

# BOOK REVIEW

## WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?

EDITED BY RANDALL S. ABATE

By  
Rachel Lamb & Tara Zuardo\*

*This Review analyzes and synthesizes What Can Animal Law Learn from Environmental Law?, edited by Professor Randall S. Abate. The book is a compilation of writings by numerous professionals in the fields of animal and environmental law. This Review introduces the background of the book and those sections most relevant to animal law. The book is divided into four distinct units, and this Review addresses each in turn: (1) Introductory Context, (2) U.S. Law Contexts, (3) International and Comparative Law Contexts, and (4) Vision for the Future. This Review ends by illustrating how academic settings can benefit from the use of Professor Abate's book, especially in both law and policy courses.*

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\* © Rachel Lamb & Tara Zuardo 2016. J.D. Candidate, Rutgers Law School, May 2017; Executive Editor, Rutgers Journal of Law and Public Policy, 2016–17. Rachel Lamb is the president and founder of Rutgers Law School chapter of the Student Animal Legal Defense Fund. She would like to thank her friends and family for their support, and Tara Zuardo and Animal Welfare Institute for this opportunity.

## I. INTRODUCTION

Professor Randall Abate's *What Can Animal Law Learn from Environmental Law?*<sup>1</sup> is a compilation of essays analyzing various obstacles found in the field of environmental law and how animal law advocates can use those obstacles to make deliberate decisions in advancing the field of animal law. Although the two fields are sometimes different concerning how they achieve their ultimate goals, they also affect each other in terms of certain ethical considerations.<sup>2</sup> The authors of *What Can Animal Law Learn from Environmental Law?* emphasize that it is on this common ground that the two can move forward together.

The book is split into four units: (1) the Clean Air Act and case studies on evolving animal laws; (2) U.S. environmental and animal laws in the areas of food and agriculture, climate change, lead pollution, fisheries management, standing, and damages; (3) lessons learned from international environmental laws that broaden the understanding of animal law in a global context; and (4) next steps, and hypotheses addressing how the two fields—environmental and animal law—can move forward together.

Sections that incorporate common themes throughout the book establish the foundation for important legal principles and help educate in an unusual way what may be most relevant to the field of animal law. For instance, the two chapters on climate change serve as an informative paradox regarding the role that humans have in global warming. While most people are aware of melting ice caps and the subsequent consequences a warmer planet has on polar bears, far fewer people know how devastating the effects of the agricultural industry's emissions are in contributing to climate change, as well as its impact on the public health, water supply, and economy.

The principal theme transcending every sentence of this book is that the environmental issues intersect with animal issues in terms of how humans live, work, eat, connect, entertain, thrive, and die.<sup>3</sup> The policies that shape environmental and animal law equally shape the laws that regulate humans. The book's main purpose is to call attention to animal law's connection to other life, whether or not that life is human.<sup>4</sup> The editor likely chose this purpose for a few reasons: first, it demonstrates to readers that the health of the environment and its nonhuman inhabitants are intertwined; second, educating the public and raising awareness of the interconnection between humans, animals, and the environment is the only way to effect change (as noted

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<sup>1</sup> WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW? (Randall S. Abate ed., 2015).

<sup>2</sup> David S. Favre, *Foreword* to WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?, *supra* note 1, at xxviii.

<sup>3</sup> Randall S. Abate, *Introduction* to WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?, *supra* note 1, at xxx.

<sup>4</sup> *Id.* at xxxi.

multiple times in the book); and third, raising questions about the efficiency or comprehensiveness of animal laws can invite insights and suggestions for closing those gaps in legislation. Recognizing these themes independently—as well as weaving them together—allows readers to better understand that they do not exist in a vacuum; by addressing one, the book sheds light and provides lessons on other themes. Only through national and international unity can both environmental and animal law receive the attention for which both fields are fiercely fighting.

