

University of Southern California

Environmental Studies Program

ENST-520 Spring 2016

Environmental Law and Policy (4 units)

Time: MWF 1 p.m. – 1:50 p.m.

Location: WPH 200

Instructor: Dr. Kate Svyatets
Email: svyatets@usc.edu
Office Hours: TBA
Office Location: SOS B-15(D)

Course Description:

The environmental decisions can affect the welfare of many generations to come. What are the factors that influence environmental law and policy? What criteria should be used to evaluate the effectiveness of these laws and policies? This class provides an overview of the foundations of environmental law and policy, exploring the theories and analytical tools behind the regulations. Students examine and critique current research and policy, engage in their own research and writing, and discuss current topics with visiting practitioners and policy makers. The course addresses domestic and international law.

Course Objectives:

Students will study selected environmental law statutes and issues that affect environmental law and policy. Students will also learn how to apply these tools to analyze environmental and natural resource management policies. Students will be trained to engage in scholarly research by presenting journal articles and write scholarly papers. Students will sign up for topics and present their research to the class.

Required Readings:

1. A required book (abbreviated in the syllabus below as SELS):

Selected Environmental Law Statutes, 2013-2014 Educational Edition (Selected Statutes), Paperback – June 6, 2013, by West Academic Publishing, ISBN-13: 978-0314658432

2. Short readings and case studies will be also posted on the Blackboard.

Grading

Participation	10%
Quizzes	20%
Midterm Exam	20%
First Research Paper	15%
Second Research Paper	15%
Final exam	20%

Research paper: Each student will write 2 (two) research papers of 7-8 pages each (including bibliography, double-spaced). Each student will present his/her paper in class.

Course learning outcomes:

1. Be able to use critically the many sources of information about environmental policies to solve empirical problems.
2. Be able to use theoretical perspectives to identify and explain domestic and global environmental problems and the linkages among them.
3. Demonstrate the habit of accessing sources of environmental knowledge and the skill to critically interpret, assess, and apply evidence.

Statement on Academic Integrity:

USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one's own academic work from misuse by others as well as to avoid using another's work as one's own. All students are expected to understand and abide by these principles. *SCampus*, the Student Guidebook, contains the Student Conduct Code in Section 11.00, while the recommended sanctions are located in Appendix A: <http://web-app.usc.edu/scampus/>. Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. The Review process can be found at: <http://www.usc.edu/student-affairs/SJACS/>.

Religious Observance:

Students may wish to take part in religious observances during the semester. If students have a religious observance that conflicts with the participation in the course, they are required to speak with the instructor *before the end of the second week* of the semester to discuss appropriate accommodations.

Statement for Students with Disabilities:

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. DSP is located in STU 301 and is open 8:30 a.m.–5:00 p.m., Monday through Friday. The phone number for DSP is (213) 740-0776.

Grading and Correction of Grades:

Excerpts for this section have been taken from the University Grading Handbook, located at <http://www.usc.edu/dept/ARR/grades/gradinghandbook/index.html>. Please see the link for more details on this and any other grading concerns.

A grade of Missing Grade (MG) “should only be assigned in unique or unusual situations... for those cases in which a student does not complete work for the course before the semester ends. All missing grades must be resolved by the instructor through the Correction of Grade Process. One calendar year is allowed to resolve a MG. If an MG is not resolved [within] one year the grade is changed to [Unofficial Withdrawal] UW and will be calculated into the grade point average a zero grade points.

A grade of Incomplete (IN) “is assigned when work is not completed because of documented illness or other ‘emergency’ occurring after the twelfth week of the semester (or 12th week equivalency for any course scheduled for less than 15 weeks).”

COURSE OUTLINE:

Week 1

Introduction. Course Objectives and Structure.

Law and Policy Fundamentals. Common Law. Public Law.

Herson, A. and Lucks, California Environmental Law and Policy, Chapter 1 (pp 16-21 are optional; the other pages are required)

Week 2

Framework for studying environmental policies

Cohen, Steven. Understanding Environmental Policy. New York, NY, USA: Columbia University Press, 2006. Chapter 7 ProQuest ebrary. Web. 5 January 2015.

Citizen Participation in Environmental Policy

Appendix A. EPA Environmental Justice Citizen’s Guide, pp. 39-81 (text paragraphs only; skip the tables).

www.epa.gov/compliance/ej/resources/reports/annual-project-reports/citizen_guide_ej.pdf

Week 3

The Informational Provisions of American Environmental Laws. Environmental Debate

- Cramer, Benjamin W.. Law and Society : Freedom of Environmental Information. El Paso, TX, USA: LFB Scholarly Publishing LLC, 2011. ProQuest ebrary. Web. 5 January 2015., pp. 165-206, Chapter 6
- Layzer, Judith A.. American and Comparative Environmental Policy : Open for Business, MA, USA: MIT Press, 2012. ProQuest ebrary. Web. 5 January 2015., Chapter 2, pp. 11-30

Week 4

Environmental Contamination. Environmental debate in society

Law, Policy, and Economics : Reclaiming the Environmental Agenda. Cambridge, MA, USA: MIT Press, 2008. ProQuest ebrary. Web. 5 January 2015., Chapter 1, pp. 1-43

SELS, Pollution Prevention, pp. 1362-1367

Sample State Petition

Week 5

Risk Assessment and Management

Ashford, Nicholas Askounes, and Caldart, Charles C.. Environmental Law, Policy, and Economics : Reclaiming the Environmental Agenda. Cambridge, MA, USA: MIT Press, 2008. ProQuest ebrary. Web. 5 January 2015., Chapter 2, pp. 77-112

Week 6

Environmental Impact. Environmental Enforcement (Civil, Criminal Enforcement, Citizen Suits)

Sheate, William R., ed. Tools, Techniques and Approaches for Sustainability : Collected Writings in Environmental Assessment Policy and Management. River Edge, NJ, USA: World Scientific Publishing Co., 2009. ProQuest ebrary. Web. 5 January 2015.

