



## Format

The course will meet for two sessions per week. The format will be a mixture of lecture and discussion, with emphasis on critical analysis of readings and discussion of issues. Normally we will begin each class with a few minutes of open opportunity for questions, announcements, or observations on relevant current events. The remainder of each class will include a combination of additional material presented by the instructor, highlighting of key issues in the readings, and the remainder in active discussion and debate on one or more of the issue question(s) posed in the reading list for each session. *It is expected that all students will come to each class having read the assigned readings, thought about the discussion questions, and prepared to participate actively in discussions.*

With each session's readings, you will find a series of questions to begin to guide your thoughts on the readings. These questions are intended to stimulate your own thinking about the subject, not to limit you. If you think of other questions or issues that seem important to you about the readings as well, that's great; please bring them up in class discussion.

## Written Assignments and Grading

Written assignments will include a midterm and final exam, and an environmental policy issue paper written in three installments (with advisory grades and suggestions for improvement on each element) including a revised final paper. Thirty percent (30%) of the course grade will be based on the issue paper, 25% on the midterm, 30% on the final exam, and 15% on class participation. **See the handouts on the Blackboard site under "Assignments" for more details on issue papers and candidate topics.**

## Documenting source materials and avoiding plagiarism

It is very important that you develop good habits of documenting the sources of both factual statements and the ideas and arguments of other people that you use in any paper you write.

One basic reason for this is to be able to support the statements you make and the facts you use, both for your own future use and if anyone else should question or disagree with them. A second is to distinguish clearly between someone else's ideas and arguments and your own, and not confuse the two. And a third is to protect your own integrity against either deliberate or accidental representation of someone else's ideas or work as your own, which if intentional is known as plagiarism and is a serious violation of the UNC Honor Code and of the standards of ethical writing.

**Please read the handouts on the Blackboard site** for more detailed suggestions on this subject. For additional detail on proper citation, plagiarism, and proper use of other authors' materials, see <http://www.unc.edu/depts/wcweb/handouts/plagiarism.html>. For an excellent discussion of criteria for evaluation of the quality of source materials on Internet web sites, see <http://www.lib.berkeley.edu/TeachingLib/Guides/Internet/Evaluate.html>. For handouts on other good writing practices, <http://www.unc.edu/depts/wcweb/handouts/>.

## COURSE OUTLINE

### I. INTRODUCTION: PERSPECTIVES ON ENVIRONMENTAL POLICY

- August 26 Course overview  
August 31 *ASSIGNMENT: UNC Library On-line Library Research Tutorial*  
August 31 Why government (1)? Why public policies for the environment?  
September 2 Why government (2); Who makes U.S. environmental policy, and how?  
September 7 *No class (Labor Day holiday)*

### II. HISTORICAL FOUNDATIONS

- September 9 The first global economy  
September 14 ONE-PAGE SUMMARY OF PROPOSED ISSUE PAPER TOPIC DUE  
September 14 Property rights: colonial precedents  
September 16 Environmental governance: Constitutional principles  
September 21 Environmental development  
September 23 Public health and environmental sanitation  
September 28 Natural resource mgt. by federal agencies: conservation and Progressivism  
September 30 The New Deal and federal environmental management  
October 5 FIRST ELEMENT OF ISSUE PAPER DUE  
October 5 Superpower & supermarket: post-war context of modern environmentalism  
October 7 The rise of the modern environmental movement

### III. THE ERA OF ENVIRONMENTAL REGULATION

- October 12 FILM: *An Act of Congress*  
October 14 Environmental policy-making by the Congress  
October 19 FILM: *The Regulators*  
October 21 MID-TERM EXAM  
*[Fall Break begins at 5:00 p.m. on October 21]*  
October 26 A federal regulatory system for pollution control: air & water quality  
October 28 Regulating waste management: RCRA and CERCLA  
November 2 Risk-based regulation  
November 4 “Market-oriented” policy instruments

### IV. BEYOND REGULATION: ENVIRONMENTAL IMPACTS OF PUBLIC POLICIES

- November 9 SECOND ELEMENT OF ISSUE PAPER DUE  
November 9 National environmental policy  
November 11 Environmental policies for public lands, species, and ecosystems  
November 16 Presidential environmental policies: From Nixon to Obama  
November 18 State and local environmental policies: opportunities, innovations, limitations

### V. THE GLOBALIZATION OF ENVIRONMENTAL POLICY

November 23 U.S. policy and global climate change  
November 25 *No class (Thanksgiving holiday)*  
November 30 U.S. policies and international environmental agreements  
December 2 U.S. international trade policies and the environment  
December 7 Global change and sustainable development: U.S. priorities?  
*December 9 FINAL ISSUE PAPER DUE*  
December 9 American environmental policy: priorities and strategies for the 21<sup>st</sup> century  
December 14 FINAL EXAM: Monday, December 14, 4:00 - 7:00 p.m.

## DETAILED SCHEDULE: TOPICS AND READINGS

### I. INTRODUCTION: PERSPECTIVES ON ENVIRONMENTAL POLICY

August 26 Course overview

*ISSUES: What is “environmental policy?” How would you define it, what does it include, and what are its boundaries (what does it not include?)?*

August 31 **ASSIGNMENT:** By August 31, complete the UNC Library on-line Library Research Tutorial at <http://www.lib.unc.edu/instruct/tutorial/> and turn in a copy of the certificate documenting your successful completion of the quiz at the end of it.

August 31 Why government (1): Why public policies for the environment?

*ISSUES: Read the readings listed below.*

*Why should the powers of governments be used to solve environmental problems, rather than markets or voluntary choices by individuals? For what kinds of problems, and in what kinds of situations? Examples?*

*What are “externalities” and “tragedies of the commons?” Do these economic concepts and principles provide a good basis for justifying environmental policy decisions? Can you think of any environmental problems that in your mind do not fit these categories but that you still think government should address? What would Sagoff say, and would you agree with him or not?*

*What are the consequences of assuming one or another of these perspectives as a basis for justifying environmental policies?*

Ruff, Larry. 1970. The Economic Common Sense of Pollution. *The Public Interest* 19 (Spring 1970): 37-53.

Hardin, Garrett. 1968. The Tragedy of the Commons. *Science* 162:1243-48.  
<http://www.flsuspop.org/docs/TheTragedyoftheCommons.htm> (accessed June 23, 2009)

Feeny, D.; Berkes, F.; McCay, B.; and J. Acheson. 1990. The Tragedy of the Commons: Twenty-Two Years Later. *Human Ecology* 18(1):1-19.

Sagoff, Mark. 1981. At the Shrine of Our Lady of Fatima, or Why Political Questions Are Not All Economic. *Arizona Law Review* 23:1283-98 (1981).

*(Optional)* Olmstead, Sheila. 2009. Applying Market Principles to Environmental Policy. Chapter 9 in *Environmental Policy: New Directions for the 21st Century*, 6th edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 197-219

September 2 Why government (2); Who makes U.S. environmental policy, and how?

*ISSUES: Read ME/MO Chapter 1 and Vig/Kraft Chapter 1.*

*What are the distinctive institutions and features of U.S. government processes for environmental policymaking? What organizations actually make U.S. environmental policy, to what ends, and what consequences do they have for the environmental outcomes? What effects does federalism – the relationship between national, state, and local policymaking – and the existence and legitimacy of these multiple levels of policymaking, have on environmental policymaking in the United States?*

*What are the problems or failures that may occur in government actions? How should one deal with these potential problems in proposing government actions to solve environmental problems?*

*In what respects is environmental policy similar to, and in what respects different from, other kinds of policies?*

Andrews, *Managing the Environment, Managing Ourselves (ME/MO)*, Chapter 1: Environment and Governance, pp. 1-13.

