

**FOR 487/687: ENVIRONMENTAL LAW AND POLICY**  
**SYLLABUS – FALL 2015**

**PROFESSOR:** Dr. Robert Malmshheimer

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Offices: 411 Bray Hall

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**CLASS TIMES:** 11:00 to 12:20 Tuesdays and Thursdays (148 Baker Hall)

**OFFICE HOURS:** Professor: 12:45 to 2:00 Tuesdays and Thursdays, and by appointment

Teaching Assistants: To be announced, and by appointment

**INTRODUCTION:** This course uses a conceptual approach to teach U.S. environmental law. It focuses on the core concepts imbedded in U.S. environmental law, rather than individual statutes, although by the end of the course students will have a thorough understanding of major environmental laws, such as the Clean Air Act (CAA); Clean Water Act (CWA); Resource Conservation and Recovery Act (RCRA); and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The course identifies key concepts surrounding environmental goals and the means to achieve those goals and provides students with the knowledge to understand any statutory scheme by:

- Exposing the key policy and practical questions that confront those active in the field on a daily basis,
- Facilitating a concrete understanding of the field and the overarching framework that aids students in making sense of the details of environmental law, and
- Providing knowledge of the basic policy choices available to those practicing in the field and explaining the practical difficulties regulators and courts face in implementing the law.

It also helps students understand the policy tools used to achieve the goals of U.S. environmental law, such as: 1) traditional regulation, 2) economic incentives, 3) information-based approaches, 4) pollution prevention mechanisms, and 5) private party liability. The end of the course examines U.S. environmental law enforcement mechanisms.

**COURSE OUTLINE:** The course is organized around three key questions:

- How do we establish environmental goals?
- What means do we use to achieve these goals?
- How can we enforce environmental laws?

**COURSE OBJECTIVES:** By the end of the course, students will be able to:

1. Read and understand legal opinions and analyze opinions to find legal principles,
2. Describe different methods for setting environmental goals and policy tools to achieve those goals,
3. Explain when various policy tools are appropriate, and the advantages and disadvantages of different tools,
4. Recognize statutory goal setting and policy tools, and
5. Apply major environmental law statutes to factual situations.

**PREREQUISITES:**

1. **Undergraduate Students:** Junior or senior standing.
2. **Graduate Students:** None.

*Additional Thoughts.* An introductory law course in American government, and/or environmental economics course is helpful, but not required. If students have questions about their ability to successfully achieve the course goals and objectives, they should see Dr. Malmshheimer.

**READINGS:** This course uses a course reader that contains various readings. Students can purchase (approximately \$20.00) the reader from the ESF Copy Center in the Bray Hall's basement.

**E-MAIL REQUIREMENT:** All students are required to have a **.syr.edu** e-mail account and to check that e-mail account *regularly* for class announcements.

**GRADES:**

**Undergraduate Student Grades** will be calculated based upon on the following:

1. Three examinations (250 total points)
2. Attendance (25 points).

**Graduate Student Grades** will be calculated based upon on:

1. Three examinations (300 total points).

Students will receive a letter grade based on their percentage of the total possible points:

A = 93% or greater	B+ = 89.9% – 87.0%	C+ = 79.9% – 77.0%	D = 69.9% – 65.0%
A- = 92.9% – 90.0%	B = 86.9% – 83.0%	C = 76.9% – 73.0%	F = 64.9% or less
	B- = 82.9% – 80.0%	C- = 72.9% – 70.0%	

No portion of students' grades are based on class participation.

Except as noted below (see "Extra Credit"), students will receive the grade they earn based on the course requirements. I will not adjust grades or provide students with "additional assignments" to raise their grade.

**Examinations (250 or 300 total points):** There are three (3) examinations during the course of the semester. Each examination is worth 100 points and consists of short answer, multiple choice, and true/false questions that assess students' knowledge of class materials.

