

**PSC 312W/ENV 312W Env. Law and Policy**  
Spring 2009  
TTh 2:00-3:15

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### **How to get in touch with me:**

Office hours: Monday through Thursday, 1:00 to 1:45, and by appointment. I'm usually in my office by 12:30 with class every day at 2:00. If I am in my office and the door is open, I am available for discussions about anything from class business to dog training. If my door is closed, I am busy.

E-mail: sjbuck@uncg.edu I don't check e-mail every day, so if your message is time critical, you should call. If you want to discuss something, e-mail is not an appropriate medium, and I prefer that you come in during office hours or call.

Home phone: \_\_\_\_\_, **only** between 8:00 and 5:00, M-F. If you do not live in the Greensboro calling area, include your area code when you leave your phone number, and when you will be available for a return call. Please don't call evening (after 5:00) or on weekends.

When I need to contact the class, I will use Blackboard either for an announcement or for email. Email from Blackboard goes to your university email address, so be sure to check this if you miss class. If you miss class on a day I return an assignment, I will put the assignment on my door.

**Course Description**: This course examines the development of environmental policy and law from the mid-1960s to the present. Topics include administrative regulation, air and water pollution, and hazardous and toxic substances. Cross-listed with ENV 312. *Writing intensive*.

**Honor Policy**: Students are required to abide by the University Academic Integrity Policy for all work in the this course:  
<http://academicintegrity.uncg.edu/complete/>

### **Course Objectives:**

1. Students will learn the historical development of American environmental policy from 1965 to the present.
2. Students will learn to brief law cases and to develop coherent legal arguments.
3. Students will improve their writing skills through grammar and style reviews, multiple case briefs, and in-class writing exercises.

**Texts:**

1. Buck, Susan J. 2006. *Understanding Environmental Administration and Law*, 3<sup>rd</sup> ed. Washington, DC: Island Press.
2. Strunk, William and E. B. White. 2000. *Elements of Style*, 4<sup>th</sup> ed. Needham Heights, MA: Allyn & Bacon. Any recent edition will do, but don't get the illustrated version.
3. Supplemental readings and law cases. See class schedule.

**Course Requirements:**

1.	Exams at 300 points each	600 points
2.	Case briefs	
		150
3.	Wrong Essay	50
4.	Annotated Bibliography <u>or</u> Volunteer Project	<u>200</u>
		1000 points

Class participation (see below) will be used to decide borderline grades.

**Class Participation:** Your class participation grade is based on class preparation and contributions to class discussions. Generally this grade is used to decide borderline final grades. However, really superb (or truly dreadful) class participation may move your final grade up (or down) a half letter grade. Don't confuse quantity of participation with quality.

I will call on students regularly; students who are not well prepared will have a lower participation grade. You should be prepared to discuss the cases in the text as well as assigned law cases.

Students who arrive late, sleep in class, comb their hair or conduct other personal hygiene business, whisper, crack knuckles (or necks or toes or ankles or whatever), pass notes, or engage in any other disruptive behavior will lose points on class participation. I do not allow computer use in class. Do I need to mention cell phones?

**Exams:** Exams are usually identification and essay; I will give you a review about a week before the test.

Make-up exams: A make-up for the first exam will be given only if a genuine emergency forces you to miss the exam and arrangements are made with me in advance or as soon as possible after the emergency. Reservations at the beach do not constitute an emergency. Make-ups for the second exam (genuine emergency) are given on Reading Day.

**Wrong essay: due 27 January**

Write on any topic you choose, incorporating as many errors of usage and composition as possible. Identify the errors (using *Elements of Style*) in the right hand margin, by numbering each error consecutively and then, in the margin, identifying the error by label and page number in *Elements of Style*. BRING YOUR COPY OF *ELEMENTS OF STYLE* TO CLASS. (I realize that *Elements* doesn't cover every possible error, but you should try not to make errors that aren't in *Elements*.)

Page limit: 2 typed, double-spaced pages. Your score depends on the number of errors, but each kind of error only counts once. We will "grade" these in class: plus one point for each type of error, and minus one for each mistake which is not marked or is marked incorrectly. First place gets a gift certificate from Tate Street Coffee House. Students who make a good-faith effort (my call), **follow directions**, and turn the wrong essay in on time will earn full credit. NOTE: It's okay to insert the markings by hand. I did the sample on the computer only so it would be easier to load on Blackboard.

Each student needs <sup>1</sup>to <sup>2</sup>carefully place <sup>3</sup>their punctuation (for example, periods, commas, etc.) within quotation marks.

1. split infinitive (58)
2. agreement (10)
3. etc. (45)

#### Case Briefs:

You should brief each full law case before class and be prepared to answer questions on the facts, the questions, the decision, and the reasoning. I will collect these briefs; they must follow the correct format (see the *attached TVA* brief) and be legible. Again, I prefer -- but do not usually require -- that the briefs be typed, but if I have trouble reading your handwriting, you may have to type them. Since you will need these briefs for class discussion, I will collect them at the end of the period. (Make any notes on the briefs from our class discussions in pencil or a different color ink.) If you know in advance that you will miss class, you may turn briefs in early or send them with a classmate. You may e-mail them (**NOT** as an attachment) only if your other arrangements have fallen through and you have prior permission. I will not accept a late brief under any circumstances.

