

COURSE SYLLABUS (Subject to Change)

**San Francisco State University
Spring 2016**

**ENVS 450G (Section 1)
Environmental Law and Policy
Tuesdays 4:10 – 6:55 PM
SF State Main Campus, BUS 138**

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Hours: Tuesdays, 2 – 3:50 pm, and by appointment

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Course website on iLearn.sfsu.edu (ENVS 450 – Section 1)

Introduction

This course provides an introduction to environmental law and policy in the United States – an area that is now a fundamental element of agency planning, applied science, business, and non-governmental and community actions. Our environmental laws and programs affect every sector of our society, and are part of our daily lives, whether we “see” them or not. As professionals, activists, scientists, or simply engaged citizens, we consistently encounter both the regulations surrounding these laws and policies, as well as their outcomes – whether successes or failures.

The class will examine and discuss both the environmental problems at the root of our laws and policies, as well as the regulations themselves. Environmental problems are explored as inter-disciplinary, interconnected issues anchored in their ecological, physical, and natural resource components, but inextricably linked to broader social, political, and economic factors and context. Laws and policies have emerged as a direct response to these problems, but are deeply influenced by the complex political/economic/legal system within which they operate and change, from local/regional to national scales.

This broader context is critical to understanding what environmental policy expert Zachary Smith calls “The Environmental Policy Paradox”: while in many cases we understand what *should* be done about environmental problems, the necessary things *don’t get done*. An overall knowledge of how the system works, and for whom, is important to understanding the status of environmental protection in the U.S. Thus, we will consider the relationship of government to the economy and economic interests, both generally and in particular cases, and the ways in which the separation of powers (the check-and-balance system) and federalism affect lawmaking and, very importantly, the *implementation* of legislation.

Additionally, “the system” is important in the most crucial context of all, which is “sustainability.” Broadly speaking, a sustainable society is one that can *last*—that is, a society that limits its use of and impact on natural systems, so that they can regenerate and be available for succeeding generations. Although there are arguments about exactly where the “use

boundaries” lie, it is clear that in many cases we either have exceeded or soon will exceed those boundaries. Some argue that our present political/economic/legal system and its accompanying “dominant social paradigm” are not compatible with keeping us within those boundaries. We’ll compare precautionary approaches to regulation, which are being used more frequently in the EU, to the risk assessment/cost benefit approach that has been dominant in the U.S. in recent years. That comparison is especially germane to climate science and policy. Since many scientists believe that anthropogenic climate change is the most serious threat to sustainability, climate and energy policy will receive significant attention in several different contexts throughout the semester.

In sum, in this class we will briefly examine the history of environmental law and policy in the United States, key theories underlying law and policy development, and the structure and components of pre-eminent national laws and themselves. We will use case studies of specific policy processes and decisions compare and contrast how environmental policy design has been more or less effective in various arenas, and why. We will analyze the specific environmental policy programs and tools - both within and beyond U.S. boundaries - that have been used in various cases, as a way to consider policy alternatives and options for the future. Throughout the class, our exploration and discussion of environmental laws and policy will center on the need to adopt inter-disciplinary, multi-stakeholder approaches to the design of effective law and policy.

Course Objectives

Research & Writing Competency

To enhance the research and writing competence of SFSU graduates, the SFSU Academic Senate has determined that much more writing *instruction* should be done in content-oriented courses like ENV5 450. Each department has been asked to designate a writing intensive course within the major; ENV5 450 is designated as such a course (i.e. a GWAR course). Accordingly, a research paper will be one of your main assignments this semester, along with several shorter written assignments. Class size is limited, which will enable the instructor to spend time with each of you framing your research question, helping you locate proper sources, and writing your paper. **But enhancing your research and writing skills will demand considerable commitment from each student; it is ultimately the responsibility of each student to put in the time and effort required to meet the writing standards of this class.**

