

**Current Topics in Environmental Policy**  
**Law 139-001**  
**Spring 2024**

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Office hours by appointment

**Course Description:**

An examination of environmental policy looking at historical issues and alternating with current topics. Topics may include the role of external influencers, regulatory processes, the Clean Air Act and climate change, the Clean Water Act and water infrastructure programs, chemical legislation and PFAS, waste issues and Brownfields, agriculture policy, and energy policy. Students are required to lead a 10–15-minute presentation on either an environmental case or recent/pending regulatory issue starting in week three. In addition, they are required to draft two one-page advocacy pieces (the pro and con of the same issue) as well as detailed comments for a federal regulatory rulemaking.

**Prerequisites:**

Administrative Law (Law 116)

**Student Learning Outcomes:**

By the end of the course:

Students will be able to track the natural progression of historic environmental issues to current environmental problems.

Students will be able to analyze and present both sides of a complex environmental issue in a concise written format.

Students will be able to define the important components of a regulatory rulemaking comment and draft comments pertaining to a specific regulation.

Students will be able to identify the applicable roles of the three branches of the federal government and the potential impacts of outside influencers.

**Course Materials:**

There is no textbook for this course. All course materials will be cited and linked in the schedule, below and include court cases, regulatory documents and legislation.

**Grading:**

30%	Rulemaking Comments Document
30%	Classroom Presentation on Case or Regulatory Issue
20%	Two One-pager Documents
20%	Class Participation

**Class Participation/Presentation Expectations:**

Class participation consists of attendance, engagement in class discussion, and preparation for the class activities discussed above. Every student is expected to be thoroughly engaged in class discussions about the readings. Each student will be responsible for a 10-15-minute presentation on a case or regulatory issue. Each presentation will be followed by questions from the other students. The student will be graded on their presentation and their response to questions.

The class participation grade will be based on cold calls from the assigned readings, questions asked of the student presenters, and voluntary participation in general class discussion.

The law school's Academic Regulations state that if a student is absent for *any* reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session. (AR 4-1.1.)

**Classroom Policies:**

The use of personal laptops is permitted solely for the purpose of reviewing prepared notes for class and taking notes during class. In the interest of being courteous to fellow students, personal laptops should not be used for messaging and/or other distracting activities during class.

I will be using power point presentations to deliver lectures. Once the section is completed, I will make the presentations available. The plan is that all classes will be presented in person on campus.

Recording any portion of this class is prohibited, except if you have an approved accommodation.

**Academic Policies & Honor Code:**

Unless students have been otherwise specifically informed in class, this course follows the standard policies adopted by the Law School, as they are amended from time to time. You can find more information about those policies here:

<http://www.law.gmu.edu/academics/regulations>

[http://www.law.gmu.edu/academics/honor\\_code](http://www.law.gmu.edu/academics/honor_code)

Use of Generative-AI tools should be used following the fundamental principles of the Honor Code. This includes being honest about the use of these tools for submitted work and including citations when using the work of others, whether individual people or Generative-AI tools.

## **Class Schedule & Readings:**

### **January 18**

Introduction: The evolution of environmental policy from 1900- 1970 culminating in the first Earth Day and the creation of the EPA.

### **January 25**

Role of External Influencers: NGOs, Industry, and the Media

*“Social Media and Environmental Activism: Framing Climate Change on Facebook by Global NGOs”* by Hong Tien Vu, Matthew Blomberg, and Hung Viet Do

<https://journals.sagepub.com/doi/full/10.1177/1075547020971644>

### **February 1**

The Regulatory Process and Drafting Environmental Policy to Effect Change

*Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837 (1984)

<https://supreme.justia.com/cases/federal/us/467/837/>

*Loper Bright Enters. v. Raimondo* (D.C. Cir. 2022)

<https://casetext.com/case/loper-bright-enters-v-raimondo-1>

### **February 8**

History: Clean Air Act

*Whitman v. American Trucking Associations, Inc.*, 531 U.S. 457 (2001)

<https://supreme.justia.com/cases/federal/us/531/457/>

*Michigan v. Environmental Protection Agency*, 576 U.S. 743 (2015)

<https://casetext.com/case/michigan-v-epa-1>

### **February 15**

Future: Climate Change

*Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007)

<https://supreme.justia.com/cases/federal/us/549/497/>

*Utility Air Regulatory Group v. Environmental Protection Agency*, 573 U.S. 302 (2014)

<https://supreme.justia.com/cases/federal/us/573/302/>

*West Virginia v. Environmental Protection Agency*, 597 U.S. \_\_\_\_ (2022)

[https://www.supremecourt.gov/opinions/21pdf/20-1530\\_new\\_1537.pdf](https://www.supremecourt.gov/opinions/21pdf/20-1530_new_1537.pdf)

### **February 22**

History: Clean Water Act

*Rapanos v. United States*, (2006) 547 U.S. 715 (2006)

<https://supreme.justia.com/cases/federal/us/547/715/>

*Sackett v. Environmental Protection Agency*, 566 U.S. 120 (2012)

<https://supreme.justia.com/cases/federal/us/566/120/>

*Sackett v. Environmental Protection Agency*, 598 U.S. \_\_\_\_ (2023)  
<https://supreme.justia.com/cases/federal/us/598/21-454/>

**February 29: Writing Assignment Due – Two One-page Advocacy Papers**

Future: Water Infrastructure

*EPA WIFIA Program Handbook*

<https://www.epa.gov/system/files/documents/2023-09/WIFIA-Program-Handbook.pdf>

**March 7** SPRING BREAK

**March 14**

History: Chemical Regulation

*Corrosion Proof Fittings v. EPA*, 947 F.2d 1201 (5<sup>th</sup> Cir. 1991)

<https://law.justia.com/cases/federal/appellate-courts/F2/947/1201/153685/>

**March 21**

Future: PFAS and pesticides

*RRVSG Assoc. v. Michael Regan*, No. 22-1422 (8<sup>th</sup> Cir. 2023)

<https://law.justia.com/cases/federal/appellate-courts/ca8/22-1422/22-1422-2023-11-02.html>

“United States: How the PFAS Litigation Landscape is Expanding”

<https://globallitigationnews.bakermckenzie.com/2023/09/25/united-states-how-the-pfas-litigation-landscape-is-expanding/>

**March 28**

History: Waste Issues and Superfund

*United States v. Bestfoods*, 524 U.S. 51 (1998)

<https://supreme.justia.com/cases/federal/us/524/51/>

*United States v. Atlantic Research Corp.*, 551 U.S. 128 (2007)

<https://supreme.justia.com/cases/federal/us/551/128/>

**April 4: Writing Assignment Due – Regulatory Comments**

Future: Brownfields and Land-use Planning

“Small Business Liability Relief and Brownfields Revitalization Act”

<https://www.congress.gov/107/plaws/publ118/PLAW-107publ118.pdf>

**April 11**

Environmental Impact on Agriculture Policy

**April 18**

Environmental Impact on Energy Policy