## II. SETTING THE GROUNDWORK FOR A DIRECT AND LOGICAL COMPARISON

In Chapter 1, authors Elizabeth Hallinan and Jeffrey Pierce explain how animal law advocates can learn from environmental law using straightforward, logical lessons from the history of the Clean Air Act (CAA).<sup>5</sup> The authors illustrate three main lessons from the implementation of the CAA that animal law attorneys may be able to use: (1) that small environmental victories at local and state levels can serve as catalysts that lead to federal regulatory change; (2) there are benefits in pushing for regulation through administrative—rather than legislative—means; and (3) it is possible to fight for stricter regulations via addressing political incentives.<sup>6</sup> Essentially, the reader learns that patchwork legislation at the state level helped formulate the CAA in California, which eventually caught the attention of presidential hopefuls.<sup>7</sup> Activists were able to leverage their message and pass automobile emissions laws by channeling political campaigns and the legislative process.<sup>8</sup>

The Hallinan and Pierce chapter presents two animal law case studies that followed the same pattern as environmental law, with successful results. The first study describes California's ban on foie gras and eggs from hens confined in battery cages, which affected both interstate and intrastate industries selling these products.<sup>9</sup> The differing egg standards in California compared to the rest of the country incentivized the egg industry to lobby for uniform federal standards due to the potential costs associated with having different standards. This effectively led to a lobbying campaign for a national standard for the treatment of egg-laying hens.<sup>10</sup> In other words, change can, indeed, start with a single state.

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<sup>5</sup> *Id.*; Elizabeth Hallinan & Jeffrey D. Pierce, *Learning from Patchwork Environmental Regulation: What Animal Advocates Might Learn from the Varied History of the Clean Air Act*, in WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?, *supra* note 1, at 3.

<sup>6</sup> *Id.* at 3–4.

<sup>7</sup> *Id.* at 4–5.

<sup>8</sup> *Id.* at 10–11.

<sup>9</sup> *Id.* at 16, 18.

<sup>10</sup> *Id.* at 18–19.

The second example was the regulation of circuses to address issues of elephant cruelty. After efforts to ban bullhooks in civil litigation failed on procedural grounds, advocates in states, cities, and counties began restricting the use of bullhooks by initiating limiting laws and ordinances.<sup>11</sup> These bans have effectively reduced the number of circuits in which circuses travel, creating economic and logistical barriers to using animals like elephants in circuses.<sup>12</sup> The authors use these examples to notify readers that ordinances can, in some instances, be used to limit animal cruelty by banning the circus from particular cities, thereby affecting its financial viability.<sup>13</sup> This has the potential to ultimately lead to an agreement to cease the use of bullhooks, or even take elephants out of circus acts altogether.<sup>14</sup>

These success stories concerning the power of piecemeal regulation to enact real change deliver a tangible lesson with an established track record of success. Though not easy to implement, the authors present them in a logical and straightforward fashion that implies that simplicity is often the best course of action.

### III. THE CHALLENGE AT HOME

Unit II in the book—focusing on U.S. laws and policies—is important because it lays a foundation of where animal law currently stands in the United States. The chapters in this unit take present-day environmental law scenarios and reimagine them in ways that are relatable to animal law and welfare. These topics—though split into clean, independent sections—intimately connect to one another. For example, food and agriculture policies dealing with Concentrated Animal Feeding Operations (CAFOs) affect global warming and fisheries management.<sup>15</sup> Ammunition lead shots can leak into groundwater, contaminating drinking water, as regulated by food and agriculture laws.<sup>16</sup> This unit reminds readers that national environmental and animal laws are paramount not only to the safety of animals, but also

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<sup>11</sup> *Id.* at 26, 30.

<sup>12</sup> *Id.* at 34.

<sup>13</sup> *Id.*

<sup>14</sup> Faith Karimi, *Ringling Bros. Elephants Perform Last Show*, CNN (May 2, 2016), <http://www.cnn.com/2016/05/01/us/ringling-bros-elephants-last-show/> [<https://perma.cc/FN3J-BSGR>] (accessed Dec. 24, 2016) (discussing that in March 2015, Ringling Bros.' parent company, Feld Entertainment, announced that in 2018, the circus would phase elephants out of their circus tours, yet the Ringling Bros. elephants performed their last show in Rhode Island on May 1, 2016).

