

Environmental Law: ENV 422H/ 1701H

Fall Term 2022

Asynchronous Lectures/Live seminar, Tuesday 6:00 – 9:00 pm

Course Instructor: Graham Rempe
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Your primary contact for assignment work should be **Eden Hataley**, our course TA
(eden.hataley@mail.utoronto.ca)

Office hours will be held by prior appointment in person or via Zoom meeting.

Course description

Law, policy, and ethics are key in understanding how we respect, manage and utilize our environment. This course will introduce students to basic principles of environmental law. What is it? How did it evolve? Does it deal fairly with resource preservation, use and allocation? Can it deal with complex emerging problems such as climate change, species at risk, and accumulation of toxics?

We will review the state of the environmental law, with an emphasis on topical issues in Toronto, Ontario, and Canada. Throughout the course, students will be asked to consider the ethical foundations for environmental laws, and their capability of addressing today's challenges.

We will also consider how to present information in a formal setting. Students will be required to research and prepare a presentation on a current issue in environmental law. This work will be done individually, and as a group, using the tools available on Quercus.

- **All students will be expected to have a secure internet connection and a familiarity with Quercus and Zoom.**
- **Any online webinars will be recorded and posted on Quercus.**
- **Any course materials are not to be reproduced or distributed without my express written consent.**

Learning Objectives

1. Develop a basic understanding of environmental law
2. Learn how the ethical principles of environmental law apply to current problems
3. Improve your ability to prepare, present and defend evidence

Assessment

See the “Assessment” Module on Quercus for rubrics. These are summarized below.

1) Environmental Assignment (40%)

This assignment builds over the semester (3 parts). Students will select a topic from the list offered (see Appendix 2). or propose their own topic. **All topics must be approved in writing by me, and finalized by Sep 20. If you do not choose a topic, you will be randomly assigned to one on that date. Most topics will have four or five students assigned.**

Part 1: An individual Title/Overview/Annotated Bibliography worth **5%** must be filed on Quercus by October 11. (Max 200 words excluding bibliography)

Part 2: A group Presentation worth **15%** will be scheduled for week 10 or 11 (November 22 or 29). All presentations **must** be scheduled by October 18. **In class time will be made available to discuss group assignment strategy and related issues.**

Part 3: An individual Paper worth **20%** - must be filed on Quercus by November 29th (Max 1500 words exclusive of bibliography).

2) Quizzes(45%)

There will be three short quizzes worth a total of 45%:

- Quiz 1 – Week 3 (Sep 27), 15%
- Quiz 2 – Week 6 (Oct 18), 15%
- Quiz 3 – Week 9 (Nov 15), 15%

Quizzes will be available on Quercus, after the lecture and will remain available until the end of the following day. You will have a fixed amount of time to complete the tests once you have started them (usually one hour). Questions will be short essay answer, true/false, multiple choice, etc. Class time will be available for prep or review questions if any. Old quiz examples are available on Quercus. Students will be required to acknowledge their academic integrity obligations in writing for each quiz (e.g no chat rooms during testing).

3) Participation (15%)

There will be a 15% mark, based on discussion items posted on Quercus, participation in both online and live activities, the group portion of the assignment, and a short draft question due by the last class.

4) Final Exam

There will be no final exam.

Graduate Students Assessment

Graduate students will be expected to **participate in discussion** of current issues as specified in the weekly schedule, Appendix 1n(or as you may request). Graduate students will be expected to take a role in the management of assignment group presentations and will be assigned as **group leaders** in those groups where possible. Grad student assignments will be expected to meet more rigorous standards in evaluation.

Learning Activities

Asynchronous Lecture Modules

(Online – at your own pace, **but before the weekly seminar/webinar**)

Twelve basic lecture modules will be pre-recorded and loaded on Quercus through the term. Usually as a series of items available as links to MyMedia. Students will have access to these materials at least four days in advance of the lecture. These lecture modules will remain available all term.

Each module will be accompanied by a Discussion item on Quercus. These should also be completed **before** the lecture if possible. They are open for one week **after** the lecture. They provide feedback and will be considered in the participation mark.

Module material will be reviewed and discussed in the weekly live lecture.

Live lectures

Lectures will be held live in room ES142B starting at 6 p.m. The three-hour slot will be reduced to reflect the time necessary to review the online components. I will make best efforts to record the lectures on the U of T system, or Zoom and post same on Quercus; however, it is your responsibility to attend, or to make some arrangement if necessary. **Note that the lecture times may be extended if required for webinars 10 and 11 (Nov 22 and 29) to accommodate student presentations.**

The details of the weekly schedule are set out in the Appendix 1, below. They may need to be modified a bit based on class size, COVID, or other contingencies.

