

Syllabus

**Environmental Management: Law and Policy
LGST 215/815**

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Texts: The required texts consist of the following materials.

- James Gustave Speth, *The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability* (Yale University Press 2008).
- *Environmental Protection and the Social Responsibility of Firms: Perspectives from Law, Economics, and Business* (Bruce L. Hay et al., eds.) (Resources for the Future, 2005).
- James Salzman and Barton H. Thompson, Jr., *Environmental Law and Policy* (2d ed., Foundation Press 2007).
- Robert V. Percival & Dorothy C. Alevizatos, *Law and the Environment: A Multidisciplinary Reader* (Temple University Press, 1997).
- Coursepack

The books are available for purchase in the Penn book store and elsewhere. The coursepack will be available for purchase from Wharton Reprographics in the basement of Steinberg-Dietrich Hall.

Handouts: Any supplementary handouts provided in class are considered part of required course material. This syllabus may also be revised during the semester in accordance with class progress and discussions about student interests and preferences.

Course description: This course provides an introduction to environmental management with a focus on law and policy as a basic framework. The primary aim of the course is to give students a deeper practical sense of the important relationship between business and the natural environment and to encourage them to think critically about how best to manage this relationship.

Papers, Group Presentation, and Grading: There will be two required mid-term papers and one final group presentation. Each of these formal requirements will count for approximately one-third of the final grade for the course. Class participation will also be taken into account as discussed below.

Paper requirements and guidelines: Two mid-term papers are required of 8 to 10 double-spaced pages in length (with appropriate references single-spaced as footnotes or in a bibliography). Please do not alter margins artificially to achieve either a longer or shorter length. Standard settings should be used for fonts and spacing. The papers should discuss a relevant topic in environmental policy or law related to material assigned in the course. Topics should be discussed with the professor (or at least approved) in advance either in discussions personally after class or during office hours, or via e-mail or phone conversation. As with any paper, a citation method must be used for sources. Any source quoted must be either footnoted, with source and page references, or noted parenthetically, for example (Sax 1980 at p. 7) with the full citation provided in a bibliography (e.g., Joseph L. Sax, *Mountains without Handrails: Reflections on the National Parks* (University of Michigan Press 1980)). Please make reference to all sources used. No statement that relies on a source should fail to reference the source. Any incidence of plagiarism or cheating will be prosecuted to the fullest possible extent. Students may use computer-assisted spelling or grammar programs and may discuss general ideas of paper topics with others. But no writing coaches or other personal assistance may be relied upon for the actual writing. The work must be your own. With respect to grading, credit will be given to well-organized, well-written, and well-reasoned papers. The paper should deal with material critically and thoughtfully. What works best for each individual varies, but many students find the following methods to be useful: stating a thesis and defending it against the best counter-arguments, writing an outline and then following it, or writing and organizing notes on index cards or otherwise before starting to compose. An unerring rule of good writing is to *rewrite*. Be self-critical in assessing your own writing and be sure to give yourself enough time to revise and edit. Deadlines are strictly enforced with penalties assessed for lateness (except for true emergencies).

Group Project and Presentation: A primary component of the course is a group project. Students should begin to consider a topic that they would like to investigate relatively early in the semester. The topic must be discussed with (or at least approved by) the professor in advance. Class time will be allocated at the end of the semester for presentations. Students may join together in groups of two, three, or four (maximum) and share responsibility and the grade for the presentation. Grades for the group projects will be based on the quality of the final presentation itself, as well as any supplementary written or other submissions provided indicating sources and research.

Class Participation: An important part of the learning experience for this course is the classroom discussions. In addition to formal written and oral presentation requirements, students are expected to read and be prepared to discuss the material assigned for each class. Consistently excellent participation in class may be taken into account to increase a student's grade by one

step (e.g., B+ to A-). Poor attendance or failure to participate in class discussion may be taken into account to reduce a student's final grade by one step. In assessing class participation over the course of the semester, quality as well as quantity of comments will be taken into account.

Quality circle: A small quality circle of student representatives may be used to provide mutual feedback on teaching, classroom issues, and class performance. No extra credit in terms of grading will be given for representatives in a quality circle, but volunteering for this service is appreciated by the professor and other students.

Office hours: To be announced and by appointment.

Course Outline

Introduction

1. Opening Class: Discussion of students' backgrounds and expectations, handout of syllabus, description of the course, and discussion of teaching expectations. [Sept. 3]

Part One: Recent Approaches to Environmental Management

2. Business and the Natural Environment: An Opening View [Sept. 8]
Speth, preface, introduction, and chs. 1 and 2, pp. ix- 66.
3. Business and the Natural Environment: An Opening View (cont'd) [Sept. 10]
Speth, chs. 3 and 4, pp. 67-106.
4. Business and the Natural Environment: An Opening View (cont'd) [Sept. 15]
Speth, chs. 5 thru 7, pp. 107-64.
5. Business and the Natural Environment: An Opening View (cont'd) [Sept. 17]
Speth, chs. 8 thru 12, pp. 165-237.

