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The Globalization of Environmental Law

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Thank you, it is really a great pleasure to be here. When we selected this date I indicated that I was not concerned about it being April Fool's Day, or even by the fact that today is a Wednesday. Stanford, where I went to Law School, had such a beautiful environment that it often enticed students away from class. One of my professors used to joke that he hated having classes on Wednesday because it was hard to get students to show up because it interfered with both weekends. [Laughter] But from the size of the audience I see that this is not a problem here.

The topic I'm going to be speaking about today is "The Globalization of Environmental Law." The basic notion is that globalization is affecting the field of environmental law in a way that is blurring traditional distinctions between domestic law and international law. Rather than continuing to draw sharp distinctions between domestic environmental law and international environmental law, I think we should start thinking of the field as a species of global law and that we study the principal approaches to environmental regulation. I'm going to first start by talking about what I mean by "global environmental law" and by giving some examples of how it is developing. Then I will discuss the four principal factors that are driving the development of global environmental law. I will then talk about two crises the world faces today – the climate crisis and the global financial

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crisis, and the challenges that both pose to global environmental policy. I will conclude by discussing how globalization is affecting the way we teach environmental law.

Before I do so, I would be remiss if I did not say a word about the terrific faculty that you have assembled for what has long been one of the most outstanding, if not *the* most outstanding environmental law program in the country. I want especially to express my appreciation to Professor Nick Robinson. No other law professor in the United States has done more to foster the development of global environmental law. The IUCN Academy of Environmental Law was his brainchild and through his work it has become the premier global network of environmental law professors. Nick is a creative, strategic thinker, with unbelievable energy who works tirelessly to promote environmental justice not just on the international level but also on local environmental issues. He has played a major role in my involvement in global environmental issues and I deeply appreciate all he's done for me, and his outstanding contributions to the field of global environmental law.

I want to begin by discussing what I mean by the concept of "global environmental law." Of course, the impact of globalization on law is not in and of itself new. We've long studied comparative law and how different legal systems around the world have been influenced by developments in other legal traditions. But what seems to be happening now is that, as the forces of globalization bind the world more closely together than ever before, environmental law is developing on a global scale in important new ways. As we learn more from scientists about the significance of transboundary pollution and threats to the planet's health, global concern for the environment has surged. In response nations are looking for what works, and they're borrowing law from one another, even from countries with very different legal or political traditions.

Environmental law is not the only field in which a new kind of "global law" is developing. A similar phenomenon is occurring in fields such as antitrust law and securities regulation as authorities recognize the need for global coordination of regulatory policy toward multinational enterprises. This is forcing regulators from different countries to cooperate with one another in unprecedented news ways and nongovernmental organizations (NGOs) now must operate on a global basis to influence regulatory policy.

Let me give you some examples. [*Slide Displayed*] This slide was prepared by the head of a U.S. trade association that represents companies selling soaps and detergents. It attempts to summarize the principal laws, regulations, and public and private initiatives that affect the products his

association's member companies seek to sell throughout the world. They have to deal with dozens of domestic laws that regulate chemicals in various countries, including the European Union's far-reaching new program requiring pre-market registration and testing of chemicals – the Registration, Evaluation, Authorisation and Restriction of Chemical Substances, or REACH Program. Canada has a similar program for pre-market chemical testing and China also is pursuing such an approach. In addition to complying with these regulations, companies also have to pay attention to retailer / purchaser initiatives. Some large retailers like Wal-Mart now have their own environmental specifications that products must meet before the company will agree to carry them. Suppliers have to pay attention to all of these public and private initiatives if they wish to be successful in marketing their products throughout the world.

Consider the impact of the E.U.'s new REACH program. Because it applies to all chemicals marketed in E.U. countries, it already is having a significant impact on chemical suppliers outside of the E.U. The REACH program requires suppliers to register such chemicals; it prioritizes their testing and the ones with the most alarming toxicity data eventually will be phased out, whether or not it can be proven conclusively that they are unreasonably dangerous. This very precautionary approach is quite different from the approach to chemical regulation employed in the United States. In the U.S., companies are not required to perform any specific toxicity tests before chemicals are marketed, but if they do test, they have to report the data to the EPA so it is almost a disincentive to test. Most of the thousands of chemicals that are on the U.S. market today have not gone through extensive toxicity testing, but the REACH program will change that for substances marketed in the E.U., and that could have a big impact in the U.S.

