

Environmental Law

POL 661

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Course Description

Environmental Law explores the major policy implementation and legitimization stages typical of environmental law and regulation development. Students gain understanding of the ways the law establishes "frameworks" within which policies must be developed and must interact, and the roles of policy professionals in the several stages of development. The course views environmental problems from the policy perspective, utilizing legal frameworks as a conceptual tool by which environmental problems are handled through both private and public intervention.

Course Goals

Students are exposed to the following goals (conceptually and practically) in this course:

- Understanding **historical** and **conceptual** understanding of the development of environmental regulation in the United States: the 'need' for environmental regulation.
- Understanding the basis upon which **federal** environmental powers reside: including constitutional sources of environmental regulation and the roles of the three primary branches of government in achieving environmental policy goals.
- Understanding the **hierarchal nature** of the law; referencing the differences between **constitutional powers, statutory powers, and regulatory powers**.
- Understanding the difference between **common law** and **statutory law** as 'legal frameworks' employed to control environmental problems.

- Understanding the role of **judicial review** in helping to resolve environmental issues.
- Major federal statutory mechanisms utilized to control environmental issues related to the following areas: environmental assessment, pollution, land use, waste, energy, global environmental issues.

Requirements

1. **Attendance:** Attendance is mandatory. Attendance is monitored by online discussion responses. Each week, a number of online questions are asked in conjunction with the reading and written lecture materials. You are required to respond to these questions (called discussion boards) by the stated deadline. In addition, you are required to interact (comment on other students responses) in each discussion board question. These responses are considered your attendance and will form the basis for your class participation grade.
2. **Online Access:** Necessary course materials will be housed at “MyCourses” via your “MyUMassD” login portal. The username is password is **exactly** the same as your UMass Dartmouth email username and password. All of your online courses are located at this site.
3. **Outside Readings/Personal Interests:** Students are encouraged to develop a dialogue in the online setting based on outside readings, experiences, or personal interests that are related to the subject matter. Because we are dealing with subjects of **public policy** (health, welfare, and justice), each student undoubtedly has personal experiences/viewpoints that will add to the discussion. You are encouraged to share such viewpoints.
4. **Deliverables:** Students will be required to interact with materials online, complete discussion board interactions, written assignments, and examinations as identified in the course itself.

Required Readings

- Firestone, D., Reed, & Stanton (5th ed, 2014). *Environmental Law for Non-lawyers*. South Royalton: SoRo Press.
- Web-postings (provided by professor at the online course website)

Student Behavior/Conduct

UMass-Dartmouth has developed a detailed student handbook to deal with various issues of student behavior. Each student should consult this resource for a better understanding of issues surrounding academic dishonesty. Any perceived negative behavior in this class will result in the student being reported and disciplined. I strive to treat each student as an adult, and will do so unless I am given a reason to act otherwise.

<http://www.umassd.edu/studentaffairs/studenthandbook/>

Course Assignments

Module	Topics
One - Introduction	<ul style="list-style-type: none"> • The Need for Environmental Laws • Sources of Environmental Law • Hierarchy of Laws • Systems Thinking
Two – National Environmental Policy Act	<ul style="list-style-type: none"> • Overview of NEPA • Application • Remedies Available • Effect
Three - Pollution	<ul style="list-style-type: none"> • Sources of Pollution • Control Mechanisms • Private Controls • Public Controls • Judicial Review
Four – Land Use	<ul style="list-style-type: none"> • Introduction and Concepts • Property Right Characteristics • Private Controls • Public Controls • Policy Considerations
Five - Energy	<ul style="list-style-type: none"> • Introduction • Energy Policy • Box Modeling • Climate Change • Government Powers • Policy Implications
Six - Waste	<ul style="list-style-type: none"> • The Problem • Feedback Patterns • Controlling Inputs

	<ul style="list-style-type: none"> • Controlling Outflows <ul style="list-style-type: none"> ○ CERCLA (Past) ○ RCRA (Present) • Waste Management Policy
Seven – Global Environmental Law	<ul style="list-style-type: none"> • Introduction • Issues <ul style="list-style-type: none"> ○ Climate Change ○ Sovereignty • Agreements <ul style="list-style-type: none"> ○ Multinational ○ Bilateral • Comparative International Law • Policy Considerations

Course Evaluation Measures

Grading

Weight

Class Participation	30%
Midterm	30%
Final	40%

Class Participation is based on online discussion interactions, primarily through discussion board responses. Questions regarding an application of the materials are posted weekly; you are required to answer each question and comment on at least one other student's discussion board post. Grading is provided as follows:

Grade	Original response to discussion question	At least one comment on another student's discussion response
100	Yes	Yes
75	Yes	No
50	No	Yes
0	No	No

The **Midterm** will be given at the midpoint of the semester. It **may** consist of the following elements:

- Multiple Choice Questions
- Matching
- Short Essay

The **Final** will be made available at the end of the semester. It **may** consist of the following elements:

- Multiple Choice Questions
- Matching
- Short Essay

All of these grading components will be more clearly discussed in the course site.

Final Grade Computation

Letter Grade	Percentage
A	93% or more
A-	90%-92%
B+	87%-89%
B	83%-86%
B-	80%-82%
C+	77%-79%
C	73%-76%
C-	70%-72%
D+	67%-69%
D	63%-66%
D-	60%-62%
F	0%-59%