

## ENVIRONMENTAL POLICY (ENVS-4600-001)

Professor Joseph J Lisa - University of Pennsylvania

Spring 2024 - Thursdays – 1:45 pm

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Office hours by appointment

### READING MATERIALS

(LAYZER) Layzer, Judith and Rinfret, Sara “*The Environmental Case: Translating Values into Policy*” (5<sup>th</sup> ed.) (Sage Publishing)

Additional course reading materials will be provided on CANVAS.

### COURSE OVERVIEW

The U.S. environmental regulatory program is based on a number of policy decisions that have been implemented via laws enacted by Congress and regulations promulgated by federal agencies, like the U.S. Environmental Protection Agency (EPA). Additionally, laws at the state and local government levels play a significant role in the protection of environmental resources and public health. Making and implementing environmental policy decisions is a process influenced by political, scientific, and economic factors. In this course, we will explore questions such as: How do policy makers define environmental problems and solutions? Who are the various actors involved in the process? How are policies created? To answer these complex questions, we will utilize a case study approach focusing on the development of policies to address a variety of environmental issues, including, but not limited to: protecting threatened and endangered species; addressing the exploration and production of mineral resources on federal and state lands; managing public lands for recreational and conservation purposes; offshore wind development; and climate change regulation in the domestic and international contexts. We will also discuss current news events that arise during the course of the semester.

### COURSE FORMAT

This course will consist of lectures, student-led group discussions, a research/policy paper and a final examination. The course lectures are designed to organize and synthesize material from the assigned readings and provide overall context to the topics being discussed. Additionally, each student will prepare a policy paper on a topic chosen by the student. Detailed instructions for the policy paper will be posted on CANVAS.

## **CLASS GRADING**

1. News Analysis (4 submissions)	10 Points
2. Examination #1	25 Points
3. Examination #2	30 Points
4. Policy Paper	25 Points
5. Class Attendance and Participation	10 Points

## **PLAGIARISM STATEMENT**

Plagiarism is the use of another person's words, ideas, or data as one's own work. When you submit work for credit that includes the words, ideas, or data of others, the source of that information must be acknowledged through complete, accurate, and specific references, and, if verbatim statements are included, through quotation marks as well. By placing your name on work submitted for class credit, you are certifying the originality of all work not otherwise identified by appropriate references. For more information about plagiarism see:

<https://guides.library.upenn.edu/citationpractices>

## **DIVERSITY STATEMENT**

The Earth and Environmental Science Department embraces human diversity and intends equity and inclusion in our community and our classrooms. We expect instructors, staff, and students to respect our diversity. We encourage you to contact our Climate, Diversity, Equity and Inclusion (CDEI) Committee at [EES-CDEIC@groups.sas.upenn.edu](mailto:EES-CDEIC@groups.sas.upenn.edu) if you need support or have suggestions for how our CDEI efforts in EES can improve.

## CLASS SCHEDULE

### Class 1 – Thursday, January 18, 2024

#### COURSE INTRODUCTION/POLICY MAKING CYCLE

1. Review of Course Objectives, Assignments and Policies
2. History of the US Environmental Regulatory System
3. Environmental Policy-Making Cycle – An Introduction

#### Reading Assignment

1. Course Syllabus
2. LAYZER – Chapter 1 (p. 1-24)
3. Meyer, Robinson, “*A Curious Person’s Guide: How the U.S. Protects the Environment, From Nixon to Trump*” (The Atlantic – March 29, 2017)

### Class 2 – Thursday, January 25, 2024

**NEWS ANALYSIS #1 – Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, January 22, 2024**

#### POLICY-MAKING CYCLE: PART 1

1. Legislative Branch – Role in the Cycle
  - a. The Legislative Process
  - b. *Case Study* – The Clean Water Act of 1972
  - c. *Focus Topic* - Need for Environmental Amendment to the U.S. Constitution

#### Reading Assignment

1. LAYZER – Chapter 2 (p. 39-49)
2. Semple, Robert – “*The Law Made Half of America’s Fresh Water Swimmable and Fishable*” (NY Times - Oct. 26, 2022)
3. Rubl, J.B. – “*An Environmental Rights Amendment: Good Message, Bad Idea*” (Natural Resources & Environment – Winter 1997)
4. Caldwell, Lynton – “*The Case for an Amendment to the U.S. Constitution*”

