

Professor Brendon Swedlow

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Office: 418 Zulauf Hall

Hours: M 1:00-1:50 p.m. and 3:20-4:40 p.m.

W 1:00-1:50 p.m.

Political Science (POLS) 324

NIU Spring 2009

MW 2:00-3:15

DuSable 246

Environmental Law and Policy:

Environmental, Health, and Safety Risks Politics of Assessment and Regulation

Course Introduction and Overview

Environmental issues are among the most pervasive of our time. Whether it is global warming, the loss of biodiversity, or any one of dozens of other problems we are constantly being asked to assess, environmental issues are everywhere.

Environmental issues can be challenging to understand. Environmental advocates often rely on factual claims – global warming is causing increased flooding, or we’re losing a certain number of species per year – that are disputed by others. How are we to know which claims are more nearly correct?

Environmental issues can be difficult to resolve. Factual disputes are frequently embedded in value conflicts. Many interest groups have strong views on what the relationship between humans and the environment *should* be. These *oughts* get mixed up with assessments of what the relationship *is*.

This course will teach you how to get answers to your questions about the environment. We will learn how to analyze disputes among environmental experts. We will study how environmental issues are perceived and addressed in the U.S. and some other countries. And we will together have the opportunity to research how environmental, health, and safety risks are assessed and regulated in the U.S., Illinois, and locally.

Course Requirements and Class Participation

Your grade in this course will be based on class participation (including, for some of you, a PowerPoint presentation of your research), two short research papers (5 pages each), and a longer research paper (at least 15 pages added to a revised version of your second short research paper). Paper due dates are provided below. Further description of what is required for the papers will be provided in class and on the course webpages.

Class participation will determine a very substantial portion of your course grade (40%). Most days that we meet we will be discussing concepts and information related to our readings. So, you will be expected to be able to discuss our readings and answer my questions about them. If you engage in those discussions and make a good attempt to answer my questions, you will receive credit for participating in class discussion that day. If you do not participate and do not make a good attempt to answer my questions, you will receive no credit that day. For those of you who choose to do a PowerPoint presentation on your research, 25% of your participation grade will be determined by that presentation (which translates to 10% of your course grade).

Required Readings

Required readings for the course are on e-reserves (for which a URL will be provided on the course webpages), in a report I will give you*, and in the following text, available at the Holmes Student Center bookstore:

Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future, 2004.

*I will hand out copies of this report in class (although it is also available online):

Singer, S. Fred, ed. (2008). *Nature, Not Human Activity, Rules the Climate: Summary for Policymakers of the Report of the Nongovernmental International Panel on Climate Change*. Chicago, IL: The Heartland Institute.

Due Dates for Research Papers

February 16 Short Research Paper (5-7 pages; 20% of grade) on the Politics of Science, due at beginning of class, Monday

March 16 Short Research Paper on Risk Assessment and Regulation, Installment #1 (5 pages; 15% of grade), due at beginning of class, Monday

May 4 Final Research Paper on Risk Assessment and Regulation, Installment #2
(at least 15 pages added to a revised version of your second short research paper; 25% of grade), due at beginning of finals period, Monday

(DUE IN HARD COPY, POSTED TO DISCUSSION BOARD, AND ON CD AS AN MS WORD 2003 DOCUMENT – PLEASE CLEARLY LABEL CD WITH YOUR NAME, POLS 324, SPRING 2009, THE NAME OF THE RISK YOU STUDIED, AND INCLUDE ANY SUPPORTING MATERIALS YOU COLLECTED)

Please do not...

- ask for extensions on turning in your papers. *Papers will be graded down one third of a grade per day that they are late.*
- ask for an incomplete in the course unless you have a very, very compelling reason to do so.

Definitely do not...

- engage in “academic misconduct,” defined by the NIU *Student Judicial Code* as the “receipt or transmission of unauthorized aid on assignments or examinations, plagiarism, unauthorized use of examination materials, or other forms of dishonesty in academic matters.”

Short Research Paper on the Politics of Science

The requirements for this paper will be provided on the course webpages and will be discussed in class (due February 16th; worth 20% of your course grade).

