

PSCI 3206: Environment & Public Policy
Fall 2017
Tu/Th 12:30 – 1:45 pm
HUMN 250

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This course examines the definition, formulation and implementation of public policy concerning the environment. Throughout, we will be focusing on the interplay between policy content (how we define the issues and what options we select for addressing those issues) and political processes (how we build support and develop compromise among divergent values and interests in order to forge agreement). We start with historic review of major U.S. environmental policy developments, spanning natural resource, pollution and sustainability concerns. What factors affect environmental policy choices? We will look at competing perspectives among participants in policy debate as well as legal and institutional forces that guide decisionmaking (including constitutional, legislative and administrative factors). Building on this background, we will use a policy design framework to assess the major elements of environmental policies, including policy goals, agents, targets and the multiple tools that have been adopted or proposed for achieving policy change.

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. 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.

James Salzman and Barton H. Thompson, Jr., *Environmental Law and Policy*, 4th ed.
(Foundation Press). Note: earlier editions also acceptable.

Course Requirements

This course is designed to stimulate active review and application of basic U.S. environmental policy concepts and processes; provide opportunity to research and interpret current policy issues; and apply basic policy analysis tools. The goal is to help students develop skills for interpreting, communicating and influencing environmental policymaking. Specific requirements will be discussed in class, and detailed assignment guidelines will be posted on D2L.

Thurs	28 Sept, to D2L before class	Assignment 1	10%
Tues	17 Oct, to D2L before class	Assignment 2	10%
Thurs	26 Oct, in class	Midterm Exam	20%
Thurs	16 Nov, to D2L before class	News Log	10%
Tues	07 Dec, to D2L before class	Research Assignment	20%
Mon	18 Dec, 4:30 pm	Final Exam	20%
		Participation & Attendance	10%

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:** Assignments will be available on D2L and are due to the D2L drop-box 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 submit a back-up copy via email as well. Required papers may be subject to Turnitin.com for plagiarism review.
- **Late Assignment Policy:** Papers are due on the due dates. Late papers will be accepted late for reduced credit, as follows: Same day, after class begins: -10%; next day: -20%; each day thereafter, an additional 10% deduction. No late papers accepted after one week overdue.
- **Missed exams:** Alternative make-up exams allowed only for excused and documented absences.
- **Students with Disabilities or Special Needs:** *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, see Temporary Injuries guidelines under Quick Links at [Disability Services website](#) 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 the [campus policy regarding religious observances](#) for full details.*
- **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. For more information, see the policies on [classroom behavior](#) and the [student code](#).*
- **Misconduct, Discrimination & Harassment:** *The University of Colorado Boulder (CU Boulder) is committed to maintaining a positive learning, working, and living environment. CU Boulder will not tolerate acts of sexual misconduct, discrimination, harassment or related retaliation against or by any employee or student. CU's Sexual Misconduct Policy prohibits sexual assault, sexual exploitation, sexual harassment, intimate partner abuse (dating or domestic violence), stalking or related retaliation. CU Boulder's Discrimination and Harassment Policy prohibits discrimination, harassment or related retaliation based on race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy. Individuals who believe they have been subject to misconduct under either policy should contact the Office of Institutional Equity and Compliance (OIEC) at 303-492-2127. Information about the OIEC, the above referenced policies, and the campus resources available to assist individuals regarding sexual misconduct, discrimination, harassment or related retaliation can be found at the [OIEC website](#).*
- **Honor Code:** All students enrolled in a University of Colorado Boulder course are responsible for knowing and adhering to the [academic integrity policy](#) of the institution. Violations of the policy may include: plagiarism, cheating, fabrication, lying, bribery, threat, unauthorized access, clicker fraud, resubmission, and aiding academic dishonesty. All incidents of academic misconduct will be reported to the Honor Code Council (honor@colorado.edu; 303-735-2273). Students who are found responsible for violating the academic integrity policy will be subject to nonacademic sanctions from the Honor Code Council as well as academic sanctions from the faculty member. Additional information regarding the academic integrity policy can be found at honorcode.colorado.edu.

