



# New Jersey's Natural Resource Damages Initiative: Is the "Sleeping Giant" Waking Up. Part One

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Claims to recover the value of lost use of natural resources due to pollution, so-called "natural resource damages" or "NRD," have long been called the "sleeping giant" of environmental liability. High profile NRD recoveries, such as the nearly \$1 billion NRD award against Exxon for the *Exxon Valdez* oil spill, have shown that NRD awards can reach giant proportions. However, few NRD claims have been brought since they were first authorized by Congress in 1980, and industry came to believe that the giant was "asleep." That situation has changed in New Jersey, where the Department of Environmental Protection ("NJDEP") has announced a major initiative to address more than 4000 claims and collect up to \$950 million in NRD from 66 corporations. This may well herald similar programs in other states.

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