

South Dakota School of Mines & Technology

POLS 407: Environmental Law & Policy, Spring 2024

I. Basic Information

Instructor: Dr. Mary E. Witlacil (she/her/hers)

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Course Description

While the modern environmental movement began in the 1970s, the emergence of United States environmental law and policy began with the settling of North America. While there appears to be broad agreement that the environment merits some political protection, how, and to what extent, the government should protect the environment is a source of heated political disagreements. In this class we will explore the history of US environmental law and policy from the founding to the present, with special emphasis on the colonial, conservation, progressive, and modern eras of environmental policy. After grasping the foundation of US environmental politics, we will pivot toward contemporary political battlegrounds to discuss the politics of climate change, energy use/consumption, and environmental justice. Through reading, writing, in class discussions, and a service project you will learn how the policy process, national regulatory agencies, interest groups, and environmental advocacy groups enable and/or undermine environmental protection.

II. Tentative Course Schedule

Weekly reading list subject to change. Whenever changes must be made to the reading list, these will be done with at least one week notice.

Unless otherwise noted, all readings can be found in:

- Andrews, Richard, *Managing the Environment, Managing Ourselves*, Third Edition (abbreviated as Andrews)
- Gamper-Rabindran Shanti, *America's Energy Gamble*, (abbreviated as Gamper-Rabindran)
- Harrison, Jill Lindsey, *From the Inside Out*, (abbreviated as Harrison)

Beyond these texts, you can find additional readings and/or podcasts through links or files shared on D2L.

Section I. Introductions

Week 1: Introduction to Environmental Politics

- Monday January 8
 - Syllabus and Introduction to the Course
- Wednesday January 10: **Introduction to Environmental Politics**
 - Andrews, Chapter 1: Environment and Governance, pp. 1-13
 - Watch: [What is the Tragedy of the Commons?](#) TED-Ed, Nicholas Amendolare
 - Feeny, D.; Berkes, F.; McCay, B.; and J. Acheson. 1990. "The Tragedy of the Commons: Twenty-Two Years Later." *Human Ecology* 18(1):1-19. (D2L)
- Friday January 12
 - **Friday Activity 1:** Environmental Autobiography

Section II. Historical Foundations

Week 2: Who owns the earth? Property rights and colonial precedents

- Monday January 15: No Class
- Wednesday January 17: **Who owns the earth?**
 - Andrews, Chapter 2: Who Owns the Environment? pp. 17-40
- Friday January 19: **Foundations of American Environmental Politics**
 - Andrews, Chapter 3: The Constitutional Framework pp. 41-59

Week 3: Environmental Development, Industrialization, and Public Health

- Monday January 22: **Trains, Cars, & Environmental Politics**
 - Readings:
 - Andrews, Chapter 4: Land and Transport, pp. 63-83
- Wednesday January 24: **Industrialization & Environmental Destruction**
 - Andrews, Chapter 5: Industrialization, Resource Differentiation, and Public Resource Management, pp. 84-99
 - President James K. Polk, Veto Message of August 3, 1846 ([Online](#))
 - Rep. Abraham Lincoln, Speech on Internal Improvements, June 20, 1848 ([Online](#))
- Friday January 26: **Public Health & the Origins of Environmental Injustice**
 - Andrews, Chapter 6: Public Health and Urban Sanitation, pp. 100-120

Week 4: To Preserve or Conserve? The Progressive Era and Conservation

- Monday January 29: **Conservation**
 - Readings:
 - Andrews, Chapter 7: The Progressive Era, pp. 123-142
 - Pinchot, Gifford. 1967 [1910]. Principles of Conservation. Chapter 4 in *The Fight for Conservation* (Seattle: University of Washington Press), pp. 40-52. (D2L or [Online](#))
 - **Listen:** Future Ecologies, Model Citizens: Part 1 ([Online](#))
- Wednesday January 31: **Preservation**
 - Andrews, Chapter 8: Conservative “Normalcy,” pp. 143-168
 - John Meyer, “Gifford Pinchot, John Muir, and the Boundaries of Politics in American Thought,” *Polity*, 1997. (D2L)
 - **Listen:** Future Ecologies, Bearly Legal: Part 2 ([Online](#))
 - **Recommended:**
 - Merchant, Carolyn. “Shades of Darkness: Race and Environmental History.” *Environmental History* 8, no. 3 (2003): 380–94. (D2L)
- Friday February 2:
 - **Friday Activity 2: Media Literacy Workshop**

Week 5: The Emergence of the Environmental Movement

- Monday February 5: **Post WWII Environmental Politics**
 - Andrews, Chapter 9: Superpower and Supermarket, pp. 171-189
- Wednesday February 7: **Emergence of Modern Environmentalism**
 - Andrews, Chapter 10: The Rise of Modern Environmentalism, pp. 190-210
 - Leopold, Aldo. 1949. “The Land Ethic,” in *A Sand County Almanac* (Oxford University Press). (D2L).
 - Carson, Rachel. 1962. “A Fable for Tomorrow,” and “The Obligation to Endure,” in *Silent Spring*. (Boston: Houghton Mifflin). (D2L).
 - Recommended:

- Listen: “Rachel Carson and Richard Nixon,” Season 1, Episode 1, *The Meaning of Green*. [Online](#).
- Friday February 9
 - **Friday Activity 3 – Eco-Autobiography Assignment 2**

