

University of Toronto at Scarborough
Physical and Environmental Sciences

Environmental Law and Ethics: EESD13Y3

Fall Term, 2014 (Thursday 7:00-9:00)

Instructor

Graham Rempe, LL.B., C.S.

Contact information

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Course description

Law, policy and ethics are key in understanding how we use and manage our environment. This course will introduce students to basic principles of environmental regulation. How did it evolve? Does it deal fairly with resource use and allocation? Can it deal with complex emerging problems such as accumulation of toxics, urban sprawl and climate change?

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

Marking Scheme

Student issue outline (1-2pp, due Sep 25, **and** 5 min presentation to class, Sep 25, Oct 2) 15%

Midterm Oct 9 25%

Student issue (3-4pp due Nov 6 **with** class presentations Nov 6, 13 **OR** essay 2000 word max due Nov 13) 25%

Final exam (TBA) 35%

Readings

The required text is Muldoon et al An Introduction to Environmental Law and Policy in Canada. Toronto: Emond Montgomery, 2009 . It is available at the bookstore and at the library- <http://go.utlib.ca/cat/6997649> (print)

Additional reference texts are:

Boyd, Unnatural Law. Rethinking Canadian Environmental Law and Policy. Vancouver: UBC Press, 2003 - <http://go.utlib.ca/cat/4999129> (print), <http://go.utlib.ca/cat/9091509> (ebook)

Benedickson – Essentials of Canadian Law – Environmental Law (3d. ed.) Irwin Law Inc. Toronto, 2009 – available at the library <http://go.utlib.ca/cat/6664646> (print) - <http://go.utlib.ca/cat/8283066> (online)

Estrin et al, Environment on Trial (3d ed.). Toronto: Emond Montgomery, 1993- available at the library <http://go.utlib.ca/cat/3414114>

Additional readings will be assigned

Course Outline

Lecture 1– September 4

Introduction. Ways to think about trees

- Course outline and overview
- Environmental ethics, policy and the law
- The appeal of utilitarianism and the tragedy of the commons

Lecture 2 – September 11

Sources of Law - from Moses to Judge Judy

- The Constitution
- Governments
- Courts

Lecture 3 – September 18

You'd think there would be a law! There is, but how does it work?

- Evolution of environmental law
- A quick survey of environmental law in Ontario
- Problems with the current system

Lecture 4 – September 25

Administrative law – who's in charge here anyway?

- Evolution of administrative decision-making
- Powers available
- Review of administrative actions

Student issue summaries are due today and short presentations will be made to the class (15%)

Lecture 5 – October 2

Environmental Rights – from Roosevelt to Ecojustice

- Constitutional rights
- Statutory rights
- Common law rights

Short student presentations will be made to the class (15%)

Lecture 6 – October 9

Dealing with Delinquents. How do we make polluters pay?

- Reactive steps (prosecution or civil suit)
- Proactive steps (planning and environmental assessment)

Midterm today (25%)

Lecture 7 – October 16

Who gets a say ? Consultation, accommodation and consent.

- Access to information
- Public participation
- Aboriginal consultation and accommodation

Lecture 8 – October 30

The environment, like the corporate world, transcends the state – How can the law respond?

- The impact of globalism
- Voluntarism and “red tape”
- International law

Lecture 9 – November 6

The times they are changing - New ethics, new approaches, new tools

- Economic instruments
- Ethical investment
- Shareholder actions

Student summaries due for those making a presentation. Student presentations. (25%)

Lecture 10 – November 13

The future - Can we change our trajectory?

- Politics
- Community organization and law reform
- Advocacy

Student presentations. (25%)

Plagiarism: Please consult the University Calendar for a discussion and outline of the policy on plagiarism and academic integrity (also see proceeding section below). The sanctions can be severe. If, after reviewing the University policy, you are uncertain about what constitutes plagiarism, talk to your course instructor.

Academic Integrity: Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto's Code of Behaviour on Academic Matters

(<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences.

Potential offences include, but are not limited to:

In papers and assignments:

- Using someone else's ideas or words without appropriate acknowledgement.
- Submitting your own work in more than one course without the permission of the instructor.
- Making up sources or facts.
- Obtaining or providing unauthorized assistance on any assignment.

On tests and exams:

- Using or possessing unauthorized aids.
- Looking at someone else's answers during an exam or test.
- Misrepresenting your identity.

In academic work:

- Falsifying institutional documents or grades.
- Falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources (see <http://www.utoronto.ca/academicintegrity/>).

Please consult the University Calendar for information about grade distribution and academic conduct.

Accessibility: Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodation, please feel free to approach me and/or the *AccessAbility* Services Office as soon as possible. I will work with you and *AccessAbility* Services to ensure you can achieve your learning goals in this course. Enquiries are confidential. The UTSC *AccessAbility* Services staff (located in S302) are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations (416) 287-7560 or ability@utsc.utoronto.ca.

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