

ENVIRONMENTAL JUSTICE

FALL 2021

Thursday 11:15-2:15

Office Hours: Tuesday 2:30-3:30
or by appointment

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Pronouns: she/her/herself

COURSE DESCRIPTION:

This class will immerse students in advocacy for environmental justice and the right to a safe, healthy, clean, and sustainable environment. It will help students connect the dots between inequality, exposure to pollution, and vulnerability to the looming climate crisis, and will cultivate student ability to think creatively about how law can respond to environmental injustice.

Students will become familiar with the system of environmental regulation in the United States and will analyze environmental laws and regulations through the lens of social justice and human inequality, specifically categories of race, class, and gender. Students will develop an appreciation for all forms of environmental justice advocacy from local administrative enforcement to international legal campaigns. Students will gain an understanding of how environmental racism inhibits transformational environmental regulatory policies, including empirical documentation of the problem, and examination of its roots and consequences.

LEARNING OBJECTIVES

- 1) Upon completion of this course, the students would have acquired:
 - a. An understanding of the relationship between environmental degradation, climate change and structural racism;
 - b. Knowledge of the relevant legal principles and mechanisms applicable to environmental justice;
 - c. Knowledge of how a claim can be brought under an environmental statute; and
 - d. An understanding of the linkages between environmental rights, economic rights, and civil rights.

- 2) Students will be able to identify, explain, and apply basic concepts, and theories relevant to substantive environmental law including:
 - a. The relevant statutes and regulations governing a particular environmental problem;
 - b. The ways that hard and soft law can be deployed to make environmental justice arguments
 - c. The various fora in which environmental justice arguments can be made.

- 3) Students will be able to marshal law, fact, and policy to develop sound environmental justice arguments under law and policy.

ATTENDANCE AND CLASS PREPARATION

This is a challenging and complex area of law and policy. We have a lot of material to cover in a relatively short period of time. In order to make the most of our class time, I expect that each of you will attend class prepared to discuss the assignments. The course will comprise a mix of lectures, discussions, and student presentations. Students are expected to read the assigned material prior to class.

Attendance is a course requirement. I will take attendance each class. ABA Standard 403(f) conditions the award of credit in any course upon a student's regular and punctual class attendance. As such, CUNY School of Law requires that I report more than two consecutive absences to the Office of the Academic Dean. Absences may lead to your involuntary withdrawal from or failure of the course.

Any students who is repeatedly unprepared or misses more than three classes may receive a downward adjustment to his/her grade. Those who make significant, positive contributions to the classroom discussion may receive an upward adjustment. Otherwise, your grade will be determined by your group project (20%), class presentation, (10%), your abstract and reflection papers (10%), and your final paper (60%).

In the event of an extended absence or an emergency that interferes with coursework, please contact Student Affairs. All the relevant procedures and policies are available in the Student Handbook, available at www.law.cuny.edu/student/CUNYLawStudentHandbook.pdf.

ACADEMIC INTEGRITY

Students must comply with standards of academic integrity. That means following the CUNY Academic Integrity Policy <http://www.cuny.edu/about/info/policies/academic-integrity.pdf>. Please refer to pages 17-19 of the CUNY School of Law Student Handbook.

GRADING

1. Group Project (20 points)

Students will work with Rutgers landscape architecture students and with the Western Queens Land Trust to produce an environmental justice map of Ravenswood Houses and environs, focusing particularly on the sanitation depot. CUNY Law students will contribute the legal and regulatory map portion of this project. This project will be modeled on prior maps produced by the Rutgers Landscape Architecture Program. Here are two samples.

<http://landarch.rutgers.edu/documents/studentwork/GowanusStudioBooklet.pdf>

<http://landarch.rutgers.edu/documents/studentwork/Bronx-F2019.pdf>

2. Final Paper (60 points)

Final Paper: Students are free to select a topic for the paper within the parameters of the syllabus which should not exceed 30 pages in length (double spaced). I will provide a list of sample paper topics—feel free to select one of these topics, or to create your own based on your interests. Please come and see me if you have questions about your paper topic. The final paper is due on or before **December 10, 2021**.

