

THE POLITICS OF ENVIRONMENTAL REGULATION

PUBPOL 563/SEAS 686/HMP 686

WINTER TERM 2020

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INTRODUCTION AND COURSE OBJECTIVES

This course examines the political feasibility of adopting and implementing policies designed to promote environmental protection. It draws heavily from the discipline of political science in examining environmental politics and how this body of scholarship informs our understanding of policy. The course will focus primarily on the experience of the United States at both federal and sub-federal levels of government but will periodically address experience beyond American boundaries.

Some version of this course was offered regularly prior to 2012, when the instructor had to put it on hold in order to become director of the Center for Local, State and Urban Policy at the Ford School. Consequently, this is an established course but was last taught eight years ago. As a result, much of this content is entirely new. Indeed, this version will focus far more on climate change and air quality politics and policy than its predecessors. Prior emphasis on water quality policy has been reduced in this offering, reflecting inclusion of some of this material in an MPP core course on public management as well as new course development on water politics and policy in the School for Environmental and Sustainability.

A number of units in this offering will weigh economic analysis on the most desirable policy based on efficiency grounds against questions over what is possible in political terms in large democratic systems such as the United States. It will routinely examine historic and enduring impediments to policy formation but also consider exceptional cases of adoption, endurance and performance over time, even in the arena of climate change. It will be divided into four primary units, each capped with a major writing assignment and subsequent class debates over key findings.

COURSE REQUIREMENTS

All students will be expected to complete four major written assignments during the term and also contribute to class deliberations. Take-home essay questions will be assigned for each of the four major sections of the course. Each will involve completion of an essay of approximately five (double-spaced) pages, usually in response to a memo that outlines a particular policy challenge or opportunity. Each essay will be worth 100 points toward the final grade. Essays that are not turned in at the required date will be reduced ten points for each day of delay in submission. Dates for receipt and submission of assignments are set forth in the syllabus.

In addition, 100 points toward the final grade will be based on contribution to classroom discourse. Despite the anticipated class size, there will be considerable opportunities to participate in class deliberation. These will include regular classes as well as a series of special sessions devoted to class debate over essay findings. Evaluation of class participation will be based on quality of discourse and not sheer frequency of engagement. Material will be frequently presented in class that is not available in assigned readings or any published form. Students are responsible for all material presented in class and assigned in required readings. Slides from lectures will be posted. Laptop computer use is allowed, with the expectation that any use is respectful of other students.

All evaluation and grading will be completed by the instructor; there will not be a graduate student instructor, teaching assistant, or grader employed in this course to evaluate student performance. The three primary grading criteria that each essay will be measured against include: 1) Presence of a structured argument that responds to the assignment; 2) Ability to include and apply relevant course concepts to the issues at hand; and 3) Ability to advance a compelling case for a particular policy proposal or political analysis. Eighty percent of the total grade will be based on substantive content and the remaining twenty percent on stylistic clarity and quality. Students are advised to make the case for their own understanding of the best approach to a particular issue, rather than attempt to assimilate any presumed position of the instructor.

If you think you need an accommodation for a disability, please let me know at your earliest convenience. Some aspects of this course can be modified to facilitate your participation and progress. As soon as you make me aware of your needs, we can work with the Services for Students with Disabilities (SSD) office to help us determine appropriate academic accommodations. SSD typically recommends accommodations through a Verified Individualized Services and Accommodations (VISA) form. Any information you provide is private and confidential and will be treated as such.

If you or another student you know is feeling overwhelmed, depressed and/or in need of support, services are available. For help, contact Counseling and Psychological Services (CAPS) at 734.764.8312 and <https://caps.umich.edu/> during and after hours, on weekends

and holidays, or through its counselors physically located on both North and Central Campus. You may also consult University Health Services (UHS) at 734.764.8320 and <https://www.uhs.umich.edu/mentalhealthsvcs>.

REQUIRED READINGS

Required readings should be completed, preferably in the order listed, before each designated session. Most of the readings are from the two required books, supplemented by materials that will be included on our class Canvas site. A few brief supplemental readings may be distributed prior to the relevant session, usually to add very current information to a particular discussion.

Barry Rabe, *Can We Price Carbon?* (Cambridge: MIT Press, 2018). So, yes, you are required to read a book by your professor. This is a new book that considers the political feasibility of carbon pricing, the climate policy strategy that has broad support from economists but often struggles politically in the United States and beyond. This will be our primary book during the first section of the course. All of my royalty proceeds will be donated to charity, amounting to about \$3 per book purchased. (Hint: I believe that you can secure free electronic access to the manuscript through Project MUSE in the UM library system)

Ann Carlson and Dallas Burtraw, eds., *Lessons from the Clean Air Act: Building Durability and Adaptability into U.S. Climate and Energy Policy* (New York: Cambridge University Press, 2019). This new book examines the Clean Air Act over a half-century period of evolution through a multi-disciplinary team assembled by the American Academy of Arts and Sciences. Its primary goal is to analyze each major title of this legislation and examine its durability and performance over time, leading to a range of questions as to its future adaptability for climate and other concerns.

