

Urban and Environmental Policy 300
Environmental Law & Policy, Wednesdays 3 pm-5:55 pm
Treehouse N
Professor Caroline Farrell (She/Her/Hers)

Course Logistics

Office Hours: I will be available for in-person appointments on Wednesdays from 2-3 or virtual appointments at a mutually convenient time. To schedule an appointment, email me at cfarrell@oxy.edu.

All readings will be posted on Moodle. Please check Moodle before every class, as readings may change over the course of the semester. The Moodle link for this class is:

<https://moodle.oxy.edu/course/view.php?id=34681>

UEP 300 is a 4-unit course. It is expected that students in this class will be devoting at least twelve (12) hours a week (including in-class time) on average.

Class Format

For this Spring, if college schedules in person classes, we will meet in person. We will follow the College's policies related to in person classes. I ask that you wear masks in class throughout the semester even if the college policies change over the course of the semester. We will combine lecture, in-class discussions both in a large group and small group format as well as some in class activities to apply the material we are learning. We will revisit the format of we return to virtual-classes and I will post those changes to Moodle.

What is this course about?

This course is an overview of environmental law and policy. The course begins with a discussion of what we consider to be the environment and how those perceptions are created. The course then discusses how we regulate the environment, focusing on administrative law, case law, and constitutional concerns. Following this, the course focuses on the big environmental statutes: the Clean Air Act, the Clean Water Act, and the National Environmental Policy Act. The course then turns to issues of climate change, waste, and natural resources management. The course also discusses the role that race and class play in environmentalism and environmental policy throughout these main topics. The course is structured for us, as a group, to learn about these issues and discuss them in small groups, during and outside of class.

What are the goals of this course?

The goals of this course are to understand how environmental regulation and policy work within the U.S. regulatory and legal system. There is some discussion of global issues, particularly with respect to climate change and air pollution, but the bulk of the course will focus on domestic environmental issues. Students will receive a brief introduction to legal

studies and be able to understand basic regulations and the role of courts within the regulatory system.

By the end of the course, students should be able to understand what is meant by environmental regulation, identify the major environmental statutes, understand the role that race and class play within environmental concerns, and be able to coherently discuss the complexities of environmental regulation and articulate their vision for how to best address environmental issues. Students will also have the opportunity to gain skills in policy analysis and advocacy. The final paper could also serve as a writing sample for internship and job applications.

Course Requirements

Participation (20%): You are expected to do all of the course readings and keep up to date. This is a reading intensive seminar. Attendance and preparation are required. Participation in class (coming to class and being a part of discussion) counts for 20 percent of your grade.

Participation is expected as the work that we do in class is critical to your understanding of the material and you will be giving feedback to your peers on many occasions. Discussion and small group activities supply the opportunity for you to demonstrate your learning and put it into practice and allow me to assess whether you are grasping the relevant concepts. However, if there is a medical issue or family emergency, please let me know; I recognize that other life issues can sometimes arise unexpectedly. If you must miss class due to an official Oxy event, or due to [reasons of faith or conscience](#), please let me know as early in the semester as possible.

Your health and well-being, and that of our community, are essential. If you are feeling any symptoms of illness, even if they are slight, please refrain from attending class until explicitly cleared by Emmons. Similarly, if you have a known exposure to someone who has tested positive for COVID-19, please do not return to class until Emmons confirms that you are cleared to participate in your usual activities.

Please let me know in advance if you need to miss a class and I can work with you to cover anything you may have missed from our discussion. Your participation in class will also be evaluated based on your ability to contribute to the class discussions as a whole. Here, quality is preferred to quantity. Be mindful of your own contribution but also the overall classroom dynamic. Listen attentively to others, recognize when to “move up” and “move back” to contribute to a productive discussion that enables meaningful participation by others in the class.

During the semester you will present about **one current news story** related to environmental policy during the first part of the class. The presentation should be about 5 minutes, describe the issue and how that issue relates to the materials we are learning in the class. I will circulate a sign-up sheet via google docs during the first class. Two people will present at the beginning of each class.

Midterm Exam (30%): You will have an essay mid-term due on March 2. The midterm will be discussed in more detail in class.

In-class Group Exercise (20%) There will be two in-class group exercises. Your grade for these exercises will be based on your participation in the exercise and your contribution to your group. More details on the in-class exercises will be given later in the semester.

Final Paper (30%): Final papers are due Friday May 6, by 5pm. Submit them to me at cfarrell@oxy.edu. The final paper prompt will be handed out at our last class.

Course Grade Assignments

A	A-	B+	B	B-
92.5	90	87.5	82.5	80
C+	C	C-	D+	D
77.5	72.5	70	67.5	60

Late Assignments: In environmental policy there are often agency deadlines that are absolute. So deadlines are important, but I am willing to be flexible. If you let me know in advance, I can work with you on a reasonable deadline given the flow of the course and the timelines for assessments. If you miss a deadline without contacting me in advance or within 48-hours of missing the deadline, I will deduct a grade for each day until the assignment is submitted. For example, if you turn an assignment 36-hours late without contacting me about accommodation – the best grade you could get is an A- (you have a 48-hour grace period).

