

As of January 18, 2021

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University of Southern California

Spring 2021  
Online  
Wednesdays 11:00am-1:50pm

POSC 347 – Environmental Law

## Course Description

### **SPECIAL NOTE: ADAPTING THIS CLASS TO THE ONLINE EXPERIENCE**

This is the 21st year that I have been teaching at least one undergraduate political science course every semester as an adjunct. Over that time, the structure of those courses evolved but remained largely the same, relying on extensive discussion in class, a fact-centered midterm, a term paper on a topic of each student's choice and, at the end, in-class team presentations.

About halfway through the first class I was teaching remotely after the 2020 spring break, I realized that replicating online what has proven highly successful in the classroom simply doesn't work in a remote teaching situation. What popped into my head was Marshall McLuhan's observation that "the medium is the message," meaning that the form of a message (in this case, in person in a classroom, as compared with everyone watching individually on a computer screen) determines the ways in which that message will be perceived.

With that in mind, for the remainder of spring 2020 and in both of the classes I taught last fall, I made a series of adjustments and landed on a course structure that by all accounts worked well for everyone. It is my hope that you will find your experience this semester as fulfilling as it would have been in person.

### **Introduction**

This course, an introduction to the central concepts and theories underlying environmental laws, primarily in the United States, is being taught at a time when those laws are in flux.

To accommodate that reality, we will focus not just on the current provisions of environmental law but also on how laws are made in this country, how our environmental laws have evolved, and on the current environmental policy debates.

Environmental law affects virtually every aspect of our daily lives. The quality of the air we breathe, the water we drink and the food we consume. How we produce and consume energy. How we transport ourselves from place to place. When and how we build homes, stores and offices. And that is just for starters.

The very nature of environmental challenges necessitates that policies be set and implemented at the local, state, national and international level. And the dialog that crafts

those policies requires the participation of an almost endless number of professions and interests, including attorneys, scientists, engineers, economists, corporations, their employees, citizen activists, environmental NGO's, elected officials and governmental agency staff.

If you take this class seriously and fully engage intellectually, when we part ways in a few months you will have acquired a keen sense of, invoking the title of this course, not just the current provisions of Environmental Law, but also how they came to be and, importantly, how laws, not just environmental laws, but all laws, are made.

### **The Keys to an Enjoyable and Successful Semester**

If you are not familiar with my approach to teaching, please note the following.

First, this course is constructed on the premise that you are interested in and familiar with current events regarding the environment. You will be expected to monitor news regarding the environment globally, nationally and in California, and to discuss relevant developments in class.

Second, make sure to complete the reading assignments. My lectures will not parrot what's in the book. On the other hand, do not get lost in the reading. You are expected to master the obvious, not the obscure. Additional reading materials for in-class discussions will be posted on Blackboard by the Monday evening prior to class.

Third, attend class. This course relies heavily on in-class discussion and practical exercises, supplemented by guest lecturers. If you don't show up for virtually every class, it will be tough for you to get a decent grade.

Fourth, pay attention, engage intellectually and be prepared to think things through. You will be expected to learn some basic information, but, more importantly, you will be expected to put that information to use in an appropriate way.

Fifth, please understand that I am aware of the challenges that may confront some of you in a remote learning environment. If you have such concerns, please feel free to raise them with me.

### **Required Reading**

There is one required book for this course:

*Environmental Law and Policy:*

*Nature, Law and Society* ----- *Plater, Adams, Graham, Heinzerling, Wirth and Hall*

(Wolters, Kluwer 2016) (Fifth Edition)

### **Course Requirements and Grading**

As explained above, the course requirements are straightforward: Do the reading, attend class, participate in classroom discussion and exercises and complete written assignments on time.

