COURSE OBJECTIVES:
This course is an introduction to the body of domestic and transnational law that has developed to grapple with the crisis of catastrophic anthropogenic (human-caused) climate change. Our understanding of the impact of climate change on our world is expanding dramatically, and the law of climate change is changing fast as well. We will monitor ongoing developments in international negotiations, court decisions, congressional action, and state programs; and as it unfolds, we will watch the policy course of the Trump Administration with respect to climate change.

The course is divided into an introduction to climate science + four modules: international law, federal law, regional, state and local law, and human rights law and climate justice. This is a law course, not a science course – but a general introduction to climate science at the beginning will provide a very useful foundation for our exploration of law.

The course will begin with a general overview of the science, policy and law of climate change. During the first class we will be discussing the first two chapters of Bill McKibben’s book, EAARTH.

For the second and third class meetings, the additional reading will be the article by Bill McKibben, Global Warming’s Terrifying New Math, Rolling Stone magazine, http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-
and the Summary for Policymakers of the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), issued in 2014-15 (both in the Materials Packet). You may find the Summary for Policymakers difficult to follow – skim it, but take note of the summary paragraphs pulled out of the text to see the scientists’ conclusions and we will be discussing the ways scientists frame the risks of climate change. In the class meeting September 6 we will be very fortunate to have a guest lecturer, practicing climatologist Professor Mathias Vuille, of the State University of New York at Albany’s Department of Atmospheric and Environmental Studies, to explain current scientific thinking on climate and answer our questions about the science.

The modules begin with international law. We will introduce international environmental law, including the background of climate treaty law up through the historic December 2015 Paris Agreement. We will be assessing the future of that Agreement, including the withdrawal from the Paris Agreement by the Trump administration in June 2017. We will be holding negotiations of our own in preparation for the next international round of climate change meetings, to be held in Bonn, Germany. Our negotiation will follow the actual international meetings. As the parties to the Paris Agreement engage in meetings and refine their positions, we will be doing the same in class. You will be part of a team representing a country or a group of countries.

Turning to domestic (US) law, we begin with federal law. We will examine roles of the legislative, executive, and judicial branch, and the areas of law that govern two principal sources of greenhouse gases: transportation and the generation and use of energy. In examining these areas we will first be studying the United States Supreme Court decisions interpreting relevant sections of the Clean Air Act. We will have guest speakers who are practicing litigators in this field. Following study of the Clean Air Act decisions we will review the Supreme Court and other decisions on common law challenges to federal government policy on climate change.

We will then turn our attention to the actions regions and states have taken to reduce fossil fuel use, examining and comparing the California and New York models. This study will focus on the role of regions and states in reducing emissions from fossil fuel use to generate electricity. We will also have expert speakers visiting us in this area. We will then study efforts to adapt to the effects of climate change, focusing on New York City’s approach to adaptation to the catastrophic effects of climate change in the aftermath of 2012 Superstorm Sandy. We will examine the consequences of climate denial in an ongoing study of Hurricane Harvey.

Finally, we will explore the application of human rights law and mechanisms to climate change, as well as the concept of climate justice, in the context of the human costs of fossil fuel, the international human right to a clean environment, and the various attempts to locate and enforce those rights in national and international law.
THE WORK OF THE COURSE:
The course will be posted on Blackboard, and assignments may be given and handed in electronically: hard copy will be required for most written assignments. There will also be some discussion postings and additional case and other readings to be distributed or assigned during the course. We will take advantage of the availability of experts in the field to come to class and share their experience with us. We will rely heavily on primary materials in your packet, which is now available at the bookstore.

The work of this course will be carried out in several forms:

- Class meetings
- Negotiation of implementation of the Paris climate agreement since the withdrawal of the US (preparation + in class exercise)
- Litigation of a state case concerning electric power (preparation + in class exercise)
- A final paper or presentation. There will be a list of possible topics and students are also free to propose their own presentation topic, subject to consultation and approval.

Your final grade will be based upon the following factors:

- Class participation – 20%
- Negotiation, state case, other assignments – 30%
- Final presentation – 50%

Required Materials:
McKibben, EAARTH: MAKING A LIFE ON A TOUGH NEW PLANET (St. Martins, Griffin 2010) (McKibben)
Materials packets – available at the bookstore + other distributions as necessary

Supplemental Materials:
Web links and recent materials to be provided.
News articles and blogs, such as the New York Times, in particular the reporting of Justin Gillis; the site maintained by the United Nations Framework Convention on Climate Change, at http://newsroom.unfccc.int/ and that maintained by the Columbia Law School Sabin Center on Climate Change law, at http://www.law.columbia.edu/centers/climatechange.

INTRODUCTION TO THE COURSE and OVERVIEW OF CLIMATE CHANGE LAW and SCIENCE
Class 1 August 28, 2017 - Introduction
Reading: McKibben, EAARTH, chapters 1 and 2
Overview of climate science, policy and law issues; introduction to mitigation and adaptation and to the law of climate change, international, federal, state and local, and human rights law. We will review the syllabus and the course materials in detail.