- **Undergraduates' Lowest Examination Worth One-Half Other Two Examinations.**

Undergraduate students' lowest examination grade will be worth one-half ( $\frac{1}{2}$ ) of their examination grades on their other two (2) examinations. This grade will be calculated by dividing the lowest examination by one-half ( $\frac{1}{2}$ ) of students' grade; thus undergraduate students' final course grade will be based on 250 points.

- **No Final Examination.** There is no final examination during Final Examination Week; the last examination is non-cumulative.

- **Graduate Student Examinations.** Graduate students are expected to more completely understand course concepts, so graduate students answer additional questions on examinations.

**Attendance (Undergraduate Students ONLY – 25 Points):** Undergraduate students are required to attend class every day – graduate students are expected to be in class everyday. To encourage undergraduate student attendance, 9 percent of undergraduate students' grades are based on attendance. Attendance grades will be assigned as follows:

- Students who miss zero (0) or one (1) classes will receive twenty-five (25) attendance points;
- Students who miss two (2) classes will receive twenty-two and one-half (22.5) attendance points;
- Students who miss three (3) classes will receive twenty (20) attendance points;
- Students who miss four (4) classes will receive seventeen and one-half (17.5) attendance points;
- Students who miss five (5) classes receive fifteen (15) attendance points;
- Students who miss six (6) classes receive ten (10) attendance points;
- Students who miss seven (7) classes will receive five (5) attendance points;
- Students who miss eight (8) or nine (9) classes will receive zero (0) attendance points; and
- Students who miss ten (10) or more classes will receive no (0) attendance points **AND** lose twenty-five (25) points from their total course grade.

Students who miss class for an approved reason will be excused from class. To be officially excused from class, students **must:** 1) miss class because of illness, attendance at a professional conference, death in their family, observation of a religious holiday, or a professor-approved reason, and 2) **email Ms. Granat (hggranat@syr.edu)** the reason for their excused absence within seven (7) days of missing class.

**Extra Credit (0-5 Points):** Student feedback greatly improves my teaching and the class. Unfortunately since ESF instituted an on-line course evaluation, the percentage of students completing these evaluations is extremely low (15-40%) for most courses. To encourage student evaluations of the course, I will add points to students' *total points for the course* (not course average) based on the percentage of students who complete the course online course evaluations by the assigned due date – note percentages are based on the total number of undergraduate and graduate students in the course. Extra credit will be assigned as follows:

- If 75% to 80% of the students complete evaluations, students will receive one (1) extra point;
- If 80% to 85% of the students complete evaluations, students will receive two (2) extra points;
- If 85% to 90% of the students complete evaluations, students will receive three (3) extra points;
- If 90% to 95% of the students complete evaluations, students will receive four (4) extra points; and
- If 95% to 100% of the students complete evaluations, students will receive five (5) extra points.

**ACADEMIC DISHONESTY:** I assume that as juniors, seniors, and graduate students, you understand that academic dishonesty is a breach of trust between a student, one's fellow students, or the professor. By registering for courses at ESF, you acknowledge your awareness of the ESF Code of Student Conduct (<http://www.esf.edu/students/handbook/StudentHB.05.pdf>) and that academic dishonesty includes, but is not limited to, plagiarism and cheating, and other forms of academic misconduct. The Academic Integrity Handbook contains further information and guidance (<http://www.esf.edu/students/integrity/>). Infractions of the academic integrity code may lead to academic penalties as per the ESF Grading Policy (<http://www.esf.edu/provost/policies/documents/GradingPolicy.11.12.2013.pdf>). If you have questions about this policy, please ask the professor because the ESF Code of Student Conduct will be strictly enforced.

**CLASSROOM LEARNING ENVIRONMENT:** To maintain the best possible environment for learning, all students in this class **will**:

- Be on time for class and not leave early,
- Not have conversations among themselves during class that distract other students or the instructor,
- Not read the newspaper or other non-classroom materials (*including email or internet content*) during class,
- Turn off all cell phones before entering the class, and
- Not taunt or belittle other students or use vulgarity or profanity in class.

