

# ENVIRONMENTAL LAW (EVGL)

## EVGL 0230. RENEWABLE ENERGY, BUSINESS CONSIDERATIONS, AND LITIGATIONS. (3 Credits)

This course will address key issues impacting both new utility-scale project development in the renewable energy sector as well as the growth of the domestic renewable energy industry. Some of the topics we will explore include the current domestic transmission infrastructure, the implications of the existing electric grid for future interconnection access, curtailment risks, and how these factors are shaping the future of certain renewable energy sectors; whether a property right to unobstructed wind flowing across one's property exists and in which countries or states such right may be recognized; how certain animal species, weather conditions, and military interests may impact project siting; and how municipal tax assessments and federal tax credits respectively may result in forum shopping among the counties and states regarding where a solar project should be sited. We will also compare European case law to U.S. case law for purposes of examining how the interplay of science and public policy factors into the formation of laws, legal decisions, business decisions, and the evolution of domestic policy guidelines. During each class, we examine whether innovations exist or creative solutions can be devised that can serve as either a temporary bridge or more permanent solution to the issues raised. Grades will be based on in-class participation and a final paper each student will author.

**Attribute:** LLM.

## EVGL 0290. CLIMATE CHANGE LAW AND POLICY. (2 Credits)

The overwhelming consensus among climate change scientists is that (i) unchecked climate change will cause sea level rise and major disruptions in agriculture and other essential global systems, (ii) it is primarily the result of human activities, (iii) we must substantially reduce global emissions of greenhouse gases as quickly as possible, and (iv) regardless of reductions, we face considerable climate change adaptation challenges due to the greenhouse gases already in the atmosphere. In this course, we will review the underlying science of climate change and the policy issues it raises. We will explore legal issues associated with ways to address climate change and its effects, ranging from increased use of renewable energy and energy conservation, various forms of carbon-use fees and emissions trading to highly controversial "geo-engineering" approaches, along with their implications for both existing law and the need for additional legislation. The course will examine the evolution and current state of U.S. common law, legislation and regulations at the federal, regional, state and local level, including the federal Clean Power Plan (and the ongoing effort to replace it), the Regional Greenhouse Gas Initiative, New York State's plan to reduce greenhouse gas emissions and increase resiliency, and New York City's plan entitled, "One New York, The Plan for a Strong and Just City." Climate change is a global problem and requires a global solution. Accordingly, we will devote considerable attention to international efforts to address climate change, from the first World Climate Change Conference in 1979 to the 2015 Paris Agreement and beyond. In particular, we will focus on issues of equity and the balance which must be struck between the needs of developed and developing nations in this new and challenging world of limits. This course has a scheduled open book final exam.

**Attributes:** ABGS, JD, LAWI, LAWJ, LLM.

## EVGL 0302. ENVIRON DEAL MAKING & STRATEGY. (2 Credits)

The private transactional marketplace, in which environmental outcomes – economic and behavioral – are negotiated and implemented, has matured rapidly in the past 30 years. This course will explore the increasingly sophisticated strategies and techniques used to create results in a variety of corporate transactions. Similarly, the disclosure marketplace, in which environmental information is transmitted to stakeholders, has grown well beyond the bounds of SEC reporting. The course will explore the contours and consequences of this disclosure revolution and its effect on global capital markets. Finally, dynamic new companies designed to address foundational environmental questions such as energy efficiency, greenhouse gas emissions, and waste disposal, have begun to disrupt and transform long-established industries to create more sustainable outcomes across the U.S. and the world. Through the insights of guest speakers - the founders of some of these companies - the course will explore the limits and possibilities of creating a new environmental future.