In addition, much of the course material is detailed, and the reading is dense. **If the rest of your schedule is very demanding, please consider taking the course later, when you can devote sufficient time to it. *Keep in mind that you have to earn a C in this class to pass it; anything below a C means you have to repeat it.***

Learning Objectives

Specific learning objectives for the course include enhanced understanding of and ability to articulate and apply the following concepts:

- The history and development of environmental law and policy, focusing on the U.S.
- The ways private-sector actors, such as corporations and environmental groups, influence lawmaking, interpretation, adjudication and enforcement

- How government and regulation are viewed in the “dominant social paradigm”
- The Constitution and constitutional bases for environmental law
- The environmental policy roles of each branch of government
- The division of roles between the federal government and the states
- What regulatory agencies do and how they do it; their role in lawmaking (administrative law)
- The special significance of the courts; the judicial focus of environmental activists in recent years
- Major U.S. environmental laws and the regulatory agencies responsible for administering them
- Cost-benefit analysis and risk analysis (traditional and new approaches)
- The precautionary principle and its regulatory and political implications

Course Structure and Process (*Note: the syllabus is subject to change, depending on the circumstances, needs, and experience level of the class*)

The objectives of the course will be met specifically through readings, student-led discussions, lectures, activities, and assignments (detailed syllabus is listed out below). ***Assigned readings must be completed prior to the class meetings in which they are listed.*** This will facilitate class discussions and activities. Lectures and readings will supplement each other; they are ***not*** a substitute for each other. Thus, class participation is critical to your success in this course, and will enhance you and your classmates’ learning. Attendance and participation also forms a significant portion of your final grade.

Specific elements of the class structure and process are as follows:

Attendance and Class Participation

You will not do well in this class unless you attend. Attendance will be taken at each class session. **Since we meet only once a week, if you have more than 1 unexcused absence during the semester, your final grade will automatically be reduced by ½ letter grade (for example, from B to B-, or from B- to C+).** Readings complement but do not substitute for lecture material. **Please participate** in class. If you find that you’re not actively listening or participating because you’re too busy taking notes, feel free to record class sessions.

Grading Requirements

Your grade will be based on the following assignments and activities:

1. **Final Take-home Exam (25%).** Final exam to include: a) one section of multiple choice and short answer; b) one section a 5-page Argumentative Policy Approach essay (topic details handed out with final exam). ***Due through Turnitin on iLearn course site, by 5 PM on Friday, May 20.***
2. **Class participation (20%):** Class attendance and participation are both required, and weighted heavily as part of the final grade. ***You are expected to arrive on time, stay for***

the full duration of the class, and participate in all class discussions by voicing your opinions and assessments of readings and research, analyzing case studies presented, asking questions, and fully participating in class activities and student presentations.

3. **Public Hearing Attendance, 2-page Write-up, and Presentation (15%).** Students will attend a public hearing in first weeks of class (see syllabus details), write up a 2-page summary of the hearing (minimum double spaced, 12-point font), and give a short in-class presentation about hearing. *Paper due through Turnitin on iLearn course site, by 5 PM on Friday, February 26. Presentations scheduled for class dates of March 1 and March 8.*
4. **2-3 page Research Paper Proposal (5%):** Written proposal for final research paper, (2 page minimum, double spaced, 12 point font), including citations and brief descriptions of *three* academic sources you'll use for your research paper. *Due through Turnitin on iLearn course site, by 5 PM on Friday, March 18.*
5. **A 10-page (minimum), Final Research Paper (35%):** Final research paper (minimum of ten pages, double spaced, 12-point font). *Due on-line through Turnitin, on iLearn course site, by 5 PM on Friday, April 29.*

Texts and Readings

The *required texts* are listed below. Textbooks are available in hard copy at the ASUC bookstore, as well as through various online book sources. They are also available as Kindle/digital downloads as an alternative to hard copies. Assigned readings from these are listed in the detailed syllabus below, and/or are to be assigned as the course proceeds:

- (Meadows) Meadows, D. H. 2008. *Thinking in Systems: A Primer*. Chelsea Green Publishing.
- (S&T) Salzman, J. & Thompson, B.H. 2013. *Environmental Law and Policy (Concepts and Insights)*. 4th edition. New York: Foundation Press.

