

**Business 411: Law and Business: Beyond Environmental Compliance**

**Instructor: Allison Burdette**

**Offered: Spring 2003**

I am modifying my Business 411 class that I will teach in Spring 2003, as part of the Piedmont Project. The old course offered students an opportunity to explore in greater depth the legal issues that I introduced in the required survey business law class, "The Legal Environment of Business." While the old course focused in some depth on a number of regulatory areas, the modified class will focus exclusively on different aspects of the interaction between the environment, law, and business.

**Section 1: Environmental Compliance is Good Business**

The first section of the course: "*Environmental Compliance is Good Business*," will focus on how avoiding environmental liabilities and complying with environmental regulations is good for business. In addition to being good for the environment, compliance keeps CEOs out of jail and spares companies from paying fines. Furthermore, consumers and investors are beginning to reward companies that engage in environmental compliance.

This section will begin by focusing on the common law roots of environmental regulation. Students will read Jonathan Harr's A Civil Action involving a toxic tort lawsuit in Woburn, Massachusetts; view a PBS documentary about a toxic tort suit against Monsanto in Anniston, Alabama; discuss environmental due diligence; and read negligence, nuisance, and trespass cases.

Next, we will explore the evolution and functioning of environmental statutes. There are basically three types of environmental statutes: preservation statutes, regulation and control over the sale of chemicals, and command and control regulations aimed at reducing pollution. We will explore the functioning of these statutory approaches primarily through case studies. The students will watch the Australian movie, The Castle, as a launching point for discussing the constitutional takings issues presented by some environmental regulations.

**Section 2: Beyond Compliance:**

**Innovative Approaches to Environmental Sustainability**

The second section of the course: "*Beyond Compliance: Innovative Approaches to Environmental Sustainability*," will explore what business opportunities, technologies, or organizations-- new or established--can be used as vehicles for moving beyond **environmental** compliance to greater environmental sustainability. While this section will begin as an extension of our discussion of environmental statutes, it will quickly move to discussions of a more prescriptive nature. This section represents "a new phase of the environmental movement."

An influential author in this field, Steve Lerner, has said: "Until now, much of the energy of environmentalists has necessarily been devoted to stopping bad things from happening. Unfortunately, playing defense [represented by Section I of the course] has meant [environmentalists] rarely have an opportunity to devise front-end strategies for reducing waste." (Lerner, 7) We will use Lerner's Eco-Pioneers: Practical Visionaries Solving Today's Environmental Problems and Paul Hawken, Amory Lovins, and L. Hunter Lovins' Natural Capitalism to explore non-conventional approaches to reducing environmental degradation, as well as business' role in this process.

We will discuss alternative legal avenues for promoting business opportunities, technologies, or organizations-- new or established—which can be used as vehicles for moving beyond compliance to achieve greater environmental sustainability. As Lerner contends, eco-pioneers are using "business acumen and entrepreneurial skills . . . to solve environmental problems." (Lerner, 5) We will analyze how these pioneers identified their niches and developed their approach to environmental amelioration. We will also examine what laws or legal tools played a role in their efforts to create sustainability.

**A note on Business 410: "The Legal Environment of Business"**

In addition to revising Business 411, the Piedmont Project workshop has also prompted me to make a change to my class, Business 410: "The Legal Environment of Business." Motivated by the discussion of sustainability and in the spirit of "Second Nature," I have incorporated a discussion of sustainability into my section on ethics in Business 410. In our business ethics discussion we have traditionally covered Kantian ethics, utilitarianism, ethical relativism, and, Jonathan Rawls' social equity theory. I felt that a discussion of sustainability as a model for business decision-making would fit nicely into the class. When I taught the course this summer, the discussion on sustainability was well-received by the students.