

Penn State Environmental Law Review

Volume 12 | Number 1

Article 1

1-1-2004

Front Matter

Follow this and additional works at: <https://elibrary.law.psu.edu/pselr>

Recommended Citation

Front Matter, 12 *Penn St. Envtl. L. Rev.* (2004).

This Front Matter is brought to you for free and open access by the Law Reviews and Journals at Penn State Law eLibrary. It has been accepted for inclusion in Penn State Environmental Law Review by an authorized editor of Penn State Law eLibrary. For more information, please contact ram6023@psu.edu.

**THE 2ND ANNUAL GODDARD FORUM SYMPOSIUM:
GLOBAL WARMING: CAUSES, EFFECTS AND
MITIGATION STRATEGIES FOR
STATES AND LOCALITIES**

TABLE OF CONTENTS

INTRODUCTION

Local Solutions for Global Problems: The Debate Over the Causes and Effects of Climate Change and Emerging Mitigation Strategies for States, Localities and Private Parties .. <i>Robert B. McKinstry, Jr., Esq.</i>	1
Laboratories for Local Solutions for Global Problems: State, Local and Private Leadership in Developing Strategies to Mitigate the Causes and Effects of Climate Change	<i>Robert B. McKinstry, Jr., Esq.</i> 15
Impacts of Global Warming: The Mid-Atlantic Regional Assessment (MARA) Process and Findings	<i>Ann Fisher</i> 83
What are the Impacts of Global Warming on U.S. Forests, Regions, and the U.S. Timber Industry?	<i>Roger A. Sedjo</i> 95 <i>and Brent Sohngen</i>
Climate Change and Pennsylvania Agriculture	<i>David Abler,</i> 117 <i>James Shortle,</i> <i>and Ann Fisher</i>
Informed Scenarios of Climate Change in The Mid-Atlantic Region	<i>Brent Yarnal</i> 127
The International Legal Framework for Addressing Climate Change	<i>John H. Knox</i> 135
The Importance of Expressly Examining Global Warming Policy Issues Through an Ethical Prism	<i>Donald A. Brown</i> 147

Greenhouse Gas Mitigation Action Planning: An Overview	<i>Adam Rose</i>	153
Primary Sources of Greenhouse Gases: A Cross-Scale Comparison.....	<i>Brent Yarnal and Rob Neff</i>	173
Toward A Climate Change Strategy For Pennsylvania	<i>John C. Dernbach</i>	181
The City of Philadelphia – The Government and Community Work Together to Reduce Greenhouse Gas Emissions	<i>Judith Samans-Dunn</i>	207

ARTICLES

From Rome to Nice: A Historical Profile of the Evolution of European Environmental Law	<i>Noah Vardi and Vincenzo Zeno-Zencovich</i>	219
---	---	-----

COMMENTS

The National Energy Policy, Renewable Energy, and the Johannesburg Convention: Has the United States Been All Talk and No Action?	<i>Jodi Britton</i>	241
Pennsylvania Anti-SLAPP Legislation	<i>Sheri Coover</i>	263
Defending Against the Fourth Horse: The Endangered Species Act and the Threat of Communicable Disease	<i>Jonathan Coy</i>	285



Abbreviate as PENN ST. ENVTL. L. REV.

The Penn State Environmental Law Review is published twice a year by the students of the Dickinson School of Law of the Pennsylvania State University. The Journal seeks to publish materials discussing all aspects of environmental issues. In an effort to broaden the scope of the Journal, we are also interested in publishing articles discussing issues outside the traditional realm of environmental law, such as risk assessment, toxicology and epidemiology. Please note that views expressed in the Journal are the views of the authors and do not necessarily reflect the policies or opinions of the Journal, its editorial board and staff members, or the Dickinson School of Law of the Pennsylvania State University.

The editors of the Penn State Environmental Law Review encourage submission of unsolicited articles for future publication in the Journal. Interested authors should submit their manuscripts to the Articles Editor, Penn State Environmental Law Review, 150 South College Street, Carlisle, PA 17013. Unfortunately, the Journal cannot return submitted manuscripts unless a self-addressed, stamped envelope is also enclosed. Submissions should be typed and double-spaced. If submitting a work on diskette, please use the latest versions of WordPerfect or Microsoft Word.

