

## **Environmental Politics and Policy 4351-101**

Fall Semester 2020

Instructor: Jerry Prout

Class Time: Tuesday 3PM to 5PM

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### Required Books:

*Environmental Politics* (Oxford Press), Andrew Dixon

*Environmental Ethics* (Oxford Press), Robin Attfield

*Environmental Economics* (Oxford Press), Stephen Smith

*Environmental Law* (Oxford Press), Elizabeth Fisher

*Science in Environmental Policy* (MIT Press), Anne Campbell Keller

Class Objective: The objective of this course is to provide you with a comprehensive analytical framework for better understanding U.S. environmental policy and politics. To assist in your understanding, we will apply this analytic construct to specific issues and case studies.

Class Overview: The first seven weeks are dedicated to those topics that confer both legitimacy and authority to environmental issues, and also those that shape and define the substance of environmental policies and the politics that surround them. We will ask why we value the environment, contemplate what our ethical obligations are to our planet, and discuss how man's complicated relationship with nature has fundamentally changed over time. We will survey the interests and constituencies that are often at odds on specific environmental issues and thus shape its politics. We will ask ourselves how particular environmental issues emerge as more important than others, and how they compete for attention with larger issues, both for resources and attention. We will ask what sorts of approaches are best suited for specific environmental problems. We will learn about the diverse range of expertise required to expose environmental hazards in the first place, and the corresponding expertise required to design environmental policies. We will survey the extensive landscape of federal, state and local agencies that design and enforce existing environmental policies and often recommend new ones for legislative consideration. And finally, we will examine what the appropriate venue is for various kinds of environmental issues; i.e., at what level of government is a specific environmental challenge most effectively managed. During the remaining weeks will apply our analytical construct to five broad issue areas in an attempt to better grasp what policies are in place, future policy options, and the politics surrounding each.

Class Format: We will meet as a class online each week at 3PM (CT). This is a synchronous class. Lectures will be posted each week in advance of the class on D2L. I encourage you review these prior to our class meeting. The basic concepts that guide our discussion and will inform your papers will be addressed in these lectures. We will then plan to meet on-line regularly at class time in order to discuss the readings and the presentation. To assist you with your class discussion, questions about the readings will be posted each week on D2L and you will be asked to respond.

Class Expectations: You should expect me to provide an unbiased, analytical framework that enables you to better understand the dimensions and complexity of environmental politics. You

should also expect I will stimulate lively and civil discussion and always respect your participation. I will expect you to engage with an open mind that is curious and willing to cast aside preconceived notions. My goal is that you will leave the class with more questions than when you arrived.

Grading: You are responsible for one paper that is well written and well cited. It will be completed in three installments over the course of the semester. Details about the paper are described at the end of this syllabus. The final grade will be weighted toward your performance on the paper. However, effective in class participation can help you significantly boost your final grade; just as a consistent lack of effective participation can detract. In our current situation I will judge your participation by your regular on-line presence, and your meaningful participation in D2L discussions. I will do my best to engage you on-line in ways that are encouraging. Each of the paper installments is important and will be graded in hopes of maximizing your performance on the final paper.

Reach out: Though we are not meeting face to face I do respond to emails and welcome hearing from you. If necessary I am glad to speak with any of you by phone. If you want to speak in person just email me and we can arrange a time. If I don't respond within 24 hours, try again. My goal is to help you learn and succeed in this course. If you find anything in this online experience a barrier to that, let me know and we will work to overcome it. We should not let on-line learning be a barrier to meaningful engagement and learning.

## Week 1 September 1

## Environmental Ethics

Environmental policy and politics are grounded in philosophy and religion. Belief systems are used to legitimize arguments for protecting our planet; they create ethical obligations that often conflict with the path of modernity. We will examine how the environment figures prominently in many philosophical and religious systems from animism to pantheism; from transcendentalism to utilitarianism; and we will discuss how these underlying beliefs shape policy debates.

### Readings

Lynn White: The Historical Roots of Our Ecological Crisis

Richard White: Are you an Environmentalist or Do you Work for a Living?

