

PSCI 3206-200: Environment & Public Policy
Summer 2016, Session B
Monday–Friday, 9:15-10:50 am
Ketchum 1B60

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This course examines the definition, formulation and implementation of public policy concerning the environment. We start with a review of general models of the policy process, policy design and legal analysis that allow us to assess the history and content of environmental 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 analytic frameworks -- or, conceptual lenses -- to environmental problems affect perceptions of these problems and their solutions? Finally, we assess specific cases of environmental problems and policies, including the competing political, economic, and social interests and 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 REQUIREMENTS

Grades will be determined by student performance on the following:

- Class participation/attendance (10%)
- Four take-home assignments involving application, research and concept development drawing on materials discussed in class and covered in the assigned readings. Due dates as follows:
 - Assignment 1 (20%) due Monday, July 11th
 - Assignment 2 (20%) due Tuesday, July 19th
 - Assignment 3 (25%) due Wednesday, July 27th
 - Assignment 4 (25%) due Thursday, August 4th

COURSE OBJECTIVES

Students will:

- gain knowledge of U.S. environmental policy landmarks and changes, both historic and contemporary;
- develop familiarity with policymaking concepts and process;
- locate and examine current policy and legal documents;
- apply a policy design framework to the analysis of environmental policy issues; and
- practice professional-level policy writing.

READING MATERIALS

Required readings come from two main sources. First, the assigned textbook should be available in the campus bookstore:

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

Second, where indicated on the class schedule, readings available on Desire2Learn (D2L) or the internet will supplement the material in the textbook. Students should expect additional readings to be assigned as the session progresses.

CLASS POLICIES & EXPECTATIONS

- **Class Participation:** You have to be there – physically and mentally – to be participating. This is an important element of the course, both in grading and for the intellectual value of the class for all involved. Related to this, students are expected to refrain from activities such as web-surfing, emailing, texting and other competing forms of multi-tasking that distract both you and everyone around you.
- **Assignment Submission:** All assignments will be available on D2L and are due to the class D2L dropbox before class on the specified due dates. There is no need to submit paper copies. Assignments must be submitted in either MS Word or pdf format. Students are responsible for ensuring that documents are successfully submitted and accessible for grading purposes. If you're having trouble with D2L, you may email a back-up copy via email as well.
- **Late Assignment Policy:** Most papers will be accepted late for reduced credit, as follows:

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

No late submissions of Assignment 4 (the final assignment) will be accepted, and any remaining late assignments are due no later than noon on this final day (Thursday, August 4th) as well.

- **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.
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
- **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. See policies at <http://www.colorado.edu/policies/classbehavior.html> and at 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. 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 and related policies and 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, dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council (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>.
- **Plagiarism:** All required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism.

CLASS SCHEDULE & ASSIGNMENTS

July 5 & 6: Introducing U.S. environmental policy

Overview of environmental policy substance and process, including key historic periods of environmental policy development

- Kubasek & Silverman, Chap. 4
- Jack Lewis, "Looking Backward: A Historical Perspective on Environmental Regulations," *EPA Journal* (March 1988), available at <http://www2.epa.gov/aboutepa/looking-backward-historical-perspective-environmental-regulations>

July 7 & 8: Policy agenda setting and sources of environmental law & policy

Where do environmental policy ideas come from? How do policy ideas make it onto the policy agenda where decision makers are paying close attention?

- 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

July 11: Sustainability

➔ Assignment 1 due to D2L dropbox before class

July 12: The Constitutional basis of U.S. environmental law and policy

Where is authority for U.S. environmental policy action based? What are the opportunities for and constraints on environmental policy making under the U.S. Constitution?

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

July 13 & 14: Statutes (laws enacted by Congress) and implementation

Looking at federal statutes – laws enacted by the U.S. Congress – and the process of implementing those laws through federal administrative agencies

- Kubasek & Silverman, Chap. 3
- U.S. Environmental Protection Agency, "Developing Regulations: From Start to Finish," available at <http://www.epa.gov/lawsregs/brochure/developing.html>
- Familiarize yourself more generally with the U.S. Environmental Protection Agency and resources at <http://www.epa.gov/>, including the "Laws & Regulations" page.

Recommended reading:

- Project Vote Smart, "Government 101: How a Bill Becomes Law," available at 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>

July 15: Administrative rulemaking & influence in environmental decisionmaking

- Kubasek & Silverman, Chap. 2

July 18: Federal court rulings over environmental and natural resource controversies

- Kubasek & Silverman, Chap. 9 & 10

July 19: Water law, water rights

➔ Assignment 2 due to D2L dropbox before class

July 20 & 21: Water rights and water resource conflicts

- Kubasek & Silverman, Chap. 6 section on "Water Rights"

- Colorado, Division of Water Resources, “Water Rights,” available at <http://water.state.co.us/SURFACEWATER/SWRIGHTS/Pages/default.aspx>. Familiarize yourself with Colorado water law and related documents by reviewing the sources posted here.

July 22: Introduction to policy design

- *Getting to Yes* book 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
- 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

July 25: NO CLASS

July 26: Clean Air Act implementation and amendments

- Kubasek & Silverman, Chap. 5

July 27: Clean Air Act implementation and amendments

➔ Assignment 3 due to D2L dropbox before class

July 28 & 29: Water quality policy design

- Kubasek & Silverman, Chap. 6 & 7

Aug 1 & 2: Incentive-based environmental policy tools

- Review Kubasek & Silverman, Chap. 4
- 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
- U.S. Environmental Protection Agency, National Center for Environmental Economics, “Economic Incentives,” available at <http://yosemite.epa.gov/ee/epa/eed.nsf/pages/EconomicIncentives.html#1>

Aug 3: Science and environmental policy development and risk assessment

- Kubasek & Silverman, Chap. 8
- Kubasek & Silverman, section on National Environmental Policy Act (NEPA) & environmental impact statements (EIS) in Chap. 4
- Nancy J. Myers, *Precautionary Tools for Reshaping Environmental Policy*, Chapter 1 (Cambridge, MA: MIT Press, 2005), available at <http://mitpress.mit.edu/books/chapters/026263323Xchap1.pdf> (and D2L)

Aug 4: Environmental policy risk, precaution and justice – last day of class

➔ Assignment 4 due to D2L dropbox before class

*** Class schedule subject to change ***