I realize that some of the cases are difficult to understand. I'm looking for a "good faith" effort to understand the material, not perfect comprehension.

Grading: The case briefs are graded on a 10-point scale. I will average them at the end of the course, and that average will be the percentage of 150 points toward your final grade. So, if your average is 8.3, I'll take 83% of 150, which is 125 points toward your final grade.

Cases:

These are available on Lexis-Nexis (library) or Findlaw (easier to read)

*Chevron v. Natural Resources Defense Council*, 467 U.S. 837 (1984)

*Dague v. City of Burlington*, 935 F.2d 1343 (2d Cir. 1991)

*Dow Chemical Co. v. United States*, 476 U. S. 227 (1986)

*Greater Yellowstone Coalition v. U. S. Forest Service*, 209 F. Supp. 2d 156 (D.D.C. 2002)

*Massachusetts et al. v. Environmental Protection Agency*, 127 S. Ct. 1438 (2007)

*Miller v. Schoene*, 276 U.S. 272 (1928) (read carefully; we will brief in class)

*New York v. United States*, 505 U. S. 144 (1992)

*United States v. Hercules, Inc.*, 247 F.3d 706 (8<sup>th</sup> Cir. 2001) (get **2001!**)

**Annotated Bibliography or Volunteer Project:** Final project due in my office no later than 3:30, May 7

***Annotated bibliography:***

Choose an area of environmental policy (not natural resources: that's another course!); **get my approval of your topic no later than 29 January.**

An annotated bibliography is a specialized form of research in which you find all (and I mean ALL!) of the academic and legal references that relate directly to your topic. Each entry in your bibliography will have a full bibliographic reference (use Turabian) and two or three sentences that summarize the content. You may add a sentence to evaluate the reading ("Poorly written and repeats conclusions of Kelly [2001]" or "Extremely detailed and thorough analysis of British climate policy") if appropriate. Once you have all the references, you will write a bibliographic essay: a very tight synopsis of what you found. Don't worry if you have never done one of these or seen one. I have some samples and we will have an entire class at the library dealing with how to do this.

This is easily as much work as a regular research paper. The difference is that in a research paper, you decide on your research question, find enough information to answer it, and then write it up. Here you start with a research topic, find everything, and summarize it.

**A Note of Warning: Wikipedia is an open-source website, which**

**means the material you find there is not checked for accuracy. Do not rely on it for definitions and never use it as a source for a paper.**

Dates:

January 29: Research topic and parameters (dates, geographic regions, etc.)

February 26: Working bibliography and approximately 50% of annotations

May 7: Final bibliography and bibliographic essay due

Your grade is based on thoroughness of research (journals, books, newspapers, art, magazine articles, videos, films, on-line resources [be discriminating!]), clarity of annotations, and the bibliographic essay.

***Volunteer Project: due April 25***

A second option is to become involved in a local environmental project. Examples of possible activities include work at the Guilford Courthouse National Military Park, the Natural Science Center, the City of Greensboro, the Piedmont Environmental Center, or on campus with the recycling program. I can refer you to the appropriate supervisors in some local agencies. However, feel free to suggest your own project.

**Projects must be cleared with me in advance; you must discuss them with me before you approach the agency or organization with which you hope to work.**

If you chose this option, once an agreement is signed, you may not change your mind. Agreements must be in place and the project begun by 29 January. The work will continue through 24 April.

**This project must be undertaken explicitly for this class; you may not use an on-going project, or your current job, or any other pre-existing arrangement to satisfy this portion of the course requirements.**

If you choose this option, you **must** follow these guidelines:

1. The activity must have independent supervision (for example, the park superintendent, the local Sierra Club chapter president, or Cub/Scout pack leader).
2. You must negotiate a signed agreement with the supervisor that you will work a set amount of time for the entire semester. The minimum is 3 hours per week. I must receive this signed agreement **on or before** 29 January. Late reports will reduce your

grade. I will have copies of the forms in class.

3. The work load must be evenly distributed over the semester. Ideally, you will work the same number of hours each week. I will allow some flexibility here, but you may not have a project which requires a short, intense burst of activity rather than a semester-long involvement.

4. The supervisor must certify to me at the middle (**due 26 February**) and the end of the term (**due 7 May**) that you have satisfied the terms of your agreement (and done it well!). I will probably call at least once during the semester to talk with your supervisor.

5. In addition to the actual work, you must do the following:

a. Keep a regular (at least weekly) journal that describes your activities and records your reactions/responses or preliminary analyses about the agency. **Due 26 February and with final report on May 7.**

b. Discuss your learning outcomes: for example, what have you learned about environmental law, public relations, personnel management, volunteer management, sewers, trail maintenance, etc.? Supplemental material should be included (photos, teaching materials, reports, etc.). **Due 7 May.**

lengths: journal is however long it needs to be; learning outcomes no more than 7 pages. These are maxima, not necessarily goals. Supplemental materials are not counted toward the maximum pages.