Canada's similar testing program already has produced test data that suggests that a chemical – bisphenol-A, or BPA – that is widely used to harden plastics, including baby bottles, may have some severe developmental effects on children. As a result, Canadian authorities announced that they may seek to phase out use of BPA. But before the Canadian government could act, a large U.S. manufacturer announced that it would voluntarily discontinue its use of BPA. They did so because of the influence of informed consumers and retailers. After consumers expressed concern about the safety of baby bottles, Wal-Mart announced that it would no longer carry children's products containing BPA. Manufacturers want to sell their products at Wal-Mart and they want consumers to feel that their

products are safe. This illustrates how information generated in one country can influence consumers and retailers across borders.

Another way environmental law is transcending legal and political boundaries is because some countries are a borrowing law from one another. China is a prime example. Four years ago I helped advise a project by the environmental committee of the Chinese National People's Congress to translate foreign environmental laws into Chinese. Two years ago I was a member of a team of U.S. environmental law scholars that this university assembled to assist Chinese scholars in the China State Environmental Protection Agency's "Research Project on the Experience of Environmental Law of Foreign Countries." This project systematically compared environmental law in the U.S. and China and advised Chinese authorities on lessons that could be learned from the U.S. experience that could help inform the development of better environmental laws in China.

Last year China adopted a new Open Information Act that is virtually identical to the U.S. Freedom of Information Act (FOIA). Because FOIA is the law that gives the public the right to obtain any factual information possessed by government agencies, you might think this is kind of wild for a country controlled by the Communist Party. The Chinese law has the exact same disclosure exemptions as the U.S. law (e.g., for classified national security information or trade secrets), but it also contains one additional exemption: for any data that the government decides might interfere with "social stability" if it is released – a catchall to permit the government to withhold any information it does not want to disclose. This is not surprising as countries often make adjustments to respond to local conditions when borrowing law from others.

Nevertheless, the adoption of this law could be more than mere symbolism. Last May, I was privileged to speak in Shanghai at a conference about the new law. The conference was co-sponsored by the Shanghai Environmental Protection Bureau and the Natural Resources Defense Council's China office. Conference participants were representatives of environmental NGOs and environmental journalists who were urged by officials from the Chinese Ministry of Environmental Protection (MEP) to use the new law to mobilize public support for the environment. China's national government has been frustrated by its inability to improve environmental conditions at the local level in a system that is highly decentralized (e.g., China's MEP has only 300 employees in a country four times the size of the U.S. while our EPA has 17,500 employees). Thus, the MEP is encouraging use of the new Open

Information Law to mobilize public pressure on local officials to improve environmental conditions.

Courts around the world also are responding to environmental concerns in new ways. Environmental activism by the Supreme Court of India is well known, including its decision to require taxis in New Delhi to use compressed natural gas to reduce air pollution. Less well known is the environmental activism of the Supreme Court of Argentina. The Chief Justice of this Court – Ricardo Lorenzetti, whom I met through the IUCN Academy of Environmental Law – is an environmental scholar. He has written a wonderful book, now available in Spanish and Portuguese, called the *Theory of Environmental Law*. In this book Chief Justice Lorenzetti argues that environmental law should be viewed as transformative of other areas of law because it challenges the traditional paradigms on which these laws are constructed. He uses the beautiful metaphor of environmental law hosting a large party and inviting other areas of law – property, contracts, and civil procedure – to come wearing different attire than what they normally wear because he sees environmental law as being transformative. I have been working with Chief Justice Lorenzetti on his English translation of this book, which I am hoping will soon find an English language publisher, so that it can be made widely available here.

In a case involving the Riachuelo River that runs through Buenos Aries, the Supreme Court of Argentina issued some remarkable orders. The river is one of the most polluted rivers in South America, as you can see from these photos I took when I visited it last June. Three million people, most of them poor, live near the river and suffer the consequences of this pollution. In the *Mendoza* case the Court, using the Amparo constitutional action, upheld the claims of the plaintiffs living in the river basin against the federal government of Argentina, the province of Buenos Aries, and the city of Buenos Aries. The Court ruled that the constitutional right to the enjoyment of a healthy environment and the duty to restore it in the event of environmental damage, are not discretionary with the government, but are positive rights under the 1994 Constitution of Argentina. The Court ordered all the companies that discharge into this river basin to clean up their discharges and it directed the federal, provincial, and local governments to develop a cleanup plan.

