Das 219

DEPARTMENT OF TRANSPORTATION V. PUBLIC CITIZEN: THE SUPREME COURT ALLOWS MEXICAN TRUCKS TO CROSS THE BORDER UNDER NAFTA WITHOUT ENVIRONMENTAL SCRUTINY ................................................................. Joseph Kraft 231

UNITED STATES V. ALLEGHENY LUDLUM CORP.: FOR BETTER OR WORSE, THE THIRD CIRCUIT RECOGNIZES THE LABORATORY ERROR DEFENSE ......................................................... Sara Porsia 243

RECENT DEVELOPMENTS IN ENVIRONMENTAL LAW ................................................................. 257