Environmental Justice

Description:

Our society places systematic and disproportionate environmental burdens on marginalized communities and vulnerable individuals (including children, poor people, immigrants, and Native American, Latinx and African American communities). These injustices have given rise to the environmental justice movement. Although environmental justice was once a niche topic in environmental law, it has become the driving force in environmental and natural resources policy.

We will examine several aspects of environmental justice: the failure to protect children and Native Americans in setting standards, siting polluting facilities in poor and African American communities, the climate justice issues of market-based air pollution regulation, and the failure to take appropriate enforcement action to protect these communities. We will discuss some of the environmental justice issues dominating the news: the Dakota Access Pipeline, drinking water contamination in cities like Flint and on the farms, the COVID-19 disaster on the Navajo Nation due to water scarcity and groundwater pollution, and Clean Air Act regulation of power plants. We will learn the available legal and policy tools to address and redress EJ issues and analyze how best to pursue environmental justice.

Assessment:

No exam. Students will research individually, or in groups, an environmental justice issue. They will describe the issue; identify the legal and policy approaches that have been, or could be, used to address that issue; and evaluate the effectiveness of those approaches in achieving environmental justice. They will present their research and analysis to the class through a slide or PPT presentation.

Book: Environmental Justice: Law, Policy & Regulation, Villa, Ahmad, Bratspies, Lin, Rechtschaffen, Gauna, and O’Neill, Carolina Academic Press (3rd Ed. 2020) $68 for eBook. Our reading will be limited to portions of chapters 1-4, 6, 9, 10 and 14. Students are welcome to explore other aspects of environmental justice in their presentations.
Schedule: 40 hours total

Pre-class reading: 6 hours - Monday + as much of T reading as you desire

Monday – Theory & Reality (8 hours)
Hour 1 – Introduction 1-38
Hour 2 – Case Study – WISE resources
Hour 3 – Theories of Causation 39-81
Afternoon group research/meeting – 3 hours
Evening reading – 2 hours

Tuesday – Disproportionate Burdens (8 hours)
Hours 1 & 2 – Flint Case Study- WISE resources
Hour 3 – Risk & Health 82-117
Evening reading – 5 hours

Wednesday – Tools (8 hours)
Hour 1 – Constitutional and Civil Rights Remedies 118-180
Hour 2 - EJ in Standards, Permits, & Enforcement – present group slides
Each student reads one chapter: standards (170-205), permits (206-247) or enforcement (248-278); assigned group prepares 3 slide summary of chapter
Hour 3 – Government Initiatives to Promote EJ (356-388)
Afternoon group research & meeting – 2 hours
Evening reading – 3 hours

Thursday – Application (7 hours)
Hour 1 – EJ for indigenous peoples (322-355)
Hour 2 – Dakota Access Pipeline Case Study - WISE Resources
Hour 3 – Case Study on Farmworkers and Latinx communities in CA & OR – WISE Resources
Afternoon group research & meeting – 4 hours

Friday – Group Presentations (3 hours)