Robin Attfield, *Environmental Ethics*, Chapters 1 thru 7

Andrew Dobson, *Environmental Politics*, Chapter 2

## Week 2 September 8

## Environmental History

Concern for the environment in the United States is often conveniently bifurcated between the early twentieth century conservation phase associated with the likes of John Muir and Aldo Leopold, and the later post World War II pollution control phase associated with the marking of the first Earth Day and the creation of EPA. In short, environmental history seems to neatly divide between initiatives to preserve the seen, and those aimed at the harmful effects of the unseen. We will discuss whether this distinction is accurate or causes us to overlook far deeper historical roots, and the seamlessness of the environment.

### Readings

Samuel P. Hayes: From Conservation to the Environment: Environmental Politics in the US since World War II

Andrew Dobson, *Environmental Politics*, Chapter 1

Elizabeth Fisher, *Environmental Law*, Chapter 4

## Week 3 September 15

## Environmental Experts

Those engaged with the development and implementation of environmental policy draw on assorted expertise. Not only does science provide information and interpretation of the impacts of human activity on specific media, but it advances our understanding of new ecological phenomenon and threats. It thus plays a central role in raising issues and awareness. In contrast, economists have had a somewhat uneven relationship with environmental policy. Their measurements can be useful in understanding how to prioritize, if less so in determining the value of precious resources and the value of human life. Environmental lawyers are essential to translating policy concerns into legally enforceable requirements. They now play an essential role in interpreting and contesting existing requirements. Computer experts, mathematicians, and statisticians now design complex models for analyzing environmental risks (i.e., risk assessment). Other fields such as engineering (design of environmental controls and terms of environmental permits) and bioethics (clearly presenting value laden tradeoffs) are also engaged. We will examine the challenge of integrating these disciplines to get the best information for informed policy decisions.

### Readings

Ann Campbell Keller, *Science in Environmental Policy*, Introduction thru Chapter 2

Stephen Smith, *Environmental Economics*, Chapters 1 thru 4

Elizabeth Fisher, *Environmental Law*, Chapters 3 and 5

## Week 4 September 22

## Environmental Interests

### Environmental interests: Who are the major players in contemporary environmental debate?

The notion that environmental issues constitute a morality play that pits the greed of multinational corporations against overpowered and underfunded environmental activists, misrepresents the constellation of interests that engage environmental issues and their complicated interaction. Not only can the business community be divided on specifics, but also environmental groups often disagree over priorities and approaches. In addition, governments (federal, state, and local) and affected citizens are often at the center of environmental debates (e.g., Flint water). Now that many green issues are global, sovereign governments and international civil society is engaged as well.

### Readings:

Please Examine these four web sites per questions posted on D2L:

<https://www.nrdc.org/>

<http://www.worldwildlife.org/>

<http://www.wri.org/>

<https://www.edf.org/>

Andrew Dobson, *Environmental Politics*, Chapter 3

Dorothy Daly, Citizen Groups and Scientific Decision-making: Does Public Participation Influence Environmental Outcomes

Michael Kraft, Environmental Interest Groups

## Week 5 September 29

## Environmental Governance

The current quilt of domestic environmental regulation is administered by federal, state and local agencies. Coordination among regulators at the federal level is often problematic, complicated by turf wars with state and local regulators. And, as new regulatory interpretations unfold, many are

challenged, first administratively and then in court; an increasingly popular strategy used by both environmental and corporate interests. Thus, flawed policy may ultimately be returned to legislatures for repair. For their part, as legislators deliberate on policies to address emerging environmental issues, they also must appropriate funds to sustain environmental programs already in place, as well as oversee the efficacy of ongoing programs. We will examine the many and varied roles played by branches of U.S. government in the implementation of environmental policy.

