

Urban and Environmental Policy 300
Environmental Law & Policy, Wednesdays 4-7
Johnson Hall, Room 106
Professor Caroline Farrell

Office Hours

Wednesdays 12:30-3:30 or by appointment

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 plays 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.

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 is required. Participation in class (coming to class and being a part of it) counts for **20 percent of your grade**.

You may miss **two classes** during the course of the semester without any penalty. Any additional absences will result in an automatic decrease by one grade (a B will become a B-, for example). This class will use the Socratic method, which means I will call on students without prior notice. You are expected to have done reading for the class and be able to contribute to class discussion fully.

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.

Midterm Exam (30%): You will have an in-class mid-term on **Wednesday, October 9**. 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 our 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, December 7th by 5pm**. You must submit an electronic copy to me and hard copy to the UEP department. The final paper prompt will be handed out at least two weeks before the deadline.

Required Text: *Environmental Law and Policy, 4th Edition* by: James Salzman and Barton H. Thompson, Jr.

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, August 28

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, September 4

Review what is the environment?

William Cronon, “The Trouble with Wilderness”
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, September 11

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, September 18

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, September 25

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://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1579&context=california-lawreview>

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>

Guest Speaker: Darryl Molina-Sarmiento, Executive Director, Communities for a Better Environment (5:35-7:00)

Week 6: Wednesday, October 2

In-class exercise and presentation

Review Session for Mid-Term, bring questions

Week 7: Wednesday, October 9

Mid-Term

Video and virtual tour of the San Joaquin Valley
Interactive How a Bill Becomes a law in CA 101

Week 8: Wednesday, October 16

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.**

Guest Speaker: Adrian Martinez, Staff Attorney, EarthJustice (4:00-5:25)

Week 9: Tuesday, October 23

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://d3n8a8pro7vhm.cloudfront.net/communitywatercenter/pages/37/attachments/original/1394266233/Water_Report_2013_Interactive_FINAL.pdf?1394266233

Week 10: Wednesday, October 30

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).

The Racial Origins of Zoning in American Cities, Christopher Silver (1997)

<https://www.asu.edu/courses/aph294/total-readings/silver%20--%20racialoriginsofzoning.pdf>

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 11: Wednesday, November 6

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>

Guest Speaker: Madeline Wander, Senior Data Analyst, USC Program for Environmental and Regional Equity.

Week 12: Wednesday, November 13

In-class group exercise and presentation

Week 13: Wednesday, November 20

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>

Week 14: Wednesday, November 27- **NO CLASS**

Thanksgiving

FINAL PAPERS DUE: Friday, December 6th by 5pm. Hard copy turned in to UEP office.

Important Dates:

Wednesday, October 2: **In-class group exercise (GRADED)**

Wednesday, Oct. 9: **IN-CLASS MIDTERM**

Wednesday, Nov. 13: **In-class group exercise (GRADED)**

Friday, Dec. 7: **FINAL PAPER DUE BY 5pm.**

COURSE POLICIES

Plagiarism Policy

Plagiarism consists of any form of passing off, or attempting to pass off, the knowledge or work of others as your own. It is a form of cheating. Examples of plagiarism include: unattributed quotations from a book, magazine or article; copying from the notes or essays of others; the submission of work actually written or dictated by others; and unattributed use of other people's ideas. Remember, plagiarism includes information from books, newspapers, journals and the Internet.

I randomly check sentences in students' papers to see if there is plagiarism. If you are caught plagiarizing, you will automatically fail this course. Plagiarism is also grounds possible expulsion from the college. Students should consult Occidental's student handbook for information on academic misconduct policy at the college:
<http://www.oxy.edu/student-handbook/academic-ethics/academic-misconduct>.

Classroom Community

This course is intended to provoke discussion and new understandings of the urban environment we live in. Toward this end, the course will grapple with discussions about inequity, power, race, class, and gender. We expect our classroom to be a productive space for open, honest, and thoughtful discussion that recognizes and respects differences and acknowledges the broad range of knowledge we bring to the classroom and discussion. Please remember that our focus in this course is the issues, texts, course materials and presentations themselves, and not the personalities, identities, or opinions of other participants in the discussion.

Laptops and Cellphones

Electronic devices in the classroom limit full participation in class. In order for you to pay attention and engage in learning and minimize distractions to others, laptops are not allowed unless they are necessary for note-taking, which must receive prior approval from your professor. Cell phones and all other electronic devices are to be turned off or put on silent. Please let your professor know in advance if special circumstances require you to be available to others via phone. Students who are not paying attention in class will be marked as absent.

Course Readings

Please complete readings for the day they are assigned. Readings will largely follow the syllabus but are subject to some changes. I will email any changes in readings to the class in advance.

Support Services

The college provides a set of resources to students to support them in learning. The [Writing Center](#) provides writing assistance to students to develop ideas, draft, and revise papers. I

would strongly encourage you to visit the Writing Center if you feel you need more intensive feedback on your writing.

Students with documented disabilities who are registered with Disability Services are required to present their accommodation letter to the instructor at the beginning of each semester or as soon as possible thereafter. Any student who experiences significant physical or mental impairments may contact Disability Services at (323) 259-2969 to learn about available services and support. More information is available at <http://www.oxy.edu/disability-services>

The Emmons Wellness Center also provides important support services and can help you address issues of stress, medical and mental health, and overall well-being. For more information, see their website at <http://www.oxy.edu/emmons-wellness-center>. The school also has a dedicated Title IX Office that responds to issues of sexual harassment, sexual misconduct, stalking, and retaliation. Please note that as faculty, I am a mandatory reporter for purposes of Title IX.