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Editor's Perspective

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EDITOR'S PERSPECTIVE

This year has ushered in a lot of new changes for the Journal of Environmental and Sustainability Law ("JESL"). After a dozen years of partnering with the Missouri Bar Association to print and distribute JESL, we are now parting ways. We are so grateful for the Bar's support during all these years, but we are also excited to see what the future will bring as we venture out on our own.

We are also now moving to an online only platform. The world is changing around us, and we realized that having boxes of unread JESL print issues in our basement is not the most efficient (or environmentally friendly) way to operate. After careful research and debate, our editorial board discovered most of our articles and case notes are found through online searches on Google, Westlaw and Lexis. As such, there is very little use or need for print publications. However, as a courtesy to our authors, we will offer to print complimentary individual copies for each author of his or her note. Bottom line: we will continue to publish quality content on issues of environmental and sustainability law, but to save a few trees, all of our content will be exclusively available online!

Joshua Duke and Benjamin Attia authored the cornerstone article of the current issue. Duke is a professor of applied economics and statistics and of legal studies at the University of Delaware. Attia is currently a master's candidate in energy and environmental policy at the University of Delaware. Their article compares and contrasts various legal and economic approaches to figure out the most efficient way to resolve solar rights conflicts. To illustrate the efficiency of shifting the burden of enforcement to private disputants at the local level, their article discusses a case out of California, *Tesoro del Valle Master Homebuilders Association v. Griffin*.

It gives me the utmost honor to start the student note section with my case note on *Sierra Club v. U.S. E.P.A.*. This case sets a precedent for the Environmental Protection Agency's grandfathering authority under the Clean Air Act. My argument is that the EPA should have broad discretion to balance pro-business and pro-environment considerations in determining whether to grandfather in certain provisions of the CAA.

Stephen Cady wrote a case note on *CTS Corp. v. Waldburger*, where the United States Supreme Court held that a statute giving the federal government power to preempt state law statutes of limitation in certain tort and property actions, does not preempt statutes of repose. Cady discusses the legal implications of this decision from a federalist perspective.

Kayla Meine authored a case note on *City of Harrisonville v. McCall Serv. Stations*, which held that a Missouri constitutional provision prohibiting retroactivity of laws does not apply to limiting punitive damages. Meine thus examines the modern trend among states that have implemented similar statutes limiting punitive damages and analyzes how the Western District Court of Appeals's decision differs from this trend.

Next, Brett Smith discusses *Sierra Club v. United States Army Corps of Engineers* in a case that attempts to expand the government's responsibilities for evaluating the impact of oil pipelines. In his note, Smith argues that lax standards for examining oil pipelines for possible environmental impact are not up to par with current environmental legislation.

Reese v. Malone is a case out of the Ninth Circuit Court of Appeals that revived a class action securities fraud suit against BP. In his case note, Adam Wilson discusses the potential civil liability for BP as a result of the company's misleading statements on its involvement in major oil spills.

Finally, this issue concludes with a case note written by Kristina Youmaran on *NRDC v. FDA*. Youmaran's note challenges the legality of feeding animals with antibiotics before they are sold in stores to consumers. With a focus on enforcing the Food and Drug Administration's power to initiate withdrawal proceedings that review subtherapeutic drugs, this note questions not only what our food contains, but also challenges the FDA to keep its standards high when it comes to the administration of antibiotics into animal feed.

Thank you for reading this issue of JESL, as your continued support of our publication is greatly appreciated. Our staff put in a lot of hours and effort into researching, writing, and editing each submission, so we sincerely hope you enjoy reading these articles!

YELENA BOSOVIK
EDITOR-IN-CHIEF, 2015-2016