Geography 439: US Environmental Policy and Regulation

Instructor: Dr. Morgan Robertson (mmrobertson@wisc.edu)
Office Hours: by appointment
Classroom: 444 Science Hall
Lecture Meeting Times: MWF 11:00 – 11:50

This course covers a broad cross-section of American environmental policy. The goals of this course will be:

- to familiarize the student with the spectrum of major US environmental regulations, including the Clean Water Act, the Clean Air Act, CERCLA, regulations involving environmental justice and climate change,
- to make students literate in the specialized language of environmental regulation,
- to see how these policies affect our daily interaction with the environment, and
- to also view issues of policy through the critical and geographic viewpoints often adopted by scientists and academics.

This course covers a broad cross-section of American environmental policy by focusing on specific statutes, regulations and policy cases. In this course we will survey the basic elements of American environmental policy and regulation, but mainly focus on the specific people, sites and scales at which environmental decision-making happens through primary-source case material. Understanding environmental outcomes in a complex society depends on observing both the structure of regulations and the geographic and social context in which such regulations emerge. This course will maintain a dual focus on (a) the legal and regulatory aspects of environmental regulation and (b) the specific geographic and social features of actual cases in which regulations and policy are used. We will review the architecture of US environmental law in depth, but also pay attention to the social and environmental context into which such laws and regulations must enter in order to be effective. Each topic will generally be treated in three class periods: the first two will consist of lecture by the instructor (usually on Mondays and Wednesdays), and in the third the students will discuss readings, participate in group activities and debates/discussions (usually on Fridays). The readings will come from both the policy world and from academic and policy scholarship, on the issue of the week.

Learning objectives: By the end of the course, students will be able to:
The goals of this course are:

- to familiarize the student with the spectrum of major US environmental regulations, including the Clean Water Act, the Clean Air Act, the Endangered Species Act, CERCLA, and regulations involving environmental justice, climate change, and market environmentalism.
- to make students literate in the specialized language of environmental policy and regulation.

- to see, through current case material, how these policies manifest in our daily interactions with the environment and government.
- to provide the social and environmental background to each policy debate necessary to allow students to view issues of policy through the critical and geographic viewpoints often adopted by social scientists.

Student evaluation: Students will receive a grade based on the following activities

1. Class discussion and reading response (30%): Grading will be based both on your class participation (6%) and your answers to questions based on the reading in a two-page (maximum) short-answer format assignment made available at the beginning of each new topic, and due after that topic's discussion period (24%). You will be expected to complete 10 weekly reading assignments out of the total of 13. Each weekly assignment will thus be worth 2.4% of your grade. **These will only be accepted in class on the day of the discussion**.
2. Plain-Language Summary and Example (20%): A plain-language summary of **a piece of state or federal environmental proposed legislation, statute or regulation between 2000 and 10,000 words long**, and **a two page discussion of a real-world situation dealing with the policies implementing that text**. Due date: the last Friday of classes.
    a. Students need to choose a piece of regulation or statute in proposed or final form – that is, bills and proposed legislation can be used, as well as proposed regulation that has been published for public comment in the Federal Register but has not been finalized.
    b. It is not appropriate to use a memo, court opinion, executive order, The US Constitution, or other kind of document.
    c. Examples will be provided, but the original text of the regulation or statute must be included in the submitted assignment along with the plain-language summary.
    d. EACH PARAGRAPH of the text must be "translated" into plain language. Do not summarize whole sections in a single sentence. See the examples for guidance.
3. Docket Assignment (20%): select two regulations that are open for public comment either on the federal docket or a state docket (any state), and submit a comment. Please see the Docket Assignment sheet online for details. Your first comment will be due the last Friday in October, and your second will be due on the last Friday of classes.
4. Final exam (30%): There will a final exam in a short-answer and matching format, taken during the final exam period. **The final exam will cover the material from lecture and the General Readings, not the material covered in the case studies in our discussion meetings**.
5. Each assignment will receive a percentage grade. Overall course grades will be given on the following basis A=92-100%, AB=88-91%, B=82-87%, BC=78-81%, C=70-77%, D=60-69%, F=0-59%. Grades will be rounded to the nearest whole percentage point.
6. All assignments are due by midnight on the day indicated.

Graduate Student evaluation

Instead of the plain-language summary (see above) graduate students will be required to submit two papers as follows:

- Paper 1: students will write a report on one portion of a state or federal environmental statute and associated regulatory code. The report will be approximately 2000-3000 words. (Due date: Friday before Thanksgiving)
- Paper 2: students will report on an actual case or incident in which the policy analyzed in Paper 1 was central to the debate. The report will be approximately 2000-3000 words. (Due date: last day of Finals Week)

Failure to submit this item will result in a reduction of one letter grade in the student's final grade.

