Overview

This course focuses on the politics of the policy process. The goal is to give you a clear picture of the processes through which societies arrive at collective or public choices through the operation of the political system. We will seek to answer questions of the following sort. What is the division of labor between the public sector and the private sector? Why and how does this division change across places and times? How are individual issues identified and framed for consideration as matters of public policy, and what determines whether they reach the top of the policy agenda? How does the legislative process work to arrive at public choices in specific cases or to shunt issues aside without arriving at clearcut choices? What forces affect the implementation of policies, and why are some policies implemented more faithfully than others? What factors affect how policy changes once it has been initially passed? Are environmental issues different from other issues with regard to the politics of the policy process?

Our principal objective is to help you understand policy processes in empirical or descriptive terms rather than in normative or prescriptive terms. We will ask how and why the federal government adopted the Endangered Species Act of 1973, the Clean Air Act Amendments of 1990, or the Fishery Conservation and Management Act of 1976 (reauthorized most recently in 2007)? How well have these statutes been implemented? To what extent have they been successful in terms of goal attainment? Of course, all of us are interested also in policy design. We want to assess the relative merits of different policy options for ocean governance or for dealing with climate change. But there are other courses at the Bren School that address these issues under the rubric of policy analysis.

ESM 241 seeks to illuminate the policy process itself and to shed light on the forces that determine actual policy choices in contrast to examining the pros and cons of policy options regarding specific issues. Understanding the politics of the policy process should help you to understand whether seemingly attractive policy options are politically feasible and how to frame and present policy options in ways that enhance their prospects for success.
Policy processes are generic in the sense that they occur in all political systems. But they are affected in important ways by the specific institutional character of particular political systems. Although our primary focus in this course will be on the American system, we will refer to other political systems as a means of illuminating distinctive features of the American system and of providing a point of departure for exploring the effects of these features on the results of the policy process. To illustrate, we will consider the consequences of electoral systems featuring single member districts vs. proportional representation, checks and balances between the legislative and executive branches vs. parliamentary systems, federalism vs. unitary systems, and different provisions dealing with constitutional amendments. In this connection, you will find it useful to download a copy of the US Constitution as amended from any of a number of convenient websites and keep it nearby for handy reference.

Those who adopt a systems approach typically start with a view of the political system as a “black box.” They focus on inputs in the form of demands going into the black box, outputs in the form of policies coming out, and various feedback processes joining inputs and outputs. Our goal, by contrast, is to open up the black box and examine what goes on inside it in order to understand the processes involved in the treatment of inputs and the production of outputs.

Those who have done so have come up with a variety of models or, perhaps more modestly, analytical frameworks for thinking systematically about these processes. Among the more influential frameworks analysts have devised to think about this subject are those known as: (i) the unitary rational actor model, (ii) pluralism, (iii) interest group politics/iron triangles, (iv) elite theory, (v) institutionalism, and (vi) path dependence/punctuated equilibrium. There is no need to decide which of these models is the best option; they are all useful in directing our attention to important features of the policy process. But you will want to recognize the defining characteristics of these models and to understand how they shape our thinking about the nature of the policy process in specific cases.

It is common at least for purposes of analysis to identify a number of stages or phases of the policy process. Thus, observers often start with the emergence of issues and move on through agenda formation, enactment of policies, implementation, policy evolution and finally to a stage of feedback into the ongoing process. Many analysts have pointed out that the real world is far more complex than this simple step-by-step representation suggests. The stages are not neatly separated. Some issues do not make it through the whole cycle. Feedback processes can and often do impact intermediate stages in the cycle. All of these limitations are important and should be kept clearly in mind. Despite these limitations, the distinctions among stages remain useful as a means of organizing our thinking about public policy and identifying major research questions. With these caveats firmly in mind, we will make use of the stages framework as a heuristic device in structuring the sessions of the course.
In lectures, we will explore the various elements of the politics of the policy process. We will adopt the Clean Air Act Amendments of 1990 as our case study. In addition, we have selected a number of cases to shed light on the process from different vantage points and to highlight policy issues that relate to biophysical and economic systems that you will encounter in other core courses of the MESM curriculum. Each of you will become a member of a team following one of these cases. In effect, we will follow these cases through the policy process, using them to lend substance to our discussions of important features of this process. This year, we have chosen the following cases:

