Course description

Environmental Law provides an overview of the protection of environmental interests and needs in the American legal system, from a stable climate to safe drinking water. This course begins by introducing students to the American legal system with foundational subjects of property law, tort law, constitutional law, and administrative law. The course then surveys the major federal environmental statutes, including the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, and laws regarding waste and remediation. Finally, the course explores environmental enforcement and rights, including the public trust doctrine, state and federal constitutional rights, and the human right to a healthy environment.

Required Reading Materials


In addition to the book, other assigned readings will be available on canvas.

General Policies and Information

1) Lectures are Mondays and Wednesdays from 11:30-1:00 pm in 1040 Dana Building.

2) Discussion sections:
Section 1: Fridays 1:00-2:00 pm; Room: 1046 Dana Building.
Section 2: Thursdays 5:00-6:00 pm; Room: 3556 Dana Building.
Section 3: Wednesdays 4:00-5:00 pm; Room 2520 Dana Building.

3) Class attendance is required and lectures will focus on the assigned reading for that date. Any changes to the syllabus will be announced in class and updated on Canvas.

4) Your grade is based on the cumulative score of four assignments through which you will explore, analyze, apply, and develop environmental law. Due dates for the four assignments are on the
syllabus. The assignments will be announced and described in class and on canvas. All assignments should be submitted on canvas.

5) If you need an accommodation for a disability, please let your professor and/or your GSI know at your earliest convenience. We can modify our teaching and every aspect of this course to facilitate your participation and progress. As soon as you make us aware of your needs, we can work with the Services for Students with Disabilities (SSD) office to help us determine appropriate academic accommodations. SSD (734-763-3000; http://ssd.umich.edu) typically recommends accommodations through a Verified Individualized Services and Accommodations (VISA) form. Any information you provide is strictly private and confidential and will be treated as such.

Schedule of classes and readings:

Any headings and case names on the syllabus are for organization only; you are responsible for all (and only) the assigned pages of reading. Unless noted, all pages are from ENVIRONMENTAL LAW AND POLICY: NATURE, LAW, AND SOCIETY, 5th Edition, 2016. Supplements and other materials available on canvas.

1) Wednesday, January 5 (to be read before the first class) – introduction to the American legal system and environmental law: pages 3-7, 57-72; “Introduction to US Law” (canvas).

***No class Monday, January 10, make up class TBA***


***No class Monday, January 17, MLK events*** First assignment due on canvas!


5) Wednesday, January 26 – sovereignty and federalism in environmental law: pages 257-279.

6) Monday, January 31 – administrative law and process: pages 199-212.

7) Wednesday, February 2 – administrative law and process, continued: pages 223-240.


12) Monday, February 21 – market enlisting strategies: pages 612-628, 636-642 and additional articles on market mechanisms and regulating air pollution on canvas. **Second assignment due on canvas!**


***No class Monday, February 28 and Wednesday, March 2 Spring Break***


17) Wednesday, March 16 – Guest speaker TBA.


21) Wednesday, March 30 – Guest speaker TBA.


24) Monday, April 4 – the Michigan Environmental Protection Act: MEPA supplemental cases (canvas)


26) Monday, April 11 – physical and regulatory takings: pages 913-937.

27) Wednesday, April 13 – wetlands regulation and takings law applied: K&K Const. v. Dep’t of Natural Resources (canvas).

28) Monday, April 18 – Constitutional due process rights and environmental harms: Guertin v. State of Michigan (canvas). **Fourth assignment due on canvas!**