Kraft, Michael E., and Norman J. Vig. 2009. Environmental Policy over Four Decades: Achievements and New Directions. Chapter 1 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by N. Vig and M. Kraft. Washington, DC: CQ Press. Read pp. 1-9; remainder optional, as an introductory overview of topics we will discuss later in more detail.

September 7 No class (Labor Day holiday)

## II. HISTORICAL FOUNDATIONS

September 9 The first global economy

*ISSUES: Read ME/MO Chapter 2.*

*The rise in worldwide European exploration, trade, and colonization that began in the 15th century was arguably the real origin of a “global economy,” not merely the past several decades’ worth of more intensive globalization of manufacturing, finance, and transnational corporate commerce.*

*How did trends, events, and decisions in the 15<sup>th</sup>-16<sup>th</sup> century matter to environmental policy issues today, and what consequences did they have? What effects did the European “great transformation” and subsequent exploration, colonization, and mercantile trade practices have on the environment in America and elsewhere?*

*What are the similarities and differences between the globalization of economic activity that began in the 15th century and the globalization of the past several decades? What similarities and differences in government policies influenced each, and in what sense was (or was not) each of these an “environmental” policy?*

Andrews, *ME/MO* Chapter 2: Historical Context: Global Colonization and Trade

September 14 **ASSIGNMENT: 1-PAGE SUMMARY OF ISSUE PAPER TOPIC DUE**

*NOTE: See separate instructions for issue paper and initial suggestions of possible topics on Blackboard site.*

September 14 Property rights: colonial precedents

*ISSUE: Read ME/MO Chapter 3.*

*What do property rights mean, and what are their limits? What were the main differences between English and American property rights that emerged during the colonial period, and how did these differences affect the environment? What were the main differences between “rights” to land and to other environmental resources, such as minerals, water, fish and wildlife?*

*What does it mean to “own” some aspect of the human environment? Does a property right in the U.S. today mean you can do anything you want with the property? If not, what are the limits, and why? If you own a piece of land in North Carolina, for instance (or your own state, if different), can you:*

- . Cut the trees on it?*
- . Grow whatever plants you want on it?*
- . Dig minerals out of it?*
- . Divert a stream that runs across it?*
- . Discharge waste liquids into the stream?*
- . Fill in a swampy area and build a house on it?*
- . Shoot a deer or raccoon that wanders across it?*
- . Put up a fence and keep people off it?*
- . Subdivide and sell part of it to someone else?*
- . Restrict future owners’ use of it?*

Andrews, *ME/MO* Chapter 3: Colonial Precedents: Environment as Property

September 16 Environmental governance: Constitutional principles

*ISSUES: Read ME/MO Chapter 4 and the Kayden reading below.*

*What are the most important Constitutional foundations for American environmental policy, and why?*

*What was the Commerce clause intended to accomplish, and how is it important to environmental policy today? Under what circumstances does it justify federal interventions and restrictions in state and local environmental policy issues, such as protection of wetlands or regulation of waste disposal?*

*What is “federal preemption,” and how does it affect environmental policy? Under what circumstances would you argue for or against invoking it? Air and water pollution control? Regulation of pesticides? Food purity? Transportation of hazardous wastes? Siting of a nuclear power plant, or a disposal facility for highly*

*radioactive wastes (for instance the current proposal for a facility at Yucca Mountain, Nevada)? Should the federal government create a single national legal framework for climate change (e.g. a national carbon tax or cap-and-trade system) that would preempt the many state statutes that have recently emerged), or not?*

*What restrictions may government properly impose on the use of property without purchasing it or compensating the owner? What are the appropriate limits of such restrictions, beyond which they should be compensated as “takings?”*

Andrews, *ME/MO* Chapter 4: The Constitutional Framework.

Kayden, Jerold S. 1996. Private Property Rights, Government Regulation, and the Constitution: Searching for Balance. In *Land Use in America*, edited by H. Diamond and P. Noonan (Washington, DC: Island Press), pp. 295-307. On Blackboard.

(Optional) For a controversial Supreme Court decision on takings, see Kelo v. New London (including two dissents), on line (accessed June 23, 2009) at <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&navby=case&vol=000&invol=04-108>

Or download at <http://straylight.law.cornell.edu/supct/html/04-108.ZS.html>

(Optional) Ronald Utt, “States Vote to Strengthen Property Rights” (Heritage Foundation, 2007), <http://www.heritage.org/Research/SmartGrowth/bg2002.cfm> (accessed June 23, 2009 – property rights advocacy view)

## September 21 Environmental development

*ISSUES: Read ME/MO Chapter 5 and Polk and Lincoln’s readings below.*

*What were the key elements of 19<sup>th</sup> century land policy, and how and why did they evolve over time? How did these land policies also leverage land to promote the construction of transportation infrastructure for economic development? How did these 19<sup>th</sup> century land and infrastructure development policies shape our environment, our economy, and subsequent policies?*

*What were the differences between Polk’s and Lincoln’s positions on federal funding of environmental infrastructures (water-resource “improvements”)? What might have been some of the reasons for those differences? How are their arguments relevant to environmental issues today, and what do you think should be the federal government’s role (and limitations?) in funding of infrastructures (and other services?)?*

Andrews, *ME/MO* Chapter 5: Land and Transport: Commercial Development as Environmental Policy

President James K. Polk, Veto Message of August 3, 1846

Rep. Abraham Lincoln, Speech on Internal Improvements, June 20, 1848

September 23 Public health and environmental sanitation

*ISSUES: Read ME/MO Chapter 7.*

*When and why did government get involved in regulating people's behavior to protect public health? What scientific beliefs and other principles were used to justify these restrictions, and what arguments were used to support and oppose it at that time?*

*Why did U.S. governments then shift to policies promoting environmental cleanup and sanitation? How did new evidence, values, and political forces lead to more active government management of urban environmental problems and conditions? In what ways were government policies themselves a cause of urban environmental problems, and in what ways did they help to solve such problems?*

*What further events led to the scientific professionalization of public health and its subsequent change of emphasis away from environmental sanitation and toward vaccination, health-care services, and health education instead?*

*What lessons can we learn from these 19<sup>th</sup>-century policy developments that are relevant to 21<sup>st</sup>-century issues? In what ways was the 19th century movement for environmental health and urban environmental management different or separate from the movements for conservation and preservation of natural resources? Why did they emerge so separately, and what intrinsic similarities and differences do they have? What arguments have been used both then and now to justify (and to oppose) government restriction of individual behavior in the name of public health?*

*Government regulation of businesses for this purpose? Government investments and expenditures to provide better environmental conditions to improve human health?*

*Or simply government services to provide public health education to the indigent, and otherwise leave it up to individual choices and behavior?*

Andrews, *ME/MO* Chapter 7: Public Health and Urban Sanitation.

