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The *ALSB Journal of Business Law & Ethics Pedagogy* is dedicated to disseminating business law and ethics pedagogical research and ideas in an online, open-access format. JBLEP welcomes contributors to share their research and innovations in business law and ethics teaching, student learning, and classroom experiences in scholarly articles.

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CONTENT & OPINIONS

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FROM THE EDITOR

A Passion for Teaching Business Law & Ethics: Student Learning Through Case Studies

Both awareness and knowledge of business law and ethics are crucial for success in business and everyday life. Application and analysis of business scenarios using this awareness and knowledge are even more important. As teachers, our passion is to facilitate student learning of all aspects of the business law and ethics disciplines.

This issue of the Journal of Business Law & Ethics Pedagogy provides a variety of useful classroom ideas to help students learn. It also offers helpful information regarding online education and teaching modalities, as well as assistance for instructors in presenting their best cases in faculty evaluations for our unique discipline.

In *The Entrepreneurs with No Garage Project*, Professor Perry Binder shares his class project in which students start a hypothetical business. The purpose is to show students the importance of law in business, especially business formation, contracts, and intellectual property. Students can benefit now, as well as when they are out in the working world because the focus is being entrepreneurial on a budget. To add greater flexibility and value, the author has separated the project into modules that can be used individually or as a whole.

Professors Craig Barkacs and Linda Barkacs have developed a classroom exercise that uses experiential learning to help students understand several areas of business law and ethics, most prominently environmental law. In *Citropolis: An Experiential Classroom Exercise in Environmental Justice*, the authors have created a fictional city in which students serve as city planners and decide which proposed project they will accept. The article offers detailed information for each project, including revenues for the city, as well as possible negative issues. The exercise then moves on to coverage of real-world environmental cases, the facts of which are similar to issues students encountered as city planners in the fictional city. This unique learning exercise offers students a hands-on approach to applying law and other topics, while also incorporating real-world examples to show the impact of their decisions.

Professor Carol Bast presents a valuable analysis of evaluations of business law faculty, especially in universities with few such faculty members. Because business law teaching and research is different than other business disciplines in many ways, faculty do not have as many mentors and successful tenure examples throughout the business school. They must educate colleagues, department chairs, and deans in how this work should be evaluated. Her article, *Toward More Effective Faculty Evaluation*, shares research and offers ideas about how to navigate the process of building a case for teaching and research in the business law discipline.

In a study comparing performance in online and face-to-face classes, Professors Jill Jasperson, Ronald Mellado Miller, and Maureen Snow Andrade share data about the performance of 1,100 students taught over a six-year period. *Speed of Light versus Speed of Sound* offers statistical analysis of data to show the differences between these types of teaching modalities. The authors found business law students in face-to-face classes outperform students in online sections. They suggest uses of technology and other resources to better address the needs and performance of online learners.

In *Teaching Business Law to Non-Lawyers*, Professor Dawn Levy presents a three-pronged engagement approach which includes: addressing students' prior beliefs about law; illustrating law

with relatable real-world examples; and demonstrating the value of business law knowledge in strategy and decision-making. While her paper focuses on reaching community college students, this excellent and useful information is universally applicable for all students and would be valuable for business law and ethics faculty to consider.

* * *

This issue is my last as Editor in Chief. Starting this journal and publishing four issues has been a joy. Our business law and ethics disciplines are critical to creating well-rounded business majors and business professionals, and imparting knowledge about the same to students is our calling. This journal serves these purposes. Professors will be able to search this permanent and searchable archival tool and benefit from the fine work by truly gifted, hard-working educators (as well as from dedicated editors and reviewers). Many, many thanks to all who have helped build this valuable pedagogical resource.

Linda
Christiansen
EDITOR IN CHIEF

Citropolis: An Experiential Classroom Exercise in Environmental Justice

Craig B. Barkacs* and Linda L. Barkacs**

ABSTRACT

While environmental issues are literally matters of life and death, academic literature and classroom lectures sometimes fail to capture the attention of students in a substantive or engaging way. The classroom exercise featured in this article not only introduces students to the crucially important topic of environmental justice, but also encourages students to recognize how they may be complicit in matters of environmental injustice.

