

School of Public Affairs
University of Maryland at College Park

PUAF 740 -- Public Policy and the Environment

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Spring 1999

About 30 years ago, the quality of the environment became a leading concern of national policy makers in the United States. The National Environmental Policy Act, requiring the writing of environmental impact statements for major federal actions, was signed into law on New Years day, 1970. Congress subsequently enacted a series of major laws designed to protect and improve the quality of the air, water and other features of the environment. These laws included the Clean Air Act of 1970, the Federal Water Pollution Control Act of 1972, the Toxic Substances Control Act of 1976, the Resource Conservation and Recovery Act of 1976, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (better known as Superfund).

Other areas of United States environmental policy were subject to equally sweeping changes. The National Forest Management Act of 1976 and the Federal Lands Policy and Management Act of 1976 rewrote the foundations for the management of federal lands, representing 25 percent of the United States land area and containing much of the nation's wilderness and biodiversity. The Endangered Species Act of 1973 and the wetlands provisions of the Clean Water Act imposed new limits on the use of many private lands. Ecological management became a guiding objective for many government agencies.

The environmental legislation of the past 30 years has had major impacts on American society. It has yielded significant improvements in the quality of the environment. Complying with environment regulation has become a leading concern of businesses in many industries. The direct costs of meeting environmental requirements exceed \$100 billion per year and the indirect costs may be just as great. The rules and regulations of the Environmental Protection Agency arguably have more impact on the American economy than those of any other federal agency.

Given its wide impacts, it should be no surprise that U.S. environmental policy has been controversial. There are debates about whether the gains to the environment are large enough to justify the costs. Have environmental laws encouraged government agencies and the private sector to find the least expensive way to achieve environmental goals? Have levels of risk to human health and to ecological systems been accurately understood before devising means to limit them? Have the costs of environmental improvement been distributed among workers, businesses, taxpayers, property owners, and others in American society in a fair and equitable way?

This course will examine these and other issues in U.S. environmental policy. It will cover the history of how the major environmental laws came to be enacted and the specific

requirements of each law. Scientific, economic, legal and ethical issues relating to the development and implementation of environmental legislation over the past 30 years will be taken up. The course will explore a number of case studies in environmental policy, as well as the general policy problems and concerns that have emerged. Because a number of key environmental laws will be up for reauthorization in the current session of Congress, it will be possible to relate these discussions to an ongoing public debate concerning the possible provisions of the new laws.

A term paper (about 15-20 pages double spaced) will be required of each student, analyzing a specific area of environmental controversy (e.g., the regulation of a particular chemical, the recovery plan for a particular species). A one-page proposal for a topic will be due on February 10.

If class size permits, students will be expected to present briefly their findings and conclusions at one of the scheduled classes. Topics and time frames for completion of drafts of the papers should be worked out with the instructor, in order to coordinate topic areas with the schedule of classes. Comments will be provided by the instructor on each paper to assist in rewriting it. Final papers will be due May 12.

The instructor will work with the students scheduled for each class session to organize the discussion. Each student should complete her or her draft of the paper one week prior to the class discussion for which the student is scheduled.

The class will be a mixture of lecture and discussion. It is important that readings be done prior to each class. Students should come prepared to discuss the relevant materials.

Themes and issues that will run throughout the course will include:

1. Have environmental laws worked effectively to improve the quality of the environment?
2. How can society go about establishing environmental policies when there are large scientific uncertainties?
3. How useful are concepts and methods such as risk analysis, benefit-cost analysis, cost effectiveness, and others in addressing environmental policy problems?
4. To what degree is the making of environmental policy an exercise in deciding social values, perhaps even dependent on ethical beliefs of a cultural or quasi-religious character?

There will be a mid term and a final exam. Grading will be based on the following considerations and weights:

Mid-term Exam -- 25%
Term Paper -- 25%
Final Exam -- 35%
Class Discussion -- 15%

Readings

The readings will come from five books available for purchase at the book store and a diverse set of articles, government reports, newspaper columns and other materials. I have obtained and will distribute to each student copies of the 1996 Annual Report of the Council on Environmental Quality (Along the River). Other materials will be obtained either on the web or when not available there from a course packet that can be purchased at the book store. Materials on the web can be obtained by using cross links set up at a Puaf 740 web site (www.puaf.umd.edu/puaf740).