SCHEDULE OF SESSIONS

Section One: POLICY FROM THE TOP-DOWN: THE FEDERAL ROLE AND THE ISSUE OF CLIMATE CHANGE

January 9: Introduction to Environmental and Climate Politics and Policy

United Nations Environment Programme, *Emissions Gap Report 2019*, Foreword and Executive Summary, pp. xiii-xxv

January 14 and 16: Congressional Capacity to Adopt Environmental Legislation, 1970-2020

Paul Milazzo, “The Clean Water Act: A Congressional Achievement,” *Extensions* (Summer 2016): 4-11.

David E. Price, “Congressional-Executive Balance in an Era of Congressional Dysfunction,” *PS* (July 2016): 485-489. doi:10.1017/S1049096516000755

Rabe, *Can We Price Carbon?*, Chapters 1 and 2.

January 21 and 23: Alternative Paths to Environmental Policy Formation (Receive first paper assignment on January 23)

James M. Curry and Frances E. Lee, “Non-Party Government: Bipartisan Lawmaking and Party Power in Congress,” *Perspectives on Politics*, vol. 17, no. 1 (March 2019): 47-65.

Stuart M. Butler, “Republicans will need to work with Democrats to pass tax reform,” *Brookings Up-Front* (November 8, 2017).

Rabe, *Can We Price Carbon?*, chapter 3.

January 28 and 30: The Politics of Carbon Pricing and Policy Durability

Rabe, *Can We Price Carbon?*, chapters 4, 5, and 7.

Liam Beiser-McGrath and Thomas Bernauer, “Could revenue recycling make effective carbon taxation politically feasible?” *Science Advances*, vol. 5 (September 2019): 1-8.

Chris Borick and Erick Lachapelle, “Chasing the Policy Unicorn: American Public Opinion and the Potential for a Carbon Tax in the United States,” Paper presented at the International Conference on Public Policy, Montreal (June 2019).

February 4 and 6: Class Debates over First Paper Assignments. All papers due at the beginning of the February 4 session.

SECTION TWO: FEDERAL POLICY WITHOUT CONGRESS: THE ADMINISTRATIVE PRESIDENCY AND THE CLEAN AIR ACT

February 11: Environmental Policy in the Era of the Administrative Presidency

Suzanne Mettler, “The Polycscape and the Challenges of Contemporary Politics to Policy Maintenance,” *Perspectives on Politics*, vol. 14, no. 2 (June 2016): 369-390.

Manjana Milkoret, “The Paris Agreement on Climate Change—Made in USA?” *Perspectives on Politics*, vol. 17, no. 4 (December 2019): 1019-1037.

Ann Carlson and Dallas Burtraw, “Introduction,” *Lessons from the Clean Air Act*, chapter 1.

February 13: When Federal and State Executives Collide: Reversing the California Vehicle Emissions Waiver After a Half-Century of Collaboration (Receive second paper assignment)

Barry G. Rabe, “Leveraged Federalism and the Clean Air Act: The Case of Vehicle Emissions Control,” in *Lessons from the Clean Air Act*, chapter 4.

February 18: Stationary Sources Under the Clean Air Act and Possible Extensions to Climate Change

On National Ambient Air Quality Standards and a proposed National Pollution Cap, see William Boyd, “The Clean Air Act’s National Ambient Air Quality Standards: A Case Study of Durability and Flexibility in Program Design and Implementation,” in *Lessons from the Clean Air Act*, chapter 2.

On Stationary Sources and the Clean Power Plan, see Hannah J. Wiseman, “Stationary Sources, Movable Rules: Intransigence under the Clean Air Act,” in *Lessons from the Clean Air Act*, chapter 3.

February 20: Promotion of Alternative Fuels and Using Markets in the Clean Air Act

On renewable fuels development, see Joseph E. Aldy, “Promoting Environmental Quality through Fuels Regulations: Lessons for a Durable Energy and Climate Policy,” in *Lessons from the Clean Air Act*, chapter 5.

On cap-and-trade and market-oriented options, see Eric M. Patashnik, “The Clean Air Act’s Use of Market Mechanisms,” in *Lessons from the Clean Air Act*, chapter 6.

