



Course Purpose: This course provides an explicitly political perspective on policy issues concerning the environment. The intended audience is committed, upper-level, undergraduate students. Please be aware, however, that there is 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 lawrence.rothenberg@rochester.edu--feel free to use either as a means of contact. I am also happy to conduct ZOOM meetings . . . just send me an email! Note that my office is in the Wallis Institute suite, so if you want to 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 Maria Silfa msilfa@ur.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—in person or via ZOOM—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 is one class this semester when I am at academic conference (not to mention that the late fall in Rochester has been known to wreak havoc). Also, given past experiences, the Tuesday or Thanksgiving week is cancelled. For makeup classes I will try to accommodate all students' schedules (and provide quantities of food if allowed by the powers that be), and I would really appreciate everybody being flexible in making time in their schedules.

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.

The other book is a “mini-book,” for lack of a better term, by me: *Policy Success in an Age of Gridlock*, which is available in electronic form for \$10 and in paperback for slightly more. I will put a copy on reserve—if there is demand, I will order some copies through the bookstore.

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 made 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”* (8/26)

II. *What’s Changed? A First Look* (8/31)

Readings:

Klyza and Sousa, Ch. 1.

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*.

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*.

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

Optional:

- Thomas Picketty and Emmanuel Saez. (2014). “Inequality in the Long Run,” *Science*.
- “Political Polarization in the American Public.” (2014). Pew Research Center.
- 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).
- Lara Cushing, et al. (2015). “The Haves, the Have-Nots, and the Health of Everyone: The Relationship Between Social Inequality and Environmental Quality,” *Annual Review of Public Health*.
- Philip J. Landrigan, et al. (2017). “The *Lancet* Commission on Pollution and Health,” *The Lancet*. (for a look at what has been learned scientifically)
- Sung Eun Kim and Johannes Urpelainen. (2018). “Environmental Public Opinion in U.S. States, 1973–2012,” *Environmental Politics*.
- Boyce, James (2018). “How Economic Inequality Harms the Environment,” *Scientific American*.
- Nolan McCarty. (2019). “Can America Govern Itself?” in *Polarization and the Changing American Constitutional System*, eds. Frances E. Lee and Nolan McCarty.
- Chad Stone, et al. (2020). “A Guide to Statistics on Historical Trends in Income Inequality,” Center on Budget and Policy Priorities.
- Jody Freeman. (2021). “The Environmental Protection Agency’s Role in Climate Policy—A Fifty Year Appraisal” *Duke Environmental Law & Policy Forum*.

III.A. *Environmental Problems and Solutions: Grounds for (and Against) Political Intervention* (9/2 – 9/7)

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*.

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

Fredrik Carlsson, Christina Gravert, Olof Johansson-Stenman, and Verena Kurz. (2021). "The Use of Green Nudges as an Environmental Policy Instrument," *Review of Economics and Policy*.

Optional:

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

Hunt Allcott and Cass R. Sunstein. (2015). "Regulating Internalities," *Journal of Policy Analysis and Management*.

Clyde Crews. (2021). *Tip of the Costberg*. Competitive Enterprise Institute.
[Note: a conservative perspective]

E. Donald Elliott and Daniel C. Esty. (2021). "The End Environmental Externalities Manifesto: A Rights-Based Foundation for Environmental Law," *NYU Environmental Law Review*.

IIIB. Environmental Problems and Solutions: Alternative Policy Solutions (9/9 - 9/14)

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:

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

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

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*.

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*.

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*.

- 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*.
- Joel A, Mintz. (2014). "Measuring Environmental Enforcement Success: The Elusive Search for Objectivity." Working paper, Nova Southeastern University.
- Jennifer Fernandez, et al. (2015). "Drinking Away the Future: Policy Solutions for a Sustainable Water Supply in the U.S." Working paper, American University.
- Spencer Banzhaf, Lala Ma, and Christopher Timmins. (2019). "Environmental Justice: The Economics of Race, Place, and Pollution." *Journal of Economic Perspectives*.
- Bryan Leonard, Christopher Costello, and Gary D. Libecap. (2019). "Expanding Water Markets in the Western United States: Barriers and Lessons from Other Natural Resource Markets," *Review of Environmental Economics and Policy*.
- Erik Haites, et al. (2019). "Experience with Carbon Taxes and Greenhouse Gas Emissions Trading Systems," *Duke Environmental Law & Policy Forum*.

