



**POSC 347**  
**Environmental Law and Policy**

Spring 2001  
Mondays and Wednesdays, 2:00-3:20  
Taper Hall  
[https://learn.usc.edu/courses/posc\\_347\\_67070\\_011/](https://learn.usc.edu/courses/posc_347_67070_011/)

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Office hours: Wednesdays 3:30-5:20, or by appointment

More and more, environmental laws and policies and their consequences pervade our lives: the air we breathe, the water we drink, the food we eat, the land we live on, the plants and animals that share these resources. As the imprint of humans on the earth continues to grow, the import of these laws and policies can only increase. This course surveys the historical origins, the leading conflicts, and the evolving processes of this new and controversial field. Approached from a global perspective, environmental law offers a glimpse at some of the most far-reaching issues that confront the world today.

The study of environmental law, policy, and politics necessitates several different perspectives. As we shall see, the international character of problems like global warming and urban environmental degradation requires global analyses. At the same time, in domains like water resources, air quality and urban sprawl, the key to environmental performance is often found in the arrangements of local communities. Alongside multiple geographic scales, environmental policy and law combine various professional specialities. To master the field requires knowledge not just of legal institutions and how they work, but of natural science, engineering, economics, and politics.

In this course, we will combine readings of more traditional texts with legal materials, practical case analyses, in-class exercises, internet analyses, guest speakers and multimedia presentations. In the first weeks of the course, we will examine how environmental law and policy emerged over the course of the twentieth century, and the issues and debates at the core of environmental decision-making. In the following two weeks, we will turn to the institutional infrastructure of environmental law in the United States and worldwide. For most of the remainder of the course, successive sessions will take up leading domains of environmental law—water resources, water

pollution, air pollution, global warming and ozone depletion, forest and species conservation, urban sprawl, toxic wastes. Concluding sessions reconsider the overarching issue of sustainability, emerging questions of policy toward biotechnology, and the compatibility of environmental sustainability with market capitalism.

## **Readings:**

The following required texts are available for purchase in the Bookstore:

Ramachandra Guha, *Environmentalism: A Global History* (New York: Longman, 2000).

Nancy K. Kubasek and Gary S. Silverman, *Environmental Law* (Upper Saddle River, N.J.: Prentice Hall, 2000).

Norman J. Vig and Michael E. Kraft (eds.), *Environmental Policy* (Washington, D.C.: CQ Press, 2000).

Norman J. Vig and Regina Axelrod (eds.), *The Global Environment: Institutions, Law and Property* (Washington, D.C.: CQ Press, 1999).

In addition, a reader with remaining required readings will be available for purchase at Magic Machine - University Graphics in University Village across from the campus. All readings marked \* will be contained in this reader. Additional articles, reports, etc. will be distributed over the course of the semester.

## **Course Requirements**

You will be required to do all assigned reading, attend class regularly and contribute actively to our discussions. In addition to class, you will be required to participate through contributions to a discussion board at the Blackboard website for this course ([https://learn.usc.edu/courses/posc\\_347\\_67070\\_011/](https://learn.usc.edu/courses/posc_347_67070_011/)). Every student will be required to submit at least *five* postings of at least 150 words each. Multiple postings in the same week will generally be counted as part of a single posting. Your posting should contain either an argument, a well-articulated point, or a series of questions addressed to the readings, or an assessment or account of web materials on closely related topics. All postings are due *by midnight on the day preceding the relevant class session*. Participation in in-class role-playing and other exercises may be substituted for postings.

In addition to a mid-term and a final, you will be expected to complete two written assignments. The first, due January 29, will be a written exercise of 5 pages that is designed to initiate you into the vast world of materials now available online for the study of environmental law, policy and politics. Details on this assignment will be handed out in class on January 10.

The second written assignment, a term paper of around 10 pages, will give you a chance to undertake research of your own on a topic related to environmental law, or to expand upon issues already raised in the class sessions and the readings. A handout to be distributed following the

midterm will explain this assignment further. Topic statements will be due on April 2, the paper on April 25.

