

**PSCI 3206-100: The Environment & Public Policy**  
**Summer 2017, Session A**  
**Monday–Friday, 2:30-4:05 pm**  
**Ketchum 1B84**

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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, and the foundations of those policies – including constitutional, legislative, administrative and judicial sources. 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.

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 legal and 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:

- Class participation and attendance (15%)
- Exams – four short in-class exams – 15% each, dropping the lowest score (45%)
- Two research & writing assignments – 20% each (40%)
  - Assignment A, submitted to D2L before the start of class on Friday, Jun 16<sup>th</sup>  
This assignment has several parts involving review of proposed and existing environmental policies, related debate on those policies, and issues of sustainability. Detailed assignment instructions posted on D2L.
  - Assignment B, submitted to D2L no later than 11:59 pm on Wednesday, July 5<sup>th</sup>  
This second assignment requires an analysis of policy design options and recommendations for addressing an environmental policy issue of interest to you, taking into consideration the need for building political support. Specific sources, questions and analytical requirements posted on D2L.

## CLASS POLICIES & EXPECTATIONS

- **Class Participation:** You have to be there – physically and mentally – to be participating. Students are expected to be in class each day, on time, and prepared for discussion of lecture topics, readings, research findings, and current news on environmental policy developments. Students are also expected to refrain from activities (such as web-surfing, emailing, texting, etc.) that distract both you and everyone around you.
- **Assignment Submission:** Assignment guidelines will be posted on D2L and are also due to the class D2L dropbox 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; back-up copies may be submitted via email.
- **Missed exams:** There will be no make-up exams. A missed exam will be dropped as the lowest exam score (exam grade based on the total of 3 out of 4 in-class exams).
- **Late Assignment Policy:** The two paper assignments are due as listed on the schedule. Plan accordingly. Late submissions will receive a 5 point deduction per day; no late papers accepted after Thurs, July 6<sup>th</sup>.
- **Students with Disabilities:** If you qualify for accommodations because of a disability, please submit a letter from Disability Services prior to an exam or assignment due date 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). Discuss any temporary medical conditions or injuries and related needs as soon as possible. See further information on the Disability Services website, <http://disabilityservices.colorado.edu/>.
- **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. 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. 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](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>.
- **Plagiarism:** All required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism.

# CLASS SCHEDULE & ASSIGNMENTS

## Mon, June 5: Introduction

## Tue/Wed, June 6 & 7: Historic roots and developments of 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>

## Thu, June 8: Policy agenda setting

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

## Fri/Mon, June 9 & 12: Sources of environmental law & policy, starting with the U.S. Constitution

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>

## Tue, June 13: Congress and environmental policy

- ➔ **In-class short exam 1**, focused on material covered to date, followed by regular class lecture and discussion

## Wed/Thu, June 14 & 15: Statutes (laws enacted by Congress) and implementation

Looking at federal statutes – laws enacted by the U.S. Congress – and the process of putting those laws into effect 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](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>

## Fri, June 16: Sustainability

- ➔ **Assignment A due to D2L dropbox before class (no later than 2:30 pm)**

## Mon/Tue, June 19 & 20: Administrative rulemaking & influence in environmental decisionmaking

- Kubasek & Silverman, Chap. 2

## Wed, June 21: Courts and environmental controversies

- ➔ **In-class short exam 2**, focused on material covered since the last exam, followed by regular class lecture and discussion

**Thu/Fri, June 22 & 23: Natural resource policy and water rights**

- Kubasek & Silverman, Chap. 9 & 10; also 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.
- *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

**Mon/Tue, June 26 & 27: Introduction to policy design and application to the Clean Air Act**

- 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
- Kubasek & Silverman, Chap. 5

**Wed, June 28: Clean Air Act implementation and amendments**

- ➔ **In-class short exam 3**, focused on material covered since the last exam, followed by regular class lecture and discussion

**Thu, June 29: Water quality policy design**

- Kubasek & Silverman, Chap. 6

**Fri/Mon, June 30 & July 3: 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>

**Tue, July 4: No class – enjoy the celebration of U.S. independence!**

**Wed/Thu, July 5 & 6: Science, risk and precaution in environmental policy**

- Kubasek & Silverman, Chaps. 7 & 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)

- ➔ **Assignment B due to D2L dropbox no later than 11:59 pm on Wed, July 5<sup>th</sup>**

**Fri, July 7: U.S. environmental policy in review**

- ➔ **In-class short exam 4**, focused on material covered since the last exam

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