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Table of Contents

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MISSOURI ENVIRONMENTAL LAW AND POLICY REVIEW

VOLUME 14 SPRING 2006 NUMBER 2

The Importance of the Geographic Origin of Agricultural Products: A Comparison of Japanese and American Approaches	<i>Daisuke Kojo</i>	275
Protection of the Environment During Armed Conflict	<i>Roman Reyhani</i>	323

NOTES

Regulatory Takings: The Supreme Court Eliminates The Substantially Advances Test from Takings Jurisprudence	<i>Darryl Chatman</i>	339
Not Playing Games: Eighth Circuit's Response to CERCLA Contribution in Light of <i>Aviall</i>	<i>Robert Cornejo</i>	351
The Supreme Court Wades Through the Clean Water Act to Determine What Constitutes the "Waters of the United States"	<i>Lakshmi Lakshmanan</i>	371
The Reality of NEPA: Can the Act Realize Its Potential	<i>Jennifer Wieman</i>	393
Environmental Updates		421

EDITOR'S PERSPECTIVE

Greetings again from the University of Missouri School of Law.

Daisuke Kojo is the Section Chief of the Fisheries Law Section of the Policy Planning Division of the Fisheries Agency in the Ministry of Agriculture, Forestry, and Fisheries for the government of Japan. His article compares Japan's and the United States' methods of labeling food based on the geographic origin of products. He suggests that because the Japanese system provides more information to the consumer and affords regional producers greater opportunities to promote food products, the United States should adopt place of origin labeling and regional collective trademarks to protect consumers' interests and producers' good will.

Roman Reyhani's article discusses the importance of protecting the environment during armed conflict. He identifies the sources of environmental protection offered by treaties and conventions and outlines the degree of protection that is afforded by those agreements. He argues that a balance must be struck between the reality of military necessity and the need to protect humans and other species from environmental harm. While national and international agreements serve as a basis for establishing restrictions on armed conflict, individual states must actively pursue compliance with environmental protection treaties.

The case notes in this issue address two United States Supreme Court cases, one 8th Circuit decision, and one district court decision from the Eastern District of Missouri.

The first note discusses the decision in *Lingle v. Chevron U.S.A., Inc.* where the Supreme Court invalidated the "substantially advances" test as a method of identifying compensable regulatory takings. Darryl Chatman argues that the decision clarified a lingering source of confusion in the courts by providing guidance and predictability to regulatory takings claims. The decision provides the appropriate tests property owners and government officials may use when regulations are challenged as compensable takings.

In *Atlantic Research Corp. v. United States*, the Eighth Circuit held that when a private party voluntarily cleans up a site for which it may be held liable, it may pursue recovery and contribution actions under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act against another liable party. The Eighth Circuit reversed precedent in response to the Supreme Court's decision in *Cooper Industries, Inc. v. Aviall Services*. Robert Cornejo's note argues that the Eighth Circuit choose the best post-*Aviall* alternative available to achieve the goal of effective and efficient environmental cleanups.

Lakshmi Lakshmanan's note analyzes and discusses the well known *Rapanos v. United States* decision that held the definition of "navigable waters" includes "only relatively permanent, standing or flowing bodies of water, not intermittent or ephemeral flows of water, and only those wetlands with a continuous surface connection to bodies that are waters of the United States in their own right are adjacent to such waters and covered by the Clean Water Act." She argues the Court achieved the objectives of the Clean Water Act in its decision by limiting the economic costs of receiving a permit, thereby enabling efficient development and utilization of land.

Finally, Jennifer Wieman argues that *Great Rivers Habitat Alliance v. U.S. Army Corps of Engineers* highlights the ineffectiveness of NEPA's procedural protections as applied to projects that impact the environment. She argues that the policies and goals of NEPA go relatively unconsidered and that current legislation deliberately undermines the values of NEPA, which severely limits the impact of NEPA in achieving the purposes for which it was enacted.

As always, law updates are provided for recent significant environmental law cases.

Very Best,

Travis A. Elliott
Editor-In-Chief

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