

## **ENVIRONMENTAL LAW**

ENVIRON 475/EAS 475/EHS 588

Winter 2022

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## **SYLLABUS, COURSE REQUIREMENTS, AND GENERAL INFORMATION**

### **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**

The book for the course is ENVIRONMENTAL LAW AND POLICY: NATURE, LAW, AND SOCIETY (5th Edition, 2016) by Zygmunt J.B. Plater, Robert H. Abrams, Robert L. Graham, Lisa Heinzerling, David A. Wirth, and Noah D. Hall (ISBN-10: 1454868406). Students can use the book in any format.

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\*\*\*

- 2) Wednesday, January 12 – introduction to property and courts: “First Supplement” pages 1-15 (canvas).

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

- 3) Wednesday, January 19 – property and tort law for environmental harms and natural resources: pages 108-116, “First Supplement” pages 16-21 (canvas).

- 4) Monday, January 24 – environmental torts and the Flint water crisis: overview of Flint litigation available at: <https://www.greatlakeslaw.org/blog/2016/02/litigating-the-flint-water-crisis-an-overview-of-the-lawsuits-and-legal-action.html>; In re Flint Water Cases, opinion regarding Veolia professional negligence (2022) (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.

- 8) Monday, February 7 - National Environmental Policy Act and Emergency Planning and Community Right-to-Know Act: pages 313-335.

- 9) Wednesday, February 9 – Clean Air Act: pages 459-477.

- 10) Monday, February 14 – Clean Air Act, continued: pages 249-255, 477-489.

- 11) Wednesday, February 16 – Clean Air Act (continued): pages 489-507, 513-518.
- 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!
- 13) Wednesday, February 23 – cost benefit analysis and Safe Drinking Water Act: pages 571-581, 588-596.
- \*\*\*No class Monday, February 28 and Wednesday, March 2 Spring Break\*\*\*
- 14) Monday, March 7 – Clean Water Act: pages 519-537.
- 15) Wednesday, March 9 – Clean Water Act, continued: pages 537-550, 555-569.
- 16) Monday, March 14 – Clean Water Act, continued: County of Maui v. Hawaii Wildlife Fund (canvas). Third assignment due on canvas!
- 17) Wednesday, March 16 – Guest speaker TBA.
- 18) Monday, March 21 – Comprehensive Environmental Response, Compensation, and Liability Act: pages 687-703.
- 19) Wednesday, March 23 – Comprehensive Environmental Response, Compensation, and Liability Act (continued): pages 703-723.
- 20) Monday, March 28 – Endangered Species Act: pages 419-432.
- 21) Wednesday, March 30 – Guest speaker TBA.
- 22) Monday, March 29 – Public Trust Doctrine: pages 879-900.
- 23) Wednesday, March 31 – Public Trust Doctrine, continued: Glass v. Goeckel (canvas).
- 24) Monday, April 4 – the Michigan Environmental Protection Act: MEPA supplemental cases (canvas)
- 25) Wednesday, April 6 – enforcement and compliance: pages 791-806, 815-821.
- 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!