

Volume 27, Issue 4  
Winter 1997

---

ARTICLES

**Territoriality, Risk Perception, and Counterproductive Legal Structures: The Case of Waste Facility Siting**

*Michael B. Gerrard*

The placement of hazardous and nuclear waste facilities is an exercise fraught with difficulties. Local communities and states often object vehemently to any proposal that would place a new facility within their borders. In his Article, Mr. Gerrard postulates that one of the primary reasons for this difficulty is the failure of hazardous waste law to take into account the fundamental instinct of territoriality.

**Forsaking the Rule of Law: The 1995 Logging Without Laws Rider and Its Legacy**

*Patti A. Goldman & Kristen L. Boyles*

Ms. Goldman and Ms. Boyles, public interest environmental lawyers, discuss and analyze the litigation that occurred over the 1995 Logging Without Laws Rider. The Authors assert that abandoning the rule of law left federal agencies unfettered and unaccountable to the public, federal courts unwilling and unable to exert control, and the environment unprotected.

---

SYMPOSIUM ON POPULATION LAW

**Allowing Fertility Decline: 200 Years After Malthus's Essay on Population**

*Virginia Deane Abernathy*

**Population Control and Sustainability: It's the Same Old Song but With a Different Meaning**

*Paula Abrams*

**The Environment, Population, and Women's Human Rights**

*Reed Boland*

**Religious Responses to the Population Sustainability Problematic: Implications for Law**

*Harold Coward*

**The Population Explosion: Why We Should Care and What We Should Do About It**

*Paul R. Ehrlich & Anne H. Ehrlich*

**Environmental Malthusianism: Integrating Population and Environmental Policy**

*Robert M. Hardaway*

**Sustainable Consumption and the Law**

*James Salzman*

**Feeling Grounded: A Gendered View of Population Control**

*Elizabeth Spahn*

---

## COMMENTS

### **Political Influences on USFWS Listing Decisions Under the ESA: Time to Rethink Priorities**

*Ivan J. Lieben*

In his Comment, Mr. Lieben examines how political and economic pressures have modified USFWS listing decisions under the ESA, in direct contradiction to the the statute's plain language. Mr. Lieben recommends modifications to USFWS listing regulations, which would reduce the likelihood of the Service considering political factors in future decisions and place more emphasis on the ecosystem significance of a candidate species.

### **Successor Liability and CERCLA: The Runaway Doctrine of Continuity of Enterprise**

*Christopher J. Neumann*

Mr. Neumann discusses the doctrine of successor liability and the corresponding continuity of enterprise exception in the context of CERCLA liability. Mr. Neumann criticizes the extensive use of the continuity of enterprise exception and argues that only the traditional successor liability doctrine should apply in CERCLA cases.