<sup>15</sup> See Bruce Myers & Linda Breggin, *Tackling the Problem of CAFOs and Climate Change: A New Path to Improved Animal Welfare?*, (“[A]nimal advocates have long worked, on their own and in tandem with environmental organizations, to tackle CAFO impacts such as the fouling of surface water, groundwater, and air.”), in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 117, 126.

<sup>16</sup> Michelle McDonald Shaw, *Leading the Way on Lead: Lessons from Environmental Law to Enhance Protection of Animals from Lead Poisoning*, in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 167, 178.

to the protection of human health and welfare.<sup>17</sup> Furthermore, this unit is a reminder that national, unified reform is needed.

Unit II signifies that change often starts on a smaller scale. For example, a section of this unit focuses on the work by “nongovernmental organizations. . . [such as] the Monterey Bay Aquarium and Marine Stewardship Council. . . [which] have created private ‘certification’ or consumer information programs designed to promote public interest in sustainable fishing.”<sup>18</sup> These private organizations are so far-reaching in their efforts that they have affected federal regulation regarding fisheries.<sup>19</sup> By using government data and research, but coming to different conclusions,<sup>20</sup> they effectively “second-[guess] the government’s decisions,” thereby “undermin[ing] the public and political support for the agency, which can force the government to reassert itself.”<sup>21</sup> Similarly, creative efforts like those used by Monterey Bay Aquarium and the Marine Stewardship Council could give private entities an authoritative voice and lead to reforms in how humans interact with animals (rather than utilizing traditional channels, such as working through legislative change).<sup>22</sup>

Unit II demonstrates that animal advocates can take charge of the system if it is working against them (which it often is). The fisheries management section demonstrates that private companies have the influence to gain consumers’ trust in a way that can force the government to adapt to new policies that ensure that fisheries remain competitive.<sup>23</sup> It is a powerful lesson on the ability of private groups to persuade the government to readjust its policies, and the benefit this can bring to both animal and environmental advocacy.

In the chapter on food and agriculture law, Paige Tomaselli argues that current food labeling laws are unable to accurately inform the public of what they are effectively purchasing and consuming in a given product.<sup>24</sup> Tomaselli discusses animal factories and their omission from federal regulation:

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<sup>17</sup> Lindsay Walton & Kristen King Jaiven, *Regulating Concentrated Animal Feeding Operations for the Well-Being of Farm Animals, Consumers and the Environment*, in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 89, 109.

<sup>18</sup> Keith W. Rizzardi, *Who Says That Fish Filet Is Sustainable? Advocacy Options and the Lessons of Federal Fishery Management*, in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 189, 202.

<sup>19</sup> *See id.* (“The emergence of certifications and eco-labels directly affects the government, too.”).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *See id.* at 209 (“Certification allows for vast creativity, and gives the private entity an authoritative voice . . . [and also] demonstrates the potential for . . . programs to manage human behavior as an alternative to the traditional government approach involving legislation and regulation.”).

<sup>23</sup> *See id.* at 207 (“[B]y second-guessing the government’s decisions, the private entities can undermine the public and political support for the agency, its researchers, and its enforcement process, which in turn can force the government to reassert itself.”).

<sup>24</sup> Paige M. Tomaselli, *Meat Labeling and the Public’s Right to Know: Important Lessons from Environmental Disclosure Laws*, in *WHAT CAN ANIMAL LAW LEARN FROM EN-*

The animal agriculture industry has changed significantly in the past several decades. The once extensive system of small and medium-sized farms owned by single families across the country has given way to a system of large, intensive operations. Most animals raised for food in the United States today are raised in facilities more akin to factories than farms. These “animal factories” cram tens of thousands and sometimes millions of animals into confined spaces, forcing the animals to compete for space, food, and water; breathe contaminated air; and live in their own waste. Hidden from the public view by both visible and invisible structures, these animals live out their lives without so much as the possibility of federal welfare protections; the factories often escape environmental regulation; and the products of these factories—the meat, eggs, and dairy consumed by most Americans—lack labeling informative enough for the public to connect the food to the facility, or understand the conditions in which the animals were raised, slaughtered, or processed.<sup>25</sup>

