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MWF 10-10:50

## **Government 221: Environmental Policy**

Environmental protection policy is the most costly, and many would suggest, the most important regulatory responsibility in the United States and other wealthy democracies. In the United States, the Environmental Protection Agency (EPA) is the largest of all federal regulatory agencies, with a budget of some \$8 billion. This figure grossly understates the nation's commitment to environmental protection insofar as it does not include state and local regulatory budgets and, more importantly, the costs of compliance. The commitment to environmental protection reflects many factors, including the high levels of public support, effective political advocacy, and the inherent importance of the policy area. The EPA has no shortage of critics. Yet, there is much evidence that its regulatory efforts have contributed to significant gains in environmental quality. In the last three decades there have been considerable achievements in the control of air and water pollution and solid and toxic wastes. Despite public opinion poll data revealing a widespread belief that little progress has been made in the environment and things are likely to get worse in the future, environmental protection regulation has been remarkably successful.

A few caveats are in order, however. First, to say that public policy has performed well is not to conclude that gains have been achieved in a cost effective manner. There is much evidence of excessive costs imposed by regulatory design and a failure to allocate scarce resources in a rational manner. Second, while the EPA has been an important part of the story, environmental gains reflect a far more complex set of forces, including changes in corporate practices and the emergence of new technologies. Third, despite the past record, there is much to suggest that the current system of environmental regulation has run its course. Further gains may depend on the success in moving to new models of regulation, public-private collaboration, and government-supervised self-regulation. Fourth, recent decades have witnessed the rise of new global environmental problems that cannot be effectively addressed within the confines of the nation-state. Success in managing problems like global climate change will depend on progress in international institution-building.

This course provides a broad overview of environmental policy. Participants will gain an understanding of the justifications for environmental protection, the core features of US environmental regulations, recent reforms in regulatory policy-making, alternatives to the prevailing system, and the complexities of extending regulation into the international arena.

## Course Readings

The following are available from Broad Street Books:

Marc Allen Eisner, Governing the Environment: The Transformation of Environmental Regulation. (Rienner, 2007). 1-588264-85-8

Norman J. Vig and Michael E. Kraft, Environmental Policy: New Directions for the Twenty-First Century, 6th Edition (Congressional Quarterly Press, 2005). 1-933116-01-3

David G. Victor, Climate Change: Debating America's Policy Options. (Council on Foreign Relations Press, 2004). 0-876093-43-8

Most of the reading will be drawn from other sources, including the EPA, think tanks, and policy journals. With a few exceptions, these sources can be accessed via the internet through the hypertext links in the syllabus. In most cases, you will need to use Adobe Acrobat Reader (for pdf files). This program is available as a free download from [www.adobe.com](http://www.adobe.com).

## Course Grade

The grade in Government 221 will be determined as follows:

Midterm Exam	30%
Research Paper	30%
Group Policy Recommendations	10%
Final Exam	30%

## Key Components of the Grade

### Exam (30 percent)

On March 9<sup>th</sup> we will hold a midterm exam. The exam will take the form of short-term identifications on key concepts from the lectures and readings.

### The Research Paper (30 percent)

The research paper must engage a topic of core relevance to the course. Examples would include key environmental policies, events, or theoretical debates. The paper must employ some subset of the works assigned in the course, in addition to research conducted primarily for the assignment.

The research paper requirement has two components: a research paper prospectus, due on or before April 1<sup>st</sup>, and a research paper not to exceed 20 pages in length, due by midnight May 7<sup>th</sup>. Both components must be submitted as electronic documents (Microsoft Word Documents, as email attachments).

The prospectus is an invaluable tool for writing a research paper. It must contain an introduction which establishes the thesis, purpose, and relevance of the project to the course. The body of the prospectus should summarize the key elements of your research

(i.e., how you will support your thesis, claims, hypothesis). In addition, there must be an annotated bibliography with at least 4 sources (journal articles, book chapters, or books) not assigned in the course.

The research paper should not exceed 20 pages. The best papers will effectively develop a thesis and an argument, support the thesis by exploring relevant research on the topic, and exhibit a broad competence of the subject matter.

### **Group Policy Recommendations (10 percent)**

One of the components of the course will be a group project to develop and present policy recommendation to the President. The group project will take the form of a policy brief that must not exceed 10 pages (double spaced) in length and will be presented and defended in class on May 2<sup>nd</sup> and 4<sup>th</sup>. Groups will be formed early in the semester and it is expected that they will meet periodically to develop their critiques and recommendations. More information on this assignment will be presented in class.

### **Final Exam (30 percent)**

The final exam will be comprehensive and will occur at the time and place assigned by the registrar.

### **Course Policies**

It is an expectation of the course that students will attend class regularly and arrive before the beginning of the period. If you anticipate that you will not be able to arrive at class as scheduled, you should reconsider your decision to take this course. Likewise, if you anticipate that you will not be able to meet the due dates (e.g., you have commitments to be absent during key periods of the semester) you are urged to reconsider your decision to take this course.