In addition, weekly readings will include:

- ***Environmental news:*** SKIM at least 3 articles per week. Good sources: Grist, NPR, *The Guardian*, *The New York Times*. Be prepared to present/discuss these in class.
- ***Other required readings:*** There will be additional required readings assigned each week, as listed in the detailed weekly syllabus schedule, below. These readings will be available on the course website (iLearn) as PDF files, and/or URL links will be posted there. (*Note: there will be additions/modifications/updates to these readings as the course progresses*)

Week-by-Week Schedule (*this schedule will be posted on the iLearn website, as part of this syllabus, but is subject to change. Please check iLearn site for updates and changes as the course progresses, as well as checking your iLearn digest for updates, announcements, etc.*)

Schedule and Readings will be divided into three main sections/parts:

- *Part 1:* The Historical, Theoretical, and Constitutional Context/Underpinnings of Environmental Problems and Policy Development
- *Part 2:* Broad Approaches and Challenges to Environmental Policy Development
- *Part 3:* Policy Solutions (Legislation, Tools, Programs) Across Specific Sectors/Arenas

(Note: “TBA” = “To Be Assigned” – i.e. specific readings/chapters/pages will be assigned as course proceeds)

Week & Date	Readings (complete PRIOR to class)	Topics	To Do (or submit Online)
1 – Feb 2	GWAR policies/resolution available on class iLearn site (PDFs), or online through SF State	* Introductions; course overview * Introduction to “Writing Across the Curriculum” (Graduation Writing Assessment Requirement – GWAR)	<i>Distribute public hearing assignment & potential hearing dates (PH)</i> <i>Distribute research paper assignment (RP)</i> Student background/interests
Part 1: The Historical, Theoretical, & Constitutional Context of Environmental Problems and Policy Development			
2 – Feb 9	S&T, Chap 1 Meadows, pp. ix - 34 <i>Ostrom et al (2007)</i>	Historical development of US environmental policy; thinking in systems versus silos; achieving sustainability – the record so far NOTE: Tues, Feb 9 is last day to DROP class, and last day to ADD class, without special exceptions!	Confirm public hearing date choices (PH); submit to instructor by NOON, Tues, Feb 9 Systems thinking: problems and case studies (in-class) Weekly readings quotes/discussion in-class
3 – Feb 16	S&T, Chap 2 Meadows, Chap 3 <i>Jackson (2009)</i> <i>US Dept. of State, Individual Freedom & The Bill of Rights: Chap 9, Property Rights</i>	Socio-political-economic-ecological causes of environmental problems; values in shaping law & policy; key drivers of environmental impacts; the constitution, private interests & public policy	<i>Attend public hearing during this week or next week (PH)</i> <i>Meet w/instructor re RP topics (RP)</i> Weekly readings quotes/discussion in-class

4 – Feb 23	PH Write-up Due Fri, Feb 26! <i>Online Writing Lab (OWL): read the entire Research section, including the subtopics (see menu on left-hand column of site). URL is on ilearn.</i>	No class meeting. In lieu of class, students will attend public hearing, prepare & submit PH memo write-up, & read OWL (see iLearn site for Turnitin assignment, OWL link, etc.) *** NOTE: Feb 23 is last day to ADD class with Exception (special form & approval)	Attend public hearing during week (PH) Submit PH write-up - due online by 5 pm, Friday, Feb 26. <i>Choose research paper topic; research questions, literature searches. (RP)</i> <i>OWL Review (online)</i>
5 – Mar 1	S&T, Chap 3 <i>Shah (2002)</i> <i>OpenSecrets.org</i> , “Influence & Lobbying” (URL link on iLearn) <i>Zencey (2015)</i> <i>Tanabe (2001)</i> , <i>Sections I & II only</i>	Constitutional obstacles to pursuing public good; government checks & balances, authorities; special interests & power	PH presentations (in-class) (PH) <i>Meet w/Instructor re RP topics</i> Weekly readings/quotes discussion in-class
6 – Mar 8	Meadows, Chap 5 <i>Doremus et al (2011)</i> <i>Rittel & Webber (1973)</i> <i>Black, “Sick of Gridlock”</i>	“Wicked” problems and multi-stakeholder interests: governmental players, private interest, non-profit/advocacy, and more	PH presentations, continued (in class) <i>Meet w/Instructor re RP topics</i> Weekly readings/quotes

