

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



MASTER SYLLABUS

ENVIRONMENTAL LAW

LEST 388

Last Updated by: Jondavid DeLong

**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

- A. **TITLE: ENVIRONMENTAL LAW**
- B. **COURSE NUMBER: LEST 388**
- C. **CREDIT HOURS: 3**
- D. **WRITING INTENSIVE COURSE: NO**
- E. **GER CATEGORY: NONE**
- F. **SEMESTER(S) OFFERED: SPRING**
- G. **COURSE DESCRIPTION:**

This course introduces students to the many aspects of Environmental Law. Students learn the main structure of the American Legal System: sources of law, classification of law, constitutional principles, and administrative agencies that are involved in environmental issues and concerns. The litigation process for environmental disputes is examined. The evolution of environmental policy is examined and primary national policies are introduced. Environmental laws that relate to air-quality control, water quality control, toxic substance control, waste management and hazardous releases, energy, and natural resources are examined. International environmental laws, particularly those of Canada, are discussed.

H. **PRE-REQUISITES/CO-REQUISITES:**

- a. Pre-requisite(s): Junior level status
- b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<u>Course Student Learning Outcome [SLO]</u>	<u>PSLO</u>	<u>GER</u>	<u>ISLO</u>
1. Understand and explain the structure and function of the American legal system, and sources of Environmental Law.	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p>

	<p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>2. Identify and differentiate between important agencies affecting environmental law.</p>	<p>Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Understand and explain the jurisdictional requirements of federal and state courts.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p>

	<p>decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>3. Understand and explain environmental regulations and standards regarding control of air quality, water quality, toxic substances, waste management, energy, and other natural resources.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts 		<p>Industry, Professional, Discipline Specific Knowledge and Skills.</p> <p>Communication Skills Written [W]</p>

	<ul style="list-style-type: none"> • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		
<p>4. Understand and explain the role of international law in the protection of the environment.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the jurisdictional requirements of federal and state courts.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property 		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Oral [O], Written [W]</p>

	<ul style="list-style-type: none"> • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		
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KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA] , Inquiry & Analysis [IA] , Problem Solving [PS]</i>
3	Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

K. TEXTS: Kubasek, Nancy K. and Silverman, Gary S. (2014). Environmental Law, 8th ed. Upper Saddle River, New Jersey: Pearson. ISBN-13: 9780133075281

L. REFERENCES: Articles of current interest and other resources placed on the course online learning site.

M. EQUIPMENT: Technology Enhanced Classroom.

N. GRADING METHOD: A-F

O. SUGGESTED MEASUREMENT CRITERIA/METHODS: Participation, in-class exams, final exam, and assignments.

P. DETAILED COURSE OUTLINE:

- I. An Introduction to the Law
- II. The American Legal System: The Source of Environmental Law
 - a. Sources of Law
 - i. The Legislative Branch as a Source of Statutory Law
 - ii. The Judicial Branch as a Source of Case Law
 - iii. The Executive Branch as a Source of Law
 - iv. Administrative Agencies as a Source of Law
 - b. Classifications of Law
 - c. Constitutional Principles Underlying The American Legal System
- III. The Litigation Process and Other Tools for Resolving Environmental Disputes
 - a. The Adversarial System
 - b. Primary Actors in the Legal System
 - c. Steps in Civil Litigation
 - d. Alternatives to Civil Litigation
- IV. Administrative Law and Its Impact on the Environment
 - a. Senior Executive Service and Executive Branch
 - b. Creation of Administrative Agencies
 - c. Functions of Administrative Agencies
 - d. Limitations of Agency Powers
 - e. Important Agencies Affecting the Environment
- V. An Introduction to Environmental Law and Policy
 - a. The Need for Regulation
 - b. Alternative Ways to Control Pollution
 - c. Subsidies, Emissions Charges, and Marketable Emissions Permits
 - d. Evolution of Our Environmental Policies
 - e. National Environmental Policy Act
 - f. Pollution Prevention Act of 1990
 - g. Green Initiatives
- VI. Air-Quality Control
 - a. The Major Air Pollutants
 - b. Significant Air-Quality Problems
 - c. Human-Induced Global Climate Changes
 - d. Indoor Air Pollution
 - e. Initial and Current Approaches to Air-Quality
 - f. National Ambient Air-Quality Standards
 - g. The 1990 Clean Air Act Amendments
 - h. Solutions Beyond the Clean Air Act
- VII. Water-Quality Control
 - a. The Major Water Pollutants

- b. Significant Water-Quality Problems
- c. Protecting Water Through Government Actions
- d. Clean Water Act
- e. Safe Drinking Water Act
- VIII. Controlling Toxic Substances
 - a. Identification of Potentially Toxic Substances
 - b. International Regulation of Toxic Substances
 - c. Toxic Torts
- IX. Waste Management and Hazardous Releases
 - a. Waste Control Techniques
 - b. Cercla: An Overview
 - c. Emergency Response Plans and Right To Know
 - d. Federal Response to Contaminated Sites
- X. Energy
 - a. Energy Policy: A Historical Overview
 - b. Energy Consumption and Production
 - c. Coal, Petroleum, Natural Gas, and Nuclear Energy
 - d. Problems with Nuclear Energy
 - e. Renewable Fuels
- XI. Natural Resources
 - a. Protecting Public Lands
 - b. Regulation of Public Lands
 - c. Protection of the Great Lakes
 - d. Wild & Scenic River Systems
 - e. Endangered Species
 - f. The Global Extinction Crisis
- XII. International Environmental Law
 - a. The Need for International Environmental Law
 - b. The Nature of International Law
 - c. Sources of International Environmental Law
 - d. Institutions that Effectuate and Influence International Environmental Law
 - e. Addressing Specific International Environmental Problems
 - f. The Future of International Environmental Law

Q. **LABORATORY OUTLINE:** N/A