KEY WORDS: ENVIRONMENTAL JUSTICE, GOVERNMENT REGULATION OF BUSINESS, INTERNATIONAL ENVIRONMENTAL ISSUES, ETHICS, DISCRIMINATION, POLLUTION, ENVIRONMENTAL PROTECTION AGENCY; TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

I. Introduction

The teaching of issues related to the environment is critically important. Among the typical tools used to teach about this important topic, however, are often traditional textbooks mired in intricate discussions of numerous regulations, all with confusing acronyms. The challenge, then, is how to make the topic relatable to a generation of students with limited attention spans. How do we challenge them to not only understand this is an existential issue, but to get them to take positive action for real change? Our answer: *experiential learning*. The result is an exercise we call “Citropolis” that can be used to teach a variety of concepts regarding domestic environmental issues, government regulation of business, international environmental issues, discrimination, and ethics.

II. Citropolis – Specifics of the Classroom Exercise

The instructor begins the exercise by handing out a map that includes a list of potential redevelopment projects. (See Appendix A). We announce that the students are to play the role of “city planner.” They are then tasked with selecting up to seven projects from a menu of “prospective projects.” The projects include those that have the potential to cause environmental harm (cement factory, fracking location, landfill) to those that tend to be improvements with fewer undesirable impacts (marina, performing arts center, theatre district, upscale mall). The list even includes some projects that may be considered problematic (private prison, homeless shelter). In addition to the projects list, students are given information on how each

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endeavor may (or may not) enhance revenue for the city of Citropolis.¹ For example, the cement factory generates property taxes, and fracking generates oil and gas sales. The private prison would provide a net savings by lowering incarceration costs for the district. The performing arts center would generate both ticket sales and foundation grants.

We typically have the students begin by working individually. The assignment is to determine the best location for each project on the map of the city of Citropolis. Decisions must be supported by a rationale for the selected location for each project.

The map of Citropolis contains twelve separate land parcels (not drawn to scale), including seven possible redevelopment sites. Also included is information on what is currently located on, and/or near, each parcel, including middle to low income housing, a neighborhood in decline, waterfront homes, a golf course, affluent homes, waterfront hotels/convention centers, waterfront restaurants, a sewage treatment plant, and more. At this point, the students break up into small groups to engage in the city's redevelopment planning. Each group is tasked with coming to a consensus on the redevelopment plan. This portion of the exercise is usually completed by students in 15-20 minutes (though some professors allow more time depending on the nature of the class and the interest of the students).

Once students are finished with their group planning, the professor may either recreate the map on the whiteboard or post a PowerPoint slide. The professor points to each potential redevelopment site and asks each group what, if anything, they propose locating in that parcel, along with the rationale. The professor should keep a tally of what projects are proposed for which parcels. Allow the students to showcase their plans. By the end, you have a list that reflects each group's selection for a particular parcel.

Following allocations of the development projects to the map, patterns emerge. Notably, there is typically a demarcation by the river located in the middle of Citropolis. There may be some variation, but typically the environmentally hazardous projects get located on the west side of town and the highly upscale projects are placed on the east side of town. Predictably, rationales for locating projects at specific sites are consistent with the condition of the neighborhoods in which the projects are located. Occasionally, a desirable project is placed on the west side in an effort to promote revitalization of a neighborhood. Overwhelmingly, however, the projects are distributed as one might expect (i.e., based on the perceived socioeconomic level of each part of town).

At this point, ask students how they feel about the plan. You will notice that both egocentric bias and confirmation bias may kick in.² Students will become protective, if not downright defensive, of the choices they made. Once the discussion is complete, we typically ask the students, by a show of hands, who knows the definition of "environmental justice?"³ Few, if any, students have any familiarity with the term. We next present the student with the Environmental Protection Agency (EPA) definition of environmental justice.⁴ The class then typically takes one of two turns: 1) continue an open forum class discussion; or 2) invite the groups to reconvene and discuss their plans in light of the EPA definition of environmental justice. If changes are made, students are encouraged to discuss the reasons why.

Student awareness and unease become obvious. Eventually most students have an epiphany. The table is now set to explore a whole host of environmental issues, both domestically and internationally. Our favorite place to begin is with the South Camden New Jersey case, which implicates Title VI of the Civil Rights Act of 1964 in a way most people are not even aware.

¹ If desired, the professor could quantify the exercise by assigning dollar values to each project. This could enhance the potential conflict between doing what is profitable and doing what is environmentally just.

² Egocentric bias is a cognitive bias that causes people to rely too heavily on their own point of view when they examine events in their life or when they try to see things from other people's perspective. It goes hand in hand with confirmation bias, which is the tendency to interpret new evidence as confirmation of one's existing beliefs or theories.

