

# Environmental Law: EESD13H3

Fall Term 2022

Pre-recorded Lectures/Live seminar/webinar, Thursday 7:00 – 9:00 (less asynchronous prep)

Course Instructor: Graham Rempe  
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Your primary contact for assignment work should be Eden Hataley, our course TA  
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Office hours will be held by prior written appointment via Zoom meeting.

## Course description

**Law, policy, and ethics are key in understanding how we respect, manage, and share 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, accumulation of toxics, and urban sprawl?**

**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.**

**Webinars will be recorded and posted on Quercus (subject to any applicable technical limitations); however, I expect you to attend.**

**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 modern environmental law apply to current problems**
- 3. Improve the ability to prepare, present and defend environmental evidence**

## Assessment

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

### Environmental Assignment (40%)

This assignment builds over the semester (three 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 15. If you do not choose a topic, you will be randomly assigned to one on that date.**

Part 1: An individual Title/Overview/Bibliography (annotated) worth **5%** must be filed on Quercus by October 6. (Max 200 words excluding bibliography)

Part 2: A group Presentation worth **15%** will be scheduled for week 10 or 11 (November 17 or 24). All presentations **must** be scheduled by October 20. **Time will be made available to discuss group assignment strategy and related issues.**

Part 3: An individual FINAL paper worth **20%** - must be filed on Quercus by November 24. (Max 1500 words exclusive of bibliography).

### Quizzes (45%)

There will be a series of three online quizzes (all open book) worth a total of 45%:

- Week three (Sep 22), 15%
- Week six (Oct 20), 15%
- Week 9 (Nov 10), 15%

**Quizzes will be available on Quercus for one day after the webinar.** Questions will be short 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).

## **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.

## **Final Exam**

There will be no final exam

# **Learning Activities**

## **Asynchronous Lecture Modules**

**Online – at your own pace, but before the weekly webinar**

Twelve lecture modules will be pre-recorded and loaded on Quercus through the term. Each module will contain several lecturettes, for which you are responsible. Modules will be reviewed and discussed in the webinar.

Students will have access to module materials at least four days in advance of the webinar. These lecture modules will remain available all term.

Lecture modules will include **discussion items**. These will be closed for comment one week after the applicable webinar. These discussion items provide feedback and will be considered in the participation mark.

## **Synchronous “LIVE” Webinars**

Twelve live webinars will be held using Zoom during the assigned Thursday evening class time slot. These will start at 7 p.m. and will run until 9 p.m. EST (at the latest), depending on scheduled activities. Usually, the webinar will be shorter to reflect time spent on asynchronous content in prep for the webinar.

The details of the weekly webinar schedule are set out in Appendix 1.

## **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 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. Available on the Library Reading List tab 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. It is also on reserve in the library and can be accessed through the Library Reading List Tab on Quercus along with other helpful reference texts (see Reference module on Quercus).

## APPENDIX 1 - WEEKLY SCHEDULE

WEEK	DATE	CONTENT OF MODULE	CLASS ACTIVITIES	DUE
1	Sep 8	Morality, ethics, and the law. Where does the environment fit in? <ul style="list-style-type: none"> <li>• Traditional approaches</li> <li>• New “green” norms</li> </ul>	Tragedy of the Commons game  Externalized cost vs environmental value	Review topics for assignment  Explain discussion/current event mark (10%)
2	Sep 15	Legal Structure <ul style="list-style-type: none"> <li>• Constitution</li> <li>• Legislation</li> <li>• Courts/tribunals</li> </ul>	Who’s got jurisdiction?  Better environmental protection from local or global regulation?	Assignment topics fixed
3	Sep 22	Courts – Administering Justice <ul style="list-style-type: none"> <li>• Civil</li> <li>• Criminal</li> <li>• Administrative</li> </ul>	Why do we worry about experts?  The bad expert game	Quiz 1 15% online
4	Sep 29	Legislation – Who makes the rules? <ul style="list-style-type: none"> <li>• International (intro)</li> <li>• Statutory</li> <li>• Common law</li> </ul>	The risk of risk. How we set standards.  How safe is safe?	

<b>WEEK</b>	<b>DATE</b>	<b>CONTENT OF MODULE</b>	<b>CLASS ACTIVITIES</b>	<b>DUE</b>
5	Oct 6	Prospective legislation – Look before you leap! <ul style="list-style-type: none"> <li>• Planning</li> <li>• Environmental assessment</li> <li>• Municipal role</li> </ul>	The scoping game. Let’s think about Highway 413  What is the future for environmental assessment?	Annotated Bibliography 5% due by midnight on Quercus
<b>RDG. WK</b>	Oct 13			
6	Oct 20	Indigenous reconciliation and the law <ul style="list-style-type: none"> <li>• Context</li> <li>• Key caselaw</li> <li>• UNDRIP/FPIC</li> </ul>	How not to write gobbledegook. Some tips  Reminder on expert evidence	Quiz 2 15% online  Presentation schedules finalized
7	Oct 27	Can the private sector look after itself? <ul style="list-style-type: none"> <li>• Carrots</li> <li>• Sticks</li> <li>• “The market” (ESG)</li> </ul>	Whose fault is it, anyway? A rogue’s gallery of environmental problems and their legal repercussions	
8	Nov 3	International law redux <ul style="list-style-type: none"> <li>• Traditions vs treaties</li> <li>• Key enviro treaties</li> <li>• Enviro rights?</li> </ul>	Whither Paris?  The problem of sovereignty.	

<b>WEEK</b>	<b>DATE</b>	<b>CONTENT OF MODULE</b>	<b>CLASS ACTIVITIES</b>	<b>DUE</b>
9	Nov 10	Taking action <ul style="list-style-type: none"> <li>• Civil and criminal</li> <li>• Administrative</li> <li>• Law reform</li> </ul>	Public participation. The sliding scales  Presentation “overflow”/other	Quiz 3 15% Online  Presentations 15%
10	Nov 17	Valuing the environment <ul style="list-style-type: none"> <li>• Common law history</li> <li>• Caselaw</li> <li>• ESG redux</li> </ul>	Presentations  Question time for presenters  Two hours tonight	Presentations 15%
11	Nov 24	Current “hot” issues <ul style="list-style-type: none"> <li>• Climate change</li> <li>• Biodiversity/habitat</li> <li>• Sprawl</li> </ul>	Presentations  Question time for presenters  Two hours tonight	Presentations 15%  All written presentations 20%
12	Dec 1	The future of enviro law? <ul style="list-style-type: none"> <li>• Review</li> <li>• Trends</li> <li>• Career opportunities</li> </ul>	What’s in the news?  NGOs and ENGOS	Hand-in 5% discussion or idea for exam (short essay) question  Participation 10%

## 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 Assessment Module.

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 webinar breakout groups or through online discussion groups 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? Who is responsible?
3. All the dirt on dealing with excess soil from construction. New rules?
4. Climate change treaties and legislation. Blahblahblah?
5. Climate change litigation. Greta's case and others 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 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 Supreme Court of Canada).
17. Plastic schmastic. When is a ban a ban?

## **Appendix 3 - The fine print (other important stuff)**

### **Late penalties**

Work that is late without an acceptable excuse will be subject to a penalty of 3% of the value of the assignment per day late.

### **Absences/Missed Term Work:**

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 are available through the link below:

<https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-matters-july-1-2019>

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/utm-and-utsc/>

### **Use of Ouriginal**

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.**