

Climate Change Law Spring 2017 – Richards

You will email your exam to my administrative assistant, Kristi Parnell <Kristi.Parnell@law.lsu.edu>, by 2PM, Monday, May 15. Submit it in a Microsoft word compatible file, with only your exam number on the document to identify it. Name the file Law 5414 Exam – [your exam number] (Law 5414 Exam – 4677). She will print the exam and give me the paper copy to allow anonymous grading. She will reply to you when she gets your email. If you do not get the reply, check with her to make sure the exam was received.

Mechanics: 12pt font, single-spaced, a blank line between paragraphs (like this exam).

Exam is open book – any materials we used in class, materials linked to on the class blog, and your own notes may be used. What you turn in must be your own work. Do not confer with others and attribute any published work you use. General Internet research is prohibited. (This is not a research paper.)

On the legal questions, you should tie your answer to the cases and regs and be specific. Do not just discuss policy. You do not need to use Bluebook form, just give your readers enough information to find the reference if they want to look it up. Put the cite info in parenthesis (Mass v EPA) in the text, do not use footnotes.

Questions

1) After the Baton Rouge floods this past August, your firm was shocked at how few clients had flood insurance, and how limited flood insurance coverage is for those who do have it. Write a memo for the firm explaining residential (as opposed to commercial) flood insurance through the National Flood Insurance Program. Divide your memo into three parts, allocating your words as necessary. **You have 3000 words total for this question.**

In Part I, explain the structure of the standard policy and the role of FIRMs. You should also address the interplay between traditional residential property and casualty (wind) insurance and the federal flood insurance policy. Highlight potential gaps in coverage and why the structure of the standard flood policy leaves most people without enough money to be made whole after a flood.

In Part II, address the issues raised by the Baton Rouge flood of August 2016 and the special issues for those living in New Orleans, including the new flood maps, which take most homes in New Orleans out of the 100-year flood zone. Include climate change issues in this section.

In Part III, explain the legal differences between suing private homeowner's insurance companies and suing the NFIP.

2) You have been asked to write a memo for EPA Director Pruitt on the pros and cons of retaining the Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule. Be sure to discuss why it was promulgated, the potential consequences if it is withdrawn, and what the EPA would have to explain to the courts to meet the State Farm test for withdrawing the rule. **You have 2000 words.**

3) You have been asked to write a memo for EPA Director Pruitt on the pros and cons of leaving the Paris Treaty. Include how the US can minimize the impact on the US if it stays in the treaty, i.e., can it stay in the treaty while getting rid of the Clean Power Plan and other climate change regulations and guidance documents? Remember your answer in question 2. **You have 2000 words.**