Sample Citizen Suit Notice

Week 7

NEPA (EPA): <http://www.epa.gov/compliance/basics/nepa.html>

Andrews, Richard N.L.. Managing the Environment, Managing Ourselves : A History of American Environmental Policy (2nd Edition). Hartford, CT, USA: Yale University Press, 2008., Chapter 14 ProQuest ebrary. Web. 5 January 2015.

SELS, National Environmental Policy, pp. 743-762

Midterm Exam

Week 8
CEQA

Herson, A. and Lucks, California Environmental Law and Policy, Chapter 2

Fracking. Case-studys SB4; AB32

SELS, 613-656

SB4

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB4

AB32

<http://www.arb.ca.gov/cc/ab32/ab32.htm>

Week 9

Oil, Gas, and Coal Production: Tax Incentives. Comparison with Renewable Energy
Agence France-Presse. "Blown away? US suspends wind power subsidies, for now" January 15, 2014,

<http://www.globalpost.com/dispatch/news/afp/140115/blown-away-us-suspends-wind-power-subsidies-now>

Ralph Vartabedian. Firm seeks to harness Wyoming's wind energy for California. February 08, 2014. Los Angeles Times.

Halper, Evan. "Forecast is all sun but still little solar in many states; Utilities back laws to keep people from harnessing energy." Los Angeles Times [Los Angeles, Calif] 10 Aug 2014: A.16

Transportation and Urban Sprawl. Zoning. Case-study: Measure R and Measure R2.

<http://www.metro.net/projects/measurer/>

Week 10

Spring Break, No class

Week 11

Paper 1 is due in class. Paper Presentations. Endangered Species Act. Wilderness Protection.

The Endangered Species Act <http://www.fws.gov/endangered/laws-policies/>

SELS, p. 222-255

Rom, William N.. Environmental Policy and Public Health : Air Pollution, Global Climate Change, and Wilderness. Hoboken, NJ, USA: Jossey-Bass, 2011. ProQuest ebrary. Web. 5 January 2015.

Week 12

EPA's Civil Rights programs.

Title VI and Title VII of Civil Rights Act of 1964 -
<http://www.epa.gov/civilrights/>

Optional readings on Coastal Zone Management: SELS pp. 190-222, SELS 590-612, and ELF v. State Water Resources Control Board et al. <http://www.envirolaw.org/current>

Food Production: the Farm Bill. GMOs. Debates

<http://agriculture.house.gov/farmbill>

Monsanto vs Farmers lawsuit

Week 13

Pollution Control. Waste Management. RCRA and CERCLA. Case-study: Gasoline Leaks

SELS, Water Pollution Prevention and Control, pp. 385-399

SELS, Solid Waste Disposal pp. 776-797

Cohen, Steven. Understanding Environmental Policy. New York, NY, USA: Columbia University Press, 2006. ProQuest ebrary. Web. 5 January 2015., pp. 62-75, Chapter 4.

Week 14

Clean Air Act and Clean Water Act

Rom, William N.. Environmental Policy and Public Health : Air Pollution, Global Climate Change, and Wilderness. Chapter 15 Hoboken, NJ, USA: Jossey-Bass, 2011. ProQuest ebrary. Web. 5 January 2015 Chapter 16.

SELS, pp. 901-913

Sample Federal Complaint
Petition for Review

International Legal Regimes. Energy Governance

- Ileana Porras Appropriating Nature: Commerce, Property, and the Commodification of Nature in the Law of Nations, *Leiden Journal of International Law* (2014), 27, pp. 641–660
- Leary, David, and Pisupati, Balakrishna, eds. *Future of International Environmental Law*. Tokyo, JPN: United Nations University Press, 2010. ProQuest ebrary. Web. 5 January 2015. Chapter 7

Week 15

The Kyoto Protocol Implementation. Case-study: Russia

- Henry, Chapter 4, in Jacobs, Noah B., ed. *Energy Policy : Economic Effects, Security Aspects and Environmental Issues*. New York, NY, USA: Nova Science Publishers, Inc., 2009. ProQuest ebrary. Web. 5 January 2015. <http://library.usc.edu/uhtbin/cgiisirs/x/0/0/5?searchdata1=4446348{CKEY}>

Comparative Environmental Policy Analysis: The Case of China. Guest Speaker

- Man, Joyce Yanyun. *China's Environmental Policy and Urban Development*. Cambridge, MA, USA: Lincoln Institute of Land Policy, 2013. ProQuest ebrary. Web. 5 January 2015. <http://library.usc.edu/uhtbin/cgiisirs/x/0/0/5?searchdata1=4406963{CKEY}>

Week 16

Paper Presentations

Review for the Final Exam. Paper 2 is due.

Final Exam: TBA