Environmental Law: ENV 422H/5101H

Fall Term 2024
Asynchronous Lecture Modules/Live seminar, Tuesday 6:00 – 9:00 pm
(less time required for asynchronous materials)

Course Instructor: Graham Rempe
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Your primary contact for assignment work should be our course TA
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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 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. Examine how the ethical principles of environmental law apply to current environmental 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 (30%)

The assignment builds over the semester. Students will select a topic from the list offered (see Appendix 2). or propose their own topic (with my approval)**. If you have not chosen a topic by Sep 10, you will be assigned to one of Topics 1-5.**

We will create "Topic Groups" on Quercus, which will always be available for exchange of information and ideas.

Part 1: Outline (Title/Overview of Legal Issue(s)/Brief Bibliography) worth **5%. F**iled on Quercus by Week 7 - October 15.

Part 2: Narrated Presentation worth **25%** - must be filed on Quercus by Week 10 - November 21 (Max 5 minutes, 12 slides, 1500 words exclusive of bibliography).
Part 3: (Graduate Students only) A Presentation to the class to be scheduled for week 9, or 10 (November 5, or 12). All presentations must be scheduled by Week 7 - October 15.

2) Quizzes(50%)

There will be four short quizzes based on the Module materials.

- Quiz 1 – Week 3 (Sep 17) (15%)
- Quiz 2 – Week 6 (Oct 8) (15%)
- Quiz 3 -- Week 9 – (Nov 5) Election day in the USA!! (15%)
- Quiz 4 – Take-home quiz (due Nov 26) (5%)

Quizzes 1-3 will be available on Quercus, after the lecture and will remain available until the end of the following day. You will have one hour to complete the tests once you have started them. Questions will be true/false, multiple choice, short essay answer, etc. Quiz 4 will be available on Nov 19 and due on Nov 26. 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 (20%)

There will be a 20% mark. This mark is based on your weekly participation in discussion items (15%) and our assessment of your participation/efforts over the semester (5%). See the rubric for details.

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 take a lead role 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 make their PowerPoint presentation to the whole class in either week 9 or 10 (Nov 5 or 12). This may be done individually or as a group. We are flexible, but you must get my approval. The object is a fun and informative presentation. The role of the rest of the class will be to pay attention and ask questions.

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 t**he lecture. They will be closed after the lecture. They provide feedback and will be considered in the participation mark, although we will **not** be giving in-depth comments or analysis.

The Modules will also include demonstrations on research, organization and presentation, which will help guide your preparation for the Assignment.

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 to discuss current issues if time permits.

Live Seminars

Seminars will be held live starting at 6 p.m. on Tuesdays. **The three-hour slot will be reduced to reflect the time necessary to review the online components**. I will make best efforts to record these seminars on the U of T's OCCS system and post same on Quercus; however, it is your responsibility to attend, or to make some arrangement if necessary.

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 Practice 19.1 (Oct 2008): 59-69. See "Reference Materials" Module on Quercus
- The course text: 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 3	Ethics – How green is my law?	Mod 1 Ch 1 Prof. M L1	Overview of Assignment topics/rules
2	S 10	Sources and Actions – What is this thing called jurisdiction?	Mod 2 Ch 2 Prof. M L2	Finalize Assignment Topics Research tips
3	S 17	Constitution and Rights – Are there environmental rights?	Mod 3 Ch 2, 12 Prof. M L3	Quiz 1 Assignment Research Demo
4	S24	Legislation – Intro - There oughtta be a law!	Mod 4 Ch 2, 5	Review Q1 Assignment Organization Tips

5	O 1	Courts and Tribunals – Administering the law: Here comes the judge!	Mod 5 Ch 2, 10-11	Assignment Organization Demo Prof Muldoon Q and A?
6	O 8	International Law – What can we all agree on?	Mod 6 Ch 4 Prof. M L4	Quiz 2 Expert Reports and Testimony
7	O 15	Legislation: Standards and Enforcement – How safe is safe?	Mod 7 Ch 5-6 Prof. M L5	Review Q2 Asst. Part 1 due Presentation Tips Schedule Grad pres'ns
8	O 22	Legislation: Planning and Assessment – Look before you leap!	Mod 8 Ch 7-8	Assignment Presentation Demo and Critique
Rdg Wk	O 29			
9	N 5	Citizen Participation and Indigenous Input – How clear is transparent?	Mod 9 Ch 3	Quiz 3 Assignment Presentation Demo and Critique

10	N 14	Harnessing the market – Trust issues in the era of ESG?	Mod 10 Ch 9	Review Q3 Assignment Part 2 due Grad Presentations
11	N 21	Taking Legal Action	Mod 11 Ch 10-12	Q4 available Grad Presentations Hot topics
12	N 28	Ethics redux Recent Developments	Mod 12 Ch 13	Q4 due Course wrap-up

Appendix 2 – Assignment Topics

1. Sustainability standards/reporting
2. Greenwashing
3. Climate change legislation update
4. Climate change litigation update
5. Environmental/impact assessment update
6. Ontario Place or Hwy 413 (mock hearing - if interest)
7. The USSC *Loper Bright* decision (see me)
8. The SCC *Redwater* decision (see me)

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 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 (https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-matters-july-1-2019) 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:
1. Using someone else's ideas or words without appropriate acknowledgement.
2. Submitting your own work in more than one course without the permission of the instructor.
3. Making up sources or facts.
4. Obtaining or providing unauthorized assistance on any assignment.

On tests and exams:
1. Using or possessing unauthorized aids.

2. Looking at someone else's answers during an exam or test.
3. Misrepresenting your identity.

In academic work:
1. Falsifying institutional documents or grades.
2. Falsifying or altering any documentation required by the University.

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 https://www.academicintegrity.utoronto.ca/).

Students may <u>not</u> use artificial intelligence tools for taking tests or completing discussion items or assignments. However, these tools may be useful when gathering information from across sources and assimilating it for understanding.

Use of Turnitin

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://uoft.me/pdt-faq)

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.