Winter 2013

ESM 241: Environmental Politics and Policy
Sarah Anderson (sanderson@bren.ucsb.edu)
Mondays and Wednesdays, 10-11:15 (Bren Hall 1414)

All materials can be accessed through the course webpage: gauchospace.ucsb.edu

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Office hours: Anderson (BH4510): Tuesday 12:30-1:30, Wednesday 2:00-3:00
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Overview

This course focuses on the politics of the policy process. The goal is to give you a clear picture of the processes through which societies arrive at collective or public choices through the operation of the political system. We will seek to answer questions of the following sort. What is the division of labor between the public sector and the private sector? Why and how does this division change across places and times? How are individual issues identified and framed for consideration as matters of public policy, and what determines whether they reach the top of the policy agenda? How does the legislative process work to arrive at public choices in specific cases or to shunt issues aside without arriving at clearcut choices? What forces affect the implementation of policies, and why are some policies implemented more faithfully than others? What factors affect how policy changes once it has been initially passed? Are environmental issues different from other issues with regard to the politics of the policy process?

Our principal objective is to help you understand policy processes in empirical or descriptive terms rather than in normative or prescriptive terms. We will ask how and why the federal government adopted the Endangered Species Act of 1973, the Clean Air Act Amendments of 1990, or the Fishery Conservation and Management Act of 1976 (reauthorized most recently in 2007)? How well have these statutes been implemented? To what extent have they been successful in terms of goal attainment? Of course, all of us are interested also in policy design. We want to assess the relative merits of different policy options for ocean governance or for dealing with climate change. But there are other courses at the Bren School that address these issues under the rubric of policy analysis.

ESM 241 seeks to illuminate the policy process itself and to shed light on the forces that determine actual policy choices in contrast to examining the pros and cons of policy options regarding specific issues. Understanding the politics of the policy process should help you to understand whether seemingly attractive policy options are politically feasible and how to frame and present policy options in ways that enhance their prospects for success.

Policy processes are generic in the sense that they occur in all political systems. But they are affected in important ways by the specific institutional character of particular political systems. Although our primary focus in this course will be on the
American system, we will refer to other political systems as a means of illuminating distinctive features of the American system and of providing a point of departure for exploring the effects of these features on the results of the policy process. To illustrate, we will consider the consequences of electoral systems featuring single member districts vs. proportional representation, checks and balances between the legislative and executive branches vs. parliamentary systems, federalism vs. unitary systems, and different provisions dealing with constitutional amendments. In this connection, you will find it useful to (1) download a copy of the US Constitution as amended from any of a number of convenient websites and keep it nearby for handy reference, and (2) explore the Polity IV Project (http://www.systemicpeace.org/polity/polity4.htm) for an overview on political regimes worldwide. Aside from formal institutions, we will discuss briefly how non-written features such as the level of political participation or law enforcement capability also affect the policy process.

Those who adopt a systems approach typically start with a view of the political system as a “black box.” They focus on inputs in the form of demands going into the black box, outputs in the form of policies coming out, and various feedback processes joining inputs and outputs. Our goal, by contrast, is to open up the black box and examine what goes on inside it in order to understand the processes involved in the treatment of inputs and the production of outputs.

Those who have done so have come up with a variety of models or, perhaps more modestly, analytical frameworks for thinking systematically about these processes. Among the more influential frameworks analysts have devised to think about this subject are those known as: (i) the unitary rational actor model, (ii) pluralism, (iii) interest group politics/iron triangles, (iv) elite theory, (v) institutionalism, and (vi) path dependence/punctuated equilibrium. There is no need to decide which of these models is the best option; they are all useful in directing our attention to important features of the policy process. But you will want to recognize the defining characteristics of these models and to understand how they shape our thinking about the nature of the policy process in specific cases.