### Class 3 – Thursday, February 1, 2024

#### POLICY-MAKING CYCLE: PART 2

1. Executive Branch – Role in the Cycle
  - a. Regulations and the Implementation of Environmental Policy
  - b. *Focus Topic* – The Use of Executive Orders for Environmental Policy
2. Judicial Branch – Role in the Cycle
  - a. Role of the Courts in Evaluating Environmental Policy
  - b. *Major Questions* and *Chevron* Doctrines
3. *Focus Topic* – Environmental Justice
4. *Class Discussion*

Reading Assignment

1. LAYZER – Chapter 2 (p. 49—59)
2. Cong. Research Service – “*Executive Orders: An Introduction*” (March 29, 2021)
3. Cong. Research Service – “*The Major Questions Doctrine: An Introduction*” (Nov. 2, 2022)

**Class 4 – Thursday, February 8, 2024**

**NEWS ANALYSIS #2 – Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, February 5, 2024**

**POLICY ISSUES - BIODIVERSITY PROTECTION**

1. Endangered Species Act
  - a. *Case Study* – Saving the Spotted Owl
2. *Class Discussion*

Reading Assignment

1. LAYZER – Chapter 8 (p. 245-275)
2. Eberhard, Eric – “*Too few, too late: U.S. Endangered Species Act Undermined by Inaction and Inadequate Funding*” (Columbia Oct. 12, 2022)
3. “*UN Report: Natures Dangerous Decline ‘Unprecedented’; Species Extinction Rates Accelerating*” (May 6, 2019)  
<https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/>
4. Gregory, Robin – “*Under Pressure: Conservation Choices and the Threat of Species Extinction*” (May 3, 2021)

Video (Optional)

*Federal Efforts to Ensure Biodiversity: The Endangered Species Act*  
<https://www.youtube.com/watch?v=QgVgt8vI3dw>

**Class 5 – Thursday, February 15, 2024**

**POLICY ISSUES - COASTAL RESOURCES: USE AND PROTECTION**

1. Public Trust Doctrine
  - a. *Focus Topic* - Beach Access/Use
  - b. *Focus Topic* - Beach Replenishment
2. *Case Study* – Ocean City, NJ Beach Replenishment
3. *Class Discussion*

Reading Assignment

1. *New Jersey’s Public Trust Doctrine Explained – NJDEP*  
<https://www.nj.gov/dep/cmp/access/njparightslegal.htm>
2. Strunsky, Steve – “*Beach replenishment hurts the environment, subsidizes wealthy homeowners, group argues*” (Oct. 07, 2021 – [www.nj.com](http://www.nj.com))

3. Hanlon, Grace – “*This is why beach replenishment is critical to protecting the Jersey Shore*” (Nov. 4, 2022 - [www.app.com](http://www.app.com))

Video beach replenishment (Optional)

[https://www.nj.com/ocean/2016/08/beach\\_replenishment\\_nearly\\_finished\\_on\\_lbi.html](https://www.nj.com/ocean/2016/08/beach_replenishment_nearly_finished_on_lbi.html)

**Class 6 – Thursday, February 22, 2024**

**POLICY ISSUES – PUBLIC LAND MANAGEMENT FOR RECREATION AND CONSERVATION**

1. Managing Public Lands
  - a. National Parks and National Monuments
  - b. *Case Study* – Yellowstone National Park and Snowmobiles
  - c. *Case Study* – Bears Ears National Monument
2. *Class Discussion*

**REVIEW FOR EXAMINATION No. 1**

Reading Assignment

1. LAYZER – Chapter 9 (p. 283-308)
2. *Fact Sheet: President Biden Designates Avi Kwa Ame National Monument* (March 21, 2023)

Video (Optional) - “The Battle for Bears Ears” - <https://www.youtube.com/watch?v=-K70t7eugbg>