Final grades will be based on the following weights:

Environmental internet investigation:	10%
Mid-term:	20%
Discussion board postings:	25%
Final paper:	20%
Final exam:	25%

This list of assignments is based on the assumption that all students will do all the required reading, attend all classes and participate regularly and constructively in discussions. Failure to do any of these tasks will be considered just cause for lowering of your final grade.

### **Semester Plan**

#### **January 8: Introduction**

#### **January 10, January 17: First principles and early history**

Ramachandra Guha, *Environmentalism: A Global History* (New York: Longman, 2000), pp. 1-7, 10-58, 63-68.

Aldo Leopold, "The Land Ethic," in *A Sand County Almanac* (1949, 1966), pp. 237-264 (to be distributed).

Garrett Hardin, "The Tragedy of the Commons," *Science* Vol. 162 (1968), pp. 1243- (to be distributed).

#### **January 22, January 24: Dilemmas of contemporary environmentalism**

Guha, pp. 69-124.

\*Ronald Bailey, "The Progress Explosion: Permanently Escaping the Malthusian Trap," in Ronald Bailey (ed.), *Earth Report 2000* (New York: McGraw-Hill, 2000), pp. 2-21.

Evan J. Ringquist, "Environmental Justice: Normative Concerns and Empirical Evidence," in Norman J. Vig and Michael E. Kraft, *Environmental Policy* (Washington, D.C.: CQ Press, 2000), pp. 232-253.

## **January 29: ENVIRONMENTAL INVESTIGATION DUE**

### **January 29, January 31: The context of environmental law**

Nancy K. Kubasek and Gary S. Silverman, *Environmental Law* (Upper Saddle River, N.J.: Prentice Hall, 2000), pp. 2-44.

Marvin S. Soros, "Global Institutions and the Environment: An Evolutionary Perspective," in Norman J. Vig and Regina Axelrod, *The Global Environment: Institutions, Law and Property* (Washington, D.C.: CQ Press, 1999), pp. 27-51.

#### **Recommended optional reading:**

Kubasek and Silverman, , pp. 114-147.

### **February 5, February 7: Administration and litigation in environmental law**

Kubasek and Silverman, pp. 45-111.

#### **Court case:**

\**Sierra Club v. Morton*, 405 U.S. 727 (1972) (oral argument and other resources at <http://www.oyez.com>).

Film: "Erin Brokovich" (to be seen outside of class)

### **February 12, February 14: Water as a resource**

Kubasek and Silverman, pp. 192-196.

\*Norris Hundley, Jr., *The Great Thirst* (Berkeley: University of California Press, 1992), pp. 406-422.

#### **Court case:**

\**National Audubon Society v. Superior Court*, 33 Cal.3d 419 (1983).

\*"Governor Gray Davis and Secretary of the Interior Babbit Announce Framework for California's Water Future," Press release from Gray Davis (June 9, 2000).

Report of the World Commission on Dams, November 2000

<http://www.dams.org>

#### **Case studies of Three Gorges, Pak Moon Dams:**

Guha, pp. 125-137

\*"The Tragedy of Pak Moon Dam (Thailand)," *Bangkok Post* (October 1, 2000).

## **February 21: MIDTERM**

## **February 26, February 28: Water quality**

Kubasek and Silverman, pp. 182-192, 196-207.

Los Angeles Regional Water Quality Control Board Website (at <http://www.swrcb.ca.gov/rwqcb4/>)

### ***Case study of urban runoff in southern California:***

\*Sue Fox, "Costly Steps Fail to Stem Urban Runoff," *Los Angeles Times* (November 25, 2000), Metro p. 1.

\*Marla Cone, "Study Finds Widespread Runoff Peril on the Coast," *Los Angeles Times* (November 29, 2000), Metro p. 1.