Tomaselli uses the California Safe Drinking Water and Toxic Enforcement Act of 1986<sup>26</sup> and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)<sup>27</sup> as examples of effective right-to-know environmental laws.<sup>28</sup> These laws mandate that businesses must provide clear and reasonable warnings on products that contain harmful chemicals, avoid releasing these chemicals into drinking water,<sup>29</sup> release this information to the public, and create an emergency response plan.<sup>30</sup> Importantly, as stated in the California Act, the “clear and reasonable” warning must be “communicate[d] in such a way as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase and use.”<sup>31</sup> The author explains that these laws were created as a result of accidents that “outraged the public and forced legislative action.”<sup>32</sup> Further, the author notes that if similar accidents happened in the food and agriculture industry, there would be similar laws in place forcing businesses to be honest about what, exactly, is in the food that the public consumes.

In applying these environmental laws to meat disclosure laws, Tomaselli emphasizes that the “information is truly useful only if it is presented in a way that is universally accessible with data about possible risks and true environmental performance of companies.”<sup>33</sup> Of

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VIRONMENTAL LAW?, *supra* note 1, at 72; *see* Walton & Jaiven, *supra* note 17, at 113 (“Labels used to describe products or processes as ‘natural,’ ‘antibiotic-free,’ and ‘USDA certified’ have unclear meanings.”).

<sup>25</sup> Tomaselli, *supra* note 24, at 69, 71–72.

<sup>26</sup> CAL. HEALTH & SAFETY CODE §§ 25249.5–25249.13 (West 2016).

<sup>27</sup> 42 U.S.C. §§ 11001–10050 (2012).

<sup>28</sup> *See generally* Tomaselli, *supra* note 24, at 75–82 (analyzing the history, success, and applicability of the California Safe Drinking Water and Toxic Enforcement Act and Emergency Planning and Community Right-to-Know Act).

<sup>29</sup> *Id.* at 76 (citing CAL. HEALTH & SAFETY CODE §§ 25249.5, 25249.6).

<sup>30</sup> *Id.* at 80 (citing 131 CONG. REC. H11504-02 (1985) (statement of Hon. Fields)).

<sup>31</sup> *Id.* at 77.

<sup>32</sup> *Id.* at 75.

<sup>33</sup> *Id.* at 85–86.

course, it would not be a lesson in animal law if the author did not also play to the sympathies of the animals: Tomaselli stresses that they exist in terrible living conditions, pumped full of drugs, and killed brutally and needlessly.<sup>34</sup> At the same time, Tomaselli is cognizant that animal rights and welfare are not always the driving forces for change. Instead, she uses economics and public safety arguments to reach a larger audience.

Among other arguments, Tomaselli explains that the waste from factory farms escapes into the environment, releases toxic chemicals, and seeps into human drinking water.<sup>35</sup> Furthermore, the presence of these antibiotics in farm animals means that bacteria is becoming resistant to antibiotics.<sup>36</sup> In turn, that antibiotic resistance passes to humans through food, water, and contact with farmed animals.<sup>37</sup> Simply put, Tomaselli realizes that, in order for people to become interested in what is in their food, they will need to recognize that their own welfare is in jeopardy.<sup>38</sup> By forcing factory farms to disclose their practices under a law such as EPCRA, “scientists, activists, attorneys, and organizers would have access to critical information about these facilities and could make the information available—physically and practically—to everyone who would benefit from access.”<sup>39</sup>

Furthermore, these kinds of factory farms are dangerous from a purely economic point of view because they create market imbalances by allowing escape from regulation.<sup>40</sup> Walton and Jaiven point out that because factory farms avoid paying for the environmental damage they cause, citizens must pay to deal with the damages from factory runoff into surface or groundwater in the form of illnesses (including those from antibiotic-resistant bacteria), wildlife and habitat destruction, decreased property values, and new infrastructure.<sup>41</sup> By explaining these hidden costs, Walton and Jaiven capture the attention of consumers who may not care about what they consume, but who surely care about taxation.