1. **Marine** – Fishery Conservation and Management Act (FCMA or Magnuson-Stevens), as amended, Oceans 21
3. **Terrestrial** – Federal Land Policy and Management Act
4. **Biodiversity** – Endangered Species Act (ESA) of 1973
6. **Climate** – California Global Warming Solutions Act of 2006, pending federal legislation
7. **Corporate actions and pollution** – Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (also known as Superfund)
8. **Compliance and Enforcement** – National Environmental Policy Act (NEPA) of 1969

**Procedures and Requirements**

The requirements for ESM 241 include: (i) being prepared to discuss major ideas covered in the required readings (15%), (ii) participating actively in a case-study team and class discussion of case studies (15%), (iii) completion of assignment (15%), and (iv) writing an analytic paper (55%).

All members of the class will be responsible for reading the textbook plus a small number of additional readings designed to bring the general discussion in the textbook to bear on environmental issues. The textbook, available for purchase, is:

*American Environmental Policy, 1990-2006: Beyond Gridlock* by Christopher McGrory Klyza and David Sousa

We will divide the class into eight teams to focus on the politics of the policy process listed in the cases listed above. These teams will take responsibility for a detailed investigation of the process in the relevant case and for examining the links between the individual cases and broader ideas about the nature of the policy process. We will provide guiding questions that each group should be prepared to answer in the classes focused on the case studies.
In addition, all those enrolled in the class must prepare a five-page paper on one of a selection of topics we will supply at the beginning of the course. These topics will give you a chance to apply what you have learned about the politics of the policy process in order to arrive at explanation of outcomes or predictions of probable outcomes in concrete situations.

There are 10 sessions in this five-week course. ESM 241 linked with ESM 437-2 (Writing Skills for Environmental Professionals). Students who enroll in both courses may use the writing assignment for ESM 241 as a vehicle for working on writing skills in ESM 437-2. The final paper for the class is due by 5pm on Thursday, March 12.

Class Sessions and Readings

Session 1: The domain of environmental politics and policy

Topics: government, state, political system
state-society relations
roles of government regarding natural resources and the environment

Reading: Young, “Public Policy and Natural Resources: Choosing Human/Nature Relationships”
Klyza and Sousa, Ch. 1

Session 2: Environmental Politics and Policy in the American political system

Topics: distinctive features of the US political system
sources of authority regarding environmental issues
constitutional authority
Theories/models of the policy process

Section: Introduction to GovDocs – particular attention to locating and using bills, committee hearings, rules, statutes, budgetary processes, legislative histories, regulations, executive orders, oversight hearings, court decisions

Readings: The Constitution of the United States (download from Internet)
Klyza and Sousa, Ch. 2
Additionally, begin your study of your case. Know basics of the policy issue, any legislation that has passed, interests involved, and current status.

Session 3: Framing and agenda formation – general

Topics: the emergence of policy issues
framing
rising on the policy agenda
the issue-attention cycle and the role of timing
political entrepreneurs

Readings: Birkland, Chapter 5
Anthony Downs, “Up and Down with Ecology: The Issue-Attention Cycle”

Session 4: Framing and agenda formation – case studies

Topic: Application of ideas about agenda setting to specific cases

Assignment: Prepare to discuss agenda formation and framing in the case studies

Guiding questions:
* What brought the issue to the attention of the policy community? Did the way the issue made its way onto the agenda affect the outcome?
* How long did it take for the issue to make its way toward the top of the policy agenda?
* Did the issue gain/lose prominence more than once?
* Did key actors frame the issue differently? Why?
* What accounts for the final framing? Did framing affect the final outcome?
* Who were the key players/interest groups in these processes?
* What factors account for these developments (e.g. individual leadership, the role of interest groups, electoral politics, institutional considerations, public opinion, etc.)?

