

Master of Science in Sustainability Management

SUMA PS5720 POLICY AND LEGAL CONTEXT OF SUSTAINABILITY MANAGEMENT

Wednesdays 6:10 p.m. to 8:00 p.m.

3 Credits – Fall 2023

Room: [REDACTED]

Instructor: Seth Kerschner

Email: seth.kerschner@whitecase.com

Phone: 516-356-6541

Office Hours: Before or after class by appointment

Response Policy: The best way to communicate with me is by email at the above email address at any time. I usually respond within 12 hours. I am also available by phone. If you would like to speak with me in person, we can set up an appointment.

Course Associate : Diandra Angiello

Email: dja2152@columbia.edu

Phone: 914-393-8114

Office Hours: Virtual office hours will be held via Zoom or phone. Please send me an email to set up an appointment on Monday or Tuesday evenings.

Response Policy: The best way to communicate with me is by email at the above email address at any time. I usually respond within 24 hours.

Course Description

This course will provide students with an understanding of environmental sustainability policy in the context of the applicable law and regulations in order to strengthen their ability to understand, interpret, and react to future developments.

The course is divided into general topic areas. No prior knowledge of the US legal system is assumed or needed in order to take this course. After a grounding in the foundational concepts of environmental law and a review of a framework for understanding environmental sustainability policy, students will explore competing policy shapers and the relevant law in the areas of waste management, waste cleanup, air and water protection and regulation, climate change, and biodiversity preservation. Students will learn how the existing and evolving judicial, statutory, and regulatory environment influences an organization's approach to managing sustainability issues. The course focuses on federal environmental law in the United States.

Course Objective

The aim of this course is to teach students the basics of US environmental law and public policy and their effects. This course is designed to provide students with an overview of the development and present status of US environmental law as it relates to sustainability management. Students should understand the evolution of US environmental law as a complex body of statutes, regulations, guidance, administrative and judicial decisions that address environmental impacts arising from emissions, operations, and products. Further, students should understand the interplay of various policy drivers in shaping the law, an understanding that is transferable to any area of sustainability practice.

Course Materials

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The required textbook for this course is: Percival, R.V., Schroeder, C.G., Miller, A.S., Leape, J.P. 2022. *Environmental Regulation Law, Science, and Policy*. New York: Wolters Kluwer Publishers, 9th Ed. (ISBN: 9781543826166)

We will also use materials that will be available online, in the library, emailed to you or made available in hard copy form. This Syllabus may be revised during the course of the semester to reflect the inclusion of additional material or the deletion of certain materials.

Resources

The Columbia University Libraries offer many services to faculty including direct contact with librarians who will build custom queries and set up custom databases for your course. They also work one on one with students and consult with faculty to build research projects for courses. Many faculty services are available via CUL/IS such as subject guides (<http://library.columbia.edu/subject-guides.html>), the digital collections (<http://library.columbia.edu/find/digital-collections.html>) and how to request an appointment with a librarian to review library, archival, print and electronic resources, including primary sources, to customize resources for their course

(<https://library.columbia.edu/find/request/reference/consultation.html>).

Columbia University Library

Columbia's extensive library system ranks in the top five academic libraries in the nation, with many of its services and resources available online: <http://library.columbia.edu/>.

SPS Academic Resources

The Office of Student Affairs provides students with academic counseling and support services such as online tutoring and career coaching: <http://sps.columbia.edu/student-life-and-alumni-relations/academic-resources>.

Method of Instruction

The course includes pre-class reading and problem solving. Class time will combine lectures on, and student participation in class discussions of, legal cases and relevant law.

Method of Evaluation

Each student is expected to be punctual, attend each class, prepare for classes conscientiously, and to contribute to the class discussion. This means providing thoughtful commentary, engaging analysis, and/or posing relevant questions. It also means summarizing and discussing legal cases and statutory and regulatory law. Lively discussions are expected. It is expected that each student come to class with an open mind and a willingness to entertain all different perspectives.

Each student will write three memos between 5 and 6 double-spaced pages. (Details on the requirements for the format and timing of the memos will be provided.) There will be one group/team assignment where groups/teams of students will research, prepare and present a briefing to the class on assigned issues.

