Environmental Law
Syllabus

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Course Materials:

1.) Coursepack available at Barrister's Bookstore

2.) Environmental Law for Non-Lawyers, 5th Edition, available at Barrister's Bookstore

Page assignments and what to emphasize in these page assignments will be provided in class.

I. Introduction and Perspectives

A. The need for environmental controls

B. Legislative approaches to environmental control

C. "Causes of Action" in environmental cases

D. The role of courts and administrative agencies in the environmental control process

1. Standing
2. Standards for judicial review

II. National Environmental Policy Act (NEPA)

A. The applicability of NEPA – federal government

B. NEPA's substantive policies, procedural requirements, and the role of courts under NEPA

C. The Environmental Impact Statement (EIS)

1. Applicability – when do you need an EIS?
2. Judicial review of agency action – substantive issues vs. procedural issues
3. The contents of an EIS – cost benefit analysis, comparison of alternatives
4. Who prepares the EIS?
5. The scope of an EIS – segmentation

D. NEPA's applicability to the private sector

E. Remedies under NEPA

III. Public Utility Regulation

A. Public utilities as polluters

B. Public utilities and the use of resources

1. Rate setting

2. Encouraging alternative energy production

IV. Pollution

A. Defining pollution

B. Pollution control without environmental statutes – tort law

C. Public pollution control – statutes and regulations

1. Discharge permits

2. Clean Air Act (CAA)

a. Control mechanisms and federalism

b. Interpretive issues

c. Economics

3. Clean Water Act (CWA)

a. Comparison with Clean Air Act

b. The extent of federal jurisdiction

4. Noise Control Act (NCA)

a. Comparison with Clean Air Act

b. State-federal conflict and federal preemption

V. Pesticides and Toxic Substances

A. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) – Registration, use, and termination of registration

B. Toxic Substances Control Act (TSCA) – Comparisons with FIFRA

C. Food, Drug and Cosmetic Act (FDCA) – Relationship to FIFRA (tolerance levels)

VI. Waste Disposal and Resource Conservation

A. Resources Conservation and Recovery Act (RCRA) – Disposal

1. Solid waste disposal

2. Hazardous waste disposal

B. Resource Conservation and Recovery Act (RCRA) – Resource Conservation

Learning Outcomes

Students will be able to analyze and compare the structure and operative mechanisms of seven major environmental statutes.

Students will be able to utilize common themes in many environmental statutes to debate the advantages and disadvantages of employing various forms of federal/state relationships and economic incentives to achieve environmental goals.

Students will be able to compare and contrast environmental control at different levels of government including federal, state, local, and international.