Florida A & M University Law Review

Volume 9

Number 2 Empowering Environmental Justice Communities Locally and Globally--Fourth Annual Environmental Law and Justice Symposium Issue

Article 1

Spring 2014

Title Page, Editorial Board, Faculty, Table of Contents, and Introduction

Follow this and additional works at: http://commons.law.famu.edu/famulawreview

Recommended Citation

Title Page, Editorial Board, Faculty, Table of Contents, and Introduction, 9 Fla. A&M U. L. Rev. (2014). Available at: http://commons.law.famu.edu/famulawreview/vol9/iss2/1

This Front Matter is brought to you for free and open access by Scholarly Commons @ FAMU Law. It has been accepted for inclusion in Florida A & M University Law Review by an authorized administrator of Scholarly Commons @ FAMU Law. For more information, please contact linda.barrette@famu.edu.

Volume 9 Spring 2014 Number 2



Florida A&M University College of Law Originally Established—1949 (Tallahassee, Florida) Reopened—Fall 2002 (Orlando, Florida)

To contact the Florida A&M University Law Review, or to order subscriptions:

FAMU Law Review Attention: Editor-in-Chief Florida A&M University College of Law 201 Beggs Avenue, Room 138 Orlando, Florida 32801 (407) 254-3298

© 2014 Florida A&M University College of Law. All Rights Reserved.

The Florida A&M University Law Review (ISSN 1935-5173) is published annually by the Florida A&M University Law Review, Florida A&M University College of Law, 201 Beggs Avenue, Orlando, Florida 32801. The telephone number of the Florida A&M University Law Review is 407-254-3298. The Florida A&M University Law Review offices are located in Suite 138 in the Florida A&M University Law Library.

Subscriptions in the United States and Canada are \$15.00 per year, payable in advance; international subscription information is available upon request. Subscriptions are renewed automatically unless notice to the contrary is received. Address changes or other requests regarding subscription information should be directed to the Business Managing Editor, 407-254-3298.

Back issues may be obtained from Joe Christensen, Inc., 1540 Adams Street, Lincoln, Nebraska 68521. The telephone number is 1-800-228-5030. Prices are available upon request.

The Florida A&M University Law Review invites the submission of unsolicited manuscripts either through the mail or electronically. Directions for electronic submission can be found on ExpressO available at http://law.bepress.com/expresso/. Manuscripts should be sent to the attention of the Editor in Chief. The Florida A&M University Law Review requests that contributing authors disclose any economic interests and affiliations that may influence the views expressed in submissions.

The citations in the Florida A&M University Law Review conform to The Bluebook: A Uniform System of Citation (18th ed. 2003).

Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) author and journal are identified, (3) proper notice of copyright is affixed to each copy, and (4) the user obtains permission to make such copies from the *Florida A&M University Law Review* or the author.

The views expressed in the *Florida A&M University Law Review* are those of the authors and do not necessarily reflect the policies or opinions of the Florida A&M University Law Review, the Florida A&M University College of Law, or Florida A&M University.

Postage is paid at Orlando, Florida and additional mailing offices. POSTMASTER: Send address changes to Florida A&M University Law Review, Florida A&M University Law Review, 201 Beggs Avenue, Orlando, Florida 32801.

Volume 9 Spring 2014 Number 2

EDITORIAL BOARD

2013-2014

 $\begin{array}{c} {\rm Michael~L.~Harrison,~Jr.} \\ {\it Editor-in-Chief} \end{array}$

Cynthia Ramkellawan
Executive Editor

Neil Ambekar Articles Editor

Ian Depagnier
Notes & Comments Editor

Cynthia McGee
Business Managing Editor

STAFF EDITORS

Joshua Andone
Andrew Ballentine
Vanessa Calcano-Thomas
Cindy Campbell
Dillon Chansen
Joseph Coughlan
Nicole Dickerson
Te'Reisha Graves
Matthew Haldeman
Kelman Harell
Sara Jones
Alexandra Kalman

Gregory Karch
Stephen Krejci
Andrew Ladores
Brittany Leonard
Christi McCullars
Sebastian Mejia
Andre'a Minus
Pakiza Sajid
Robert Trott
Loren Vasquez
Aisha White
Jason Willis

FACULTY ADVISOR RANDALL S. ABATE

Volume 9 Spring 2014 Number 2

FLORIDA A&M UNIVERSITY-COLLEGE OF LAW

ADMINISTRATION

LEROY PERNELL, B.A., J.D., DEAN

Joan Bullock, B.A., M.B.A., J.D., Associate Dean for Teaching and Faculty Development & Professor of Law