Course Materials

You are responsible for:

- **all of the online lecture contents, and materials posted on Quercus as well as any materials presented during the webinars by guest lecturers, other students in the course as part of their assignment etc.**

- **DeMarco, Jerry V. Building a Strong Foundation for Action: A Review of Twelve Fundamental Principles of Environmental and Resource Management Legislation. *Journal of Environmental Law and Practice* 19.1 (Oct 2008): 59-69. See Module on Quercus**

The course text is Muldoon et al *An Introduction to Environmental Law and Policy in Canada (Third Edition)*. Toronto: Emond Montgomery, 2020. It is available at the bookstore in ebook or hard copy form and is available through the Reserve Library tab on Quercus.

Appendix 1 – Weekly Schedule

Week	Date	Content of module	Class activities	Due	Grad content
1 Text ch (1)	Sep 13	Morality, ethics, and the law. Where does the environment fit in? <ul style="list-style-type: none"> • Traditional approaches • New “green” norms 	Tragedy of the Commons game Externalized cost vs environmental value	Review topics for assignment Explain discussion current event mark (15%)	Prof Muldoon Q&A on <ul style="list-style-type: none"> • General principles • DeMarco new norms
2 (2)	Sep 20	What is “jurisdiction”? Who’s got it? Why do we care? <ul style="list-style-type: none"> • Constitution • Legislation • Courts/tribunals 	Who’s got environmental jurisdiction? Caselaw Better environmental protection from local or global regulation?	Assignment topics fixed by end of class Research Quiz prep	Presentation on presentations Grad students: 30 sec summaries of who I am and what I do
3 (10-11)	Sep 27	See you in court! Who Administers justice and how? <ul style="list-style-type: none"> • Civil • Criminal • Administrative 	Expert texpert. Why do we worry about experts? The bad expert game	Quiz 1 15% online Research	Grad students organize assignment team (expert panel) contact info
4 (5-6)	Oct 4	There oughtta be a law! Command and control legislation <ul style="list-style-type: none"> • Standards • Enforcement • Alternatives Environmental rights	The risk of risk. How we set standards. How safe is safe?	Quiz review Research	Prof Muldoon Q&A on <ul style="list-style-type: none"> • Environmental rights • Science-based decisions

Week	Date	Content of module	Class activities	Due	Grad content
5 Text ch (7-8)	Oct 11	Look before you leap! Integrated approaches. <ul style="list-style-type: none"> • Planning • Environmental assessment • Municipal role 	The scoping game. Let's think about Highway 413 What is the future for environmental assessment?	Annotated bibliography 5% by midnight on Quercus Research and liaison Quiz prep	Grad students organize and introduce their team members in person. Optional 1 minute summary of team status
6 (3)	Oct 18	Indigenous reconciliation and the law. "We're all here to stay." <ul style="list-style-type: none"> • Context • Key caselaw • UNDRIP/FPIC 	How not to write gobbledegook. Some tips Reminder on expert evidence	Quiz 2 15% online Student presentations must be scheduled by end of class	Grad student liaison time to meet team members
7 (9)	Oct 25	Can the private sector be trusted to look after itself? <ul style="list-style-type: none"> • Carrots • Sticks • "The market" (ESG) 	Whose fault is it, anyway? A rogue's gallery of environmental problems and their legal repercussions	Quiz review Liaison time	Prof Muldoon Q&A on <ul style="list-style-type: none"> • Paris, CITES etc • Jurisdiction issue in Canada
8 (4)	Nov 1	International law redux <ul style="list-style-type: none"> • Traditions vs treaties • Key enviro treaties • Enviro rights? 	Whither Paris? The problem of sovereignty.	Quiz prep Liaison time	PM/GR available for breakout groups to discuss assignments and presentations
RDG WK	Nov 8				

Week	Date	Content of module	Class activities	Due	Grad content
9 (Text ch) 10-12)	Nov 15	What to do? Taking action! <ul style="list-style-type: none"> • Civil, criminal, and administrative • Environmental rights • Access to info 	Public participation. The sliding scale “Overflow” presentations/other	Quiz 3 15% Online “Overflow” presentations 15%	PM/GR available for breakouts or comments
10 (2,4,5, 9)	Nov 22	Valuing the environment <ul style="list-style-type: none"> • Common law • Legislation • ESG redux • Law reform 	Presentations Question time for presenters	Quiz review Presentations 15%	PM/GR available for breakouts or comments
11 (13)	Nov 29	Current “hot” issues? <ul style="list-style-type: none"> • Climate change • Biodiversity and habitat • Sprawl 	Presentations Question time for presenters	Presentations 15% All written presentations 20%	PM/GR available for breakouts or comments
12	Dec 6	The future of environmental law? <ul style="list-style-type: none"> • Review • Trends • Career opportunities 	What’s in the news? NGOs and ENGOs	Hand-in 5% discussion or exam (short essay) question Participation 10%	Grad students’ final thoughts PM/GR final thoughts

Appendix 2 – Assignment Topics

The assignment is a three-part exercise to research and write up individually and present as a group on a contemporary environmental law issue. Detailed rubrics are on Quercus.

