



Course Purpose: This course provides an explicitly political perspective on issues concerning the environment—however there is a fair amount of economic reasoning and some discussion of underlying scientific issues as well. The result should be a substantive understanding of environmental politics specifically and of public policy generally. The course is principally intended for committed, upper-level, undergraduate students.

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 routinely attracts a diverse set of participants. Some may know nothing of political science or economics, while others may be ignorant of relevant scientific issues. It is my job to make things understandable for everyone.

Office Hours: Formal office hours are on Tuesday and Thursday from 11:00 to 12:00 a.m. in Harkness 108. I will be available at most other times. 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 to drop by you will have to ring a bell and/or otherwise get my attention. Also, I will be assisted by Svanhildur Thorvaldsdottir (sthorval@ur.rochester.edu), who will hold office hours on Monday from 10 to 12 in Harkness 338. We can also both be contacted for an appointment at a different time.

Requirements and Grading: Students will be graded on a midterm exam (25 percent), a research project, which includes a 15-20 page paper and a presentation (35 percent), and a final exam (40 percent).

Readings: The following books are required (note—I have not ordered these books because my experience is students prefer to get texts by their own means nowadays):

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

Norman Vig and Michael Kraft. *Environmental Policy: New Directions for the Twenty-First Century*, 9th edition.

Additional reading materials will be available through links on the syllabus on the course page. Except if defined as optional, all 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.

I. PUBLIC POLICY

I. Introduction and Grounds for Political Intervention (1/14-1/19)

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*.

Klyza and Sousa, Ch. 1.

Cass R. Sunstein and Lucia A. Reisch. (2013). "Green by Design," *Kyklo*.

II. Policy Determinants and Solutions (1/21-1/26)

Readings:

Richard Morgenstern and Winston Harrington. (2004). "Economic Incentives versus Command and Control: What's the Best Approach for Solving Environmental Problems?" *Resources*.

Nicholas X. Muller, and Robert Mendolsohn. (2010). "Weighing the Value of a Ton of Pollution," *Regulation*.

Michael Sandel, (2012). *What Money Can't Buy*. Ch. 2, especially pgs. 70-91.

David Vogel. (2012). *The Politics of Precaution*. Ch. 2.

Vig and Kraft, Ch. 10.

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*.

Jonathan H. Adler, and Nathaniel Stewart. (2014). "Learning How to Fish," *Resources*.

Fernandez, Jennifer, et al. (2015). "Drinking Away the Future: Policy Solutions for a Sustainable Water Supply in the U.S.," working paper, American University.

Richard Schmalensee, and Robert N. Stavins. (2015). "Lessons Learned from Three Decades of Experience with Cap-an-Trade," Resources for the Future Discussion Paper.

Optional:

Cass R. Sunstein. (2012). "The Storrs Lectures: Behavioral Economics and Paternalism," *Yale Law Journal*.

Lawrence H. Goulder. (2013). "Markets for Pollution Allowances: What Are the (New) Lessons?," *Journal of Economic Perspectives*.

OECD. (2013). [*Climate and Carbon: Aligning Prices and Policies*](#).

III. *Past and Present Demand for Environmental Protection (1/28-2/2)*

Readings:

Deborah Lynn Guber. (2001). "Voting Preferences and the Environment in the American Electorate," *Society and Natural Resources*.

Elizabeth Bomberg and Betsy Super. (2009). "The 2008 U.S. Presidential Election: Obama and the Environment," *Environmental Politics*.

Klyza and Sousa, Ch. 2.

Vig and Kraft, Ch. 1.

Aaron M. McCright. (2014). "Political Polarization on Support for Government Spending on Environmental Protection in the USA, 1974-2012," *Social Science Research*.

Optional:

Allison L. Huang. (ND). "Does Environmental Policy Matter for Elections? Evidence from the U.S. Senate."

John A. List and Daniel M. Sturm. (2006). "How Elections Matter: Theory and Evidence from Environmental Policy." *Quarterly Journal of Economics*.

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*.

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*.

IV. *Contemporary Environmental Politics and Policy (2/4-2/9)*

Readings:

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

Vig and Kraft, Ch. 7.