³ Add the term on the whiteboard or to a PowerPoint slide.

⁴ "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this nation. It will be achieved when everyone enjoys: the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work." U.S. ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL JUSTICE (2018), <https://www.epa.gov/environmentaljustice>.

III. South Camden Citizens in Action v. NJ Department of Environmental Protection⁵

A. Background of Case

Although New Jersey is one of the wealthiest states in the U.S., Camden, New Jersey is one of the poorest cities in the country.⁶ Over 91% of the residents of the South Camden Waterfront (a.k.a. Waterfront South) neighborhood are minorities, and a majority of them are African Americans.⁷ Waterfront South contains two Superfund sites,⁸ several contaminated and abandoned industrial sites, chemical companies, waste facilities, food processing companies, and a petroleum coke transfer station.⁹ The New Jersey Department of Environmental Protection (NJDEP) granted permits for a regional sewage treatment plant, trash-to-steam incinerator, and co-generation power plant in the neighborhood.¹⁰ Even though Waterfront South is one of 23 neighborhoods in Camden, it hosts 20% of the city's contaminated sites and averages more than twice the number of facilities with permits to emit air pollution than exist within a typical New Jersey zip code.¹¹

In 1999, the St. Lawrence Cement Company leased 12 acres from the South Jersey Port Corporation (a state agency) to erect a cement grinding plant.¹² Operations were projected to generate over 77,000 diesel truck trips and 100 tons of pollutants per year.¹³ The company hired lobbyists and PR consults and was given a permit by the NJDEP to construct the \$50 million facility in Waterfront South.

B. The Lawsuit

South Camden Citizens in Action (SCCIA) filed a lawsuit in 2001 to prevent the cement plant from opening.¹⁴ Unlike most environmental justice cases, SCCIA's lawsuit did not include environmental claims. The action was for racial discrimination under 42 U.S.C. Section 1983. The claim was that the NJDEP discriminated against them, in violation of Title VI the Civil Rights Act of 1964,¹⁵ by issuing an air permit to St. Lawrence Cement Company to operate a facility in their neighborhood. After a challenge, the district court found that the plaintiffs had stated a claim against NJDEP for failing to consider the potential adverse discriminatory impact of permitting operation of the facility, and therefore enjoined its operation until NJDEP made such a determination. The case was then appealed to the 3rd Circuit to determine whether, in light of recent Supreme

⁵ South Camden Citizens in Action v. New Jersey Department of Environmental Protection, 274 F.3d 771 (3rd Cir. 2001).

⁶ Blue Jersey Mom, *EcoJustice: Environmental Racism, Camden, NJ, and the St. Lawrence Cement Plant*, DAILY KOS, Dec. 07, 2009, <https://www.dailykos.com/stories/2009/12/08/811330/-EcoJustice-Environmental-Racism-Camden-NJ-and-the-St-Lawrence-Cement-Plant> [hereinafter *EcoJustice*].

⁷ *Id.*

⁸ A Superfund site is one where toxic wastes have been dumped and the Environmental Protection Agency has designated them to be cleaned up, U.S. ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL JUSTICE (2018), <https://www.epa.gov/environmentaljustice>.

⁹ *South Camden Citizens in Action*, 274 F.3d. at 775.

¹⁰ *Id.*

¹¹ *Id.*

¹² *EcoJustice*, *supra* note 5.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 42 U.S.C.A. §§ 2000d-2000d-7 (2000).

Court precedent,¹⁶ plaintiffs could maintain the action under Section 1983 for disparate impact discrimination in violation of Title VI and its implementing regulations. The court held that an administrative regulation cannot create an interest enforceable under Section 1983 unless the interest already is implicit in the statute authorizing the regulation. Because Title VI only proscribes intentional discrimination, plaintiffs had no right enforceable through a Section 1983 action under the EPA's disparate impact discrimination regulations.¹⁷ The district court's injunctive relief order was reversed. The cement plant opened in 2002.

