

ENVIRONMENTAL JUSTICE COURSE SYLLABUS

Summer 2020

Veronica Eady, Adjunct Professor of Law
Mobile: (857) 218-2188
E-mail: veady@vermontlaw.edu

Office hours: By appointment

Course Description

Environmental justice is a social movement grounded in a unique marriage between environmental and civil rights law and policy. It has two primary components, procedural justice and distributive justice. Procedural justice concerns itself with the processes responsible for disenfranchisement of people of color, indigenous, and low-income populations in social, political and environmental decision-making. Distributive justice indicts resulting programs and policies shown to place a disproportionate risk on those same non-white, indigenous, and low-income groups at the local, regional, national, and international level. This course will introduce students to the concept of environmental justice and lead them through an exploration of the history of racism and the environment in America, resource colonization and the destruction of indigenous cultures, the specter of environmental insecurity, and the role of a much broadened concept of environmental justice in shaping new sustainability discourses in ethics, law and policy for the 21st century.

Course Text

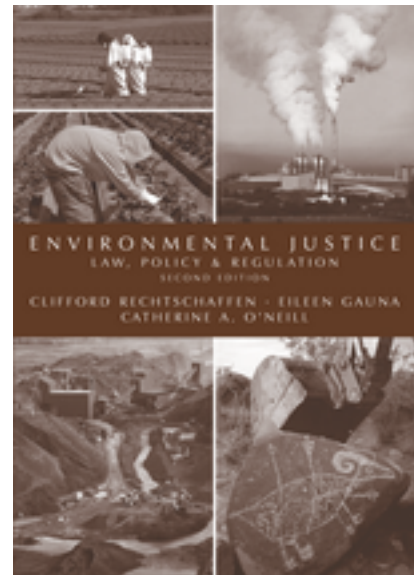
Rechtschaffen, Clifford, Gauna, Eileen, and O'Neill, Catherine A. Environmental Justice: Law, Policy and Regulation, (2nd Edition, Carolina Academic Press 2009).

The text will be supplemented by selected readings either as handouts, online downloads, or legal research.

Grading

Students will be graded based on the following factors:

Class attendance/participation	25 percent
Research paper	75 percent



The research paper should be a minimum of 15 pages, double-spaced, including footnotes. Students may develop topics based on the readings and class discussions, or they may come up with one of their own with the approval of the instructor. The research paper should be a combination of original research and theory and a critique of the relevant readings covered during class.

Schedule

Class 1 | June 15

Introduction

Logistics, review of syllabus and course requirements, and grading. Begin discussion of history of the Environmental Justice movement.

Reading: Friends of Buckingham v State Air Pollution Control Board (4th Cir. Jan 7, 2020)

Class 2 | June 16

Evidence and Causation

History of the EJ movement, historic land use practices. Environmental benefits vs. environmental burdens

Reading: Rechtschaffen, Gauna & O'Neill, Chapters 2 and 3

Class 3 | June 17

Regulation and the Administrative State

Public participation, stakeholders, and power sharing

Reading: Rechtschaffen, Gauna & O'Neill, Chapter 5

Case study: California AB 617 (C.Garcia 2017)
https://ww2.arb.ca.gov/sites/default/files/2020-03/final_community_air_protection_blueprint_october_2018_acc.pdf/

Class 4 | June 18

Risk, Health, and Standard Setting

Quantitative risk assessment and cumulative impacts

Reading: Rechtschaffen, Gauna & O'Neill, Chapters 6-7

Class 5 | June 22

Government EJ Initiatives

Federal and state measures intended to solve environmental justice issues

Reading: Rechtschaffen, Gauna & O'Neill, Chapter 10

Additional Reading: Massachusetts Executive Order 552

<https://www.mass.gov/service-details/environmental-justice-policy>

CalEnviroScreen 3.0

<https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>

Class 6 | June 23

Permitting and Land Use Planning

Permitting, enforcement and environmental review statutes

Reading: Rechtschaffen, Gauna & O'Neill Chapters 8 and 11

Additional Reading: California Environmental Justice Alliance SB 1000 Toolkit, <https://caleja.org/2017/09/sb-1000-toolkit-release/#form>

Class 7 | June 24

Climate Change & Climate Justice

Disproportionate climate threats and impacts

Reading: Rechtschaffen, Gauna, & O'Neill Chapter 12

Class 8 | June 25

Litigation, Enforcement & Civil Rights

The role of the lawyer and viable legal claims

Reading: Rechtschaffen, Gauna & O'Neill Chapters 13-14