History of American Environmental Policy

(HIST-UA9423/ENVST-UA9423/POL-UA9307)

Fall 2014, Wednesdays, 6:15-9:15pm, Location TBA

Charles Herrick, Ph.D.

Office Hours: By appointment

Prerequisites: None

Course Description: This survey course will focus on the historical development of U.S. federal authority and capacity over public lands and resources, including the germination and expansion of the idea of a coherent public interest with respect to air, water, forests, landscapes, and other environmental attributes. The course will address U.S. environmental policy through several lenses, including (1) a set of two introductory sessions in which students are introduced to key terminology, concepts, and orientations toward the domain of environmental policy; (2) a core series of sessions through which we survey how historical precedents have shaped contemporary U.S. environmental policies and programs. As we work through the semester, we will also review several contemporary, but still evolving, environmental policy topics (e.g., climate change, invasive species, fracking) in light of historical precedents.

Assessment Component: The course will combine lectures, discussion, and a variety of assessments including frequent student presentations, an early test, two short proposition/defense papers, and a final essay test.

Primary Texts:


Instructional Goals:

- An appreciation for how historical antecedents shape, constrain, and enable present-day environmental policy;
- An appreciation for the variegated nature of American environmental policy;
• A keen sense for how specific aspects of environmental governance have evolved across the course of U.S. history; and
• A critical attitude about historical frameworks and an ability to recognize and identify alternative historical orientations and/or narratives.

Attendance Policy:

Study abroad at Global Academic Centers is an academically intensive and immersive experience, in which students from a wide range of backgrounds exchange ideas in discussion-based seminars. Learning in such an environment depends on the active participation of all students. And since classes typically meet once or twice a week, even a single absence can cause a student to miss a significant portion of a course. To ensure the integrity of this academic experience, class attendance at the centers is mandatory, and unexcused absences will affect students' semester grades. Students are responsible for making up any work missed due to absence. Repeated absences in a course may result in failure. Beginning Fall 2014, at all Global Academic Centers, unexcused absences will be penalized with a two percent deduction from the student’s final course grade.

To seek an excused absence for medical reasons, students must email or discuss with the Program Coordinator for Academics in advance of their missed class. For an excused absence, students must produce a doctor’s note dated with the exact dates of the missed class and/or exam.

Non-medical absences must be discussed with the Program Coordinator for Academics prior to the date(s) in question, who will communicate the absence to all relevant faculty members. If faculty members do receive notification, the student has not procured an excused absence.

NYU Washington, DC expects students to arrive to class promptly (both at the beginning and after any breaks), to be attentive, and to remain for the duration of the class. If full class attendance and participation becomes a problem, it is the prerogative of each instructor to apply the rule for unexcused absences, which may include a two percent deduction from the student’s final course grade. (Note: Students are expected to attend all classes. We will notify the department if we are aware that a student has missed two classes. More than two absences could affect class participation grade.)

Students are responsible for making up any work missed due to absence. This means they should initiate email and/ or office hour discussions to discuss any missed lectures and assignments and arrange a timeline for submitting missed work.
Please note that for classes involving a field trip or other external visit, transportation difficulties are never grounds for an excused absence. It is the student’s responsibility to arrive at the announced meeting point in a punctual and timely fashion. Staff members may always be reached by cell phone for advice regarding public transportation.

**Late Submission of Work:**

1) Written work due in class must be submitted during the class time to the professor.

2) Late work should be emailed to the faculty as soon as it is completed. If the assignment must be submitted in person, the Program Coordinator for Academics can collect on behalf of the faculty between the hours of 10-6, M-F.

3) Late work will be reduced for a fraction of a letter grade (e.g: A to A-, A- to B+, etc.) for every day it is late, including weekends.

4) Written work during the semester that is submitted 5 days after the submission date (including weekends) without an agreed extension fails and is given a zero.

5) Students who arrive to class late for an exam do not have automatic approval to take extra time to complete the exam.

6) Students who miss an exam (including the final) without previously arranged permission will receive a zero on that exam.

7) Assignments due during finals week that are submitted more than 3 days without previously arranged extensions will not be accepted and will receive a zero. Any exceptions or extensions for work during finals week must be discussed with the Site Director.

**Plagiarism Policy:**

As the University's policy on "Academic Integrity for Students at NYU" states: "At NYU, a commitment to excellence, fairness, honesty, and respect within and outside the classroom is essential to maintaining the integrity of our community. By accepting membership in this community, students take responsibility for demonstrating these values in their own conduct and for recognizing and supporting these values in others." **Students at Global Academic Centers must follow the University and school policies.**

The presentation of another person’s words, ideas, judgment, images or data as though they were your own, whether intentionally or unintentionally, constitutes an act of plagiarism.
NYU Washington, DC takes plagiarism very seriously; penalties follow and may exceed those set out by your home school. All your written work must be submitted as a hard copy AND in electronic form to the instructor. Your instructor may ask you to sign a declaration of authorship form.