Required Text: **Environmental Law and Policy, 5th Edition by: James Salzman and Barton H. Thompson, Jr.** There is also a 4th edition released. There is not that much difference between the 4th and 5th edition- you can use either. Other readings are available online and on Moodle. The syllabus is subject to change throughout the semester depending on how we progress through the material. Any changes to reading materials will be sent via email.

Week 1: Wednesday, January 26

Class overview

What is the “environment?”

How do we approach environmental regulation?

In Class Video: <https://www.msnbc.com/am-joy/watch/amazon-rainforest-burning-at-record-rates-67362885821>

In Class Video: <https://www.youtube.com/watch?v=wHg3enCCyCM>

Week 2: Wednesday, February 2

Review what is the environment?

William Cronon, "The Trouble with Wilderness",

<https://faculty.washington.edu/timbillo/Readings%20and%20documents/Wilderness/Cronon%20The%20trouble%20with%20Wilderness.pdf>

Salzman and Thompson: Chapter 1: An Introduction to Environmental Law and Policy

Approaches to environmental law and policy

Salzman and Thompson: Chapter 2: Perspectives on Environmental Law and Policy

Week 3: Wednesday, February 9

The evolution of environmentalism

Dorceta Taylor, The Rise of the Environmental Justice Paradigm: Injustice Framing and the Social Construction of Environmental Discourses:

<http://journals.sagepub.com/doi/pdf/10.1177/0002764200043004003>

An introduction to environmental justice

Sheila Foster, Justice from the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice Movement, California Law Review.

<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1579&context=californialawreview>

Read Section I-III only.

Week 4: Wednesday, February 16

Overview of tools used for environmental protection

Salzman and Thompson: Chapter 3: The Practice of Environmental Protection

Enforcement of environmental laws

Salzman and Thompson: Chapter 4: Enforcement

Executive Order 12898

Kristen Lombardi, et. al Environmental Racism Persists and the EPA is One Reason Why,

<https://www.publicintegrity.org/2015/08/03/17668/environmental-racism-persists-and-epa-one-reason-why>

Week 5: Wednesday, February 23

Environmental Justice revisited:

Sheila Foster, Justice from the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice Movement, California Law Review. https://www.researchgate.net/publication/254557369_Justice_from_the_Ground_Up_Distributive_Inequities_Grassroots_Resistance_and_the_Transformative_Politics_of_the_Environmental_Justice_Movement/link/5519649d0cf2d241f3566854/download

Read Sections IV-V only.

Luke W. Cole, Environmental Justice and the Three Great Myths of White Americana, <https://crpe-ej.org/wp-content/uploads/2016/12/Environmental-Justice-and-the-Three-Great-Myths-of-White-Americana.pdf>

The Center on Race, Poverty & the Environment, A Right without a Remedy, How the EPA failed to protect the Civil Rights of Latino School Children, <https://crpe-ej.org/wp-content/uploads/2016/12/Right-without-a-Remedy-FINAL.pdf>

Mid-term review –essay prompts will be distributed at end of class and class presentation assignments will be distributed.

Week 6: Wednesday, March 2

No class- mid-term due by 6 pm – by email to cfarrell@oxy.edu

Week 7: Wednesday, March 9

Spring Break

Week 8: Wednesday, March 16

In-Class presentation- 3-4:15- prepare with small groups

Small Group Presentation 4:30-5:55

Week 9: Wednesday, March 23

Protecting the air: The Clean Air Act and Global Air Pollution

U.S. EPA, The Clean Air Act in a Nutshell, How it works:

https://www.epa.gov/sites/production/files/2015-05/documents/caa_nutshell.pdf

Salzman and Thompson: Chapter 5: The Clean Air Act

Salzman and Thompson: Chapter 6: Global Air Pollution, Section I only. Read until p. 149.

Week 10: Wednesday, March 30

Protecting the water: The Clean Water Act

Salzman and Thompson: Chapter 7: Water Pollution

Michigan Civil Rights Commission, "The Flint Water Crisis: Systematic Racism Through the Lens of Flint" (2017) (pp. 1-6.) https://www.michigan.gov/documents/mdcr/VFlintCrisisRep-F-Edited3-13-17_554317_7.pdf

UC Berkeley School of Law, "The Human Right to Water Bill in California" https://d3n8a8pro7vhmx.cloudfront.net/communitywatercenter/pages/37/attachments/original/1394266233/Water_Report_2013_Interactive_FINAL.pdf?1394266233

Week 11: Wednesday, April 6

The National Environmental Policy Act

Salzman and Thompson: Chapter 12: The National Environmental Policy Act

Council on Environmental Quality: Environmental Justice Guidance under the National Environmental Policy Act: <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ej/justice.pdf>

Daniel R. Mandelker, The National Environmental Policy Act: A Review of Its Experience and Problems, The Washington University Journal of Law and Policy: https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1082&context=law_journal_law_policy

Cumulative Impacts and Land Use

Morello-Frosch, Zuk, Jerrett, Shamasunder, and Kyle, "Understanding the Cumulative Impacts of Inequality in Environmental Health: Implications for Policy," Health Affairs 30, No. 5 (2011)(pp. 879-887).