**Attribute:** LLM.

## EVGL 0321. URBAN LAB. (4 Credits)

Enrollment by application to professor only. The Urban Lab Concept Four-credit graduate course with field study component co-taught by faculty across the university and open to all graduate students. The course is oriented toward groundbreaking issues in urban research with specific topics explored through interdisciplinary readings and wide-ranging discussion. The Lab draws on expertise across the university and cultivates cross-disciplinary collaborative research among faculty and graduate students. It also focuses on applied research and scholarship, deep engagement with urban community, and thinking forward with innovative solutions. The Lab works with public partners to identify, evaluate, and implement effective policies and programs in specific topic areas. Collaborators are drawn from civic and community organizations, public agencies, as well as a range of urban experts. The goal is to inspire new ways of thinking and make Fordham a leader in shaping the city's future. Lab participants will study and evaluate the startup incubator concept and its applicability to the Bronx as a seedbed for innovative companies, employment training, economic and urban development. Lab participants will investigate current debates on the value of startup incubators and accelerators, and assess the strengths and weaknesses of the model. The focus will be on case study examples to understand successes and failures of incubators as well as the limits of their influence. The investigation will include historical antecedents, land & real estate issues, regulatory and municipal policy, infrastructure challenges, and business models. Lab participants will also investigate the social and economic impact of incubators on their communities, on urban space and the built environment, as well as applicability to the concept of sustainable urban development. Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction. Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction. Course project: help establish a startup incubator in the Bronx. Study of current projects for startup incubators in the Bronx and the challenges in applying the concept to low-income urban districts. Research will include social and economic impact, gentrification effects, as well as property, real estate, and infrastructure issues and opportunities. Course participants will work with Bronx community leaders, the private sector, public agencies, and with Fordham Foundry, to create framework for a Bronx startup incubator.

**EVGL 0337. ENVIRONMENTAL LAW. (2 to 3 Credits)**

This course surveys the federal statutes, regulations, common law principles, and policies that address a wide range of environmental problems. The course begins by providing an introduction to environmental issues, basic theoretical concepts, common law cases, and the administrative law background necessary to understand this field of law. The course then proceeds to examine the goals of pollution control statutes and the criteria guiding decisions about the stringency of regulations. We will study relevant portions of the major federal environmental statutes as they relate to understanding the different regulatory criteria employed, e.g., effects-based standards, technology-based standards, and cost-benefit considerations. The statutes that we will study include the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, the Resource Conservation and Recovery Act, the Endangered Species Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (or Superfund). The course will also compare the different ways of achieving environmental goals, including traditional regulation, economic incentives, information-based approaches, pollution prevention, and ecological restoration. Students will be assessed through a combination of classroom participation and an in-class, open-book final examination.

**Attributes:** INLJ, PIE.

**EVGL 0751. ENERGY LAW. (2 to 3 Credits)**

Cutting-edge technologies, coupled with policy, legal, and business considerations, are currently transforming the energy world as we know it. Dynamic changes are impacting conventional and renewable energy operations alike, in ways that will make a meaningful difference in tomorrow's energy future. This course will examine real-world approaches to issues that companies face with respect to energy projects and their related devices, ranging from the rationale behind certain strategic business decisions, to securing debt or equity financing for novel technologies, to determining appropriate litigation strategy based on existing laws, case precedent, and state-of-the-art scientific know-how. We will explore statutes, federal laws, case law, policy, and other factors influencing both traditional and renewable energy projects and resources, with a heavy focus on renewable energy technologies, from wind and solar projects, to more unconventional projects, such as those involving piezoelectric flooring and roads. Examples of issues we will explore include (i) how curtailment risk, interconnection access, and electric grid integration are shaping the future of the wind, solar, and battery storage sectors, (ii) whether a property right to unobstructed wind flow across one's property exists, and in which countries or states such right may be recognized, (iii) how certain animal species, weather conditions, and military interests may impact project siting, (iv) how weather-related risks impact energy projects and how to hedge such risks through certain financial products, (v) how the confluence of scientific data and public perception influences whether a project will be built, and (vi) how consumer choice, social media, and direct interactions with certain innovations can be a driver of change, catalyzing the more rapid deployment of futuristic technologies and the evolution of smart cities. To foster an understanding of how developments in Europe and elsewhere are impacting the current domestic landscape, we will compare European case law to U.S. case law, examining how the interplay of science and public policy factors into legal decisions, as well as the formulation of business decisions, laws, and policy guidelines. During each class, we examine whether creative solutions can be devised that can serve as either a temporary bridge or more permanent solution to the issues raised. <p> This class will feature a number of in-class interactive simulations, during which students will role-play to gain experience presenting, confronting, and addressing issues. All simulations are based on products and companies that are currently in the marketplace, or that could come to market in the near future. In the past, such simulations have included pitching an investment bank to debt finance a company that installs LED lighting in commercial real estate buildings, competing in a "beauty contest" among start-ups and relatively new-to-market renewable energy companies for equity financing from funds, and arguing before a panel of judges the merits of whether a community wind project should be built.

**Attribute:** LLM.