Readings:

Ann Campbell Keller, *Science in Environmental Policy*, Chapter 3

Rosemary O’Leary Environmental Policy in the Courts

Christopher Klyza and David Sousa, Creating the Institutional Landscape of Environmental Policy-Making

PAPER DUE OCTOBER 5 (noon)

FIRST INSTALLMENT

Week 6 October 6

Environmental Governance

“Think Globally, Act Locally,” became a favorite environmental catch phrase at the beginning of this new century. It suggests how the commitment to environmental protection must extend across legal jurisdictions, and sovereign borders. Environmental politics are just as evident in the town square as they are in the halls of the United Nations Environmental Program. While the levels of passion, sophistication, resources, and competence may vary, say between the federal water quality program administered at EPA headquarters versus the office of water quality in the Wyoming DEQ, no venue has a monopoly on wisdom. Often better decisions result when affected local interests are heard above the more detached global-federal, techno-legal dialogue. We will examine how environmental debates on the same issues may vary across venues and why some interests prefer one venue over another.

Readings:

DeWitt John, An Overview of State Environmental Policy,

Richard L. Revesz, Federalism and Environmental Regulation,

Roger Karapin, Not Waiting for Washington: Climate Policy Adoption in California and New York.

David Vogel, Private Global Business Regulation

Andrew Dobson, *Environmental Politics*, Chapter 4

Elizabeth Fisher, *Environmental Law*, Chapter 6

Week 7 October 13

Environmental Methods and Priorities

The challenge of how best to change bad or incentivize good environmental behavior has vexed policymakers for several decades. The discussion engages those who believe environmental externalities are best controlled or eliminated through a command and control regime imposed by government, and those who would prefer to apply market based tools. For some, the very phrase “command-control” has become pejorative. For each camp, there are successes and, conversely, unintended consequences from well-motivated actions. Recently some have begun exploring to see if there is yet a third way that combines the best of both approaches. We will examine the strengths and weaknesses of various environmental policy tools and whether new trends present a preferred option. We also will examine how we have prioritized environmental

issues in the past, from media specific, siloed issues to a more multi-media approach. We will ask how climate change will alter our approach to prioritization?

Readings:

Judith Layzer, Market Based Solutions,

J.D. Graham and J.B. Wiener, Confronting Risk Tradeoffs

Elizabeth Fisher, *Environmental Law*, Chapters 7 and 8

Ann Campbell Keller, *Science in Environmental Policy*, Chapter 4

Anthony Downs, Up and Down with Ecology: The Issue attention Cycle

Deborah Stone, Causal Stories and Policy Agenda

Week 8 October 20

Food Security

Farming has long been man's most immediate interface with the environment. Continuous improvements in farm technology and practice have significantly increased the efficiency of farm output per acre. Many practices have been significantly regulated minimizing impacts on soil and water; while others (e.g., CAFO's) remain virtually unregulated. And, though agricultural technology and methods have improved and dramatically expanded the world's food supply, they have not kept pace with the increasing demands of growing populations. In short, too many people remain hungry. Moreover, many of the latest advances to increase food supplies (conventional chemicals, GMO's, nanotechnology) are questioned for their long-term impacts on the environment and/or human health. We will examine the current farm to dinner table regulatory regime, and ask how best to reconcile environmental and food justice. We will discuss why hunger is an environmental challenge, and why sustainable farming practices are critical to eliminating hunger in your lifetime.

Readings:

Michelle Mart, Recommitment: Endocrine Disruptors, GMO's and Organic Food

Tim Lang and David Barling, Food Security and food sustainability: reformulating the debate

G. M. Lamb, When Genetically Modified Plants Go Wild

Week 9 October 27

Water Supply

Significant human resources and financial capital have been dedicated to improving the quality of our nation's surface water, and to preserving them as "fishable and swimmable." While the Federal Water Pollution Control Act addresses surface waters, it has largely left preservation of the nation's vast groundwater supply largely to the states. As our nations water needs increase, the quality of water supply becomes an increasing issue. Recent experiences in California seem instructive. We will examine how the two issues \_\_ water quality and water quantity \_\_ are joined, and discuss whether the existing regulatory regime is adequate to the task.

