

Environmental Studies 595T

Environmental Regulation

Fall 2003

Prof. Chad Briggs (Political Science)

Meeting time: Thursdays 4:00-6:45 pm

Classroom: H530

Office hours: MW 10-11am, Th 2-3:30pm, or by appointment

Office: University Hall 532

TEL: (714) 278-3467

e-mail: cbriggs@fullerton.edu

Web site: <http://faculty.fullerton.edu/cbriggs/enst595.htm>

Description of course: This course is intended for graduate students who are interested in the structure and analysis of government regulations concerning the environment. The approach to the course is not intended to be limited to either social or natural sciences, but rather concerns the important interactions between environmental sciences, law and politics. Students will be allowed some flexibility in terms of their focus in course assignments, but it will be expected that all students familiarize themselves with the related scientific or political concepts to the topics at hand.

Learning Objectives:

- Be familiar with the major federal and state laws and regulations concerning environmental protection (as outlined in the syllabus), and how to locate new material.
 - Understand the legal basis for legislative and administrative actions to regulate the environment.
 - Be able to analyze decision-making processes and outcomes, especially within the EPA.
 - Be familiar with the scientific basis for decision-making, and how science is used in politics.
 - Be able to analyze effectively current environmental policies in written form.
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Required texts:

Susan J. Buck. *Understanding Environmental Administration and Law* (2nd edition). Island Press, 1996. ISBN: 155963474X

Mark R. Powell. *Science at EPA: Information in the Regulatory Process*. Resources for the Future, 1999. ISBN: 1891853007

On Library Reserve: (Optional)

Environmental Law Handbook (15th Edition). Thomas Sullivan (ed.), Government Institutes Press, 1999.

Articles (available at Pollack Library at Extended Academic ASAP database):

Thomas D. Beamish. Waiting for crisis: regulatory inaction and ineptitude and the Guadalupe dunes oil spill. *Social Problems*, May 2002 v49 i2 p150(28). Elec. Coll.: A88995016.

Robert B. Olshansky. The California Environmental Quality Act and local planning. *Journal of the American Planning Association*, Summer 1996 v62 n3 p313(18). Bus. Coll.: 94Z2471. Elec. Coll.: A18556012.

Carrie L. Williamson. "But you said we could do it!": oil companies' liability for the unintended consequence of MTBE water contamination. *Ecology Law Quarterly*, August 2002 v29 i2 p315(31). Elec. Coll.: A91213700.

Jeffrey A. Hutchings, Carl Walters, and Richard L. Haedrich. "Is scientific inquiry compatible with government information control?" *Canadian Journal of Fisheries and Aquatic Sciences*. 1997, 54, pp. 1198-1210. (Note: Copies of this article will be provided in class)

Assignments:

Class presentation	10%	Due date to be determined in class
Take-home exam (mid-term)	20%	Distributed Oct. 23, due Oct. 30 in class
Analysis paper	30%	Due Dec. 4, in class
Take-home exam (final)	30%	
Class participation	10%	

ENST 595T (Environmental Regulation) Course Schedule		
Class date	Topics	Assigned Readings
Aug 28	<i>Introduction to the course</i> -Basics of regulation and environmental law in the US	No readings due (first week of class)
Sept 4	<i>Common law, federalism and judicial precedent</i>	Buck, Preface and Chapter 1

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Sept 11	<i>Environmentalism and US Regulation</i> -National Environmental Policy Act -California Environmental Quality Act -EPA and related agencies	Buck, Chapter 2 Olshansky article (CEQA)
Sept 18	<i>Public policy studies</i> -Policy cycles, "Iron Triangles" -Reality of the legislative and administrative process	Buck, Chapter 3 Beamish article (Regulatory inaction)
Sept 25	<i>Case law and its application to regulation</i> -Legal standing -Property rights -Public Trust Doctrine -Case of Mono Lake and Los Angeles	Buck, Chapter 4, plus appendix on 'Finding Case Law', p. 198 (Optional on reserve): Court decision on Mono Lake
Oct 2	<i>Administrative procedures and regulation</i> -Administrative Procedures Act -Freedom of Information Act -Cost Benefit Analyses	Buck, Chapter 5
Oct 9	<i>Western regulation of public lands</i> -Case studies of water, wildlife, ranching, recreation, mining and nuclear waste	Buck, Chapter 6 (Optional): Buck, Chapter 7
Oct 16	<i>Science & regulation, a background</i> -Science vs. political rationality -Ideals of certainty in politics ("what is truth?")	Powell, Chapters 1-2
Oct 23	<i>Science & regulation, theory</i> -Methodological uncertainty in ecological data -Difficulties in interpreting evidence	Powell, Chapters 3-4 Take-home exam distributed
Oct 30	<i>Science & regulation, applications</i> -Legal vs. scientific burdens of proof -Tort law vs. preventive regulation	<u>Take-home exam due in class</u> No readings due for class
Nov 6	<i>Science & regulation, conclusions</i> -Knowledge and liability -Causation and responsibility -Individual vs. collective action	Powell, Chapters 5-6 Williamson article (MTBE)

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Nov 13	<i>The art of constructing regulations</i> -Ethics and professionalism -Decision making under uncertainty	Hutchings article (Scientific inquiry)
Nov 20	Class presentations	
Nov 27	Thanksgiving Day- no classes	
Dec 4	Class presentations	Policy papers due in class
Dec 11	Last day of class Class presentations	
Dec 18	Final exams due by 6:50 pm	

Late Assignments/Exams

Late exams will not be arranged except with documented emergencies. Late papers will be graded down one half grade each day, and will not be accepted one week after the due date. Final grades of Incomplete will only be allowed under extraordinary circumstances. Any possible conflicts with assignment or exams dates must be addressed to the instructor in advance.

Academic Honesty

The usual rules for academic honesty apply in this class, as described in the CSUF handbook. All work submitted in this course must be your own. Any cheating on exams or plagiarism on papers will result in a failing grade for that assignment, and possible disciplinary action by the university.