Course Description: Energy issues have framed recent international security crises: the OPEC oil shock of 1973-74, both Gulf Wars, 9/11 and Afghanistan, Russian gas threats to Europe (including the Georgia invasion), China’s scramble for energy resources, the financial imbalance caused by oil imports, the threats posed by ISIS and its control of substantial oil revenues, and the security risks posed by climate change. Yet, US and EU energy policies have been driven primarily not by international security issues but by domestic law on traditional pollution control (including the consequences of the fracking revolution), private property protection and antitrust. This course will examine how these domestic legal and regulatory regimes have shaped energy policy internationally in ways that multilateral security entities like NATO and the UN cannot reach. The course will focus primarily on the EU and US, examining how their domestic regulatory differences affect international energy and climate policies (including fracking), often in unintended ways. It will also examine the implications of climate regulation, energy security policies, gas and oil export restrictions, and financial issues (most of the US current account deficit is due to oil imports theoretically displaceable by domestic alternatives that include cars and trucks powered by electricity, CNG and biofuels). The course necessarily requires considerable study of the Clean Air Act as the source of the US’ primary energy policy, and of aspects of administrative law as it effects the execution of that power by the EPA.

Grading: Final grades will be based on a take-home exam.

Class 1: Introduction

a) **Massachusetts v. EPA**, 549 U.S. 497 (2007)
c) Council on Foreign Relations: Oil Prices, Low-Carbon Energy, and Climate Policy (July 6, 2015)
f) McFarlane, Robert (July 8, 2015). How Iran Turns Lemons Into High-Octane Lemonade. *Washington Times*
h) Title 42 USC 6212 – The Public Health and Welfare Chapter 77: Energy Conservation, Subchapter I: Domestic Supply Availability (EPCA provision directing the President to restrict oil exports)
i) Congressional Research Service: (Excerpts) U.S. Oil Imports and Exports (April 4, 2012)
k) Gillis, Justin. (November 1, 2013). Climate Change Seen Posing Risk to Food Supplies. *The New York Times*
Class 2: Identification of Pollutants: Ozone, PM, and Climate (CO2, Methane, etc.)

- PM Implementation Rule (focus on VOC section and new plan standard)
- Excerpts: Benefits and Costs of the Clean Air Act from 1990 to 2020 (EPA)
- Proposed Ozone Rule

Class 3: MSAT & RFG

- Final Mobile Source Air Toxics Rule (March 26, 2010)
  - Focus Only on EPA’s explanation for denying broader aromatics reduction
- RFS II Final Rule & RIA on SOA: SOA Section (pgs. 578-581)
- Fann: Influence of Location, Source, and Emission Type in Estimates of the Human Health Benefits of Reducing a Ton of Air Pollution (2009)
- Jack Gerard e-mail

Class 4: Ozone & PM

- Most
- Recent PM 2.5 Standard
- Gray Ozone Op-Ed
- Michigan v. EPA, 213 F. 3d 663 (D.C. Cir. 2000)
- North Carolina v. EPA, 531 F. 3d 896 (D.C. Cir. 2008)

Class 5: Ozone & PM
- D.C. Circuit Interstate Pollution Case: *EME Homer City Generation, L.P. v. EPA* (D.C. Cir. 2012)
- Final Tier III Rule
- Proposed Ozone Rule
- PAH Compilation

**Class 6: Climate**

- Clean Air Act, Section 108
- Clean Air Act, Section 110
- Clean Air Act, Section 111
- Resources For the Future Discussion Paper: Greenhouse Gas Regulation Under the Clean Air Act (Richardson, Fraas & Burtraw, 2010)
- Clean Air Act Memo (Ratner, 2010)
- Bodansky, David (May 2015). *Legal Options for U.S. Acceptance of Climate Change Agreement*

**Class 7: 111(d)**

- NRDC V. Train


- Reply brief of petitioner Utility Air Regulatory Group Hunton & Williams (Feb. 2014)

- EPA’s response to Utility Air Regulatory Group

- Tribe/Freeman-Revesz debate over 121(d)/112

**Class 8: Climate, Mobile Sources (CAFÉ)**

- Light Duty CAFÉ Final Rule (read just the intro/summary)
- Boyden Gray & Associates’ Comments on Proposed Light Duty Rule
- Heavy Duty Rule (read just the intro/summary)
- Comments on Heavy Duty Rule

Class 9: Climate, Mobile Sources
- Light Duty CAFÉ Final Rule (read just the intro/summary)
- Boyden Gray & Associates Comments on Proposed Light Duty Rule
- Heavy Duty Rule (read just the intro/summary)
- Comments on Heavy Duty Rule
- BGA Memo on CNG Incentives
- BGA Letter on CNG
- UAI-EFC BGA Comments

Class 10: Climate, Stationary Sources
- EPA’s Tailoring Rule
- D.C. Circuit Opinion: Coalition for Responsible Regulation, Inc. et al., Petitioners, v. EPA
- BG&A Supreme Court Brief: Utility Air Regulatory Group, et al., v. EPA

Class 11: Co-benefits

Class 12: EU Issues
- EU paper on Third Energy Package
- Articles
  - NYT and FT on new climate change rules
FT: Reality Check for Obama on American Global Power (April 6, 2014): http://www.ft.com/intl/cms/s/0/ba82430a-bb52-11e3-b2b7-00144feabdc0.html#axzz2yPjQEDW4


Jeffrey Scott Shapiro: Reagan Administration Warned Russian Pipeline Through Ukraine Would Weaken West (Washington Times, Mar. 5, 2014)

Class 13: Exports

d) Foreign Affairs: Liquefied Natural Profits by Amy Myers Jaffe and Edward Morse (Sept. 16, 2013)
e) Ferrey: Threading the Constitutional Needle with Care: The Commerce Clause Threat to the New Infrastructure of Renewable Power (Jan. 23, 2012)
f) State Impact/NPR: As Oil Glut Moves, Debate Ignites Over Exporting U.S. Crude (Apr. 15, 2014)

Class 14: Review