September 28 Natural resource management by federal agencies: conservation and Progressivism

*ISSUES: Read ME/MO Chapters 6 and 8, and Pinchot as listed below.*

*After more than a century of very limited oversight, how did the U.S. government at the beginning of the 20<sup>th</sup> century suddenly come to play a major role in the management of natural resources?*

*Andrews argues that a series of changes in policy during the latter half of the 19th century, each of them incremental and perhaps almost imperceptible in itself, led ultimately to a far more fundamental reversal of policy at the turn of the 20th century, from wholesale privatization of land and resources for private economic benefit to primary federal management of large land areas (national forests) and multi-purpose water reservoirs. What were these changes? Did the very creation of federal management responsibility for multi-purpose resources, such as national forests and reservoirs, inevitably lead to environmental governance issues such as the uses of administrative discretion and the politicization of "scientific" management? What counter-arguments could be raised to this somewhat deterministic view of history?*

*Andrews argues that the Progressive era (roughly 1890-1920), and in particular the policies of President Theodore Roosevelt (Republican, 1901-08), marked a fundamental shift in American public philosophy, policy goals, and approaches to governance. What was “progressivism,” and why was it important as a political movement? What were the primary principles and values that affected its environmental policy, and how did it differ from other reform movements and political philosophies, especially “social Darwinism” and “laissez-faire capitalism?” What were the most important environmental policy changes of this era, and what was its legacy?*

*What did Pinchot assert to be the fundamental principles of “conservation”? What connotations do these principles carry, along with other key concepts in Pinchot’s statement? How was it different from “preservation,” and at the same time different from previous natural resource use practices? How was Pinchot’s philosophy of conservation similar to, and different from, modern views of environmental protection and ecological management (and also from the modern “wise use” movement and “conservative conservationists”)? What elements of it would you still consider appropriate and desirable today, and which would you disagree with? Why?*

Andrews, *ME/MO* Chapters 6 and 8: Agencies and Experts: The Beginnings of Public Management, and Progressivism: Environmental Management in the Public Interest.

Pinchot, Gifford. 1967 [1910]. Principles of Conservation. Chapter 4 in his *The Fight for Conservation* (Seattle: University of Washington Press), pp. 40-52.

*(Optional – a property rights view of western water rights issues and the Bureau of Reclamation):* Meiners, Roger E., and Lea-Rachel Kosnik. 2003. *Restoring Harmony in the Klamath Basin*. Political Economy Research Center, Policy Study PS-27, January 2003. On line at <http://www.perc.org/pdf/ps27.pdf> (accessed June 23, 2009).

September 30 The New Deal and federal environmental management

*ISSUE: Read ME/MO Chapter 9.*

*What new elements and accomplishments did Franklin Roosevelt’s New Deal add to U.S. environmental policy? What was its philosophy of government, and how was that philosophy similar to or different from Progressivism?*

*What were the New Deal’s most significant initiatives in environmental policy? Can you identify the legacies of those initiatives in policies today?*

*In what ways did some New Deal policy solutions, such as for water resource management and agricultural stabilization, lay the roots for some of today’s environmental policy problems? Does the New Deal offer a model, even if imperfect, for “sustainable development?”*

*How did the Progressive State become the “broker state,” and with what consequences? What was the key significance of the “brokering” as opposed to the*

*“planning” model of governance that emerged as dominant from the New Deal era? How did the New Deal contribute to the development of “interest-group pluralism” and “iron triangles” as models for modern U.S. environmental politics?*

Andrews, *ME/MO* Chapter 9: Administering the Environment: Sub-Governments and Stakeholders

(Optional) Andrews, R. N. L. 2005. Recovering FDR’s Environmental Legacy. Chapter 10 in *FDR and the Environment*, ed. by Henry L. Henderson and David B. Woolner. New York: St. Martin’s Press, pp. 221-43. On Blackboard.

October 5      FIRST ELEMENT OF ISSUE PAPER DUE

October 5      Superpower and supermarket: the post-war context of modern environmentalism

*ISSUE: Read ME/MO Chapter 10, and other readings below.*

*What were the most important consequences of World War II and its aftermath for American environmental policy? What were its most important positive effects? its most important negative consequences? What lessons can the consequences of wartime and postwar policies teach us about the ways in which some policies set in motion powerful new forces that permanently change both environmental impacts and the economic, technological, and social and political forces that cause them? Can you think of ways in which these changes might have been handled better to have set a course toward a more environmentally sustainable society?*

*During the late 1940s and 1950s, before pollution became a major public concern, there was a rising concern even among public policymakers and even some economists and businesses about increasing scarcities of natural resources – that the “Free World” might be running out of critical materials and energy resources, especially at the rate that Americans were “consuming” them. Was such a concern justified? What are the differences between scarcity as a physical concept, as an economic concept, and as a political concept? Would you have bet on Simon’s or Ehrlich’s side in their wager? On Maass’s or Tierney? Why? Which side (if either) offers an appropriate basis for public policy?*

*What changes and trends of the 1950s and ’60s laid the foundations for the emergence of the modern environmental movement? Why did Americans, after 20 years of economic depression and war and just beginning to experience the unprecedented benefits of widespread middle-class affluence, suddenly find themselves in fundamental conflict between the benefits of material production and new demands for outdoor recreation and natural amenities which conflicted with the very production which generated the affluence to enjoy and demand these amenities?*

Andrews, *ME/MO* Chapter 10: Superpower and Supermarket

- Carnell, Brian. 2000. "Julian Simon's Bet with Paul Ehrlich." From overpopulation.com. On Blackboard.
- Maass, Peter. 2005. The Breaking Point. New York Times Magazine, August 21, 2005. On Blackboard
- Tierney, John. The \$10,000 Question. New York Times, August 22, 2005, p. A23. On Blackboard.

October 7      The rise of the modern environmental movement

*ISSUES: Read ME/MO Chapter 11 and Sax reading below.*

*What were the defining characteristics of the "environmental movement?" How was it different from previous movements such as the 19<sup>th</sup> century sanitation movement and the conservation movement of the Progressive era? What changes in American values, culture, politics or other factors contributed to such a relatively sudden, powerful and widespread public demand for aggressive national environmental protection policies?*

*What was the role of cities, suburbs, and municipal governments in the environmental policy initiatives of the 1950s and '60s? Why were they such an important force, even years before Earth Day? What happened to their support for environmental policy in the 1980s and 1990s, and why? What would you expect to be the implications of this shift for environmental policy today and in the future?*

*How did government professionals come to be perceived as enemies of citizen environmentalists? How would you account for this public distrust of scientific management by existing federal agencies (for instance, by the Army Corps of Engineers, Forest Service, and Atomic Energy Commission), this discrediting of Progressivism, at the same time the public was giving overwhelming support for new federal laws, regulations, and agencies (such as EPA) to protect the environment?*

*Joseph Sax's Defending the Environment articulated a new approach to environmental politics activism grounded in the idea of "citizen attorneys general" enforcing the "public trust" doctrine of government responsibility for the environment. What were the key elements of his approach, and how was it different from the Progressive and New Deal traditions of environmental governance? How was it embedded in environmental policy, and what have been its consequences? Can you envision a further solution for environmental politics today?*

Andrews, *ME/MO* Chapter 11: The Rise of Modern Environmentalism.

Sax, Joseph L. 1971. A Strategy for Citizen Action. From his *Defending the Environment* (NY: Knopf), pp. 300-305. On Blackboard.