It is common at least for purposes of analysis to identify a number of stages or phases of the policy process. Thus, observers often start with the emergence of issues and move on through agenda formation, enactment of policies, implementation, policy evolution and finally to a stage of feedback into the ongoing process. Many analysts have pointed out that the real world is far more complex than this simple step-by-step representation suggests. The stages are not neatly separated. Some issues do not make it through the whole cycle. Feedback processes can and often do impact intermediate stages in the cycle. All of these limitations are important and should be kept clearly in mind. Despite these limitations, the distinctions among stages remain useful as a means of organizing our thinking about public policy and identifying major research questions. With these caveats firmly in mind, we will make use of the stages framework as a heuristic device in structuring the sessions of the course. In lectures, we will explore the various elements of the politics of the policy process.
**Procedures and Requirements**

The requirements for ESM 241 include:

(i) being prepared to discuss major ideas covered in the required readings and participating actively in class and section discussions (10%),

(ii) Assignment 1: description of case (10%)

(iii) Assignment 2: section presentation (15%),

(iv) Assignment 3: problem set (15%), and

(v) writing an analytic paper (50%).

All those enrolled in the class must prepare a five-page analytic paper on one of a selection of topics we will supply at the beginning of the course. These topics will give you a chance to apply what you have learned about the politics of the policy process in order to arrive at explanation of outcomes or predictions of probable outcomes in concrete situations. The final paper for the class is due by 5pm on Friday, February 15, unless you make an appointment at the Communications Center, in which case it is due on Friday, February 22.

All members of the class will be responsible for reading the textbook plus a small number of additional readings. The textbook, available for purchase, is: *American Environmental Policy, 1990-2006: Beyond Gridlock* by Christopher McGrory Klyza and David Sousa.

**Section**

Each of you will be responsible for following one of following cases. In effect, we will follow these cases through the policy process, using them to lend substance to our discussions of important features of this process. You will take responsibility for a detailed investigation of a part of the process in the relevant case and for examining the links between the individual cases and broader ideas about the nature of the policy process. We will provide guiding questions that you should be prepared to answer in section. You will be assigned one of the following policies to discuss in section.

1. **Marine** – Fishery Conservation and Management Act (FCMA or Magnuson-Stevens), as amended, Oceans 21
3. **Terrestrial** – Federal Land Policy and Management Act
4. **Biodiversity** – Endangered Species Act (ESA) of 1973
5. **Water** – Safe Drinking Water Act
6. **Corporate actions and pollution** – Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (also known as Superfund)
7. **Climate**: California Global Warming Solutions Act of 2007, federal attempts
8. **Compliance and Enforcement** – National Environmental Policy Act (NEPA) of 1969
9. **Chemical** – Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Schedule: 5 meetings
Week 1 (1/7 or 1/9): Library info session with Janet
Week 2 (1/14 or 1/16): Case discussion and prep for presentations
Week 3 (1/23 or 1/28): Framing Presentations
Week 4 (1/30 or 2/4): Legislative Presentations
Week 5 (2/6 or 2/11): Implementation Presentations

Assignments
Assignment 1: Description of Major Cases
Due: Monday 1/14 @ 3pm in Gauchospace
Write a brief description (approximately 500 words total) addressing basic information (key dates, purpose, action(s), etc.) of the policy assigned to you. These will help your classmates to become familiar with your policy and help to guide discussion.

Assignment 2: Presentation in Section
Each student has already been assigned a presentation date and a topic (see spreadsheet). Presentations should last 7 min and focus on aspects of the case’s framing, legislative, or implementation phase. These terms will be addressed in lecture. Each presentation will be followed by a conversation with the expectation that your understanding of the case will be sufficient to answer probing questions/discussion (5 min). Your job in these presentations is to make an argument regarding why the policy was framed as it was, why the legislation passed, or why it was implemented the way that it was. Rather than a recitation of the facts, explain to your classmates the key drivers behind the framing, legislative outcome, or implementation.

