



Publications

"ENVIRONMENTAL GROUPS SEEK TO EXPAND PUBLIC TRUST," ABA MASS TORTS NEWS & DEVELOPMENTS

Andrew J. Scholz, special counsel in Goldberg Segalla's Toxic Torts Practice Group and Co-Chair of the American Bar Association's Toxic Tort Subcommittee, reported on recent efforts by environmental groups to expand the application of the "public trust" doctrine to include the atmosphere.

"This is an apparent attempt to bypass existing various federal and state protection laws and regulations that the environmental groups deem inadequate, and utilize the court system to directly impose upon governments a common law obligation to tackle greenhouse gas emissions," Andrew writes in the ABA Mass Torts *News & Developments*. "Despite significant obstacles — including a lack of supporting precedent and adverse preemption decisions under the federal Clean Air Act — some recent decisions breathe temporary life into the argument."

Andrew J. Scholz, "Environmental Groups Seek to Expand Public Trust," ABA Mass Torts *News & Developments*, August 14, 2012

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