Part Two: Interdisciplinary Perspectives on Environmental Policy

6. Ecological Perspectives [Sept. 22]
Percival & Alevizatos, ch. 1, pp. 1-31; ch. 9, pp. 283-90, 306-12..
7. Economic Perspectives: Introduction to the Corporate Responsibility Debate [Sept. 24]
Percival & Alevizatos, ch. 2, pp. 33-35, 46-63.

Environmental Protection and the Social Responsibility of Firms, pt. 2, pp. 107-31
[optional: pp. 132-47].

8. A Classic Paradigm: The Tragedy of the Commons [Sept. 29]

Garrett Hardin, "The Tragedy of the Commons," 162 *Science* 1243 (1968) [coursepack1].

Percival & Alevizatos, ch. 2, pp. 36-45.

Computer teaching simulation: "The Tragedy of the Tuna" [computer-enabled classroom
to be scheduled and announced]

9. Environmental Ethics [Oct. 1]

Percival & Alevizatos, ch. 3, pp. 65-67, 75-100; ch. 13, pp. 417-23.

Excerpts from *Environmental Ethics* (Robert Elliott ed., 1995), pp. 129-41 (Passmore),
226-47 (Sober) [coursepack 2].

10. History and the Natural Environment [Oct. 6]

Percival & Alevizatos, ch. 3, pp. 68-74 & ch. 5, pp. 137-38, 150-57, 166-68.

Salzman & Thompson, ch. 1, pp. 1-12.

Yi-Fu Tuan, "Our Treatment of the Environment in Ideal and Actuality," 58 *American
Scientist* 244 (1970) [coursepack 3].

11. Environmental Justice [Oct. 8]

Percival & Alevizatos, ch. 4, pp 101-33.

Salzman & Thompson, ch. 2, pp. 38-41.

In class exercise: "Not in My Backyard" [handouts]

**First Midterm Paper: Eight- to ten-page paper on topic of environmental management or
policy (double-spaced, page limit includes single-spaced footnotes and/or bibliography)
due in class on October 8.**

FALL BREAK

Part Three: Introduction to Environmental Law

12. Introduction to Environmental Law: From Common Law to Legislation [Oct. 15]

Salzman & Thompson, ch. 2, pp. 13-42.

Percival & Alevizatos, ch. 5, pp. 139-49; ch. 6, pp. 171-91, ch. 7, pp. 205-10.

Boomer v. Atlantic Cement [coursepack 4].

13. Science, Risk Assessment, Risk Management, and the Law [Oct. 20]

Percival & Alevizatos, ch. 5, pp. 158-65; ch. 7, pp. 227-38; ch. 11, pp. 335-61.

14. Alternative Approaches to Environmental Regulation [Oct. 22]

Salzman & Thompson, ch. 2, pp. 43-57.

Percival & Alevizatos, ch. 8, pp. 239-67.

15. The Political and Legal Process of Environmental Regulation [Oct. 27]

Percival & Alevizatos, ch. 6, pp. 199-202; ch. 7, pp. 217-26; ch. 10, pp. 313-27.

Eric W. Orts & Cary Coglianese, Debate, "Collaborative Environmental Law: Pro and Con," 156 U. Pa. L. Rev. PENumbra 289 (2007) [coursepack 5]

16. Administrative and Constitutional Dimensions of Environmental Law [Oct. 29]

Salzman & Thompson, ch. 3, pp. 57-85; ch. 7, pp. 203-209.

[optional: Percival & Alevizatos, ch. 9, pp. 291-305.]

17. Air Pollution Regulation: Basic Structure [Nov. 3]

Salzman & Thompson, ch. 4, pp. 87-111.

[optional: Percival & Alevizatos, ch. 7, pp. 211-16; ch. 10, pp. 328-34]

18. International Dimensions: Climate Change and Ozone-Layer Depletion [Nov. 5]

Salzman & Thompson, ch. 4, pp. 111-36.

Massachusetts v. EPA, 127 S. Ct. 1438 (2007) [coursepack 6]

[optional: Percival & Alevizatos, ch. 12, pp. 365-81.]

19. Water Pollution Regulation [Nov. 10]

Salzman & Thompson, ch. 5, pp. 137-64.

20. Toxic Substances and Waste Management Regulation [Nov. 12]

Salzman & Thompson, ch. 6, pp. 165-87; ch. 7, pp. 188-203; 215-32.

21. The Corporate Responsibility Debate Revisited: Legal and Business Perspectives [Nov. 17]

Environmental Protection and the Social Responsibility of Firms, pt. 1, pp. 13-76; pt. 3, pp. 151-83 [optional: pp. 77-103, pp. 184-205].

22. International Trade and the Environment [Nov. 19]

Salzman & Thompson, ch. 7, pp. 209-15, ch. 8, pp. 233-59.

Percival & Alevizatos, ch. 12, pp. 382--88.

Second Midterm Paper: Eight- to ten-page paper on topic of environmental law (double-spaced, page limit includes single-spaced footnotes and/or bibliography) due in class on November 24.

Part Four: Student Presentations

23. Project Presentations I [Nov. 24]

24. Project Presentations II [Nov. 26]

25. Project Presentations III [Dec. 1]

26. Project Presentations IV [Dec. 3]