

Syllabus [Third Revised, 3/11]

Environmental Management: Law and Policy
LGST 215/815

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Classes: Tuesdays and Thursdays, 1:30 to 3:00 pm., JMHH F60

Office hours: Tuesdays and Thursdays, 3:00-3:30 pm (and by appointment)

Texts: The required texts consist of the following materials.

- Maude Barlow, *Blue Covenant: The Global Water Crisis and the Coming Battle for the Right to Water* (New Press 2009) [paperback].
- Daniel Goleman, *Ecological Intelligence: How Knowing the Hidden Impacts of Everything We Buy Can Change Everything* (Broadway Books 2009) [paperback].
- James Salzman and Barton H. Thompson, Jr., *Environmental Law and Policy* (3d ed., Foundation Press 2010) [paperback text].
- James Gustave Speth, *The Bridge at the End of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability* (Yale University Press 2009) [paperback].
- Adam Werbach, *A Strategy for Sustainability: A Business Manifesto* (Harvard Business Press 2009) [hardcover]
- Coursepack

The books are available for purchase in the Penn book store and elsewhere. The coursepack is available online through Study.Net (www.study.net).

Handouts: Any supplementary handouts provided in class or by online distribution are considered required course material.

Course description: This course provides an introduction to environmental management with a focus on law and policy as a basic framework and orientation. The primary aim of the course is to give students a deep, informed, and 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 the 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. There is no final exam.

Paper requirements and guidelines: Two mid-term papers are required of six to eight double-spaced pages in length (with appropriate references single-spaced as footnotes or in a bibliography). Use a default setting for margins (rather than squeezing or expanding to achieve longer or shorter length). Standard settings should be used for fonts and spacing. The papers should discuss a relevant topic in environmental management, policy, or law related to material assigned in the course. ***Topics must be discussed with the professor (or at least approved) in advance in discussions after class during office hours, by appointment, or via e-mail or phone conversation.*** As with any paper, a citation method must be used for sources. Any source quoted or used must be footnoted, with source and page references, or noted parenthetically, for example (Sax 1980, p. 7) with 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 reference any and all sources used. No statement that relies on a source should fail to reference the source. Papers must represent only the student's own creative work and effort. Any plagiarism or cheating will be prosecuted to the fullest possible extent.*** Students may use computer-assisted spelling or grammar check programs and may discuss general ideas of paper topics with others. But no writing coaches, relatives, or other personal assistance may be relied upon for the research and writing of the papers. 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 beginning 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 will be 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 to teams at the end of the semester for presentations. Students may join together in groups of two, three, or four (maximum) and share the responsibility and grade for the overall presentation. Individual projects are also permitted instead. 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. Consistent attendance and 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 nevertheless appreciated by the professor and other students.

Syllabus revision: This syllabus may be revised during the semester in accordance with class progress and discussions about student interests and preferences.

Course Outline and Readings

Introduction

1. Opening Class: Discussion of students' backgrounds and expectations, handout of hard-copy of syllabus, description of the course, and discussion of teaching expectations. [**Jan. 13**]

Part One: Recent Approaches to Environmental Management

2. Two competing perspectives on the general relationship of business and the natural environment [**Jan. 13**]

Donald S. Siegel, "Green Management Matters Only If It Yields More Green," *23 Academy of Management Perspectives* 5 (2009); Alfred A. Marcus and Adam R. Fremeth, "Green Management Matters Regardless," *23 Academy of Management Perspectives* 17 (2009) [coursepack reading 1].

3. An Opening Diagnosis [**Jan. 18**]

Speth, pp. ix- 66.

4. An Opening View: Environmentalism and Markets [**Jan. 20**]

Speth, pp. 67-106.

5. An Opening View: Economic Growth, Capitalism, and Corporations [**Jan. 25**]

Speth, pp. 107-182.

6. An Opening View (and a Dissenting One): Toward Transformation? [**Jan. 27**]

Speth, pp. 183-237.

Noah Walley and Bradley Whitehead, "It's Not Easy Being Green," *Harvard Business Review* (May-June 1994) [coursepack reading 2].

Video in class: "So Right So Smart" (2010) [short version]

7. A Sustainability Consultant's View: Strategy and Mapping [**Feb. 1**]

Werbach, pp. 1-66.

8. A Sustainability Consultant's View: Goals and Transparency [**Feb. 3**]

Werbach, pp. 67-120.

Guest lecturer: Emily Schiller (Wharton MBA '09), Associate Director for Sustainability and Leadership, Wharton School

Website references: <http://www.environmentalleader.com/> and <http://sustainability.wharton.upenn.edu/>

9. A Sustainability Consultant's View: Engagement, Networks, and Leadership [**Feb. 8**]

Werbach, pp. 121-196.

