



Course Purpose: This course is principally intended to provide an explicitly political perspective on issues concerning the environment as public policy. The intended audience is committed, upper-level, undergraduate students. Please be aware, however, that there is also a fair amount of economic reasoning and some discussion of underlying scientific issues.

Patience Required: I hope that students will be patient if some of the material covered is remedial (i.e., they know it) as this class attracts a diverse set of participants. Some may know nothing of political science or economics, while others may be unaware of relevant scientific issues. It is my job to make things understandable for everyone.

Office Hours: My office hours are on Tuesday and Thursday from 11:00 to 12:00 a.m. in Harkness 108 (i.e., I will be available right after class). I will also be available at most other times and you should drop by and I will accommodate you if at all possible. My phone is x34903 and my e-mail is lrot@mail.rochester.edu; feel free to use either as a means of contact. Note that my office is in the Wallis Institute suite, so if you want come at a time other than office hours (or any time the color of the card reader is not green) **you need to ring the bell and/or otherwise get my or my staff's attention**. Also, I am assisted by Yannis Vassiliadis i.vassiliadis@rochester.edu, who will hold office hours on Wednesday from 2 to 3 in Harkness 338 and, like me, can be contacted for an appointment at a different time.

Requirements and Grading: Students' grades are based on a midterm exam (25 percent), a research project involving a 15-20 page paper and a presentation (35 percent), and a final exam (40 percent). Number grades are translated to letter grades in a standardized manner (averages of 93 and up A, 90-92 A-, 87-89 B+, 83-88 B, 80-82 B-, and so forth).

Make-up Classes, etc.: While I try to keep my travels to a minimum while teaching, there are several classes this semester when I am at academic conference or presenting research elsewhere (not to mention that the Rochester winter has been known to wreak havoc). For makeup class(es) I will try to accommodate all students' schedules (and provide quantities of food), and I would really appreciate everybody being flexible.

Readings:

This is a cheap class (except for your tuition, room and board, and misc. expenses)! The following book is available online through the library at <https://ebookcentral.proquest.com/lib/rochester/detail.action?docID=3339667>, although it can only be downloaded one chapter at a time:

Christopher Klyza and David Sousa. *American Environmental Policy: Beyond Gridlock*, 2013 edition.

Additional reading materials are available via links on the syllabus on the course page. Except if defined as optional (where there is no expectation of reading), readings are **required** and should be read before class to enhance the value of both the lectures and the discussion. Please note that dates on which materials are covered are subject to change.

Notes will **not** be put on the web but certain materials for the course will be available.

Course Structure: To reiterate, dates are tentative—particularly because this is a seminar where students are encouraged to participate, it is possible that some topics will take more or less time than advertised.

I. PUBLIC POLICY

I. *Introduction to the Course—the Need for “Depth and Breadth”* (1/18)

II. *What’s Changed? A First Look* (1/23)

Readings:

Klyza and Sousa, Ch. 1.

Daniel C. Esty. (2017). “Red Lights to Green Lights: From 20th Century Environmental Regulation to 21st Century Sustainability,” *Environmental Law*.

Art Fraas and Richard Morgenstern. (2014). “Changes in Analytic Perspectives across Administrations,” Resources for the Future Discussion Paper.

Michael A. Livermore, and Richard L. Revesz. (2015). “Interest Groups and Environmental Policy: Inconsistent Positions and Missed Opportunities,” *Environmental Law*.

National Academy of Sciences. (2012). “Using Emerging Science and Technologies to Address Persistent and Future Environmental Challenges,” in *Science for Environmental Protection: The Road Ahead*.

Joseph Stiglitz. (2013). “Inequality & Environmental Policy,” *Resources*. For video of the whole talk of which this is a small part, see <http://www.rff.org/events/event/2012-10/resources-2020-joseph-e-stiglitz>.

Optional:

Michael Barber and Nolan McCarty (2015). “The Causes and Consequences of Polarization,” in *Solutions to Polarization in America*, Nathaniel Persil, ed. (for a general overview of polarization)

Sung Eun Kim and Johannes Urpelainen. (Forthcoming). “Environmental Public Opinion in U.S. States, 1973–2012,” *Environmental Politics*.

Philip J. Landrigan, et al. (2017). “The *Lancet* Commission on Pollution and Health,” *The Lancet*. (for a look at what has been learned scientifically)

Thomas Picketty and Emmanuel Saez. (2014). “Inequality in the Long Run,” *Science*.

“Political Polarization in the American Public.” (2014). Pew Research Center.