Week 6: The Era of Modern Environmental Policy

- Monday February 12: **Origins of NEPA**
 - Andrews, Chapter 11, Toward a National Environmental Policy, pp. 213-242
- Wednesday February 14: **Pollution Politics**
 - Andrews, Chapter 12, The EPA: Nationalizing Pollution Control, pp. 243-275
- Friday February 16
 - **Friday Activity 4 Eco-Autobiography Assignment 3**

Week 7: The Era of Modern Environmental Policy

- Monday February 19: **No Class: President’s Day**
- Wednesday February 21: **Wildlife Conservation & Public Lands**
 - Andrews, Chapter 13, Public Lands and Wildlife Conservation, pp. 276-304
- Friday February 23: **Ag & Urban Environments**
 - Andrews, Chapter 14, Agricultural and Urban Environmental Mgmt, pp. 305-326

Part III: Climate Change and Energy Policy

Week 8: Energy Policy & the US Quest for Energy Dominance

- Monday February 26: **US Quest for Energy Supremacy**
 - Gamper-Rabindran, Chapter 2: Oil & Gas: The Quest for Energy Dominance, pp. 17-45
 - Recommended:
 - Andrews, Chapter 15: Energy Policy and Climate Change, pp. 327-352
- Wednesday February 28: **What about Renewables?**
 - Gamper-Rabindran, Chapter 3: Renewable Energy, pp. 58-92
- Friday March 1
 - **Friday Activity 5**

Week 9: American Energy and Land

- Monday March 4: **Energy Policy on Public vs Private Lands**
 - Gamper-Rabindran, Chapter 4: Public and Private Lands, pp. 109-141
- Wednesday March 6: **Oil & Gas on Indigenous Lands**
 - Gamper-Rabindran, Chapter 5: Native American Lands, pp. 156-197
- Friday March 8
 - **Friday Activity 6**

SPRING BREAK!!

- **No classes, March 11-15**

Week 10: America’s Seas

- Monday March 18: **Off-Shore Energy & Oil Disasters**
 - Gamper-Rabindran, Chapter 6: Oceans, pp. 217-243
- Wednesday March 20: **Ignoring Safety Precedents**

- Gamper-Rabindran, Chapter 7: Backtracking on Safety, pp. 253-275
- Friday March 22
 - **Friday Activity 7**

Week 11: Using “Science” to Weaken Regulation

- Monday March 25: **Denialism and Misinformation**
 - Gamper-Rabindran, Chapter 8: Science, Undermining Facts to Understate Regulatory Benefits, pp. 285-308
 - Robert Brulle, "Denialism: organized opposition to climate change action in the United States," in *The Handbook of Environmental Policy*, ed. David M. Konisky, 2020. (pp. 328-341). (D2L).
- Wednesday March 27
 - **NO CLASSES:** WPSA
- Friday March 29
 - **NO CLASSES:** Easter Weekend

Week 12: Using Economics and the Judiciary to Weaken Regulation

- Monday April 1: **The Flawed Logic of Cost Benefit Analyses**
 - Gamper-Rabindran, Chapter 9: Economics, Skewing Analyses to Justify Weaker Regulations, pp. 326-356
- Wednesday April 3: **Using the Judiciary to Weaken Regulations**
 - Gamper-Rabindran, Chapter 10: Law, Anti-Regulatory Statutory Interpretations and Reshaping the Judiciary, pp. 369-399
 - Gamper-Rabindran, Chapter 11: Endangering the Climate, pp. 415-446
- Friday April 5
 - **Friday Activity 8**

Part IV: Environmental Justice

Week 12: Introduction to Environmental Justice (EJ)

- Monday April 8: **Introduction to EJ**
 - Bullard, Robert. 2000 [1990]. “Environmentalism and Social Justice,” in *Dumping in Dixie*. Routledge, 3rd Edition. pp. 1-20 (D2L).
 - Harrison, Chapter 1: Introduction, pp. 1-32
- Wednesday April 10: **EJ Efforts in the Government**
 - Harrison, Chapter 2: Government Agencies’ EJ Efforts, pp. 33-54
- Friday April 12
 - **Friday Activity 9**

Week 13: How Government Agencies Undermine EJ

- Monday April 15: **Who’s responsibility is EJ?**
 - Harrison, Chapter 3: “It is Out of Our Hands”: The Standard Narrative, pp. 55-82
- Wednesday April 17: **Ecology vs Sociology**
 - Harrison, Chapter 4: “We Do Ecology, Not Sociology,” pp. 83-118
- Friday April 19: **Undermining EJ**
 - Harrison, Chapter: 5, Other Ways Bureaucrats Undermine Proposed EJ Reforms, pp. 119-142

Week 14: Explaining the Resistance to EJ Policy

- Monday April 22: **Why are bureaucrats so resistant to EJ?**
 - Harrison, Chapter 6: Explaining Bureaucrats Resistance to EJ Reforms, pp. 143-169
- Wednesday April 24: **How do staffers perceive of EJ?**
 - Harrison, Chapter 7: EJ Staff Members Definitions of EJ, pp. 169-196
 - Recommended:
 - Harrison, Chapter 8: Conclusion, pp. 197-220
- Friday April 26:
 - **DUE: Final Draft of Research Paper**
 - **Friday Activity 10: End of Semester Wrap-Up**