The final grade for the course will be determined as follows:

- Individual Memos 75%
- Group presentation and class participation 25%

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If you have not done the reading and/or are unable to participate, notify me before class begins. You will be excused from that day’s participation requirements. However, if you repeatedly fail to do the reading, you will not receive credit for attending class. Students are encouraged to voluntarily participate. However, students may also be called on and asked to participate without volunteering.

Draft Course Outline & Reading

Topics and Syllabus subject to revision as the course progresses

Sep.6	<i>Introduction / Tragedy of the Commons</i> Course goals Syllabus overview	Percival. Chapter 1, Environmental Values and Policies, pp 1-8; Economics and the Environment, pp 28-38 and Common Pool Resources, pp 46-57; Chapter 2, Environmental Law: A Structural Overview, pp. 60-67
Sep. 13	<i>Common Law and Roots of Environmental Law</i> Common Law Federal Environmental Legislation	Percival. Chapter 2, Environmental Law: A Structural Overview - Nuisances, pp. 71-87 and A Historical Perspective 93-110; and How ‘Silent Spring’ Ignited the Environmental Movement (available at https://www.nytimes.com/2012/09/23/magazine/how-silent-spring-ignited-the-environmental-movement.html)
Sep. 20	<i>Regulation</i> Approaches to Regulation, Regulatory Options, and the Regulatory Process	Percival. Chapter 2, Environmental Law: A Structural Overview, Approaches to Regulation: Assessing the Options, pp 138 -166; The Regulatory Process, pp 166 – 184; and Chapter 9, Preservation of Biodiversity, The Endangered Species Act: An Overview, pp 904 - 914
Individual Memo #1 Assigned		
Sep. 27	<i>Waste Management</i> RCRA	Percival. Chapter 4, Waste Management and Pollution Prevention, pp 299 - 347 (read City of Chicago; skip the other cases)
Oct. 4	<i>Remediation</i> CERCLA	Percival. Chapter 4, Waste Management and Pollution Prevention, pp 347 – 416 (read Shore Realty, Bestfoods, Burlington Northern (both opinions, and Atlantic Richfield); skip the other cases)
Individual Memo #2 Assigned		
Oct. 11	<i>Water</i> CWA Wetlands Drinking Water	Percival. Chapter 6, Water Pollution Control, pp 577 – 719 (read Rapanos, County of Maui, Los Angeles County and Coeur Alaska; skip the other cases) <i>Sackett v. EPA</i> , opinion (available at 21-454 Sackett v. EPA (05/25/2023) (supremecourt.gov)) The Costs of Clean Water in Hoosick Falls (available at https://www.nyulawreview.org/wp-content/uploads/2018/12/NYULawReview-93-6-OHerin.pdf);

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		<p>3M, DuPont Face PFAS Liability Risks Beyond Drinking Water Offer (available at 3M, DuPont Face PFAS Liability Risks Beyond Drinking Water Offer (bloomberglaw.com))</p> <p><i>CLF et al v. EPA et al</i>, District Court order (available at https://www.law360.com/articles/1701025/attachments/0) and complaint (available at https://www.clf.org/wp-content/uploads/2022/11/11-02-2022-CLF-v-Regan_RDA-Complaint10.pdf)</p>
Oct. 18	Air CAA Stationary Sources NAAQS	Percival. Chapter 5, Clean Air Act, Introduction and Basic Principles pp. 447-456; National Ambient Air Quality Standards pp. 480-526
Group Project Assigned		
Oct. 25	Air Cap and Trade Mobile Sources	Percival. Chapter 5, Cap and Trade and Other Economic Incentive Programs, pp. 548-558; Mobile Source Controls pp.466-480
Nov. 1 and Nov. 8	Climate Change	<p>Percival. Chapter 5, What is an Air Pollutant? Greenhouse Gases and the Clean Air Act, pp 456–466; PSD Permitting and Regulation of Greenhouse Gas Emissions, pp. 526-548</p> <p><i>West Virginia v. EPA</i>, Supreme Court opinion (available at https://www.supremecourt.gov/opinions/21pdf/20-1530_n758.pdf)</p> <p><i>Juliana v. United States</i>, complaint, Ninth Circuit opinion, District Court opinion and Motion to Dismiss (available at https://climatecasechart.com/wp-content/uploads/case-documents/2015/20150812_docket-615-cv-1517_complaint-2.pdf, https://climatecasechart.com/wp-content/uploads/case-documents/2020/20200117_docket-18-36082_opinion.pdf, https://climatecasechart.com/wp-content/uploads/case-documents/2023/20230601_docket-615-cv-01517_opinion-and-order.pdf, and https://climatecasechart.com/wp-content/uploads/case-documents/2023/20230622_docket-615-cv-01517_motion-to-dismiss-1.pdf)</p> <p><i>Mayor & City Council of Baltimore v. BP</i>, complaint and Supreme Court opinion (available at http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2018/20180720_docket-24-C-18-004219_complaint.pdf and 19-1189 BP P.L.C. v. Mayor And City Council Of Baltimore (05/17/2021) (supremecourt.gov))</p>

