

Professor Colin Crawford
Office: Room 444 ULB
Telephone: 404.413.9158
ccrawford@gsu.edu
Office Hours: by appointment or stop by

Environmental Law
Fall 2009
Mon. 10:30-1:10 pm
Room 330 ULB

COURSE REQUIREMENTS

The grade for this course will be determined principally on the basis of a take-home final essay examination that will be distributed at the penultimate class (November 16) and due no later than 12 noon on the first day of the examination period (November 30). Information on the exam, which will consist of two-equally-weighted questions, will be provided during in the course, as will copies of model student answers from previous year and an explanation of how the exams will be graded. In the essays, students will be expected to analyze factual situations that might arise in an environmental context, and to apply principles covered in class, including the ability to parse and apply relevant statutes and regulations. Only material covered in class will be tested on the examination. The only other factor that may influence the final grade is class participation. Engaged, useful class participation may help your final grade, while a failure to participate may hurt it – in both cases by as much as 15%.

ATTENDANCE

Environmental law is an area of practice that requires rigorous analysis of statutes and regulations. Becoming comfortable with these documents is a central goal of the course. Therefore, learning how to use them and form arguments based upon them will be a principal aim of class sessions. In addition, the American Bar Association requires its member schools to guarantee that you have in fact attended law school classes. Therefore, regular, prompt attendance is required. More than **two** unexcused absences may result in a forced withdrawal from the course and exclusion from the exam. If you miss two classes without an excuse, please make an appointment to see me. If you are not in class when a session begins, please mark the attendance sheet LATE.

ASSIGNMENTS

All page references below are to Percival, Schroeder, Miller and Leape, Environmental Regulation: Law, Science and Policy (Aspen, 6th ed.; ISBN 9780735584624). In addition, when the cases discuss a section of a federal environmental law, **it is your responsibility also to review the relevant section/s in the statutory supplement assigned for the course**, Percival, Environmental Law: Statutory Supplement and Internet Guide 2009-2010 (Aspen; 9780735579453). Please note that you **MUST** have these editions of the texts and not other versions.

In addition, I have listed two books as optional, namely Salzman, Environmental Law (West, 2nd ed., 2006; ISBN 9781599410883) and Weinberg, Understanding Environmental Law (Lexis, 2nd ed. 2008; ISBN 9781422417393). The first is a somewhat idiosyncratic (and in my view very good), birds-eye view of the field, while the second is a more detailed, hornbook-type volume.

The assignments below may be added to periodically, either to illustrate a problem, inform you of a late-breaking development, or to form the basis of class discussion. These are to be read with the same degree of care as the assigned readings below. You are responsible to find out whether such assignments have been added if for any reason you miss a class. I will do my best to circulate them electronically.

CLASS PREPARATION

Statutory interpretation is a key element of modern environmental practice and is a skill that this course will spend some time trying to develop. **Bring your statutory supplement to class, along with the textbook.** With the exception of the first class, we are sure to use the statutory supplement; failure to bring it will count as being unprepared and may hurt your participation grade. Please note that I will not assign statutory sections. It is therefore your responsibility to consult the statute in conjunction with your casebook reading. If, for example, a case concerns a disputed interpretation of a statutory section or sections, **you must consult the relevant section/s and decide for yourself what interpretation you think is correct.**

Give special attention to the Problem Exercises scattered throughout the book. In many instances, they will form the basis of our discussion. In any event, they are a superb way to refine your thinking about environmental problems, and to prepare for the final examination.

If we fall behind (each class has its own pace), I will try to remember to tell you at the end of each class to read for the next class. But please don't hesitate to ask me.

SYLLABUS

DATE	ASSIGNMENT
August 17	Sources of Environmental Law/Regulatory Alternatives: 61-102; 115-123; 134-158 (recommended but not required background: pp. 1-26, 49-60, 159-180 (prepare to discuss the Problem Exercises in class). NOTE: students who have not taken Administrative Law are especially encouraged to read pp. 159-180.
August 24	Regulatory Alternatives: 181-217; Risk Assessment: 218-246
August 31	Toxics Regulation/Risk Assessment: 246-311
September 7	LABOR DAY: UNIVERSITY CLOSED
September 14	Solid and Hazardous Wastes I: Resource Conservation and Recovery Act (RCRA): 333-393
September 21	Solid and Hazardous Wastes III: Comprehensive Environmental Response, Compensation and Liability Act (CERCLA): 393-466
September 28	Hazardous Wastes Disposal Alternatives; Commerce Clause; Environmental Justice: 466-498
October 5	Clean Air Act (CAA) I: 499-578
October 12	CAA II: 578-635
October 19	Clean Water Act (CWA) I: 637-698
October 26	CWA II: 698-768
November 2	National Environmental Policy Act (NEPA): 857-934
November 9	Standing & Citizen Suits: 104-115; 1054-1116; distribution of past exams and model answers
November 16	Biodiversity Protection I: 935-1009
November 23	Catch Up and Discussion of final exam and grading criteria
November 30	FINAL EXAM DUE BY 12:00 NOON