Citations substantially conform with *A Uniform System of Citation* (17th ed. 2000), copyright by the *Columbia Law Review*, *Harvard Law Review*, *University of Pennsylvania Law Review* and the *Yale Law Journal*.

The Penn State Environmental Law Review is printed on recycled paper by Joe Christensen, Inc., 1540 Adams Street, Lincoln, NE 68521, (800) 228-5030.

LOCATION

The Penn State Environmental Law Review is located at 150 South College Street, Carlisle, PA 17013, phone (717) 240-5006 and fax (717) 241-3511.

SUBSCRIPTIONS

Rates are \$25.00 per year domestic; \$30.00 per year foreign surface mail; and \$40.00 per year foreign air mail. Issues are mailed at book rate. Patron rate, entitling the patron to a listing in the Journal, is \$50.00 per year. Back issues are available upon request at \$10.00 per issue. Address all subscription and business inquiries to the Penn State Environmental Law Review, at the address above. Unless notice to the contrary is received by the Journal, it is assumed that a renewal of subscription is desired.

NON-DISCRIMINATION POLICY STATEMENT

This publication is available in alternative media on request.

The Pennsylvania State University is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state or federal authorities. It is the policy of the University to maintain an academic and work environment free of discrimination, including harassment. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, or veteran status. Discrimination or harassment against faculty, staff, or students will not be tolerated at The Pennsylvania State University. Direct all inquiries regarding the nondiscrimination policy to Doris Orner, Human Resources Officer, The Dickinson School of Law, 150 South College Street, Carlisle, PA 17013-2899; tel (717) 240-5284. U.Ed. DSL 03-

COPYRIGHT © 2004 BY THE DICKINSON SCHOOL OF LAW OF
THE PENNSYLVANIA STATE UNIVERSITY, CARLISLE, PA 17013.

ALL RIGHTS RESERVED

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

VOLUME 12, NUMBER 1, WINTER 2004



2003-2004 EDITORIAL BOARD

Editor-in-Chief

HOLLY SHOUP-BRUCH

Managing Editor

JOSH PATRICK PARECKI

Business Editor

LEAH WELDON

Articles Editors

JONATHAN COY
KATHLEEN RYDER

Comment Editors

JODI BRITTON
RAY GHANER

Solicitation Editor

PENELOPE CAMPOLI

Notes Editor

NATHALIE ARMAS

Senior Editors

SHERI COOVER
COLLEEN KARPINSKI

CATHY CYKOWSKI
AIMEE KRATOVIL

JESSICA FINCH
JOHN E. SWIFT IV

Associate Editors

BRENDAN S. BACON
CHRISTOPHER B. CONNARD
ELIZABETH A. JOHNSON
ANN C. O'DONNELL
JENNIFER M. SMITROVICH

RYAN R. BLAKE
ZACHARY R. GATES
PARASKEVI KIKRILIS
RAKHI J. PATEL
MARK R. VLAUN

ANDREW R. CHRIST
TIMOTHY A. HAYDEN
ROBERT E. MCDIVITT
EVAN B. RUDNICKI
MATTHEW J. WALKER

Faculty Advisor

LESLIE M. MACRAE

Publication Manager

KAREN ROBEY

Publication Assistant

SHERRY MILLER

PENNSTATE



The Dickinson
School of Law

THE DICKINSON SCHOOL OF LAW

BOARD OF GOVERNORS

Hon. Helen S. Balick

Retired
Wilmington, DE

Zygmunt R. Bialkowski, Jr., Esq.

Partner, Morgolis Edelstein
Scranton, PA

Ward A. Bower, Esq.

President, Altman Weil Inc.
Newtown Square, PA

William R. Caroselli, Esq.

Senior Partner, Caroselli, Beachler, McTierran
& Conboy
Pittsburgh, PA

Hon. J. Michael Eakin

Supreme Court of Pennsylvania
Harrisburg, PA

Anthony C. Falvello, Esq.

Partner, The Falvello Law Firm
Sugarloaf, PA

Nicholas J. Fiore, Esq.

Jersey City, NJ

Kathleen P. Galop, Esq.

Preservation Possibilities
Madison, NJ

Hubert X. Gilroy, Esq.