It is also an offense to submit work for assignments from two different courses that is substantially the same (be it oral presentations or written work). If there is an overlap of the subject of your assignment with one that you produced for another course (either in the current or any previous semester), you MUST inform your professor.

For guidelines on academic honesty, clarification of the definition of plagiarism, examples of procedures and sanctions, and resources to support proper citation, please see:

http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/academic-integrity-for-students-at-nyu.html

http://gls.nyu.edu/page/gls.academicintegrity

http://cas.nyu.edu/page/academicintegrity


Students with Disabilities:

Accommodations are available for students with documented disabilities. Please contact the Moses Center for Students with Disabilities at 212-998-4980 or see their website (http://www.nyu.edu/life/safety-health-andwellness/students-with-disabilities.html) for further information.

Assessment Expectations:

Grade A: The student makes excellent use of empirical and theoretical material and offers well-structured arguments in his/her work. The student writes comprehensive essays / exam questions and his/her work shows strong evidence of critical thought and extensive reading.

Grade B: The candidate shows a good understanding of the problem and has demonstrated the ability to formulate and execute a coherent research strategy.

Grade C: The work is acceptable and shows a basic grasp of the research problem. However, the work fails to organize findings coherently and is in need of improvement.
**Grade D:** The work passes because some relevant points are made. However, there may be a problem of poor definition, lack of critical awareness, poor research.

**Grade F:** The work shows that the research problem is not understood; there is little or no critical awareness and the research is clearly negligible.
Session-by-Session Summary:

9/3/14 - Session 1 - Course Introduction  During the first session we will (1) review the approach and expectations for the course; and (2) students will receive an introductory lecture dealing with environment and governance. Major themes will include:

- How governments assign and enforce property rights, through determinations of who may use or transform attributes of the environment and/or conditions that generate duties to protect specified environmental attributes
- How governments define and enforce rules of markets
- Governmental roles with respect to public health and safety
- Governmental provision of public goods that markets do not supply
- Enumeration of some of the “special” qualities associated with environmental issues
  - Tragedies of the commons
  - Scientific and technical basis of environmental issues
  - Public attitudes regarding environmental risks
  - Environmental values
  - Irreversible nature of damage to public interests

Readings: Andrews, Chapter 1

9/10/14 – Session 2 – Concepts and Models of Environmental Policy  Students will review topics covered in Session #1 and be introduced to major conceptual frameworks in the field of environmental policy, including institutional models, systems models, group process model, net benefits model, and bounded rationality/incrementalism. During the second half of the session we will begin to explore the historical context of U.S. environmental policy, focusing first on the impact of European colonization and trade.

Readings: Fiorino, Chapter 1 and Andrews, Chapter 2

9/17/14 – Session 3 – CLASS WILL NOT MEET AS REGULARLY SCHEDULED (Day/Time of Rescheduled Session to be discussed by the class) Students will read all assigned chapters in Sterner (Chapters 6-11) and prepare chapter briefs for in-class presentation during Session 4.

Readings: Sterner, chapters 6-11; Andrews, Chapter 3

9/24/14 – Session 4 – Alternative Environmental Policy Tools  In order to introduce a common terminology and conceptual basis we will review and discuss major categories of environmental policy tools prevalent in contemporary (and historical) U.S. environmental policy regimes. This
parlance will be used as a heuristic to help us compare and contrast events, articulate common themes across diverse periods, and generally help students to pursue further studies in environmental policy. Categories of instruments will include direct regulation, tradeable permits, property taxes, subsidies, legal instruments (e.g., limitation of liability), technical assistance, and informational mechanisms.

Students will each be assigned one chapter to present during class. Each presentation will provide: (a) a description of the policy tool, (b) an explanation of how the tool compels behavioral change, and (c) examples of the tool’s application in a policy context.

Drawing on Andrews, Chapter 3, we will also discuss the historical context and important antecedent events shaping colonial environmental policy. Major topics will include colonial precedents for the uniquely American framework toward environmental policy, including colonial land policies and the treatment of specific resources such as forests, water, fisheries, minerals, and wildlife.

Readings: Sterner, Chapters 6-11; Andrews, Chapter 3

10/1/14 - Session 5 - Constitutional Provisions  This session will focus on major phenomena such as the disposition and use of public lands, land management and the confederation, state jurisdiction, treaties, and key constitutional provisions, especially the commerce clause, property clause, federal supremacy, the construct of “general welfare,” interstate compacts, tax power, and amendments with particular relevance to environmental policy.

Readings: Andrews, Chapter 4; Kawashima and Tone essay

10/8/14 – Session 6 – Early Policies  In this session we will focus on disposition of land as a force on environmental policy. Major episodes will include government-sponsored exploration, land acquisition (including its impact on Native American peoples) and its associated economic context, land disposal policies and practices (e.g., Homestead Act), and subsidies for so-called environmental improvements (transportation, dams, navigation).

