

Southern Illinois University Simmons Law School
Environmental Law
Spring 2026

Instructor Information:

Instructor: Kaitlyn Poirier

Email: kaitlyn.poirier@siu.edu

Office: Room 250

Office Hours: Mondays and Wednesdays from 10:30 AM to 12:00 PM and by appointment.

Class Sessions:

Mondays and Wednesdays from 9:00 to 10:15 AM in Room 108.

Course Description:

This course will give you an introduction to environmental law, a survey of the major federal environmental laws, and the opportunity to practice skills that environmental lawyers use.

Course Learning Objectives:

By the end of this course, you will:

1. learn where environmental law comes from;
2. understand the major federal environmental laws, what they do, and how they work;
3. identify environmental law issues when presented with a factual scenario;
4. have the opportunity to practice skills such as arguing an environmental issue in court or drafting a judicial opinion, agency rule, or a legal brief challenging the agency's rule;
5. learn about environmental justice; and
6. engage with other students using active listening, empathy, allyship, and respect.

Required Texts and Materials:

The required textbook for this course is *Practicing Environmental Law* by Aagaard, Owen, and Pidot (2d ed.). Note that you will also need to use the Bluebook for your practical exercises. However, you are not required to purchase it.

Attendance and Timeliness:

The attendance policy for this class is stricter than the law school's standard policy. In short, you are allowed to miss only **FOUR** classes during this course. If you miss more than four classes, you will be withdrawn from the course or receive the lowest possible grade. The only exception to this rule is if the Associate Dean for Academic Affairs excuses your absence for extraordinary circumstances (such as military service, jury duty, death of an immediate family member, etc.). **You are responsible for keeping track of how many absences you have.**

I expect each of you to be on time to class—just like you will need to be on time for your internship, the bar exam, court, etc. **Once I close the door to the classroom at the beginning of class, you are not permitted to enter and will be considered absent if you are not in the classroom.**

Grading:

Your grade will be determined by the following:

1. Final Exam (60%) There will be an in-person exam at the end of the semester.
2. Practical Writing Exercise (20%) You will be assigned a role to play during the semester. For example, you could be an attorney that works for an environmental agency, a nonprofit organization, or a large company. You will have to do one or more assignments during the semester based on your role.
3. Problem Responses (10%) This class is problem-based. That means almost every reading assignment includes a hypothetical problem that you must work through and answer. You are required to submit your response and give a brief explanation of why you reached that conclusion before each class. We will then discuss the problems together in class.
4. Participation (10%) I expect that you come to class ready to participate. In other words, read any material that I have assigned for that day's class and be prepared to contribute to that day's discussion. You can contribute to the discussion by volunteering to answer a question, making an observation, or respectfully debating with me and/or your classmates. I will also call on you with no advance notice to explain material or to answer a question, so be prepared.

For your participation grade, I also take into account your professionalism. In other words, I will consider whether you behave with integrity and if you act respectfully towards your colleagues and myself.

Participation Grade and Netflix Pass:

As mentioned above, I will consider participation when determining your final grade in this course. I expect that you come to class ready to participate: read any material that I have assigned for that day's class, complete any assignments, and be prepared to contribute to that day's discussion. You can contribute to the discussion by volunteering to answer a question, making an observation, or respectfully debating with me and/or your classmates. I might also call on you with no advance notice, so be prepared.

I recognize that there might be days that you do not want to participate in that day's discussion. Maybe you did not have time to read the materials or stayed up too late watching Netflix. No judgment. It happens. **ONCE** per semester, you can opt out of that day's discussion. Either send me an email or write a note and place it on my lectern before class saying you are opting out. I will not call on you that day. Use this power wisely—you only get one free day!

For your participation grade, I also take into account your professionalism. In other words, I will consider whether you behave with integrity and if you act respectfully towards your colleagues and myself.

Assignment Deadlines:

All lawyers operate on deadlines, whether they are set by your supervisor, your client, the court, or yourself. Therefore, in preparation for your future legal career, you will operate on deadlines in this course.

This course has hard deadlines, meaning that you must complete your assignments on time. If you miss a deadline (even by one minute), you are required to send me your completed assignment and a motion for leave to file out of time explaining why I should excuse the late submittal. Just like federal judges, I will only grant your motion if you demonstrate good cause for me doing so—and I get to determine what constitutes good cause. Given the additional time and effort it will take to draft the motion, and the risk that I may still deny the motion and refuse to accept your assignment, I would make sure to meet all course deadlines.

