Dean Jennifer Rushlow  
Pronouns: She/her/hers  
jrushlow@vermontlaw.edu  
Office: Debevoise 214

This syllabus will be updated periodically. You will always be able to find the most up-to-date syllabus on Canvas.

Teams link: Climate Change and the Law CLM 5212 | General | Microsoft Teams

Course Learning Outcomes:
By the end of the semester, you should be able to:

1. Comprehend the fundamental causes and consequences of anthropogenic climate change.
2. Comprehend introductory renewable energy law and technologies.
3. Comprehend, evaluate, and critique an array of law and policy approaches to climate change mitigation at multiple levels of government.
4. Comprehend, evaluate, and critique private sector approaches to environmental governance as it relates to climate change mitigation.
5. Evaluate options for reducing greenhouse gas emissions from different sectors.
6. Recognize and analyze the disproportionate impacts of climate change law and policy actions on particular communities or groups of people.
7. Apply the above knowledge and skills to particular cases.

Class Meeting Time:
MW 11:20 AM-12:35 PM; Debevoise Map Room

Dean Rushlow Office Hours:
Wednesdays 1:00-2:00 (starting on 1/31) in my office, or by appointment with Executive Assistant Dee Gish (dgish@vermontlaw.edu).

Attendance:
See the Student Handbook for attendance requirements.

Grading and Assessments:

1. Participation, professionalism, and mutual respect: 10%  
   You must be prepared for class, prompt in attendance, and professional in all interactions. You must meet all assignment deadlines. Lateness will result in a downward grade adjustment. Reading assignments must be completed before attending class and you must be prepared to
discuss the readings. You are expected to show respect for me, your classmates, and their differing contributions. Refrain from engaging in other activities on your computers, phones, and other electronic devices while in class. It is fairly obvious whether you are taking notes and engaged in class or are absorbed by some other distraction like email, social media, etc. The latter is a very distracting discourtesy to me and your classmates, and I will address it in your participation score. If guest speakers join us, you should be prepared to engage and ask meaningful questions. I expect you to show cultural sensitivity and keep an open mind, recognizing that we are here to learn and we all have room to grow in how we discuss and approach issues beyond our personal experiences – including me, and I welcome feedback.

2. **Current event update: 10%**
   Climate change is in the news daily and it is an overwhelming task to stay up to date. We’ll attempt to do so as a group. At the beginning of each class, 1-2 students will be assigned to do a 3-5 minute presentation on a very current event of your choosing directly related to the course. It does not necessarily need to be directly related to law or policy as long as it is a useful update for the class. The presentation should be informal but well organized. No powerpoints or other visuals are needed, other than perhaps writing/drawing on the board ahead of class. Topics should be no more than 5 days old. Choose news from credible sources. I suggest you check out the available subscription to E&E (fka Environment & Energy Daily, particularly Climatewire and Energywire) through the VLGS library. Other recommended climate news sources include Inside Climate News, Grist, and DeSmog, but there are many out there, and regular news outlets are fine too.

3. **En-ROADS Class Exercise: 15%**
   TBD

4. **Midterm: 25%**
   Take-home. Details TBA.

5. **Final exam: 40%**
   Held in-person during the assigned exam period, date and time TBD. The exam will be in a short essay format, closed book with outlines permitted. Details TBA.

**Note on Artificial Intelligence (AI) in course assignments:**

Unless I specifically indicate otherwise, the use of artificial intelligence services, including generative AI applications like ChatGPT, is prohibited in your course assignments.

**Reading:**


Other readings are either available publicly online and linked in the syllabus, or provided on the class Canvas page. The following books are excerpted on Canvas and identified using the abbreviations indicated below:
1. REVESZ, ET AL., ENVIRONMENTAL LAW AND POLICY (5th ed., 2024). (Revesz)
4. JOEL B. EISEN, ADVANCED INTRODUCTION TO LAW AND RENEWABLE ENERGY (2021). (Eisen)
5. SHALANDA BAKER, REVOLUTIONARY POWER: AN ACTIVIST’S GUIDE TO THE ENERGY TRANSITION (2021). (Baker)
6. DANIEL A. FARBER & CINNAMON P. CARLARNE, CLIMATE CHANGE LAW (2nd ed., 2022). (Farber)
7. COPLAN, ET AL., CLIMATE CHANGE LAW: AN INTRODUCTION (2021). (Coplan)
8. MICHAEL B. GERRARD & JOHN C. DERNBACH, LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES (2019). (Dernbach)

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<th>Topics Covered</th>
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<td>1/17</td>
<td>Course Intro</td>
<td>1. Syllabus</td>
<td>Current event assignments posted on Canvas.</td>
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<td>2. Gerrard, pp. 5-29.</td>
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<td>3. SKIM IPCC Climate Change 2023 Synthesis Report Summary for Policymakers</td>
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<td>2</td>
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<td>Cost analysis</td>
<td>1. Revesz, pp. 102-104, 119-126. (Canvas)</td>
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<td>1/29</td>
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<td>Class cancelled</td>
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<td>4</td>
<td>1/31</td>
<td>Intro to energy law, pt 1: fossil fuel energy use</td>
<td>1. Davies, pp. 89-108. (Canvas)</td>
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<td>2. Eisen, et al., c. 1 (pp. 1-33). (Canvas)</td>
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<td>5</td>
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<td>Intro to energy law, pt 2: electricity regulation</td>
<td>1. Eisen, c. 4 and 5 (pp. 75-106). (Canvas)</td>
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<td>6</td>
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<td>Renewable technologies</td>
<td>1. Eisen, c. 2 (pp. 14-44). (Canvas)</td>
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| 8 2/14 | Just transition  
2. Climate Justice Alliance, *Just Transition Framework*. (Canvas)  
3. Baker, c. 3. (pp. 65-88) (Canvas) |
| 9 2/19 | International context  
1. Gerrard, c. 2. |
| 10 2/21 | Class exercise  
TBA |
| 11 2/26 | Federal overview  
Tool: Sticks  
1. Gerrard, c. 3.  
2. Coplan, pp. 25-33 |
| 12 2/28 | Clean Air Act overview  
1. Coplan, pp. 40-43. (Canvas)  
2. Gerrard, c. 4. |
| **SPRING BREAK!** |
| 13 3/11 | Clean Air Act-Mobile sources  
2. *Massachusetts v. EPA*. Read whole case. (Canvas) |
| 14 3/13 | Clean Air Act – Stationary sources  
1. *W. Virginia v. EPA*. Read whole case. (Canvas) |
| 15 3/18 | Tool: Carrots  
1. Eisen, c. 3 (pp. 45-74). (Canvas)  
| 16 3/20 | Post-W. VA Power Plant Regulations  
2. Environmental Protection Agency, *Fact Sheet: Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants Proposed Rule*. Read: Summary, Overview, and pp 5-7 (only the two sections on existing power plants). (Canvas) |
| 17 3/25 | Tool: Markets  
1. Farber, c 4. (Canvas)  
2. Dernbach, pp. 80-86. (Canvas) |
| 18 3/27 | State actions  
1. Gerrard, c. 11. |
| 19 4/1 | Legal challenges against states  
1. *Massachusetts Global Warming Solutions Act (2008)*  
2. *Kain v. Department of Environmental Protection* Decision. (Canvas)  
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<td>27</td>
<td>4/29</td>
<td>Make up class time</td>
<td>1. Watch Vermont Senate S.259 Climate Superfund hearing. <a href="#">Link</a> 2. Gerrard, c. 19.</td>
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