Citizen Suits Encyclopedia Article

Citizen Suits

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Citizen Suits

Citizen suits are lawsuits that are brought by individuals or nonprofit groups under the provisions of certain environmental laws. Because agencies do not catch and prosecute all violators of environmental statutes, citizen suits can be extremely useful, empowering anyone with an interest in environmental protection to demand that laws be enforced. Provisions for citizen suits have been created on both the federal level and in some states' environmental statutes. On the federal level, provisions for citizen suits are generally more narrow, limited to specific laws. Conversely, when states allow citizen suits, there are usually fewer hurdles for plaintiffs. State-level citizen suits also tend to have a greater impact on overall enforcement.

To bring any claim in the United States, plaintiffs must show that they have standing, meaning that they have been personally injured by the defendants' actions. Under most citizen suit provisions, individuals are automatically granted standing to bring claims against violators. Industry has made efforts to limit this practice, but in a 2000 appeal, citizen suit standing was upheld. In *Friends of the Earth* v. *Laidlaw Environmental Services,* the U.S. Supreme Court reinforced and extended its recognition of standing to include claims brought against violators even after they have come into compliance with the law.

Citizen suits have improved the enforcement of environmental laws over the past quarter century. In response, during the 1980s, polluters created a defense strategy against these lawsuits. Strategic Litigation against Public Participation (SLAPP) suits are civil lawsuits brought by alleged polluters against the citizens who attempt to compel enforcement action against them. These suits are usually based on claims of defamation, discrimination, or contract interference, and can effectively deter individuals from pursuing environmental enforcement cases. Some states have attempted to reign in SLAPP suits, but such actions continue to intimidate individuals. Despite certain industries' counteractive measures, however, citizen suits continue to be a valuable tool in environmental enforcement.

Bibliography

Jorgenson, Lisa, and Kimmel, Jeffrey J. (1988). *Environmental Citizen Suits: Confronting the Corporation.* Washington, DC: Bureau of National Affairs Books.

Blanch, James T.; Cohen, Benedict S.; Gerson, Stuart M.; and Slavitt, Evan. National Legal Center for the Public Interest. (1996). *Citizen Suits and* qui tam *Actions: Private Enforcement of Public Policy.* Washington, DC: National Legal Center for the Public Interest.

Internet Resource

U.S. Environmental Protection Agency. "Region 4: Southeast." Available from http://www.epa.gov/region4.