REGINALD M. GREEN, B.A., J.D., ASSOCIATE DEAN FOR STUDENT SERVICES & ADMINISTRATION

DARRYLL K. JONES, B.A., J.D., LL.M., ASSOCIATE DEAN OF ACADEMIC AFFAIRS & PROFESSOR OF LAW

FACULTY OF LAW

RANDALL S. ABATE, B.A., M.S.E.L., J.D., DIRECTOR OF CENTER FOR INTERNATIONAL LAW AND JUSTICE & PROFESSOR OF LAW

ROBERT ABRAMS, B.A., J.D., PROFESSOR OF LAW

DELESO A. ALFORD, B.S., J.D., LL.M., ASSOCIATE PROFESSOR OF LAW

NICOLA BOOTHE-PERRY, B.S., J.D., ASSOCIATE PROFESSOR OF LAW

Patricia A. Broussard, B.S., J.D., Associate Professor of Law

Jeffery Brown, B.A., J.D., Associate Professor of Law

Rhoda Pierre Cato, B.A., J.D., Associate Professor of Law

Ann Marie B. Cavazos, B.S., J.D., Director of Clinical Programs & Associate Professor of Law

Markita Cooper, A.B., J.D., Professor of Law

John Duncan, B.A., M.A., M.S., M.B.P.A., J.D., Ph.D., Professor of Law

Jonathan Fineman, B.A., J.D., Associate Professor of Law

Joseph Grant, A.B., J.D., Associate Professor of Law

WILLIAM HENSLEE, B.A., M.F.A., J.D., DIRECTOR OF LEGAL METHODS & PROFESSOR OF LAW

ALICIA JACKSON, B.S., M.P.A., J.D., DIRECTOR OD ACADEMIC SUCCESS AND BAR PREPARATION

John Paul Jones, B.S., J.D., Professor of Law

LUNDY R. LANGSTON, B.S., J.D., LL.M., PROFESSOR OF LAW

JEREMY I. LEVITT, B.A., J.D., Ph.D., DISTINGUISHED PROFESSOR OF INTERNATIONAL LAW

NISÉ NEKHEBA, B.A., M.DIV., J.D., ASSISTANT PROFESSOR OF LAW

SHIV N. PERSAUD, B.A., J.D., ASSOCIATE PROFESSOR OF LAW

TSHAKA C. RANDALL, B.A., M. Ed., J.D., Assistant Professor of Law

RHONDA REAVES, B.A., J.D., PROFESSOR OF LAW

Maritza Reyes, B.A., J.D., LL.M., Associate Professor of Law

OMAR SALEEM, B.A., J.D., LL.M., PROFESSOR OF LAW

JENNIFER M. SMITH, B.S., J.D., ASSOCIATE PROFESSOR OF LAW

PHYLLIS C. SMITH, B.C.J., J.D., LL.M., ASSOCIATE PROFESSOR OF LAW

Ka'Juel Washington, B.S., J.D., Clinic Staff Attorney

VISITING FACULTY

EUNICE CAUSSADE-GARCIA, B.A., J.D., LAW CLINIC INSTRUCTOR J. RICHARD HURT, B.A., M.A., J.D., LL.M., PROFESSOR OF LAW

LEGAL METHODS INSTRUCTORS

Kristy D'Angelo-Corker, B.A., J.D. Caroleen Dineen, B.A., M.B.A., J.D. Robert Minarcin, B.A., J.D. Rebecca Olavarria, B.A., M.B.A., J.D.

LORI ROSS, B.A., M.A., J.D.

Tonya Walker, B.A., J.D.

BOARD OF TRUSTEES ADDENDUM

Mr. William Jennings, B.S., Chair

Mr. Daryl Parks, Esq., B.A., J.D., Vice-Chair

MR. TOREY L. ALSTON, B.A., M.B.A.

Dr. Solomon L. Badger, B.A., M.A., Ed.D.

MR. RICHARD DENT, B.A., M.B.A.

Dr. Maurice Holder, B.S., M.S., Ph.D.

Mr. Gallop Franklin, II, FAMU STUDENT GOVERNMENT ASSOCIATION PRESIDENT

REV. DR. R.B. HOLMES, JR., B.A., M.A., D.MIN.

Dr. Charles Langston, B.A., M.B.A., D.B.A.

DR. Spurgeon McWilliams, B.S., M.D.

Ms. Angela Rouson, B.A., M.B.A.

Ms. Marjorie Turnbull, A.A., B.A., M.A.

MR. KARL E. WHITE, B.S., M.B.A.