As a result of the Court's action, these three levels of government have developed a comprehensive, 15-year plan for remediating contamination of the river. The Argentine Congress has created a new Riachuelo River basin authority to implement this plan. In an interview defending the Court's action, Chief Justice Lorenzeti said "*La funcion de la Corte es poner*

ruido," which means, "the function of the court is to make noise." When other institutions of government failed to respond to serious environmental problems that were causing significant harm, the Court acted. This is an important legal development in a country with a civil law tradition very different from our common law system. The Supreme Court of Argentina used a constitutional provision to force action by the other institutions of government to remediate environmental harm.

In addition to governmental actions, private initiatives also are playing an important role in the globalization of environmental law. The Equator Principles, a private initiative by banks around the world, establish environmental ground rules that these banks agree to follow before financing global development projects. The Principles require that environmental assessments be prepared to determine how environmental impacts can be minimized before the projects are funded. While this started as an initiative from some of the major banks in North America and Europe, it now has become global. Chinese environmental officials have endorsed it and the first major Chinese bank recently signed on to the principles. The Equator Principles represent a kind of private environmental law that could have a major impact on development projects wholly apart from whatever government regulations are applicable to them in a particular country.

What forces are driving the development of global environmental law? I want to focus on four in particular. First, is the growth of global trade and multinational corporate enterprises, which are increasing pressure for the harmonization of environmental standards. Second, is the tremendous global growth of public concern for the environment, which I have described in my casebook as perhaps the most stunning development in Environmental Law in the last quarter century. Third, is increased global collaboration between and among environmental non-governmental organizations (NGOs) and environmental officials. Fourth, is the development and implementation of multilateral environmental agreements such as the Kyoto Protocol to the U.N. Framework Convention on Climate Change, soon to be succeeded by an agreement to be reached in Copenhagen in December.

First, the growth of global trade and multinational enterprises. Companies who want to sell their products throughout the world have a natural incentive to push for greater harmonization of environmental standards. To simplify compliance, some companies are even deciding to adhere to the highest standards applicable to them in the various countries where they operate. Trade liberalization has not been the one-way street to relaxed environmental standards that some environmentalists once feared.

Some countries are upgrading their environmental laws to ensure that lax standards will not be used as an excuse to eschew trade with them. A year and a half ago when Congress debated whether or not to raise its fuel economy standards for automobiles, the fact that U.S. automakers already were selling cars in other countries and had to meet much higher fuel efficiency standards helped persuade Congress to raise U.S. standards. China has much higher fuel efficiency standards than the United States and the European Union's are much higher even than China's. As a result of legislation adopted by Congress in December 2007, the U.S. will adopt standards similar to those already in effect in China.

Another force contributing to the emergence of global environmental law is the globalization of environmental concerns. As our ability to trace the fate and transport of pollutants has improved, the world is becoming more aware of the global dimensions of some problems. For example, Asia produces more than half of all the world's mercury emissions and it is estimated that 30% of the mercury pollution found in the western United States originates in China. Much of this contamination comes from emissions from Chinese coal-fired power plants. While the U.S. is in the process of adopting its first controls on mercury emissions from coal-fired power plants, any emission reductions this effort produces are likely to be more than offset by increased mercury emissions from China as it increases its consumption of coal. Only global controls can control this problem, as I will discuss later.

In China pollution problems have become a basic issue of public health. I lived in downtown Beijing for six months in 2008, and the air pollution frequently was so bad that it was impossible to tell whether it was a cloudy day or not. Last year when the global media spotlight was on China during the run-up to the 2008, Summer Olympic Games, the Chinese government struggled mightily to fulfill its promise of a "Green Olympics." Many of the anti-pollution measures that it adopted involved moving or temporarily shutting down pollution sources or banning a portion of the vehicle fleet from driving on particular days. Public support for these measures was not only a product of a desire to host a "Green Olympics," but also because of public concern for the impact of pollution on public health.

When an explosion at a chemical factory in Jilin, China caused a massive benzene spill into the Songhua River in November 2005, the initial inclination of local authorities was to try to conceal the incident. But this quickly proved impossible given the size of the spill, particularly when public water supplies had to be shut down in the town of Harbin, which has

four million people. The spill became an international incident when the pollution flowed from the Songhua into the Amur River and crossed the border into Russia. Chinese authorities noted that while the Russian government had not been very concerned about pollution prior to the spill, when the pollution originated in China it spawned protests against the Chinese government. This incident helped spur the Chinese government to overhaul its environmental laws to require prompt reporting and response to chemical spills.