Readings: Andrews, Chapter 5; Jensen essay

10/15/14 - Session 7 – Emergence of Federal Environmental Agencies  Spanning the period between 1820 and 1890, this session will focus on the emergence and development of federal environmental agencies, legislative enactments, and public missions. Specific historical episodes will include factors that impacted the birth of environmental resource and mission agencies, including the General Land Office, U.S. Army Corps of Engineers, the Department of the Interior, and the Department of Agriculture. Formative laws will include the so-called
swampland acts, General Mining Act, prior appropriation water laws, Timber and Stone Act, and the General Revision Act of 1891.

Readings: Andrews, Chapter 6; Watson essay

10/22/14 – Session 8 – Public Health and Urban Sanitation  The rise of urban centers between 1820 and 1870 lead to public health regulation as a specific, expert enterprise. Mission areas that will be addressed include: sanitation reform, public works, and public health and public services agencies.

Readings: Andrews, Chapter 7; topical reading TBD

10/29/14 - Session 9 - Evolution of Environmental Mission Agencies: Progressivism and Reactions to Progressivism  The first session will cover the period between the 1890’s and mid-1940’s, during which environmental policies were enacted and mission agencies were founded as a “counterweight” to business and economic interests. This session will focus on political and economic transformations associated with the rise of the “progressive” philosophy of national governance and creation of environmental management agencies such as the BoR, USDA/FS, NPS, FWS, USDA/SCS, TVA and BLM. Important policy innovations enacted during this period include the Newlands Reclamation Act, the Forest Transfer Act, the advent of leasing rights, and the concept of multiple-use management. Finally, we will cover the “conservation vs. preservation debate.”  The second session will explore how environmental mission agencies evolved to operate as specialized sub-governments, exercising near-total control over key resources. Topics and instances covered will include “commons” resources such as fisheries, oil, and agriculture; water resources management, river basin management (especially TVA); agricultural stabilization and the Soil Conservation Service; grazing management and the Taylor Act; the emergence of the modern BLM; wildlife management; and the disposition of National Parks and Forests.

Readings: Andrews, Chapters 8 & 9

11/5/14 - Session 10 – Superpower and Modern Environmentalism  This session will cover the period between WWII and the end of the Cold War. The first session will review the U.S rise as a global superpower, and will begin with discussion of environmental factors influenced by the economic mobilization associated with WWII, the Cold War, and the advent of the nuclear era. We will also delve into the highly polluting nature of industrial output between 1940 and 1970, such as petroleum-based plastics, chemical pesticides, detergents, and radioactive materials. Other period phenomena will include the rise of suburbia, industrial-scale logging in National Forests, and mega-scale water projects.

Readings: Andrews, Chapters 10 and 11; Ganoe essay
11/12/14 – Session 11 – Nationalization of Pollution Control and Reactions  This session will address the nationalization of pollution control and associated policies such as the Clean Air Act, Clean Water Act, Toxic Substances Control Act, and the National Environmental Policy Act. We will also review associated social movements such as public science, the rise of environmental perceptions and preferences as an aspect of public discourse, political representation of environmental values and preferences, and the emergence of a truly environmental public outlook. This session will also focus on the decade of the 1970s and focus heavily on the formation of the U.S. EPA. We will review debates concerning EPA’s structure, including issues such as whether authority should be centralized or dispersed geographically, and whether agency programs should be organized around administrative functions or environmental media (e.g., air, water). We will also explore other major issues of salience in EPA’s early years including use of lawsuits to hold the agency accountable for regulatory development and enforcement, and whether pollutants are best addressed by way of risk-based or technological standard-based control approaches. Finally, we will review the history of some of EPA’s early topics, including toxic chemicals, waste management, and the agency’s relationship with states.

Readings: Andrews, Chapters 12 -13

11/19/14 – Session 12 – The Unfinished Business of U.S. Environmental Policy  This session will explore reactionary Regan deregulation initiatives. We will discuss concepts popularized during the Regan era including risk-based decision making, comparative risk assessment, and the debate surrounding alternative policy instruments such as command-and-control regulation, market-based incentives, and behavioral modification through information disclosure.

Readings: Andrews, Chapters 14 & 15

11/26/14 – Session 13 - Characterization of Evolving Environmental Policy Issues  In addition to the final two chapters of the Andrews text, this session will begin to explore the development and evolution of a selected contemporary environmental policy issue, such as climate change, or invasive species.

Readings: Andrews, Chapters 16 and 17; Chew essay

12/3/14 - Session 14 - Pulling it all Together  Continued discussion of contemporary issue and a summary lecture and discussion.

Readings: Fiorino, Chapter 7

12/10/14 No Wednesday Classes Meet Today (NYU DC runs on a Monday Schedule)

12/17/14 Final Exam  Comprehensive in-class essay test