Volume 9 Spring 2014 Number 2

Empowering Environmental Justice Communities Locally and Globally

TABLE OF CONTENTS

INTRODUCTION	
The Fourth Annual Environmental Law and Justice Symposium Issue	ix
KEYNOTE ADDRESS	
The Planet on the Docket: Atmospheric Trust Litigation to Protect Earth's Climate System and Habitability	259
ARTICLES	
Remedies for Foreign Citizens Subjected to Outsourced Pollution: A Case Study of American Big Oil in the Ecuadorian Amazon	277
Comeback of Community-based Forest Management: The Need to Revamp Strategies to Promote Decentralized Environmental Governance in India and BrazilNaysa Ahuja	309
Public Engagement "Reach in, Reach out": Pursuing Environmental Justice by Empowering Communities to Meaningfully Participate in the Decision-Making Processes of Brownfields Redevelopment and Superfund Cleanups	347
Move, or Wait for the Flood and Die:	
PROTECTION OF ENVIRONMENTALLY DISPLACED POPULATIONS THROUGH A NEW RELOCATION LAWJessica Scott	369

Protection and Environmental Governance in Georgia	93
Responding to Environmental Injustice: The Civil Rights Act and American Federal Institutional and Systemic Barriers to Private Redress of Disparate Environmental Harm	-17
PRESIDENT OBAMA AND THE NEW POLITICS OF INCLUSION IN THE CLIMATE CHANGE DEBATE Leslie G. Fields and Royce G. Brooks	41
NOTES	
¡PELIGRO! SI USTED NO ENTIENDE LA ETIQUETA, BUSQUE A ALGUIEN PARA QUE SE LA EXPLIQUE A USTED EN DETALLE: THE NEED FOR INTERNATIONAL AND DOMESTIC IMPLEMENTATION OF BILINGUAL	0.5
PESTICIDE LABELING TO ENHANCE PROTECTION OF MIGRANT FARMWORKERS IN FLORIDA Vanessa Calcaño Thomas 40	67

The Fourth Annual Environmental Law and Justice Symposium Issue

Introduction

The Fourth Annual Environmental Law and Justice Symposium, "Empowering Environmental Justice Communities Locally and Globally," was held on November 7-8, 2013 at Florida A&M College of Law. Hosted jointly by Florida A&M's College of Law and School of the Environment, the event convened more than two dozen speakers and moderators in a two-day format that considered local, state, national, and international dimensions of the challenges that environmental justice communities face and explored proposed strategies for addressing those challenges.

The event featured keynote lectures from distinguished speakers from government and academia. Several panels also addressed a wide range of topics including international finance, human rights, and the environment; substantive and procedural legal protections for indigenous peoples; the use of Title VI as a potential environmental justice remedy; and combating the encroachment of toxicity in environmental justice communities. The symposium program is available here: http://www.law.famu.edu/download/file/FAMU_Program.pdf

The symposium also featured several unique and memorable dimensions including a roundtable of published and recognized Florida A&M College of Law student scholars on environmental justice topics, the Second Annual "Sustainable U" poster competition, and an encore performance from 2011 of the internationally acclaimed poetry slam duo, "Climbing Poetree," who delivered a riveting and inspiring multimedia performance addressing compelling messages of social and environmental justice. A poignant addition to the symposium was the annual display of the Lake Apopka Farmworker Memorial Quilts, prepared as a tribute to the lives of deceased farmworkers who worked the muck farms on Lake Apopka in Central Florida.

The symposium would not have been possible without the generous support of its sponsors: Florida A&M School of the Environment, Florida A&M College of Law, the Center for International Law and Justice, the Environmental and Land Use Law Section of the Florida Bar, and several university and College of Law student organizations including the Environmental Law Society, FAMU Green Coalition, Environmental Sciences Student Organization, Black Law Students

Association, Hispanic American Law Students Association, Asian Pacific Islander Law Students Association, American Association for Justice, Federalist Society, and the Florida A&M University Law Review.

The articles in this symposium issue of the Florida A&M University Law Review build on what was already a major environmental justice event. Leading environmental law scholars from two of the top environmental law programs in the nation contributed to this issue. Professor Mary Wood, an internationally recognized scholar on environmental and natural resources law at the University of Oregon School of Law, published the keynote address that she delivered at the symposium. Her speech examines the legal foundations of a new litigation theory that she developed known as "atmospheric trust litigation," which offers a new ray of hope for climate justice litigation in the U.S. and abroad. Professor Jessica Scott of Vermont Law School addresses another dimension of climate justice in her article regarding how the law should address the plight of environmentally displaced persons in the wake of climate change impacts. Several U.S.-based attorneys and a political science professor from the University of Central Florida contributed articles in this issue on cutting-edge topics on environmental justice at the local, state, and national levels. In addition, a lawyer from India and a scholar from Germany also contributed valuable articles to this issue. Two excellent student-written articles that address local and international environmental justice issues complete this comprehensive environmental law and justice symposium issue. We hope that you find these articles to be informative and inspiring catalysts for change in addressing the needs of environmental justice communities throughout the nation and the world.

Randall S. Abate Professor of Law Director, Center for International Law and Justice Project Director, Environment, Development & Justice Project Florida A&M University College of Law

Richard D. Schulterbrandt Gragg, III, Ph.D. Associate Professor of Environmental Science and Policy Florida A&M University School of the Environment