

Introduction to Environmental Law

ENRP 6140

Spring 2017

Thursday, 7:10-9:40 pm, Phillips 414A

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Overview

This course is intended to provide an introduction to federal environmental statutes, implementing regulations, state regulatory programs, and international environmental law agreements and concepts. By studying U.S. environmental issues and legal responses to them, students will gain a perspective on the various environmental governance tools available as well as understand the relative strengths and weaknesses of legal, administrative, and private approaches to existing and emerging environmental threats. This course also provides an in-depth understanding of federal courts and administrative law and an examination of the interrelationship of public, private, and nongovernmental actors as they wrestle with environmental legal issues.

Learning Objectives

1. Understand the operation of the U.S. legal system as applied to environmental issues.
2. Become conversant in the major U.S. environmental statutes and their administration.
3. Gain an in-depth appreciation of U.S. courts and legal proceedings, including learning how to read court cases and apply their holdings in other contexts.
4. Work collectively with other students to design innovative legal approaches to complex environmental challenges.

Course Materials

We will be using Glicksman, Markell, Buzbee, Mandelker, Bodansky, and Hammond's *Environmental Protection: Law and Policy*, 7th Ed. Additional readings will be posted in Blackboard.

Attendance & Participation Policy

Please let both Professors McCoy and Schang know via email if you will not be able to attend class. Attendance at all classes is expected, and more than two absences will affect your grade as explained below. Professor McCoy will hold office hours Wednesdays from 4-6 pm at her office in the basement of Stuart Hall. Professor Schang is available by appointment by emailing schangs@gwu.edu.

Assignments

All students are expected to have read the materials assigned for each class. In addition, each student will be asked to present one case to the class at some point during the semester, which will be part of your grade as explained below.

Expectations & Grading

As a Master's level class, students are expected to participate actively in class. While the professors will present material that is unfamiliar and help guide students through the material, students are active co-teachers by bringing their experiences and expertise to class and by discussing the material, exploring new ideas, and challenging each other on how environmental law works in practice as well as theory.

Grading: Grades for assignments and for the course as a whole reflect the following philosophy:

- A Excellent: Exceptional work for a graduate student. Work is unusually thorough, well-reasoned, creative, methodologically sophisticated, and well written. Work is of exceptional, professional quality.
- A- Very Good: Very strong work for a graduate student. Shows signs of creativity and a strong understanding of appropriate analytical approaches, is thorough and well-reasoned, and meets professional standards.
- B+ Good: Sound work for a graduate student; well-reasoned and thorough, without serious analytical shortcomings. Indicates the student has fully accomplished the basic objectives of this graduate course.
- B Adequate: Competent work for a graduate student with some evident weaknesses. Demonstrates competency in the key course objectives but the understanding or application of some important issues is less than complete.
- B- Borderline: Weak work for a graduate student but meets minimal expectations. Understanding of key issues is incomplete. (A "B-" average in all courses is not sufficient to sustain 'good standing'.)
- C+ / C / C- Deficient: Inadequate work for a graduate student; rarely meets minimal expectations. Work is poorly developed or flawed by numerous errors and misunderstandings of important issues.
- F Unacceptable: Work fails to meet minimal expectations or course credit for a graduate student. Performance has consistently failed to meet minimum course requirements. Weaknesses and limitations are pervasive.

In grading, the instructors will weigh the class components as follows:

Midterm Exam:	30%
Final Exam:	35%
Class Presentation:	10%
Class Attendance and Participation:	25%

Academic Integrity

All examinations, papers, and other graded work products and assignments are to be completed in conformance with the [George Washington University Code of Academic Integrity](#). We take any instances of academic dishonesty, including plagiarism, very seriously. In the event of an occurrence of academic dishonesty, the student will be required to meet with both professors in order to assess the severity of the student's actions. The consequences will be determined on a case-by-case basis and may include (but is not limited to) zero credit for an assignment or exam, a grade of "F" in the course, and/or submission of a report to the Academic Integrity Council.