Research Papers on Risk Assessment and Regulation

Research papers are due in two installments on the dates given below. Paper requirements are outlined here; further guidance will be given in class and on the course webpages. All research papers should seek to answer questions 1-3 and ideally also 4-5, elaborated in a study guide available on e-reserves and on the course webpages. Those five questions are:

1. How is the risk defined and assessed?
2. Who regulates the risk?
3. How is the risk regulated?
4. Why is the risk assessed and regulated the way that it is?
5. What are the consequences of assessing and regulating the risk the way that it is?

For Research Paper Installment #1 (due March 16th; worth 15% of your course grade):

- Choose a risk the assessment and regulation of which you wish to study from a list of 100 environmental, health, safety, and other risks that I will provide. If the assessment and regulation of the risk you want to study has been previously studied by a student, I will get you a copy of their research paper so that you can build on it in your paper. (We will discuss this in class.)
- Write five (5) pages answering *one or more of the five questions* listed above. Use the study guide to identify what information is missing from existing student papers that needs to be added to improve their papers. In some cases, my comments on student papers are available as further guidance on what is needed to improve them.

For Research Paper Installment #2 (due May 4th; worth 25% of your course grade):

- *Respond to my comments on Installment #1 by making revisions or taking the paper in the direction I advise.*

- If interviews of regulatory officials and/or others are required to advance the research of how your risk is regulated, you will need to read a book chapter and some other guidance on interviewing that is available on the course webpages. My Interview Guide discusses typical reasons to do interviews and how you can determine whether interviews are necessary (which we will also discuss in class). *Please do not attempt to interview anyone until you have discussed your plans with me.*
- Write at least 15 pages beyond the five pages written for Installment #1, *answering questions 1-3 and ideally also 4-5 listed above.* Integrate revisions to your five page paper with the 15 plus additional pages, and *turn in the five page paper with my comments so that I can see how you have incorporated them into your final paper.* Again, if you are building on the work of other students, use the study guide and any comments I may have made on the prior work by students to improve their papers.

Department of Political Science Announcements

Undergraduate Writing Awards

The Department of Political Science will recognize, on an annual basis, outstanding undergraduate papers written in conjunction with 300-400 level political science courses or directed studies. Authors do not have to be political science majors or have a particular class standing. Winners are expected to attend the Department's spring graduation ceremony where they will receive a certificate and \$50.00. Papers, which can be submitted by students or faculty, must be supplied in triplicate to a department secretary by February 28, 2009. All copies should have two cover pages - one with the student's name and one without the student's name. Only papers written in the previous calendar year can be considered for the award. However, papers completed in the current spring semester are eligible for the following year's competition even if the student has graduated.

Statement Concerning Students with Disabilities

Under Section 504 of the Rehabilitation Act of 1973, NIU is committed to making reasonable accommodations for persons with documented disabilities. Those students with disabilities that may have some impact on their coursework and for which they may require accommodations should notify the Center for Access-Ability Resources (CAAR) on the fourth floor of the Health Services Building. CAAR will assist students in making appropriate accommodations with course instructors. It is important that CAAR and instructors be informed of any disability-related needs during the first two weeks of the semester.

Department of Political Science Web Site

Undergraduates are strongly encouraged to consult the Department of Political Science web site on a regular basis. This up-to-date, central source of information will assist students in contacting faculty and staff, reviewing course requirements and syllabi, exploring graduate study, researching career options, tracking department events, and accessing important details related to undergraduate programs and activities. To reach the site, go to <http://polisci.niu.edu>.

Reading Assignments and Discussion Topics

WEEK 1 True Warnings or False Alarms? What an Answer Might Look Like

Mazur, Allan. (2004). "True Warnings and False Alarms." In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 1-10.

Mazur, Allan. (2004). "Lawless's Era: 1948-1971." In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 22-44.

Mazur, Allan. (2004). "Evaluating the Lawless Warnings: True or False?" In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 63-73.

WEEK 2 True Warnings or False Alarms? What an Answer Might Look Like

Reminder: NO CLASS MONDAY, JAN. 19, MARTIN LUTHER KING DAY

Mazur, Allan. (2004). "Coding the Cases." In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 74-86.

