

**PSCI 3206: Environment & Public Policy**  
**Fall 2015**  
**Tuesday/Thursday 12:30 – 1:45 pm, HUMN 250**

Prof: Nancy Billica, PhD

Office hrs: Tu 3:30-4:30 pm Fleming 302B; Th 9:30-10:45 am UMC; and by appointment

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This course examines the definition, formulation and implementation of public policy concerning the environment. Along the way, we will consider opportunities for influencing policy development. We start by reviewing models of the policy process and policy design to assess the history and content of environmental laws and policies in the U.S. We then explore competing perspectives on the nature and causes of environmental problems that inform the definition and formulation of environmental policy goals. How do applications of different assumptions and analytic frameworks to environmental problems affect perceptions of these problems and their solutions? Finally, we assess specific cases of environmental problems and policies, including the competing values contending for influence over these issues. While some hope for definitive “solutions” to the problems facing the environment, our analysis will illustrate how politics often dictates acceptance of tradeoffs and compromise among divergent values and interests.

**Course Reading**

Readings are drawn from one text and supplemental materials as listed on the class schedule – some available on the internet and others on D2L. Additional readings may also be assigned. Students should also plan to regularly read the news for current developments in environmental policy, which will be discussed in class on an ongoing basis.

Nancy K. Kubasek and Gary S. Silverman, *Environmental Law* (Upper Saddle River, NJ: Pearson/Prentice Hall) – 6<sup>th</sup>, 7<sup>th</sup> or 8<sup>th</sup> eds. are all fine.

**Course Requirements**

This course is designed to stimulate mastery of basic U.S. environmental policy concepts and processes; provide opportunity to research and interpret primary policy documents; and apply basic policy analysis tools. The goal is to help students develop skills for interpreting, communicating and influencing environmental policymaking, with assignments as follows:

- Two take-home assignments involving research, interpretation and writing; details available on D2L
  - Assignment 1 due to D2L dropbox before class on Thursday, October 1<sup>st</sup> (15%)
  - Assignment 2 due to D2L dropbox before class on Thursday, November 12<sup>th</sup> (15%)
- Log of news items reviewed and summarized on a weekly basis; details available on D2L: due to D2L dropbox before class on Thursday, December 3<sup>rd</sup> (15%)
- Midterm exam: Thursday, October 15<sup>th</sup> (20%)
- Final exam: Sun, Dec 13<sup>th</sup>, 7:30 – 10:00 pm (25%)
- Regular attendance and participation in in-class assignments and discussion; attendance will be recorded (10%)
- Extra credit opportunities will be made available

## **Class Policies & Expectations**

- **Students with Disabilities:** If you qualify for accommodations because of a disability, please submit a letter from Disability Services in a timely manner (at least one week prior to an assignment due date or exam) explaining your required accommodations so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities. Contact Disability Services at 303-492-8671 or by e-mail at [dsinfo@colorado.edu](mailto:dsinfo@colorado.edu).  
If you have a temporary medical condition or injury, see Temporary Injuries under Quick Links at Disability Services website (<http://disabilityservices.colorado.edu/>) and discuss your needs with me.
- **Religious Observances:** Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. In this class, please contact me in advance to explain your circumstances and to discuss any special scheduling needs. See full details at [http://www.colorado.edu/policies/fac\\_relig.html](http://www.colorado.edu/policies/fac_relig.html)
- **Classroom Behavior:** Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veteran's status, sexual orientation, gender, gender identity and gender expression, age, disability, and nationalities. Class rosters are provided to the instructor with the student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. See policies at <http://www.colorado.edu/policies/classbehavior.html> and at [http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student\\_code](http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code)
- **Discrimination & Harassment:** The University of Colorado Boulder (CU-Boulder) is committed to maintaining a positive learning, working, and living environment. The University of Colorado does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, Article 10, amended 11/8/2001). CU-Boulder will not tolerate acts of discrimination or harassment based upon Protected Classes or related retaliation against or by any employee or student. For purposes of this CU-Boulder policy, "Protected Classes" refers to race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, or veteran status. Individuals who believe they have been discriminated against should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Student Conduct (OSC) at 303-492-5550. Information about the ODH, the above referenced policies, and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://hr.colorado.edu/dh/>
- **Honor Code:** All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council ([honor@colorado.edu](mailto:honor@colorado.edu); 303-735-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at <http://www.colorado.edu/policies/honor.html> and at <http://honorcode.colorado.edu>
- **Use of Technology in the Classroom:** To support a quality classroom experience for all, students are asked to refrain from using their electronic devices, including laptops, for non-class-related purposes. Failure to comply with this request may result in the loss of the privilege of using such devices in the classroom for the remainder of the semester.
- **Late Assignment Policy:** All written assignments are to be submitted electronically to the D2L dropbox before class on the specified due date. Late papers may be submitted for reduced credit, as follows:

