

Urban and Environmental Policy 300
Environmental Law & Policy, Mondays, Wednesdays 5:45-7:10 PM

Professor Caroline Farrell

Course Logistics

Office Hours: I will be available for virtual appointments Wednesdays from 4-5:30 or by appointment. 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

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 and Zoom Link

For this Spring, most Monday classes will be in the form of pre-recorded lectures that you can watch at your convenience in advance of Wednesday's classes. Wednesday we will meet via zoom for discussion. The few Mondays we will meet via zoom will be opportunities to prepare for in class presentations, review material, and ask questions about graded assignments.

Video link: <https://occidental.zoom.us/j/88144938368>, Meeting ID 881 4493 8368, Passcode 951169

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. Students will also have the opportunity to gain skills in policy analysis and advocacy.

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**.

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 on one current news story related to environmental policy during the first part of the class. 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.

Midterm Exam (30%): You will have an essay mid-term due on March 3rd. 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 May 7th by 5pm**. Submit the to me at cfarrell@oxy.edu. 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. There is also a 5th edition released last year- you can use either the 4th or 5th edition.

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.

Class Structure

Because our classes are virtual, I will prerecord my lectures for the week. Instead of having class most Mondays, you can take that time to watch the lectures and prepare for class. Classes on Wednesdays will be opportunities to ask questions and discuss the material.

Week 1: Wednesday, January 20th

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: Pre -Recorded lecture Monday January 25, In-Class Discussion Wednesday January 27th

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: Pre-corded Lecture Monday February 1, In-Class Discussion Wednesday, February 3rd

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: Pre-Recorded Lecture Monday, February 8, In-Class Discussion Wednesday February 10

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: Pre-Recorded Lecture Monday, February 15, In-Class Discussion Wednesday February 17

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=californialawreview>

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>

Week 6: In-Class Presentation- both Monday February 22 and Wednesday February 24

February 22: In-class time to prepare with your small group

February 24: In-class presentation

Week 7: Mid-Term Essay- In-Class Discussion- Monday March 1 and Essay Due March 3rd

March 1: Will provide Essay Questions, opportunity to ask questions.

March 3: No class but essays will be due by 7:10 PM to cfarrell@oxy.edu.

Week 8: March 8 & 10: Spring Break No Class

Week 9: Pre Recorded Lecture March 15; In Class Discussion March 17

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. 152.**

Week 10: Pre-Recorded Lecture Monday March 22, In-Class Discussion March 24th

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 11: Pre-Recorded Lecture March 29th; In-Class Discussion Wednesday March 31st

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_journa

l_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: Pre-Recorded Lecture Monday April 5, In-Class Discussion Wednesday April 7

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/cee/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: In-Class Presentation both Monday April 12 and Wednesday April 14

Monday April 12: In-Class preparation with small group

Wednesday April 14: Each group will present

Week 14: Pre-Recorded Lecture Monday April 19, In-Class Discussion April 21st

Toxic substances

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 15: In Peron Class Monday April 26th

Wrap Up

Ask questions about final project

Evaluations

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

Important Dates:

Wednesday, February 24: **In-class group presentation (GRADED)**

Wednesday, March 3rd: **MIDTERM DUE** by 7:10

Monday March 8 and Wednesday March 10: **NO CLASS**

Wednesday March: **In-class group presentation (GRADED)**

Friday, May 7th: **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 climate change. 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.

Support Services

Writing Center: 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.

Disability Services: 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>

Emmons: 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>

Accommodations for Reasons of Faith and Conscience: Consistent with Occidental College's commitment to creating an academic community that is respectful of and welcoming to persons of differing backgrounds, we believe that students should be excused from class for reasons of faith and conscience without academic consequence. While it is not feasible to schedule coursework

around all days of conviction for a class as a whole, faculty will honor requests from individual students to reschedule coursework, to be absent from classes that conflict with the identified days. Information about this process is available on the ORSL website: <https://www.oxy.edu/office-religious-spiritual-life>

Title IX: In the event that you choose to write or speak about having experienced sexual or interpersonal violence, including sexual assault, dating violence, domestic violence, stalking, sexual exploitation or any other form of sexual harassment, as a designated Responsible Employee, I must notify the Title IX Office. They will contact you to let you know about accommodations and support services at Oxy and reporting options both on and off-campus.

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:

- Marianne Frapwell, 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)

The sexual misconduct policy, along with additional resources, can be found at: <http://www.oxy.edu/sexual-respect-title-ix/policies-procedures>. If you would like to contact the Title IX Office directly, you can email Title IX Coordinator Alexandra Fulcher at afulcher@oxy.edu or call 323-259-1338.

COVID-19 Statement

You are trying to learn- and I am trying to teach- during a global pandemic. In the best-case scenario, it means the semester will be more stressful than usual. In the worst case, many, many terrible things can happen. But, we still have to try to be present and engage, as best we can. I expect you to turn assignments in on time and come to class prepared. But, again, global pandemic. You are in less than ideal situations, and I am also in a less than ideal situation. So, let's agree we will all try our best and we will communicate our needs and constraints. I will promise to be flexible and empathetic and you will also promise to be flexible and empathetic. Together, we will get through this. The most important thing is communication. Please let me know if there are issues. It is much better to tell me beforehand if you are struggling to finish an assignment than ask for an extension after the deadline. In general, I do not grant extensions but if you talk to me beforehand, we can figure out a timeline that works for both of us.

