

NCLC 375-005: Environmental Law and Policy

Fall 2013

Mondays: 1:30-4:10PM

Innovation Hall Room 131

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Welcome to Environmental Law and Policy. This class is designed to educate students on the fundamentals of environmental law and policy, with emphasis on key environmental statutes in the United States and on climate change policy both domestically and internationally. Using active and collaborative learning as well as a variety of texts and media, our class will explore global environmental challenges and the dynamics of the national and international policy and legal systems to address those issues.

COURSE TEXTS:

- All reading materials will be available to you on Blackboard or online as a link.

LEARNING COMMUNITY OBJECTIVES: Upon completion of this course, you should be able to:

- Demonstrate an understanding of key environmental issues, including progress and remaining challenges.
- Demonstrate an understanding of the dynamics of environmental policy making and how constituencies and other factors can affect progress or the lack thereof.
- Articulate common dynamics and differences between domestic and international policy making.
- Understand how to evaluate the variety of positions and perspectives on environmental issues.
- The course will build directly upon the following core competencies as defined by New Century College: communication, critical thinking, strategic problem solving, valuing, group interaction, global understanding, and effective citizenship.

ASSIGNMENTS & ASSESSMENT

PARTICIPATION

20 POINTS

You and your colleagues benefit from your active participation in this learning community. Through class discussions and group/individual assignments, you will have the opportunity to discover new perspectives and examine ideas that were previously unchallenged. Open discussion depends on the development of trust and safety among participants, as well as risk-taking and effective facilitation. It is, therefore, essential that class members attend all scheduled classes and participate in class discussions and activities. We encourage you to bring to class relevant materials for discussion from other classes, the media, or other learning experiences. Discussions, in-class writing, research, formal and informal collaboration with peers, class discussion

questions, and hands-on creative projects will all contribute to the assessment of your class participation. Preparation outside of class significantly influences the quality of in-class participation. If you attend class unfamiliar with the assigned texts, indifferent to the work and/or ideas of your colleagues, and inadequately prepared with your writing, your participation grade will suffer.

REFLECTIVE WRITING EXERCISES

20 POINTS

A major element of the NCC curriculum and pedagogy is reflective practice. This ability to deepen or strengthen our learning through critical thinking, analysis, and reflection is an important writing skill that requires practice. There are **five** reflective writing assignments in this learning community, each worth four points. These reflective writing assignments are also critical to our community as we come together and learn from each other. All reflective writing assignments should be a minimum of 700 words (two-three pages), double-spaced using eleven- or twelve-point font, with one inch margins. You must cite at least ONE text from that week's readings in each essay. The first assignment must be submitted first in draft form and then in revised form after receiving instructor input.

PEER TEACHING EXERCISE

10 POINTS

Each group will be assigned a statute and will work together to: 1) research the law, 2) prepare a lesson plan for teaching the rest of the class about the law, and 3) lead class discussion of their assigned Act. The lesson should include a summary of the legislation, the drivers for initiating the legislation, how it passed, and its impacts at the time of passage and today.

MIDTERM GROUP PROJECT

20 POINTS

Each group will be assigned to represent an advocacy organization. The group will develop plans for marketing a policy position related to climate change and present it to the class, either electronically or orally.

FINAL GROUP PROJECT

30 POINTS

The final project will be a mock United Nations climate treaty negotiating session. Each group will be assigned a country or group of countries. The members of the group will prepare for the final project by researching the positions, interests, and priorities of their assigned entity. The group will prepare an opening statement to present during the negotiation session. They will also develop a clear and defensible position on what their entity would realistically accept as an outcome of the negotiation. During the negotiation group members will confer with representatives of other entities to reach an agreement while effectively and realistically representing the interests of their entity. The assignment will be a combination of group preparation, class participation, and group and individual writing.

ACADEMIC POLICIES AND INFORMATION

LEARNING DIFFERENCES: If you have a learning or physical difference that may affect your academic work, you will need to furnish appropriate documentation to the Disability Resource Center. If you qualify for accommodation, the DRC staff will give you a form detailing appropriate accommodations for your instructors.

In addition to providing your professors with the appropriate form, please take the initiative to discuss accommodation with them at the beginning of the semester and as needed during the term. Because of the range of learning differences, faculty members need to learn from you the most effective ways to assist you. If you have contacted the Disability Resource Center and are

waiting to hear from a counselor, please tell us

POLICY FOR LATE AND MISSING ASSIGNMENTS: You are responsible for completing individual and group assignments on time. All assignments are due on the date listed in the syllabus and must be handed in on time. Late assignments will be marked down a full letter grade for each day late. No assignments will be accepted more than one week after the original due date.