C. Camden—The Rest of the Story . . .

The cement plant only employs about 15 people, so it has a weak claim of bringing jobs to the area, where the median income of residents in 2001 was \$15,000.¹⁸ In a study commissioned by the plaintiffs during the lawsuit, an expert (who was not challenged) revealed that in Camden County: 1) The age-adjusted cancer rate for black females was higher than 90% of the rest of the state; 2) The age-adjusted cancer rate for black males was higher than 70% of the rest of the state; 3) The rate of cancer was significantly higher for black males than for white males; 4) The age-adjusted rate of death of black females in Camden County from asthma was over three times the rate of death for white females from Camden County; and 5) The age-adjusted death rate of black males in Camden County from asthma was over six times the rate of death for white males in Camden County.¹⁹

VI. Back to Citropolis

At this point, students understand what they have done and its impact, and are typically very uncomfortable. Class after class, student after student, the polluting projects are sited in the low income areas where statistically more minorities tend to reside, while the non-polluting and highly sought after projects are sited in the affluent, typically white neighborhoods. This provokes discussions over the ethics of such decisions, as well as what, if anything, can be done to prevent such inequities from repeating themselves.

The Camden case is but one prominent example of environmental injustice in the U.S. Other examples for class discussion, in both the U.S. and internationally, include:

1. Strip mining in Appalachia: While coal was mined for 100 years without destroying the mountains, about 30 years ago coal companies began strip mining and leveling the mountains. This process is much cheaper and quicker, however, mine employees plummeted from almost a million to around 80,000. Additionally, the environmental damage from removing the mountain top was horrific.²⁰
2. Drinking water in Flint, Michigan: Flint is a city comprised of an African American majority, where four in ten people live in poverty. An unelected emergency mayor decided to switch to the Flint River as the city's drinking water source, leading to complaints from Flint residents that were dismissed or minimized. It turns out that the Flint River has high levels of chlorides, which corrode lead and other metal pipes used in plumbing. The result was that the city's residents were poisoned by lead in the water.²¹

¹⁶ Alexander v. Sandoval, 532 U.S. 275 (2000).

¹⁷ South Camden Citizens in Action v. New Jersey Department of Environmental Protection, 274 F.3d 771, 774 (3rd Cir. 2001).

¹⁸ EcoJustice, *supra* note 5.

¹⁹ *Id.*

²⁰ See JOHN GRISHAM, GRAY MOUNTAIN (2015) (giving a fictionalized account of what is actually happening in Appalachia).

²¹ Sandra Turner-Handy and Kyle Powys Whyte, *Michigan's Woeful Track Record for Environmental Justice*, DETROIT FREE PRESS, Feb. 4, 2016, <https://www.freep.com/story/opinion/contributors/2016/02/04/michigan-flint-environmental-justice/79836718/>.

3. Fracking in Oklahoma: After fracking became prevalent in Oklahoma, the state saw the number of earthquakes increase dramatically. Oil and gas companies engage in wastewater injection as part of the extraction process. When the wastewater is injected into a fault in the earth, it can cause an earthquake. Before 2009, Oklahoma averaged one magnitude 3.0 earthquake a year. In 2015, Oklahoma averaged 2.3 magnitude 3.0 or larger quakes a day.²²
4. Federal Prison on Mountaintop Removal Site: Once the mountaintops have been removed for strip mining, the question becomes what to do with the removal site. In 2016, the Bureau of Prisons (BOP) began proposing spending federal money to build a prison in the Appalachian Mountains of eastern Kentucky—the sixth in the Central Appalachian region. The impact on communities of blowing up mountaintops and dumping the rubble into the streams is profound. It forces residents to contend with contaminated drinking water, increased flooding, dangerous coal slurry impoundments, and higher rates of cancer and other health issues. There are concerns over the health of the future inmates, as well as the health of the residents living in the area.²³
5. International Environmental Injustice: Much of the world's electronic waste is being shipped to China for recycling. Workers, including women and children, use low-tech methods to separate reusable electronic components from the circuit boards. The method involves burning plastic wires and using toxic acid to extract valuable metals in a process known as "metal pickling." This dramatically affects the health of the workers, as well as the people who live in the cities where the waste is being dumped.²⁴ The inequitable distribution of environmental hazards is occurring around the world, with environmental pollution shifting from industrialized to developing countries.²⁵ One particularly powerful video documenting this disturbing behavior is 60 Minutes' "The Wasteland."

V. Conclusion

Citropolis is a powerful classroom tool. It allows students to have a hands-on learning experience that they will not soon forget. The learning is uncomfortable, but necessary and memorable. Students come away with an understanding of environmental justice issues and a deeper sense of self-awareness. Moreover, this experiential, interactive, and critical thinking exercise can be used to effectively teach a variety of substantive topics with global application: discrimination, ethics, government regulation of business, and environmental justice.

