



MASSACHUSETTS SCHOOL OF LAW at ANDOVER
PROFESSOR OLSON'S SPRING 2012 SYLLABUS FOR
ENVIRONMENTAL REGULATION: LAW, SCIENCE, & POLICY (6th ed. 2009)
Smart Books Edition available on Aspenlaw.com
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CHAPTER 1: ENVIRONMENTAL VALUES

Tuesday, January 17, 2012: Introduction to the Course, Environmental Problems and Environmental Justice. **ASSIGNMENT**: (1) Read pp. 1-26 in the Percival casebook, (2) post a brief (one or two paragraph) response to the question posted on the Course Materials section of the TWEN site); **PROBLEM EXERCISE**: Mercury Contamination (pp. 24-26).

Thursday, January 19, 2012: The Rationale for Collective Action, the Tragedy of the Commons and the Debate Over Opening the Alaska National Wildlife Refuge (ANWR) to Oil Development. **ASSIGNMENT**: Read (1) pp. 26-38 & 49-60 in the casebook, (2) §101 of the National Environmental Policy Act on Westlaw or Lexis. **PROBLEM EXERCISE**: ANWR (pp. 53-60).

CHAPTER 2: ENVIRONMENTAL LAW: A STRUCTURAL OVERVIEW

Tuesday, January 24, 2012: The Common Law Roots of Environmental Law, Private and Public Nuisance. **ASSIGNMENT**: Read pp. 61-88 in the casebook.

Thursday, January 26, 2012: State Standing, the Rise of the Regulatory State and Environmental Federalism, Environmental Legislation and Preemption of Federal Common Law
ASSIGNMENT: Read pp. 88-115 in the casebook, and (2) APA § 706 on Westlaw or Lexis.

Tuesday, January 31, 2012: Approaches to Regulation and Regulatory Options **ASSIGNMENT**: Read (1) pp. 116-139, 150-152 & 158-180 in the casebook. **PROBLEM EXERCISES**: Oil Spills - Liability v. Regulation (pp. 134-139), Oil Spills (pp. 150-152), Carbon Tax v. Cap-and-Trade (pp. 158-159).

CHAPTER 3: PREVENTING HARM IN THE FACE OF UNCERTAINTY

Thursday, February 2, 2012: Risk Regulation in the Face of Uncertainty: How Precautionary Principles Should Influence Regulatory Policy. **ASSIGNMENT**: Read (1) pp. 183-198 & 243-252 in the casebook, (2) §211(c)(1)&(2) of the CAA on Westlaw or Lexis, and (3) §6(c)(1) of TSCA on Westlaw or Lexis.

Tuesday, February 7, 2012: How Safe Is "Safe"? Cost/Benefit Balancing and the Asbestos Ban and Regulation by Revelation. **ASSIGNMENT**: Read (1) pp. 252-264, 303, 311-319 & 323-

331 in the casebook and (2) §6 of TSCA on Westlaw or Lexis. **PROBLEM EXERCISE:** Toxics Regulation (p. 303).

CHAPTER 4: REGULATION OF WASTE MANAGEMENT

Thursday, February 9, 2012: The Resource Conservation & Recovery Act and the Definition of “Solid Waste.” **ASSIGNMENT:** Read (1) pp. 338-341 & 343-366 in the casebook, (2) §3001 of RCRA on Westlaw or Lexis.

Tuesday, February 14, 2012: Introduction to CERCLA. **ASSIGNMENT:** Read (1) pp. 393-396, 401-408 & 418-436 in the casebook and (2) pp. ___ - ___ (tba) on Westlaw or Lexis, and (3) §§ 107(a), 107(b), 107(o), 107(p) & 107(r) of CERCLA on Westlaw or Lexis. **PROBLEM EXERCISE:** Chemspray (p. 429).

CHAPTER 5: AIR POLLUTION CONTROL

Thursday, February 16, 2012: Yucca Mountain, Introduction to the Clean Air Act and Controls on Mobile Sources. **ASSIGNMENT:** Read (1) pp. 495-497 & 502-528, and (2) CAA §§108 & 109 on Westlaw or Lexis. **PROBLEM EXERCISE:** Yucca Mountain (pp. 495-497).

Tuesday, February 21, 2012: Establishing and Revising National Ambient Air Quality Standards: the American Trucking Case. **ASSIGNMENT:** Read pp. 546-572 in the casebook. **PROBLEM EXERCISE:** A NAAQS for CO₂? (p. 559).