IV. *Historical Antecedents: Demand for Environmental Protection* (9/16 - 9/21)

Readings:

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*.

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

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

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

Optional:

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

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

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*.

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*.

Robert Gottlieb. (2009). "The Changes that Elections Bring," *Environmental History*.

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*.

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

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

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

Brian Kennedy. (2016). “Public Support for Environmental Regulation Varies by State,” Pew Research Center.

Charles Palmer and Diana Weinhold. (2020). “Voter Choice and Issue Salience: Environmental Preferences and the 2016 Presidential Election.”

V. *Environmental Policy in the Pre-Gridlocked Age (9/23 -9/28)*

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*. See also referenced memos at <https://nsarchive.gwu.edu/document/15887-document-10-memorandum-frederick-bernthal-oes>.

9/30—No Class [assuming Professor’s travels not cancelled]

VI. *The Current State of the Environment* (10/5)

Readings:

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

Karen Clay, Nicholas Z. Mullery, and Xiao Wang. (2021). “Recent Increases in Air Pollution: Evidence and Implications for Mortality,” *Review of Environmental Economics and Policy*.

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

ONE PARAGRAPH ON PAPER TOPIC DUE

VIIA. *Environmental Policy in the Post-Gridlocked Age: Where the Action Isn't [With Exception]* (10/7, 10/14)

Klyza and Sousa, Ch. 3.

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

Lawrence Rothenberg (2018). *Policy Success in an Age of Gridlock*.

MIDTERM 10/19

VII.B. *Environmental Policy in the Post-Gridlocked Age: Rulemaking and Enforcement—Where the Action Is and Isn't* (10/21 – 10/26)

Readings:

Klyza and Sousa, Chs. 4-5.

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

Jeffrey S. Lubbers. (2019). *A Guide to Federal Agency Rulemaking*, 6th ed. Part 1.

Jennifer Nou. (2019). “Civil Servant Disobedience,” *Chicago Kent Law Review*.

Stuart Shapiro. (2020). “OIRA’s Dual Role and the Future of Cost-Benefit Analysis,” *Environmental Law Reporter*.

Wayne Gray and Ronald Shadbegian. (2020). “Economics of Environmental Compliance and Enforcement,” *Review of Environmental Economic and Policy*.

Nadia Popovich, et al. (2021). The Trump Administration Rolled Back More Than 100 Environmental Rules. Here’s the Full List. *New York Times*.

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*.

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

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*.

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

Environmental Data & Governance Initiative. (2020). “Democratizing Data: Environmental Enforcement Watch’s Report Cards for Congressional Oversight of the EPA.”

VIIIC. Environmental Policy in the Post-Gridlocked Age: States and Localities—The Many Facets of Federalism (10/28-11/2)

Readings:

Klyza and Sousa, Ch. 7.

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*.

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

Daniel Fiorino and Carley A. Wetted. (2020). “Environmental Federalism in a Polarized Era,” *State and Local Government Review*.

Neil D. Woods. (2020). An Environmental Race to the Bottom? “No More Stringent” Laws in the American States. *Publius*.

Optional:

- Wallace Oates. (2002). "The Arsenic Rule: A Case for Decentralized Standard Setting?" *Resources*.
- Ted Gayer and Robert Hahn. (2005). "The Political Economy of Mercury Regulation," *Regulation*.
- Wallace Oates. (2012). "Regulatory Federalism: Regulation in a Setting of Multi-level Government." Working paper, University of Maryland.
- David Vogel, Michael Toffel, Diahanna Post, and Nazli Z. Uludere Aragon. (2012). "Environmental Federalism in the European Union and the United States."
- Shakeb Afsah and Kendy Salcito. (2013). "Red and Blue and CO₂: Energy and Politics in the US," CO₂ Scorecard.
- David M. Konisky and Neal D. Woods. (2016). "Environmental Policy, Federalism, and the Obama Presidency," *Publius*
- Environmental Council of the States. (2017). *Achieving and Maintaining a Clean Environment and Protecting Public Health*.
- John William Hatfield and Katrina Kosec. (2019). "Local Environmental Quality and Interjurisdictional Spillovers," *Economica*.
- Congressional Research Service. (2020). *Fiscal Federalism: Theory and Practice*.
- David Vogel. (2021). "The Politics of Preemption: American Federalism and Risk Regulation," *Regulation & Governance*.