PSCI 3206, Environment & Public Policy

CLASS SCHEDULE & ASSIGNMENTS

*** Class schedule subject to change ***

Week 1 (Aug 29 & 31): Introducing U.S. environmental policy

Reading:

- Salzman & Thompson, Chap. 1

Questions to consider:

- Policy provides solutions to identified public problems. What kinds of problems does environmental policy address?
- What do we mean by environmental law versus environmental policy?

Week 2 (Sept 5 & 7): Historic roots and developments in environmental policy

Reading:

- Jack Lewis, "Looking Backward: A Historical Perspective on Environmental Regulations," *EPA Journal* (March 1988); on D2L
- 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

Questions to consider:

- Policy responds over time to changing perceptions of problems. What are key environmental policy developments in American history, and what problems were they focused on addressing?
- When was the EPA established, and by whom? The EPA was given a regulatory mission that combines several competing goals. Lewis finds that addressing these goals has often created political controversy for the EPA. What are three goals that EPA has struggled to balance?
- What is the "issue-attention cycle" Anthony Downs refers to, and what does this suggest about building support for environmental policy issues today?

Week 3 (Sept 12 & 14): Policy agenda setting; sources of environmental law and policy

Reading:

- 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.
- Nancy Kubasek and Gary Silverman, "The American Legal System: The Source of Environmental Law," Chap. 1 in *Environmental Law*, 8th ed. (2014); available on D2L.

Questions to consider:

- Where do environmental policy ideas come from?
- What are the three agenda-setting streams? What does it take to push an issue onto the policy agenda such that decision makers are giving serious attention to the issue?
- Support for environmental policy has waxed and waned over the decades. What are some of the underlying issues being voiced in 2017 over the future of environmental policy in the U.S.?
- There are many sources of environmental law. In what ways do each of the following create environmental law: the legislative branch, the judicial branch, and the executive branch?

Week 4 (Sept 19 & 21): The Constitution and environmental law

Reading:

- Salzman & Thompson, Chap. 3

Questions to consider:

- How does the federalism structure of U.S. government affect environmental policy options? What are some key issues of competition between the states and federal government over environmental matters?
- The *commerce clause* is the major source of national authority for environmental regulation in the U.S. What does it mean, where is it found, and why is it politically controversial?
- What does the 5th Amendment *takings clause* mean, how is it applied, and why is it controversial?
- What are some of the opportunities and constraints created by U.S. Constitutional structure and principles? On balance, are these mostly positive or negative?

Week 5 (Sept 26 & 28): Competing perspectives on environmental policy concerns; defining environmental problems through the lenses of ethics and sustainable development

→ **Thursday, Sept 28: Assignment 1 due to D2L before class**

Reading:

- Salzman & Thompson, Chap. 2
- Judith Layzer, “A Policymaking Framework: Defining Problems and Portraying Solutions in U.S. Environmental Politics,” Chap. 1 in *The Environmental Case: Translating Values into Policy*, 3rd ed. (2012); on D2L.
- J. Baird Callicott, “Environmental Ethics: An Overview,” (2000), available on D2L.

Questions to consider:

- Political scientist Judith Layer makes the following comment: “Environmental policy disputes are, at heart, *contests over values*. To the casual observer, these conflicts may appear to revolve around arcane technical issues, but almost all of them involve a fundamental disagreement over how human beings ought to interact with the natural world.” What are the implications for environmental politics?
- How do our competing values and perspectives affect how environmental problems are defined and explained and the solutions that are offered up in response?
- Those who debate environmental issues are often guided by a set of ethical values on a continuum ranging from anthropocentrism to ecocentrism. How does this continuum relate to environmental policy, and what are some policy examples associated with different viewpoints?
- Distinguish between intrinsic and instrumental valuing of nature.

