

# POLICY AND LEGAL CONTEXT OF SUSTAINABILITY MANAGEMENT

## Course SUMA PS5720

**Spring, 2018**

**Thursdays 6:10 p.m. to 8:00 p.m.**

**Room:** Schermerhorn Extension, Room 558

**Instructor:** Richard A. Horsch

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## SYLLABUS

### Course Description

Public policy shapes how the man-made and natural environments are managed and regulated. To be effective, sustainability practitioners must understand environmental law and public policy and their effects. 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. This is not a comprehensive dissertation on environmental law. 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 municipal and hazardous waste management, hazardous waste cleanup, air pollution (including climate change) and biodiversity preservation. The student will learn how the existing and evolving judicial, statutory, and regulatory environment influences an organization's approach to managing sustainability issues.

### Course Objective

*Policy and Legal Context of Sustainability Management* is designed to provide the student with an overview of the development and present status of U.S. environmental law as it relates to sustainability management. The student should understand the evolution of U.S. 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, the student should understand the interplay of various policy drivers in shaping the law, an understanding that is transferable to any area of sustainability practice.

A student is not expected to have any previous experience with environmental law or policy.

## Course Materials

The required textbook for this course is:

Percival, R. V., Schroeder, C.G., Miller, A.S., Leape, J. P. 2013. *Environmental Regulation Law, Science, and Policy*. New York: Aspen Publishers 7th Ed.

We will also use materials that will be available on-line, 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. You are obliged to look for updates on Canvas.

## 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. 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%

## Communications

The best way to communicate with me is by email at the above email addresses (please send to both CU and “whitecase” addresses). I am also available by phone. If you need to speak with me in person, we can set up an appointment either before or after class. Regularly scheduled office hours are listed above.

## Course Outline

**Please note: These topics and the syllabus are subject to revision as the course progresses.**

### Weeks 1-5: Foundational Concepts

**Week 1: January 18, 2018**

Environmental Law, Sustainability, and their Relevance to Sustainability Management  
Percival. Chapter 1, Environmental Values and Policies, pp 1-7; Chapter 2,  
Environmental Law: A Structural Overview, pp 89-100

**Week 2: January 25, 2018**

The Common Law Roots of Environmental Law: Public and Private Nuisance and Why they  
Still Matter

Percival. Chapter 2, Environmental Law: A Structural Overview, pp 61-89; The Impact  
of Regulatory Legislation on Common Law Actions, pp 100-111

**Week 3: February 1, 2018**

Approaches to Regulation, Regulatory Options, and the Regulatory Process

Percival. Chapter 1, Common Pool Resources, pp 49-53; Chapter 2, Environmental  
Law: A Structural Overview, Approaches to Regulation: Assessing the Options, pp 136  
-167 and The Regulatory Process, pp 168 – 190

**Assigned:** Take-Home Examination #1

**Weeks 4 through 8; Waste Management**

**Weeks 4 through 6: February 8 through February 22, 2018**

Solid and Hazardous Waste Management

Percival. Chapter 4, Waste Management and Pollution Prevention, pp 349-410  
(read City of Chicago; skip the other cases)

**Weeks 7 and 8: March 1 and March 8, 2018**

Hazardous Waste Remediation

Percival. Chapter 4, Waste Management and Pollution Prevention, pp 411 – 488  
(read Shore Realty, Bestfoods, and Burlington Northern (both opinions); skip the other  
cases)

**Assigned:** Take-Home Examination #2

## **SPRING BREAK: March 12 through March 16**

### **Weeks 9, 10 & 11: Air Pollution – the Clean Air Act; Climate Change**

#### **Week 9: March 22, 2018**

##### The Clean Air Act

Percival. Chapter 5, Clean Air Act, Introduction and Basic Principles pp. 523-32;  
National Ambient Air Quality Standards pp. 569-607

**Assigned:** Group/team project where students will be assigned a specific thematic area to research and report on. Group presentation due on either Friday, April 28 or Monday, May 1, 2017 (day to be decided based on convenience to students).

#### **Week 10: March 29, 2018**

##### Climate Change: The Evolving US Regulatory Environment

Percival, Chapter 5, What is an Air Pollutant? Greenhouse Gases and the Clean Air Act, pp 533–555; Cap and Trade and Other Economic Incentive Programs, pp. 624-637  
(skip Alliance for Clean Coal case (pp. 634-636) and note 1 on p. 636)

#### **Week 11: April 5, 2018**

##### Cap and Trade Programs: Overview, Present Status, and the Foreseeable Future

Percival, Chapter 5, Cap and Trade and Other Economic Incentive Programs, pp. 624-37  
(skip Alliance for Clean Coal case (pp. 634-636) and note 1 on p. 636)

Pew Center *Climate Change 101: Cap and Trade*, January 2011 <http://www.c2es.org/docUploads/climate101-captrade.pdf>

### **Weeks 12 & 13, Biodiversity Preservation; the Endangered Species Act**

#### **Weeks 12 & 13, April 12 and 19, 2018**

Percival, Chapter 9, Why Should We Preserve Diversity? pp. 979-84; Overview of Endangered Species Act, Authority to Preserve Diversity, Endangered Species Act Procedures, pp. 984-1028; the Future of Biodiversity Protection, pp. 1064-1069.

#### **Week 14: Epilogue**

**Week 14: April 26, 2018**

Understanding Policy Drivers and How They Shape Environmental Sustainability

**Schoenbrod, D., R. B. Stewart, K. B. Wyman. 2010 Breaking the Logjam: *Environmental Protection That Will Work*. New Haven: Yale University Press. Chapters 1 – 3, pp 3-56 (to be posted on Canvas)**

**PRESENTATION OF GROUP/TEAM REPORTS: Days or days during study period or final exam period, to be determined.**

**Final Take-Home Exam to be posted on Canvas immediately following completion of group presentations.**