

Course Outline

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| COURSE: | LAWS 3800 A – Law of Environmental Quality |
| TERM: | Fall 2008/09 |
| PREREQUISITES: | LAWS 2003, LAWS 2004 or LAWS 2005 |
| CLASS: | Day & Time: Wednesday 18:05-20:55 Room: A720 LA (Loeb) |
| INSTRUCTOR: (CONTRACT) | Mr. Stephen Waxman, B.A., LL.B. Of the Bar of Ontario |
| CONTACT: | Office: C 476 LA (Loeb) – Contract Instructors' Office Office Hrs: As a sessional lecturer, I will be available by telephone or e-mail to discuss your paper topics or any other matters related to the course. I will also be available after each class, and can arrange individual on campus interviews in Room C 476 Loeb on an as-needed basis. Telephone: 613-952-1065 Email: stephen.waxman@justice.gc.ca |

"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

The main purpose of the course is to enhance the students knowledge of the dynamics involved in the development and implementation of environmental law. The course will explore criminal and regulatory approaches, constitutional law, private law, environmental rights, international law and market-based voluntary approaches. There will be an in depth study of planning (environmental assessment) as well as the interrelationship between environmental and health.

The course will also explore the wide number of non-legal factors that can and do affect the achievement of environmental protection objectives through law including political technical obstacles.

MARKING SCHEME

- 1. Research Paper** **50% of Total Mark**
Length 12 to 15 pages
Due: Wednesday, November 12, 2008
- 2. Final Examination** **50% of Total Mark**
(Closed book - 2 hrs.)

REQUIRED TEXT

Allan Greenbaum, Alex Wellington and Ron Pushchak, **Environmental Law in Social Context**. Available in Carleton Bookstore

CLASS SCHEDULE

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|---------------------|---|-----------------------------------|
| September 10 | Introduction: - Overview of course Objectives, class format, - schedule and marking | |
| September 17 | A Law and Society Approach Elements of the Legal System Concepts and Terms Common Law Actions | Pg 2 Pg24 Pg 38 Pg 45-56 |
| September 24 | Constitutional and Statutory framework Constitutional Division of Powers Health and the Environment | Pg 59-91 |
| October 1 | The Regulatory System: Standard Setting Implementation, Monitoring and Enforcement The Political Context Standard Setting | Pg 128-142 Pg 150-16 |
| October 8 | The Regulatory System Implementation and Instruments | Pg 171-197 |
| October 15 | The Regulatory System Monitoring and Enforcement | Pg 203-257 |
| October 22 | Environmental Assessment | Pg 258-318 |
| October 29 | Environmental Assessment Environmental Assessment Litigation - Lecture | |
| November 5 | Science and the Law | Pg 324-357 |
| November 12 | Risk Assessment | Pg 368-389 |
| November 19 | Responses to Environmental Conflict Avenues for Citizen Participation | Pg 406-413 |
| November 26 | Environmental Mediation Review of Course in Preparation for Exam | Pg 414-435 |

Essay / Research Paper (50% of Final Mark) (due November 12, 2008))

Students will write an essay on a topic agreed upon by the instructor. The instructor will discuss in class a range of possible essay topics. The paper, worth 50% of the final mark, will be between 2500 and 3000 words. (10-12 double spaced typed pages). Maximum length is 3500 words or approximately 15 double spaced typed pages. The paper must be handed to your instructor at the end of class Wednesday, November 12, 2008. Penalty: The marking of the assignments will be in letter grades. Late assignments will be penalized at the rate of ½ full letter grade per day (e.g. original mark B: one day late B-, two days late C etc.). The paper should include a cover sheet, which should include the title of your paper, your name and student number. Please ensure that your paper is securely fastened. Do not use paper clip. Do not use plastic or other covers. Quality of expression is essential. Care must be taken to ensure proper spelling, grammar and style, as each will be taken into account in assigning a mark. Use headings for each section of your paper. Include a table of contents, with page numbers, for each section of your paper. The title should accurately reflect the subject matter of your paper. The introduction should include a position statement which is then explored in the paper. The introduction should define your topic and indicate the problem to be addressed. The body of the paper should include analysis, and demonstrate that you have done research and reading including course materials and other publications. Possible reform options should be explored. A conclusion which concisely and cogently summarizes your discussion is invaluable. Proper footnoting and bibliography are required. You may use any commonly accepted style.

Note that there are Instructional Offences: Assignments must be original. It is an instructional offence for any student to copy the work of another student or to submit work that is not his or her own. In relying on the ideas of others, it is important to acknowledge that you are doing so. This does not apply merely when you are paraphrasing or quoting the work of an author, but also when you are using your own words to describe the ideas of others. The onus is on each student to retain a copy of her or his assignment until the graded assignment is returned. This will avoid the risk of an assignment being lost.

Final Examination (50 of Final Mark) - Closed Book

Students will be tested on their knowledge and understanding of the Law Environmental Quality, as set out above. The final examination is based on understanding of both assigned readings and lecture discussions.