Week	Topic
1	History of American environmental policy: how and why public policy on the environment gets made
2	Wilderness: Romanticism, science, and protected areas
3	Water: the Clean Water Act and the Safe Drinking Water Act
4	Water II: the Clean Water Act and the Safe Drinking Water Act
5	Air: the Clean Air Act
6	Species: Biodiversity and the Endangered Species Act
7	Energy: Coal, Oil and alternative energies
8	Scale: Environmental Federalism
9	Courts: Caselaw and Jurisprudence
10	Agriculture and Environment
11	Environmental Justice: Civil Rights, Anti-Toxics and OSHA
12	Environmental Economics: Markets and Nature
13	Global Environmental Policy

Final Exam: Tuesday, December 18, 2:45 – 4:45pm.

Course Policies:

- You are expected to attend all classes and to take comprehensive notes on lectures and reading materials. You will not do well in this class if you do not follow that advice.
- There will be no make-up exams as a rule, except for 'excused' absences. Excused absences are those arranged with me **before a class** for official University reasons (per UW System Administrative Code) or those documentable as health- or crisis-related after an exam. You also are entitled to an excused absence for the purpose of observing a religious holiday; but you must notify me of your request for one during the first week of class.
- If you find yourself falling behind, or having trouble with any part of this course, please see me sooner rather than later.
- **Late work will be accepted at a 15% discount for each day late.**

Classroom Civility

You are expected to contribute to an environment of mutual respect and open discussion. Any actions or words which, in the opinion of the instructor, degrades the environment of mutual respect and open discussion may be met with disciplinary action. Efforts to disrupt the classroom environment will be subject to disciplinary action proportional to the severity of the disruption, and may include dismissal for the day and the forfeit of assignment grades.

Plagiarism and Academic Misconduct

It is assumed that you are familiar with University policy on cheating and plagiarism as set forth in UWS 14. UWS 14 is the chapter of the University of Wisconsin System Administrative code that regulates academic misconduct. UW-Madison implements the rules defined in UWS 14 through our own "Student Academic Misconduct Campus Procedures." UWS 14.03 defines academic misconduct as follows: Academic misconduct is an act in which a student:

- seeks to claim credit for the work or efforts of another without authorization or citation;
- uses unauthorized materials or fabricated data in any academic exercise;
- forges or falsifies academic documents or records;
- intentionally impedes or damages the academic work of others;
- engages in conduct aimed at making false representation of a student's academic performance;
- assists other students in any of these acts.

Examples include but are not limited to: cutting and pasting text from the web without quotation marks or proper citation; paraphrasing from the web without crediting the source; using notes or a programmable calculator in an exam when such use is not allowed; using another person's ideas, words, or research and presenting it as one's own by not properly crediting the originator; stealing examinations or course materials; changing or creating data in

a lab experiment; altering a transcript; signing another person's name to an attendance sheet; hiding a book knowing that another student needs it to prepare an assignment; collaboration that is contrary to the stated rules of the course, or tampering with a lab experiment or computer program of another student.

If you repeat **your own words** from an earlier composition, without citation or quotation marks, it is still plagiarism and held to the same standard.

If you are accused of misconduct, you may have questions and concerns about the process. If so, you should feel free to call SAJA at 263-5700 or send an email to dean@studentlife.wisc.edu.

(this section adapted from: http://students.wisc.edu/doso/samplesyllabus.html)

Readings

Week 1: Introduction – How is the US Environment Governed?

Andrews, Richard N.L. 1999. *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*. New Haven: Yale University Press. CHAPTER 9.

Rosenbaum, Walter A. 2011. *Environmental Politics and Policy*, 8th ed. Washington, DC: CQ Press. CHAPTER 3.

Nixon Administration Ash Council Memoranda, from the Nixon Presidential Library

US House of Representatives Document 91-366. 1970. Reorganization Plan No. 3 of 1970.

Week 2: Wilderness

Public Law 88-577. September 3, 1964. The Wilderness Act.

Scott, D. 2004. *The Enduring Wilderness: Protecting our National Heritage through the Wilderness Act*. Golden, CO: Fulcrum. CHAPTERS 3-4.

Cronon, William. 1995. "The Trouble with Wilderness; or, Getting Back to the Wrong Nature." In Cronon, William, *Uncommon Ground: Rethinking the Human Place in Nature*. New York: Norton, pp 69-90.

Case 1: Roadless Areas and the Clinton/Bush Roadless Rule controversy

Week 3: Water I

Dzurik, Andrew A. 1996. *Water Resources Planning*, 2nd ed. Lanham MD: Rowan & Littlefield. CHAPTER 4.

Maddock, Tara. 2004. Fragmenting regimes: how water quality regulation is changing political–economic landscapes. *Geoforum* 35(2): 217-230

Public Law 92-500. October 18, 1972. Federal Water Pollution Control Act. FIRST 6 PAGES ONLY.

Case 1: Florida's Numeric Nutrient Criteria

Case 2: Rock River TMDL
Case 3: Clean Water Rule and Retraction

Week 4: Water II

Hough, Palmer and Morgan Robertson. 2009. Mitigation under Section 404 of the Clean Water Act: What it is and Where it comes from. *Wetlands Ecology and Management*. 17.