Week 6 (Oct 3 & 5): Balancing sustainability, economic and environmental interests

Reading:

- Garrett Hardin, “The Tragedy of the Commons,” first published in *Science* (13 December 1968); available on D2L. Also made available by *The Garrett Hardin Society* at http://www.garretthardinsociety.org/articles/art_tragedy_of_the_commons.html.
- Herman Daly, “Sustainable Growth: An Impossibility Theorem,” Chap. 13 in *Valuing the Earth: Economics, Ecology, Ethics* (1993); available on D2L.
- Susan Olmstead, “Applying Market Principles to Environmental Policy,” Chap. 10 in *Environmental Policy: New Directions for the Twenty-First Century*, 9th ed. (2016); available on D2L.

Questions to consider:

- Hardin has a particular view of common resource issues and the best policy approach to addressing such issues. What is the argument, including the source of the problem and Hardin’s preferred solution?
- Sustainability is one of those terms that is in current overuse such that it is often difficult to assess. What does Herman Daly consider in evaluating environmental sustainability?
- Economists typically view cost-benefit analysis as useful, though not sufficient, in introducing efficiency in policy design considerations. What kinds of costs need consideration? What are opportunity costs? What makes the measurement of costs and benefits difficult?
- Explain how pollution might result from market failure in the form of externalities.

Week 7 (Oct 10 & 12): Environmental uncertainty and the role of science in policymaking; environmental justice and seeking equitable distribution in exposures and remedies to environmental harm

Reading:

- Ann Campbell Keller, “Theories of Science in Policy Making,” Chap. 1 in *Science in Environmental Policy: the Politics of Objective Advice* (2009); available on D2L.
- Robert D. Bullard, “Environmental Justice in the 21st Century” (2000); available on D2L.

Questions to consider:

- What are some barriers to science in policymaking? Could science be better integrated in decisions?
- What is the issue of environmental justice? Many arguments have been offered up to explain environmental inequity. What are some key explanations? Remedies?
- Environmental ethicist Mark Sagoff asserts that we are both consumers and citizens; one focuses on self-interest, the other on what is best for the community. What are the implications?

Week 8 (Oct 17 & 19): Competing perspectives at the bargaining table and the challenge of finding common ground; what are the responsibilities of Congress in law-making?

➔ **Tuesday, Oct. 17: Assignment 2 due to D2L before class**

Reading:

- Robinson Meyer, “How the U.S. Protects the Environment, From Nixon to Trump: A curious person’s guide to the laws that keep the air clean and the water pure,” *The Atlantic* (March 29, 2017); on D2L.
- Recommended: Project Vote Smart, “Government 101: How a Bill Becomes Law,” available at http://www.votesmart.org/resource_govt101_02.php.
- Recommended: EPA, “The Basics of the Regulatory Process,” available on D2L.

Questions to consider:

- Congress is authorized by the U.S. Constitution as the source of “all legislative powers” (*Article I, Sec. 1, U.S. Constitution*). However, that power is not unlimited. How important is Congress with regard to national environmental policy? Has this changed over time? What factors might limit that power?

Week 9

Oct 24: Implementation and federal administration of public laws

Reading:

- Review Salzman & Thompson, Chap. 3

Questions to consider:

- What is the difference between a statute and a regulation?
- Where do agency rules come from? What are basic steps in the rulemaking process?
- Discuss the purpose and basic requirements of the Administrative Procedure Act (APA).
- Distinguish between the *U.S. Code*, the *Federal Register*, and the *Code of Federal Regulations*.

