ENV 461 Environmental Law and Policies
Fall 2006 — Syllabus

Instructor: Don Mayer, J.D., LL.M., Professor of Management

Office Hours: Elliott Hall, #313, Fridays, 2:30 – 3:40.

Room: Elliott Hall, #239.

Materials: Environmental Law (EL), Kubasek and Silverman, 5th Edition
Jonathan Harr, A Civil Action
U.S. Constitution, Cases, and other materials available via WebCT
Occasional handouts in class.

Course Objectives and Student Learning Outcomes:

- Understand the legal process and its role in shaping environmental policy
- Determine how well public health is protected by private enterprise and public agencies (both state and federal) in areas of food, air, water quality, and waste management.
- Understand the possibilities and limitations of public action in protecting and managing natural resources.
- Synthesize scientific findings on chemicals, pesticides, and other potentially toxic substances with public risk assessment and policy-making, both at judicial and legislative levels.
- Consider the conflict between corporate mandates and the “public goods” of clean air, clean water, and intact ecosystems.

Grading:

- Homework and Quizzes 20%
- Takehome Exams 30%
- Class Participation 20%
- Paper 30%

[There will be one homework assignments sets worth 8% of your grade, and several quizzes worth 12% of your grade. On takehome exams, you may collaborate with other class members but must turn in your own work. Class participation includes attendance, preparation, quality of comments and questions in class. Your paper may be done individually or with up to two other students; a range of possible topics will be suggested that touch on (among other topics) food protection, water quality, waste management, toxic substance control, resource management, risk assessment, legal compliance issues, environmental health, and environmental justice. Your professor will work with you on these papers, which will not require in-depth legal research, but will require you to consider the interests of a variety of “stakeholders” relative to an important policy question for managers, citizens, politicians, and administrators.]
Tentative Classes and Reading Assignments:

**Week 1**
Sept. 1  
*Introduction to Law and the U.S. Legal System*  
Kubasek and Silverman (K & S), Chapter 1

**Week 2**
Sept. 8  
*The U.S. Legal System and the Litigation Process*  
K & S, Chapter 1, K & S, Chapter 2 (pp. 50 – 57)  
Web CT materials, handouts

**Week 3**
Sept. 15  
*The U.S. Legal System and the Litigation Process*  
**Paper Topics Due**  
WebCT materials on science and the courtroom.  
*A Civil Action*, to p. 82.

**Week 4**
Sept. 22  
*Common Law Remedies for Pollution*  
*A Civil Action*, to page 146.  
K&S, Chapter 7, pp. 272-279.  
*Boomer v. Atlantic Cement Co.*, Environmental Law Materials (WebCT)  
**Quiz**

**Week 5**
Sept. 29  
*Corporations and the Common Good*  
*A Civil Action*, to page 232.  
Materials on Corporate Social Responsibility, Libby’s Deadly Grace (Web CT)  
**First takehome test available** (Web CT)

**Week 6**
Oct. 6  
*Administrative Regulation of the Environment; Clean Air Act*  
*A Civil Action*, to p. 290.  
**Takehome test due in class.**  
WebCT Materials on Clear Skies Initiative

**Week 7**
Oct. 13  
*Clean Air Act; Toxic Substance Control*  
K & S, Chapter 5, esp. pp.184-204.  
K & S, Chapter 7, pp. 252-274  
Various materials and case on Clean Air Act and mercury emissions (WebCT)  
*A Civil Action*, to p. 376.
Homework Assignment #1 given in class.

Outline of Paper Due, with Sources

**Week 8**
**Oct. 20**

**Water Pollution**
SWANNC decision (Commerce Clause case) and other materials (WebCT)

**A Civil Action**, to conclusion.

K & S, Chapter 6

Turn in homework assignment #1 via WebCT

**Quiz**

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**Week 9**
**Oct. 27**

**Waste Management and Hazardous Releases**

K & S, Chapter 8

WebCT Materials and case.

**Draft of Papers Due Tonight!**

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**Week 10**
**Nov. 3**

**The Corporation and the Environment**

Video: *The Corporation*, a film by Mark Achbar, Jennifer Abbott, and Joel Bakan

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**Week 11**
**Nov. 10**

**Natural Resource Management**

K & S, Chapter 10

WebCT Materials; handout.