Two weeks ago when I was in Kiev to speak at the World Jurists Conference, I used my one free day to visit the site of the world's worst nuclear accident. On April 26, 1986, a fire at reactor #3 of the Chernobyl Nuclear Power Complex released massive amounts of radiation, killing 46 response workers who fought the fire. Three hundred meters from the damaged reactor there is now a monument to the response workers who were killed. The accident is estimated to have caused more than $200 billion in damage and more than a third of a million people had to be evacuated from a large area of Ukraine, Belarus, and Russia due to the continuing radioactive contamination. Today brief trips are permitting into the human exclusion zone. The town of Prypat, which once contained more than 50,000 residents, is now a ghost town that you can walk through following a guide with a Geiger counter. Radioactive hotspots remain in clumps of moss or even pieces of asphalt. An amusement park that was going to open on May Day, five days after the accident, lies abandoned next to the empty Palace of Culture, a reminder of a global disaster that helped spur greater environmental consciousness around the world.

Several years ago a sociologist from the University of Syracuse, Steve Brechen, did a study of global environmental attitudes. He surveyed people from twelve developing countries and twelve developed countries and asked them how concerned they were about seven problems: global warming, loss of rain forests, air and water pollution, ozone depletion, and others. He was surprised to discover that there were no significant differences between the two groups in overall levels of environmental concern. In fact he found that people from developing countries were more concerned about four of the seven problems than people from developed countries were. This is consistent with what I have observed whenever I leave the United States. I am continually impressed by the consistently high level of environmental concern among people around the world. Another indication of the increase in global environmental concern is the fact that virtually every country that has revised its constitution in the last few decades has written into the constitution some provision for protection

of the environment. Last fall Ecuador adopted the most far-reaching environmental provisions in its constitution, expressly creating rights for nature and the interests of future generations.

Another factor contributing to the development of global environmental law is increased global collaboration among and between NGOs and government officials. Several informal global networks have formed to help improve the implementation and enforcement of environmental law. Greenpeace was one of the first and best-known international NGOs devoted to environmental protection. They helped expose incidents where developed countries sought to surreptitiously dump toxic waste in the developing world. Due to the work of such global NGOs, we now live in a world where companies from the developed world no longer can engage in environmentally damaging practices in remote areas of the developing world without it generating adverse publicity.

In the past when developed countries would ban or restrict particular toxic substances, the companies manufacturing such products would redouble their efforts to sell it to the developing world. That happened with respect to both tobacco products and asbestos. But now most countries are banning asbestos with the blessing of the World Trade Organization and the World Health Organization has negotiated its first treaty ever, the Framework Convention on Tobacco Control, to educate all countries about the dangers of tobacco use. Even in countries where large portions of the population smoke, restrictions on tobacco use are inexorably growing.

Environmental NGOs based in the United States are now opening offices around the world. Both the Natural Resources Defense Council and the Environmental Defense Fund have offices in Beijing now, recognizing the importance of China to the future of the world's environment. Local environmental NGOs are also growing in influence in China. The Center for Legal Assistance to Pollution Victims in Beijing is run by Professor Wang Canfa, who was my colleague at the China University of Political Science and Law. He also operates an environmental law clinic at the university. Students man a hotline where citizens from all over China can call with complaints about environmental conditions.

An important example of informal global collaboration among government officials is the International Network of Environmental Compliance and Enforcement (INECE). This organization regularly sponsors conferences where environmental enforcement officials from all over the world get together to share information about strategies for improving enforcement of the environmental laws. As regulators increasingly coordinate their policies, multinational corporations no longer

can play off countries against each other, reducing any chance at a "race to the bottom."

Even legal academics now have their own global network, the IUCN Academy of Environmental Law founded in 2003, through the efforts of Pace Professor Nick Robinson. It held its first meeting in Shanghai in 2003, followed by subsequent annual gatherings in Nairobi, Sydney, here at Pace, in Rio, and most recently in Mexico City. Bringing together environmental law professors from all over the world, the Academy is fostering the development of global environmental law. Government environmental agencies from different countries also are cooperating with each other more frequently than ever. EPA has been collaborating with China's Ministry of Environmental Protection on a variety of projects, and it maintains a website to provide information about the state of environmental law in China (http://www.epa.gov/ogc/china/initiative_home .htm). Just yesterday, the U.S. and Canada together petitioned the International Maritime Organization to create pollution exclusion zones around major ports on the western coast of North America. This will require ships to reduce the air pollution they generate by more than 80%, another example of the development of global environmental law.