Mazur, Allan. (2004). "Hallmarks of True and False Alarms." In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 87-96.

Mazur, Allan. (2004). "Hindsight and Foresight." In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 97-109.

Swedlow, Brendon. (2005). Review of "Allan Mazur's True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971," Washington, D.C.: Resources for the Future, 2004. In *Environmental Science and Policy*, 8, 4: 432-435.

*Singer, S. Fred, ed. (2008). *Nature, Not Human Activity, Rules the Climate: Summary for Policymakers of the Report of the Nongovernmental International Panel on Climate Change*. Chicago, IL: The Heartland Institute. pp. iii-vii and 1-10.

WEEK 3 But is it True? Skepticism, Environmentalism, and Biodiversity Loss

Lomborg, Bjorn. (2001). "Things are getting better." In Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World*. Cambridge, UK: The Cambridge University Press. pp. 3-33.

Lomborg, Bjorn. (2001). "Biodiversity." In Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World*. Cambridge, UK: The Cambridge University Press. pp. 249-257.

Lomborg, Bjorn. (2001). "Predicament or Progress?" In Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World*. Cambridge, UK: The Cambridge University Press. pp. 327-352.

*Singer, S. Fred, ed. (2008). *Nature, Not Human Activity, Rules the Climate: Summary for Policymakers of the Report of the Nongovernmental International Panel on Climate Change*. Chicago, IL: The Heartland Institute. pp. 11-19.

WEEK 4 Today's Biggest Environmental Issues? Oil Addiction and Global Warming

Lomborg, Bjorn. (2001). "Energy." In Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World*. Cambridge, UK: The Cambridge University Press. pp. 118-136.

Lomborg, Bjorn. (2001). "Global warming." In Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World*. Cambridge, UK: The Cambridge University Press. pp. 258-324.

*Singer, S. Fred, ed. (2008). *Nature, Not Human Activity, Rules the Climate: Summary for Policymakers of the Report of the Nongovernmental International Panel on Climate Change*. Chicago, IL: The Heartland Institute. pp. 20-28.

WEEK 5 How Do We Know What We Know? Understanding the Politics of Science

Mazur, Allan. (2004). "Why Experts in Technical Controversies Disagree." In Allan Mazur, *True Warnings and False Alarms: Evaluating Fears about the Health Risks of Technology, 1948-1971*. Washington, DC: Resources for the Future. pp. 45-62.

Swedlow, Brendon. (2007). "Using the Boundaries of Science to do Boundary-work among Scientists: Pollution and Purity Claims," *Science and Public Policy*, 34, 9: 633-643.

Science, Policy, and Politics: Learning from Controversy Over The Skeptical Environmentalist. (2004). Edited by R.A. Pielke, Jr. and S. Rayner. *Environmental Science and Policy*, 7, 5 (Special Issue). http://sciencepolicy.colorado.edu/publications/special/pielke_tse_debate.html

Please Note: You are welcome but NOT expected to read all of the articles in this special issue of *Environmental Science and Policy*. **Please read:**

Harrison, Chris. (2004). "Peer Review, Politics, and Pluralism." *Environmental Science & Policy*, 7: 357-368.

AND

Sarewitz, Daniel. (2004). "How Science Makes Environmental Controversies Worse." *Environmental Science & Policy*, 7: 385-403.

OR

Pielke, Jr., Roger A. (2004). "When Scientists Politicize Science: Making Sense of the Controversy over *The Skeptical Environmentalist*." *Environmental Science & Policy*, 7: 405-417.

WEEK 6 NIU Project on Risk Regulation Regimes in the U.S., Illinois, and Europe

Short Research Paper (5-7 pages) on the Politics of Science due Monday, February 16th, beginning of class (in hardcopy and posted to discussion board)

Kaplan, Michael S., Robert Donkers, Meghan Purvis, Ernie Rosenberg, Jonathan B. Wiener. (2006). "Who's Ahead In Environmental Protection: The United States or the European Union?" *The Environmental Forum*. Washington, D.C.: Environmental Law Institute. pp. 46-52.