#### IV. MAKING A GLOBAL IMPACT

Unit III—on international law—is important because it emphasizes how barriers obstructing effective regulation of animal and environmental laws exist on a global scale. A key section in this unit involves the recent decision of *EU-Seal*, primarily discussed in chapter

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<sup>34</sup> See *id.* at 71 (addressing the plight of animals in factory farms).

<sup>35</sup> *Id.* at 73.

<sup>36</sup> *Id.* at 74.

<sup>37</sup> *Id.*

<sup>38</sup> See *id.* at 73 (explaining that people’s purchasing decisions would change if they knew of the environmental and health dangers caused by factory farming).

<sup>39</sup> *Id.* at 86.

<sup>40</sup> See Walton & Jaiven, *supra* note 17, at 97 (explaining how to correct such market imbalances).

<sup>41</sup> *Id.* at 96.

12 and written by Chad McGuire.<sup>42</sup> To provide a bit of background, the World Trade Organization (WTO) member countries adhere to the General Agreement on Tariffs and Trade (GATT), where nations voice legitimate objections to trade restrictions based on national concerns.<sup>43</sup> GATT article XX(a) allows domestic trade restrictions “deemed necessary to protect public morals.”<sup>44</sup>

Until recently, ‘legitimate’ bases for asserting the morality clause exception in article XX typically did not include animal welfare concerns.<sup>45</sup> Therefore, *EU-Seal* is a landmark case, as it is the first case where the WTO held that the restrictions on hunting and selling seal coats is necessary to protect public morals.<sup>46</sup> This decision is significant because it expands the exception of public morals to the defense of animals and “shows that morality defenses can be ‘legitimate’ even when . . . international consensus on the value being expressed for the exception”<sup>47</sup> is lacking. This opens the door for animal advocates to champion trade restrictions necessary to protect animal welfare;<sup>48</sup> specifically, McGuire argues that, as the “moral underpinnings of animal welfare become more generally accepted, there will be a continued expansion of international obligations to enforce the basic welfare of animals.”<sup>49</sup>

Perhaps the most important aspects of the comparative and international law addressed are those stories without happy endings,<sup>50</sup> as the authors emphasize how important it is to understand that international instruments are far from perfect.<sup>51</sup> For example, a study of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)—an international convention that regulates trade—describes both the successes and failures that follow when countries with different customs, backgrounds, rules, and laws work together towards a common goal.<sup>52</sup> Thomas Kelch is open about the successes of CITES, emphasizing that the only way to address animal issues is by forming partnerships and relationships between countries,

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<sup>42</sup> Appellate Body Report, *European Communities—Measures Prohibiting the Importation and Marketing of Seal Products*, ¶¶ 1, 13, WTO Doc. WT/DS400/AB/R & WT/DS401/AB/R (adopted May 22, 2014).

<sup>43</sup> Chad J. McGuire, *Environmental Law and International Trade: Public Morality as a Tool for Animal Welfare*, in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 293, 297.

<sup>44</sup> General Agreement on Tariffs and Trade art. XX, July 1986, 19 U.S.C. § 3511, 1867 U.N.T.S. 18.

<sup>45</sup> McGuire, *supra* note 43, at 306.

<sup>46</sup> *See id.* (noting that this was the first such holding); Appellate Body Report, *supra* note 43, at ¶ 142 (relying on public morals in the Panel’s decision).

<sup>47</sup> *See* McGuire, *supra* note 43, at 306.

<sup>48</sup> *See id.* (expressing hope for future developments due to the ruling).

<sup>49</sup> *Id.* at 308.

<sup>50</sup> *See, e.g.*, Thomas G. Kelch, *CITES, Globalization, and the Future of Animal Law* (analyzing the failures of a protective convention), in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 269, 282–84.

<sup>51</sup> *See, e.g., id.* at 283 (admitting to the failures of the CITES convention).

