Environmental Law: ENV 422H/1701H

Fall Term 2023
Asynchronous Lecture Modules/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
- Any course materials are <u>not</u> 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 "Syllabus and Rubrics" Module on Quercus for detailed rubrics. These are summarized below.

1) Environmental Assignment (45%)

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 19. If you do not choose a topic, you will be randomly assigned to one on that date.**

Part 1: An <u>individual</u> Outline (Title/Brief Overview/Participation Outline/Brief Bibliography) worth **5%** (part of the participation mark) which must be filed on Quercus by October 24 or 31 (depending on the presentation date). (Max 200 words excluding bibliography)

Part 2: A <u>group</u> Presentation worth 20**%** will be scheduled for week 9, 10 or 11 (November 14, 21 or 28). All presentations must be scheduled by October 17. In-class time will be made available to discuss group

assignment strategy and related issues. A summary of the group presentation must be filed on Quercus at least 24 hours ahead of the presentation. Graduate students will be expected to take a leadership role.

Part 3: An individual Paper worth **25%** - must be filed on Quercus by November 28 (Max 1500 words exclusive of bibliography).

2) Quizzes(40%)

There will be five short quizzes, each worth 8% (a total of 40%). They will be based on the Module materials

- Quiz 1 – Week 2 (Sep 19)
- Quiz 2 – Week 4 (Oct 3)
- Quiz 3 – Week 6 (Oct 17)
- Quiz 4 – Week 8 (Oct 31)
- Quiz 5 – Week 10 (Nov 21)

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 true/false, multiple choice, short essay answer, etc. Class time will be available for prep or review questions if any. Old quiz examples are available as practice quizzes under the Quercus Quizzes tab. 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. This mark is based on your Part 1 outline as completed by your Part 3 Participation Summary (together counting for 5%) and your weekly participation in discussion items (10%).

4) Final Exam

There will be no final exam.

Graduate Student Assessment

Grad student assignments will be expected to meet a more rigorous standard in evaluation.

Graduate students will be expected to participate in classroom discussion. Grads will be expected to give some thought to the weekly discussion items (or related items of interest) and may be called upon in class to participate in these. Grads are also strongly encouraged to keep an eye on recent developments in environmental law and to raise these during the "topical" portion of the lecture.

Graduate students will be expected to take a role in the management of the Assignment Part 2 group presentations and will be assigned as group leaders in those groups where possible. Grads will be expected to co-ordinate team efforts to ensure smooth preparation and delivery. Examples could include organizing online meetings to strategize, co-ordinate presentation materials, etc. We will create "Groups" on Quercus, which will always be available.

Learning Activities

Asynchronous Lecture Modules
(Online – at your own pace, but before the weekly lecture)

Twelve basic lecture modules will be pre-recorded and loaded on Quercus through the term. 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. They will be closed <u>after</u> the lecture. They provide feedback and will be considered in the participation mark, although we will **not** be giving in-depth comments or analysis.

We are fortunate to have input from Prof Paul Muldoon who has kindly provided his recorded thoughts on key concepts as outlined in the text These are included in the Module materials. Prof Muldoon will also join us in class and for the student presentations as time permits.

Live lectures

Lectures will be held live in room ESB 149 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 seminars 9, 10 and 11 (Nov 14, 21 and 28) to accommodate student presentations.**

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

Course Materials

You are responsible for:

- all of the online module contents posted on Quercus as well as 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 Practice19.1 (Oct 2008): 59-69. See Module on Quercus
- The course text which 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	Topic	Reading	Deadlines
1	S 12	Ethics – How green is my law?	Mod 1 Ch 1 Prof. M 1	Overview of Assignment topics
2	S 19	Sources and Actions – What is this thing called jurisdiction?	Mod 2 Ch 2 Prof. M 2	Quiz 1 Asst. Topic groups finalized
3	S 26	Constitution and Rights – Are there environmental rights?	Mod 3 Ch 2, 12 Prof. M 3	Review Q1 Overview on reports and presentations
4	O 3	Legislation – Intro - There	Mod 4 Ch 2, 5	Quiz 2 Assignment

		oughtta be a law!		Part 2 group update
5	O 10	Courts and Tribunals – Administering the law: Here comes the judge!	Mod 5 Ch 2, 10-11	Review Q2 Evidence workshop
6	O 17	International Law – What can we all agree on?	Mod 6 Ch 4 Prof. M 4	Quiz 3 Asst. Part 2 presentation schedule finalized
7	O 24	Legislation: Standards and Enforcement – How safe is safe?	Mod 7 Ch 5-6 Prof. M 5	Review Q3 Asst. Part 1 due (Wk. 9)
8	O 31	Legislation: Planning and Assessment – Look before you leap!	Mod 8 Ch 7-8	Quiz 4 Asst. Part 1 due (Wk. 10 and 11)
Rdg Wk	N 7			
9	N 14	Citizen Participation and Indigenous Input – How clear is transparent?	Mod 9 Ch 3	Review Q4 Student Presentations
10	N 21	Harnessing the market – Can we	Mod 10 Ch 9	Quiz 5 Student

		trust them in the era of ESG?		Presentations
11	N 28	Telling the story – Experts, Evidence and Bamboozlement	Mod 11 Workshop (if time permits)	Review Q5 Student Presentations Final paper
12	D 5	Recent Developments	Mod 12 Ch 13	

Appendix 2 – Assignment Topics

1. Small modular reactors. A mini hearing Week 9
2. Regulating the Great Lakes water levels. A mini hearing Week 10
3. Highway 413. A mini hearing Week 11.
4. Ontario Place Development. Possible mini-hearing
5. Climate change a "justiciable" issue. Mathur etc. Debate Week 9
6. PFAS Controversy. What steps? Debate Week 10
7. Plastic toxic? Should it be banned? Debate Week 11
8. Extended producer responsibility. Should we? Are we?
9. Too woke for ESG? ISSB standards?
10. UNCLOS and endangered species
11. CEPA amendments. Right to a healthy environment?
12. Do we still have Paris? UNFCCC, GHGs and SNAFUs
13. "Going for it" in the Ring of Fire. What are the issues?

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](https://writing.utoronto.ca).

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](https://studentlife.utoronto.ca)
- Full library service through [University of Toronto Libraries](https://onesearch.library.utoronto.ca)
- Resources on conducting online research through [University Libraries Research](https://onesearch.library.utoronto.ca)
- Resources on academic support from the [Academic Success Centre](https://studentlife.utoronto.ca)
- Learner support at the [Writing Centre](https://writing.utoronto.ca)
- Information for [Technical Support/Quercus Support](https://q.utoronto.ca)

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