3. Abstract (10 points)

An abstract of your paper (not to exceed 500 words) is **due on September 29, 2021**. The abstract should identify the normative question you are engaging with, your thesis, and the basic outline of the argument you intend to make. Together with various reflection papers on topics we will cover in class, the paper abstract is worth 10% of your grade.

4. In-Class Presentation (10 points)

Each student will make a short presentation (10 minutes) in class on their paper topic toward the end of the semester. The Presentation is worth 10% of your grade. I encourage you to meet with me at least once prior to your class presentation. Timing will be strictly enforced.

ACCOMMODATIONS

The Law School is committed to providing reasonable accommodations for students with certified physical or learning disabilities. For information about certification requirements and appropriate accommodations, please refer to the section of the CUNY School of Law Student Handbook on “Services for Students With Disabilities.”

EXTRA CREDIT

Students will earn extra credit for submitting a comment to the DEC NRG Repowering comment period. The comment period closes on **September 13, 2021**. You must submit your comment to DEC at comment.nrgastoriagas@dec.ny.gov and to the course TWEN site in order to get credit for this assignment.

As the regulatory agenda allows, there may be one or more other extra credit commenting opportunities during the semester.

TWEN

This class will be as paperless as possible. All reading materials will be posted to the TWEN site, and/or will be available from links provided in this syllabus. In addition, I will post announcements, updates to the syllabus, and all class materials to the TWEN site. Please register your current email address (you do not have to use your CUNY email address—use the one that you check regularly). I will send out announcements via email and will expect that you check

the registered account regularly. If you do not, you risk not receiving class notices, changes to the syllabus, and whatnot.

The TWEN discussion forum is a place to pose questions or continue discussions. Although this forum is open only to students in this class, please keep in mind that this forum, like most other such online venues, is hosted by a commercial entity in the business of gathering and selling information. Do not reveal any confidential information on the TWEN site.

COLLEGIALITY

This course will deal with many cultural flashpoints, as well as issues past and present discrimination. Questions about structural racism and environmental justice tend to evoke strong emotions. Please keep in mind that our classroom should be an environment that encourages everyone to speak. I will expect you to engage with each other and with me civilly and with respect, even when disagreeing. I will extend that same civility and respect to each of you. Our class should be a place to listen to one another, and to reflect on some of our most strongly-held beliefs. It will take everyone's commitment to build a safe learning environment that allows for interesting and productive discussions on these issues.

COMPUTERS IN THE CLASSROOM

Students may use computers or handheld devices for taking notes. Although I love computers and fully embrace everything that they do for us, I expect you to refrain from playing games or using computers for any purpose other than note-taking, such as instant messaging, posting to facebook, planning your next vacation, etc. I reserve the right to ban laptops should their extra-curricular use start to interfere with the smooth conduct of class.

OFFICE HOURS

My office hours are Thursday from 2:30-3:30. However, I am happy to arrange a zoom or in-person meeting at a mutually convenient time.

READINGS

The only book you are required to purchase for this class is Cliff Villa, et al, ENVIRONMENTAL JUSTICE: LAW, POLICY AND REGULATION (2020). Otherwise, we will rely on primary sources and scholarly articles, all of which are available on the TWEN site, and from the links provided in this syllabus.

Health and Environmental Justice Clinic **Fall 2021** **Tuesday Lawyering Syllabus**

We will meet on Thursdays from 11:15-2:15. We will either be in person in Room 4-207 or online at

<https://us02web.zoom.us/j/89034843115?pwd=Y0NnMW1jOVNsOGxqYohMWEhUyYdz09>.

All readings for class will either be from ENVIRONMENTAL JUSTICE: LAW POLICY, AND REGULATION or will be in a folder labeled Environmental Class Readings. There will be a subfolder for each class, marked by date.

