Course Proposal Form

Date: May 6, 2011
Course Number: FOR 687
Course Title: Environmental Law and Policy

☐ New Course OR ☒ Changes in existing course (check all that apply):

☐ Prefix
☐ Number
☐ Credits
☐ Title
☐ Description
☒ Pre-requisite(s)
☐ Co-requisite(s)
☐ Shared Resources
☐ Course Format
☐ Content
☐ Semester Offered

This course meets the General Education standards in the following knowledge and skills area (check all that apply):

☐ American History
☐ The Arts
☐ Basic Communication
☐ Humanities
☐ Mathematics
☐ Natural Sciences
☐ Other World Civilizations
☐ Social Sciences
☐ Western Civilization

Prequisites or co-requisite requirements:

☐ Prerequisites: None
☐ Co-requisites: None

Institutional Impact:

Anticipated Enrollment: 8-15 per semester

Technology and Classroom Resource Demands:

This course requires a classroom with an overhead projector, blackboard or dry-erase board, projection equipment for displaying computer output (e.g., PowerPoint presentation, internet websites), and duplication resources of approximately 250 pages per student.

Computing Resources:

None

Library Resources:

This course requires both physical and electronic library resources. The physical library resources needed for this course (e.g., federal and state natural resource statutes, regulations, and law reviews) are available at Barclay Law Library and Moon Library. The course instructor and students use Greenwire, an electronic environmental journal currently subscribed to by Moon Library.

Transportation Requirements:

None
Forest Properties or Field Practicum Facilities
Required: None
Health and Safety Considerations:

Conditions or situations present in association with the course? Yes / No

1. Will substances with any of the following properties be used during instruction: flammability, toxicity, corrosivity, reactivity, registered pesticide, legally controlled, or other characteristics with the potential to cause harm or injury? No

2. Will any physical hazards be present during instruction? (e.g., machines that need safety guards; razor blades or syringes; compressed gases, etc.). No

3. Will any biological hazards be present during instruction? (e.g., handling animals (rabies or hantavirus); cultures or stocks of infectious agents (fungal spores, viruses, bacteria, etc.). No

4. Will any radiation hazards be present during instruction? (e.g., radioisotopes, X-rays, ultraviolet rays, lasers, etc.). No

5. Will any electrical equipment that, due to its design, location, or method of use, pose any threat to safety during instruction? (Give considerable thought to electrical use outdoors, or any potentially wet location.). No

6. Will there be any personal safety issues related to the class? (e.g., due to time of day or location, at the end of any organized class exercise, will students be in danger of physical assault, etc.). No

7. Will any students be driving official state or research sponsored land or water vehicles during any class or instructional exercise? No

8. Will any type of personal protective equipment be necessary during class exercises? (e.g., hard-hats, eye/face protection, hearing protection, hand/foot protection, lab coat, visibility clothing, etc.) No

If the answer was “Yes” to any of the HEALTH AND SAFETY questions, please explain:

CATALOG DESCRIPTION (Please provide using the precise format currently used in the ESF catalog, please do not exceed 1000 characters):

FOR 687: Environmental Law and Policy.

Three hours of lecture/discussion per week. Introduction to the approaches used in US environmental law. Analysis of common law and statutory designs and strategies used to address environmental problems. Examination of common law environmental remedies, Clean Air Act, Clean Water Act, Endangered Species Act, hazardous waste, and other environmental laws. Analysis and application of primary and secondary legal sources to environmental problems. Fall.
DETAILED COURSE DESCRIPTION

COURSE: FOR 687 – Environmental Law and Policy
3 Credit Hours – Fall Semester
3 Hours Lecture per Week
Prerequisite(s): None

SCOPE:

1. **Level of Instruction:**
   a. FOR 687 is an advanced graduate elective course.