International treaties also are having a major impact on the development of global environmental law not only through their own provisions, but also because they have served as a catalyst for many countries to upgrade their domestic environmental laws. The most important environmental challenge facing the world today is the global climate crisis. Global warming is real. It is happening now and it is urgent that the nations of the world negotiate an effective new regime for controlling emissions of greenhouse gases (GHGs). The recent devastating bush fires in Australia and the extraordinary temperatures that plagued the Australian Open tennis tournament this year are just the beginning. Watching global weather maps one now routinely sees temperatures exceeding 40 degrees Centigrade (104 degrees Fahrenheit) in many parts of the world.

In December of this year the nations of the world will meet in Copenhagen to negotiate a successor to the Kyoto Protocol to control global GHG emissions after 2012. The big question is whether the developing world, particularly China which is now the number one emitter of GHGs, will join in a global regime to control their emissions. If China and India continue to refuse to control their emissions it will not matter much what the rest of the world does. Chinese emissions are climbing rapidly and they will more than offset any reductions achieved by the rest of the world,

leading to catastrophic climate change. Of course the Chinese have some good arguments from the standpoint of fairness. They were not the ones who initially caused most of the problem. Between the years 1750 and 2005, U.S. emissions of GHGs have been three and one-half times greater than China's. On a per capita basis U.S. emissions are still almost four times greater than China's because China has more than four times as many people as the United States. Thus, from the standpoint of fairness, the U.S. should have joined the other developed countries in taking the lead in reducing GHG emissions before the developing world was asked to do so, which was the game plan when the Kyoto Protocol was adopted.

Now it is critical that China also act to reduce its emissions of GHGs because they now represent the largest share (24%) of the world's emissions and they are growing rapidly. Two weeks ago China's top climate negotiator, Li Gao, argued that because a significant portion of China's emissions are caused by the production of goods exported to the U.S. and other developed countries, the importing countries, and not China, should be responsible for those emissions. Of course this argument caused quite a stir. The E.U.'s climate negotiator said that it would be "a logistical nightmare" to implement and that if importing countries are to be responsible for these emissions, they would want some means of controlling them.

When I was teaching in China while on sabbatical last year, I gave numerous guest lectures at universities around the country. Every time I spoke, even if I was lecturing on the U.S. Constitution or the judicial system, I would add a brief coda explaining why it is essential that China control its GHG emissions. During these lectures I heard the argument that some of China's emissions are the fault of the U.S. because they are caused by the production of goods for export. I cautioned those making that argument that they needed to think through its implications more carefully. Aside from the difficulties of implementing it, how can the U.S. be responsible for emissions it cannot directly control? The U.S. cannot pass a law requiring China to control these emissions. The only way we could reduce them is to stop buying the products whose production generates them or by imposing a carbon tariff on such products. This could spawn a new trade war that would be bad for both the Chinese and U.S. economies. Exempting exported goods from GHG emission controls would give them an unfair advantage in the marketplace and it would be directly contrary to an important principle of global environmental law – the "polluter pays" principle endorsed by the nations of the world in the Rio Declaration. The most efficient approach to pollution control is to control it at its source by

internalizing in its production costs the external costs it imposes on the environment.

However, there is one potentially positive aspect of the Chinese argument. Between 75 and 85% of Chinese GHG emissions are *not* caused by export production. If the flip side of the Chinese argument that export production should be exempted is, that if the *rest* of their emissions should be controlled this would represent substantial progress. In December, when the Copenhagen conference is held and a new regime for controlling greenhouse emissions is adopted, Chinese agreement to control a substantial portion of their GHG emissions would be a very positive development.

I will be traveling to China next month on behalf of the U.S. State Department to give a series of environmental lectures in six Chinese cities. In these lectures I will continue to emphasize the importance of China controlling its GHG emissions, but now I also can trumpet the Obama administration's aggressive efforts to develop a U.S. GHG control program. Because the U.S. and China now represent nearly half of all global emissions of GHGs, what our two countries decide to do will largely dictate the fate of the planet. We are the only two nations of the world in a position to substantially influence our own destiny and we must work together to prevent climate change from assuming catastrophic dimensions.

We do have a successful model to build on, the Montreal Protocol, where the nations of the world agreed to phase out chlorofluorocarbons (CFCs) and other substances that deplete the earth's protective ozone level. When that agreement was negotiated, opponents raised many of the same arguments that are being made today in the context of GHG controls – it would cost too much; it would harm developing countries. However, after the agreement was reached, substitutes for CFCs were developed far faster and at far less cost than anyone had thought possible and developing countries, assisted by a fund created by the Protocol, were able to phase out their CFC use without significant economic damage.