The books to be purchased are:

Stephen Breyer, Breaking the Vicious Circle: Toward Effective Risk Regulation (Cambridge, Mass.: Harvard University Press, 1993).

Gary C. Byner, Blue Skies, Green Politics (Washington, D.C.: Congressional Quarterly Press, 1995).

Daniel J. Fiorino, Making Environmental Policy (Berkeley: University of California Press, 1995).

Marc K. Landy, Marc J. Roberts, and Stephen R. Thomas, The Environmental Protection Agency: Asking the Wrong Questions from Nixon to Clinton (New York: Oxford University Press, 1994).

Charles C. Mann and Mark L. Plummer, Noah's Choice: The Future of Endangered Species (New York: Alfred A. Knopf, 1995).

SCHEDULE OF CLASSES AND READINGS

Background to Environmental Policy

February 3 -- The Setting for Environmental Policy Making

Fiorino, pp. 1-99

John McPhee, Encounters with the Archdruid (Farrar, Straus, and Giroux, 1971), pp. 79-87.

Donald Worster, "John Muir and the Roots of American Environmentalism," in The Wealth of Nature (Oxford University Press, 1993), pp. 184-202.

"Religion Journal," New York Times, October 24, 1998. Available on web (this and subsequent newspaper articles listed in this syllabus can be obtained from the Lexis-Nexis connection available to faculty, students and other members of the College Park university community)

Gary Taubes, "The (Political) Science of Salt," Science (August 14, 1998), pp. 898-907.

T.H. Watkins, "One Man's Recreation is Another's Desecration," Washington Post (December 13, 1998), Outlook Section, p. C1. Available on web.

February 10-- Players and Issues

Fiorino, pp. 116-132, 159-225.

J. Clarence Davies and Jan Mazurek, Regulating Pollution: Does the U.S. System Work? (Resources for the Future, 1997). Available on web (www.rff.org).

Rogelio Garcia, "Federal Regulatory Reform: An Overview," Congressional Research Service Issue Brief, Library of Congress, December 22, 1997, pp. 1-11.

William D. Ruckelshaus, "Stopping the Pendulum," Environmental Forum (November/December 1995). Available on web (csis.org/).

Green Scissors: Cutting Wasteful and Environmentally Harmful Spending and Subsidies, organized by Friends of the Earth with other environmental and taxpayer groups, Washington, D.C., February, 1998, Summary and Introduction. Available on web (foe.org).

Geneva Overholser, "Green's Next Wave," Washington Post (October 31, 1998), P. A17. Available on web.

Regulating Air and Water Quality

February 17 -- The Clean Air Act of 1970

Byner, pp. 51-113.

R. Shep Melnick, Regulation and the Courts: The Case of the Clean Air Act (Brookings Institution, 1983), pp. 299-244.

Landy, pp. 49-82, 204-233.

February 24 -- The 1990 Clean Air Act Amendments

Byner, pp. 114-226.

Daniel Dudek, et. al., More Clean Air for the Buck: Lessons from the U.S. Acid Rain Emissions Trading Program, Environmental Defense Fund, New York, N. Y., November 1997, pp. i-iii, 1-20.

General Accounting Office, Overview and Issues on Emissions Allowance Trading Programs (July 9, 1997), pp. 1-12. Available on web (gao.gov).

Anne E. Smith, Jeremy Platt, and A. Denny Ellerman, "The Costs of Reducing Utility SO₂ Emissions -- Not as Low as You Might Think," Massachusetts Institute of Technology, Center for Energy and Environmental Research (August 1998), pp. 1-19.

Michael J. Sandel, "It's Immoral to Buy the Right to Pollute," New York Times, December 15, 1997, p. A29. Available on web.

Letters to the Editor (Response to Sandel piece), New York Times, December 17, 1997, p. A34.

March 3 -- The Clean Water Act of 1972

Council on Environmental Quality, Along the River: 1996 Annual Report of the Council on Environmental Quality (Washington, D.C.), pp. 29-62.

Myrick Freeman, "Water Pollution Policy," draft manuscript of forthcoming chapter in Paul R. Portney and Robert N. Stavins, eds., Public Policies for Environmental Protection, second edition (Washington, D.C.: Resources for the Future, 1999).

Angus Phillips, "Alexandria's Potomac a Secret That Mustn't Be Kept," Washington Post, November 5, 1995, p. D4. Available on web.