2. **Relation to curriculum or to other ESF or Syracuse University courses:**
   a. Courses:
      i. The course complements other ESF graduate law courses, such as FOR 685: Business and Managerial Law, FOR 689: Natural Resources Law and Policy, and EST 660: Land Use Law.
      ii. This is a shared resource course with FOR 487. In addition to the undergraduate course requirements, graduate students:
         1. Take more extensive tests (than undergraduate students) that require greater knowledge of course concepts, and
         2. Locate and evaluate primary and secondary legal sources and apply these research results to environmental problems.

STUDENT LEARNING OUTCOMES:

After completing this course the student should be able to:

1. read and understand legal opinions and analyze opinions to find legal principles,
2. apply various statutory designs and strategies that can be used to address environmental problems and describe the advantages and disadvantages of using these approaches, and
3. apply major common law environmental causes of action and environmental law statutes to factual situations.
4. Locate, analyze, and apply the results of legal research.

MAJOR CONCEPTS OR METHODOLOGIES:

**Concepts:** This course provides an understanding of United States environmental laws and policies. The course introduces students to environmental common law, administrative agencies, and environmental federalism. It then explores the goals and objectives of US statutory environmental law, such as effects-based standards, technology-based standards, and cost-benefit analysis. The strategies and approaches used in environmental law are analyzed (via an advantage/disadvantage examination), namely traditional regulation, economic incentives, information, pollution prevention and recycling, and private clean-up responsibility. The course concludes with an exploration of government and citizen environmental enforcement. By the conclusion of the course, students have an in-depth understanding of common law environmental remedies, Clean Air Act, Clean Water Act, Endangered Species Act, hazardous waste, and other environmental laws.

**Methodologies:** The course develops students’ critical thinking skills. Law provides an excellent mechanism for enhancing such skills since the essence of law is problem solving: understanding factual scenarios, applying legal principles to those facts, and then determining the rights and duties of the parties involved. The course fosters these skills by teaching students the law (through class lectures and studying for in-class examinations) and then having students solve legal problems (through class discussions and take-home examinations).
The course takes its organization from the elements of the legal system itself. The course builds upon a base of traditional legal structures and remedies, exploring the common law upon which environmental law doctrines originally developed and continue to flourish. It examines how administrative agencies and federalism affect the development of statutory and regulatory law in the administrative state and serve as an overlay on the common law. The course then explores the variety of statutory designs and strategies legislatures and administrative agencies use to define regulatory environmental standards.

To fulfill the graduate requirement and to illustrate an understanding of the principles of environmental law, graduate students must write a research term paper that analyzes critically a proposed or existing environmental statute or regulation, focusing on principles of statutory design and strategies. In addition, graduate students’ examinations questions’ answers must be more detailed and demonstrate a greater ability to apply course concepts to hypothetical fact scenarios.

CATALOG DESCRIPTION (Please provide using the precise format to be included in the ESF catalog, please do not exceed 50 words)

FOR 687: Environmental Law and Policy (3)

Three hours of lecture/discussion per week. Introduction to the approaches used in US environmental law. Analysis of common law and statutory designs and strategies used to address environmental problems. Examination of common law environmental remedies, Clean Air Act, Clean Water Act, Endangered Species Act, hazardous waste, and other environmental laws. Analysis and application of primary and secondary legal sources to business and management problems. Fall.

Prerequisite(s): None

COURSE HISTORY:

This course was approved by the Faculty in 1975 as FMP 587. It was later renumbered to FOR 587. It was changed to ENS 687 by faculty action on April 18, 1991 to reflect the Department of a new instructor (Environmental Studies) and its additional focus on pollution control and waste management issues. ENS 687 was last taught in Fall 2000 by Dr. Robert Malmsheimer. After transferring from the Faculty of Environmental Studies to the Department of Forest and Natural Resources Management, Dr. Malmsheimer taught the course as an experimental course (FOR 796) from Fall 2003 to Fall 2005. The course was revised in 2006 to reflect its emphasis on statutory design and to reflect the Department of its current instructor.

The course description is being revised to remove the prerequisites, which were previously a “Course in American government or American history.”

Last approved: 2006.