Alan J. Krupnick, et al. (2014). “Preparing for the Midterm CAFE Review.” *Resources*.

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

V. *Environmental Rulemaking—Where the Action Is (2/11-2/16)*

Readings:

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

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

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

VI. *Enforcement: Adversarial or Consensual?* (2/18)

Readings:

Matthew Potoski and Aseem Prakash. (2004). "The Regulation Dilemma: Cooperation and Conflict in Environmental Governance," *Public Administration Review*.

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*.

Klyza and Sousa, Ch. 6.

Vig and Kraft, Ch.11.

Sarah Stafford. (2012). "Do Carrots Work? Examining the Effectiveness of EPA's Compliance Assistance Program," *Journal of Policy Analysis and Management*.

Joel A, Mintzy. (2014). "Measuring Environmental Enforcement Success: The Elusive Search for Objectivity." Working paper, Nova Southeastern University.

PART II. INSTITUTIONAL ACTORS

VII. *Mobilization of Interests* (2/23 – 2/25) [NO CLASS 2/23]

Readings:

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*.

Vig and Kraft, Ch. 3.

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

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

ONE PARAGRAPH ON PAPER TOPIC DUE 2/25

MIDTERM 3/1

VIII. *Congress, Distributive Politics, and Polarization* (3/3)

Readings:

Barry Rabe. (2007). “Can Congress Govern the Climate?,” NYU Working
Paper.

Klyza and Sousa. Ch. 3.

Vig and Kraft, Ch. 5.

IX. *The President and the General Interest* (3/15 – 3/17)

Readings:

Vig and Kraft, Ch. 4.

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

Lisa Heinzerling. (2014). “Inside EPA: A Former Insider’s Reflections on the Relationship between the Obama EPA and the Obama White House,” *Pace University Law Review*.

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

X. *The Courts as Arbitrator* (3/22 - 3/24)

Readings:

Richard J. Lazarus. (2004). “Judging Environmental Law,” *Tulane Law Review*.

Klyza and Sousa, Ch. 5.

Vig and Kraft, Ch. 6.

Christopher Warshaw, and Gregory E. Wannier. (2011). “Business as Usual? Analyzing the Development of Environmental Standing Doctrine Since 1976,” *Harvard Law & Policy Review*.

Brianne Gorod. (2015). “Roberts at 10,” Constitutional Accountability Center.

XI. *The Agencies and the Interaction of Institutions (3/29)*

Readings:

Andrews, R. N. L. (2011). "The EPA at 40: An Historical Perspective," *Duke Environmental Law and Policy Forum*, vol. 21, pp. 223-258.

Klyza and Sousa, Ch. 4.

Vig and Kraft, Ch. 7.

U.S. GAO. (2011). "Environmental Protection Agency: Major Management Challenges."

XII. *States and Localities-The Sins and Virtues of Federalism (3/31)*

Readings:

Klyza and Sousa, Ch. 7.

Vig and Kraft, Ch. 2.

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

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

Kristen H. Engel. (2015). "EPA's Clean Power Plan: An Emerging New Cooperative Federalism," *Publius*.

Optional:

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

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

XIII. *Climate Change: Regulating a Global Public Good Nationally* (4/5 – 4/12; **“W” STUDENTS DRAFT DUE 4/6, NO CLASS 4/7**)

Readings:

Vig and Kraft, Ch. 13.

James R. Kahn. (2005). *The Economic Approach to Environmental and Natural Resources*, Ch. 7.

Lawrence S. Rothenberg. (2009). “The Political Economy of Global Climate Change.”

Lisa Heinzerling. (2012). “Introduction: Climate Change at EPA,” *Florida Law Review*

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

Reading(s) on Paris Accord.

XIII. *Student Presentations* (4/14, 4/19, 4/21, and mega makeup class [tbd])

XIV. *Conclusions: Is the System Sustainable?* (4/26; **PAPERS DUE 4/27**)

Reading:

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

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*.

Klyza and Sousa, Ch. 8.

Vig and Kraft, Ch. 16.