Same day, after class begins	- 10%
Next day	- 25%
2 days + after due date	- 50%

# CLASS SCHEDULE & ASSIGNMENTS

\*\*\* Class schedule subject to change \*\*\*

## Aug 25 & 27: Introducing U.S. environmental policy

### Reading:

- Kubasek & Silverman, Chap. 4
- Jack Lewis, "Looking Backward: A Historical Perspective on Environmental Regulations," *EPA Journal* (March 1988); on D2L

## Sept 1, 3 & 8: Policy agenda setting and the environment

### Reading:

- Anthony Downs, "Up and Down with Ecology: The 'Issue-Attention Cycle'" (article originally published in *The Public Interest*, Volume 28 (Summer 1972), pp. 38-50; on D2L
- John Kingdon, "Wrapping Things Up," Chap. 9 (a summary of Kingdon's agenda-setting model) in *Agendas, Alternatives and Public Policies* (Boston, Little, Brown & Co, 1984, 2010); on D2L

## Sept 10 & 15: Sources of environmental law & policy – the U.S. Constitutional foundation

### Reading:

- Kubasek & Silverman, Chap. 1
- U.S. Constitution and Amendments, available at <http://www.usconstitution.net/const.html>

## Sept 17, 22 & 24: Statutory law & administrative rulemaking – process and influence

### Reading:

- Kubasek & Silverman, Chap. 3
- US EPA, "The Basics of the Regulatory Process," on D2L
- Office of the Federal Register, "A Guide to the Rulemaking Process," 2011; on D2
- Familiarize yourself with the US Environmental Protection Agency, "Laws & Regulations" page, available at <http://www2.epa.gov/laws-regulations>

### Recommended reading:

- Project Vote Smart, "Government 101: How a Bill Becomes Law," available at [http://www.votesmart.org/resource\\_govt101\\_02.php](http://www.votesmart.org/resource_govt101_02.php).
- Library of Congress, "How Our Laws are Made," at <http://thomas.loc.gov/home/lawsmade.toc.html>

## Sept 29 & Oct 1: Other environmental law sources: Presidential Executive Orders and the common law

✓ Assignment 1 due to D2L dropbox before class Thursday, Oct 1<sup>st</sup>

### Reading:

- Kubasek & Silverman, Chap. 2

## Oct 6 & 8: Water law, water rights

### Reading:

- Reed D. Benson, "Alive But Irrelevant: The Prior Appropriation Doctrine in Today's Western Water Law," *Colorado Law Review* Vol. 83, Issue 3 (2012); on D2L. Read especially section I, pp. 675-685.
- Kubasek & Silverman, Chap. 9 & 10; Chap. 6 section on "Water Rights"
- Familiarize yourself with: Colorado Division of Water Resources, "Water Rights," available at <http://water.state.co.us/SURFACEWATER/SWRIGHTS/Pages/default.aspx>.

