

# Course Syllabus -EESD13H3 - Environmental Law and Ethics

University of Toronto at Scarborough Physical and Environmental Sciences

Environmental Law and Ethics: EESD13H3F

Fall Term, 2016 (Thursday 7:00), Classroom MW 140

Instructor

Graham Rempe BSc, LLB, CS

Contact information

UTSC email address [graham.rempe@utoronto.ca](mailto:graham.rempe@utoronto.ca) have been assigned office EV402 in the Environmental Science and Chemistry Building at 1065 Military Trail. I can be available for office hours ahead of class time. Please make an appointment by email. My office phone number is (416) 287 7224. Make sure to call when you arrive as there is sometimes a problem getting access at that time.

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. What is it? 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 of environmental law, and their capability of addressing today's challenges.

Marking Scheme

There will be a thirtyminute 10% exam in class on each of Sep 29, Oct 27, and Nov 17. These tests will be based on cumulative knowledge but will stress recent material.

The final exam will be worth 30%.

All exam questions will be multiple choice, true/false, short answers, essay, or any combination of these.

below. Students may choose a different topic, subject to my written approval in advance. The assignment is marked as follows:

1. Assignment 1 due Sep 22. 5%. Outline topic and research bibliography
2. Assignment 2 due Oct 20. 10% Briefing note with Q/A
3. Assignment 3 due Nov 10 or 24 (date to be confirmed with instructor by Oct 20). 20% Presentation of issue with chance for questions

Each group participant will complete an evaluation of their fellow group members to assist the instructor in assessing participation. Class participation may be a factor of up to 5% of your final grade, and is at my absolute discretion based on attendance, participation in classroom activities and student evaluations

Work that is late without an acceptable excuse will be subject to a penalty of 10% of the value of the assignment per day late.

## Assignment

You may select from one of the following exercises. These projects are to be undertaken in groups, as indicated.

1. Your group is examining the proposed Energy East pipeline. Half of the group will propose this project, and half will oppose. The presentation will be a mini hearing before the National Energy Board (8 students)
2. Your group is examining the TRCA's Scarborough Waterfront Project. Half of you will want no development and the other half wants maximum development. Your presentation will be a hearing before the Environmental Review Tribunal. (8 students)
3. The Trudeau government has stated that it will review the environmental legislation of Canada in order to ensure robust protection. Your group has been retained to advocate for reforms through this process. You will examine the key federal legislation involved, and make proposals for reform. Your analysis will take into account arguments in opposition to the reforms. Your presentation will be to a parliamentary committee. (4 students)
4. Ontario's Environmental Bill of Rights 2.0. Your group will examine the Bill and make proposals for reform. Your presentation will be to a parliamentary committee. (4 students)

6. You are working for BeesRUs, an advocacy group ~~repres~~ representing beekeepers. Your clients are very concerned about the effect of neonicotinoid insecticides, which are widely used as seed treatments in agriculture. They believe these chemicals are causing massive bee kill. You are responsible for developing a ~~leg~~ strategy to combat this perceived threat.

Required reading:

x Muldoon et al, pp 3 – 37

x

Sorting out jurisdiction. Who has the power? The Constitution ~~gives~~ challenges to jurisdiction and the outcome in the courts

Student Assignment Part 1 (5%) must be submitted in class and posted on Blackboard

Lecture 4 – Sep 29, 2016

Courts and Tribunals

- x What are they?
- x What do they do?
- x How do they work?

Reading:

- x Muldoon et al, review pp. 1 – 99

Mid – term test worth 10% in class (30 mins)

Lecture 5 – Oct 6, 2016

Environmental protection regimes

- x Private vs public law
- x Approaches to approvals
- x Command and control toolbox
- x Setting standards

Reading:

- x Muldoon et al, pp. 129 – 173

Exercise:

What is going on with GHGs? Discussion of different approaches to the control of climate charge.

Lecture 6 – Oct 20, 2016 (Note that there is no Oct 13 class)

Implementing environmental protection regimes

- x Approvals
- x Orders
- x Prosecution

Reading:

- x Muldoon et al, pp. 339 – 361
- x Review pp. 129 – 173
- x Review of pp 175 – 219 is not compulsory but is recommended

Exercise:

How will Canada achieve its commitments under UNFCCC and the Paris Agreement? The changing face of transportation and building standards.

Student Assignment Part 2 (10%) must be submitted in class and posted on Blackboard

Lecture 7 – Oct 27, 2016

Using the civil courts

- x Standing the ability to sue
- x Torts (or causes of action) – the basis of lawsuits
- x Proof
- x Remedies

Reading:

Muldoon et al, pp. 317 – 338

Mid – term test worth 10% in class(30 mins)

Lecture 8 – Nov 3, 2016

Indigenous people

- x Treaties and title
- x Consultation and accommodation
- x UNDRIP, FPIC, vetoes and consent

Reading:

- x Muldoon et al, pp. 101 – 116
- x <https://www.ontario.ca/page/environmental-assessments-consulting-indigenous-communities>(optional)

Exercise:

Consulting with the public. How do you keep everyone happy? How do you deal with the NIMBYs?

Lecture 9 – Nov 10, 2016

Pro-active regulation

- x Environmental Assessment
- x Environmental reform

Reading:

- x Muldoon et al, pp. 223 – 248
- x Lindgren,

Student presentations(20%) to be scheduled with me in advance

Lecture 10 – Nov 17, 2016

Pro-active regulation

- x Planning Act
- x Brownfield management
- x Municipal regulation

Reading:

- x Muldoon et al, pp. 249-295

Mid –term test worth 10% (30 mins)

Lecture 11 – Nov 24, 2016

International law

- x Convention vs custom
- x Environmental treaties
- x UNFCCC and Paris

Corporations and markets

- x Does voluntarism work?
- x Can we make it work?
- x Corporate social responsibility and social license

Reading:

- x Muldoon et al, pp. 117 – 125, and 293-314

Student presentation (20%) to be scheduled with me in advance

Lecture 12 – Dec 1, 2016

Where are we headed?

- x Environmental rights
- x Modern trends

Reading:

- x Muldoon et al, pp. 363 – 383
- x Review entire Muldoon text
- x Review the Hardin and DeMarco items from ~~lect~~ 1

Exercise:

Course review and questions

## The Fine Print

### Absences:

If you need to miss a term test for any legitimate reason, you must submit appropriate documentation within            business days of your absence. If the reason for your absence is medical, an official UTSC medical note must be completed by a doctor who examined



- x Submitting your own work in more than one course without the permission of the instructor.
- x Making up sources or facts.
- x Obtaining or providing unauthorized assistance on any assignment.

On tests and exams:

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

In academic work:

- x Falsifying institutional documents or grades.
- x 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 behavior 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.toronto.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 disability/health consideration that may require accommodation, please feel free to approach me and/or the Accessibility Services Office as soon as possible. I will work with you and Accessibility Services to ensure you can achieve your learning goals in this course.