**Class 7 – Thursday, October 19, 2023**

**EXAMINATION No. 1 (Online/Open Book)**

**NO CLASS – MARCH 7, 2024 - SPRING BREAK**

**Class 8 – Thursday, March 14, 2024**

**REVIEW EXAM NO. 1**

**POLICY ISSUES – FEDERAL LAND MANAGEMENT - ENERGY EXPLORATION**

1. Energy Exploration and Production on Federal Public Lands
  - a. *Case Study* – Drilling in ANWR
2. *Class Discussion*

Reading Assignment

1. LAYZER – Chapter 6 (p. 173-199)
2. Kusnetz, Nicholas - “*Biden Administration Opens New Public Lands and Waters to Fossil Fuel Drilling, Disappointing Environmentalists*” (Inside Climate News – July 2022)
3. Sonner, Scott – “*Nevada Court Fights Raise Caution Flags on Green Energy Push*” (Associated Press July 24, 2022)

Video (Optional)

*What Is ANWR? Here's Everything You Need to Know About Alaska's Controversial Territory* (Fortune Magazine 2017) - <https://www.youtube.com/watch?v=bTdOrHxIto4>

**Class 9– Thursday, March 21, 2024**

**NEWS ANALYSIS #3 - Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, March 18, 2024**

**POLICY ISSUES – MANAGEMENT OF STATE LANDS FOR ENERGY EXPLORATION - FRACKING**

1. Hydraulic Fracturing – Introduction
  - a. Federal v. State Regulation and Policy Implications
  - b. *Case Studies* – Pennsylvania and New York’s Policy Approaches to Fracking
2. *Class Discussion*

Reading Assignment

1. LAYZER – Chapter 14 (p. 463-488)
2. Saiers, James – “*Science as a Foundation for Policy: The Case of Fracking*” (Yale School of the Environment June 30, 2020)
3. Hastings, Kelly “*Fracking and Labor Market Conditions: A Comparison of Pennsylvania and New York Border Counties*” (Eastern Economic Journal – 2017)

Video (Optional)

“*How Hydraulic Fracturing Works*” – National Geographic  
<https://education.nationalgeographic.org/resource/how-hydraulic-fracturing-works>

**Class 10 – Thursday, March 28, 2024**

**POLICY ISSUES – MARKET/ECONOMIC BASED TOOLS TO ADDRESS CLIMATE CHANGE**

1. Clean Air Act and Climate Change Regulation in the U.S.
  - a. Command-and-Control Regulation
  - b. Market Based Tools for Climate Policy
2. *Class Discussion*

Reading Assignment

1. LAYZER – Chapter 13 (p. 387-414)
2. Hafstead, Marc - “*Carbon Pricing 101*” (Resources for the Future - March 2019)
3. Center for Climate and Energy Solutions – “*Market Mechanism: Options for Climate Policy*” (April 2020)

**Class 11 – Thursday, April 4, 2024**

**NEWS ANALYSIS #4 - Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, April 1, 2024**

**POLICY ISSUES – ADDRESSING CLIMATE CHANGE IN THE INTERNATIONAL CONTEXT**

1. International Actions and Agreements – A Brief History
  - a. Paris Climate Change Agreement and the Future
  - b. Montreal Protocol – What we can learn
2. Recent Developments and Implications for the Future
3. *Class Discussion*

**Reading Assignment**

1. LAYZER – Chapter 12 (p. 387-414)
2. “*Why the Montreal Protocol Has Worked*” (The Conversation – Sept. 9, 2012)  
<https://theconversation.com/saving-the-ozone-layer-why-the-montreal-protocol-worked-9249>

**Class 12 – Thursday, April 11, 2024**

**POLICY PAPER TOPIC SUBMISSION – Please submit your policy paper via the Assignment Tab on CANVAS by 5:00 pm Thursday, April 18, 2024**

**CLASS PRESENTATIONS**

**Class 13 – Thursday, April 18, 2024**

**CLASS PRESENTATIONS**

**REVIEW FOR EXAMINATION No. 2**

**CONCLUDING THOUGHTS**

**Class 14 – Thursday, April 25, 2024**

**EXAMINATION No. 2 (Online/Open Book)**