Partner, Broujos & Gilroy, P.C.
Carlisle, PA

M. Fletcher Gornall, Esq.

Retired
Erie, PA

Joseph M. Harenza, Esq.

Partner, Stevens & Lee, P.C.
Reading, PA

Shaun D. Henry, Esq.

Associate, McNeese Wallace & Nurick
Harrisburg, PA

Hon. Jan R. Jurden

Delaware Superior Court Judge
Wilmington, DE

Lewis Katz, Esq.

Katz Ettin Levine Kurzweil & Weber P.C.
Cherry Hill, NJ

Edwin L. Klett, Esq.

Senior Partner, Klett, Lieber, Rooney &
Schorling
Pittsburgh, PA

Dr. Sidney D. Kline, Jr.

President, Stevens & Lee, P.C.
Reading, PA

Melissa L. Klipp, Esq.

Partner, Drinker, Biddle & Shanley, LLP
Florham Park, NJ

Joan Dawley Maher, Esq.

Consultant
Carlisle, PA

James G. McLean, Esq.

Marion, McDonough & Lucas, P.C.
Pittsburgh, PA

Hon. G. Thomas Miller

Partner, Miller & Miller
Harrisburg, PA

Leslie Anne Miller, Esq.

Office of General Counsel
Harrisburg, PA

H. Laddie Montague, Jr., Esq.

Partner, Berger & Montague
Philadelphia, PA

Joseph Nadel, Esq.

Of Counsel, Berger, Nadel & Vannelli, P.C.
San Francisco, CA

Christylee Peck, Esq.

Rhoads & Sinon, LLP
Philadelphia, PA

Arthur L. Piccone, Esq.

Senior Partner, Hourigan, Kluger & Quinn,
P.C.
Wilkes-Barre, PA

Hon. Sylvia H. Rambo

United States District Judge
Harrisburg, PA

Lisa Watson Repko, Esq.

Thomas Jefferson University
Philadelphia, PA

Hon. Thomas J. Ridge

Director, Homeland Security
Washington, DC

Dale F. Shughart, Jr., Esq.

Dale F. Shughart Law Office
Carlisle, PA

Donald C. Smaltz, Esq.

Greenberg, Fields & Whitcomb, LLP
Torrence, CA

J. Rodman Steele, Jr., Esq.

Partner, Ackerman & Senterfitt
West Palm Beach, FL

Tracy L. Steele, Esq.

Morgan, Lewis & Bockius LLP
Philadelphia, PA

PENN STATE ENVIRONMENTAL LAW REVIEW

Donald C. Taylor, Esq.
Chairman of the Board, Cooch & Taylor, P.A.
Wilmington, DE

Nathan H. Waters, Jr., Esq.
Solicitor/Chief Legal Officer, Harrisburg
School District
Harrisburg, PA

Sandor Yelen, Esq.
Yelen Law Office
Wilkes-Barre, PA

Hon. LeRoy S. Zimmerman
Special Counsel, Eckert Seamans Cherin &
Mellott, LLC
Harrisburg, PA

TRUSTEES EMERITI

Mary L. Buckman, Esq.
Louise F. Deller
Dr. Robert M. Frey
Hon. John B. Hannum
Tom P. Monteverde, Esq.

Dr. Edward N. Polisher
Robert C. Royce, Esq.
Hon. Ila Jeanne Sensenich
William U. Smith, Esq.

ADMINISTRATION

Donald C. Taylor, A.B., J.D.
Chair, Board of Governors
Philip J. McConaughay, B.A., J.D.
Dean
Robert S. Arp, B.S., J.D.
Director, Development & External Affairs
Janice Austin, B.S.
Assistant Dean for Admissions and Financial
Aid
Susan Bogart, B.A., M.A.
Director, Financial Aid
Gicine Brignola, B.S., J.D.
Assistant Dean, Career Services
Harvey A. Feldman, B.A., J.D., LL.M.
Associate Dean, Academic Affairs

Randy Fulton, B.A.
Director of Business Services
Kelly Jones, B.A.
Assistant Director, Communications
Joan E. Kamowski
Bursar
Nancy J. LaMont, B.A., J.D.
Assistant Dean for Administration
Michael Mogill, B.A., J.D.
Associate Dean of Student Affairs
Doris L. Orner, B.S., C.P.A.
Controller, Financial Officer, Human Resources
Representative
Alice M. Peet
Registrar

