

Syllabus

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

Prof. Eric Orts

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Classes: Tuesdays, 3:00 pm to 6:00 pm, JMHH F60

Office hours: To be announced and by appointment.

Texts: The required texts consist of the following materials.

- James Salzman and Barton H. Thompson, Jr., *Environmental Law and Policy* (4th ed., Foundation Press 2013) [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].
- Coursepack to be made available on study.net.

The books are available for purchase in the Penn Book Center and online.

Handouts: Supplementary handouts that may be provided in class or by online reference and distribution are considered required course material. They will be either referenced in the syllabus or posted on Canvas.

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, Class Participation, and Grading: There will be two required mid-term papers and one final group presentation. Each of the formal requirements will count for 25% of the final grade for the course (75% total). Class participation will also be taken into account as discussed below and will count for 25% of the final grade. There is no final exam.

Paper requirements and guidelines: Two mid-term papers are required of **six to eight pages**, double-spaced (with appropriate references single-spaced as footnotes or in a bibliography). Use

default or standard settings for margins (rather than squeezing or expanding to achieve longer or shorter length). Standard settings should also 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 person 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. **Topics 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 in some cases. Grades for the projects will be based on the quality of the presentation, 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 classroom discussion. In addition to formal written and 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 will be given credit on a weekly basis. Poor attendance or failure to participate in class discussion may be taken into account to reduce a student's class participation grade. In assessing class participation over the course of the semester, quality as well as quantity of comments will be considered.

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

#### Part One: Introduction

1. Opening Class: Discussion of professor's and students' backgrounds and expectations, handout of hard-copy of syllabus, description of the course, and discussion of teaching expectations. Introductory discussion of themes regarding the relationship between business and the natural environment. "Directed Walk" for observations and reflections. **[Jan. 17]**

In-class video: "So Right, So Smart" (2010).

Optional: Excerpt from Henry David Thoreau, "Walking" (1852) (*Atlantic Monthly* 1862), available at <http://www.transcendentalists.com/walking.htm>, and excerpt posted on Canvas.

2. An Opening View I: Diagnosis **[Jan. 24]**

Speth, preface and Part I, pp. ix-86.

3. Opening View II: The Role of Business **[Jan. 31]**

Speth, Part II, chapters 4-7, pp. 86-164

Assignment for in-class presentations: business idea "elevator speech"

Special guest speaker: Bernard David (W '79, SAS '79, WG '82), Chairman, CO<sub>2</sub> Sciences, Inc.; Senior Fellow, Initiative for Global Environmental Leadership, The Wharton School.

4. Opening View III: Some Possible Solutions **[Feb. 7]**

Speth, Part II and III, chapters 8-12, pp. 165-237.

Special guest speaker: Emily Schapira (WG '09), Executive Director, Philadelphia Energy Authority; former Associate Director of Sustainability and Leadership, The Wharton School.

5. Environmental Law and Policy: Frameworks and Perspectives [**Feb. 14**]

Salzman and Thompson, chapter 1 (all), chapter 2 (part I), pp. 3-31.

6. The Tragedy of the Commons [**Feb. 21**]

Garrett Hardin, "The Tragedy of the Commons," 162 *Science* 1243 (1968), available on JSTOR [coursepack 1].

Thomas Dietz et al., "The Struggle to Govern the Commons," 302 *Science* 1907 (2003), available on JSTOR [coursepack 2].

Optional: Elinor Ostrom, "Beyond Markets and States: Polycentric Governance of Complex Economic Systems," 100 *American Economic Review* 641 (2010) [Nobel Prize acceptance speech/paper], available on JSTOR.

In-class computer teaching simulation: "The Tragedy of the Tuna 2.0" [classroom to be scheduled and announced].

7. Environmental Law and Policy: Governance and Instrument Choices: Ozone Level Depletion and Climate Change as Examples [**Feb. 28**]

Salzman and Thompson, chapter 2 (part II), chapter 3 (part I), chapter 6, pp. 31-65, 141-72.

Optional: Eric W. Orts, "Climate Contracts," 29 *Virginia Environmental Law Journal* 197 (2011), available on Westlaw and posted on Canvas.

**First Midterm Paper:** Six-to eight page paper on topic related to course material (double-spaced, page limit includes single-spaced footnotes and/or bibliography ) **due via submission to Canvas course website by Friday, March 3.** Please follow guidelines and requirements on papers discussed in the syllabus above.

[Spring Break]

Part Two: Overview of Environmental Law and Special Topics in Environmental Management

8. Administrative Law, Constitutional Law, and the Role of Citizens in Environmental Protection [**Mar. 14**]

Salzman and Thompson, chapter 3 (parts II, III, and IV), chapter 4, pp. 65-108.

9. Air and Water Pollution [**Mar. 21**]

Salzman & Thompson, chapters 5 and 7, pp. 111-39, 173-203.

Special guest speaker: Joseph Otis Minott, Executive Director and Chief Council, Clean Air Council.

10. Regulation of Toxic Substances and Waste [**Mar. 28**]

Salzman & Thompson, chapters 8 and 9, pp. 205-67.

Special guest speaker from Rubicon Global [invited; to be announced].

11. Natural Resources, Energy, and Environmental Impact Statements [**Apr. 4**]

Salzman & Thompson, chapters 10, 11 and 12, pp. 271-349.

12. Financial Investments and Environment Management [**Apr. 11**]

[readings to be assigned]

Special guest speaker: Elizabeth Seeger (WG '05), Director of Public Affairs, KKR.

**Second Midterm Paper:** Six-to eight page paper on topic related to course material (double-spaced, page limit includes single-spaced footnotes and/or bibliography) **due via submission to Canvas course website by Friday, April 14.** Please follow guidelines and requirements on papers discussed in the main body of the syllabus above.

Part Three: Student Presentations [to be scheduled]

13. Project Presentations I [**Apr. 18**]

14. Project Presentations II [**Apr. 25**]

Bio of Instructor: Eric Orts is the Guardsmark Professor at the Wharton School of the University of Pennsylvania. He is a tenured professor in the Legal Studies and Business Ethics Department with a secondary appointment in the Management Department. He directs the Initiative for Global Environmental Leadership (IGEL) at Penn/Wharton. He serves also as an academic co-director of the FINRA at Wharton certificate program for securities compliance and regulatory professionals. His primary research and teaching interests are in environmental law and policy, corporate governance, and professional ethics.

Prior to joining Wharton's faculty in 1991, Orts practiced law at Paul, Weiss, Rifkind, Wharton & Garrison in New York City and was a Chemical Bank fellow in corporate social responsibility at Columbia Law School. He has taught also at the University of Pennsylvania Law School and visited at UCLA School of Law, University of Michigan Law School, Tsinghua University, Sydney Law School, and NYU School of Law. He has also been a visiting Fulbright professor in the law department of the University of Leuven, the Eugene P. Beard Faculty Fellow at Harvard University's Center for Ethics and the Professions, and a faculty fellow in the Center for Business and Government at the Kennedy School at Harvard. Orts is a graduate of Oberlin College (B.A.), the New School for Social Research (M.A. in political science), the University of Michigan (J.D.), and Columbia University (J.S.D.). He is a member of the bar of New York and the District of Columbia, an elected member of the American Law Institute, and belongs to several other professional and academic associations.