

ENVIRONMENTAL JUSTICE

Writing Seminar No. 593-023

Spring 2022

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Office: Mountain Wing 3235
Office hours: Tues/Thurs., 10:30 am – 12:00 noon
and by appointment

SYLLABUS

Course Description:

Environmental Justice (EJ) has been defined in many ways, but one common definition emphasizes the fair treatment and meaningful involvement of all people in the development, implementation, and enforcement of environmental laws, regulations, and policy. EJ theory and practice begins with recognition that environmental benefits (such as clean air) and environmental harms (such as water pollution) are often distributed inequitably among communities. In fact, environmental harms often fall heavier on racial minorities, on the poor, on immigrant communities, on children or the elderly, and on other population segments. The study of environmental justice examines the various bases for these disparate impacts and also looks for solutions grounded in law, policy, or practice. Throughout the semester, students will identify both contemporary problems and solutions to concerns for environmental justice, including concerns for climate justice, disaster justice, and food justice. We will discuss readings, engage with guest speakers, conduct our own research, and learn from each other on the way toward becoming stronger advocates and allies for environmental justice.

Student Learning Outcomes:

Through assigned readings, class discussions, and individual research, students in this course will investigate many ways that environmental benefits and harms may be distributed inequitably throughout society. Students will develop substantive and procedural knowledge and understanding of various approaches to solve problems related to these inequitable effects, drawing from such authorities as environmental laws and regulations, constitutional law, civil rights statutes, and agency policies and practices. Through the research and writing requirement in this writing seminar, students will sharpen their skills in legal research, learning to refine their research questions; survey relevant statutes, regulations, case law; and conduct thorough reviews of the legal literature and allied bodies of existing knowledge. Students will develop skills in legal analysis and clear, persuasive legal writing as they read good legal writing, work through drafts of their papers, and respond to feedback from the instructor and peers. Students will also refine skills in oral presentation, as they present works-in-progress and the results of their research.

Class Hours:

The course will meet Tuesdays and Thursdays, 2:30-3:45 pm in Room 2403.

Required Texts:

1. VILLA, *ET AL.*, ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION (3d ed. 2020)
2. Supplemental materials posted on TWEN
3. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (20th ed. or so).

Grading: This is a writing seminar, with no final exam. Grades will be determined through a combination of two factors: (1) the seminar paper (75%) and (2) class participation (25%).

Class Participation:

Attendance. Class attendance and participation will be essential to success in this course. Attendance will be recorded for each class. Consistent with ABA rules and UNM School of Law policy, if a student has unexcused absences that total more than 20% of classes during the semester, the student shall be withdrawn and receive no credit for the course. Further information on the law school's attendance policy is available at the following link: <http://lawschool.unm.edu/academics/common/docs/bulletin-handbook-policies.pdf>

Readings. Provisional reading assignments for the full semester are provided in this syllabus. Students are expected to read all assigned materials and to participate in discussion of the material during each class session. The success of any small writing seminar depends on the engagement of each student, which assumes that each student comes prepared to each class.

Presentations. During the semester, each student will make two presentations to the class. In the March workshop, each student will have **18 minutes** to discuss their work-in-progress, presenting their working thesis (3 minutes), and then allowing ample time for discussion and feedback. In the April presentation, each student will have **15 minutes** to present their developed analysis and conclusions that appear in their draft paper (ten minutes), then allowing time for Q&A and additional feedback.

Seminar Paper:

Your seminar paper should be a substantial, original work in the broad area of environmental justice. Subjects will be suggested in class, but if you need help finding or refining a paper topic, please let me know and I'd be glad to meet with you individually to discuss.

For this class, I expect that most papers will be between 20 and 30 pages in length, double-spaced. I expect each paper to demonstrate thorough legal research on the subject of the paper, to include substantive authorities from the legal literature and Bluebook citations. Beyond writing a "paper" for this class, I also encourage each student to aim for publishing your paper with a law journal, and I will happily assist you with that process.

To ensure timely progress and completion of your final paper, the following components must be submitted to me via email by **12:00 noon** on the dates below:

- Thesis statement: Friday, February 11
- Draft outline & bibliography: Friday, March 11
- Draft paper: Friday, April 8
- **FINAL PAPER:** Wednesday, **MAY 11**

Unless you make other arrangements with me in advance, penalties for late papers will apply. Any paper submitted after 12:00 noon on the date due will have a grade reduced by 5%. Any paper late by more than 24 hours will have a grade reduced by 10%.

