

In-Class Case Study #4 (NREM 385/585)

Learning Outcomes:

- Identify, describe, and explain key terms, themes, processes, and policies in natural resource management over time using applied case studies
- Associate and synthesize materials from readings with in-class discussions, assessments, and professional interests using applied case studies
- Practice components of teamwork, civility, and empathy to understand controversial topics in natural resource policy and management
- Practice effective and professional written communication

Activity Instructions:

Our ability to appropriately and effectively use available information to make informed, science-based decisions about natural resource policy is increasingly important. Our textbooks and readings will provide a frame with which to evaluate policy-oriented information, and to act as a lens to view, understand, and evaluate natural resource policies and their associated outcomes. To understand how the role of policy and science in decision making, it's important to examine real-world natural resource policy issues and to apply the frame of policy analysis to actual natural resource management issues.

Each Friday, our class period will be dedicated to case studies of real-world, natural resource policy issues. We'll use these issues to apply what we are learning in class and in our textbook readings to understand the process, effects, and challenges associated with policy application. Prior to coming to class on Friday, please plan to read the case study readings posted on Canvas, and please come to class prepared to engage with the material with your group and the broader class.

In-Class Activity Prompts: Case Study #4, Groups #1-4, Endangered Species Act (ESA); Groups #5-7, Climate Change

1. What is the key policy (or policies) that were enacted by the legislature in your team's case study?
 - a. List the policy (or policies) of focus.
[The Paris Agreement and The Clean Air Act](#)
 - b. Using the links provided in the Canvas Case Study page for the Congressional Summaries, describe or diagram the process by which the bill became a law. Please pay special attention to committees.
[The 1977 amendment to the Clean Air Act was introduced to the House, reported to the Committee on Interstate and Foreign Commerce, passed in the house, and then passed in the Senate. Conference reports were filed and the measure was presented to and signed by the President.](#)
 - i. Which committee(s) were involved? What is the function of those committees, and why does your team think they played a role?

The Committee on Interstate and Foreign Commerce; The House Committee on Energy and Commerce; The Senate Committee for Environment and Public Works. These committees are relevant to the issues at the heart of the Clean Air Act because they are associated with the industries and infrastructure--such as trucking, manufacturing, and energy production--that produce substantial amounts of GHGs. The Act focused on large entities so as not to regulate thousands of small businesses.

2. How did the executive branch play a role in the legislative process and in enforcing the legislation in your team's case study?

The President has the power to veto or sign the bill into law which he exercised by approving the bill that was sent to him by Congress. Additionally, the EPA was charged with regulated GHG emissions and the President is responsible for appointing leaders to that agency. When George W. Bush's administration and agency did not enforce the GHG emissions requirements, Massachusetts sued the EPA in order to gain compliance.

a. Which agencies were tasked with enforcement responsibilities, and how does that assignment align with their mission?

The Environmental Protection Agency (EPA). Part of the mission of the EPA is to attain and maintain the NAAQS (National Ambient Air Quality Standards).

b. What were some likely challenges in enforcing the legislation?

The American Trucking Association contested the EPA's power to regulate GHG emissions. Defining what greenhouse gases are was another challenge to enforcing the legislation, as was proving that they could be considered a harmful pollutant associated with global climate change.

3. In what ways was the judicial branch involved in your team's case study? You may use the website

a. Who were the litigants, and at which level of courts was the case heard?

Both *Massachusetts et al. V. EPA* and *Whitman v. American Trucking Association* were appealed to and heard by the US supreme court.

b. How did the plaintiffs establish standing?

Massachusetts, 12 other states, 3 cities, 1 US territory, and 13 environmental and public interest groups were granted standing by the Supreme Court because Massachusetts was deemed to have been harmed; rising sea levels affected the state and a solution could occur by regulating motor vehicle emissions.

The American Trucking Associations, Inc. were granted standing due to financial harm of implementing and meeting new EPA regulations.

c. What was the issue at hand (i.e., what were the litigants asking the court to interpret)?

In *Massachusetts et al. V. EPA*, the Supreme Court determined that greenhouse gases meet the definition of a pollutant under the Clean Air Act. As such, the EPA had the authority and obligation to regulate them. The Supreme Court also

upheld the EPA's authority to regulate GHGs from new and modified stationary structures. The American Trucking Association asked the court to determine whether the EPA had the authority to regulate pollutants at all. This involved 1) questioning the delegation of legislative power to the Administrator of the EPA and 2) the ability of the Administrator may consider the costs of implementation when setting the NAAQS.

d. What decision did the court provide, and how did that decision impact the legislation and enforcement?

In *Massachusetts v. EPA*, the Supreme court ruled that greenhouse gases meet the definition of an air pollutant under the Clean Air Act. Later that May, President Bush ordered the EPA to regulate GHGs from mobile sources under executive order 13432.

In *Whitman v. American Trucking Association*, the Supreme Court unanimously affirmed that (1) EPA had authority to regulate air pollution under the Clean Air Act and (2) that the EPA could not consider implementation costs setting primary and secondary NAAQS. This allowed the EPA power to continue to regulate air pollution.

4. How was international policy incorporated into your team's case study?

a. What was the international agreement included in your case study? Describe the international agreement and its purpose.

The Paris Climate Agreement, the goal is to limit the global temperature rise to below 2 degrees Celsius above pre-industrial levels and increase countries ability to deal with the impacts of climate change. The plan also included goals to increase mitigation of climate change (develop sinks for GHGs), and make finance flows related to climate change priorities.

b. How did the international agreement come about, and how was the executive branch involved in negotiating the participation of the U.S. in the agreement?

During the United Nations Framework Convention on Climate Change (UNFCCC) in Paris, President Bush signed a nonbinding agreement among the 154 countries present. This agreement was to reduce atmospheric concentrations of carbon dioxide and other GHGs in order to prevent further anthropogenic forces on Earth's climate. This treaty was then unanimously ratified by the Senate.

c. Is the U.S. still a party to the international agreement? If not, who is responsible for negotiating the exit?

Yes, but President Trump submitted a withdrawal on November 4, 2019 and the US can leave the agreement on November 4, 2020.