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		<p>What You Need to Know about the Inflation Reduction Act (TIME) (available at https://time.com/6204537/inflation-reduction-act-whats-in-it/)</p> <p>Impact of IRA, IJIA, CHIPS, and Energy Act of 2020 on Clean Technologies (BCG) (available at https://breakthroughenergy.org/recently-enacted-legislation-can-help-the-us-lead-in-clean-technology/)</p> <p>Required: first tab on cross-technology summary Optional: tabs on advanced nuclear, carbon capture, utilization, and storage, clean steel, direct air capture, electric vehicles, geothermal, hydrogen, long-duration energy storage, wind, and solar.</p>
Nov. 15	<i>Biodiversity ESA</i>	Percival. Chapter 9, pp. 901-940; the Future of Biodiversity Protection, pp. 969-971
Nov. 29	<i>Epilogue and Review Day</i>	
Dec. 6	<i>Group Presentations</i>	

Final Memo assignment to be posted on Courseworks following completion of group presentations.

Course Policies

You are expected to complete all assigned readings, attend all class sessions, and engage with others in online discussions. Your participation will require that you answer questions, defend your point of view, and challenge the point of view of others. If you need to miss a class for any reason, please discuss the absence with me in advance.

Work that is not submitted on the due date noted in the course syllabus without advance notice and permission from the instructor will be graded down 1/3 of a grade for every day it is late (eg., from a B+ to a B).

Citation & Submission

All written assignments must use MLA, cite sources, and be submitted to the course website (not via email).

School Policies

Copyright Policy

Please note—Due to copyright restrictions, online access to this material is limited to instructors and students currently registered for this course. Please be advised that by clicking the link to the electronic materials in this course, you have read and accept the following:

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private

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study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

Academic Integrity

Columbia University expects its students to act with honesty and propriety at all times and to respect the rights of others. It is fundamental University policy that academic dishonesty in any guise or personal conduct of any sort that disrupts the life of the University or denigrates or endangers members of the University community is unacceptable and will be dealt with severely. It is essential to the academic integrity and vitality of this community that individuals do their own work and properly acknowledge the circumstances, ideas, sources, and assistance upon which that work is based. Academic honesty in class assignments and exams is expected of all students at all times.

SPS holds each member of its community responsible for understanding and abiding by the SPS Academic Integrity and Community Standards posted at <http://sps.columbia.edu/student-life-and-alumni-relations/academic-integrity-and-community-standards>. You are required to read these standards within the first few days of class. Ignorance of the School's policy concerning academic dishonesty shall not be a defense in any disciplinary proceedings.

Accessibility

Columbia is committed to providing equal access to qualified students with documented disabilities. A student's disability status and reasonable accommodations are individually determined based upon disability documentation and related information gathered through the intake process. For more information regarding this service, please visit the University's Health Services website: <http://health.columbia.edu/services/ods/support>.

Diversity Statement

It is our intent that students from all diverse backgrounds and perspectives be well-served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that the students bring to this class be viewed as a resource, strength and benefit. It is our intent to present materials and activities that are respectful of diversity: gender identity, sexuality, disability, age, socioeconomic status, ethnicity, race, nationality, religion, and culture.