If you know in advance of an assignment deadline that you will not be able to complete the assignment on time for a legitimate reason (illness, etc.), file a motion asking for an extension of the deadline as soon as possible. I will then decide whether to give you extra time to complete the assignment.

Ban on Plagiarism, Collaboration, and Generative AI:

Plagiarism is the act of taking someone else's work, ideas, or words and passing them off as your own without crediting the source. Plagiarism is not permitted in this course. You are not allowed to collaborate on assignments unless I give you permission to do so. This means you may not obtain written material or communicate about the substance of the assignment with others (including your fellow students). You are also not allowed to use generative AI (ChatGPT, Grammarly, etc.) to help you complete your homework assignments.

If you have plagiarized, collaborated, or used generative AI while working on an assignment that you turn in to me for a grade, you will receive **zero** points for that assignment, **and I will take away 10% of the total points you earned in the class at the end of the semester.** I will also follow the procedures outlined in the school's Honor Code. If you are found in violation of the Honor Code, you can face serious penalties, including expulsion. Long story short, **DON'T DO IT.** If you have any questions about this policy, just ask me.

Class Recordings:

This class is automatically recorded every day. If you would like one or more of these recordings, send me an email. If you attended that class, I will send you the recording. If you did not attend the class, you need to explain in the email why you were absent. I will send you the recording if you were absent for a legitimate reason (illness, you were participating in a school-related activity, family emergency, etc.).

Class Schedule and Assignments through Spring Break:

Date	Class Number	Class Topic(s)	Homework Assignments
Before Class			Review the syllabus by January 12
1/12	1	Introduction to Environmental Law	Before class on January 14: 1. Read pages 45-58 (stop at B. Torts and Environmental Law in the Age of Statutes) 2. Submit your written response to Problem 2.1
1/14	2	Common Law Environmental Claims Part 1	Before class on January 21: 1. Read pages 58-72 (stop at II. Introduction to Statutory Interpretation) 2. Submit your written response to Problems 2.2 and 2.3
1/19	No Class – Martin Luther King Jr. Day (make-up class on Agencies is available on D2L)		
1/21	3	Common Law Environmental Claims Part 2 and Preemption	Before class on January 26: 1. Read the second paragraph of Article II, Section 2 of the U.S. Constitution (starting with “He shall have power”) 2. Read <i>Missouri v. Holland</i> , 252 U.S. 416 (1920) and the majority opinion in <i>Bond v. United States</i> , 572 U.S. 844 (2014) 3. Submit your written response to Problem A located on D2L
1/26	4	The Constitution and Environmental Law: Intro and Treaties	Before class on January 28: 1. Read the Fifth Amendment of the U.S. Constitution 2. Read pages 111-112 (all of C. Takings Doctrine) 3. Read the majority opinion in <i>Kelo v. City of New London</i> , 545 U.S. 469 (2005) 4. Submit your written response to Problem B located on D2L
1/28	5	The Constitution and Environmental Law: Eminent Domain Part 1	Before class on February 2: 1. Read <i>Penn Central Transportation Co. v. New York City</i> , 438 U.S. 104 (1978) and <i>Lucas v. South Carolina Coastal Council</i> , 505 U.S. 1003 (1992) 2. Submit your written response to Problem C located on D2L

2/2	6	The Constitution and Environmental Law: Eminent Domain Part 2	<p>Before class on February 4:</p> <ol style="list-style-type: none"> 1. Read Article I, Section 8, Clause 3 of the U.S. Constitution 2. Read pages 106-107 (starting with 1. Interstate Commerce Clause and ending before 2. Property Clause) 3. Read <i>Rancho Viejo, LLC v. Norton</i>, 323 F.3d 1062 (D.C. Cir. 2003) and the denial of a rehearing en banc at 334 F.3d 1158 (D.C. Cir. 2003). 4. Read pages 108-109 5. Submit your written response to Problem D located on D2L
2/4	7	The Constitution and Environmental Law: The Commerce Clause	<p>Before class on February 9:</p> <ol style="list-style-type: none"> 1. Read pages 677-712 2. Submit your written response to Problem 8.1
2/9	8	National Environmental Policy Act Part 1	<p>Before class on February 11:</p> <ol style="list-style-type: none"> 1. Read pages 715-741 (starting with III. Contents of an EIS and stopping before IV. NEPA's Frontiers) 2. Submit your written response to Problem 8.2
2/11	9	National Environmental Policy Act Part 2	<p>Before class on February 16:</p> <ol style="list-style-type: none"> 1. Read pages 415-446 2. Submit your written response to Problems 5.1 and 5.2
2/16	10	The Toxic Substances Control Act	<p>Before class on February 18:</p> <ol style="list-style-type: none"> 1. Read the materials on D2L about FIFRA 2. Submit your written response to Problem E located on D2L
2/18	11	The Federal Insecticide, Fungicide, and Rodenticide Act	<p>Before class on February 23:</p> <ol style="list-style-type: none"> 1. Read pages 447-474 2. Submit your written response to Problems 6.1 and 6.2
2/23	12	The Resources Conservation and Recovery Act Part 1	<p>Before class on February 25:</p> <ol style="list-style-type: none"> 1. Read pages 475-507 2. Submit your written response to Problems 6.3, 6.4, and 6.5