World Health Organization, *Global Water Supply and Sanitation Assessment 2000* (Geneva 2000) (available online at

[http://www.who.int/water\\_sanitation\\_health/Globassessment/GlasspdfTOC.htm](http://www.who.int/water_sanitation_health/Globassessment/GlasspdfTOC.htm))

### ***Case study of urban sanitation and water quality in Bangkok:***

\*Amrita G. Daniere and Lois M. Takahashi, "Public Policy and Human Dignity in Thailand: Environmental Policies and Human Values in Bangkok," *Policy Sciences* **32** (1999), 247-268.

## **March 5, March 7: Air Quality**

Kubasek and Silverman, pp. 148-182.

### ***Case study of market-based policy in Los Angeles:***

\*Daniel A. Mazmanian, "Los Angeles' Transition from Command-and-Control to Market-Based Clear Air Policy Strategies and Implementation," in Daniel A. Mazmanian and Michael E. Kraft (eds.), *Toward Sustainable Communities* (Cambridge: MIT Press, 1999), pp. 77-112.

### ***Case study of anti-smog policy in Mexico City:***

\*"Mexico: Smog City," *The Economist* **319** (May 18, 1991), p. 50.

\*Tim Weiner, "Terrific news in Mexico City: Air is Sometimes Breathable," *New York Times* (January 5, 2001) (<http://www.nytimes.com/2001/01/05/world/05MEXI.html>)

### **Optional further reading:**

\*Gary Bryner, "Market Incentives in Air Pollution Control," in Sheldon Kamieniecki, George Gonzalez and Robert Vos (eds.), *Flashpoints in Environmental Policymaking* (Albany: State University of New York Press, 1998), pp. 85-107.

## **March 12, March 4: SPRING RECESS**

## **March 19, March 21: Global warming and CFC reduction**

### ***Case study: in-class simulation of international climate change negotiations:***

\*Tom M.L. Wigley, *The Science of Climate Change: Global and U.S. Perspectives* (Pew Center on Global Climate Change, 1999), pp. 1-35.

Michael R. Molitor, "The United Nations Climate Change Agreements," in Vig and Axelrod, pp. 210-233.

Robert L. Parberg, "Lapsed Leadership: U.S. International Environmental Policy Since Rio," in Vig and Axelrod, pp. 236-253.

\*Tim Patterson and Tom Harris, "Ten Myths About Global Warming," *Ottawa Citizen* (October 16, 2000)

\*Paul Kedrosky, "Why carbon sinks make sense," *National Post* (November 18, 2000)

\*"A Searing Future: While the rich stay rich, the poor get hotter," *New Scientist* (November 11, 2000), p. 4.

### **March 26: PAPER TOPIC STATEMENTS DUE**

#### **March 26, March 28: Forest, wetland and species conservation**

Kubasek and Silverman, pp. 292-307.

\*Rowan B. Martin, "Biological Diversity: Divergent Views on Its Status and Diverging Approaches to Its Conservation," in Ronald Bailey (ed.), *Earth Report 2000* (Competitive Enterprise Institute, 2000), pp. 204-236.

\*T.C. Whitmore and J.A. Sayer, "Deforestation and species extinction in tropical moist forests," in T.C. Whitmore and J.A. Sayer (eds.), *Tropical Deforestation and Species Extinction* (London: Chapman and Hall, 1992), pp. 1-12.

#### **Case study of the Everglades:**

\*U.S. Secretary of the Interior, *The Impact of Federal Programs on Wetlands* (March 1994), pp. 123-141.

\*Statements of William Leary, Joette Lorion, and Ibel Aguilera, Oversight Hearing Before the Subcommittee on National Parks and Public Lands of the Committee on Resources, 106 Congress, 1<sup>st</sup> Session (April 27, 1999), Serial No. 106-24, pp. 10-16, 82-91, 112-116.

#### **Optional recommended reading:**

\*Elizabeth J. Farnsworth and Aaron M. Ellison, "The Global Conservation Status of Mangroves," *Ambio*, 26(6) (September 1997), 328-334.