University Policy on Religious Holidays

The Faculty Senate has set guidelines pertaining to the observation of religious holidays. These have become university policy and are as follows:

- that students notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance.
- that faculty continue to extend to these students the courtesy of absence without penalty on such occasions, including permission to make up examinations.
- that faculty who intend to observe a religious holiday arrange at the beginning of the semester to re-schedule missed classes or to make other provisions for their course-related activities.
- that, prior to each semester, the administration circulate to faculty a schedule of religious holidays most frequently observed by GW students
- that student members of other religious groups are also entitled to the same courtesies and accommodations.
- that the administration conveys this policy to students by including it in the Schedule of Classes and other places deemed appropriate.

Credit Hours and Work Expectations

Pursuant to University policy, 37.5 hours of work per semester is required for one credit hour. This course is three credit hours and as such will require 112.5 hours of work, divided between direct instruction (class time) and independent learning (completing reading and other assignments).

Time spent in class will be 2.5 hours per week (35 hours total) and time for class preparation will be an Average of about 5 hours per week (78 hours total) with the understanding that some weeks will require more than 5 hours of independent work (when you prepare your case presentation and prepare for the midterm and final exams) and some weeks may require slightly less. Thus, the total hours of work will meet (and likely exceed) the 112.5 hours required.

Additional Policies and Information

- Blackboard: Blackboard will be used to communicate with students. Please make sure that you can access the course and that you regularly check whatever email account Blackboard uses for you. If you have problems with Blackboard, contact the Helpdesk at 202-994-5530 or helpdesk.gwu.edu.
- Class Decorum: Texting, side conversations, or using your laptop for anything other than taking notes is an inappropriate use of class time. Those who do these things may think their actions are unobtrusive, but they are actually quite conspicuous. It's distracting both to us and to your classmates, and will result in a significant decrease in your class participation/engagement grade.
- Late Work: Unless you've made arrangements with us in advance, late work will be penalized with a one grade step reduction (e.g. from an A- to a B+) per day.
- Incompletes: A student must consult with the instructors to obtain an "incomplete" before the last day of class. The student and instructors will sign the CCAS contract for incompletes and submit it to the ENRP Director.
- Grades: No grade changes can be made after the conclusion of semester, except for clerical error.

- Syllabus: This syllabus is a guide to the course. Sound educational practice requires flexibility and the instructors may revise content and requirements during the semester.
- English for Academic Purposes Writing Support Program: If English is not your first language, you may wish to take advantage of GW's Writing Support Program which offers free, one on one service. Visit <http://www.gwu.edu/~gwriter> for details.
- Accommodation for Students with Disabilities: If you need additional time or other accommodation due to a disability, let the instructors know in first week of the class. For accommodation on the basis of disability, you need to provide documentation to the Office of Disability Support Services.
- University Student-Support Resources: Help in addressing academic, social, and personal issues is available 24 hours a day, 7 days a week through the University Counseling Service which can be reached at 202 994 5300.
- University policies may be found here: <https://registrar.gwu.edu/university-policies>.

Class Schedule and Assignments

Class	Date	Class Topic	Readings
1	Jan. 19	Introduction to Environmental Governance	Glicksman pp. 28-84; Lazarus, Ch. 3
2	Jan. 26	Administrative Law and Theory	Glicksman pp. 85-125; Law of Envmtl. Protection Treatise, Ch.
3	Feb. 2	Courts	Glicksman, Ch. 3
4	Feb. 9	National Environmental Policy Act	Glicksman, Ch. 4
5	Feb. 16	National Environmental Policy Act	Environmental Impact Statement
6	Feb. 23	Endangered Species Act, Land Use, and Project Development	Glicksman Ch. 5; Glicksman pp. 614-635
7	Mar. 2	Mid-term	
8	Mar. 9	Clean Air Act	Glicksman pp. 419-511
9	Mar. 23	Clean Air Act	Glicksman pp. 512-598
10	Mar. 30	Clean Water Act	Glicksman pp. 601-672; Miller pp. 406-440
11	Apr. 6	Clean Water Act	Glicksman pp. 672-737
12	Apr. 13	Product Regulation	Glicksman pp. 816-873
13	Apr. 20	Hazardous Wastes and Sites	Plater pp. 845-870; 886-945
14	Apr. 27	Climate Change	Glicksman pp. 1212-1300
15	May _	Final Exam	