

Georgetown University Law Center
Environmental Research Workshop Fall 2007
Wednesdays 5:45 - 7:45 p.m. Room 492
Prof. (adj.) E. Donald Elliott
delliott@willkie.com
Prof. (adj) Michael Caplan
mcaplan@willkie.com
SYLLABUS (as revised to Sept 20, 2007)

I. Wednesday, September 5th - Orientation/Introduction to Course

No reading assignment - Introduction to one another, the course and legal scholarship by Prof. Elliott.

II. Wednesday, September 12th

Guest Lecturer/Academic: Professor Ragnar Lofstedt, Director, King's Centre for Risk Management at University of London

Commentators: Katy Kunzer, Former Assistant General Counsel of American Chemistry Counsel; Malachy Hargadon, Environmental Counselor to EU Delegation to the U.S.

Required Reading: The 'Plateau-ing' of the European Better Regulation Agenda: An Analysis of Activities Carried out by the Barroso Commission; Journal of Risk Research, Volume 10, Issue 4, June 2007, pages 423 - 447.
<http://www.informaworld.com/smpp/content?content=10.1080/13669870701417793>

III. Wednesday, September 19th

Guest Lecturer/Academic: Professor Jonathan Wiener, Duke Law School

Commentators: Bob Sussman, Partner Latham & Watkins and former Deputy Administrator of the EPA under President Clinton; Joseph Huggard, General Manger, International Operations for The Weinberg Group.

Required Reading: Whose Precaution After all? A Comment on the Comparison and Evolution of Risk Regulatory Systems; Jonathan B. Wiener.

Precautionary Regulation in Europe and the United States: A Quantitative Comparison; James K Hammitt, Jonathan B. Wiener, Brendon Swedlow, Denise Kall and Zheng Zhou

Comparing precaution in the United States and Europe; Jonathan B. Wiener, Michael D. Rogers

IV. Wednesday, September 26th

Guest Lecturer/Academic: Professor Cary Coglianese, University of Pennsylvania Law School

Commentator: [Dan Fiorino, EPA Performance Track Program (invited)]

Required Reading: Chapters 1, 2, 4 and 6 of Coglianese, Cary and Jennifer Nash. "Beyond Compliance: Business Decision Making and the U.S. EPA's Performance Track Program." Regulatory Policy Program Report RPP-10. Cambridge, MA: Mossavar-Rahmani Center for Business and Government, John F. Kennedy School of Government, Harvard University.

V. Wednesday, October 3rd

Guest Lecturer/Academic: Dean Richard Revesz, NYU Law School and Michael Livermore

Commentator: Sally Katzen, former Deputy Director for Management in the OMB under President Clinton

Required Reading: "Retaking Rationality: Using Cost-Benefit Analysis To Defend the Environmental and Protect Public Health", Michael Livermore and Richard Revesz, pgs 9-57, 66-93 and 203-218.

VI. Wednesday, October 10th

Guest Lecturer/Academic: John Strait Applegate, Executive Associate Dean for Academic Affairs and Walter W. Foskett Professor Law, University of Indiana School of Law

Commentator: Ernie Rosenberg, President and CEO Soap and Detergent Association

Required Reading: "TSCA and REACH: Synthesizing Chemicals Regulation"

VII. Wednesday, October 17th

Guest Lecturer/Academic: Professor Jim Salzman, Duke University Law School

Commentator: Tracy Mehan, former EPA Assistant Administrator for Water under George W. Bush

Required Reading: [Topic - Policy and History of Drinking Water Program]

VIII. Wednesday, October 24th

Guest Lecturer/Academic: Professor J.B. Ruhl, Florida State University Law School

Commentator: TBA

Required Reading: Climate Change and the Endangered Species Act: Building Bridges to the No-Analog Future

IX. Wednesday, October 31st

Guest Lecturer/Academic: Professor Mike Vandenberg, Vanderbilt Law School

Commentator: Ned Helme, Center for Clean Air Policy; [James Connaughton, Chairman Council on Environmental Quality (invited)]

Required Reading: [Topic -- Climate Change: The China Problem]

X. Wednesday, November 7th

Guest Lecturer/Academic: Professor Robert Percival, University of Maryland School of Law

Commentator: Lisa Heinzerling, Professor Georgetown University Law Center

Required Reading: [Topic - Mass v. EPA to Illustrate Broader Claims that Split Among Justices in Areas Relevant to Environmental Law is Best Understood as Reflecting Divergent Views on Relevance of Common Law Requirements of Proof of Causal Responsibility]

XI. Wednesday, November 14th

Guest Lecturer/Academic: Professor Dennis Hirsch, Capital University

Commentator: George Wyeth, Director, Policy and Program Change Division USEPA.

Required Reading: TBA

XII. Wednesday, November 28th

Guest Lecturer/Academic: Professor Jeff Gaba, SMU

Commentator: TBA

Required Reading: [EPA policy toward recycling of hazardous wastes]

XIII. Wednesday, December 5th

Guest Lecturer/Academic: Professor Richard B. Stewart, Director, Hauser Global Law School Program, New York University School of Law

Commentator: [Jonathan Lash, World Resources Institute (invited)]

Required Reading: [rethinking disposal of nuclear waste]