Class 2 August 30
Reading for classes 2 and 3: Summary for Policymakers (2014-15), of the Intergovernmental Panel on Climate Change (1PCC). This document is available at
~No class on September 4, Labor Day~

Class 3  September 6 - Current developments in climate change science: Professor Mathias Vuille, Department of Environmental and Atmospheric Science, UAlbany.

MODULE I: INTERNATIONAL LAW OF CLIMATE CHANGE

Class 4  September 11 - Overview of treaty law
Reading: All treaties are in the Materials Packet
United Nations Framework Convention on Climate Change (1992)

Class 5  September 13

~Distribution of negotiation roles & instructions~

Class 6  September 18
Reading: Copenhagen Accord (December 2009)
Paris Agreement (December 2015)

~NO CLASS SEPTEMBER 20 – ROSH HASHANAH~

Class 7  September 25 - Preparation for negotiation

Class 8  September 27 - Negotiation (Following the negotiation, students will hand in their preparation notes in hard copy)

Class 9  October 2 - Reflection on negotiation
Class will not meet on October 2; A virtual lecture and a series of questions will be posed based on the class negotiation, and you will post your reflections on Blackboard. Every student must post at least one reflection and one response to others’ reflections. Your posts should contain your view of how the simulation went – was it realistic? Did you engage with the subject matter and represent your client country well? What did you learn from doing this exercise? The virtual lecture will touch on these issues and also on
the substantive issues discussed in the reading, which compares trying to reach a global treaty on climate compared to the 1980s treaties on protection of the ozone layer.

~Your two reflections must be posted no later than 5:00 PM on Monday October 9~

Class 10   October 4 - Guest Speaker Zach Dufresne, Alliance for Clean Energy- NY and UAlbany graduate student

**MODULE II: U.S. FEDERAL LAW OF CLIMATE**

Class 11   October 9 - The Clean Air Act
Overview of federal climate law and how to read a case
How to read a case: Overview of federal climate law issues – US greenhouse gas emissions and Clean Air Act regulation
The Clean Power Plan stay orders (Materials packet)
The Trump Administration America First Energy Plan (Materials packet)

~Assignment: Case brief, due in class Monday October 16~

Class 12   October 9 – review of Massachusetts and discussion of Clean Power Plan and its future
Reading: *Massachusetts v EPA*

Class 13   October 11 - The public nuisance litigation

Class 14   October 16 – The public trust litigation
Reading: Atmospheric Trust Litigation (Materials Packet)
[https://static1.squarespace.com/static/571d109b04426270152febe0/t/5824e85e6a49638292ddd1c9/1478813795912/Order+MTD.Aiken.pdf](https://static1.squarespace.com/static/571d109b04426270152febe0/t/5824e85e6a49638292ddd1c9/1478813795912/Order+MTD.Aiken.pdf)

~Proposals for final paper or final presentation due October 16~
MODULE III: STATE AND LOCAL INITIATIVES
Class 15 October 18 - class will meet instead on Thursday October 19 at Rockefeller College with guest speaker on climate change

Class 16 October 23 - State Initiatives: Mitigation through Energy Regulation
Reading: California and Western Climate Initiative information, at http://www.wci-inc.org and Northeast Regional Greenhouse Gas Initiative (to be provided)

~Distribution of role instructions for Quixote Wind case~
~The Carbon Trading Game (on Blackboard)~

Class 17 October 25 – State measures on Climate Change

Class 18 October 30 - Law Firm Discussion of Quixote Wind case
Reading: The library, general instructions and your law firm instructions

Class 19 November 1 - Adaptation: the leading role of cities
Reading: New York City Report, A Stronger, More Resilient, New York (June 2013) and Assembly critique of New York City’s adaptation plans (excerpts to be provided); Northern Manhattan Climate Action Plan https://www.weact.org/campaigns/nmca/

MODULE IV: CLIMATE CHANGE, HUMAN RIGHTS AND CLIMATE JUSTICE
Class 20 November 6 - The Water Protectors: Standing Rock and climate justice
Reading: to be provided

Class 21 November 8 - International Human Rights – The Inuit case
Readings: Sheila Watt-Cloutier, Petition to the Inter American Commission on Human Rights Seeking Relief From Violations Resulting From Global Warming Caused by Acts and Omissions of the United States, Summary (Materials Packet); Stein, An International Human Rights Violation? (Materials Packet)

Class 22 November 13 – International Human Rights – Urgenda
Reading: Urgenda v State of the Netherlands (excerpts, Materials Packet)

Class 23 November 15 – The Cochabamba principles
Reading: The Cochabamba Principles (Materials Packet)
Class 24       November 20 – Human Rights and Climate Change
Reading: The Oslo Principles (to be provided)

~No class Wednesday November 22 – Thanksgiving~

Class 25       November 27 – final presentations

Class 26       November 29 – final presentations

Class 27       December 4 – Climate Justice and Domestic Law
Reading: New York State Department of Environmental Conservation Regulations
Implementing Public Service Law Article 10 (to be provided)

Class 28       December 6 - Climate Justice and Domestic Law
Reading: New York City Environmental justice laws (to be provided)

Class 29       December 11 – Summary of the work of the course

~Final Presentations will take place during the weeks of
   November 20 and November 27~

~Final papers will be due December 15 ~