*(Optional) Leopold, Aldo. 1949. The Land Ethic. From his A Sand County Almanac (Oxford U. Press, 1949). On line (accessed June 23, 2009) at <http://home.btconnect.com/tipiglen/landethic.html> (Note: Leopold's "Land Ethic," and Rachel Carson's Silent Spring – a portion of which is excerpted in the next optional reading below – were two of the statements that most directly inspired many in the environmental movement. Worth reading for a sense of the core values and perspectives they convey. )*

(Optional) Carson, Rachel. 1962. "A Fable for Tomorrow" and "The Obligation to Endure." From her *Silent Spring* (Boston: Houghton Mifflin). On line at <http://core.ecu.edu/soci/juskaa/SOCI3222/carson.html> (accessed June 23, 2009)

### III. THE ERA OF ENVIRONMENTAL REGULATION

October 12    FILM: *An Act of Congress*

*ISSUE: Read Kingdon chapter below.*

*The film "An Act of Congress" shows the Congressional legislative process in action, using as its subject the automotive air pollution standards section of the Clean Air Act amendments of 1977. In addition to the readings on Congressional policymaking, the following background and questions may provide useful context as you view the film.*

*The Clean Air Act of 1970 established primary federal control of major air pollution sources, including specific statutory standards and deadlines for auto emission controls. Over the following 7 years, these deadlines were eased three times (twice by EPA, once by Congress); and in 1977 the auto industry requested yet another delay in the tough emission standards required for their 1978 model year, which included a commitment to 90% reduction of automotive air pollution. The film shows highlights of the House of Representatives' consideration of this proposed legislation.*

*What was the outcome of the Clean Air Act legislative process? Who "won?"*

*What characteristics of the lawmaking process, and of the participants in it, shaped the outcome?*

*What role did claims of science and facts play, as compared with arguments about effects on organized interests and identifiable kinds of people?*

*How does Kingdon's characterization of the policymaking process help us (or not help) to understand this process? (post-film discussion)*

Kingdon, John W. 1984. Wrapping Things Up. Chapter 8 in his *Agendas, Alternatives, and Public Policies* (Boston: Little, Brown), pp. 205-218. On Blackboard.

October 14    Environmental policy-making by the Congress

*ISSUE (continue; read Kraft article below): How does Congress make environmental policy, and what are the strengths and weaknesses of this process? How is Congressional environmental policymaking today similar to and different from the way it operated at the time of the film (1977)?*

*What problems are created by the processes by which the Congress deals with environmental issues? Do these problems suggest any important insights for proposals to reform environmental regulation? What are the basic strengths and weaknesses of a legislature such as the U.S. Congress in dealing with environmental problems?*

*A very important question: Would better environmental policies be more likely to result if agencies like the EPA were more explicitly directed by the Congress, as has been the trend in many recent environmental statutes (deadlines, “hammer” clauses, statutory approaches and standards, etc.), or if they were given greater administrative discretion to set priorities and manage environmental problems based on their own expertise and judgment? Why? Think through both sides of this argument carefully.*

*How is Congressional environmental policymaking today similar to and different from the way it operated at the time of the film (1977)? How does this affect policy-making for an issue like air pollution reduction?*

Kraft, Michael E. 2009. Environmental Policy in Congress. Chapter 5 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by N. Vig and M. Kraft. Washington, DC: CQ Press, pp. 99-124

*(optional, for additional detail on environmental policymaking by Congress)*  
National Council for Science and the Environment. Environmental Science Policy and Congress. On line (accessed June 6, 2008) at <http://www.ncseonline.org/SciencePolicy/page.cfm?FID=2035>

October 19     FILM: *The Regulators*

*ISSUE: Read the O’Leary article below.*

*The film The Regulators shows the process by which EPA develops a regulation; by coincidence, its case study is a regulation implementing another section of the Clean Air Act amendments of 1977 (in this case, regulations for “prevention of significant deterioration” to air quality affecting visibility around national parks).*

*What were the pros and cons of the compromise regulations ultimately adopted by EPA in the film? Was the public interest well served by the result, or was the compromise a worse or less logical outcome than the positions advocated by either of the interest groups?*

*How do administrative rulemaking procedures themselves affect regulatory outcomes? What is the “burden of proof,” how does it apply to regulatory proposals, and how does it protect or frustrate public values and policy goals?*

*What is “administrative discretion,” and why is it an issue? (Recall the question asked previously, about whether environmental policy would be better if Congress wrote more specific statutory mandates for the agencies to implement, or if it gave them greater administrative discretion about priorities and other details of implementation). How does it affect regulatory policy-making for the environment?*

*Courts make policies in at least four ways. First, they resolve disputes among private individuals, using principles of “common law” such as negligence, nuisance, and contractual obligation, rather than statutes or constitutional provisions. Second, they determine whether or not defendants have broken the laws, and assign punishments for those who have – in each case, interpreting the laws in ways which*

may either broaden or narrow their meaning and effects. Third, they review legislative or administrative actions, interpreting whether or not these actions are in accord with the Constitution (and for administrative actions, in accord with statutory authority). Finally, they establish rules for running the judicial process itself: who has “standing” to sue, whether an issue is “justiciable” and “ripe” for judicial interpretation, what court system has “jurisdiction” and which specific court is the appropriate “venue,” etc. – and of course, what remedies may be granted.

*How do the courts make environmental policy? In what ways are they similar to administrative agencies in this role, and in what ways are they different? What are their distinctive characteristics, strengths, and weaknesses?*

*Some authors, such as Sax, defend the courts as an important complementary arena to the agencies for environmental policymaking, and an important recourse against political behavior of both legislators and bureaucrats. Others are far more critical, arguing that judges cannot understand the scientific and technical complexities of environmental issues, that they are not adequately accountable to the will of the public, and that they therefore should not “substitute their judgment” for those of the administrative agencies – even if the agencies are wrong – except to correct truly outrageous actions. Such authors argue, therefore, that the courts should intervene only sparingly, and with deference to the agencies. Which would you agree with, and why (review Sax reading also)? What are the most important limitations of courts as arenas for environmental policy-making, and of laws and legal penalties as policy instruments?*

*What are the strengths and weaknesses of regulatory environmental decision-making, and of the interactions between regulatory agencies and courts?*

O’Leary, Rosemary. 2009. Environmental Policy in the Courts. Chapter 6 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 125-146

October 21    MID-TERM EXAM  
[Fall Break begins at 5:00 p.m. on October 15]

October 26    A federal regulatory system for pollution control

*ISSUES: Read the readings assigned below.*

*What were the key characteristics of the EPA, and how might it have developed differently if it had been created as a “Department of the Environment”?*

*What are the main elements of U.S. air pollution control policy, and what aspects of the problem of air pollution do they and do they not control effectively? What were the main elements of U.S. water pollution control policy, and in what respects (and why) were they similar to and different from air pollution policy? For both air pollution and water pollution, why did the U.S. adopt a single national regulatory system, and what roles do state and local governments play in these systems?*

*What is “command and control” regulation, and what forms does it take? Why do you suppose legislators in the 1960s and ’70s chose technology-based permit*

*requirements for air pollutant emissions and water pollutant discharges as the primary approach to solving these pollution problems? What have been the greatest successes and failures of this approach?*

Andrews, *ME/MO* Chapter 12: Nationalizing Pollution Control, pp. 227-42.  
McCarthy, James E.; Parker, Larry B.; Schierow, Linda; and Claudia Copeland. (no date). Clean Air Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/d.cfm> (accessed June 23, 2009).