Thursday, February 23, 2012: State Implementation Plans and “Cooperative Federalism” **ASSIGNMENT:** Read pp. 572-587 in the casebook.

Tuesday, February 28, 2012: Offsets, Bubbles, Emissions Trading, and Interstate Pollution **ASSIGNMENT:** Read pp. 588-633 in the casebook.

CHAPTER 6: CONTROL OF WATER POLLUTION

Thursday, March 1, 2012: Introduction to the Clean Water Act and the Scope of Federal Jurisdiction. **ASSIGNMENT:** Read pp. 643-670 in the casebook.

Tuesday, March 6, 2012: Point Sources of Water Pollution. **ASSIGNMENT:** Read (1) pp. 670-698 in the casebook and (2) §502(12) and 502(14) of Clean Water Act on Westlaw or Lexis.

Thursday, March 8, 2012: Water Quality Standards, TMDLs and the §404 Permit Program. **ASSIGNMENT:** Read pp. 715-720, 739-740, 748-768 in the casebook. **PROBLEM EXERCISE:** Water Quality Problems (pp. 748-749).

TUESDAY, MARCH 13TH & THURSDAY, MARCH 15TH:
NO CLASS – SPRING BREAK

CHAPTER 8: ENVIRONMENTAL IMPACT ASSESSMENT

Tuesday, March 20, 2012: Introduction to NEPA, When Must An Environmental Impact Statement Be Prepared? **ASSIGNMENT**: Read pp. 857-869, 870-872, 887-897 in the casebook.

Thursday, March 22, 2012: Adequacy of Analysis, Climate Change and NEPA, Has NEPA Worked? **ASSIGNMENT**: Read (1) pp. 897-916 & 926-934 in the casebook. **PROBLEM EXERCISE**: NEPA and Greenhouse Gas Emissions (pp. 909-910).

CHAPTER 9: BIODIVERSITY PROTECTION

Tuesday, March 27, 2012: Introduction to the Endangered Species Act, What Species Are Protected and the §7 Consultation Process. **ASSIGNMENT**: Read pp. 940-949 & 964-984 in the casebook.

CHAPTER 7: LAND USE REGULATION

Thursday, March 29, 2012: Land Use Regulation & Introduction to Regulatory Takings. **ASSIGNMENT**: Read pp. 769-781, 783-789 & 793-800 in the casebook.

Tuesday, April 3, 2012: The Revival of Regulatory Takings Jurisprudence – *Lucas & Palazzolo*. **ASSIGNMENT**: Read pp. 801-824 & 848-856 in the casebook. **PROBLEM EXERCISE**: Takings Problem (pp. 848-849).

CHAPTER 8: BIODIVERSITY PROTECTION (Continued)

Thursday, April 5, 2012: Protecting Endangered Species Against Private Action: §9 of the Endangered Species Act. **ASSIGNMENT**: Read (1) pp. 987-1009 in the casebook and (2) §9 of the ESA on Westlaw or Lexis.

CHAPTER 10: ENVIRONMENTAL ENFORCEMENT

Tuesday, April 10, 2012: Monitoring and Detecting Environmental Violations, Criminal Enforcement. **ASSIGNMENT**: Read pp. 1011-1024 & 1037-1054 in the casebook. **PROBLEM EXERCISE**: Who Should Be Held Criminally Liable? (pp. 1053-1054).

Thursday, April 12, 2012: Citizen Suits and Standing **ASSIGNMENT**: Read pp. 1054-1055 & 1070-1101 in the casebook.

CHAPTER 11: PROTECTION OF THE GLOBAL ENVIRONMENT

Tuesday, April 17, 2012: Introduction to International Environmental Law and Protection of the Global Atmosphere. **ASSIGNMENT**: Read pp. 1119-1125, 1131-1150 & 1154-1158 in the casebook. **PROBLEM EXERCISE**: Designing a Post-Kyoto Regime to Control Greenhouse Gas Emissions (pp. 1157-1158).

Thursday, April 19, 2012: Trade and the Environment & International Trade in Hazardous Substances **ASSIGNMENT**: Read pp. 1167-1181 & 1183-1195 in the casebook.

Tuesday, April 24, 2012: Presentation of Individual PowerPoint Projects (15 minutes per student).

Thursday, April 26, 2012: Presentation of Individual PowerPoint Projects (15 minutes per student).

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