Session 5: The legislative process – general

Topics: mechanics of legislation in the US system
        influence of specific institutional rules and procedures
        legislative politics

Readings: Klyza and Sousa, Ch. 3
          Bryner, “From the Clean Air Act of 1970 to the 1990 Amendments”

Session 6: The legislative process – case studies

Topic: Application of ideas about the legislative process to cases

Assignment: Prepare to discuss legislative politics in the case studies

Guiding questions:
* What committee(s) had jurisdiction over the legislative process?
* Was there competing legislation (i.e. more than one bill on the same topics)? What role did the existence of multiple bills play in the process?
* How did the legislation get shaped or adjusted in the process of putting together a winning coalition?
* Was there a conference committee? If so, what role did this committee play?
* How did the rules and practices of the House and the Senate affect the handling of the legislation? Did these rules affect the content of the legislation?
* Who were the key players in the legislative bargaining? What roles did they play, and what strategies/tactics did they use?
* What role did the executive branch play? To what extent were the preferences of the president and his administration incorporated into the legislation?
* What role(s) did interest groups and lobbyists play in the legislative process?

Session 7: Implementation – general

Assignment due

Topics: from paper to practice
administrative and regulatory politics
policy alliances – iron triangles
oversight procedures

Readings: Klyza and Sousa, Ch. 4
Marzotta, Moshier, and Burnor, “Policy Implementation, The Public Actors”

Session 8: Implementation – case studies

Topic: Application of ideas about implementation to case studies

Assignment: Prepare to discuss bureaucratic politics in the case studies

Guiding questions:
* Does the legislation name a lead agency for purposes of implementation? If so, what are the implications of the choice of leader agency?
* Was the lead agency proactive in developing and promulgating regulations to implement the provisions of the legislation? Why/why not?
* What role do states and localities play?
* Does the legislation include both mandatory and discretionary authority?
* Has interagency coordination played a role in the implementation process?
* Do the regulations include innovative policy instruments? If so, what is the nature of these innovations and why were they adopted?
* What role did interest groups play in the implementation process?
* How has the process of Congressional oversight worked in this case?
Session 9: Policy evolution

Topics: the courts and the role of judicial politics
       reauthorization and amendments
       discretionary authority of bureaucracy
       appropriations process
       federalism and state politics

Readings: Klyza and Sousa, Ch. 5, 7
          Decision of the Supreme Court in the case of Massachusetts v. EPA
          New York Times article by Broder and Barringer

Session 10: The future of environmental politics and policy

Topics: where have we come from?
       where are we going?
       are today’s issues different in character from those of the past?
       sustainable development on a global scale
       discontinuous change vs. incremental change

Reading: Klyza and Sousa, Ch. 8
         Vig, Norman J., and Kraft, Michael E., "Toward Sustainable Development?" Chapter 17
Paper Topics

Due March 12, 2009 by 5pm in Professor Anderson’s mailbox.

Write a five page paper on one of the topics below. You are limited to these topics unless you get approval for a different topic from Professor Anderson by January 29. You need not address all of the topics and stages of the policy process we cover in class. Instead, identify the important parts of the story and focus on those. We have split the topics into two categories: explanatory and predictive. The explanatory topics cover events that have already happened, while the predictive topics require you to make a forecast about future events. In our view, the predictive topics are harder to address satisfactorily than the explanatory topics. Please be aware of this in choosing a topic for your paper.

Explanatory topics

1. Why did Congress choose to create a cap-and-trade system – a policy instrument never previously used at the federal level in the US – under the terms of Title IV of the Clean Air Act Amendments of 1990 as the mechanism for coming to grips with the problem of acid precipitation?
2. Why has the US failed to ratify the 2001 Stockholm Convention on Persistent Organic Pollutants, despite the fact that President Bush and numerous Congressional leaders have all expressed support for this convention?
3. Why has the federal government failed to raise grazing fees on BLM lands in the West, despite the fact that the current fee structure constitutes a de facto subsidy to ranchers?
4. Why did the federal government follow up on the Supreme Court’s decision in Massachusetts v. EPA the way it did? What factors affected the course of action?

Predictive topics

1. The Santa Barbara County Board of Supervisors recently voted to send a letter asking the Governor to lift the offshore oil drilling moratorium, the House and Senate allowed a ban on it to expire, and President Bush lifted an executive ban on it. Will the President Obama reinstate the ban? Will Congress reinstate the ban? What conditions would make such moves more or less likely?
2. Will the new administration and Congress eliminate ethanol subsidies? Why or why not?