Your grade will be based on the supervisor's reports (written and oral) and the written material.

### **General Rules for Assignments**

1. All typed assignments must be 12-point or larger fonts, and regular margins. Use Turabian in-text citation format for the bibliographic essay and reference list style for the bibliography, unless your major requires a different style (MLA, APA, etc.). If your major does not use Turabian, let me know which one you are using. Style sheets are available in the library.
2. No cover pages or folders or title pages. It wastes trees.
3. Remember: If you must miss class, you should send in your briefs with someone or turn them in early. I will only accept email briefs if you have my prior permission. I

will not accept late briefs.

4. Deadlines are absolutes. Don't ask for exceptions or extensions short of catastrophes such as the death of a family member or a life-threatening illness. If you can't turn the work in on time, be prepared to accept the consequences.

**Having a problem with your computer, or the printer, or compatibility between your system and someone else's is not a valid reason for missing an assignment or for being late.**

5. Be aware of the dangers of plagiarism. At a minimum, I will fail any assignment containing plagiarized material if I feel there has been a deliberate effort to use another's work as your own, and I will reduce the grade of a paper with careless plagiarism.

### ***A Note on Plagiarism***

Plagiarism is using the language, ideas, or data of another scholar without acknowledging the source. The faculty view this as an extremely serious offense. Sanctions for plagiarism range from failing the plagiarized assignment to expulsion from the University.

There are three central reasons to acknowledge the work of other scholars. First, scholars' works are their professional products. To use it as your own is stealing, and your own work becomes a forgery. Second, other scholars may wish to build on your work or to explore some idea further. If you have provided good documentation, their work is simplified. Third, your source may be wrong. If you use the information without attribution, you are responsible for the error.

Remember: be honest, be helpful, be safe.

Here's the Golden Rule of Citations: **when in doubt, cite.** No one ever got in trouble for too many citations.

Myths:

1. Paraphrasing eliminates the need for citations. FALSE. It only eliminates the need for quotation marks.
2. Any data found in three places is "common knowledge" and needs no citation. FALSE. "Common knowledge" is a pit for the unwary. The safe test is whether an average person would know this information. Thus, that the Declaration of Independence became official on 4 July 1776 is probably common knowledge, but a reference to Brown v. Board of Education needs a citation. Remember the Golden Rule of

- Citations: when in doubt, cite.
3. Tables, charts, and diagrams don't need citations. FALSE.  
They are data and their design is creative. Cite!

Class Schedule (subject to change) **Environmental Law and Policy**

- 1 Jan 20 Introduction  
22 Ch. 1 (American Legal System), discuss Case 1.1
- 2 27 **Wrong Essay due**  
29 Ch. 1 cont'd; discuss Case 1.2  
**Deadline for volunteer contract/research topic approval**
- 3 Feb 3 **Meet in MHRA 1305** (computer lab)  
5 Ch. 4: 69-75 (How to Brief a Case); *Miller v. Schoene* (read, don't brief)
- 4 10 Ch. 2 (Environmentalism in the U.S.); movie: *God Squad*  
12 *Greater Yellowstone Coalition v. U. S. Forest Service* (brief 1 due)
- 5 17 Ch. 3; discuss Case 3.1  
19 movie: *Buffalo War*
- 6 24 Ch. 4: 75-83 (Due Process, Standing); discuss Case 4.1  
26 Ch. 4: 83-105 (Common Law); discuss Cases 4.2, 4.3
- 7 Mar 3 **Test 1**  
5 movie: *An Act of Congress*
- 8 10-12 **SPRING BREAK**
- 9 17 Ch. 5: 106-117 (Administrative Procedure Act).  
19 *Chevron v. Natural Resources Defense Council* (brief 2 due)
- 10 24 Ch. 5: 117-125 (Air Pollution); discuss Case 5.1  
26 *Dow Chemical Co. v. United States* (brief 3 due)
- 11 31 *Massachusetts et al. v. Environmental Protection Agency* (brief 4 due)  
Apr 2 Ch. 5: 125-130 (Water Pollution); Case 5.2
- 12 7 Ch. 5: 130-135 (Hazardous & Toxic Substances); Cases 5.3, 5.4  
9 movie: *Herbicide Trial*
- 13 14 *Dague v. City of Burlington* (brief 5 due)  
16 Ch. 5 (Superfund & SARA): 135-139; Case 5.5
- 14 21 *United States v. Hercules, Inc.* (brief 6

due)  
23 *New York v. United States* (brief 7 due)

15 28 movie: *Radioactive Waste Disposal*, VH11161  
30 **Test 2**

16 5 No Class (Friday classes meet)

Final Exam: 7 May 3:30: Annotated Bibliography or Final  
Volunteer Report/Supervisor Report/2<sup>nd</sup> Journal