The components of your grade will be:

- Class Participation (attendance and involvement) ----- 10%
- Research and Writing Assignment, due at start of class, Feb. 17 ----- 10%
- Research and Writing Assignment, due at start of class, Mar. 10----- 20%
- Submit Proposed Topic for Final Paper, Mar. 24 ----- 10%
- Progress Report on Final Paper (1-2 pages), due at start of class, Apr. 21 ----- 10%
- Final Paper (typically 10-15 pages), due at start of class, May 5 ----- 40%

The final paper is due May 5th. There will be no extensions of the deadline except in the case of documented medical emergency or hardship. The penalty for missing this deadline will be two points subtracted from your total from the components above, PER DAY.

Also, to reiterate, attendance is critical because material from the class and guest lecturers will be essential to your understanding of the subject matter. If you are not in class, there is no way you will master the substance of the course. And, as if doing poorly on the assignments isn't a sufficient price to pay, you will be permitted two unexcused absences and each one after that will cost you two points off your total from the components above. To repeat, that is a deduction of two points PER UNEXCUSED ABSENCE.

### **Office Hours**

I will be happy to schedule meetings by phone. The most efficient way to reach me is through my law firm e-mail at [darry.sragow@dentons.com](mailto:darry.sragow@dentons.com). The next best option is to call my law office phone. That number is 213-892-2925. You can also call or text me on my mobile phone. That number is 310-968-7725.

### **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. Please be sure the letter is delivered to me as early in the semester as possible. 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.

### **A Little Background**

As noted above, this is my 21st year teaching at least one undergraduate political science course every semester. At USC, in addition to this course, I have taught POSC 270, Introduction to Environmental Law and Politics; POSC 315, Regulation of Elections and Political Finance; POSC 325, State Politics; POSC 335, Political Parties, Campaigns and Elections; and POSC 425, Legislative Process. From 1999 through 2003, for eight semesters, I taught a course similar to POSC 335 at Berkeley.

A number of my former students are now playing major, visible roles in the political world. If you are thinking about a career in politics, government, public policy or the law, this

course will be immensely helpful. If you are thinking about a career in some other field altogether, or if you aren't thinking at all about a career, this course will be informative and, hopefully, interesting and enjoyable.

A little online research will give you a sense of my professional background. Suffice it to say that I have devoted much of my life to the formulation of public policy in Washington, D.C. and California.

I am delighted to be teaching this course and hope it will provide you with a genuine understanding of how, why and with what consequences Americans govern ourselves.

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**Reading and Written Assignments**

Week 1	January 20	Introduction to the Book, pp xxv-xxx; Chapter 1, Basic Themes in Environmentalism, pp. 3-40
Week 2	January 27	Sources of law: Chapter 3, Common Law in Modern Environmental Law: Tort Causes of Action, pp. 75-100
Week 3	February 3	Chapter 5, Sources of Law: An Overview of Environmental Regulation in the United States, pp. 173-198, Chapter 6, Administrative Law, pp. 199- 212
Week 4	February 10	Sources of the Law: The Courts, Remedies: <i>Boomer v. Atlantic Cement Co.</i> , pp. 108-116, Judicial Review: <i>Citizens to Protect Overton Park v. Volpe</i> , pp. 212-223
Week 5	February 17	<b>First Assignment Due (10 points)</b>
Week 6	February 24	Chapter 7, Constitutional Federalism, pp. 257-279
Week 7	March 3	Chapter 8, Federal Agency Disclosure, pp. 313-341
Week 8	March 10	<b>Second Assignment Due (20 points)</b>
Week 9	March 17	Chapter 22, International Law, pp. 959- 1015
Week 10	March 24	<b>Proposed Final Paper Topic Due (10 points);</b> Chapter 11, Harm-Based Standards, pp. 459-518
Week 11	March 31	Chapter 10, Roadblocks, pp. 419-458

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**Reading and Written Assignments – Continued**

Week 12	April 7	<b>Wellness Day – No Class</b>
Week 13	April 14	Chapters 15, 16, 17, Front-End, Remedial, Life Cycle, pp. 649-783
Week 14	April 21	<b>Final Paper Progress Report Due (10 points);</b> Chapter 14, Market Strategies, pp. 607-648
Week 15	April 28	Chapter 9, Public Planning, pp. 343-418
Week 17	May 5	<b>Final paper due (40 points)</b>