All written work must be submitted as a Microsoft Word attachment by midnight on the date due. Late work will be penalized one full grade per day, beginning at 12:01 on the day following the due date.

Incompletes and extensions will be allowed only in cases of serious and verifiable emergencies communicated to the professor your dean.

It is assumed that all students will familiarize themselves with what constitutes plagiarism under University policy and will abide by the provisions of the Honor Code.

### **Contacts**

I am pleased to meet with you during office hours and other mutually agreed upon times. My office hours for Spring 2007 are as follows:

Monday 1-2  
Friday 11-1

In addition, you may contact me via AOL Instant Messenger during normal business hours (screen name: ProfEisner). Instant messages may prove more efficient than emails or office visits for quick questions.

Session	Date	Topic
1-3	1/24-29	<p><b>Course Introduction: Regulating the Environment</b></p> <p>Eisner, <i>Governing the Environment</i>, chapter 1</p> <p>Eisner, Worsham, and Ringquist, <i>Contemporary Regulatory Policy</i>, chapters 1, 3.</p> <p><b>Competing Visions of the Environment</b></p>
4	1/31	<p><b>The Market, Pollution, and Property Rights</b></p> <p>Don Fullerton and Robert N Stavins, “How Economists See the Environment.” <i>Nature</i>, 395 (1998): 433-34. <a href="#">Download</a></p> <p>Ronald H. Coase, “The Problem of Social Costs.” <i>Journal of Law and Economics</i>, 3 (1960): 1-44 <a href="#">Download</a></p>
5	2/2	<p><b>Market Failure and Public Regulation</b></p> <p>Garrett Hardin, “The Tragedy of the Commons.” <i>Science</i>, 162, 3859 (1968) :1243-1248. <a href="#">Download</a></p> <p>Richard O. Zerbe Jr . and Howard McCurdy, “The End of Market Failure.” <i>Regulation</i>, 23, 2 (2001): 10-14. <a href="#">Download</a></p>
6	2/5	<p><b>Justice, Sustainability and Intrinsic Values</b></p> <p>Robert Paehlke, “Environmental Sustainability and Urban Life in America.” (Vig &amp;Kraft)</p> <p>Evan J. Ringquist, “Environmental Justice: Normative Concerns, Empirical Evidence, and Government Action.” (Vig &amp;Kraft)</p> <p>Brennan, Andrew, and Lo, Yeuk-Sze, "<a href="#">Ethics and the Environment</a>," The Stanford Encyclopedia of Philosophy.</p>

7-8    2/7-9    **Do We Regulate Enough?**

Karlyn Bowman, [“Polls on the Environment.”](#) AEI Studies in Public Opinion (updated April 23, 2004)

Anthony Downs, [“Up and Down With Ecology: The ‘Issue-Attention Cycle’.”](#)

W. Kip Viscusi and Ted Gayer, [“Safety at Any Price.”](#) *Regulation*, 25, 3 (2002): 54-63.

Richard N. L. Andrews, “Risk-Based Decision Making.” (Vig & Kraft)

9-11    2/12-16    **The Environmental Protection Agency**

Eisner, *Governing the Environment*, chapter 3.

Dennis C. Williams, *The Guardian: EPA’s Formative Years, 1970-73*. EPA 202-K-93-002, September 1993. [Download](#)

Michael E. Kraft and Norman J. Vig, “Environmental Policy from the 1970s to the Twenty-First Century.” (Vig & Kraft)

Barry G. Rabe, “Power to the States: The Promise and Pitfalls of Decentralization.” (Vig & Kraft)

Christopher J. Bosso and Deborah Lynn Guber, “Maintaining Presence: Environmental Advocacy and the Permanent Campaign.” (Vig & Kraft)

Norman J. Vig, “Presidential Leadership and the Environment.” (Vig & Kraft)

Michael E. Kraft, “Environmental Policy in Congress: From Consensus to Gridlock.” (Vig & Kraft)

Rosemary O’Leary, “Environmental Policy in the Courts.” (Vig & Kraft)

12-14 2/19-26 **The Performance Record**

Eisner, *Governing the Environment*, chapter 4

Skim: EPA, *FY 2006 Annual Report* (“[Management’s Discussion and Analysis](#),” “[Clean Air and Climate Change](#),” “[Clean and Safe Water](#),” and “[Land Preservation and Restoration](#).” ) EPA-190-R-06-002

Skim: EPA, EPA Strategic Plan, 2003-2008. EPA-190-R-03-003, pp. 10-75, 174-92. [Download](#)

Cary Coglianese and Gary E. Marchant, “The EPA’s Risky Reasoning.” *Regulation*, 27, 2 (2004): 16-22. [Download](#)

**Revolt, Reform, and Reinvention**

15 2/28 **Regulatory Oversight and Review**

Eisner, *Governing the Environment*, chapter 5.