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**Week 12**
**Nov. 14**

**International Environmental Law**

K & S, Chapter 11

WebCT Materials; handout; Quiz

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**Week 13**
**Nov. 21**

**Student Project/Paper Presentations**

Project Paper is Due at Start of Class

Additional materials on Intl. Envt’l Law (WebCT, handout)

**Second takehome test available on WebCT**

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**Week 14**
**Dec. 1**

**Student Project/Paper Presentations**

Second Takehome Test Returned at start of class. Class ends; grades to be sent to you Dec. 5th.
PAPER ASSIGNMENT FOR ENV 461

General Requirements

The paper must be turned in by Nov. 21st. Late papers will lose .7 on a 4.0 scale for each day late. An “A” paper (say, 3.7) thus becomes a B-minus (3.0), and a B-minus paper becomes a C/C-minus (2.3), etc.

A paper topic is due on Sept. 15th. Please turn in a one-page paper (approx. 200 words) with a general statement of what you intend to research, and what your general approach will be. This “general approach” can be understood in terms of the course objectives and learning outcomes – which of these do you figure will be most prominent or important in pursuit of your topic? In other words, look NOW at the course objectives and learning outcomes on this syllabus: your paper should bring you further along toward the objectives and outcomes. In one of the last two classes, you will be explaining what you have learned in writing this paper: make sure it advances the other students’ learning in terms of one or more of the course objectives.

Start with a definite conclusion or hypothesis; provide reliable information and attribute the source or sources of that information; build gradually throughout the paper toward your conclusion.

An outline and sources for your paper is due on October 13th. You should have a title for your paper, an outline, and at least eight original sources referenced. “Original sources” means that you must be careful in using the internet, because many things get reproduced there that have not originated on that website. I am asking that you note original author, date of first publication, place of first publication, and how a reader could find this source.

A rough draft of your paper is due on October 27th. Rough, but not sloppy: this means a complete paper, with sources indicated for footnotes or endnotes, even though the notes are not in perfect form. Pay attention to your outline, follow it, stay organized, and write! Use good paragraphing, sentence structure, and make a case for what you have concluded. Please let me know if you have never done a research paper before. I can guide you to resources and forms for footnotes/endnotes.

Length. Your paper will be at least ten pages, double-spaced.

Collaboration. You may work with one other student in the class. In order to avoid unfairness, I will provide a confidential form to each “collaborator” that will confirm the amount of time and nature of the work that was contributed by each. Unless there is a significant disparity of contribution between the two or three of you, the same grade will be awarded to each. But I will not lower the grade of the “lesser contributor” more than .7 points (e.g. 3.6 could become a 2.9).
**Grade.** The paper is an important part of your grade in this course. I will work with you to make it as good as it can be. I expect to see excellent work and grade it accordingly. The presentation will be 10% of the grade, and that part will be evaluated by the class as a whole.

**Possible Topics**

Your topics can range from the local to the national to the international. I would suggest you work with something that you are already familiar with, or with something that you feel strongly about. National and international issues are well-known. I also have a sampling on local/regional/state issues, and just a few materials. Of course, local issues are a reflection of national and even international issues.

**Sample of environmental issues facing Michigan:**

Trash from out of state.
Shipping in the Great Lakes; ballast regulations
Mercury in the Great Lakes
Environmental justice and urban incinerators
Dow as polluter?
Withdrawal of water from the Great Lakes
Regulatory changes to allow storm water waste runoff to Lake St. Clair
Hog farms in the thumb
The permit to Ice Mountain (Perrier)
Mining dunes instead of saving them
PCBs in Michigan
Wetlands being compromised?

**Papers/Presentations by Students in Winter 2005.**

A Heavy Metal Crisis
Urban Sprawl
PCBs in the Great Lakes
Wastewater Treatment Dilemmas in Michigan Waterways
Endocrine Disruptors
PCBs
Oil Drilling in ANWR
Radiation Biology
The Holocaust of Our National Forests