However, environmentalists actually have had an advantage in lawsuits. Environmental groups have been permitted to file lawsuits alleging underenforcement of the Endangered Species Act; in contrast, property owners could not file suit against overzealous regulation. Environmental groups had standing whereas property owners did not. Imagine a scenario in which an individual's property use is restricted because of an endangered species living on the property. Who seems most directly injured—the property owner or the environmental group? The property owner, of course. Yet, the property owner has been unable to bring a suit against the overzealous regulation.

Luckily, the Supreme Court has rectified this unfair situation. A recent ruling gives legal standing to people with an economic stake in land and water restrictions that allegedly protect endangered species. It is about time we give legal protection to those who are truly harmed.

After all, courts have now offered legal standing to animals protected by the Endangered Species Act. For example, turtles have been successful plaintiffs in cases. Furthermore, some environmentalists claim that legal rights should be extended to forests, oceans, and rivers. We should not even consider extending rights to inanimate objects until all people have rights. Why should a river have more rights than a property owner? A person's rights must come before the perceived concern of a river or a lake.

I argue that the Supreme Court made the right decision by allowing property owners to bring cases against overregulation. Most environmental laws are like the Endangered Species Act in the sense that they allow citizens to bring suits. The Supreme Court ruling should allow property owners to bring suits under these other environmental laws. Environmental protection has gone too far when a turtle has more rights than a person. Let us not lower the protections for people while raising the protections for animals and inanimate objects.

For Further Reading

Foster, Scott. 2011. "Breaking the Transsubstantive Pleading Mold: Public Interest Environmental Litigation after *Ashcroft v. Iqbal*." *William and Mary Environmental Law and Policy Review* 35: 885.

Foster's article discusses the litigation dilemma facing a number of environmental plaintiffs: the fact that the current "plausibility pleading standard" causes complications when attempting to protect the health and safety of the community and the environment. After cases such as *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*, there has been a substantial shift in pleadings jurisprudence. Foster's article focuses on the relationship between pleading standards and substantive law. The author insists that the federal legal system's increase of the pleading burden on environmental plaintiffs via plausibility endangers environmental public interest litigation. Most importantly, Foster asserts that because plausibility standards inhibit citizen suits from the federal courthouse, the "goals of environmental regulation" are less likely to be fulfilled. The author's article criticizes the current *Twombly* standard, proclaiming that the *Twombly* standard foils the purpose of public interest environmental litigation.

Kanner, Alan, and Tibor Nagy. 2005. "Measuring Loss of Use Damages in Natural Resource Damage Actions." *Columbia Journal of Environmental Law* 30: 417.

The author discusses natural resource damage (NRD) actions, which are being used by a number of states to determine the amount of damages that should be paid by polluters to compensate the public for its losses from contamination by hazardous substances. State trustees have begun to demand compensation for damages imposed on the public that are mainly "non-economic in nature," such as the public's loss of use of a stream during the period of contamination. Because these "nonmarket damages" are challenging to measure, many polluters and conservative academics assert the difficulty of compensating the public for any nonmarket damages as a justification for not providing compensation for these losses. This article counters this assertion, claiming that "the law of all fifty states has well-established means of measuring nonmarket damages, such as the extremely common need to measure damages for pain and suffering." Further, this article establishes a taxonomy of damages in natural resource damage cases, and explores the approach of American tort law that deals with the challenge of measuring nonmarket damages.

Percival, Robert V. 2010. "Liability for Environmental Harm and Emerging Global Environmental Law." *Maryland Journal of International Law* 25: 37.

This article highlights the recent phenomena of "global environmental law." The author notes that recent development of new legal and nonlegal strategies to protect the environment are "blurring the lines" that usually distinguish between domestic and international law and public and private law. Additionally, despite the fact that different nations may have severely different legal and cultural traditions that create the foundation for environmental law, legal systems across the globe are integrating these variations of environmental law. In light of the onset of global environmental law, the author commends that the "bottom up" and private initiative has become an important aid to "top down" efforts to develop "international liability norms." Further, the author insists that as individual countries increase the strength of their own environmental liability standards, transnational litigation will aid in providing global liability norms for environmental harm, further advancing the development of global environmental law.

Stone, Christopher. 1974. *Should Trees Have Standing? Toward Legal Rights for Natural Objects*. Los Altos, CA: William Kaufmann.

In this text, Stone proposes that the legal system should give rights to entities of nature, such as forests, oceans, rivers, "and other so-called natural objects in the environment." The author briefly summarizes our nation's tendency throughout history to first laugh at the notion of assigning legal rights to certain entities, such as during the historical rights eras of children, slaves, and women. Along the same vein, the author asserts that while the idea of assigning legal rights to the environment might, at first glance, seem laughable, our legal system has already begun to assign these rights to environmental entities. Last, the author notes that the argument for "rights for the environment" does not mean that the environment should have every legal right in the book; instead, the author proposes that the rights of environmental entities would involve "legal operational aspects" and "psychic and socio-psychic aspects."

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Home page of the U.S. Institute for Environmental Conflict Resolution