VIII. *The Trump Past and the Biden Present/Future* (11/4-11/9)

Richard L. Revesz. (2020). The Trump Administration's Attacks on Regulatory Benefits. *Review of Environmental Economics and Policy*.

Ray Galvin, and Noel Healy. (2020). "The Green New Deal in the United States: What it is and How to Pay for it," *Energy Research & Social Science*.

Agya K. Aning. (2021). "The Biden Administration's Embrace of Environmental Justice Has Made Wary Activists Willing to Believe," *Inside Climate News*.

Joseph R. Biden. (2021). "Modernizing Regulatory Review."

Elizabeth Bomberg. (2021). "The Environmental Legacy of President Trump," *Policy Studies*.

Optional:

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*.

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

Center for Environmental Policy Project Report. (2019). Moving Forward: Future Directions for EPA and Environmental Protection." See also <https://www.epaalumni.com/video-of-january-13th-session>.

Richard L. Revesz. (2019). "Institutional Pathologies in the Regulatory State: What Scott Pruitt Taught us About Regulatory Policy," *Journal of Land Use*.

Jonathan Adler. 2019. "Redefining "Waters of the United States."" *Resources*.

Samantha Gross. (2020). "[What is the Trump Administration's Track Record on the Environment?](#)", Brookings.

S. Mažeika Patricio Sullivan, et al. (2020). "Distorting Science, Putting Water at Risk," *Science*.

Bernard D. Goldstein. (2021). “What the Trump Administration taught us about the Vulnerabilities of EPA's Science-Based Regulatory Processes: Changing the Consensus Processes of Science into the Confrontational Processes of Law,” *Health Matrix*.

Alan J. Krupnick, Arthur Fraas, and Justine Huetteman. (2021). “The Economics of Regulatory Repeal,” *Review of Environmental Economics and Policy*.

IX. Climate Change: Regulating a Global Public Good Nationally (11/11 – 11/16; **“W” STUDENTS’ DRAFTS DUE 11/11**)

Readings:

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

David M. Bodansky and Lavanya Rajamani. (2018). “The Evolution and Governance Architecture of the United Nations Climate Change Regime,” in *Global Climate Policy*.

Yamide Dagnet, et al. (2018). “Setting the Paris Agreement in Motion,” World Resources Institute.

Matto Mildenerger. (2021). “The Development of Climate Institutions in the United States,” *Environmental Politics*.

David South, Shreyas Vangala, and Kaylene Hung. (2021). “The Biden Administration’s Approach to Climate Change,” *Climate and Energy*.

Optional:

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

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

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

Stefano Carattini, Simon Levin, and Alessandro Tavoni. (2019). "Cooperation in the Climate Commons," *Review of Environmental Economics and Policy*.

William Nordhaus. (2019). "Climate Change: The Ultimate Challenge for Economics," *American Economics Review*.

Marco Battaglini and Bard Harstad. (2020). "The Political Economy of Weak Treaties," *Journal of Political Economy*.

The Economics of Biodiversity: The Dasgupta Review (2021).

IPCC. (2021). "Climate Change 2021: Summary for Policymakers."

Resources Magazine. (2021). "The Federal Climate Policy Toolkit."

X. *Student Presentations* (11/18, 11/30, **no class 11/23**, and mega makeup class/classes [tbd])

XI. *Where Have We Been and What Lies Ahead* (12/2 – 12/7; **PAPERS DUE 12/2**)

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, Michael E. Kraft, and Barry G. Rabe. (2021). “Conclusion: Environmental Policy in Crisis,” in *Environmental Policy: New Directions in the Twenty-First Century*, 11th edition.

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*.

Corey J.A. Bradshaw. (2021). “Underestimating the Challenges of Avoiding a Ghastly Future,” *Frontiers of Conservation Science*.

John C. Dernbach and Scott E. Schang, eds. (2021). “Making America a Better Place for All: Sustainable Development Recommendations for the Biden Administration,” *Environmental Law Reporter*.