Robert Adler, Jessica C. Landman, and Diane M. Cameron, The Clean Water Act: 20 Years Later (Island Press, 1993), pp. 137-170.

Debra S. Knopman and Richard A. Smith, "20 Years of the Clean Water Act," Environment, January/February 1993, pp. 17-20, 34-40.

March 10 -- Rethinking Clean Water Strategy

Council on Environmental Quality, Along the River, pp. 63-161.

John Cushman, "Courts Expanding Effort to Battle Water Pollution," New York Times (March 1, 1998). Available on web.

Claudia Copeland, Clean Water Act and TMDLs, Congressional Research Service, Library of Congress, (September 11, 1997), pp. 1-6.

David E. Ervin, et. al., "Agriculture and the Environment: A New Strategic Vision," Environment (July/August 1998), pp. 9-15, 35-39.

"Rays of Hope in the Watershed," The New York Times, August 26, 1995, editorial, p. 18. Available on web.

"At Last, A Watershed Agreement," New York Times, November 3, 1995, editorial, p. A28. Available on web.

David W. Riggs, "Market Incentives for Water Quality: A Case Study of the Tar-Pimlico River Basin, North Carolina," Center for Policy Studies Discussion Paper, Clemson University (December 1993), pp. 1-26.

President Bill Clinton and Vice President Al Gore, Reinventing Environmental Regulation, March 16, 1995, p. 19.

Eric Schiller, "The Oregon Water Trust," Center for Private Conservation, Competitive Enterprise Institute (Washington, D.C., November 1998), pp. 1-12. Available on web (cei.org).

March 17 -- Mid Term Exam

Disposal of Hazardous and Solid Wastes

March 17 (second half of class) -- The Resources Conservation and Recovery Act of 1976 (RCRA)

Hillary Sigman, "Public Policies for Hazardous Waste and Toxic Substances," draft manuscript of forthcoming chapter in Paul R. Portney and Robert N. Stavins, eds., Public Policies for Environmental Protection, second edition (Washington D.C.: Resources for the Future, 1999).

Landy, pp. 89-126.

Josh White and Maria Glod, "Cost of Replacing Underground Tanks Sinks Some Gas Stations," Washington Post (January 4, 1999), p. B1. Available on web.

March 31 -- RCRA (Continued) and Superfund

Jim Forio, "Federalism Issues Related to the Probable Emergence of the Toxic Substances Control Act," Maryland Law Review Vol. 54, No. 4 (1995), pp. 1354-1372.

Paul Portney, "The Price is Right: Making Use of Life Cycle Analysis," Issues in Science and Technology (Winter 1993-94), pp. 69-75.

Chris Hendrickson, Lester Lave and Francis McMichael, "Time To Dump Recycling?," Issues in Science and Technology (Spring 1995), pp. 79-84.

John Tierney, "Recycling is Garbage," New York Times Magazine (June 30, 1996), pp. 24-29, 44, 48, 51, 53. Available on web.

Eric Lipton, "As Imported Garbage Piles Up, So Do Worries," Washington Post (November 12, 1998), p. A1. Available on web.

W. Kip Viscusi and James T. Hamilton, "Cleaning Up Superfund," The Public Interest, Summer 1996, pp. 52-60.

General Accounting Office, Superfund: Proposals to Remove Barriers to Brownfield Redevelopment (March 4, 1997), pp. 1-5. Available on web.

Tammy O. Tengs, et. al., "Five Hundred Life-Saving Interventions and their Cost-Effectiveness," Risk Analysis, No. 3 (1995), pp. 369-384.

W. Kip Viscusi, "A Survey of Values of Risks to Life and Health," Chapter 4 of Viscusi, Fatal Attractions: Public and Private Responsibilities for Risk (New York: Oxford University Press, 1992), pp. 51-74.

April 7 -- Issues in Risk Analysis and Management

Breyer, pp. 3-81.

"Testing for Carcinogens with Rodents," editorial in Science (Summer 1990).

Bruce N. Ames and Lois Gold, Environmental Pollution and Cancer: Some Misconceptions," in Kenneth R. Foster, David E. Bernstein, and Peter W. Huber, eds., Phantom Risk (MIT Press, 1993), pp. 153-180.

Committee on Comparative Toxicity of Naturally Occurring Carcinogens, National Research Council, National Academy of Sciences, Carcinogens and Anticarcinogens in the Human Diet (National Academy Press), 1996, pp. 1-18.