Of course, the problem of GHG emissions is far more difficult because their sources are more ubiquitous. But there is another cause for optimism, and that is what happened last month with respect to mercury. For years, the nations of the world had been debating whether or not to launch negotiations on a global treaty to control mercury emissions. Under the Bush administration, the U.S. opposed negotiating a mercury treaty and China and India joined the U.S. in opposition. But when the nations of the world met in Nairobi in February, the Obama administration reversed the U.S. position and supported negotiating a mercury treaty. What is really

remarkable is that when the U.S. position changed, so did China's and India's. China and India joined the United States in agreeing to negotiate a global treaty to control mercury emissions. With the U.S. also reversing its opposition to controls on GHG emissions, it is hoped that China and India also will change their positions at Copenhagen.

Opponents of new GHG emission controls are pointing to the current global financial crises as a reason not to take action. As the nations of the world experience the most significant declines in economic activity since the great depression, unemployment is rising and global trade is contracting significantly. The financial crisis is illustrating how globalization has tied the world economy more closely together than ever before. Every country in the world has been affected, some disastrously so, such as the small country of Iceland.

But the financial crisis should not be used as an excuse to avoid taking action to prevent a climate catastrophe. In fact, it should make it far easier to comply with whatever new emissions limits are agreed to in Copenhagen. The unfortunate decline in global economic activity is also reducing GHG emissions. While no one supports putting people out of work to protect the environment, very time we have had a mild recession in the U.S. in the past, levels of per capita emissions of carbon have gone down. The fact that it will be easier to meet whatever targets are agreed to in Copenhagen can be seen in the dramatic decline in the price of carbon allowances in the E.U. They are now selling for less than a third of the 30 Euros / ton that they were selling for last July before the economic downturn kicked in.

Former U.N. Secretary General Kofi Annan, tells us that crises can provide opportunities for reform. If you look at the history of U.S. environmental law, many of our statutes were adopted only after a perceived environmental crisis. The Cuyahoga River fire helped spur enactment of the Clean Air and Clean Water Acts. Love Canal produced the Superfund legislation. The *Exxon Valdez* oil spill spawned the Oil Pollution Act. The Obama Administration is responding to the financial crisis by promoting stimulus programs designed to produce "green growth." Environmental groups are joining labor unions in promoting a "green growth" strategy through the Blue Green Alliance, an alliance of four major labor unions and U.S. environmental groups. This alliance has endorsed national legislation to control GHG emissions, promoting the notion that we can have green growth that is sustainable and that provides good jobs. Tomorrow, when the G20 summit is held in London, there will be a lot on the agenda, but the response to the global financial crises will not be used as

an excuse for ignoring the climate crisis, but rather as a reason for refocusing stimulus efforts on green growth.

Finally, as global environmental law develops, I think we need to rethink the way we teach environmental law. We should start re-conceptualizing our field as the field of global environmental law. As the lines blur between domestic and international environmental law, we should start educating our students in the principal approaches to environmental regulation that are used throughout the world. To facilitate this, I am currently working on the first casebook on *Global Environmental Law*, what one formerly would have called comparative environmental law, with Professor Tseming Yang of Vermont. We are publishing an article describing the concept of "global environmental law" and the forces driving its development in the upcoming fall issue of *Ecology Law Quarterly*.

There is a lot more global collaboration occurring in environmental education. Two year ago we celebrated the twentieth anniversary of Maryland's Environmental Law Program by hosting a conference that brought together environmental clinicians from around the world. Pace has a wonderful global program as well including your faculty and student exchanges with Brazil. We took our Maryland students to China last year to meet with Chinese environmental students and NGOs and we will repeat that trip next year.

I think we also need to be educating our students in how to use new media to influence public opinion. Internet websites like YouTube are becoming a major force for shaping public opinion. During the last six years at Maryland I have been having my environmental law students make short documentary films about environmental issues. When I taught in China last year, I suggested to the Chinese students that they also should make environmental films. I was impressed with their creativity. They made films about topics including air and noise pollution in Beijing, the environmental implications of disposable chopsticks, and consumer reaction to Beijing's ban on free distribution of plastic grocery bags. When I returned to Beijing in December, I hosted the same kind of awards ceremony for the Chinese student films that we hold at Maryland where we award "golden trees" for the best films in several different categories. As the globalization of environmental law continues and more law students make environmental films, it would be wonderful to host a national (or international) law school environmental film festival.

Thank you for the opportunity to speak with you today.