Copeland, Claudia. (no date). Clean Water Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/e.cfm> (accessed June 23, 2009).

(Optional) For a more detailed evaluation of the American pollution-control regulatory system, its results, and recommendations for reform, see J. C. Davies and J. Mazurek, *Pollution Control in the United States: Evaluating the System* (Washington, DC: Resources for the Future, 1998), esp. Chapter 5 (“Reducing Pollution Levels”) and Chapter 11 (“Conclusions”).

October 28     Regulating waste management: RCRA and CERCLA

*ISSUES: Read the readings assigned below.*

*What are “hazardous wastes,” and what are the key elements of U.S. policies for managing them? What are the strengths and weaknesses of these policies?*

*How should EPA set priorities among which contaminated sites to clean up, and how thoroughly to clean up each one? Who should bear the cost of such clean-ups? What are “brownfields,” and how do EPA policies affect their cleanup and redevelopment for new uses?*

*What are the main U.S. policies for managing non-hazardous solid wastes, and what are their strengths and limitations? What would be the strongest arguments for and against a national policy on recycling, or a national deposit-return policy for some key products?*

*What effects have national waste management policies had on U.S. waste management practices generally? Is this a “success story” for federal regulation?*

Andrews, *ME/MO* Chapter 12, pp. 245-49.

McCarthy, James E., and Mary Tiemann. (no date). Solid Waste Disposal Act/Resource Conservation and Recovery Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at

<http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/h.cfm>

(accessed June 23, 2009).

Reisch, Mark. (no date). Superfund. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/j.cfm> (accessed June 23, 2009).

## November 2 Risk-based regulation

*ISSUE: Read the readings assigned below.*

*What is “risk-based” regulation, and how is it different from the “technology-based” regulations used as primary tools of air and water pollution control?*

*What are the main elements of each of the principal U.S. laws regulating toxic chemicals (FIFRA, SDWA, TSCA, and toxic air and water pollutants)? What are the main similarities and differences among these laws, and their strengths and weaknesses? What might be more effective ways of minimizing pesticide exposure than the substance-by-substance approach?*

*What is an environmental “risk,” and what is the process for developing and implementing a “risk-based” regulation? Is risk assessment a scientific process, or is it too dependent on the assumptions and subjective judgments of its practitioners – or even inherently political (e.g. see the optional Rosenbaum reading)? What kinds of proof, and how much of it, should a government agency such as EPA have to present before regulating a chemical as an environmental or health hazard? Should it consider other criteria in addition to statistical risk estimates? What are the consequences of requiring a high scientific burden of proof to justify environmental policies?*

*Should the U.S. adopt the “precautionary principle” as a better basis for environmental policy decisions? Or has it already done so, at least in some of its regulatory frameworks? What would this mean, and how would it be different (or not) from current U.S. environmental policies?*

Andrews, *ME/MO* Chapter 12: Nationalizing Pollution Control, pp. 242-45;  
Chapter 13: Reform or Reaction?, pp. 266-70 and 277-80.

Andrews, Richard N. L. 2005. Risk-Based Decision Making: Policy, Science, and Politics. Chapter 10 in *Environmental Policy: New Directions for the 21st Century*, 6<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 215-38. On Blackboard site.

Science and Environmental Health Network. 1998. Wingspread Statement and Frequently Asked Questions About the Precautionary Principle. On line at <http://www.sehn.org/wing.html> and <http://www.sehn.org/ppfaqs.html> (accessed June 23, 2009).

(Optional) Rosenbaum, Walter A. 2009. Science, Politics, and Policy at the EPA. Chapter 7 in *Environmental Policy: New Directions for the 21st*

Century, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 147-170.

(Optional) Russell, Milton, and Michael Gruber. 1987. Risk Assessment in Environmental Policy-Making. *Science* 236:286-290. On Blackboard. (This reading provides an argument in favor of risk based decision-making in the words of EPA's Assistant Administrator for Policy).

(Optional) Schierow, Linda. (no date). Federal Insecticide, Fungicide, and Rodenticide Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/l.cfm> (accessed June 23, 2009).

(Optional) Tiemann, Mary. (no date). Safe Drinking Water Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/g.cfm> (accessed June 23, 2009).

(Optional) Schierow, Linda. (no date). Toxic Substances Control Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/k.cfm> (accessed June 23, 2009).

#### November 4 "Market-oriented" policy instruments

*ISSUES: For much of its history, EPA's primary policy instruments have been uniform national regulatory programs, plus subsidies for public wastewater treatment facilities and cleanup of contaminated sites. EPA and others have often advocated use of a broader range of policy "tools" to achieve more cost-effective pollution prevention and waste and risk reduction, however, including proposals for "market-based incentives" in place of "command-and-control regulations."*

*Read the readings assigned below. What kinds of policy "tools" other than regulation does government have available, in principle, to promote environmental protection?*

*What are "market-based incentives," and how do they differ from "command and control regulations?" Is "command-and-control" versus "market-based incentives" a useful distinction, or not?*

*What actual experience do we have in the U.S. with "market-based incentives" for environmental protection? In other countries? What lessons can we draw from experience with "cap and trade" policies such as EPA's "bubble policy," its emission allowance trading and banking programs, and the Clean Air Amendments of 1990? From information disclosure requirements such as the 1986*

*Toxics Release Inventory? From other “market-based” initiatives (bring your own examples).*

*What are the strengths and limitations of “market-based incentives” as an alternative to (or implementation strategy for) environmental regulations? What are the important differences among such incentives (e.g. emissions taxes vs. charges vs. marketable permits, reporting vs. labeling vs. other disclosure requirements, liability, and others)?*

*How might EPA be different if it were given more flexible discretionary authority to set priorities, to use different mixtures of policy “tools” (for instance, authority to impose economic incentives) rather than just authority to regulate, and allowed to give states, local governments and industries more flexibility in how they set priorities and comply with federal environmental requirements? If it were given an “organic act” (that is, a single integrated statute codifying its mission, authority, decision criteria, program responsibilities, etc.)?*

Andrews, *ME/MO* Chapter 13: Reform or Reaction: The Politics of the Pendulum

U.S. Environmental Protection Agency. 2001. Executive Summary. From its *The United States Experience With Economic Incentives for Protecting the Environment*, Report No. EPA-240-R-01-001, January 2001, pp. i-xi. Full report (optional, for more detail on examples) is on line at [http://yosemite.epa.gov/ee/epa/ermfile.nsf/vwAN/EE-0216B-01.pdf/\\$File/EE-0216B-01.pdf](http://yosemite.epa.gov/ee/epa/ermfile.nsf/vwAN/EE-0216B-01.pdf/$File/EE-0216B-01.pdf) (accessed June 23, 2009).

Environmental Defense Fund. 2009. The Cap and Trade Success Story. On line (accessed June 23, 2009) at <http://www.edf.org/page.cfm?tagID=1085>

Press, Daniel, and Daniel Mazmanian. 2009. Toward Sustainable Production: Finding Workable Strategies for Government and Industry. Chapter 10 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 220-243

(Optional) Swift, Byron. 2000. *How Environmental Laws Can Discourage Pollution Prevention*. Policy Report, Progressive Policy Institute, August 1, 2000. Read introductory sections; skim case studies as interested. On line (accessed June 23, 2009) at

<http://www.ppionline.org/ndol/print.cfm?contentid=1159>

(Optional) Schierow, Linda. (no date). Emergency Planning and Community Right-to-Know Act. From *Summaries of Environmental Laws Administered by the EPA*, Congressional Research Service Report RL 30022 (redistributed by the National Library for the Environment). On line at <http://www.ncseonline.org/nle/crsreports/briefingbooks/laws/m.cfm> (accessed June 23, 2009).