First Midterm Paper: Six-to eight page paper on topic of environmental management (double-spaced, page limit includes single-spaced footnotes and/or bibliography) **due** in class on **February 10**. Please deliver hard copy in class (or in professor's mailbox on sixth floor of Huntsman Hall) *and* send electronic copy to ortse@wharton.upenn.edu.

Part Two: Interdisciplinary Perspectives on Environmental Law and Policy

10. A Classic Paradigm from Economics: The Tragedy of the Commons [**Feb. 10**]

Garrett Hardin, "The Tragedy of the Commons," 162 *Science* 1243 (1968) [coursepack reading 3].

Computer teaching simulation: "The Tragedy of the Tuna 2.0" [classroom to be scheduled and announced].

11. Environmental Ethics [**Feb. 15**]

Yi-Fu Tuan, *Our Treatment of the Environment in Ideal and Actuality*, 58 *American Scientist* 244 (1970) [coursepack reading 4].

Excerpts from *Environmental Ethics* (Robert Elliott ed., 1995), pp. 129-41 (Passmore), 226-47 (Sober) [coursepack reading 5].

Lawrence H. Tribe, “Ways Not to Think about Plastic Trees: New Foundations for Environmental Law,” 83 *Yale Law Journal* 1315 (1974) [coursepack reading 6].

12. Introduction to Environmental Law and Policy [**Feb. 17**]

Salzman & Thompson, pp. 1-43.

Boomer v. Atlantic Cement [coursepack reading 7].

13. Regulatory Structures and Alternatives [**Feb. 22**]

Salzman & Thompson, pp. 44-86.

Eric W. Orts & Cary Coglianese, Debate, “Collaborative Environmental Law: Pro and Con,” 156 U. Pa. L. Rev. PENNumbra 289 (2007) [coursepack reading 8].

In class exercise: “Not in My Backyard” [handouts]

14. Air Pollution Regulation: Basic Structure [**Feb. 24**]

Salzman & Thompson, pp. 87-112.

15. Special class: Biomimicry and Business [**Mar. 1**]

Guest lecturer: David Macauley, Associate Professor of Philosophy, Penn State

16. International Dimensions: Climate Change and Ozone-Layer Depletion [**Mar. 3**]

Salzman & Thompson, ch. 4, pp. 111-136.

Elinor Ostrom, “A Polycentric Approach to Coping with Climate Change” (World Bank working paper, Oct. 2009) [coursepack reading 9].

SPRING BREAK [note: bring Barlow and/or Goleman for possible travel, city park, coffee house, or beach reading]

17. Water Pollution, Scarcity, and Regulation [**Mar. 15**]

Salzman & Thompson, pp. 146-174.

Barlow, begin reading entire book.

Videos in class re “Gasland” (pro and con)

18. Water and Business: Applications for Life Cycle Analysis/Assessment? [**Mar. 17**]

Special guest lecturer: Charles Howland, U.S. EPA (and other affiliations)

Barlow, finish reading book.

19. Special class: IGEL annual conference-workshop: “Valuing Water: Business Challenges and Opportunities for Innovation” [**Mar. 22**]

Students will be invited to attend as much – or as little – of the all-day event as they wish (lunch included); agenda and further information to be distributed.

20. Environmental Impact Statements and Life Cycle Analysis/Assessments [**Mar. 24**]

Salzman & Thompson, pp. 321-336.

Goleman, begin reading entire book.

21. Energy Regulation and Business Opportunities [**Mar. 29**]

Salzman & Thompson, pp. 302-319.

22. Toxic Materials and Life Cycle Analysis/Assessments [**Mar. 31**]

Salzman & Thompson, pp. 175-197.

Goleman, finish reading book.

23. Wetlands, Endangered Species, and the Public Trust [**Apr. 5**]

Salzman & Thompson, pp. 175-197.

Goleman, continued.

24. International Trade and the Environment [**Apr. 7**]

Salzman & Thompson, pp. 241-263

Second Midterm Paper: Six-to-eight page paper on a topic of environmental law and policy (double-spaced, page limit includes single-spaced footnotes and/or bibliography) **due** in class on **April 7**. Please deliver hard copy in class (or in professor's mailbox on sixth floor of Huntsman Hall) *and* send electronic copy to ortse@wharton.upenn.edu.

Part Three: Student Presentations [to be scheduled]

25. Project Presentations I [**Apr. 12**]

26. Project Presentations II [**Apr. 14**]

27. Project Presentations III [**Apr. 19**]

28. Project Presentations IV [**Apr. 21**]

29. Project Presentations V [**Apr. 26**]