

SYLLABUS

TOXICS EXPOSURE AND HEALTH

Communities on the Front Lines
SUMMER 2021 -- ENV.5901.01 SPTC

Professor
Patrice Lumumba Simms

CLASS INFORMATION:

Dates: Term 3, Friday July 16 – Sunday July 18
Time: 10:00AM – 12:00PM and 1:00PM – 3:00PM (EDT)
Modality: Hybrid (in person and virtual students)
Classroom: #007 Oakes Hall and Microsoft Teams

DESCRIPTION OF THE COURSE:

Environmental Law, in one way or another, now touches almost every facet of our lives and every sector of the economy. It is a dynamic area of practice that often finds itself on newspaper headlines. Moreover, the social implications of environmental law can hardly be overstated. Pollution has a profound impact on people's lives, often in ways that disproportionately impact communities of color, poor communities, linguistically isolated communities, and historically disenfranchised populations.

The Toxic Exposure and Health class will offer a survey of several substantive issues from the perspective of community health, including hazardous air pollution; chemical exposure and risk; lead and PFAS; and pesticides and farmworker safety. We will look at these issues through the lens of specific statutory programs, including the Toxic Substances Control Act, the Clean Air Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and more. We will look at recent EPA actions and related cases, as well as community level impacts and frontline advocacy. The class will also examine and discuss some of the history and architecture of our federal statutory and regulatory programs that have allowed disproportionate impacts to persist for decades.

The intent of the course is to provide a basic introduction to a few key environmental issues, statutes, and regulatory programs that particularly relate to human health, and to introduce students to principles of community-based advocacy, environmental justice, and regulatory decision-making.

COURSE OBJECTIVES:

1. To introduce the fundamental concepts of certain environmental programs.

2. To introduce students, through readings and class discussions, to the core legal principles and processes of environmental health protection.
3. To provide students with a practical understanding of community impacts, community advocacy and environmental justice.
4. To enhance student skill and facility at reading and understanding environmental cases.
5. To engage students in a guided discourse on important and timely environmental issues, policy considerations, and legal principles.
6. To reinforce for students the importance of environmental and public health issues, and to help them appreciate the interconnections between environmental law and concepts of social justice.

TEXTS AND MATERIALS:

Material provided on TWEN – including media/advocacy materials, statutes, cases, and information on EPA's website.

The materials are sorted into folders corresponding to each issue area, along with an indication of the day on which we will discuss each issue.

Feel free to supplement your readings with other sources of information if you like (but this is not necessary). I may also identify other specific supplemental materials over the course of the weekend.

It is your responsibility to *read all assigned materials for each class period prior to class*, and to *arrive prepared to fully engage in a discussion* of the assigned subject matter. Keep in mind as you read cases, that *not all information in a case is of equal importance*. For purposes of this class, you should focus more of your attention on trying to understand the substantive legal requirements, and less of your attention on procedural aspects of the cases. That is, you should read smart!

COURSE OVERVIEW:

The class will generally follow the outline below, although adjustments may be made based on the pace of our progress, and/or the developing interests of the class.

I. Friday: Introduction and Air Toxics

- General Introduction to Toxic Exposure, Environmental Health, and Environmental Health Statutes.

- How to Read and Understanding Environmental Cases
- Air Toxics – an overview of air toxics regulation, including examination of the CAA and some important cases.

Reading:

- Materials in the Air Toxics Folder on TWEN
- Note: the EPA website is included for your reference as needed (you are not expected to read everything on the EPA site)

Assignment (due by beginning of class on Friday):

- Draft a 1-2 page synthesis of the three CAA cases. What do these three cases tell you about how the relevant CAA provisions function?

II. Saturday: TSCA and PFAS

- TSCA – an overview of the regulation of chemical manufacturing and risk. Some history, and some speculation about where things might go under the new law.
- PFAS – an introduction to the emerging challenges of PFAS (which provides an example of how poor assessment of chemical risk can blow up in our faces).

Reading:

- Materials in the TSCA and PFAS folders on TWEN.
- Important Notes:
 - 1. The EPA websites are included for your reference as needed (I do not expect you to read everything on the EPA site)
 - 2. The TSCA statutes are VERY long. Do not read them from beginning to end. The cases will refer to key sections of the statutes, I have provided the old and new statutes as a reference tools for you, so that you can reference them as needed to better understand the cases.

Assignment (due by beginning of class on Saturday):

- Draft a 1-2 page case brief of the Corrosion Proof Fittings case – with special attention to identifying which aspects of the old TSCA statute create obstacles to regulation and why.
- Look at the relevant corresponding sections of the old and new TSCA statutes and identify any provisions in the new law that you think might help to address the challenges that Corrosion Proof Fittings highlighted. Submit your observations in writing.

III. Sunday: Lead and Pesticides

- Lead – an overview of how lead affects community health, and how regulatory programs can help reduce lead exposure.
- Pesticides – an introduction to pesticide regulation and farmworker protection issues.

Reading:

- Materials in the Lead *and* Pesticide folders on TWEN.
- Important Note: you do not have to read the Poisonous Homes report. I include it in the materials for your reference and information only.

Assignment:

- Draft 1-2 pages describing at least *two other examples* of toxic exposures (not already included in the course materials) that affect community health and that have involved legal challenges or other proceedings of some kind. You may use any sources of information you choose, but you should include reference to the relevant case(s) or other proceedings. I may ask you to talk about what you found in class.

GRADES:

Your grade will be determined based on the three assignments described above, and based on your in-class participation. I may assign one additional short bonus writing project.

STUDENT RESPONSIBILITIES:

Respectfulness: As a member of this class you are a partner in the educational process, not only with your professor but with your fellow students. You should conduct yourself in a manner that respects and values that partnership and that reflects a commitment to academic learning and personal growth. I encourage robust discussion, including disagreement, but it is important that all students feel free to engage without fear of ridicule or embarrassment. You should read and think about the materials for every class session and be ready to contribute meaningfully to the substantive classroom discussion.

CONTACT INFORMATION and OFFICE HOURS:

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I will be available *each day from 3-4pm* to meet with students in the classroom and on video.