Swedlow, Brendon, Denise Kall, Zheng Zhou, James K. Hammitt, and Jonathan B. Wiener. (forthcoming 2009). "Theorizing and Generalizing about Risk Assessment and Regulation through Comparative Nested Analysis of Representative Cases." *Law & Policy*.

Swedlow, Brendon. (2005). "Study Guide for Risk Regulation Research." pp. 1-14.

Please Note: This week we will also read one or more student research papers (from previous courses) on risk assessment and regulation in the U.S. and Illinois. One or more students may also discuss their research results and experiences in class.

WEEK 7 Risk Assessment and Regulatory Capture and Innovation at the U.S. EPA

Andrews, Richard N. L. (2006). "Risk-Based Decision Making: Policy, Science, and Politics." In *Environmental Policy: New Directions for the Twenty-First Century*, Sixth Edition, Norman J. Vig and Michael E. Kraft, eds. Washington, D.C.: Congressional Quarterly Press. pp. 215-238.

Miller, Norman. (2009). "Environmental Regulation and the Evolution and Capture of the EPA." In Norman Miller, *Environmental Politics: Stakeholders, Interests, and Policymaking*, Second Edition. New York: Routledge. pp. 35-58.

Rosenbaum, Walter A. (2006). "Improving Environmental Regulation at the EPA: The Challenge in Balancing Politics, Policy, and Science." In *Environmental Policy: New Directions for the Twenty-First Century*, Sixth Edition, Norman J. Vig and Michael E. Kraft, eds. Washington, D.C.: Congressional Quarterly Press. pp. 169-192.

Fiorino, Daniel J. (2006). "Stepping Stones or Just Rocks in the Stream? The Reinvention Era." In Daniel J. Fiorino, *The New Environmental Regulation*. Cambridge: The MIT Press. pp. 121-155.

WEEK 8 U.S. Federal Environmental Policies and Policymakers

Vig, Norman J. (2006). "Presidential Leadership and the Environment." In *Environmental Policy: New Directions for the Twenty-First Century*, Sixth Edition, Norman J. Vig and Michael E. Kraft, eds. Washington, D.C.: Congressional Quarterly Press. pp. 100-123.

Kraft, Michael E. (2006). "Environmental Policy in Congress." In *Environmental Policy: New Directions for the Twenty-First Century*, Sixth Edition, Norman J. Vig and Michael E. Kraft, eds. Washington, D.C.: Congressional Quarterly Press. pp. 124-147.

O'Leary, Rosemary. (2006). "Environmental Policy in the Courts." In *Environmental Policy: New Directions for the Twenty-First Century*, Sixth Edition, Norman J. Vig and Michael E. Kraft, eds. Washington, D.C.: Congressional Quarterly Press. pp. 148-168.

WEEK 9 NO CLASS MARCH 7-15TH, SPRING BREAK

WEEK 10 Adversarial Legalism and U.S. Environmental Law and Regulation

Short Research Paper on Risk Assessment and Regulation, Installment #1 (5 pages) due Monday, March 16th, beginning of class (in hardcopy and posted to discussion board)

PRESENTATIONS OF YOUR RESEARCH

Swedlow, Brendon. (2003). "Scientists, Judges, and Spotted Owls: Policymakers in the Pacific Northwest." *Duke Environmental Law & Policy Forum*, 13(2): 187-278.

Kagan, Robert A. (2004). "American Courts and the Policy Dialogue: The Role of Adversarial Legalism." In Mark C. Miller and Jeb Barnes, eds., *Making Policy, Making Law: An Interbranch Perspective*. Washington, D.C.: Georgetown University Press. pp. 13-34.

WEEK 11 How Does Regulation Matter? Corporate Environmental Performance

PRESENTATIONS OF YOUR RESEARCH

Kagan, Robert A., Neil Gunningham, and Dorothy Thornton. (2003). "Explaining Corporate Environmental Performance: How Does Regulation Matter?," *Law and Society Review* 37, 1: 51-89.