FORMAT FOR ASSIGNMENTS: All written assignments must be turned in electronically via email or Blackboard before the class start time on the due date. All major assignments must be typed and doubled-spaced. Please use 11- or 12-point standard font and one-inch margins. All papers should include a title. Accurate spelling, clarity, and correct use of grammar and punctuation are expected and their absence can negatively affect your grade.

You are responsible for keeping a copy (electronic AND paper) of all major papers you hand in. Please save your work in multiple places. This will also be important for possible inclusion in your graduation portfolio.

ATTENDANCE: You are expected to be present (both body *and* mind) at all classes and actively participate in discussion and other activities. This includes not only speaking, but also listening carefully to others' opinions and experiences with an open mind. You do not need to adopt another's viewpoint, but you do need to extend to them the courtesy of trying to hear what they have to say. The more you can, through your comments and in-class "writing, show that you have carefully read the assigned material, the higher your participation grade will be. Much of the value you will receive from this course will come from your reactions to course readings and your interactions with your colleagues. Although there will be some lectures, the class will be built around **your** reading, thinking, questioning, and exploration of course materials. Therefore, your attendance and participation is extremely important to the class and your learning process. You are expected to read assigned materials on time, to think about readings critically, and to arrive on time to class and prepared to discuss the day's topics. More than one absence is considered excessive. Please budget your time accordingly with the readings and assignments. If you miss class please ask another member of the class about what you missed, any assignments, etc. Mason's policy on attendance is as follows: "Students are expected to attend the class periods of the courses for which they register. In-class participation is important not only to the individual student, but also to the class as a whole. Because class participation may be a factor in grading, instructors may use absence, tardiness, or early departure as de facto evidence of non-participation."

NCC COMMITMENT TO DIVERSITY: New Century College is an *intentionally* inclusive community that celebrates diversity and strives to have faculty, staff, and students who reflect the diversity of our plural society. We do not discriminate on the basis of race, class, linguistic background, religion, gender identity, sex, sexual orientation, ethnicity, age, or physical ability.

E-MAIL: As faculty, we are allowed to communicate with you only via your GMU e-mail account. This is a means of protecting your privacy and academic confidentiality. If you wish to automatically forward mail from your GMU mail account to another account see the Mason Online Student Technology Guide <http://itusupport.gmu.edu/STG/STGfrontpage.asp>.

We will be creating a class e-list after the first week of class. Please check your e-mail account

regularly as I will be sending out learning community updates, any schedule changes, and details about assignments frequently throughout the semester.

ACADEMIC HONESTY AND COLLABORATION: The integrity of the University community is affected by the individual choices made by each of us. This is especially true in New Century College.

According to the University catalog, plagiarism includes the following:

- Presenting as one's own the words, the work, or the opinions of someone else without proper acknowledgment.
- Borrowing the sequence of ideas, the arrangement of material, or the pattern of thought of someone else without proper acknowledgment.

Be particularly careful to credit work through citations. In addition to direct quotations, you must also provide an in-text citation and an entry in your list of works cited for paraphrases and summaries of opinions or factual information not formerly known to the writer. If you decide to use another person's ideas you must either quote the idea verbatim or completely rephrase the ideas in your own words and voice. Even when you paraphrase information, you still must cite the original source of the information (in-text and in your bibliography). Please give credit where credit is due, even in our class discussions. For example, if you have had an interesting conversation about a text or your learning with a friend, family, or group member, then acknowledge their contribution to your learning.

In academic work, you should follow a standardized format for your in-text citations and lists of works cited (for example, the formats created by the Modern Language Association [MLA] or the American Psychological Association [APA]). These standards apply to your graduation portfolio and its contents. As you select samples of work to include in the portfolio, you may wish to present collaborative work. If you do so, you must acknowledge the collaboration and identify clearly your own role within it.

As in most learning communities and in many other classes, there will be a study group project. With collaborative work, names of all the participants should appear on the work. Collaborative projects may be divided up so that individual group members complete portions of the whole, provided that group members take sufficient steps to ensure that the pieces conceptually fit together in the end product.

Other assignments are designed to be undertaken independently. In this case, you may discuss your ideas with others and conference with peers on drafts of the work; however, it is not appropriate to give your paper to someone else to revise. You are responsible for making certain that there is no question that the work you hand in is your own. If your name appears on an assignment, I expect that you have done the work yourself, fully and independently.

Remember: please carefully read the University's Honor Policy. It is your responsibility to understand it, and abide by its provisions.

STUDENT LEARNING RESOURCES

WRITING RESOURCES: Writing is an important component of this learning community and represents one facet of effective communication. You may wish to use the Writing Center to assist you with an assignment. Tutors at the Writing Center can help you brainstorm, structure, and revise your written work. The Writing Center is located in Robinson A 114; 703-993-1200;

<http://writingcenter.gmu.edu>.

