

SOUTHERN POLYTECHNIC STATE UNIVERSITY
Department of International and Social Studies

Fall, 2006

POLS 3401-001: Regulatory and Environmental Law
MW 7:30-8:45 P.M.
Room J 157

INSTRUCTOR: K.B.S. Barrow, J.D., LL.M., Ph.D.
OFFICE HOURS: MW 6:00-7:15 P.M.
And by appointment

OFFICE: J 319

PHONES: (678) 915-7442; (404) 880-8248

E-MAIL: kbarrow@cau.edu

Required Texts

Frona M. Powell, Law and the Environment. WEST: An International Thomson Publishing Co., 1998.

Denise Scheberle, Federalism and Environmental Policy: Trust and the Politics of Implementation (Second Edition Revised and Updated). Washington, D.C.: Georgetown U. Press, 2004.

Supplementay

Roger W. Findley and Daniel A. Farber, Environmental Law in a Nutshell. Thomson West (Sixth Edition), 2004.

Course Description

POLS 3401 is a semester-long course that makes up the political component of the core curriculum. The course addresses environmental policy with specific focus on environmental regulation. The theoretical foundations of the course address regulatory policy design, policy instruments, regulatory federalism, enforcement and compliance. These issues are considered with respect to selected environmental regulatory policies and programs. The emphasis is on generic issues of policy design and implementation within differing political environments rather than conducting applied policy analyses of current or prospective policies. The course should be of interest to those with interests in policy design and implementation as well as to those with interests in environmental policy and management.

Course Overview

This seminar will explore the emergence and significance of a cluster of increasingly important political phenomena associated with private or non-state governance, soft law, corporate social responsibility, market-based and self-regulation, and voluntary agreements- and their relationship to traditional public authority. These alternative forms of business regulation typically operate in the shadow of the state but are not legally enforceable. They increasingly govern various dimensions of corporate environmental policies, labor standards, information privacy, communications and information technologies, and human rights practices, especially at the international level.

The forms of private regulatory mechanisms vary. Some are established and governed by firms; others by non-government organizations and others are multi-stakeholder initiatives. They also vary in their mechanisms of compliance and accountability, generally relying on some combination of self-reporting, auditing, certification and labeling. In addition, some international organizations such as the UN, ILO and OECD rely on soft regulation to govern both firm and state behavior. At the national level, many governments have employed voluntary agreements as a substitute or complement to formal regulation. The dynamics of the relationship between soft and hard law and private and public regulation will be a central focus of this course.

Under which circumstances do various forms of soft law emerge? What is the basis for their authority? Why do firms agree to adopt them? What determines how they are structured? How are they affected by and affect state authority? What factors shape their effectiveness? What is their relationship to changes in the international norms?

This course will critically review the scholarly literature on the shifting boundaries of private and public authority, exploring both the impact of new forms of regulation and their implications for politics and the role of the state., It will specifically focus on studies that examine the relationship between hard and soft laws, explain the expansion and contraction of private governance, review the diverse forms of private, market-based regulatory initiatives and discuss the potential limits of voluntary regulation to improve global labor, environmental and human rights practices as well as their role in regulating business practices and policies in the area of communication, intellectual property, and financial markets. It will also address the role of soft law or norms in governing state behavior.

An important objective in this class is to introduce students to an emerging body of scholarship from political science, sociology, law and business administration that is addressing an under-studied but increasingly important political and social phenomena. It will critically engage this literature and assist students in defining the relationship of their own research interests to it. This class will be of interest to students interested in international politics and international political economy, globalization, public law and administration, government-business relations, government regulation, corporate responsibility, and social movements.

Course Objectives: Upon completion of this course, the student should be able to:

1. Recognize the legal terminology introduced in the course and apply to or relate the terms to legal situations.
2. Integrate knowledge of the legal principles which are covered to solve problems which involve environmental regulation.
3. Describe the history of and reasons for environmental regulation.
4. Analyze information to recognize legal issues and legal problems in fact situations and to determine what legal principle(s) should be applied.
5. Demonstrate knowledge of the provisions and application of the principal statutes and administrative rules which are used for environmental regulation.
6. Apply problem-solving skills to legal issues, using logic and critical thinking.
7. Describe the impact of constant change and lack of certainty which are inherent aspects of the U.S. legal system.
8. Develop and awareness of the need.
9. Provide theoretical perspectives from relevant policy literature.
10. Develop research skills on issues and strategies for studying policy design and implementation.
11. Be exposed to issues regarding the design and implementation of social and environmental regulatory policies.

GRADING SYSTEM:

Three Examinations	70%
Short Research Paper/Book Review	20%
Student Participation	10%

A= 90-100 B=80-89 C=70-79 D=60-69 F=0-59

EXAMINATION SCHEDULE

<u>EXAM</u>	<u>MATERIALS COVERED</u>	<u>DATE OF EXAM</u>
First Exam	Chapters one through five	September 13, 2006
Mid-Term Exam	Chapters six through ten	October 2, 2006
Final Exam	Chapters eleven through fifteen	December 7-13, 2006

Course Outline and Schedule: (Weeks, Topics)

In addition to the weekly readings listed for each week, the instructor will periodically assign supplemental readings.

WEEK 1

Chapter 1: Course orientation
Distribution of syllabus
Purchase of textbooks –A REQUIREMENT!

WEEK 2

Chapter 2: Environmental Ethics, Law, and Policy

WEEK 3

Chapter 3: The American legal system__ sources of law and rules of procedure

Week 4

Chapter 4: Introduction to the law of property

Week 5

Chapter 5: Common law remedies for environmental harms

Week 6

Chapter 6: Environmental liabilities in the sale or lease of property, product liability, and insurer liability for environmental harm

Week 7

Chapter 7: Land use regulation and regulatory takings

Week 8

Chapter 8: Federalism and the environment

Week 9

Chapter 9: Principles of administrative law

Week 10

Chapter 10: The National Environmental Policy Act and the Endangered Species Act: environmental laws regulating government action

Week 11

Chapter 11: Controlling air pollution

Week 12

Chapter 12: The Clean Air Act

Week 13**Chapter 13: Regulating toxic substances and pesticides****Week 14****Chapter 14: Regulating solid and hazardous waste****Chapter 15: Environmental laws – issues in criminal and corporate liability****Week 15****Chapter 16: International law and the environment**

Course Requirements

1. Attendance: Attendance is both required and expected. Students are allowed three unexcused absences in accordance with Southern Polytechnic State University's class attendance policy. Each absence beyond three must be explained by a written excuse from the office of the Vice President for Student Affairs. A fourth and subsequent unexcused absence may result in a lower grade for the course. Documented excuses should be presented to the instructor for consideration in a timely manner either immediately before or immediately after the absence. The death of a close family member, emergency hospitalization, a major illness, or official university travel are usually the only absences excused.
2. Make-up work: Exams and tests are required of all students at the "stated" time periods. If you miss a quiz, test, or exam, you will have to write a ten-page on a topic assigned by the instructor in lieu. This paper will be due five days after the date of the missed quiz, test, or exam. NO EXCEPTIONS. Students are encouraged to confer with other students for missed lecture notes and class work.
3. Plagiarism/Academic Honesty: All requirements for this course must be completed with academic honesty. Students caught cheating will be expelled from the class and awarded a failing grade for the examination. Students who plagiarize will be given an "F" grade for their work.
4. Respect: All students will respect the views/opinions of other students. Debates are permissible; not disrespect!
- 5: Course content: Should the need arise in the course, the instructor will change/ amend the content and /or weight of the requirements for this course. Students will be notified in advance of any such change and will be bound by them.