TBA

Case 1: Wisconsin's Act 118 on Wetlands
Case 2: Wetland banking in Chicago
Case 3: Fracking and the Safe Drinking Water Act

General reading: http://projects.nytimes.com/toxic-waters

Week 5: Air

Rosenbaum, Walter A. 2011. *Environmental Politics and Policy*, 8th ed. Washington, DC: CQ Press. CHAPTER 6, Pages 200-218

Barcott, Bruce. 2004. "Changing All The Rules". *The New York Times*, April 4, 2004.

Weisskopf, Michael. 1989. "The Pollution Peddlers". *Washington Post* National Weekly Edition, November 20-26, 1989.

Case 1: SO_2 monitoring in Florida
Case 2: Charter St. New Source Review
Case 3: CO_2 Endangerment Finding

Week 6: Species

Doub, J. Peyton. 2013. The Endangered Species Ac: History, Implementation, Successes, and Controversies. New York: CRC Press. CHAPTER 3.

Sayre, Nathan F. 2002. *Ranching, Endangered Species, and Urbanization in the Southwest: Species of Capital.* Tucson, AZ, University of Arizona Press. CHAPTER 1.

Case 1: Listing the Polar Bear as Threatened
Case 2: HCP for the California Condor in metro Los Angeles
Case 3: De-listing the Wolf in Wisconsin

Week 7: Energy

Kraft, M. 2001. *Environmental Policy and Politics*, 5th ed. New York: Longman. CHAPTER 6.

Reece, Eric. 2005. "Death of A Mountain." *Harper's Magazine*, April 2005, 41-60.

Case 1: Renewable Fuel Standards
Case 2: Frac sands in Wisconsin
Case 3: Mountaintop removal in Kentucky

Week 8: Federalism

Schwab, Robert M. 2006. "Environmental Federalism." In WE Oates, ed., *The RFF Reader in Environmental and Resource Policy*. Washington, DC: RFF, pp 109-114.

Oates, Wallace E. 2006. "The Arsenic Rule: The Case for Decentralized Standard-setting?" In WE Oates, ed., *The RFF Reader in Environmental and Resource Policy*. Washington, DC: RFF, pp 115-117.

Doyle, Martin W., Rebecca Lave, Morgan M. Robertson and Julia Ferguson. 2013. River Federalism. *Annals of the Association of American Geographers*. 103(2) 2013: 290-298.

Case 1: Wind turbines in a Wisconsin Township
Case 2: Sagebrush Rebellion and Wise Use movement documents
Case 3: Recycling in Chicago

Week 9: Courts

O'Leary, Rosemary. 2013. Environmental Policy in the Courts. In Vig, Norman and Michael Kraft, eds., *Environmental Policy: New Directions for the 21st Century*, 8th ed. Washington, DC: SAGE CQ Press, 137-156.

Wisconsin Constitution, Article IX, Section 1: The Public Trust Doctrine. http://legis.wisconsin.gov/lrb/pubs/consthi/04consthiIV4.htm

Wisconsin DNR Bureau of Water Regulation and Zoning. 1995. *Champions of the Public Trust: A History of Water Use in Wisconsin*. Madison, WI: WDNR.

Case 1: Just v. Marinette County and Lucas v. South Carolina Coastal Council
Case 2: Groundwater in the Courts
Case 3: CAFOs and Nuisance Law

Week 10: SPRING BREAK

Week 11: Agriculture

Lehrer, Nina. 2010. *US Farm Bills and Policy Reforms*. Amherst, NY: Cambria Press. CHAPTER 3.

Cunningham, M. A. 2005. A Comparison of Public Lands and Farmlands for Grassland Bird Conservation. *The Professional Geographer* 57 (1):51-65.

Case 1: CRP declines since 2007
Case 2: Wisconsin CAFO hi-cap well permit
Case 3: Organic certification and standards

Week 12: Environmental Justice

Cole, L. W., and S. R. Foster. 2001. *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement*. New York, NY: New York University Press. CHAPTER 1.

Case 1: OSHA case in North Carolina adhesives industry
Case 2: Native American resource management – the Swinomish Tribe
Case 3: Mercury toxicity in Wisconsin subsistence fishing

Week 13: Environmental Economics

Portney, Paul R. 2006 Market-based Approaches to Environmental Policy: A "Refresher" Course. In WE Oates, ed., *The RFF Reader in Environmental and Resource Policy*. Washington, DC: RFF, pp 51-55.

Boyd, James et al. 2006. Trading Cases: Five Examples of the Use of Marekts in Environmental and Resources Management. In WE Oates, ed., *The RFF Reader in Environmental and Resource Policy*. Washington, DC: RFF, pp 56-65.

PCAST (President's Council of Advisors on Science and Technology). 2011. *Report to the President. Sustaining Environmental Capital: Protecting Society and the Economy*. July 2011. SUMMARY.

Case 1: Ohio River Water Quality Trading pilot program
Case 2: Willamette Partnership and Counting on the Environment
Case 3: California Carbon Markets

Week 14: Global Environmental Policy

Clapp, Jennifer and Peter Dauvergne. 2011. *Paths to a Green World: The Political Economy of the Global Environment*. Cambridge, MA: MIT Press. PAGES 56-86.

Case 1: Olu Tolgoi mine in Mongolia
Case 2: CBD/TRIPS conflicts
Case 3: Habitat Banking in the European Union