Part 2: Broad Approaches and Challenges to Environmental Policy Development			
7 – Mar 15	Research Proposal Due Mar 18! <i>Etzion & Davis</i> <i>Common Dreams</i> “Industry Influence” <i>Others TBA</i>	* Federal roles in environmental policy formulation	Finalize Research Paper proposal (RP); written proposals due online by 5 PM, Fri, Mar 18 (RP) <i>Weekly readings/quotes discussion in-class</i>
8 – Mar 22	SFSU Spring Break: No class meeting *** NOTE: Sun, Mar 20 is deadline for Credit/No Credit Grading Option		<i>Work on Research Papers</i>
9 – Mar 29	Meadows, Ch 6 <i>Gen (2011)</i> <i>Aronson et al (2007)</i> <i>UNEP</i> <i>Ecosystem Report (2005)</i>	* Ecosystem services and natural capital: melding economy and environment * Case studies & policy implications for valuing natural capital & ecosystem services * Social and political considerations: equity, security, migration	<i>Meet w/Instructor to review Research Paper progress, identify issues, etc. (RP)</i> <i>Weekly readings/quotes discussion in-class</i>

10 – Apr 5	Meadows Ch 7 <i>Scarlett (2013)</i> <i>Others TBA</i>	Holistic thinking for policy development: opportunities and synergies	<i>Meet w/Instructor to review RP progress</i> Weekly readings/quotes
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Part 3: Policy Solutions (Legislation, Tools, Programs) Across Specific Sectors/Arenas			
11 – Apr 12	S&T Ch 3 (review) & 12 <i>CEQA Overview (PDF on iLearn)</i> <i>Others TBA</i>	Environmental policy tools & major regulations; NEPA, CEQA, local programs/policies	<i>Meet w/Instructor to review Research Paper progress, identify issues, etc. (RP); submit outlines, drafts, etc., for instructor review/comments</i> Weekly readings/quotes
12 – Apr 19	S&T Ch 7 <i>[Water policy case study TBA]</i> <i>[Oceans reading TBA]</i>	* Water: quality and supply * Oceans	Weekly readings/quotes discussion in-class
13 – Apr 26	<i>Final Research Paper due!</i> S&T Ch 5, 6 <i>Paris Climate Talks</i> <i>Weiner, “Think Globally...”</i> <i>Others TBA</i>	Air quality, climate change, transportation	<i>Research Paper (RP) due online by 5 PM, Fri, Apr 29</i> Weekly readings/quotes discussion in-class
14 – May 3	S&T Ch 10, 11 <i>[Wetlands, ESA case studies TBA]</i> <i>Fracking reading TBA</i> <i>Climate Progress, “Keystone Facts”</i>	* Natural Resources: species, wetlands, energy sources * Land, open space <i>*** NOTE: Tues, Apr 26 Last Date to Withdraw for “Serious & Compelling Reasons”</i>	Weekly readings/quotes discussion in-class
15 – May 10	S&T Ch 8, 9 <i>The Nation, “Pesticides Ind. v. Consumers...”</i> <i>[Waste case study, video TBA]</i> <i>Others TBA</i>	* Toxins * Waste * Food/Agriculture	<i>Take-home Final Exam handed out</i> Weekly readings/quotes discussion in-class
16 – May 17	<i>Final Exam Due!</i> S&T Ch 4 Meadows - App, p. 187-195 <i>Caldwell</i>	Enforcement and adaptation; critique of the statutory framework; alternative behavior and approaches	<i>Final Exam Due online by 5 PM, Friday, May 20</i> Course evaluation Weekly readings/quotes discussion in-class
17 – May 24	<i>No Class: Take-home written exam due on-line (iLearn) by 5 PM, Friday, May 20</i>		

Professor's Policies

Class Attendance, Timeliness, and In-Class Behavior

Absences and/or consistent lateness, early departure, etc., will reduce your grade.

