

## **Incorporating Sustainability into ENSP 330 Introduction to Environmental Law**

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Course: ENSP 330 Introduction to Environmental Law

This course reviews the major U.S. environmental laws and case law interpreting those laws. It also includes a brief exploration of international environmental law. While a major course theme has always been the conflict between protection of the environment and economic growth, the course has never specifically focused on the concept of “sustainability.” Students will now have the opportunity to consider how sustainability is incorporated into U.S. environmental law, international environmental agreements, and the environmental codes of other nations. The syllabus has been revised such that 2 class periods and one assignment will be devoted to the issue of sustainability. In addition, sustainability will be discussed as applicable throughout the course.

In the context of U.S. environmental law, students will be assigned to read a recent article from George Washington University’s Journal of Energy and Environmental Law, titled “The Sustainable Development Principle in United States Environmental Law.” (Michael P. Healy, Summer 2011). The article discusses how the principle has, or in some cases has not, been incorporated into U.S. environmental law. Even where it is incorporated, it is not done so explicitly. Students will consider law as it stands and will complete an assignment in which they will attempt to explicitly incorporate the concept into U.S. law. This assignment will necessarily require the students to attempt to define the term and to consider what behaviors may be considered “sustainable” or “unsustainable.” It will also require students to consider whether the law they create will apply to persons, corporations, government, or all of the above. In undertaking this assignment, students will also be introduced to the environmental laws in force in other countries for purposes of comparison.

In the context of international environmental law, students will be assigned to read and consider the outcome document from the recent RIO + 20 United Nations Conference on Sustainable Development, “The Future We Want.” The document references the concept of sustainable development numerous times and in numerous contexts: “We express our determination to address the themes of the Conference, namely a green economy in the context of sustainable development and poverty eradication, and the institutional framework for sustainable development.” The Future We Want, Outcome of the Conference, June 19, 2012 at Para. 12). Students will explore the meaning of “sustainability” and “sustainable development” in the context of international environmental law by conducting an in-depth exploration of this recent document. The document has been criticized as repetitious, and some scholars question the viability and meaning of sustainability as a goal. Students will consider these criticisms, as well as the new concept of “the green economy.” Students will forecast whether this new term will replace sustainable development as a key theme in international environmental law.