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Vermont Law School

SYLLABUS: Environmental Injustice in the US

Credits: 3
Fall 2022
Mondays & Wednesdays, 11:20 am to 12:35 pm
Oakes 211

Course Description

Advocates of Environmental Justice (EJ) would argue that who you are, what you earn, and where you live should not determine your health outcomes, your well-being, your resiliency, or your life expectancy.

The EJ Movement and preceding efforts led by marginalized, enslaved, and colonized communities aim to close disproportionately high and adverse human health and environmental impacts, including social and economic impacts, on low-income communities and communities of color. Furthermore, the movement seeks to change the dynamics of political power to ensure that environmental costs and benefits are distributed fairly and all communities are able to meaningfully participate in the environmental regulatory decision-making processes.

Objectives

This course examines EJ from an environmental and civil rights law perspective, a historical perspective, and through the lens of practitioners and policymakers at the local, regional, state, federal, and international level. The course explores how EJ legal concepts are articulated, advanced, and experienced by those most impacted and through examples of policy implementation and litigation.

This course examines the current EPA Title VI administrative complaint, investigation, and resolution processes and the emergence and evolution of state EJ laws as a way to acknowledge and understand the limitations of these current frameworks. Finally, this course examines environmental constitutional amendments, newly imagined institutions, and Indigenous instruction for solutions to move beyond the limitations of the current legal framework in pursuit of Environmental Justice.

Course Requirements & Grading

- Class participation and attendance will constitute a quarter of the final grade.
- Knowledge and application of the course readings will make up an additional quarter of the final grade.
● An additional 20 percent of the grade will consist of two short legal memos (10 percent each) to reflect on the intersection between EJ and the Labor Movement in honor of Labor Day (due September 7) and between EJ and the Indigenous Rights Movement in honor of Indigenous Peoples’ Day (due October 12).
● The final 30 percent of the grade will be derived from a 20 page policy memorandum describing a component of the implementation or interpretation of Vermont’s new Environmental Justice policy.
  ○ This memo will be based on interviews with stakeholders in Vermont, other states, and the federal government, as well as observation of government meetings and court proceedings.
  ○ The memo must include an executive summary, a comparison with at least one other state, and recommendations for further policy and legal development in the chosen area of observation.

Office Hours

Please schedule in advance. Post-class lunches and walks are welcome!

Course Readings

● Environmental Justice Law, Policy & Regulation by Villa, Ahmad et al

Course Schedule

Please note, the following class topics and guest speakers are tentative and subject to change.

August 29, Class I

Understanding ourselves, our environmental experience, and how we relate to each other. A review of historical, global, and Indigenous perspectives on Environmental Justice.

Readings:

● EPA Environmental Justice Timeline
● The Original Tree Huggers
● Harriet Tubman Was Also a Naturalist
● United Farmworkers History and Geography

August 31, Class II

Deepening Indigenous and historical perspectives to better understand how laws and policies that aimed to marginalize, coerce, and erase Indigenous peoples still shape legal practice and social policy today.

Guest Speaker: Judy Dow, Abenaki Historian

Readings:
- Vermont Abenaki Historian Judy Dow: Going Through the Narrows
- Global Indigenous Health

**September 4, Labor Day (No Class)**

Reflect on the connection between the Labor Movement and Environmental Justice. Write a 3-5 page legal memo on an intersection point between the two movements that shaped legal precedent and/or public policy. Due September 7 by 5 pm.

**September 7, Class III**

Defining Justice & Environmental Justice

**September 12, Class IV**

Distributive, Retributive & Procedural Justice

**September 14, Class V**

Title VI, Meaningful Participation & Language Access

**September 19, Class VI**

Justice40 & Mapping Justice

*Guest Speaker: Marianne Engleman-Lado, Environmental Protection Agency (invited)*

**September 21, Class VII**

Executive Implementation: Vermont Case Study

*Guest Speaker: Maggie Gendron, Agency of Natural Resources (invited)*

**September 26, Class VIII**

State Government: Vermont Case Study

SNL Video

*Guest Speaker: Elena Mihaly, Conservation Law Foundation*

**September 28, Class IX**

Energy & Climate Policy

*Guest Speaker: Nadia Pabst, Vermont Climate Council*

**October 3, Class X (Remote)**

Local Government
Guest Speaker: Elaine Wang, Winooski City Manager

October 5, Class XI (Remote)
Climate Resiliency & Disaster Recovery: Mobile Home Park Case Study

Guest Speaker: Arthur Hamlin, Vermont Housing Program Coordinator (invited)

October 10, Indigenous Peoples’ Day (No Class)
Reflect on the connection between the Indigenous Rights Movement and Environmental Justice. Write a 3-5 page legal memo on an intersection point between the two movements that shaped legal precedent and/or public policy. Due October 14 by 5 pm.

October 12, Class XII
Global Perspectives

Guest Speaker: Bill McKibben, Author

October 17, Class XIII
Federal Perspectives

Guest Speaker: Derek Walker, Environmental Defense Fund

October 19, Class XIV
Federal Perspectives

Guest Speaker: Carolyn Finney, Author (invited)

October 24, Class XV
Vermont Environmental Court & EJ

October 26, Class XVI
Food, Land Access & Farmworker Justice

Guest Speaker: Abel Luna, Migrant Justice & Lydia Clemmons, Clemmons Family Farm (invited)

October 31, Class XVII
Transportation Equity

Guest Speaker: Rep. Gabrielle Stebbins

November 2, Class XVIII
Vermont EJ Law Implementation

*Student Presentations: Draft Observations & Findings*

**November 7, Class XIX**
Final Paper Support Roundtable

**November 9, Class XX**
Activism & Policy Advocacy
*Guest Speaker: Rights & Democracy*

**November 14, Class XXI**
Housing & Homeownership Equity
*Guest Speaker: Maura Collins, Vermont Housing Finance Agency*

**November 16, Class XXII**
Rural EJ Considerations
*Guest Speaker: Jennifer Byrne, REJOICE*

**November 21, Class XXIII**
Health Equity
*Guest Speaker: Song Nguyen, Department of Health (invited)*

**November 23, Class XXIV**
Racial Equity
*Guest Speaker: Xusana Davis, Vermont Office of Racial Equity Director*

**November 28, Class XXV**
Environmental Policy Auditing & Evaluation
*Guest Speaker: Rep. Gabrielle Stebbins*

**November 30, Class XXVI**
Next Frontier: State Climate Justice Laws

**December 5, Class XXVII**
Next Frontier: Constitutional Amendments

December 7, Class XXVIII

Ally or Accomplice?

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