## Oct 13: Judicial review of environmental disputes

### Reading:

- *Getting to Yes* summary, Conflict Research Consortium, Tanya Glaser, book summary of Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In* (1983); on D2L

## Oct 15: MIDTERM

## Oct 20: Introduction to policy design analysis

- Anne Schneider and Helen Ingram, "Systematically Pinching Ideas: A Comparative Approach to Policy Design," *Journal of Public Policy* 8 (Spring 1988): 61-80; on D2L

### **Oct 22, 27 & 29: Clean Air Act analysis**

#### Reading:

- Kubasek & Silverman, Chap. 5
- US EPA, “The Plain English Guide to the Clean Air Act,” on D2L

### **Nov 3 & 5: Water quality policy (Clean Water Act; Safe Drinking Water Act)**

#### Reading:

- Kubasek & Silverman, Chap. 6 & 7
- US EPA, “Introduction to the Clean Water Act,” on D2L, especially pp 1-13
- US EPA, “Understanding the Safe Drinking Water Act,” on D2L

### **Nov 10 & 12: Competing values and perspectives in environmental policy debates**

✓ Assignment 2 due to D2L dropbox before class Thursday, Nov 12<sup>th</sup>

#### Reading:

- J. Baird Callicott, “Environmental Ethics: An Overview,” (2000); on D2L
- Garrett Hardin, “The Tragedy of the Commons,” first published in *Science*, 13 December 1968, made available by *The Garrett Hardin Society* at [http://www.garretthardinsociety.org/articles/art\\_tragedy\\_of\\_the\\_commons.html](http://www.garretthardinsociety.org/articles/art_tragedy_of_the_commons.html) (and D2L)

#### Recommended reading:

- Elinor Ostrom, “Institutions and the Environment,” *Economic Affairs*, Vol 28, Issue 3 (September 2008), pp. 24-31, on D2L

### **Nov 17 & 19: Economic arguments and incentive tools underlying environmental policy**

#### Reading:

- US EPA, National Center for Environmental Economics, “Economic Incentives,” available on D2L and at <http://yosemite.epa.gov/ee/epa/eed.nsf/pages/EconomicIncentives.html#1>
- Winston Harrington and Richard D. Morgenstern, “Economic Incentives versus Command and Control: What’s the Best Approach for Solving Environmental Problems?” *Resources (Fall/Winter 2004)*, a publication of Resources for the Future; on D2L

### **Dec 1 & 3: Science, environmental policy development and risk assessment**

✓ Weekly news log due to D2L dropbox before class Thursday, December 3<sup>rd</sup>

#### Reading:

- Kubasek & Silverman, Chap. 8; Chap. 4 sections on National Environmental Policy Act (NEPA) & environmental impact statements (EIS)
- U.S. Congress, “National Environmental Policy Act of 1969,” Public law 91-190, available at <http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm>.

#### Recommended reading:

- “Risk Assessment Worksheet and Management Plan,” a comprehensive guide to risk assessment in project management, by John Filicetti, The Project Management Hut (PM Hut, 2008), available on D2L and at [http://www.pmhut.com/wp-content/uploads/2008/01/risk\\_management.pdf](http://www.pmhut.com/wp-content/uploads/2008/01/risk_management.pdf).

### **Dec 8 & 10: The precautionary principle and environmental justice**

#### Reading:

- Nancy J. Myers, *Precautionary Tools for Reshaping Environmental Policy*, Chapter 1 (Cambridge, MA: MIT Press, 2005), at <http://mitpress.mit.edu/books/chapters/026263323Xchap1.pdf> (and D2L)
- International Environmental Law Research Centre (IELRC), Patricia Kameri-Mbote & Philippe Cullet, “Environmental Justice and Sustainable Development: Integrating Local Communities in Environmental Management, IELRC Working Paper 1996-1, on D2L
- “Environmental Justice: Basic Information,” including history of environmental justice, U.S. Environmental Protection Agency, available at <http://www.epa.gov/oecaerth/environmentaljustice/basics/index.html>

### **Sunday, Dec 13, 7:30 – 10:00 pm: FINAL EXAM**