Historically Redlined Communities Face Higher Asthma Rates, Berkeley News (2019) <https://news.berkeley.edu/2019/05/22/historically-redlined-communities-face-higher-asthma-rates/>

Week 12: Wednesday, April 13

Introduction to Climate Change

Policy Responses to Climate Change: <http://www.world-nuclear.org/information-library/energy-and-the-environment/policy-responses-to-climate-change.aspx>

UC Berkeley Law, California Climate Policy Dashboard: <https://www.law.berkeley.edu/research/clee/research/climate/climate-policy-dashboard/>

Skim through all of the page and pick one bill in particular to present in class.

Manuel Pastor, Rachel Morello-Frosch, James Sadd, Justin Scoggins, "Minding the Climate Gap," (2010) <https://dornsife.usc.edu/assets/sites/242/docs/mindingthegap.pdf>

Communities for a Better Environment, ForestEthics, "Crude Injustice on the Rails," (2015), <http://www.cbecal.org/latest-cbe-report-crude-injustice-la-cruda-injusticia-full-report-english-spanish/>

Michael J. Mishak, Big Oil's Grip on California, The Center for Public Integrity (2017), <https://www.publicintegrity.org/2017/02/13/20685/big-oil-s-grip-california>

Week 13: Wednesday, April 20

In-class group exercise and presentation

Week 14: Wednesday, April 29

Toxic substances

Wrap Up and Evaluations

Salzman and Thompson: Chapter 8: Regulating Toxic Substances

Bullard, Mohai, Saha and Wright, Toxic Wastes and Race at Twenty: 1987-2007 (2007) Chapters 1, 4.

Cerrell Associates, Inc., Political Difficulties Facing Waste-to-Energy Conversion Plant Siting (1984)(pp. 1-39) <https://www.ejnet.org/ej/cerrell.pdf>

SB 673 Cumulative Impacts and Community Vulnerability Draft Regulatory Framework Concepts, CalEPA & DTSC (2018) <https://dtsc.ca.gov/wp-content/uploads/sites/31/2015/09/DRAFT-CI-Regulatory-Frameworks-Concepts-10-15-2018.pdf>

Final assignment distributed

FINAL PAPERS DUE: Friday, May 6th by 5pm. - email to cfarrell@oxy.edu

IMPORTANT DATES

Wednesday, March 2: Mid-term (take home) (GRADED)

Wednesday, March 16: In-class group presentation (GRADED_

Wednesday, April 20: In-class group exercise (GRADED)

Friday, May 6: FINAL PAPER DUE BY 5pm (GRADED)

Statement of the Shared Academic Integrity Commitment

Academic Integrity is a shared community value. It is built around trust and respect between members of the Occidental Community and embodies a commitment to honesty and integrity in every aspect of one's academic life.

All members of the Occidental community are committed to upholding the highest degree of academic integrity. Unless stipulated otherwise, the academic work done for all assignments is expected to be the student's own, and students give proper credit to the ideas and work of others.

Signing the Academic Integrity Commitment at matriculation and at the beginning of every semester represents a student's affirmation to uphold the shared values of honesty and integrity. When signing the Integrity Commitment associated with work in a course, students are affirming that they have not cheated, plagiarized, fabricated, or falsified information; nor assisted others in these actions.

[Link](#) to Student Handbook (which includes the framing of the commitment, definitions of Academic Ethics, and Process for alleged violations of the commitment)

TITLE IX

Title IX statement, and statement of role of faculty member as a mandatory reporter ([Link](#) to Title IX)

- If you choose to write or speak about having experienced sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, sexual exploitation, or any other form of sexual and/or gender-based harassment, as a designated Responsible Employee, I must notify the Title IX Office. They will contact you to let you know about accommodation and support services at Oxy and reporting options both on and off-campus. You have no obligation to respond to the Title IX Office or to meet with them to discuss support services and reporting options.

If you do not want the Title IX Office notified, instead of disclosing this information to your instructor, either through conversation or a class assignment, you can speak confidentially with the following people on campus:

- Oxy's Survivor Advocate, Project SAFE (survivoradvocate@oxy.edu)
- Emmons Counseling (For appointments, call: 323-259-2657)
- Rev. Dr. Susan Young, Office of Religious and Spiritual Life (young@oxy.edu)