Another resource to help you with your writing is the NCC Online Writing Guide, which can be found at <http://classweb.gmu.edu/nccwg>.

DISABILITY RESOURCE CENTER: The staff members of the DRC assist students with learning differences or any other conditions that may impact academic performance. DRC is located in SUB I, Rm.222; 703-993-2474; <http://www.gmu.edu/student/drc>.

CENTER FOR LEADERSHIP AND COMMUNITY ENGAGEMENT: The Center for Leadership and Community Engagement is a terrific place to start if you are interested in getting involved in campus and community activities. This center sponsors numerous programs and activities that will help you develop leadership skills and gain experience. This is also the place to research possible service-learning placement sites for your learning communities. CLCE is located in Enterprise Hall, Rm.442; 703-993-2900; <http://www.gmu.edu/student/csl>.

COUNSELING SERVICES: Professional counselors provide individual and group sessions for personal development and assistance with a range of emotional and relational issues. Counseling Services are located in SUB I, Rm.364; 703-993-2380; <http://www.gmu.edu/departments/csdc>. In addition, the Learning Services Program (703-993-2999) offers academic skill-building workshops as well as a tutor referral service.

STUDENT TECHNOLOGY ASSISTANCE AND RESOURCE CENTER (STAR): The STAR Center is available to help students with technology needs, such as video, multimedia, desktop publishing, and web skills. The STAR Center is located in Johnson Center, Rm.229; 703-993-8990; <http://media.gmu.edu>.

DIVISION OF INSTRUCTIONAL AND TECHNOLOGY SUPPORT SERVICES (DOIT): If you have any difficulties with accessing the campus network or on-campus computers, please contact the help desk. DoIT is located in Innovations Hall, Rm.416; 703-993-3178; <http://www.doit.gmu.edu>.

Weekly Schedule

Week 1 - August 26: Welcome to Environmental Law and Policy

Introductions, expectations, review of syllabus, pre-course quiz, discussion of quiz answers, group identification for and discussion of mid-term project.

Reading assignments for Sept. 9:

National Academies, *Understanding and Responding to Climate Change: Highlights of National Academies Reports, 2008 Edition*, (28 pages) Available at: http://dels.nas.edu/resources/static-assets/materials-based-on-reports/booklets/climate_change_2008_final.pdf

U.S. Climate Action Partnership, *Summary Overview of USCAP Blueprint for Legislative Action* (4 pages) <http://www.pewclimate.org/docUploads/USCAP-legislative-blueprint-overview.pdf>

Natural Resources Defense Council (NRDC), *How to Solve It: Global Warming Solutions Overview; Step 1: Set limits on global warming pollution Step 2: Invest in green jobs and clean energy; Step 3: Drive smarter cars; Step 4: Create green homes and buildings; Step 5: Build better communities and transportation* (approximately 5 pages) Available on separate links via: <http://www.nrdc.org/globalWarming/solutions/default.asp>

U.S. Chamber of Commerce *Reality Check: Straight Talk About the Kyoto Protocol*; Executive Summary and Introduction to Propositions 1, 2, and 3 (1 page) available at: <http://www.uschamber.com/reports/reality-check-straight-talk-about-kyoto-protocol>

Patrick Michaels, "Global Warming and Climate Change," Chapter 45 of the *Cato Handbook for Policymakers*, 7th edition. (14 pages) Available at: <http://object.cato.org/sites/cato.org/files/serials/files/cato-handbook-policymakers/2005/9/hb109-48.pdf>

Week 2 – September 9: Domestic climate change background, challenges, and policies; initial group discussion on policy marketing project. Hand out peer teaching assignment for September 30.

Reading assignments for Sept. 16:

EPA's Plain English Guide to the Clean Air Act, including following each link and the nine links in the Key Elements of the Clean Air Act section.
<http://www.epa.gov/air/caa/peg/>

John Walke blog on ozone standards from NRDC website:
http://switchboard.nrdc.org/blogs/jwalke/the_president_sabotages_clean.html

John Bachmann: Will the Circle Be Unbroken: A History of the U.S. National Ambient Air Quality Standards (attached to the assignment on Blackboard)

Reflective writing assignment one due Sept. 16: Do the NAAQS do more to protect health or license pollution? Pick a position and support it, citing the readings and any additional sources you wish.

Week 3 – September 16: Clean Air Act discussion.

Reading assignment for Sept. 23: EPA materials on environmental statutes and regulation:
<http://www.epa.gov/lawsregs/basics.html>
http://www.law.cornell.edu/wex/Environmental_law (including links to Major Federal Laws and those under the See Also section)

Reflective writing assignment two due Sept. 23: Explain the interaction between the legislative and executive branches of the federal government developing and enforcing environmental law. Do statutes or regulations have more day-to-day direct impact on the operations of regulated entities, such as factories or other facilities?