Contact Information:

I will be readily available to meet with students outside of class time. Please see me before class, come by my office (3235) during office hours, or schedule an appointment for another time that is mutually convenient. Appointments via Zoom will always be welcome. Outside of class, the best way to reach me is via email at villa@law.unm.edu.

Class Schedule:

While adjustments may be made throughout the semester, I intend for class sessions and readings to adhere as closely as possible to the following schedule:

- Jan. 13 Introduction: What is environmental justice?
 - Villa, ch. 1
- Jan. 18 Theories of Causation
 - Villa, ch. 2, pp. 39-49, 52-57, 62-65, 77-81
- Jan. 20 Risk and Health
 - Villa, ch. 3, pp. 83-99, 110-18
- Jan. 25 Constitutional Rights
 - Villa, ch. 4, pp. 119-39
- Jan. 27 Civil Rights
 - Villa, ch. 4, pp. 140-58
 - TWEN: NM Env't'l Law Center Title VI complaint (2014)
- Feb. 1 Environmental Permits
 - Villa, ch. 6, pp. 207-47 (skip *NAACP v. Engler*, pp.226-29)
- Feb. 3 Governmental Enforcement
 - Villa, ch. 7, pp. 249-56, 263-78

- Feb. 8 Contaminated Sites
- Villa, ch. 8, pp. 279-305, 311-21
- Feb. 10 Contaminated Sites: Grants Mining District exercise
- Feb. 11 Thesis statement due**
- Feb. 15 EJ and Indian Country. Guest speaker: Judge June Lorenzo, Ph.D/J.D., Laguna/Diné
- TWEN: Lorenzo, *Gendered Impacts of Jackpile Uranium Mining* (2019)
- Feb. 17 EJ and Indian Country
- Villa, ch. 9
- Feb. 22 Citizen Litigation
- Villa, ch. 13
- Feb. 24 Citizen Litigation. Guest speaker: Stefanie Tsosie, Earthjustice, UNMSOL '15 (via Zoom)
- March 1 *How to Write a Law Review Article*. Guest speakers: Prof. Joe Schremmer, UNMSOL; Kristen Burby, UNMSOL '21
- TWEN: Burby, *Making It Stick* (2020) [introduction only]
 - TWEN: Schremmer, *Getting Past Possession* (2020) [introduction only]
 - TWEN: Villa, *Remaking Environmental Justice* (2020) [introduction only]
- March 3 Works-in-progress workshop
- March 8 Works-in-progress workshop
- March 10 Works-in-progress workshop
- March 11 Draft outline & bibliography due**
- March 15 SPRING BREAK
- March 17 SPRING BREAK
- March 22 Climate Justice: introduction. Guest speaker: Prof. Gabe Pacyniak, UNMSOL
- March 24 Climate Justice: mitigation
- Villa, ch. 14, pp. 477-513
- March 29 Climate Justice: adaptation
- Villa, ch. 14, pp. 513-519
 - TWEN: Villa, *Letting Go of Race?* (2022)
- March 31 FLEX DAY

- April 5 Disaster Justice
 - Villa, ch. 15, pp. 521-54

- April 7 Disaster Justice: simulation exercise

- April 8 **Draft paper due**

- April 12 Food Justice
 - Villa, ch. 16

- April 14 Food Justice. Guest speaker: Prof. Marc-Tizoc González, UNMSOL
 - Course evaluation

- Apr. 19 Student presentations

- April 21 Student presentations

- April 26 Student presentations

- May 11 Final paper due**

Title IX Statement: In order to meet obligations under Title IX of the Civil Rights Act, UNM faculty are considered “responsible employees” by the U.S. Dept. of Education. This designation requires that any report of gender discrimination which includes sexual harassment, sexual misconduct and sexual violence made to a faculty member must be reported to the Title IX Coordinator at the UNM Office of Equal Opportunity (oeo.unm.edu). For more information on the campus policy regarding sexual misconduct, see: <https://policy.unm.edu/university-policies/2000/2740.html>