As you are thinking about these topics, keep in mind the legal and ethical principles we have reviewed in class

Time will be available in class to liaise with others in your group, and with the instructor.

We are flexible about how you make the group presentation. It could be in the form of a mini hearing, a debate, a lecture. Be creative.

1. Highway 413/Bradford Bypass Environmental Assessment. Yay or nay to this new highway? An EA exercise.
2. How are we doing with waste in Ontario? What is “jongnyangje” and why don’t we have it yet?
3. All the dirt on dealing with excess soil from construction. What are the rules?
4. Climate change treaties and legislation. Blahblahblah?
5. Climate change litigation. Greta’s case and others like it around the world. Results?
6. Are environmental grants a good tool in modifying behaviour (e.g., carbon capture storage and utilization (CCUS) tax credits)
7. Is ESG an FAD? Is there a risk of FRAUD?
8. How do you measure sustainability? What is the ISSB? How will they affect the way businesses disclose their environmental problems?
9. Canada’s The calculus of carbon credits. Giving value to the environment? Or the new bitcoin?
10. Seeing REDD+ and other green initiatives
11. Biodiversity and habitat protection in Canada and around the world. From the Woodland Caribou to the Western Chorus Frog - How are we doing?
12. Proposed Carbon Capture Utilization and Storage (CCUS) geologic storage in Ontario (Env registry posting April 26, 22).
13. What are SMRs? Are they a green alternative? What about nuclear waste?
14. Jerry DeMarco’s Report of the Commissioner of Environment and Climate Change April 2022. Five issues.
15. What is Canada doing about PFAS?
16. Do the feds have jurisdiction to enact the *Impact Assessment Act*? You be the judge (in this case, the SCC).
17. Plastic schmastic. When is a ban a ban? When is a substance a “toxic”?

Appendix 3 - The fine print (important stuff)

Late penalties:

Work that is late without prior extensions being granted (email TA for extension requests) will be subject to a penalty of 3% of the value of the assignment per day late.

Absences:

All illness leading to an absence or delay must be reported on the ACORN system using the absence declaration form provided. Within three days of an absence, you must provide me with a screen shot of the absence declaration form in question.

Accessibility Needs:

Students with diverse learning styles and needs are welcome in this course. The University of Toronto is committed to accessibility: if you require accommodations for a disability, or have any other accessibility concerns about the course, please contact [Accessibility Services](#) as soon as possible.

Academic Integrity:

Academic integrity is fundamental to learning and scholarship at the University of Toronto. Participating honestly, respectfully, responsibly, and fairly in this academic community ensures that the U of T degree that you earn will be valued as a true indication of your individual academic achievement, and will continue to receive the respect and recognition it deserves.

Further details re the University of Toronto policies are available through the links below:

<https://www.artsci.utoronto.ca/academic-advising-and-support/student-academic-integrity-osai>
<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppjun011995.pdf>

The University of Toronto treats cases of academic misconduct very seriously. All suspected cases of academic dishonesty will be investigated following the procedures outlined in the *Code*. The consequences for academic misconduct can be severe, including a failure in the course and a permanent notation on your transcript. If you have any questions about what constitutes appropriate academic behaviour, or appropriate research and citation methods, seek out additional information from our TA, or from other available campus resources like the College Writing Centres (<https://writing.utoronto.ca/writing-centres/arts-and-science/>), the Academic Success Centre, or the [U of T Writing Website](#).

Use of Ouriginaln

Normally, students will be required to submit their course essays to the University's plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the tool's reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://teaching.utoronto.ca/ed-tech/teaching-technology/pdt/>)

Additional Resources for Students

The following are some important links to help you with academic and/or technical service and support

- General student services and resources at [Student Life](#)
- Full library service through [University of Toronto Libraries](#)
- Resources on conducting online research through [University Libraries Research](#)
- Resources on academic support from the [Academic Success Centre](#)
- Learner support at the [Writing Centre](#)
- Information for [Technical Support/Quercus Support](#)

Students are encouraged to review the Calendar for information regarding all services available on campus.