²² Seth Borenstein, *After New Regulations, Oklahoma's Shakes Calm Down a Bit*, AP NEWS, Nov. 30, 2016, <https://apnews.com/2b0a059017bc4dd98a2461a7f96a58ef>.

²³ Candice Bernd, *Environmental Justice Activists Fight Plans for Federal Prison on Mountaintop-Removal Site*, TRUTHOUT, June 17, 2016, <https://truthout.org/articles/environmental-justice-activists-fight-plans-for-federal-prison-on-mountaintop-removal-site/>.

²⁴ SCIEDAILY, Aug. 27, 2010, <https://www.sciencedaily.com/releases/2010/08/100826141335.htm>.

²⁵ *CPR Perspective: International Environmental Justice and Climate Change*, CENTER FOR PROGRESSIVE REFORM, <http://www.progressivereform.org/perspintlenvirontJustice.cfm>.

APPENDIX A:

Citropolis Redevelopment Map

[NOTE: Despite being represented by identical rectangles, the 12 land parcels are *not* drawn to scale.]

<p><i>Prospective Fracking Location</i></p> <p>2 Superfund Sites (i.e., massive pollution)</p> <p><u>Prospective Redevelopment Site</u></p>	<p><u>Existing & Continuing Use:</u></p> <p>➤ Middle to Low Income Housing</p>	<p>~ ~ ~ ~ ~ ~ ~ R ~ ~ I ~ ~ V ~ ~ E ~ ~ R ~ ~ ~ ~</p>	<p>Golf Course</p> <p><u>Prospective Redevelopment Site</u></p>	<p>Waterfront Hotels Convention Center</p> <p><u>Prospective Redevelopment Site</u></p>	<p>W A T E R F R O N T</p>
<p><u>Existing & Continuing Use:</u></p> <p>➤ Sewage Treatment Plant ➤ Trash to Steam Incinerator Plant ➤ Gypsum Company ➤ Oil Refinery</p>	<p>Lower-end Retail and Bars</p> <p><u>Prospective Redevelopment Site</u></p>	<p>~ ~ ~ ~ ~ ~)=====(Bridge)=====(~ ~ ~ ~ ~ ~</p>	<p>Affluent Downtown Area, (Existing Park is seen by some as a "Haven for Homeless")</p> <p><u>Prospective Redevelopment Site</u></p> <p>(Would reduce size and access to park)</p>	<p>Waterfront Restaurants</p> <p><u>Prospective Redevelopment Site</u></p>	<p>W A T E R F R O N T</p>
<p>Blighted Neighborhood</p> <p><u>Prospective Redevelopment Site</u></p>	<p>Neighborhood in Decline</p> <p><u>Prospective Redevelopment Site</u></p>	<p>~ ~ ~ ~ R ~ ~ I ~ ~ V ~ ~ E ~ ~ R ~ ~ ~ ~ ~ ~ ~</p>	<p><u>Existing & Continuing Use:</u></p> <p>➤ Affluent Neighborhood</p>	<p><u>Existing & Continuing Use:</u></p> <p>➤ Waterfront Homes</p>	<p>W A T E R F R O N T</p>

Prospective Projects

- 1) Cement Factory →
- 2) Fracking Location →
- 3) Landfill →
- 4) Marina →
- 5) Performing Arts Center →
- 6) Museum →
- 7) Theater District →
- 8) Upscale Mall →
- 9) Homeless Shelter →

Revenue Enhancement

- 1) Property Taxes from Cement Factory
- 2) Oil and Gas Sales from Fracking
- 3) Trash Fees from Nearby Communities
- 4) Lease Boat Slips at the Marina
- 5) Ticket sales / Foundation Grants
- 6) Ticket sales / Foundation Grants
- 7) Ticket sales / Property Taxes
- 8) Sales Taxes / Property Taxes
- 9) Net Loss / Taxpayer Subsidized*

Task

- Select 6 Projects
- Locate Each Project
- Explain Rationale & Overall Planning Strategy

**APPENDIX B:
References and Resource Materials**

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Blue Jersey Mom, *EcoJustice: Environmental Racism, Camden, NJ, and the St. Lawrence Cement Plant*, DAILY KOS, Dec. 07, 2009, <https://www.dailykos.com/stories/2009/12/08/811330/-EcoJustice-Environmental-Racism-Camden-NJ-and-the-St-Lawrence-Cement-Plant>.

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