Richard Stone, "A Molecular Approach to Cancer Risk," Science, April 21, 1995, pp. 356-357.

Gary Taubes, "Epidemiology Faces its Limits," Science, July 14, 1995, pp. 164-169.

John D. Graham, "Edging Toward Sanity on Regulatory Reform of Risk," Issues in Science and Technology, Summer 1995, pp. 61-66.

Ellen K. Silbergeld, "Risk Assessment: The Perspective and Experience of U.S. Environmentalists," Environmental Health Perspectives (June 1993), pp. 100-103.

Managing U.S. Land and Natural Resources

April 14 -- From Progressive Conservationism to Contemporary Environmentalism

Samuel Hays, Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920 (Harvard University Press, 1959), pp. 261-276.

Stephen Fox, The American Conservation Movement: John Muir and his Legacy (University of Wisconsin Press, 1985), pp. 138-147.

Mark Reissner, Cadillac Desert (Viking, 1986), pp. 151-176.

Roderick Nash, Wilderness and the American Mind (Yale University Press, 1973), pp. 220-236.

William Cronon, "Getting Back to the Wrong Nature," Utne Reader, May-June 1996, pp. 76-79.

Donald Worster, "The Ecology of Order and Chaos," in Worster, ed., The Wealth of Nature (Oxford University Press, 1993), pp. 156-170.

The View from Airlie: Community Based Conservation in Perspective, Summary of Proceedings of a Conference, October 17, 1993, Airlie House, Virginia, pp. 2-26.

April 21 -- Endangered Species

Mann and Plummer, pp. 3-176.

April 28 -- Endangered Species

Mann and Plummer, pp. 176-247.

H. Josef Hebert, "Endangered Species Act: Praised, Despised as Conflicts Go On," The Washington Post (December 28, 1998), p. A14. Available on web.

Barton H. Thompson, Jr., "The Endangered Species Act: A Case Study in Takings and Incentives," Stanford Law Review (January 1997), pp. 305-376. Available on web (Lexis).

David S. Wilcome, Michael J. Bean, Robert Bonnie, and Margaret McMillan, "Rebuilding the Ark: Toward a More Effective Endangered Species Act for Private Land," Environmental Defense Fund, December 5, 1996, pp. 1-13. Available on web (edf.org).

May 5 -- Forest Management

Roger Sedjo, "Forest Resources: Resilient and Serviceable," in Kenneth D. Frederick and Roger A. Sedjo, America's Renewable Resources: Historic Trends and Current Challenges (Washington, D.C.: Resources for the Future, 1991), pp. 81-115.

Dennis C. Le Master, Decade of Change: The Remaking of Forest Service Statutory Authority During the 1970s (Westport, Conn.: Greenwood Press, 1984), pp. 55-80.

Stephen Pyne, World Fire: The Culture of Fire on Earth (New York: Henry Holt and Company, 1995), pp. 183-217.

Randal O'Toole, "The Reinvented Budget: Still the Wrong Incentives," Different Drummer -- Reinventing the Forest Service (1995), pp. 1-11. Available on web (ti.org).

Mark Sagoff, "The View from Quincy Library: Civic Engagement in Environmental Problem-Solving," National Commission on Civil Renewal, Working Paper # 16 (1998).

Ed Marston, "It's Time to Clearcut the Forest Service," High Country News (September 20, 1993). Available on web (hcn.org)

May 12 --Rangeland Management

Charles F. Wilkinson, Crossing the Next Meridian: Land, Water and the Future of the West (Island Press, 1992), pp. 75-113.

"Cowboy Socialism," in Different Drummer (Spring 1994), pp. 48-50.

Edward Abbey, "Even the Bad Guys Wear White Hats: Cowboys, Ranchers and the Ruin of the West," Harpers (January 1986), pp. 51-55.

The Wise Use Agenda: The Citizen's Policy Guide to Environmental Resource issues (1989), pp. 5-18.

Tom Kenworthy, "Grazing Laws Feed Demise of Rancher's Way of Life," Washington Post (November 29, 1998), p. A1. Available on web.

Robert H. Nelson, "How to Reform Grazing Policy: Creating Forage Rights on Federal Rangelands," Fordham Environmental Law Review (Vol. No. 3, 1997), pp. 645-690. Available on web (Lexus).

Donald Snow, "New Governance (Or Return to Old Apathy?)," Northern Lights (Spring 1995), pp. 9-11.