Walter A. Rosenbaum, “Improving Environmental Regulation at the EPA: The Challenge in Balancing Politics, Policy, and Science.” (Vig & Kraft)

George J. Stigler, “The Theory of Economic Regulation.” *The Bell Journal of Economics and Management Science*, 2, 1 (1971): 3-21. [Download](#)

Robert V. Percival, “Checks without Balance: Executive Office Oversight of the Environmental Protection Agency.” *Law and Contemporary Problems*, 54, 4 (1991):127-204. [Download](#)

16 3/2 **Reform and Economic Instruments**

Robert W. Hahn, “Economic Prescriptions for Environmental Problems: How the Patient Followed the Doctor's Orders.” *The Journal of Economic Perspectives*, 3, 2. (1989):95-114. [Download](#)

A. Myrick Freeman III, “Economics, Incentives, and Environmental Policy.” (Vig & Kraft)

17-18 3/5-7 **Reinventing Regulation**

Eisner, *Governing the Environment*, chapter 6

Ronald C. Moe, "The "Reinventing Government" Exercise: Misinterpreting the Problem, Misjudging the Consequences." *Public Administration Review*, 54, 2. (1994): 111-122. [Download](#)

Allen Blackman and Janice Mazurek, "The Cost of Developing Site-Specific Environmental Regulations: Evidence from EPA's Project XL." *Resources for the Future Discussion Paper 99-35-REV* (2000) [Download](#)

19 3/9 **Midterm Exam in Class**  
20-21 3/26-28 **The Bush Record**

Eisner, *Governing the Environment*, chapter 7

Natural Resources Defense Council, *Rewriting the Rules: The Bush Administration's First Term Environmental Record* (2005). [Download](#)

Patrick Parenteau, "Anything Industry Wants: Environmental Policy Under Bush II" *Duke Environmental Law and Policy Forum*, 14 (2004): 363-405. [Download](#)

Terry Anderson, "Missed Opportunity." *The Environmental Forum*, 20, 1 (2003): 32-43. [Download](#)

## **Alternatives to Command and Control Regulation**

22 3/30 **Free Market Environmentalism**

Richard Stroup, "Free Market Environmentalism" in *The Concise Encyclopedia of Economics*. [Download](#)

Daniel H. Cole, "Clearing The Air: Four Propositions About Property Rights And Environmental Protection." *Duke Environmental Law and Policy Forum*, 10, 1 (1999) 103-30. [Download](#)

23 4/2 **Corporate Environmentalism**

Eisner, *Governing the Environment*, chapter 8

Daniel Press and Daniel A. Mazmanian, "The Greening of Industry: Combining Government Regulation and Voluntary Strategies." (Vig & Kraft)

24 4/4 **Associational and Standards-based Self-regulation**

Eisner, *Governing the Environment*, chapter 9

Joseph Rees, "Development of Communitarian Regulation in the Chemical Industry." *Law and Policy*, 19, 4 (1997): 477-528.

[Download](#)

25 4/9 **Regulatory Hybrids**

Eisner, *Governing the Environment*, chapter 10

## **Global Environmental Policy**

26-27 4/11-13 **The Challenges**

Eisner, *Governing the Environment*, chapter 11

David Vogel, "International Trade and Environmental Regulation." (Vig & Kraft)

Bruce Yandle, "Grasping For The Heavens: 3-D Property Rights And The Global Commons." *Duke Environmental Law and Policy Forum*, 10 (1999): 13-44 [Download](#)

Yandle, Bhattarai, and Vijayaraghavan, "Environmental Kuznets Curves: A Review of Findings, Methods, and Policy Implications." *PERC Research Study 02-1* (2004) [Download](#)

- 28      4/18      **The Montreal Protocol and CFCs**
- Eisner, *Governing the Environment*, chapter 12
- Lamont C. Hempel, “Climate Policy on the Installment Plan.” (Vig & Kraft)
- Peter M. Morrisette, “The Evolution of Policy Responses to Stratospheric Ozone Depletion.” *Natural Resources Journal*, 29(1989): 793-820. [Download](#)
- 29-30    4/20-23    **The Kyoto Protocol and Global Climate Change**
- David G. Victor, *Climate Change: Debating America's Policy Options*, entire.
- 31-32    4/25-27    **Sustainable Development**
- Eisner, *Governing the Environment*, chapter 13
- Richard J. Tobin, “Environment, Population, and the Developing World.” (Vig & Kraft)
- Norman J. Vig and Michael E. Kraft, “Toward Sustainable Development?” (Vig & Kraft)
- Michael McCloskey, “The Emperor Has No Clothes: The Conundrum Of Sustainable Development.” *Duke Environmental Law and Policy Forum*, 9 (1999): 153- 59. [Download](#)
- 4/30
- 33-34    5/2-4      **No Class: Conference**  
**Group Presentation of Policy Recommendations**
- 35      5/7      **From Environmental Regulation to Green Governance**
- Eisner, *Governing the Environment*, chapter 14