VERMONT LAW SCHOOL
ONLINE SUMMER CLASSES
ENV5902.1/ENVIRONMENTAL CRIMES
TERM 2: JUNE 15-25, 2020

Professor: Deborah Harris
(202) 532-3042
Deborah.Harris@usdoj.gov

Class Schedule: June 15-18 and June 22-25
10:30 a.m. to 12 p.m. and 1 to 2:30 p.m.

Final Exam: Open-book, take-home exam

Overview: The field of Environmental Crimes includes a wide array of federal statutes directed at preventing pollution, safeguarding human health and natural resources, and preserving fish, wildlife and plants. This area of law continues to grow in importance as we battle global issues from climate change to the extinction of iconic species. It is also an area of law that brings out strong emotions, from cries for more regulation after catastrophic events to complaints of "over-criminalization" when corporate profits dip.

This course will provide an overview of the major U.S. environmental statutes and the impact of certain doctrinal and policy issues on the application of these laws. We will cover both the national and international "infrastructure" for environmental enforcement. We will also address the use in environmental prosecutions of "general" crimes such as conspiracy, false statements, fraud, and obstruction of justice; prosecutorial discretion guidelines; sentencing issues; and litigation pitfalls to avoid.

Course Materials: Required reading for the course is set out in the syllabus. I have attempted to direct you to the relevant portions of all materials. All statutes, regulations, and cases are available on Westlaw and LexisNexis.

Syllabus

Date	Topic	Reading
6/15	• Overview • Prosecution Guidelines • Investigative Tools	Fed. Rule Crim. P. 6
6/16	• Corporate Liability • Mental States • Responsible Corporate Officer Doctrine	*New York Central and Hudson River Railroad Co. v. United States*, 212 U.S. 481, 489-496 (1909) *United States v. Hilton Hotels*, 467 F.2d 1000, 1004-1007 (9th Cir. 1972) *United States v. Bank of New England*, 821 F.2d 844, 854-57 (1st Cir. 1987) *United States v. Bryan*, 524 U.S. 184, 186-196 & 200-205 (1998)
6/17	• Clean Water Act • Act to Prevent Pollution from Ships	33 U.S.C. §§ 1311(a), 1317(d), 1319(c), 1321(b)(3), 1342(a)(1), (b) and (i), 1344(a) and (e), and 1362(3)-(12), (14), and (19) 40 C.F.R §§ 328.3, 403.3(d), (j), (k), (l), (p), (q), (r), (s), and (t), 403.5(a), (b) and (d), 403.17 *Rapanos v. United States*, 547 U.S. 715 (2006) plurality opinion parts I-V and VII, concurring opinion through part IIA *County of Maui, Hawaii v. Hawaii Wildlife Fund*, No. 18–260, slip op. 590 U.S. ___, 2020 WL 1941966 (Apr. 23, 2020) majority opinion 14 U.S.C. § 522; 33 U.S.C. §§ 1907(c), (d), and (e), 1908(a) 33 C.F.R. §§ 151.11, 151.15, and 151.25

6/18	• Clean Air Act	42 U.S.C. §§ 7412(r)(1) through 7412(r)(6)(G), and 7412(r)(7)(A) and (B), 7413(c) and (h) 40 C.F.R. §§ 61.141, 61.145, 61.150
6/22	• RCRA • CERCLA • FIFRA	42 U.S.C. §§ 6903(3), (5), (12), (27), (33) and (34), 6926 and 6928(d) - (f) 40 C.F.R. §§ 261.2, 261.3, 261.4, 261.6, 261.7, 261.20-261.24, 261.30-261.33 [skim] 42 U.S.C. § 9603(b) 7 U.S.C. §§ 136(e), 136j, 136*l*(b)
6/23	• Endangerment Crimes • Crime Victims' Rights • Title 18 Crimes	33 U.S.C. § 1319(c)(4) 42 U.S.C. § 6928(e)-(f) 42 U.S.C. § 7413(c)(5) 29 U.S.C. § 666 18 U.S.C. § 3771 18 U.S.C. §§ 371, 1001, 1505, 1512, 1519 *United States v. Pinkerton*, 328 U.S. 640 (1946) *United States v. Klein*, 247 F.3d 908 (2d Cir. 1957) *Yates v. United States*, 574 U.S. 528 (2015) plurality and dissenting opinions
6/24	• Lacey Act • Endangered Species Act • Migratory Bird Treaty Act and BGEPA	16 U.S.C. §§ 3372, 3373 16 U.S.C. §§ 1538, 1540 16 U.S.C. §§ 703 & 668
6/25	• Sentencings • International Environmental Law	18 U.S.C. §§ 3553(a), 3571