Assignment 3: Spatial Voting Problem Set
Due: Wed, 1/30 in class
Class Sessions and Readings

Session 1: The domain of environmental politics and policy
Reading: Young, “Public Policy and Natural Resources: Choosing Human/Nature Relationships”
Klyza and Sousa, Ch. 1

Session 2: Environmental Politics and Policy in the American political system
Readings: The Constitution of the United States (download from Internet)
Klyza and Sousa, Ch. 2

Session 3: Framing and agenda formation
Readings: Birkland, Chapter 5
Anthony Downs, “Up and Down with Ecology: The Issue-Attention Cycle”

Session 4: Framing and agenda formation

Session 5: The legislative process – general
Readings: Klyza and Sousa, Ch. 3
Bryner, “From the Clean Air Act of 1970 to the 1990 Amendments”

Session 6: The legislative process and the environment – Interest Groups – TLA?

Session 7: Implementation – general
Problem set due
Readings: Klyza and Sousa, Ch. 4
Marzotta, Moshier, and Burnor, “Policy Implementation, The Public Actors”

Session 8: Implementation - the regulatory process, courts & environmental justice MC?
Readings: Klyza and Sousa, Ch. 5

Session 9: Policy evolution
Readings: Klyza and Sousa, Ch. 6, 7
Decision of the Supreme Court in the case of Massachusetts v. EPA
New York Times article by Broder and Barringer

Session 10: The future of environmental politics and policy
Reading: Klyza and Sousa, Ch. 8
Vig, Norman J., and Kraft, Michael E., "Toward Sustainable Development?” Chapter 17
Due February 15, 2013 by 5pm in Professor Anderson’s mailbox and on gauchospace OR due February 22, 2013 if you make an appointment to discuss a draft with the Writing Tutors.

Write a five page paper on one of the topics below. You are limited to these topics unless you get approval for a different topic from Professor Anderson by February 1. You need not address all of the topics and stages of the policy process we cover in class. Instead, identify the important parts of the story and focus on those. Remember, the emphasis should be on the politics and the process rather than the policy. For example, it is not sufficient to argue that the reason for increased market-based instruments in fisheries is that they have proven effective. We have split the topics into two categories: explanatory and predictive. The explanatory topics cover events that have already happened, while the predictive topics require you to make a forecast about future events. In our view, the predictive topics are harder to address satisfactorily than the explanatory topics. Please be aware of this in choosing a topic for your paper.

Format: Paper format is free.
Essay length limit: 1700 words, without references.

Explanatory topics
1. Why has the federal government failed to raise grazing fees on BLM lands in the West, despite the fact that the current fee structure constitutes a de facto subsidy to ranchers?
2. Why did the 2007 reauthorization of the Magnuson-Stevens Act expand the role of market-based instruments, even while other “cap-and-trade” policies have proven to be politically difficult?
3. Why did the U.S. fail to pass “cap and trade” climate change legislation in 2010?
4. Why did the [United Kingdom Parliament OR the Mexican Congress] pass legislation (in 2012 and 2008 respectively) that sets legally binding emissions goals and other climate change–related measures that contribute to a global public good but imposes costs on the country?
5. Why is Germany, a country with relatively few hours of sunshine (http://earth.rice.edu/mtpe/geo/geosphere/hot/energyfuture/Sunlight.html), at the forefront of government support for solar power?

Predictive topics
1. In December 2011, ethanol subsidies were allowed to expire, but the Energy Independence and Security Act of 2007 still requires the use of renewable fuels. Why?
2. Why has California been at the forefront of environmental regulation, including the California Global Warming Solutions of 2006 (AB 32) and auto emissions
standards? Will this continue in the face of the economic problems that California faces?

3. Will the recent water legislation passed by California lead to further legislation to reduce the consumption of water by the agricultural sector? Why or why not?

4. The EPA is preparing to regulate the use of nanomaterials by using executive orders or “Significant New Use Rules” under the Toxic Substance Control act. Is this regulation likely to occur? Why or why not? If so, how encompassing will this regulatory action be given the breadth of nanotechnology (provide argumentative justification)?

5. Will the federal government act to regulate “fracking”? If so, will it act under existing authority or pass fully new legislation?