Oct 26: MIDTERM in class

Week 10 (Oct 31 & Nov 2): Evaluating congressional power: Examination of public laws enacted by Congress (NEPA and ESA)

Reading:

- Salzman & Thompson, Chaps. 12 & 10

Questions to consider:

- What decision improvements were expected under the National Environmental Policy Act (NEPA)?
- What is the environmental impact statement (EIS) process? When is it required, and what does it contain?
- NEPA focuses on thorough information gathering. This, however, comes at a cost. Agency resources spent preparing an EIS are unavailable for other needs. How would you go about assessing the cost-effectiveness of NEPA and determining whether developing an EIS is a good use of agency resources?
- What is the purpose of the Endangered Species Act (ESA)? What makes this law controversial?
- How are federal agencies limited under the ESA? A “taking” under the ESA differs from that specified in the 5th Amendment “takings” clause. What is the prohibition against “takings” under the ESA?

Week 11 (Nov 7 & 9): Policy design and an introduction to the Clean Air Act

Reading:

- Anne Schneider and Helen Ingram, “Systematically Pinching Ideas: A Comparative Approach to Policy Design,” *Journal of Public Policy* 8 (Spring 1988): 61-80; available on D2L.
- Salzman & Thompson, Chap. 5

Questions to consider:

- What are basic elements of policy design? What kinds of questions should be asked in evaluating the appropriateness of each of these elements? How does political feasibility affect policy development?
- What are the goals, targets and agents of the Clean Air of 1970? What assumptions link these together?
- What are quality standards versus emissions standards? What is meant by: NAAQS, criteria pollutants, nonattainment, hazardous air pollutants (HAPs), and prevention of significant deterioration (PSD)?
- What logic and steps guide command-and-control (or direct regulatory) policy approaches?

Week 12 (Nov 14 & 16): Clean Air Act amendments and climate change\

→ Thursday, Nov. 16: News Log due to D2L before class

Reading:

- Salzman & Thompson, Chap. 6

Questions to consider:

- What problem does the Montreal Protocol address? What factors have made this agreement successful?
- Cap-and-trade (or a tradeable permit system) was a new policy tool designed to control sulfur dioxide emissions. What was the problem that needed to be addressed, and how does the system work?
- How have private organizations, federal courts, presidents and their administrations, and individual states affected the development of climate change policy in the U.S.?

*** THANKSGIVING BREAK ***

Week 13 (Nov 28 & 30): Water quality and policy tools

Reading:

- Salzman & Thompson, Chap. 7
- 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
- Recommended: US EPA, "Introduction to the Clean Water Act," on D2L, especially pp 1-13
- Recommended: US EPA, "Understanding the Safe Drinking Water Act," on D2L

Questions to consider:

- What are key similarities and differences between the Clean Water Act and Clean Air Act policy designs?
- The term "navigable waters" is central to the Clean Water Act, and is based on the commerce clause of the U.S. Constitution. Why is definition of the "waters of the United States" controversial?
- What are point versus nonpoint sources of water pollution? Why are nonpoint sources challenging?
- How do the Clean Water Act and Safe Drinking Water Act differ in their focus and goals?
- How do command and control and marketplace mechanisms compare as approaches to environmental concerns? What are strengths and weaknesses of both?

Week 14 (Dec 5 & 7): Regulating toxic substances and issues of risk

→ Thursday, Dec. 7: Research Assignment due to D2L before class

Reading:

- Salzman & Thompson, Chap. 8
- Nancy J. Myers, *Precautionary Tools for Reshaping Environmental Policy*, Chapter 1 (Cambridge, MA: MIT Press, 2005), available on D2L
- Recommended: EPA's "Toxic Chemical Risk and Health Resources," available at <https://www.epa.gov/toxics-release-inventory-tri-program/toxic-chemical-risk-and-health-resources>

Questions to consider:

- How does scientific uncertainty make the regulation of toxic substances challenging?
- What risk factors does EPA consider in evaluating potentially toxic substances?
- How do approaches under the precautionary principle compare with risk assessment?

Week 15 (Dec 12 & 14): Waste management

Reading:

- Salzman & Thompson, Chap. 9

Questions to consider:

- What law is intended to apply "cradle to grave" management of hazardous waste? What are basic goals of RCRA versus CERCLA?

FINAL EXAM: Monday, Dec. 18th, beginning at 4:30 pm