<sup>52</sup> *Id.* at 271.



as they typically cannot solve these problems on their own.<sup>53</sup> However, he stresses CITES's failures just as clearly, mainly the treaty's inability to bind parties to specific terms due to its lack of effective regulation, various loop holes, and various compliance and enforcement issues.<sup>54</sup> Clearly laying out why these programs do not work will help future generations address them and ultimately bring about stronger change.<sup>55</sup>

Teresa Giménez-Candela and Carly Elizabeth Souther's chapter compares U.S. law to that of other countries, addressing the pros and cons of various policies. Specifically, by analyzing the invasive species issue, this chapter helps us understand the ramifications of making monumental changes to ecosystems and societies by removing animals from or introducing them into environments.<sup>56</sup> Giménez-Candela and Souther compare two case studies: Burmese pythons in Florida and the North American ruddy duck in the European Union (EU).<sup>57</sup> Despite commendable efforts, the authors argue that neither the United States nor the EU have sufficient strategies in place to manage non-native invasive species.<sup>58</sup> Specifically, "because the problem of non-native animal species is inherently and inextricably international in scope," factions of the animal protection movement can "unite and partner with the environmental movement to encourage policymakers to adopt a collaborative international framework for the effective and humane management of non-native terrestrial vertebrates."<sup>59</sup> To address the issue, the authors suggest a treaty between the United States and the EU based on EU Regulation No. 1143, which establishes a system seeking to "prevent, minimize, and mitigate the adverse impacts of IAS [invasive alien species] on biodiversity and ecosystem services, and limit their damage to the economy and human health."<sup>60</sup>

Giménez-Candela and Souther believe that a treaty between the EU and the United States would be effective because (1) the terms of two-party agreements are much easier to negotiate; (2) the United States and EU are comparable as two wealthy, Western nations with progressive technologies, developed trade economies, and advanced medicine; and (3) a bilateral treaty would provide the animal protection movement with a strategic advantage over any stakeholders, whose interests are vested against animal interests.<sup>61</sup> Similar to other

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<sup>53</sup> See *id.* at 285 (explaining the importance of international cooperation).

<sup>54</sup> See *id.* at 283 (explaining the problems that the CITES convention has faced).

<sup>55</sup> See *id.* at 284–91 (explaining six lessons that can be learned from CITES' struggles).

<sup>56</sup> Teresa Giménez-Candela & Carly Elizabeth Souther, *Invasive Animal Species: International Impacts and Inadequate Interventions*, in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 333.

<sup>57</sup> *Id.* at 353–60.

<sup>58</sup> *Id.* at 360.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 348, 360.

<sup>61</sup> *Id.* at 360–62.

sections in the book, Giménez-Candela and Souther not only discuss the benefits animals would reap from such a treaty,<sup>62</sup> but the economic and logical benefits as well, which will undoubtedly appeal to lawmakers and consumers, thereby establishing a greater likelihood of success.<sup>63</sup>

Advocates should focus less on this agreement's value to the development of international animal law, and focus more on promoting the treaty's economic value . . . The growth of developing nations, and the increased trade of animals, plants, and their derivatives, negatively affects animals and the environment. Nevertheless, lawmakers face budgetary deficits and are motivated to reduce costs where feasible. Consequently, for the treaty to appeal to those with the power to create and enact it, the terms must indicate that it is economically advantageous to humanely manage non-native animal species. Successfully overcoming this threshold issue will require creative use of legal precedent and rules of international law.<sup>64</sup>

The case studies discussed are especially helpful in an international context because they compare and contrast two major non-native invasive species problems, explain how and why each situation occurred, demonstrate that each country's laws contain complicated loopholes, and offer solutions to the problem.<sup>65</sup> The authors pose that problems of non-native invasive species can be solved through the international cooperation of the affected and concerned countries.<sup>66</sup> This strategy is an interesting and effective means to illustrate the complex conundrum involved in many international animal and environmental law problems, while also stressing the importance of international teamwork as a crucial part of the solution.

## V. LOOKING FORWARD, AND LINGERING QUESTIONS

As mentioned numerous times in the book, animal law today is where environmental law was about thirty or forty years ago.<sup>67</sup> The two disciplines face similar hurdles: lack of adequate legal tools, difficulty in proving standing in court, industry and ideological opposition, and an inability to obtain and ensure public access to important information.<sup>68</sup> Despite their fundamental differences, the two fields also

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<sup>62</sup> See *id.* (discussing how the benefits of the authors' solution extend to society).

