

# ENVS-5600-660

## DEVELOPING ENVIRONMENTAL POLICY

Professor Joseph J. Lisa

University of Pennsylvania - Fall 2023 - Thursdays – 5:15pm

Location – Perelman Center for Political Science and Economics - Room 100

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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 utilize a framework to analyze this policy-making process. 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 and make a presentation to

the class on the paper's policy recommendation. Detailed instructions for the policy paper will be posted on CANVAS.

### **CLASS GRADING**

1. News Analysis (4 submissions – 2.5 points each)	10 Points
2. Exam	30 Points
3. Policy Paper Topic Submission	05 Points
4. Policy Paper and Presentation	45 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, August 31, 2023**

#### **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, September 7, 2023**

#### **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* - The Need for an Environmental Rights 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. Milazzo, Paul – “The Clean Water Act: A Congressional Achievement” (Extensions – Summer 2016) – p. 4-11  
[https://issuu.com/cacextensions/docs/111279-extensions\\_summer\\_2016\\_lowre](https://issuu.com/cacextensions/docs/111279-extensions_summer_2016_lowre)
4. Rubl, J.B. – “An Environmental Rights Amendment: Good Message, Bad Idea” (Natural Resources & Environment – Winter 1997)
5. Belcher, Leslie and Bost, Rowan – “The Power of the Purse: How Appropriators Have Outsized Influence in Shaping Policy” (The Hill – June 6, 2023)

### **Class 3 – Thursday, September 14, 2023**

**NEWS ANALYSIS #1 – Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, September 11, 2023**

#### **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. Congressional Research Service – “*Executive Orders: An Introduction*” (March 29, 2021)
3. Congressional Research Service – “*The Major Questions Doctrine: An Introduction*” (November 2, 2022)
4. “*President Biden’s Pen is Not Enough to Fight Climate Change. Congress Must Act.*” (Washington Post Editorial – Dec 13, 2021)
5. Kettl, Donald - “*How the Supreme Court’s West Virginia v EPA Decision will Upset the Administrative World*” (Government Executive – July 18, 2022)

**Class 4 – Thursday, September 21, 2023**

**POLICY PAPER TOPICS – Submit on the Assignment Tab on CANVAS by 5:00 pm Thursday, September 21, 2023, a one (1) paragraph document describing the policy issue that you are considering for your policy paper.**

**POLICY ISSUES - BIODIVERSITY PROTECTION**

1. Endangered Species Act
  - a. *Case Study* – Saving the Spotted Owl
2. Convention On Biological Diversity – An International Approach
3. *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. Einhorn, Catrin – “*Nearly Every Country Signs on to Sweeping Deal to Protect Nature*” (NY Times – Dec. 19, 2022)
5. 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, September 28, 2023**

**NEWS ANALYSIS #2 – Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, September 25, 2023**

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

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

**Reading Assignment**

1. *New Jersey's Public Trust Doctrine Explained – NJDEP*  
<https://www.nj.gov/dep/cmp/access/njparightslegal.htm>
2. Kayatta, Elizabeth – “*Under the Boardwalk – Defining Meaningful Access to Publicly Funded Beach Replenishment Projects*” (Boston College Environmental Affairs Law Review – 2011/2012 Vol. 39)
3. Strunsky, Steve – “*Beach replenishment hurts the environment, subsidizes wealthy homeowners, group argues*” (Oct. 07, 2021 – [www.nj.com](http://www.nj.com))
4. 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**

[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, October 5, 2023**

**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*

**Reading Assignment**

1. LAYZER – Chapter 9 (p. 283-308)
2. Diaz, Andrew – “*The Transformation of the Antiquities Act: A Call for Amending the President's Power of Regarding National Monument Designations*” (May 2019- Golden Gate University Law Review(Vol. 49, Issue 2))
3. *Fact Sheet: President Biden Designates Avi Kwa Ame National Monument* (March 21, 2023)

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

**October 12, 2023 – No Class – Fall Break**

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

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

1. Energy Exploration and Production on Federal Public Lands
2. *Case Study* – Drilling in ANWR
3. *Focus Topic* – Mining for Lithium in the EV Age
4. *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**

*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 8 – Thursday, October 26, 2023**

**NEWS ANALYSIS #3 - Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, October 23, 2022**

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

1. Hydraulic Fracturing – Introduction
2. Federal v. State Regulation and Policy Implications
  - a. Cooperative Federalism
3. *Case Studies* – Pennsylvania and New York’s Policy Approaches to Fracking
4. *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. “*Evolution of Cooperative Federalism*” (Tulane Law School – 2015)
4. Hastings, Kelly “*Fracking and Labor Market Conditions: A Comparison of Pennsylvania and New York Border Counties*” (Eastern Economic Journal – 2017)

**Video**

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

**Class 9– Thursday, November 2, 2023**

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

1. Clean Air Act and Climate Change Regulation in the U.S.
2. Market Based Tools for Climate Policy
3. *Case Study* – EVs – Are they the Answer?
4. *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)
4. Coy, Peter - “*A Climate Hawk’s Issues with Electric Vehicles*” (NY Times – July 14, 2023)
5. Cloete, Schlak – “*The 10 Big Problems with Simply Replacing Fossil Cars with Battery*” (Energy Post - Dec. 6, 2021)

**Class 10 – Thursday, November 9, 2023**

**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 11 – Thursday, November 16, 2023**

**NEWS ANALYSIS #4 - Submit on CANVAS Discussion Board by 5:00 pm EST, Monday, November 13, 2023**

**POLICY ISSUES – OFFSHORE WIND DEVELOPMENT**

1. Offshore Wind Development Policy Issues
2. *Case Study* – Cape Wind Project
3. *Focus Topic* – Offshore Wind near Ocean City, NJ

## **REVIEW FOR EXAMINATION**

### Reading Assignment

1. LAYZER – Chapter 13 – (p. 421 – 460)
2. Crone, Brian - “*How an Offshore Wind Farm Would Come Onshore In Ocean City, NJ*” (March 2022 – NBC News)

### **Class 12 – Tuesday, November 21, 2023**

**EXAMINATION – ONLINE** (Examination will be made available to students on CANVAS and will be open from 5:15 pm until 8:15 pm. Students will submit their answers in the form of either a Microsoft WORD or Adobe pdf document via the CANVAS Assignment Tab by 8:15 pm EST Tuesday, November 21, 2023.

**November 23, 2023 – No Class – Thanksgiving**

### **Class 13 – Thursday, November 30, 2023**

**POLICY PAPER TOPIC SUBMISSION** – Please submit your policy paper via the Assignment Tab on CANVAS by **5:00 pm Thursday, November 30, 2023**

CLASS PRESENTATIONS – POLICY PAPERS

### **Class 14 – Thursday, December 7, 2023**

CLASS PRESENTATIONS – POLICY PAPERS

REVIEW OF EXAM

CONCLUDING THOUGHTS