Chad Stone, et al. (2017). “A Guide to Statistics on Historical Trends in Income Inequality,” Center on Budget and Policy Priorities.

IIIA. Environmental Problems and Solutions: Grounds for (and Against) Political Intervention (1/25 – 1/30)

Readings:

- Ronald Coase. (1960). "The Problem of Social Cost," *Journal of Law & Economics*.
- Garrett Hardin. (1968). "The Tragedy of the Commons," *Science*.
- Thomas A. Lambert. (2006). "The Case against Smoking Bans," *Regulation*.
- Cass R. Sunstein and Lucia A. Reisch. (2013). "Green by Default," *Kyklos*.
- David Vogel. (2012). *The Politics of Precaution*. Ch. 2.

Optional:

- Hunt Allcott and Cass R. Sunstein. (2015). "Regulating Externalities," *Journal of Policy Analysis and Management*.
- Clyde Crews. (2017). *Tip of the Costberg*. Competitive Enterprise Institute.
[Note: a conservative perspective]

IIIB. Environmental Problems and Solutions: Alternative Policy Solutions (2/1-2/6)

Readings:

- Klyza and Sousa, Ch. 6.
- Richard Morgenstern and Winston Harrington. (2004). "Economic Incentives versus Command and Control: What's the Best Approach for Solving Environmental Problems?" *Resources*.
- Richard Morgenstern. (2015). "The RFF Regulatory Performance Initiative: What Have We Learned?" Resources for the Future Discussion Paper. For a related webcast, see <http://www.rff.org/events/event/2015-10/real-outcomes-federal-environmental-regulations-lessons-performance-data>.
- John Reid, Aaron Bruner, and Alfonso Malky. (2015). "Using Economic Forces to Conserve Nature," *Stanford Social Innovation Review*.
- Richard Schmalensee, and Robert N. Stavins. (2017). "Lessons Learned from Three Decades of Experience with Cap-and-Trade," *Review of Environmental Economics and Policy*

Optional:

- Cary Coglianese and Jennifer Nash. (2014). "Performance Track's Postmortem: Lesson's from the Rise and Fall of EPA's "Flagship:" Voluntary Program," *Harvard Environmental Law Review*.
- Jennifer Fernandez, et al. (2015). "Drinking Away the Future: Policy Solutions for a Sustainable Water Supply in the U.S." Working paper, American University.
- Lawrence H. Goulder. (2013). "Markets for Pollution Allowances: What Are the (New) Lessons?," *Journal of Economic Perspectives*.
- Peter J. May and Soren C. Winter. (2011). "Regulatory Enforcement Styles and Compliance," in Christine Parker and Vibeke Lehmann Nielsen (eds.), *Explaining Regulatory Compliance: Business Responses to Regulation*.
- Nicholas X. Muller, and Robert Mendolsohn. (2010). "Weighing the Value of a Ton of Pollution," *Regulation*.
- OECD. (2013). *Climate and Carbon: Aligning Prices and Policies*.
- Matthew Potoski and Aseem Prakash. (2004). "The Regulation Dilemma: Cooperation and Conflict in Environmental Governance," *Public Administration Review*.
- Joel A, Mintz. (2014). "Measuring Environmental Enforcement Success: The Elusive Search for Objectivity." Working paper, Nova Southeastern University.
- Sarah Stafford. (2012). "Do Carrots Work? Examining the Effectiveness of EPA's Compliance Assistance Program," *Journal of Policy Analysis and Management*.
- Cass R. Sunstein. (2012). "The Storrs Lectures: Behavioral Economics and Paternalism," *Yale Law Journal*.

V. *Historical Antecedents: Demand for Environmental Protection* (2/8-2/13)

Readings:

Christopher J. Bosso. (2015). *Environment, Inc.*, Ch. 2.

Kathleen Bowman and Eleanor O’Neil. (2017). [Polls on the Environment, Energy, Global Warming, and Nuclear Power.](#) Washington, D.C.: American Enterprise Institute.

James Boyd and Carolyn Kousky. (2016). “Are we Becoming Greener? Trends in Environmental Desire,” *Resources*.

Klyza and Sousa, Ch. 2.

Aaron M. McCright, Chenyang Xiao, and Riley E. Dunlap. (2014). “Political Polarization on Support for Government Spending on Environmental Protection in the USA, 1974-2012,” *Social Science Research*.