Web page: <http://iucn.org/bil/bioloss.html>

#### **April 2, April 4: Sprawl and urban land**

\*Daniel Press, "Local Open-Space Preservation in California," in Daniel A. Mazmanian and Michael E. Kraft (eds.), *Toward Sustainable Communities* (Cambridge: MIT Press, 1999), pp. 153-180.

#### **Court caase:**

\**Dolan v. City of Tigard*, 114 S.Ct. 2309 (1994) (oral argument and other resources at <http://www.oyez.com>).

#### **Case study of urban land conflicts in Mexico City:**

\*Keith Pezzoli, *Human Settlements and Planning for Ecological Sustainability: The Case of*

*Mexico City* (Cambridge: MIT Press, 1998), pp. 163-223.

### **April 9, April 11: Toxics and Hazardous Waste**

Kubasek and Silverman, pp. 210-235, 238-267.

\*Walter A. Rosenbaum, "Regulation at Risk: The Controversial Politics and Science of Comparative Risk Assessment," in Sheldon Kamieniecki, George Gonzalez and Robert Vos (eds.), *Flashpoints in Environmental Policymaking* (Albany: State University of New York Press, 1998), pp. 31-57.

#### ***Case study of school construction and urban environmental hazards in Los Angeles:***

\*Howard Blume, "No Vacancy," *LA Weekly* (June 9-15, 2000)

([www.nsbm.org/media/art\\_lawweekly0600.html](http://www.nsbm.org/media/art_lawweekly0600.html))

\*Ira Reiner, "Don't Complete the Belmont Learning Complex," *Los Angeles Times* (Sunday, December 5, 1999) ([democrats.assembly.ca.gov/members/a43/news/a43art415.htm](http://democrats.assembly.ca.gov/members/a43/news/a43art415.htm))

\*Doug Smith, "Riordan Seeking State Legislation to Complete Belmont," *Los Angeles Times* (December 4, 2000), Metro p. B1.

\*"Romer's Chance on Belmont," *Los Angeles Times* (December 14, 2000), Metro Page B10.

#### ***Case study of the Bhopal disaster:***

\*M.V. Balaji, "Fifteen Years On, Bhopal is Still Reeling Under Impact of Gas Disaster," *Deutsche Presse-Agentur* (November 29, 1999).

\*"Review: The Uncertain Promise of Law: Lessons From Bhopal," *Canadian Business and Current Affairs* **21**(1) (January/February 1995), p. 35.

### **April 16, April 18: Sustainability and the Example of Biotechnology**

\*Robert Vos, "Introduction: Competing Approaches to Sustainability: Dimensions of Controversy," in Sheldon Kamieniecki, George Gonzalez and Robert Vos (eds.), *Flashpoints in Environmental Policymaking* (Albany: State University of New York Press, 1998), pp. 1-23.

#### ***Case study of international negotiations on biosafety:***

\*Robert Faulkner, "Regulating Biotech Trade: The Cartagena Protocol on Biosafety," *International Affairs* **76** (2) (2000), 299-313.

\*Timothy O'Riordan, "Europe and the United States on Precaution," *Environment* **42** (4) (May 2000), p.

### **April 23: Sustainability and capitalism**

Daniel Press and Daniel Mazmanian, "Understanding the Transition to a Sustainable Economy," Vig & Kraft, pp. 370-385.

Duncan Liefferink, "The Dutch National Plan for a Sustainable Society," in Vig and Axelrod, pp. 256-275.

\*Paul Hawken, Amory Lovins & L. Hunter Lovins, *Natural Capitalism: Creating the Next Industrial Revolution* (Boston: Little Brown, 1999), pp. 1-21.

**April 25, 5 p.m.: FINAL PAPER DUE (no class!)**

**Exam review: TBA**

**FINAL EXAMINATION: Friday, May 4, 2:00-4:00 p.m.**