On the future of the Clean Air Act, see Ann Carlson and Dallas Burtraw, “Conclusion,” in *Lessons from the Clean Air Act*, chapter 7.

February 25 and 27: Class Debates Over Second Paper Assignments. All papers due at beginning of February 25 session.

**SECTION THREE: POLICY WITHOUT THE FEDERAL GOVERNMENT;
STATES AND BOTTOM-UP ENVIRONMENTAL PROTECTION**

March 10: The Evolving State Government Role in Environmental Policy

Luke Fowler, “Intergovernmental Relations and Energy Policy: What We Know and What We Still Need to Learn,” *State and Local Government Review*, vol. 50, no. 3 (2018): 203-212.

Will Zerhouni, “Tesla Takes on Michigan,” (Washington, D.C.: CATO Institute, 2018).

March 12: State Policy Via Direct Democracy (Receive third paper assignment)

Dorothy Daley, “Public Participation, Citizen Engagement, and Environmental Decision Making,” in *Oxford Handbook of Environmental Policy*, Sheldon Kamieniecki and Michael E. Kraft eds. (New York: Oxford University Press, 2014): 487-503.

Diana Forster and Daniel A. Smith, “Environmental Policies on the Ballot,” in *Climate Change Politics: U.S. Policies and Civic Action*, Yael Wolinsky-Nahmias ed. (Washington, D.C.: Sage, 2015), 171-196.

March 17 and 19: States and Climate Policy Development

Betul Gokkir and J. Samuel Barkin, “Are Liberal States Greener? Political Ideology and CO2 emissions in American States,” *Journal of Environmental Studies and Sciences* (2019): 1-10.

Bloomberg Philanthropies, *Accelerating America’s Pledge: Going All-In to Build a Prosperous, Low-Carbon Economy for the United States* (2019): 12-61.

Rabe, *Can We Price Carbon?*, chapter 6.

March 24 and 26: The Un-Politics of Methane Emission Reductions

Raphael Cael and Paasha Mahdavi, "Capture the Flare," *Proceedings of the National Academy of Sciences* (July 8, 2019).

Barry Rabe, "The Politics of Methane," *Brookings FixGov Blog* (July 8, 2019).

Heather Richards, "Permian Basin flaring hits 'all time high'," *E&E News* (November 6, 2019).

March 31 and April 2: Class Debates Over Third Paper Assignments (All papers due at beginning of March 31 session)

Section Four: FOLLOWING THE LEADERS: POLICY COMPLEMENTARITY AND BEST PRACTICES TO GUIDE NEXT GENERATION POLICY

April 7: Policy Complementarity and Possible Policy Bundles (Receive final paper assignment)

Chris Bataille, Celine Guivarch, Stephane Hallegatte, Joeri Rogelf and Henry Waisman, "Carbon Prices Across Countries," *Nature Climate Change*, vol. 8 (August 2018): 648-659.

Environmental Forum, "Reports Say Dire Effects Will Be Starting Soon. How Can the Economy Quickly Shed Carbon?" *The Environmental Forum* (May/April 2019); 48-55.

Jesse Jenkins, "Why Carbon Pricing Falls Short: And What to do About it," Kleinman Center for Energy Policy, University of Pennsylvania (April 2019): 1-20.

Justin Gundlach, Ron Minsk, and Noah Kaufman, "Interactions Between a Federal Carbon Tax and Other Climate Policies," Center on Global Energy Policy, Columbia University (March 2019): 9-39.

April 9: Lessons from the Nordics and the European Union

Endre Tvinnereim and Michael Mehling, "Carbon Pricing and Deep Decarbonization," *Energy Policy* 121 (2018): 185-189.

Guri Bang and Bard Lahn, "From Oil as Welfare to Oil as Risk? Norwegian Petroleum Resource Governance and Climate Policy," *Climate Policy* (2019): 1-12.

April 14: Lessons from Canada and Mexico

Brendan Boyd and Barry Rabe, “Whither Canadian Climate Policy in the Trump Era?” in *Canada-U.S. Relations: Sovereignty or Shared Institutions?*, David Carment ed. (London: Springer 2019), 239-260.

Duane Bratt, “Alberta’s Climate Leadership Plan,” (Calgary: Mount Royal University, 2019): 1-31.

April 16: Lessons from China

Daniel Fiorino, *Can Democracy Handle Climate Change?* (Cambridge: Polity Press, 2018, Chapter 1.

Noah Kaufman and Jonathan Elkind, “Can China’s CO2 Trading System Avoid the Pitfalls of Other Emissions Trading Schemes?” (Center on Global Energy Policy, Columbia University, 2018): 1-16.

April 21: Submit final essay at the beginning of class session and participate in final class debate.