Optional:

- Christopher P. Borick and Barry G. Rabe. (2010). "A Reason to Believe: Examining the Factors that Determine Individual Views on Global Warming," *Social Science Quarterly*.
- Frank L. Davis, Albert H. Wurth, and John C. Lazarus. (2008). "The Green Vote in Presidential Elections: Past Performance and Future Promise," *Social Science Journal*.
- Russell J. Dalton. (2015). "Waxing or Waning? The Changing Patterns of Environmental Activism," *Environmental Politics*.
- Robert J. Duffy. (2013). "Organized Interests and Environmental Policy," in Sheldon Kamieniecki and Michael R. Kraft, *Oxford Handbook of U.S. Environmental Policy*.
- Robert Gottlieb. (2009). "The Changes that Elections Bring," *Environmental History*.
- Matthew Grossman. (2006). "Environmental Advocacy in Washington," *Environmental Politics*.
- Deborah Lynn Guber. (2001). "Voting Preferences and the Environment in the American Electorate," *Society and Natural Resources*.
- Allison L. Huang. (ND). "Does Environmental Policy Matter for Elections? Evidence from the U.S. Senate."
- Brian Kennedy. (2016). "Public Support for Environmental Regulation Varies by State," Pew Research Center.
- John A. List and Daniel M. Sturm. (2006). "How Elections Matter: Theory and Evidence from Environmental Policy," *Quarterly Journal of Economics*.
- Thomas Lyon and John Maxwell. (2008). "Corporate Social Responsibility and the Environment," *Review of Environmental Economics and Policy*.

V. Environmental Policy in the Pre-Gridlocked Age (2/15-2/20)

Readings:

Marian R. Chertow and Daniel C. Esty. (1997). “Environmental Policy: The Next Generation,” *Issues in Science and Technology*.

Robert V. Percival. (1997). “Regulatory Evolution and the Future of Environmental Policy,” *University of Chicago Legal Forum*.

James Morton Turner. (2009). ““The Specter of Environmentalism”: Wilderness, Environmental Politics, and the Evolution of the New Right,” *Journal of American History*.

Joby Warrick. (2015). “Reagan, Bush 41 Memos Reveal Sharp Contrast with Today’s GOP on Climate and the Environment,” *Washington Post*.

VI. The Current State of the Environment (2/22)

Readings:

EPA Alumni Association. (2017). [*EPA Alumni Association: A Half Century of Progress*](#).

Examine the seven associated reports at www.epaalumni.org/hcp/.

ONE PARAGRAPH ON PAPER TOPIC DUE 2/27

MIDTERM 3/1

VIIA. Environmental Policy in the Post-Gridlocked Age: Where the Action Isn’t [With Exception] (2/27, 3/6)

Klyza and Sousa, Ch. 3.

Richard Lazarus. (2014). “Environmental Law without Congress,” *Journal of Land Use & Environmental Law*.

Lawrence Rothenberg (who’s he?; 2018). *When the Bough Breaks: How the Toxic Substances Control Act was Finally Reformed*.

VIIIB. *Environmental Policy in the Post-Gridlocked Age: Rulemaking and Enforcement—Where the Action Is and Isn't* (3/8-3/20)

Readings:

R. N. L. Andrews. (2011). "The EPA at 40: An Historical Perspective," *Duke Environmental Law and Policy Forum*.

Otis L. Graham, Jr. (2015). *Presidents and the American Environment*. Ch. 8.

Klyza and Sousa, Chs. 4-5.

Jeffrey S. Lubbers. (2012). *A Guide to Federal Agency Rulemaking*, 5th ed. Part 1.

Joel A. Mintz. (2016). "Thinking Beyond Gridlock: Towards a Consistent Statutory Approach to Federal Environmental Enforcement," *Environmental Law*.

Optional:

Jonathan H. Adler. (2011). "Heat Expands all Things: The Proliferation of Greenhouse Gas Regulation under the Obama Administration," *Harvard Journal of Law & Public Policy*.

Center for Progressive Reform. (2011). "Behind Closed Doors at the White House."

Russell J. Dalton. (2015). "Waxing or Waning? The Changing Patterns of Environmental Activism," *Environmental Politics*.

Robert J. Duffy. (2013). "Organized Interests and Environmental Policy," in Sheldon Kamieniecki and Michael R. Kraft, *Oxford Handbook of U.S. Environmental Policy*.

Matthew Grossman. (2006). "Environmental Advocacy in Washington," *Environmental Politics*.

Thomas Lyon and John Maxwell. (2008). "Corporate Social Responsibility and the Environment," *Review of Environmental Economics and Policy*.