Class time will include lectures and various learning activities that build student knowledge. Students are expected to attend all classes, to be on time for class, and to stay for the entire class duration (barring exceptional circumstances cleared with the professor prior to a particular class meeting). In addition, students are expected to focus on the class itself; ***texting, cell phone usage, and the use of computers for anything but immediate class activities are not permitted.***

Submission of Assignments

Written assignments should be submitted on the iLearn course website, unless otherwise noted. ***Assignments turned in after the due dates will be accepted for up to two weeks (with the exception of the final exam/paper), but severely marked down.*** Assignments submitted by the next class meeting after the due dates will be marked down by 10%; for the second week after due date, by 20%. Assignments more than two weeks late will be marked down by 50%, and ***no assignments (including the final exam) will be accepted after Friday, May 20 at 5 pm.***

Notes about iLearn and E-mail

Class assignments, PDFs for reading, syllabus and updates, assignment submissions, and other class materials/announcements will all occur through the class iLearn website. Therefore you ***must*** have access to this site, and be prepared to check it frequently, as well as reading your iLearn digests, etc.

Likewise, ***you must have an active SFSU e-mail account*** that will enable you to receive e-mail messages from me. I will not e-mail you at a non-SFSU e-mail address. ***If you prefer to use another e-mail address, arrange to forward messages automatically from your SFSU account to your preferred account.*** When you contact me by e-mail, please identify yourself with your full name and the class you are in, and allow 36 hours for a response, especially on weekends. Usually I'll answer within a day.

Plagiarism

University policy explicitly prohibits plagiarism in any form, and plagiarized submissions will receive a failing grade (and will not constitute meeting a given assignment's requirements). SFSU's website describes plagiarism as follows:

“Plagiarism is the use of another's words or ideas without acknowledgement of their source. It occurs when a student misrepresents the work of another as his or her own. Plagiarism may consist of using the ideas, sentences, paragraphs or the whole text of another with appropriate acknowledgement, but it also includes employing or allowing another person to write or substantially alter work that a student then submits as his or her own.”

(http://www.sfsu.edu/~oip/flservices/SurvivalGuide/V_2_Plagiarism.html)

Plagiarism can range from very subtle, to blatant – and may often be inadvertent if students are unaware of what exactly constitutes plagiarism. Therefore, it is essential that students understand what is permissible (and not). For a fuller explanation of the many facets of plagiarism, common questions, and how to avoid it, please refer to <http://conduct.sfsu.edu/plagiarism>.

University Policies

All standard university policies apply to this class. Please note, in particular, “Principles of Conduct for a Multicultural University,” which can be found at http://hr.sfsu.edu/Labor_Compliance_ProfDev/emp_relations/hr_Directives/P530D

Changes to Syllabus

This syllabus is subject to change, depending on the needs, circumstances, and experience level of the class. Please keep up to date with any syllabus modifications.

Professor’s Commitment and Obligations

To complement and enhance your best efforts in this class, I commit to giving you my best efforts in building your understanding and skills in environmental policy. This includes the academic and pedagogic structure for learning, accessibility, and constructive feedback.

Disability: If you have a disability and need accommodation, please contact me. The Disability Programs and Resource Center is available to facilitate reasonable accommodations. The DPRC, located in SSB 110, can be reached by telephone at 338-2724 (voice/TTY) or by e-mail at dprc@sfsu.edu.

