

Prosecuting Environmental Crimes · ENV5902.01
July 14-17, 2025, 1-4 pm

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Overview: Environmental crimes prosecutions arise out of a wide array of federal statutes enacted to prevent pollution, safeguard human health and natural resources, and preserve fish, wildlife and plants. This area continues to grow in importance as we battle global issues from climate change to depletion of fisheries. The topic is highly politicized and brings out strong emotions—from cries for more regulation after catastrophic events to complaints of “over-criminalization” when corporate profits dip. This course covers the major environmental statutes, the enforcement infrastructure, and how to effectively demonstrate criminal conduct.

Reading: Prior to each class, please read the provisions set out in the syllabus below. All statutes, regulations, and cases are readily available on the internet.

Final Exam: Saturday, July 19, 2025: one-hour, open-book, multiple-choice test.

Syllabus

7/14	<p>Prosecution Basics and Clean Water</p> <ul style="list-style-type: none">• Rivers and Harbors Act: 33 U.S.C. §§ 403, 406, 407, 411• Clean Water Act: 33 U.S.C. §§ 1251(a) and (b), 1311(a), 1317(d), 1319(c), 1342(a)(1), (b) and (i), 1344(a), and 1362(5)-(12), (14), and (19)• <i>Sackett v. Environmental Protection Agency</i>, 598 U.S. 651 (2023) (skip the Thomas concurrence)
7/15	<p>International Law, Vessels, and Clean Air</p> <ul style="list-style-type: none">• Act to Prevent Pollution from Ships: 33 U.S.C. § 1908(a); 33 C.F.R. § 151.25• <i>United States v. Jho</i>, 534 F.3d 398, 400-405 (5th Cir. 2008)• Oil Pollution Act: 33 U.S.C. § 1321(b)(3), (b)(5)• Clean Air Act: 42 U.S.C. § 7413(c) and (h)

7/16	<p data-bbox="316 205 1312 279">Hazardous Waste, Superfund, Pesticides, Endangerment Crimes, and Victims' Rights</p> <ul style="list-style-type: none"> <li data-bbox="316 331 1174 367">• Resource Conservation and Recovery Act: 42 U.S.C. § 6928(d) <li data-bbox="316 420 1377 493">• Comprehensive Environmental Response, Compensation, and Liability Act: 42 U.S.C. § 9603(b) <li data-bbox="316 546 1369 619">• Federal Insecticide, Fungicide, and Rodenticide Act: 7 U.S.C. §§ 136j, 136l(b) [skim only] <li data-bbox="316 672 651 707">• Endangerment Crimes <ul style="list-style-type: none"> <li data-bbox="412 760 842 795">• CWA: 33 U.S.C. § 1319(c)(3) <li data-bbox="412 848 870 884">• RCRA: 42 U.S.C. § 6928(e), (f) <li data-bbox="412 936 839 972">• CAA: 42 U.S.C. § 7413(c)(5) <li data-bbox="412 1024 1115 1060">• Toxic Substances Control Act: 15 U.S.C. § 2615(b) <li data-bbox="412 1113 1143 1148">• Occupational Safety and Health Act: 29 U.S.C. § 666 <li data-bbox="316 1190 938 1226">• Crime Victims' Rights Act, 18 U.S.C. § 3771
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7/17	<p data-bbox="316 205 730 241">Wildlife Crimes and Sentencing</p> <ul data-bbox="316 294 1071 766" style="list-style-type: none"> <li data-bbox="316 294 828 331">• Lacey Act, 16 U.S.C. §§ 3372, 3373 <li data-bbox="316 373 1006 411">• Endangered Species Act, 16 U.S.C. §§ 1538, 1540 <li data-bbox="316 453 917 491">• Migratory Bird Treaty Act, 16 U.S.C. § 703 <li data-bbox="316 533 1071 571">• Bald and Golden Eagle Protection Act, 16 U.S.C. § 668 <li data-bbox="316 613 714 651">• 18 U.S.C. §§ 3553(a), 3571 <li data-bbox="316 693 1031 766">• <i>United States v. Bogas</i>, 920 F.2d 363 (6th Cir. 1990)
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