2/25	13	The Resources Conservation and Recovery Act Part 2	Before class on March 2: 1. Read pages 559-593 (stop before B. Defenses to Liability) 2. Submit your written response to Problem 7.1
3/2	14	Comprehensive Environmental Response Compensation and Liability Act Part 1	Before class on March 4: 1. Read pages 593-627 (stop before VI. Distribution of Costs Among PRPs) 2. Submit your written response to Problems 7.2 and 7.3
3/4	15	Comprehensive Environmental Response Compensation and Liability Act Part 2	Before class on March 16: 1. Review the materials about environmental justice on D2L 2. Read pages 28-43 3. Submit your written response to this question relating to the capstone problem on pages 28-30: can you base a successful legal claim on the fact that pollution from the highway expansion will disproportionately affect people of color?
3/9	No Class – Spring Break		
3/11	No Class – Spring Break		
3/16	16	Environmental Justice	TBD
3/18	17	Endangered Species Act Part 1	TBD
3/23	18	Endangered Species Act Part 2	TBD

3/25	19	Clean Water Act Part 1	TBD
3/30	20	Clean Water Act Part 2	TBD
4/1	21	Clean Water Act Part 3	TBD
4/6	22	Clean Air Act Part 1	TBD
4/8	23	Clean Air Act Part 2	TBD
4/13	24	Clean Air Act Part 3	TBD
4/15	25	State Environmental Laws	TBD
4/20	16	Court Day!	TBD
4/22	17	Field Trip!	TBD

* All assignments must be submitted before class begins on the due date except as otherwise noted.

** I reserve the right to change the homework assignments, deadlines, and required reading at any time for any reason.

Syllabus Attachment

Spring 2026

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES:

Semester Classes Begin:01/12/2026
Last day to add full-term course (without Dean's signature):01/16/2026
Last day to withdraw from the University with a full refund:01/23/2026
Last day to drop a full-term course for a credit/refund:01/23/2026
Last day to drop a full-term course (W grade, no refund):.....03/27/2026
Final examinations:05/04/2026–05/08/2026

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

SPRING SEMESTER HOLIDAYS:

Martin Luther King, Jr.'s Birthday 01/19/2026
Spring Break 03/07/26 - 03/15/26

DIVERSITY: Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>.

OFFICE FOR ACCESS AND ACCOMMODATIONS: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Office for Access and Accommodations coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact OAA immediately at (618) 453-5738 or <https://access.siu.edu>. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY: There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER: The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

SALUKI CARES: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIUC will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: Call (618) 453-2461, email siucares@siu.edu, or <http://salukicare.siu.edu/>.

SAFETY AWARENESS FACTS AND EDUCATION: Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>.

PREGNANCY: Title IX makes it clear that students who are pregnant or have a related condition may contact the Title IX Coordinator to request accommodations or to report any allegations of discrimination. The Title IX Coordinator may be contacted at: Nick Wortman, Associate Vice Chancellor for Human Resources, Southern Illinois University Carbondale, 0135 Woody Hall, 900 S. Normal Avenue, Mail Code 6520, Carbondale, IL 62901, (618) 453-6667, equity@siu.edu.

SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling [CAPS](http://caps.siu.edu) at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

WITHDRAWAL POLICY (Undergraduate Only): Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <https://registrar.siu.edu/students/withdraw.php>.

SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP): Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness at SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIU website, and through text and email alerts. To register for alerts visit: <http://emergency.siu.edu/>.

CATALOGS:

catalog.siu.edu
gradcatalog.siu.edu - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://clss.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM: See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY (Undergraduate Only): <http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <https://libcal.lib.siu.edu/hours/>

ADVISEMENT: <http://advisement.siu.edu/>

SIU ONLINE: <https://online.siu.edu/>

SYLLABUS ATTACHMENT
SIU SIMMONS LAW SCHOOL – Spring 2026

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SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>