VIIIC. Environmental Policy in the Post-Gridlocked Age: States and Localities—The Many Facets of Federalism (3/22-3/27)

Readings:

Jonathan Adler. (2012). “Interstate Competition and the Race to the Top,” *Harvard Journal of Law and Public Policy*.

Gwen Arnold. (2015). “When Cooperative Federalism Isn’t: How U.S. Federal Interagency Contradictions Impede Effective Wetland Management,” *Publius*.

Environmental Council of the States. (2017). *Achieving and Maintaining a Clean Environment and Protecting Public Health*.

Klyza and Sousa, Ch. 7.

Cara Cunningham Warren. (2017). “An American Reset—Safe Water & a Workable Model of Federalism,” *Duke Environmental Law & Policy Forum*.

Optional:

Shakeb Afsah and Kendyl Salcito. (2013). “Red and Blue and CO₂: Energy and Politics in the US,” CO₂ Scorecard.

Ted Gayer and Robert Hahn. (2005). “The Political Economy of Mercury Regulation,” *Regulation*.

David M. Konisky and Neal D. Woods. (2016). “Environmental Policy, Federalism, and the Obama Presidency,” *Publius*

Wallace Oates. (2012). “Regulatory Federalism: Regulation in a Setting of Multi-level Government.” Working paper, University of Maryland.

Wallace Oates. (2002). “The Arsenic Rule: A Case for Decentralized Standard Setting?” *Resources*.

David Vogel, Michael Toffel, Diahanna Post, and Nazli Z. Uludere Aragon. (2012). “Environmental Federalism in the European Union and the United States.”

VIII. *The Trump Effect* (3/29-4/3)

Lynn Bergeson. (2017). “The Trump Administration and Likely Impacts on Environmental Law and Policy,” *Environmental Quality Management*.

Elizabeth Bomberg. (2017). Environmental Politics in the Trump era: An Early Assessment,” *Environmental Politics*.

Kevin J. Boyle, Matthew J. Kotchen, and V. Kerry Smith. 2017. “Deciphering Dueling Analyses of Clean Water Regulations,” *Science* (358).

Lisa Heinzerling. (Forthcoming). “The Legal Problems (So Far) of Trump's Deregulatory Binge,” *Harvard Law & Policy Review*.

Alan J. Krupnick. 2017. “Trump’s Regulatory Reform Process: Analytical Hurdles and Missing Benefits,” *Resources*.

IX. *Climate Change: Regulating a Global Public Good Nationally* (4/5 – 4/12; **“W” STUDENTS’ DRAFTS DUE 4/4, NO CLASS 4/5**)

Readings:

Daniel M. Bodansky. (2015). “Facilitating Linkage of Climate Policies through the Paris Agreement,” *Climate Policy*.

“Climate Change.” (2017). *Economic Report of the President* (note: Obama Administration), Ch. 7.

James W. Coleman. (2014). Unilateral Climate Regulation,” *Harvard Environmental Law Review*.

John H. Cushman, Jr. (2017). “UN Climate Talks Conclude with World Leaving Trump Behind,” *InsideClimateNews*.

Yamide Dagnet, et al. (2016). “Staying on Track from Paris: Advancing the Key Elements of the Paris Agreement.” Working paper, World Resources Institute.

Robert O. Keohane and Michael Oppenheimer. (2016). “Paris: Beyond the Climate Dead End through Pledge and Review?,” *Politics and Governance*.

XII. *Student Presentations* (4/17, 4/19, **no class 4/24**, and mega makeup class/classes [tbd])

XIII. Where Have We Been and What Lies Ahead (4/26 – 5/1; PAPERS DUE 5/2)

Readings:

Klyza and Sousa, Ch. 8-9.

J. Clarence Davies. (2015). “Thoughts on the Future of Environmental Regulation,” *Resources*.

William J. Ripple, et al. (2017). “World Scientists’ Warning to Humanity: A Second Notice,” *BioScience*.

Norman J. Vig and Michael E. Kraft. (2015). “Conclusions: Future Environmental Challenges and Solutions,” Ch. 16 in *Environmental Policy: New Directions in the Twenty-First Century*.

Optional:

Kenneth Arrow, *et al.* (2007). “Consumption, Investment, and Future Well-Being: Reply to Daly *et al.*,” *Conservation Biology*.

Herman Daly, *et al.* (2007). “Are We Consuming Too Much—For What?” *Conservation Biology*.

Guert Van de Kerk and Arthur R. Manuel. (2008). “A Comprehensive Index for a Sustainable Society: The SSI—the Sustainable Society Index,” *Ecological Economics*.