<sup>63</sup> See *id.* ("Therefore, advocates should focus less on this agreement's value to the development of international animal law, and focus more on promoting the treaty's economic value, which is a fundamental component of animal law and environmental law.").

<sup>64</sup> *Id.* at 362.

<sup>65</sup> *Id.* at 353–60.

<sup>66</sup> *Id.* at 360.

<sup>67</sup> See Joyce Tischler & Bruce Myers, *Animal Protection and Environmentalism: The Time Has Come to Be More Than Just Friends* ("[E]nvironmentalists can draw on a wide array of laws—many of which include robust citizen-suit provisions backed by 40 years of jurisprudence validating their implementation—that are the envy of the animal lawyer."), in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 387, 399.

<sup>68</sup> *Id.* at 398–406.

share common roots in their desire to protect the natural world that is often exploited for public use.<sup>69</sup> The history and stories found in this book embody the need to protect these resources on regional, national, and global levels. Current and aspiring animal advocates will benefit from heeding these cautionary tales, and can begin to apply the lessons learned from environmental law to pave a new pathway for animal law.

Professor Randall's book is beneficial to anyone involved in, or wishing to be involved in, animal law, including law professors, students, and practicing attorneys, to name a few. Because it provides material spanning the entirety of animal welfare and advocacy, it is a good introductory text for those who are just getting started in the field, as well as those who want to learn more about animal and environmental law. It can also provide inspiration and ideas for current animal law attorneys. The book is conveniently divided into sections that allow readers to focus on particular areas of the law. The content is also easy to read and can be digested in those separated parts or as a whole. The book has enough variety in its topics and lessons to hold the attention of almost anyone interested in animals, the environment, law, economics, sciences, or behavioral studies.

This text is instructive, although its chances of standing alone as a textbook may be slim. On one hand, it provides important lessons that anyone involved in animal law should know, but on the other hand, its contents are varied and summarized in a way that may leave readers wanting more detail that was left out for the sake of space. However, this text would serve as an excellent supplement for classrooms—especially those having to do with farm animals and agriculture—as those topics are consistently present throughout the book.<sup>70</sup> Some of the lessons from the book can instruct other fields. For instance, the evolution of the public morality claim in Chapter 12 would make an interesting case study in an international commerce or economics course, while lessons learned from invasive species in Chapter 14 could be of interest in a biology classroom. Incorporating this book would also subtly remind those studying other fields that animal and environmental law are inextricably tangled into all fields.

The case studies presented throughout the book, most notably those involving animal politics and non-native invasive species, are the most interesting to read and are effective in explaining complex legal problems looking for an answer. In addition to the studies serving as a refreshing break from arguments and theories, the hard facts and backstories about a particular topic or animal help to frame the issues in a more complete manner. Also appreciated is the in-depth look at

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<sup>69</sup> See, e.g., *id.* at 393–94 (discussing how environmental issues affect wild and domesticated animals).

<sup>70</sup> See Tomaselli, *supra* note 24, at 69–88 (discussing the benefits of environmental disclosure laws governing the meat industry); Walton & Jaiven, *supra* note 17, at 89–115 (discussing CAFOs, laws regarding CAFOs, and proposed solutions to problems involving CAFOs).

Australia's contradictory methods of governing kangaroo and whaling industries, because it is interesting to see the same country approach animal welfare and laws in completely opposite ways.<sup>71</sup>

Ultimately, this book serves as an excellent guide to an important burgeoning field of law, and can easily assist legal professionals and students in practice. But it is important not to forget the amount of work that needs to be done, especially the important work of improving local and international laws and regulations. Only continued enthusiasm, integrity, and hard work will improve the lives of animals, humans, and the Earth that they inhabit.

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<sup>71</sup> Keely Boom, *Lessons for Animal Law from the Environmental Law Governing the Kangaroo and Whaling Industries: Australian Successes and Failures*, in *WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?*, *supra* note 1, at 311, 315–22.