(Optional) Stavins, Robert N. 2003. Market-Based Environmental Policies: What Can We Learn From U.S. Experience (and Related Research)? Kennedy School of Government, Harvard University, Working Paper No. RPP-2003-07. On line (accessed June 6, 2008) at

[http://ksghome.harvard.edu/~rstavins/Papers/Santa\\_Barbara\\_Paper\\_on\\_M\\_BIs.pdf](http://ksghome.harvard.edu/~rstavins/Papers/Santa_Barbara_Paper_on_M_BIs.pdf)

(Optional) Olmstead, Sheila. 2009. Applying Market Principles to Environmental Policy. Chapter 9 in *Environmental Policy: New Directions for the 21st Century*, 6th edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 197-219

#### IV. BEYOND REGULATION: ENVIRONMENTAL IMPACTS OF PUBLIC POLICIES

November 9 **ASSIGNMENT: SECOND ELEMENT OF ISSUE PAPER DUE**

November 9 National environmental policy

*ISSUE: Read the readings assigned below.*

*The National Environmental Policy Act was one of the great landmarks of American environmental policy, and has been imitated by more than half the states and by many other countries. Unlike regulation of pollution, it addressed a far broader and more pervasive problem: the fact that government agencies and their actions are themselves often the causes of environmental damage. Often this is because they have been charged with missions that are in conflict with environmental protection; often it is because powerful political constituencies benefit from those missions; often too it is because such missions are radically fragmented across separate agencies, each populated only by experts in their own mission and working at cross purposes with others (recall the earlier discussion of the evolution of federal agencies from Progressivism through the New Deal and the “broker state” to the environmental conflicts of the 1950s and ’60s).*

*What agencies’ programs and actions other than EPA’s have important impacts on the environment, and are thus implicitly elements of American environmental policy? What environmental problems are caused not by market failures but by government policies themselves, including the fragmentation of mission-oriented policies and programs? Bring your own examples.*

*The National Environmental Policy Act of 1969 set an overall U.S. policy for the environment, and created several “action-forcing procedures” as well as an oversight institution (the Council on Environmental Quality) to assure its implementation throughout the government. How well is it working, and why isn’t it working better?*

*What was the significance of the “environmental impact statement” requirement? How did it “force action,” and how much action did it force? What lessons does this teach about the use of bureaucratic accountability requirements to change policy outcomes and the political dynamics of the decisionmaking process?*

*What would it take to deal more effectively with these kinds of issues? For instance, to develop a more environmentally sustainable national policy for ecosystem protection, for energy, for agriculture, and for transportation? Should the U.S. develop a detailed “national environmental strategy” or policy plan like the Netherlands, in which each agency and economic sector is assigned specific*

*negotiated goals and timetables for reducing environmental problems and achieving more sustainable outcomes of its activities? What would it take to implement such a plan in the United States?*

Andrews, *ME/MO* Chapter 14: The Unfinished Business of National Environmental Policy, pp. 284-316  
National Environmental Policy Act of 1969. On line (accessed June 23, 2009) at <http://www.nepa.gov/nepa/regs/nepa/nepaeqia.htm>

(Optional) Rosenbaum, Walter A. 2005. Environmental impact Statements: Gift Box or Black Box? Chapter 9 in *Environmental Policymaking: Assessing the Use of Alternative Instruments*, edited by Michael T. Hatch. Albany, NY: State University of New York Press, pp. 195-223. On Blackboard.

(Optional) Liefferink, Duncan. 1999. The Dutch National Plan for Sustainable Society. Chapter 12 in *The Global Environment: Institutions, Law, and Policy*, edited by Norman J. Vig and Regina Axelrod (Washington, DC: CQ Press), pp. 256-78. On Blackboard.

November 11 Environmental policies for public lands, species, and ecosystems

*ISSUES: Read the readings assigned below.*

*What have been the most important changes in environmental policy for management of the public lands – including the national forests, national parks, Interior Department public lands, Defense Department lands, and others – since the 1970s? What have these changes accomplished, and why have they been controversial?*

*What are the core elements of U.S. policies for the protection of endangered species, and what are their strengths and limitations? Why are they controversial? How might they be made both more effective and more acceptable to those affected by them?*

*Does the United States have any policies for the sustainable management of ecosystems per se? Can you think of examples? How well do they work, and why are they controversial? What would be the essential elements and management institutions for a more systematic approach to such a policy?*

Andrews, *ME/MO* Chapter 14, pp. 290-95, 308-14; and Chapter 16, pp. 355-56 and 362-71.

Lubell, Mark, and Brian Segee. 2009. Conflict and Cooperation in Natural Resource Management. Chapter 8 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 171-196

November 16 Presidential environmental policies: from Nixon to Obama

*ISSUES: A key factor in the development of American environmental policy since 1970 (and of course in previous periods as well) has been the changing priorities governing philosophies, and attitudes toward the environment held by successive presidents and their administrations.*

*Read the readings assigned below. What were the most important environmental policy principles and initiatives during each of the various presidential administrations from Nixon to Obama? In what respects was each (or wasn't he) an "environmental president," and why? Think of examples pro and con, accomplishments but also missed opportunities, consistency versus change over time, Presidential as well as Congressional actions during each time period. What factors most influenced the environmental policies of each period, and what lessons does each offer about American environmental policy and policymaking?*

Vig, Norman J. 2009. Presidential Powers and Environmental Policy. Chapter 4 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 75-98.

Andrews, *ME/MO* Chapter 13: Reform or Reaction?, pp. 255-262, and Chapter 16: "The Era of Base Politics," pp. 350-95

November 18 State and local environmental policies: opportunities, innovations, limitations

*ISSUE: An important aspect of American environmental policymaking is the existence of policymaking authority at at least three levels of government: national but also state and local, and sometimes cooperative and regional initiatives combining these. The general label for this topic is environmental federalism. Similar issues arise in other countries under other labels: in the European Union, for instance, similar issues are addressed under the label of "subsidiarity."*

*Read the reading assigned below. What elements of environmental policy are primarily or exclusively the responsibility of state and local governments, vs. what elements are shared with the federal government, and what elements are exclusively controlled by the federal government? How has this allocation of authority and responsibility (e.g. nationalization/preemption or partial preemption vs. devolution) changed over time, why, and with what effects? How is the relationship of local to state policymaking similar to and different from the relationship of state to national policymaking?*

*Think of examples where states have been ahead of the federal government in environmental policy innovations, and examples where they have been behind. What lessons do these examples suggest for effective environmental policymaking?*

*What are the most important limitations on state environmental policies?*

*In light of the answers to the previous questions, under what circumstances are environmental policies best developed by state and local governments, vs. which ones are best developed at the national level? Give examples.*

Rabe, Barry G. 2009. Racing to the Top, the Bottom, or the Middle of the Pack? The Evolving State Government Role in Environmental Protection. Chapter 2 in *Environmental Policy: New Directions for the 21st Century*, edited by Michael E. Kraft and Norman J. Vig, 7<sup>th</sup> edition. Washington, DC: CQ Press, pp. 27-50.