LIBRARY

James R. Fox, B.A., M.S., J.D.
Director of Library
Cecily A.H. Giardina, B.A., M.L.S., J.D.
Associate Law Librarian
Debra Jones, B.A., M.S.
Associate Law Librarian
Richard Paone, M.S.L.S., J.D.
Assistant Law Librarian

Gail Partin, B.S., M.L.S., J.D.
Associate Law Librarian
Mark Podvia, B.A., J.D., M.S.L.S.
Associate Law Librarian/Archivist
Judy L. Swarthout, B.A., M.S., M.L.S., J.D.
Associate Law Librarian

PENN STATE ENVIRONMENTAL LAW REVIEW

FULL TIME FACULTY

Robert M. Ackerman

Director, Center for Dispute Resolution and
Professor of Law
B.A., Colgate University
J.D., Harvard Law School

Larry Cata Backer

Professor of Law
B.A., Brandeis University
M.A., Harvard University
J.D., Columbia University School of Law

Carlos Ball

Professor of Law
B.A., Tufts University
J.D., Columbia University School of Law
LL.M., Cambridge University

William B. Barker

Professor of Law
B.A., State University of New York at Buffalo;
J.D., State University of New York at Buffalo
School of Law

Thomas E. Carbonneau

Elsie deR. Orlando and Samuel P. Orlando
Distinguished Professor of Law
A.B., Bowdoin College
B.A., M.A., Rhodes Scholar, St. John's
College, Oxford University
M.A., University of Virginia
J.D., University of Virginia School of Law
LL.M., Columbia University School of Law
J.S.D., Columbia University School of Law

Lance Cole

Associate Professor of Law
B.S., University of Arkansas;
J.D., Harvard Law School

Beth E. Cook

Joseph B. Kelly Lawyering Skills Professor
A.B., Cornell University
J.D., George Washington University Law
Center
LL.M., George Washington University Law
Center

Louis F. Del Duca

Associate Dean, A. Robert Noll Professor of
Law and
Director, Center for International and
Comparative Law
A.B., Temple University;
J.D., Harvard Law School;
Dott. di Giur., University of Rome

Stephen M. Dodd

Joseph B. Kelly Lawyering Skills Professor
B.A., Harvard University
J.D., The Dickinson School of Law

Susan Beth Farmer

Professor of Law
B.A., Wellesley College;
J.D., Vanderbilt University Law School

Stephanie T. Farrior

Associate Professor of Law
B.A., Macalester College;
M.A., University of Pennsylvania;
J.D., The American University;
LL.M., Harvard Law School

Harvey A. Feldman

Associate Dean, Professor of Law
B.A., University of Pennsylvania;
J.D., The Dickinson School of Law;
LL.M., George Washington University National
Law Center

James R. Fox

Director, Law Library; Professor of Law
B.A., Otterbein College;
J.D., Ohio State University College of Law;
M.S., Drexel University

Robert Gatter

Assistant Professor of Law
B.A., John Hopkins University
M.A., Medical College of Wisconsin
J. D., University of Pennsylvania Law School

Gary S. Gildin

The Hon. G. Thomas Miller and Anne G.
Miller Chair in Advocacy
Director, Miller Center for Public Interest
Advocacy
B.A., University of Wisconsin;
J.D., Stanford University School of Law

Peter G. Glenn

Professor of Law
B.A., Middlebury College;
J.D., University of Pennsylvania School of Law

Julie Goldscheid

Assistant Professor of Law
B.S., Cornell University
M.S.W., Hunter College School of Social Work
J.D., New York University School of Law

Edward W. Haughney

Professor of Law
Brooklyn College;
LL.B., St. John's University School of Law;
M.S., George Washington University National
Law Center

Eileen M. Kane

Assistant Professor of Law
B.A. Hunter College
J.D. Fordham University School of Law
Ph.D. Cornell University

PENN STATE ENVIRONMENTAL LAW REVIEW

Christine H. Kellett

Professor of Law
B.A., University of New Mexico;
J.D., The Dickinson School of Law