Students who violate these standards will be given one warning. Another violation of these rules will result in the student being dropped from the class *and* being reported to the ESF Office of Student Affairs for disciplinary action.

**CLASS TAPE RECORDING POLICY:** Students are prohibited from recording classes.

**INTERNET USE IN THE CLASSROOM POLICY:** Unless approved by the Professor, students are prohibited from accessing the internet during class.

**ACCOMMODATIONS FOR STUDENTS WITH LEARNING AND PHYSICAL DISABILITIES:** SUNY-ESF works with the Office of Disability Services (ODS) at Syracuse University, who is responsible for coordinating disability-related accommodations. Students can contact ODS (804 University Avenue- Room 309, 315/443-4498) to schedule an appointment and discuss their needs and the process for requesting accommodations. Students may also contact the ESF Office of Student Affairs (110 Bray Hall, 315/470-6660) for assistance with the process. To learn more about ODS, visit <http://disabilityservices.syr.edu>. Authorized accommodation forms must be in the professor's possession one week prior to any anticipated accommodation. Since accommodations may require early planning and are not provided retroactively, please contact ODS as soon as possible.

**FOR 487/687: Environmental Law and Policy  
Fall 2015 Course Schedule**

<b>Class and Date</b>	<b>Topic of Class</b>	<b>Cases (in italic) and Other Material in Reader</b>
1. Sept. 1	Review of Course and Expectations	
2. Sept. 3	Introduction to Cases and Legal System	<i>Overton Park</i>
3. Sept. 8	Administrative Law	<i>Overton Park, Chevron, and APA Sec. 706</i>
4. Sept. 10	Effects-Based Standards I	<i>Ethyl Corp. and Lead Industries</i>
5. Sept. 15	Effects-Based Standards II	<i>PUD No. 1, NRDC I, and NRDC II</i>
6. Sept. 17	Technology-Based Standard Setting I	<i>American Textile, National Lime, and NRDC</i>
7. Sept. 22	<i>No Class – RWM at Conference</i>	
8. Sept. 24	Technology-Based Standard Setting II	<i>Assoc. of Pacific Fisheries</i>
9. Sept. 29	Cost-Benefit Analysis	TSC Statute, TSC Regulation, and <i>Corrosion Proof</i>
10. Oct. 1	Review of Setting Standards	
<b>11. Oct. 6</b>	<b>Examination I</b>	
12. Oct. 8	Allocation of Government Responsibility	CAA Table, <i>Pronsolino, Pinto Creek, and CWA Table</i>
13. Oct. 13	Traditional Regulation I	<i>Sierra Club and Adamo Wrecking</i>
14. Oct. 15	Traditional Regulation II	Corn, Buck & Alexander CRS Report
15. Oct. 20	Economic Incentives I	<i>Citizens</i>
16. Oct. 22	Economic Incentives II	Swift Law Review Article
17. Oct. 27	Review of CAA & CWA	
18. Oct. 29	<b>Examination II</b>	
19. Nov. 3	Information-Based Approaches I	Alexander CRS Report
20. Nov. 5	Information-Based Approaches II	Schierow CRS Report
21. Nov. 10	Pollution Prevention and Recycling	Zax – NY Times Article
22. Nov. 12	Private Clean-up Responsibility I	Site Remediation under CERCLA and <i>NYS v. Shore</i>
23. Nov. 17	Private Clean-up Responsibility II	<i>O'Neil</i>
24. Nov. 19	Detecting Violations	
25. Nov. 24	<i>No Class – Thanksgiving Break</i>	
26. Nov. 26	<i>No Class – Thanksgiving Break</i>	
27. Dec. 1	Government Enforcement	Weitzenhoff and Ahmad
28. Dec. 3	Citizen Enforcement and Course Conclusion	
<b>29. Dec. 8</b>	<b>Examination III</b>	
30. Dec. 10	No Class	