
Marty Judge Quoted in New Jersey Law Journal Article About U.S. Supreme Court Ruling on Clean Water Act

New Jersey Law Journal

May 31, 2023

Charles Toutant

This article originally ran in New Jersey Law Journal on May 31, 2023. All rights reserved. Subscription required.

Flaster Greenberg's New Jersey Environmental Lawyer Featured

Flaster Greenberg's NJ Environmental Attorney was recently quoted in an article written by Charles Touant for the New Jersey Law Journal about a U.S. Supreme Court ruling regarding the Clean Water Act.

Mr. Touant wrote:

The U.S. Supreme Courts May 25 ruling in Sackett v. Environmental Protection Agency has been criticized in some quarters as a rollback of the Clean Water Act. But in New Jersey, its impact is expected to be minimal.

Marty Judge, whose practice at Flaster/Greenberg in Cherry Hill focuses on environmental litigation and compliance, said in an email that in terms of impacts to the public and the environment, I dont think Sackett is likely to change much of anything in New Jersey.

Judge added, This is because New Jersey already asserts its own jurisdiction over the waters in the state via several laws and legal principles, including but not limited to the Freshwater Wetlands Act, the Water Supply Management Act, the Water Pollution Control Act, the Public Trust Doctrine, and other statutes and their related regulations in this state.

Still, Judge called Sackett probably the most significant Supreme Court environmental decision since Massachusetts v. EPA, affirming that the EPA has regulatory jurisdiction over CO2 emissions in the Clean Air Act. The juxtaposition shows how the addition of new conservative justices on the court is having impact on environmental issues as well as social ones, Judge wrote.

Judge said the CWA, adopted in 1972, is due for an update.

Yet, that is unlikely to happen, given the present dysfunction in Congress, but that is the price that we pay for living in a democracy like we have, Judge wrote. We cannot expect SCOTUS to be doing our representatives jobs for them.

ATTORNEYS MENTIONED

Continued

Marty Judge