Readings:

Mark Lubell, Collaborative Watershed Management

Helen Ingram and Leah Fraser, Path Dependency and Adroit Innovation: The Case of California Water

Abraham Lustgarten, A Free Market Plan to Save the American West from Drought

David Feldman, Toward a Water Sensitive Future

PAPER DUE NOVEMBER 2 (noon)  
INSTALLMENT

SECOND

Week 10 November 3

Climate Change

The industrial age was propelled by the ability of man to efficiently convert energy from carbon sources. Today those same sources are identified as contributing over 85% of man-made CO<sub>2</sub> into the atmosphere. Moreover, industrial and human activities have interfered with natural carbon sinks thus adding to the amount of carbon dioxide and other greenhouse gases now altering climate. In response, industry has heralded a new energy renaissance with the availability of alternative fuel sources, and large domestic sources of clean natural gas extracted through new hydrogeological technologies. Yet each of the alternative fuels, from wind to solar to fracking have stirred their own controversies. We will examine why, with the climate crisis upon us, the rhetoric seems to outweigh actionable steps towards mitigating GHG reduction.

Readings:

Brookings Institute, The Potential Role of a Carbon Tax in U.S. Fiscal Reform

Nathaniel Rich: Losing the Earth: The Decade We Almost Stopped Climate Change

Robin Attfield, *Environmental Ethics*, Chapter 8

Stephen Smith, *Environmental Economics*, Chapter 5

Week 11 November 10

Conservation

Aldo Leopold argued, “We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.” Leopold’s notion of the commons helped drive early twentieth century conservation movement. Yet conservation efforts struggled against the founder’s Enlightenment notion of private property. Indeed so central is the property rights argument to our underlying laws that in the development of a public lands policy, Teddy Roosevelt and his conservationist allies were careful to insert the doctrine of “multiple use” into public lands policy. We will discuss whether our public lands laws need to be revamped to address new developmental realities. We will discuss how best to determine which natural spaces to preserve and how much room should be allowed for market based approaches in the preservation debate?

Readings:

Robert Keiter, Keeping Faith with Nature

Aldo Leopold, The Land Ethic

Mark Lubell and Brian Segee, Conflict and Cooperation in Natural Resource Management

Week 12 November 17

Sustainability

As environmental policy has evolved, policy makers have increasingly made the argument that environmental values should not be seen as separate and apart from economic values. This inseparability emerged in early discussions regarding waste minimization, then pollution prevention, and eventually the precautionary principle. Currently, the vocabulary of “sustainability” tries to express the inseparability of the economic and the environmental with concepts such as “the triple bottom line.” Are we now leaving it to multinational corporations and their sustainability policies to advance our environmental future?

Readings:

Carter Roberts, Next Generation Corporate Responsibility

Carolyn Hee, Beyond Corporate Sustainability

Andrew Dobson, *Environmental Politics*, Chapter 5

Elizabeth Fisher, *Environmental Law*, Chapter 1 and 2

Week 13 November 24

Environmental Justice

The pattern of industrial development in the U.S. encouraged workers to live in proximity to the factories where they worked. But in post-World War II America white flight to new and expanding suburbs left many cities to confront what became an “urban crisis,” with neighborhoods surrounding abandoned industrial facilities and often exposed to the legacy of earlier unregulated pollution. It was not until the 21<sup>st</sup> century that the underrepresented, predominantly communities of color brought attention to their disproportionate exposure to this legacy pollution. They also called attention to the deliberate siting of polluting activities in these neighborhoods, or in rural areas with similar demographics. Such practices raise issues of environmental equity. We shall examine the insidious nature of environmental racism and discuss whether existing environmental justice policies truly addresses the issue.

Readings:

Elizabeth Fisher, *Environmental Law*, Chapter 9 and 10

Alice Kaswan, Environmental Justice and Environmental Law

Jerry Prout, Coming to Terms with Environmental Justice

PAPER DUE DECEMBER 3

FINAL

We all should follow without exception the Marquette Honor Code:

<http://bulletin.marquette.edu/undergrad/academicregulations/#attendance>