

**VERMONT LAW SCHOOL
ONLINE SUMMER CLASSES
ENV5902.1/ENVIRONMENTAL CRIMES
TERM 2: JUNE 21-JULY 1, 2021**

Professor: Deborah Harris
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Schedule: Mon–Thurs, June 21–24 and June 28–July 1
10:30 am–12 pm/1–2:30 pm

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 a topic 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.

Office Hours: I will remain available at the end of each class for questions. I will also be available until 11 pm EDT daily between June 21 and July 2 for questions or requests for meetings. Simply email me at Deborah.Harris@usdoj.gov or call (202) 532-3042.

Course Materials: Required reading for the course is set out in the syllabus below. I have attempted to direct you to the relevant portions of all materials. All statutes, regulations, and cases are available on Westlaw and LexisNexis. I will call upon people to discuss assigned cases (but not statutes).

Classroom Policies – Attendance: Regular class attendance is required and is necessary for successful work. I will take attendance over the course of each of our eight classes. Classes will be recorded. If you have an emergency that will prevent you from attending, please let me know beforehand, if possible.

Video Cameras: Cameras must be on during class.

Video Chat: To lessen any distractions, chat notifications must be turned off during class. If you have a question, you should use the “raised hand” function. If you have a question that you do not want to ask in front of the class, you can send me the question privately, and I will follow up with you later.

Final Exam: The final exam will be on Saturday, July 3, 2021, and will comprise a timed, open-book, series of multiple-choice questions.

Date	Topic	Reading
6/21	<ul style="list-style-type: none"> • Course Overview • Corporate Liability • Prosecution Guidelines • Mental States 	<p><i>New York Central and Hudson River Railroad Co. v. United States</i>, 212 U.S. 481, 489-496 (1909)</p> <p><i>United States v. Hilton Hotels</i>, 467 F.2d 1000, 1004-1007 (9th Cir. 1972)</p> <p><i>United States v. Bank of New England</i>, 821 F.2d 844, 854-857 (1st Cir. 1987)</p> <p>Handout: The Knowing Mental State: From <i>Balint</i> to <i>Bryan</i></p> <p><i>United States v. Int’l Minerals & Chemical Corp.</i>, 402 U.S. 558 (1971) majority opinion</p> <p><i>Staples v. United States</i>, 511 U.S. 600 (1994) majority opinion</p> <p><i>United States v. Bryan</i>, 524 U.S. 184, 186-196 & 200-205 (1998)</p>

	<ul style="list-style-type: none"> • Case Study 	<i>United States v. VW</i> , Eastern District of Michigan
6/28	<ul style="list-style-type: none"> • RCRA • CERCLA • FIFRA • Practical Exercise 	<p>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]</p> <p><i>United States v. Hayes Int'l Corp.</i>, 786 F.2d 1499 (11th Cir. 1986)</p> <p><i>United States v. Laughlin</i>, 10 F.3d 971 (2nd Cir. 1993)</p> <p><i>United States v. Self</i>, 2 F.3d 1071, 1085-92 (10th Cir. 1993)</p> <p>42 U.S.C. § 9603(b)</p> <p>7 U.S.C. §§ 136(e), 136j, 136l(b)</p>
6/29	<ul style="list-style-type: none"> • Endangerment Crimes • Case Study 	<p>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</p> <p><i>Yates v. United States</i>, 574 U.S. 528 (2015) plurality and dissenting opinions</p> <p><i>United States v. Atlantic States Cast Iron Pipe, Co.</i>, District of New Jersey</p>
6/30	<ul style="list-style-type: none"> • Lacey Act • Endangered Species Act • Migratory Bird Treaty Act and BGEPA 	<p>16 U.S.C. §§ 3372, 3373</p> <p>16 U.S.C. §§ 1538, 1540</p> <p>16 U.S.C. §§ 703 & 668</p>

	<ul style="list-style-type: none"> • Int'l Enforcement • Practical Exercise 	
7/1	<ul style="list-style-type: none"> • Investigation Issues • Crime Victims' Rights • Sentencings 	<p>Fed. R. Crim. P. 6 & 16</p> <p>18 U.S.C. § 3771</p> <p>18 U.S.C. §§ 3553(a), 3571</p> <p>Handout: U.S. Sentencing Guidelines Provisions</p> <p><i>United States v. Bogas</i>, 920 F.2d 363 (6th Cir. 1990)</p> <p><i>United States v. Sawyer</i>, 825 F.3d 287 (6th Cir. 2016)</p>