John Knox

Associate Professor of Law
B.A., Rice University;
J.D., Stanford University School of Law

Leslie M. MacRae

Co-Director, Agricultural Law Center
Professor of Law
B.A., University of Virginia;
J.D., Baylor University School of Law;
LL.M., University of Miami School of Law;
LL.M., Temple University School of Law

Camille C. Marion

Joseph B. Kelly Lawyering Skills Professor
B.S., University of Scranton;
J.D., The Dickinson School of Law

Philip J. McConaughay

Dean and Donald J. Farage Professor of Law
B.A., University of Illinois
J.D., University of Illinois College of Law

Michael A. Mogill

Associate Dean, Professor of Law
B.A., University of Illinois;
J.D., Northeastern University School of Law;
LL.M., Temple University

Francis J. Mootz, III

Professor of Law
B.A., University of Notre Dame
A.M., Duke University Graduate School
J.D., Duke University School of Law

Jane Muller-Peterson

Joseph B. Kelly Lawyering Skills Professor
B.A., M.A. Macalester College
J.D. University of Wisconsin

Perrie H. Naides

Joseph B. Kelly Lawyering Skills Professor
A.B. University of California, Berkeley
J.D. University of Iowa, College of Law
Ph.D. University of California, San Francisco

Michael J. Navin

Co-Director, Agricultural Law Center
Professor of Law
B.S., University of Connecticut
J.D., University of Connecticut

Katherine C. Pearson

Professor of Law
B.A., University of Arizona;
M.A., University of New Mexico;
J.D., University of Miami School of Law

Thomas M. Place

Professor of Law
B.A., Marquette University;
J.D., Marquette University Law School;
Reginald Heber Smith Fellow, University of
Pennsylvania Law School

Mary Kaye Polachek

Writing Specialist
B.S., Villanova University;
B.A., Villanova University;
M.A., Villanova University;
J.D., Villanova University

Carla D. Pratt

Assistant Professor of Law
B.A., East Texas State University
J.D., Howard University School of Law

Robert E. Rains

Professor of Law
B.A., Michigan State University;
J.D., Harvard Law School

Jane Rigler

Professor of Law
B.A., University of Iowa;
J.D., Florida State University College of Law;
LL.M., New York University School of Law

Victor C. Romero

Professor of Law
B.A., Swarthmore College;
J.D., University of Southern California Law
Center, Los Angeles

Geoffrey R. Scott

Professor of Law
B.A., Valparaiso University;
J.D., Valparaiso University School of Law;
LL.M., Yale University School of Law

Andre Smith

Visiting Assistant Professor of Law
B.S. University of Maryland
J.D., Howard University School of Law
LL.M., Georgetown University School of Law

Richard Storrow

Visiting Assistant Professor of Law
B.A., Miami University
M.A., Columbia University
J.D., Columbia University

Laurel S. Terry

Professor of Law
B.A., University of California at San Diego;
J.D., University of California at Los Angeles
School of Law

Nancy Welsh

Associate Director, Center for Dispute
Resolution and
Associate Professor of Law
B.A., Allegheny College;
J.D., Harvard Law School

PENN STATE ENVIRONMENTAL LAW REVIEW

ADJUNCT FACULTY

Paul A. Adams

Adjunct Assistant Professor of Law
Shumaker Williams, P.C.
Camp Hill, PA

Nicholas Bybel, Jr.

Adjunct Assistant Professor of Law
Shumaker Williams, P.C.
Harrisburg, PA

John W. Carroll

Adjunct Assistant Professor of Law
Pepper, Hamilton & Scheetz
Harrisburg, PA

David C. Cleaver

Adjunct Assistant Professor of Law
David C. Cleaver & Associates, P.C.
Chambersburg, PA

Michael Devlin, C.P.A.

Adjunct Assistant Professor of Accounting
Boyer & Ritter
Carlisle, PA

Kathleen Dougherty, M.D.