These Thursday sessions will be dedicated to exploring the substance of environmental law and environmental justice. This syllabus lays out the topics for each Thursday session and will indicate when we will have guest speakers. The readings for each session will be posted on TWEN in the Thursday Environmental Justice folder. Please read all the assigned reading, watch the videos, and/or listen to the assigned podcasts. Come to class prepared to discuss and engage.

August 26, 2021 Jumping in Immediately—NRG Repowering Hearing

Ordinarily this would be an overview/introductory class session. But, the real world has intervened in a fashion that has us jumping in mid-stream. There is a public meeting at 1:00 about the [NRG proposal to repower a peaker plant in Astoria](#). I need to attend to testify, and I want as many of you as can (and feel comfortable) to come with me. This is a very important, ongoing environmental justice issue in Queens.

Given the timing, we will only be zooming (for those of you learning remote this semester) from 11:15-12:15. I will be at school in our classroom for those of you learning in person. We will travel together by public bus to the hearing which is at the Boys and Girls Club, 21-12 30th Road, Astoria NY 11102.

If you do not feel comfortable attending in person, please try to attend the **Tuesday August 24th remote hearing at 6:00 pm**. [Visit this link](#) for instructions on attending and participating virtually.

Either way, please read the documents on the TWEN website for this class. After the hearing, please write a one-page reaction to the hearing. Let me know how you perceive the connections between this hearing and environmental justice generally. Your public Comments are due September 13, 2021 and can be submitted at comment.nrgastoriagas@dec.ny.gov.

September 2, 2021 Intro to Environmental Justice. Overview of environmental law and the move from common law to statute/regulation

Before Class: Take at least 3 photos that represent environmental justice in your neighborhood (can be negative things (environmental injustices) or positive things (environmental amenities) **By Sept. 1 at 5:00 pm, Text photos to 347-556-3795.**

Read: Chapter 1 in ENVIRONMENTAL JUSTICE (an Introduction)
Other readings on TWEN

September 9, 2021 Climate Change and Climate Justice

Guest speaker: Melissa Iachan, NYLPI
Read: Chapter 14 in ENVIRONMENTAL JUSTICE
Other readings on TWEN

September 16, 2021 NO CLASS –YOM KIPPUR

**September 23, 2021 Joint Zoom Class with Rutgers Landscape
Architecture and Western Queens Community Land
Trust**

Readings TBA
Project: We will be creating an EJ map of Ravenswood
neighborhood in collaboration with the Rutgers students.

***September 27, 2021** Boat Trip with Baykeepers (we will meet at law school and
travel together)

September 29, 2021 NYCLCPA Presentation/Paper Topics Due

Guest Speaker TBA
Read Chapter 10 in ENVIRONMENTAL JUSTICE
Other readings on TWEN

September 30, 2021 NYC Climate Mobilization Act

Guest Speaker Costa Constantinides (former City Council Environmental
Committee Chair)
Readings on TWEN (TBA)

***October 6, 2021** Newtown Creek Walking Tour

October 7, 2021 CERCLA/Superfund

Guest speaker: Prof. Cliff Villa (NM Law, formerly EPA)
Read: Chapter 8 in ENVIRONMENTAL JUSTICE
Other readings on TWEN

October 14, 2021 Pipelines, Energy Justice, and NYC Peaker plants

Guest speaker: Rachel Spector, Earthjustice (CUNY alum)
Readings TBA

- *October 15, 2021** WEACT Tour
- October 21, 2021** **Access to Environmental Information**
 Guest speaker: TBA
 Read: Chapter 12 in ENVIRONMENTAL JUSTICE
 Other readings on TWEN
- October 28, 2021** **Environmental Justice and Community Building**
 Guest speaker: Dr. Lemir Teron, SUNY College of Environmental Science
 and Forestry (tentative)
 Readings TBA
- November 4, 2021** TBD **Presentation/Paper Bibliographies Due**
- November 11, 2021** **Student Presentations**
- November 18, 2021** **Student Presentations**
- December 10** **FINAL PAPER DUE**

* All field trips are optional and are TBD, depending on weather and COVID.