Week 4 – September 23: The process for environmental legislation and regulation.

Reading assignment for Sept. 30: Different act assigned to each group; read and work together as groups to prepare presentations. Also read Writing Style Guide (attached).

Week 5 – September 30: Peer teaching session on Clean Water Act, CERCLA, RCRA, ESA, TSCA, and MMPA. Groups lead discussion of their assigned Act: summary of the legislation, how it passed, impacts.

Assignment for Oct. 7: Three readings:

"Status of Whales -- A simple overview of the status of whales by species and ocean basin - Overview, Species and Estimates"
 International Whaling Commission
<http://iwcoffice.org/conservation/status.htm>

"Whaling - A giant compromise?
 A pragmatic effort to tackle an emotional issue has started making waves"
 Apr 27th 2010
 The Economist online
<http://www.economist.com/node/16010422>

"Obama's Whale of a Backslide"
 Animal Legal Defense Fund
<http://www.aldf.org/article.php?id=1342>

Week 6 – October 7: Case study of complex challenges of environmental policy: international whaling agreement; film viewing *The Cove* and *South Park*.

Reading assignment due Oct. 15: Work together as groups to prepare mid-term presentations (attached).

Week 7 – October 15 (TUESDAY): Presentation of mid-term marketing projects.

Reading assignment for Oct. 21: "As the World Burns" from *The New Yorker* magazine October 11, 2010.
http://www.newyorker.com/reporting/2010/10/11/101011fa_fact_lizza

Reflective writing assignment three due Oct. 21: Based on your reading of the *New Yorker* piece, why is it that in 2009-2010 the United States Senate did not pass legislation to regulate

greenhouse gas emissions and address climate change? In your view, if proponents had handled things differently, would the Senate have passed such legislation?

Week 8 – October 21: Guest speaker: Patrick Megonigal, Smithsonian Institution: “Vulnerability of tidal wetlands to sea level rise in a future climate.” Domestic climate change policies, with emphasis on the failure of federal legislation to regulate carbon emissions, and whether it could have passed if handled differently.

Reading assignments for Oct. 28

1) World Carbon Dioxide Emissions by Region, Reference Case 1990-2030
Mongabay.com using 2009 EIA Data (chart, one page):

http://photos.mongabay.com/09/forecast_co2_line.jpg

2) CO₂ per capita per country (chart, one page):

http://en.wikipedia.org/wiki/File:CO2_per_capita_per_country.png

3) Pew Center on Global Climate Change, *International Negotiations* (one page):

<http://www.pewclimate.org/international/negotiations>

4) *Cancon Outcome a Modest Step Forward*. Author: Michael A. Levi, David M. Rubenstein Senior Fellow for Energy and the Environment and Director of the Program on Energy Security and Climate Change December 11, 2010 (one page):

<http://www.cfr.org/energyenvironment/cancon-outcome-modest-step-forward/p23617>

5) *Why the UN can never stop climate change* David G Victor, *The Guardian*, Monday 4 April 2011 (one page):

<http://www.guardian.co.uk/environment/2011/apr/04/un-climate-change>

Reflective writing assignment four due Oct. 28: State and defend a position as to whether some countries have the primary responsibility to address climate change or all countries should have an equal responsibility to take action. If you choose the latter, explain which countries should have an enhanced responsibility and why. Refer to this week’s assigned charts and readings as appropriate.

Week 9 – October 28: International climate policy; start final project mock United Nations climate treaty negotiation.

Reading assignments for Nov. 4

EPA Smart Growth website

http://www.epa.gov/smartgrowth/about_sg.htm

TED Talk: Bill Ford, A future beyond traffic gridlock

TED Talk: James Kunstler, The ghastly tragedy of the suburbs

Reflective writing assignment five due Nov. 4: How does the concept of smart growth tie together the issues of climate change, energy, air quality, water quality, solid waste, etc.

Week 10 – November 4: Smart growth walkabout. Meet at Clarendon Metro station at 2:00 PM.

Assignment for Nov. 11: Meet with groups for final project. Research the UNFCCC process and your country/region's positions, interests, and alliances. Start thinking about your preferred outcomes from the negotiation and developing strategies for achieving those outcomes.

Week 11 – November 11: International climate policy. Work in groups on final assignment.

Assignment for Nov. 18: Prepare in groups for final assignment.

Week 12 – November 18: International climate policy. Work in groups on final assignment.

Assignment for Nov. 25: Prepare in groups for final assignment.

Week 13 – November 25: Final assignment -- mock U.N. negotiation.

Assignment for Dec. 2: No assignment.

Week 14 – December 2: LAST CLASS. Wrap up discussion, evaluations, etc. Attendance mandatory.