(Optional) Percival, Robert V. 1995. Environmental Federalism: Historical Roots and Contemporary Models. *Maryland Law Review* 54:1141-82, esp. pp. 1171-82. On Blackboard.

November 23 U.S. energy policy and global climate change

*ISSUES: By far the most significant environmental policy issue currently facing the U.S. government is the accelerated rate of global warming caused by human activities, and particularly by U.S. combustion of fossil fuels. The issues include what policies to adopt to try to mitigate (reduce) this rate of warming; how to adapt to the consequences of global warming that cannot be prevented or mitigated; and how to accomplish this both within the United States (e.g. through domestic energy and transportation policies) and globally (e.g. in other rapidly industrializing countries such as China and India, and through international agreements such as a successor agreement to the Kyoto Protocol). Many U.S. states have already enacted policy initiatives related to climate change, President Obama has announced his support for significant federal action, and a major national bill sponsored by Congressmen Henry Waxman and Edward Markey is currently under consideration by the Congress.*

*Read the readings assigned below. What are the main elements of a national energy/climate change policy that are currently under consideration, and what are the main issues still unresolved about their expected consequences and effectiveness? Overall, do you think this is likely to be an effective policy for solving the problem of global warming, or at least of the U.S.'s part of the problem? What are its strengths and its limitations? What other aspects of the problem are not addressed by this legislation, if any, and what additional policies would be needed to address these concerns?*

Selin, Henrik, and Stacy D. VanDeveer. 2009. Global Climate Change: Kyoto and Beyond. Chapter 12 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 265-285.

Andrews, *ME/MO* Chapter 14, pp. 295-308; and Chapter 16, pp. 362-65 and 371-72

Summary: proposed American Clean Energy and Security Act (Waxman-Markey bill). On line at [*up-to-date information links to be added*]

(Optional) National Commission on Energy Policy. 2004, 2007. *Ending the Energy Stalemate: A Bipartisan Strategy to Meet America's Energy Challenges*. Read Summary of Recommendations, on line (accessed June

23, 2009) at <http://www.energycommission.org/files/finalReport/O82F4692.pdf> and *Energy Policy Recommendations to the President and the 110<sup>th</sup> Congress*, [http://energycommission.org/files/contentFiles/NCEP\\_Recommendations\\_April\\_2007\\_4656f9759c345.pdf](http://energycommission.org/files/contentFiles/NCEP_Recommendations_April_2007_4656f9759c345.pdf)

November 25 No class (*Thanksgiving holiday*)

## V. THE GLOBALIZATION OF ENVIRONMENTAL POLICY

November 30 U.S. policies and international environmental issues and institutions

*ISSUES: Beyond the largely domestic U.S. policies we have discussed so far lie the many serious problems of the global environment, and in less developed countries, of both poverty and in some cases – China, India, Brazil, and others – rapid urban and industrial development. These worldwide issues, and the role of U.S. policies in improving or worsening them, must arguably be high priorities for U.S. policy for the future as well.*

*Many important environmental problems are now the subject of international treaty negotiation. Examples include truly global problems, such as global warming, depletion of ocean fisheries, and the environmental impacts of international trade; negotiations over regional trans-boundary problems, such as acid rain, international rivers and seas, and international trade in hazardous wastes; and negotiations over localized or bilateral problems that happen to involve more than one nation, such as the Rio Grande River or the Great Lakes. The most visible model so far for addressing such problems is the Vienna Convention and Montreal Protocol on Protection of the Ozone Layer. But it is not yet clear how widely that model can be replicated for many other international environmental issues.*

*Read the readings assigned below. How is international environmental policymaking different from domestic U.S. policymaking? What are the most important differences between national or sub-national and international institutions for environmental policymaking?*

*What kinds of environmental policies are used at the international level, and how are these different from national and sub-national policies (for instance treaties, conventions, “soft law”)? How do these differences affect the availability and potential effectiveness of policy options, and the likely outcomes of attempts to solve international environmental problems?*

*What roles has the United States taken in international environmental policy-making, and why? What factors might explain its leadership on some issues and in some time periods, versus its lack of leadership (or even obstruction) on others?*

*What roles do international environmental agreements play in the domestic policy initiatives and priorities of the United States itself? Can you think of examples of international agreements or United Nations initiatives that the United States has strongly implemented? That it has not paid attention to?*

*Is the Montreal Protocol a good prototype for other international environmental policy agreements, such as the Kyoto Protocol on global climate change? Why or why not, and in what respects? What lessons does it offer as a model for solving other global environmental problems, such as global warming?*

*What are the main provisions of the UN Framework Convention on Climate Change and the Kyoto Protocol, and what lessons do they offer for solving the problem of global climate change? What elements would have to be included in a successful post-Kyoto (2012-2050) solution, and what would be necessary to achieve U.S. commitment to such an agreement?*

Speth, James G. 2004. First Attempt at Global Environmental Governance, and Anatomy of Failure. Chapters 4 and 5 from his *Red Sky at Morning: America and the Crisis of the Global Environment*. New Haven, CT: Yale University Press, pp. 77-116. On Blackboard.

Andrews, *ME/MO* Chapter 15: Environmental Policy in a Global Economy, pp. 317-33, 356-57, 385-90.

Anderson, John W. 2002. U.S. Has No Role in U.N. Treaty Process; Senate Reluctant to Ratify. Resources for the Future, *Resources*, Issue 148 (Summer 2002): 12-17. On line (accessed June 23, 2009) at <http://rff.org/rff/Documents/RFF-Resources-148-treatyprocess.pdf>

(Optional) Paarlberg, Robert L. 1999. Lapsed Leadership: U.S. International Environmental Policy Since Rio. Chapter 11 in *The Global Environment: Institutions, Law, and Policy*, edited by Norman J. Vig and Regina Axelrod (Washington, DC: CQ Press), pp. 236-55. On Blackboard.

December 2 U.S. international trade policies and the environment

*ISSUES: Read the readings assigned below.*

*“Free trade” is a central and powerful ideal of most American economists and many others, based both on deeply rooted theoretical ideals and on historical beliefs about the dangers of trade wars. It also is strongly supported by spokespersons for many poor countries, who argue that the U.S.’s actual record on free trade is far from its own ideals (as are the records of many of the other wealthier countries, who have often protected their own industries at the expense of those of developing countries), and who therefore attack U.S. environmentalists, often bitterly, for promoting the environmental preservation values of affluent U.S. elites at the expense of poor countries, while simultaneously playing into the hands of trade protectionist interests such as privileged U.S. business interests and some labor unions.*

*What are the main elements of U.S. trade policy, and what effects have they had on the environment? Which of its pro-free-trade policies have been beneficial, and which harmful, to the environment? Which of its protectionist policies have been beneficial, and which harmful? Try to think of examples of each.*

*What are the key elements of major trade agreements such as the World Trade Organization and NAFTA that have important environmental implications? What are*

*the main arguments against these agreements as a cause of environmental damage, and in favor of them as an environmental benefit? How would such trade agreements need to be modified (if at all) to assure that they improve rather than endanger environmental protection, occupational health and safety, and sustainable development?*