Adjunct Assistant Professor of Law
Milton S. Hershey Medical Center
Hershey, PA

Bradley J. Gunnison

Adjunct Assistant Professor of Law
Buchanan Ingersoll, P.C.
Harrisburg, PA

Hon. Kevin A. Hess

Adjunct Assistant Professor of Law
Cumberland County Court of Common Pleas
Carlisle, PA

Jon F. LaFaver

Adjunct Assistant Professor of Law
Stone LaFaver & Shekletski
New Cumberland, PA

Hon. Richard A. Lewis

Adjunct Associate Professor of Law
Dauphin County Court of Common Pleas
Harrisburg, PA

John P. Manbeck

Adjunct Associate Professor of Law
Rhoads & Sinon
Harrisburg, PA

Cathleen Curran Myers

Adjunct Assistant Professor of Law
Obermayer, Rebmann, Maxwell & Hippel
Harrisburg, PA

Laurence Norton

Adjunct Assistant Professor of Law
Community Justice Project and Texas Rural
Legal Aid
Harrisburg, PA

Mark J. Palchick

Adjunct Assistant Professor of Law
Vorys, Sater, Seymour & Pease
Washington, D.C.

Lloyd R. Persun

Adjunct Assistant Professor of Law
Mette, Evans & Woodside, P.C.
Harrisburg, PA

Elyse E. Rogers

Adjunct Assistant Professor of Law
Keefer Wood Allen & Rahal
Camp Hill, PA

G. Philip Rutledge

Adjunct Assistant Professor of Law
Pennsylvania Securities Commission
Harrisburg, PA

Hon. Robert E. Simpson

Adjunct Assistant Professor of Law
Common Pleas, Northampton County
Courthouse
Easton, PA

Mark Allen Smith

Adjunct Assistant Professor of Law
GPU Service Corporation
Reading, PA

Vicky A. Trimmer

Adjunct Assistant Professor of Law
Mette, Evans & Woodside, P.C.
Harrisburg, PA

PENN STATE ENVIRONMENTAL LAW REVIEW

ADVOCACY ADJUNCT FACULTY

- Brigid Q. Alford**
Boswell, Tintner, Piccola & Wickersham
Harrisburg, PA
- William Braught**
Public Defenders Office
Carlisle, PA
- James Clancy**
United States Attorneys Office
Harrisburg, PA
- Timothy L. Clawges**
Public Defender's Office
Carlisle, PA
- Andrew A. Cline**
Governor's Office of General Counsel
Harrisburg, PA
- John McN. Cramer**
Reed Smith
Harrisburg, PA
- David B. Dowling**
Rhoads & Sinon
Harrisburg, PA
- Hon. M. L. Ebert, Jr.**
District Attorney
Carlisle, PA
- David A. Fitzsimons**
Mette Evans & Woodside
Harrisburg, PA
- Thomas French**
Rhoads & Sinon LLP
Harrisburg, PA
- John W. Frommer**
Smigel, Anderson & Sacks
Harrisburg, PA
- Syndi N. Guido**
Governor's Office of General Counsel
Harrisburg, PA
- Hon. Joseph H. Kleinfelter**
Court of Common Pleas of Dauphin County
Harrisburg, PA
- James J. Kutz**
Duane Morris & Heckscher, LLP
Harrisburg, PA
- Delano M. Lantz**
McNees Wallace & Nurick
Harrisburg, PA
- Charles E. Schmidt, Jr.**
Schmidt, Ronca & Kramer, P.C.
Harrisburg, PA
- Thomas B. Schmidt, III**
Pepper Hamilton
Harrisburg, PA
- Jefferson J. Shipman**
Goldberg, Katzman & Shipman, P.C.
Harrisburg, PA
- Pamela G. Shuman**
Harrisburg, PA
- John A. Statler**
Goldberg Katzman & Shipman, P.C.
Harrisburg, PA
- Jack M. Stover**
Buchanan Ingersoll
Harrisburg, PA
- Daniel L. Sullivan**
Mette Evans & Woodside
Harrisburg, PA
- Hon. John R. Walker**
Court of Common Pleas Franklin and Fulton
Counties
Chambersburg, PA
- M. Jannifer Weiss**
Weiss Weiss & Weiss
Lebanon, PA

EMERITUS FACULTY

- Dr. William H. Dodd**
Professor Emeritus
- John A. Maher**
Dean and Professor Emeritus
- Arthur Frankston**
Professor Emeritus
- Dr. Arthur A. Murphy**
Professor Emeritus
- Joseph B. Kelly**
Professor Emeritus