College of Health and Social Sciences (CHSS) Policies Spring 2016

Please Read Through These Carefully!

B. CHSS Policy

Syllabi are to incorporate the Academic Senate Policy regarding finals week, the deadlines or withdrawals, late adds, CR/NC option and information related to course registration and Disability Programs and Resource Center. A sample listing of the required College policies are shown below.

Final Exam: According to Academic Senate policy F76-12 a time period is set aside at the end of each semester for a formal examination period. All classes are expected to meet during the final examination period whether an examination is given or not. The final examination schedule is published each semester in the Class Schedule.

http://www.sfsu.edu/~acadres/final_exams/finals16.htm

CHSS Withdrawal Policy: The last day to drop a class is February 9, 2016 until 11:59pm. Starting February 10 – April 26, 2016, you must submit a paper withdrawal petition. Withdrawal from a class starting February 10, 2016 will be considered for *serious and compelling* reasons only and must have accompanying documentation. The following reasons are not considered *serious and compelling*: Changing your major, poor performance, class not required for graduation/major, not attending class or more time needed for other classes. If you wish to withdraw from class due to unexpected changes in your work schedule, illness or family emergencies, documentation will be required, along with a copy of unofficial transcripts. Submit your petition within a reasonable timeframe (e.g., within 2 weeks of a change in work hours.) From April 27 – May 17, 2016, you may not withdraw from a class or the University, except only in the case of a serious documented illness or verified accident.

Withdrawals cannot be initiated electronically and must be submitted using a paper application. All electronic submissions of withdrawals will be denied automatically by the associate dean. You are only allowed to withdrawal from a maximum of 18 units and take a class no more than 2 times at SF State. Approval from the instructor and/or chair does not constitute automatic approval from the associate dean so continue attending class until a decision is made. Please refer to the following website for further information on withdrawal polices: <http://chss.sfsu.edu/src>

CR/NC Option: The last day to request CR/NC option is March 20, 2016 until 11:59pm. The Associate Dean will not approve requests for changes if you miss this deadline.

Late Add Policy: The period to add classes via permission numbers is January 27 – February 9, 2016. The period to add classes by Exception is February 10 – February 23, 2016. It is your responsibility to procure a late permission number from your instructor and add the class. Faculty cannot add you into a class. Starting February 24, 2016, a Waiver of College Regulations form must be signed by your instructor, Chair and CHSS Associate Dean to add. This will be approved only if there was an administrative error.

Check your registration through *SF State Gateway*: Sign up for CR/NC, drop and add classes by the appropriate deadline online through *SF State Gateway*. ALWAYS check your registration after making any changes and BEFORE deadlines to be sure you are registered properly for your classes. Deadlines for all registration procedures, including withdrawals and requests for credit/no credit, are listed in the class schedule and will be strictly adhered to by the instructor, the Department Chair and the Associate Dean of College of Health & Social Sciences. It is ALWAYS the student's responsibility to ensure their schedule is correct, even if the instructor indicates they will drop you.

This can be viewed on the Registration Calendar at the following website: <http://www.sfsu.edu/~admisrec/reg/regsched2163.html>

Disability Programs and Resource Center: Students with disabilities who need reasonable accommodations are encouraged to work with the instructor and contact Disability Programs and Resource Center (DPRC). They are located in SSB 110, can be reached by telephone at 415-338-2472 (voice/TTY) or by e-mail at dprc@sfsu.edu.

Student Disclosures of Sexual Violence: SF State fosters a campus free of sexual violence including sexual harassment, domestic violence, dating violence, stalking, and/or any form of sex or gender discrimination. If you disclose a personal experience as an SF State student, the course instructor is required to notify the Dean of Students. To disclose any such violence confidentially, contact:

The SAFE Place - (415) 338-2208; http://www.sfsu.edu/~safe_plc/

Counseling and Psychological Services Center - (415) 338-2208; <http://psyservs.sfsu.edu/>

For more information on your rights and available resources: <http://titleix.sfsu.edu>