WEEK 12 How Do We Know What We Know? The Media, Culture, & Risk Perception

PRESENTATIONS OF YOUR RESEARCH

Swedlow, Brendon. (1995). "Reporting Environmental Science." In Aaron Wildavsky, *But Is It True? A Citizen's Guide to Environmental Health and Safety Issues*. Cambridge, Massachusetts: Harvard University Press. pp. 375-394.

Coyle, Dennis J. (1994). "'This Land is Your Land, This Land is My Land:' Cultural Conflict in Environmental and Land-Use Regulation." In *Politics, Policy & Culture*, Dennis J. Coyle and Richard J. Ellis, eds. Boulder, CO: Westview Press. pp. 33-50.

WEEK 13 How Do We Know What We Know? Culture and Risk Perception

PRESENTATIONS OF YOUR RESEARCH

Ellis, Richard J. and Fred Thompson. (1997). "Culture and the Environment in the Pacific Northwest." *American Political Science Review*, 91, 4: 885-897.

Slovic, Paul, James Flynn, C.K. Mertz, Marc Poumadere, and Claire Mays. (2000). "Nuclear Power and the Public: A Comparative Study of Risk Perception in France and the United States." In *Cross-Cultural Risk Perception: A Survey of Empirical Studies*. Ortwin Renn and Bernd Rohrman, eds. Dordrecht: Kluwer Academic Publishers. pp. 55-102.

WEEK 14 How Do We Know What's Dangerous? Risk Assessment and Regulation

PRESENTATIONS OF YOUR RESEARCH

Hood, Christopher, Henry Rothstein, and Robert Baldwin. (2001). "What Are Risk Regulation Regimes? Why Do They Matter?" In Christopher Hood, Henry Rothstein, and Robert Baldwin, *The Government of Risk: Understanding Risk Regulation Regimes*. Oxford: Oxford University Press. pp. 3-19.

Hood, Christopher, Henry Rothstein, and Robert Baldwin. (2001). "The Comparative Anatomy of Risk Regulation Regimes." In Christopher Hood, Henry Rothstein, and Robert Baldwin, *The Government of Risk: Understanding Risk Regulation Regimes*. Oxford: Oxford University Press. pp. 20-35.

WEEK 15 What Are Risk Regulation Regimes? Nine British Regimes Compared

PRESENTATIONS OF YOUR RESEARCH

Hood, Christopher, Henry Rothstein, and Robert Baldwin. (2001). "Nine Risk Regulation Regimes Compared." In Christopher Hood, Henry Rothstein, and Robert Baldwin, *The Government of Risk: Understanding Risk Regulation Regimes*. Oxford: Oxford University Press. pp. 36-58.

WEEK 16 What Explains Differences? Market Failure, Public Opinion, Interest Groups, and Political Culture

PRESENTATIONS OF YOUR RESEARCH

Hood, Christopher, Henry Rothstein, and Robert Baldwin. (2001). "How Far does Context Shape Content in Risk Regulation Regimes?" In Christopher Hood, Henry Rothstein, and Robert Baldwin, *The Government of Risk: Understanding Risk Regulation Regimes*. Oxford: Oxford University Press. pp. 61-69.

Hood, Christopher, Henry Rothstein, and Robert Baldwin. (2001). "Regime Content and Context Revisited: An Overall Picture." In Christopher Hood, Henry Rothstein, and Robert Baldwin, *The Government of Risk: Understanding Risk Regulation Regimes*. Oxford: Oxford University Press. pp. 133-144.

WEEK 17 FINALS WEEK (NO FINAL EXAM, BUT...)

FINAL RESEARCH PAPER DUE AT BEGINNING OF FINAL EXAM PERIOD, MONDAY, MAY 4, 2-3:50 P.M. (IN HARD COPY, POSTED TO DISCUSSION BOARD, AND ON CD AS AN MS WORD 2003 DOCUMENT – PLEASE CLEARLY LABEL CD WITH YOUR NAME, POLS 324, SPRING 2009, THE NAME OF YOUR RISK, AND INCLUDE ANY SUPPORTING MATERIALS YOU COLLECTED)

PRESENTATIONS OF YOUR RESEARCH