*Should individual countries be allowed to set environmental requirements for the production processes (as well as the products themselves) of products they import (for instance, methods for tuna and shrimp harvesting to protect other species impose sanctions on others in the name of environmental protection? Other products produced with worse environmental impacts than are allowed in the importing country?)? How could such actions be distinguished from covert attempts by importing countries to protect privileged domestic industries – or from attempts by exporting countries to use low environmental protection standards as a competitive advantage? How else could these problems be solved?*

*Does the new global mobility of capital invalidate the concept of comparative advantage, as Daly argues, and with it the basic economic argument for free trade? What are the implications of a global trade system based not on comparative but on pure competitive advantage? Would the United States be better off with a policy of subtle protectionism combined with aggressive export development – or reducing export and import dependence more generally, in favor of more self-reliant patterns of internal markets? Would the people of poor countries be better served by such alternative policies?*

*What would be the most positive steps the United States could take – both itself, and in its leadership of the international community – to make international trade more environmentally sustainable? Is there a risk that a new Democratic Congress and administration (if elected) might be just as unilateralist on trade issues as the Bush administration has been on war, terrorism, and climate change issues? What would be the consequence, and how might the U.S. avoid negative consequences for itself and others?*

Andrews, ME/MO Chapter 15, pp. 333-49.

Vogel, David. 2005. International Trade and Environmental Regulation.

Chapter 16 in *Environmental Policy: New Directions for the 21st Century*, 6<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 354-73. On Blackboard.

Daly, Herman E. 1993. The Perils of Free Trade. *Scientific American*, November 1993, pp. 50-57.

(Optional) Nordström, Håkan, and Scott Vaughan. 1999. Executive Summary. From their *Trade and Environment*. Special Studies Series. Geneva, Switzerland: World Trade Organization, pp. 1-7 [5-14]. On line at [http://www.wto.org/english/tratop\\_e/envir\\_e/environment.pdf](http://www.wto.org/english/tratop_e/envir_e/environment.pdf) (accessed June 23, 2009). (*WTO's own assessment of the relationship between trade and the environment*)

December 7 Global change and sustainable development: U.S. priorities?

*ISSUES: In 1987 a distinguished United Nations commission proposed “sustainable development” as the central policy goal for the nations of the world, both individually and acting together. More recently, the Millennium Ecosystem Assessment reported the findings of a distinguished network of scientists on the ways in which ecosystems support human communities and their economies, and on the serious threats to many of these systems reflected in their current status and trends. The MEA also lists a series of proposed policy principles for addressing these unsustainable trends.*

*Read the readings assigned below. What is “sustainable development,” and by what criteria could one define and recognize it? What are the strengths and limitations of the WCED proposals (and the subsequent UN “Agenda 21” approved at the 1992 Rio “Earth Summit”) for achieving it?*

*From the information in the Millennium Ecosystem Assessment and other reports on the condition and trends in the world’s ecosystems, what are the highest priorities for action to maintain an ecologically sustainable world?*

*How would ecologically sustainable development be different from the present in a rapidly developing country such as China, India, Mexico or Brazil? In a still-poor country such as Bangla Desh, Nepal, or most of sub-Saharan Africa? In an oil-rich but otherwise poor country such as Nigeria or Ecuador? In an already affluent country such as the United States?*

*What roles do U.S. policies play in helping or hindering achievement of sustainable development at a global scale, and what changes in U.S. policies could most help to achieve it? Do you agree with the policy principles recommended by the authors of the MEA reading? Are there any others you would add or substitute? What would be needed to put them into effect, both domestically in the U.S. and globally?*

Andrews, *ME/MO* Chapter 15, pp. 328-29.

World Commission on Environment and Development. 1987. Towards Sustainable Development. Chapter 2 in its *Our Common Future* (New York: Oxford University Press), pp. 43-66. On Blackboard.

Millennium Ecosystem Assessment. 2006. Living Beyond Our Means: Natural Assets and Human Well-Being. On line (accessed 6/23/2009) at <http://www.millenniumassessment.org/documents/document.429.aspx.pdf>

(Optional) Tobin, Richard J. 2009. Environment, Population, and the Developing World. Chapter 13 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 286-307.

(Optional) Economy, Elizabeth C. 2009. China: The Great Leap Backward? Chapter 14 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 308-26.

(Optional) Paehlke, Robert. 2009. Sustainable Development and Urban Life in North America. Chapter 11 in *Environmental Policy: New Directions for*

*the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 244-264.

(Optional) United Nations. General Assembly. 1992. Rio Declaration on Environment and Development. Annex I to its *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*. On line (accessed June 23, 2009) at

<http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>

(Optional) United Nations, *Agenda 21* (full report from Rio Earth Summit), on line (accessed June 23, 2009) at

<http://www.un.org/esa/sustdev/agenda21text.htm>

(Optional) Millennium Ecosystem Assessment. 2006. *Ecosystems and Human Well-Being: Opportunities and Challenges for Business and Industry*. On line (accessed June 23, 2009) at

<http://www.millenniumassessment.org/documents/document.353.aspx.pdf>.

See also business perspectives on this report on line at

<http://www.millenniumassessment.org/documents/document.706.aspx.pdf>

(Optional) Millennium Ecosystem Assessment. 2007. *A Toolkit for Understanding and Action*. On line (accessed June 23, 2009) at

[http://www.islandpress.org/assets/library/27\\_matoolkit.pdf](http://www.islandpress.org/assets/library/27_matoolkit.pdf)

(Optional) United Nations Environment Programme. 2003. *Synthesis GEO-3: Global Environmental Outlook 3, Past, Present, and Future Perspectives*.

On line at <http://www.unep.org/GEO/geo3/english/pdfs/synthesis.pdf>

(accessed June 23, 2009).

December 9 **ASSIGNMENT: FINAL ISSUE PAPER DUE**

December 9 Environmental policy: priorities and strategies for the 21<sup>st</sup> century?

*ISSUES: Read the readings assigned below.*

*Reflecting on what you have heard, read and discussed this semester, what would you consider the most fundamentally important environmental policy issues for the U.S. to deal with in the coming four years? Do you agree with Vig and Kraft's list, or would you add or substitute others?*

*How will U.S. environmental politics have to change and evolve in order to achieve effective solutions to these problems? What strategies might be most promising for achieving these changes?*

Vig, Norman, and Michael E. Kraft. 2009. Conclusion: Toward Sustainable Development? Chapter 16 in their *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition. Washington, DC: CQ Press, pp. 349- .

Guber, Deborah Lynn, and Christopher J. Bosso. 2009. Past the Tipping Point? Public Discourse and the Role of the Environmental Movement in a Post-Bush Era. Chapter 3 in *Environmental Policy: New Directions for the 21st Century*, 7<sup>th</sup> edition, edited by M. Kraft and N. Vig. Washington, DC: CQ Press, pp. 51-74.

Andrews, *ME/MO* Chapter 17: Managing the Environment, Managing Ourselves, pp. 396-410

(*Optional*) Lovins, Hunter, and Walter Link. 2001. Insurmountable Opportunities?—Steps and Barriers to Implementing Sustainable Development. On line (accessed June 23, 2009) at [http://www.natcapinc.com/publications\\_files/UN\\_InsurOpp.pdf](http://www.natcapinc.com/publications_files/UN_InsurOpp.pdf) (*An agenda proposed by an unusually creative environmental research group*)

December 14 FINAL EXAM: Monday, December 14, 4:00 - 7:00 p.m.