

SYLLABUS
TOXICS EXPOSURE AND HEALTH
SUMMER 2023

Professor
Daniel Rosenberg

CLASS INFORMATION:

Dates: Friday July 14 – Sunday July 16

Time: Friday 4-6PM, Saturday and Sunday 9am-11:30am, 1-4 pm (EDT)

Classroom: 207

Office: Oakes Hall

DESCRIPTION OF THE COURSE:

The contamination of food, drinking water, consumer products, people, and the environment with highly persistent PFAS chemicals – frequently described as “forever chemicals” – is widely recognized as a growing public health crisis. The story began with a lawsuit filed against DuPont in 1998 by a West Virginia farmer whose cattle were poisoned by runoff from an adjacent landfill owned by the company, downstream from where the DuPont plant was manufacturing Teflon. Twenty-five years later, the understanding of the dangers of PFAS, a class of ~12,000 chemicals, has grown such that we now know that at least 50% of the drinking water in the U.S. contains PFAS, that the PFAS that have been well-studied have been shown to be toxic in vanishingly small amounts, and that it is extremely difficult to get them out of our environment.

This class will examine the environmental health threat posed by the class of “forever” chemicals known as PFAS and consider the strengths and limitations of various legal tools and advocacy strategies to address the PFAS crisis including litigation, legislation, administrative advocacy, and corporate campaigns. The class will look at the many difficulties posed when seeking to solve an environmental health problem once it has already proliferated throughout our society and economy. We will identify the places where the power of polluting corporations appears strongest, as well as the fora where citizens and activists (including lawyers!) may be the most successful.

Students will consider various advocacy tools to address these problems including through legislation, administrative regulation, litigation, as well as community organizing and coalition building, corporate campaigns and media.

COURSE OBJECTIVES:

1. To introduce students to the fundamental concepts of certain environmental programs.
2. To enhance student skill and facility at assessing the many options for how to address a complicated policy issue, from the perspective of representing an individual, a whole community, or a broader public interest.
3. To engage students in a guided discourse on important and timely environmental issues, policy considerations, and legal principles.
4. To reinforce for students the importance of environmental and public health issues, particularly related to exposure to toxic chemicals.

TEXTS AND MATERIALS:

Material provided on TWEN – including media/advocacy materials, statutes, and cases.

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. I have identified which readings are required, and which are suggested (for reading either before or after the class).

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.

Keep in mind as you read cases legislation and statutes, 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 minor procedural aspects of the cases or policies.

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 Overview

- General Introduction to the issue of PFAS
- Discussion of the movie Dark Waters and assigned reading
- Two communities: Village of Hoosick Falls, Cape Fear River Basin

- Overview of the main federal environmental laws

Viewing:

Please watch the movie Dark Waters before class (it is on Amazon or Netflix). If you have already seen it, but not recently, please watch it again.

Reading:

Materials in the “Introduction” Folder on TWEN including in the “Hoosick Falls” and “Cape Fear River” folders

Assignment: Think of any questions you have about the PFAS issue, after watching the movie and reading the other required materials for the introduction

II. Saturday: Federal action and litigation on PFAS

A. Saturday morning: Federal action on PFAS: regulation, legislation

- Regulation – Consideration of how the major environmental laws have, and have not, been used to address the PFAS crisis. an overview of the main federal environmental laws and their relation to PFAS.
- What actions have been taken by the EPA, what is currently underway, what more is needed?
- Legislation – a look at three main approaches to addressing PFAS via federal legislation.

Reading:

Materials in the “Federal Regulation” and “Federal Legislation” folders on TWEN.

B. Saturday Afternoon – Litigation on PFAS

We will examine several examples of current litigation around PFAS

Reading:

Materials in the “Litigation” folder on TWEN

B. Sunday: State-based and Market-based actions

A. Sunday Morning -- Action in the states: legislation and regulation

More than a dozen states have been active in addressing PFAS, enacting legislation and adopting regulations targeting individual uses (and individual PFAS) and broader approaches to reduce use and exposure.

Reading: In the “State Action” folder on Twen

B. Sunday Afternoon -- Market-based campaigns

Retailers and product manufacturers are under increasing pressure to remove PFAS from the products they produce or carry in their stores (including online stores). We will look at the example of one recent campaign.

Reading: In the “Market campaigns” folder on Twen

Sunday Afternoon -- Review and wrap-up

GRADES:

Students will be graded based on classroom participation, and a take home exam: an 8 to 10 page memo written on one of several potential subjects from which students may choose their preferred topic. I may assign one additional short bonus writing project.

CONTACT INFORMATION:

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I will be available to meet with students in the classroom after each class.