Syllabus

Course Description
Public policy shapes how the man-made and natural environments are managed and regulated. To be effective, sustainability practitioners must understand environmental law and public policy and their effects. This course will provide students with an understanding of environmental sustainability policy in the context of the applicable law and regulations in order to strengthen their ability to understand, interpret, and react to future developments. This is not a comprehensive dissertation on environmental law. After a grounding in the foundational concepts of environmental law and a review of a framework for understanding environmental sustainability policy, students will explore competing policy shapers and the relevant law in the areas of municipal and hazardous waste management, hazardous waste cleanup, air pollution (including climate change) and biodiversity preservation. The student will learn how the existing and evolving judicial, statutory, and regulatory environment influences an organization’s approach to managing sustainability issues.

Course Objective

Policy and Legal Context of Sustainability Management is designed to provide the student with an overview of the development and present status of U.S. environmental law as it relates to sustainability management. The student should understand the evolution of U.S. environmental law as a complex body of statutes, regulations, guidance, administrative and judicial decisions that address environmental impacts arising from emissions, operations, and products. Further, the student should understand the interplay of various policy drivers in shaping the law, an understanding that is transferable to any area of sustainability practice. A student is not expected to have any previous experience with environmental law or policy.
Course Materials

The required textbook for this course is:


We will also use materials that will be available on-line, in the library, emailed to you or made available in hard copy form. This Syllabus may be revised during the course of the semester to reflect the inclusion of additional material or the deletion of certain materials. You are obliged to look for updates on Canvas.

Method of Instruction

The course includes pre-class reading and problem solving. Class time will combine lectures on, and student participation in class discussions of, legal cases and relevant law.

Method of Evaluation

Each student is expected to be punctual, attend each class, prepare for classes conscientiously, and to contribute to the class discussion. This means providing thoughtful commentary, engaging analysis, and/or posing relevant questions. It also means summarizing and discussing legal cases and statutory and regulatory law. Each student will write three memos between 5 and 6 double-spaced pages. (Details on the requirements for the format and timing of the memos will be provided.) There will be one group/team assignment where groups/teams of students will research, prepare and present a briefing to the class on assigned issues. The final grade for the course will be determined as follows:

- Individual Memos 75%
- Group presentation and class participation 25%

Communications

The best way to communicate with me is by email at the above email addresses (please send to both CU and “whitecase” addresses). I am also available by phone. If you need to speak with me in person, we can set up an appointment either before or after class. Regularly scheduled office hours are listed above.

Course Outline

Please note: These topics and the syllabus are subject to revision as the course progresses.

Weeks 1-5: Foundational Concepts

Week 1: January 18, 2018
Environmental Law, Sustainability, and their Relevance to Sustainability Management
Percival. Chapter 1, Environmental Values and Policies, pp 1-7; Chapter 2, Environmental Law: A Structural Overview, pp 89-100

Week 2: January 25, 2018


Week 3: February 1, 2018

Approaches to Regulation, Regulatory Options, and the Regulatory Process


Assigned: Take-Home Examination #1

Weeks 4 through 8: Waste Management

Weeks 4 through 6: February 8 through February 22, 2018

Solid and Hazardous Waste Management

Percival. Chapter 4, Waste Management and Pollution Prevention, pp 349-410 (read City of Chicago; skip the other cases)

Weeks 7 and 8: March 1 and March 8, 2018

Hazardous Waste Remediation

Percival. Chapter 4, Waste Management and Pollution Prevention, pp 411 – 488 (read Shore Realty, Bestfoods, and Burlington Northern (both opinions); skip the other cases)

Assigned: Take-Home Examination #2
SPRING BREAK: March 12 through March 16

Weeks 9, 10 & 11: Air Pollution – the Clean Air Act: Climate Change

Week 9: March 22, 2018

The Clean Air Act
Percival. Chapter 5, Clean Air Act, Introduction and Basic Principles pp. 523-32; National Ambient Air Quality Standards pp. 569-607

Assigned: Group/team project where students will be assigned a specific thematic area to research and report on. Group presentation due on either Friday, April 28 or Monday, May 1, 2017 (day to be decided based on convenience to students).

Week 10: March 29, 2018

Climate Change: The Evolving US Regulatory Environment

Percival. Chapter 5, What is an Air Pollutant? Greenhouse Gases and the Clean Air Act, pp 533–555; Cap and Trade and Other Economic Incentive Programs, pp. 624-637 (skip Alliance for Clean Coal case (pp. 634-636) and note 1 on p. 636)

Week 11: April 5, 2018

Cap and Trade Programs: Overview, Present Status, and the Foreseeable Future

Percival, Chapter 5, Cap and Trade and Other Economic Incentive Programs, pp. 624-37 (skip Alliance for Clean Coal case (pp. 634-636) and note 1 on p. 636)


Weeks 12 & 13, Biodiversity Preservation; the Endangered Species Act

Weeks 12 & 13, April 12 and 19, 2018

Percival, Chapter 9, Why Should We Preserve Diversity? pp. 979-84; Overview of Endangered Species Act, Authority to Preserve Diversity, Endangered Species Act Procedures, pp. 984-1028; the Future of Biodiversity Protection, pp. 1064-1069.

Week 14: Epilogue
Week 14: April 26, 2018

Understanding Policy Drivers and How They Shape Environmental Sustainability

**Schoenbrod, D., R. B. Stewart, K. B. Wyman. 2010 Breaking the Logjam: Environmental Protection That Will Work.** New Haven: Yale University Press. Chapters 1 – 3, pp 3-56 (to be posted on Canvas)

**PRESENTATION OF GROUP/TEAM REPORTS:** Days or days during study period or final exam period, to be determined.

**Final Take-Home Exam to be posted on Canvas immediately following completion of group presentations.**