Environmental Policy

An Introduction

Barry C. Field, Martha K. Field

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# Chapter 1: Environmental Policy – Concepts and Issues

## Nature and Human Society

* Human society relies on nature for energy and materials and as a sink for wastes from human activities
  + Natural resource management
    - How much, how fast should resources be used?
    - How much should be preserved for future generations?
    - How much effort should we use in looking for substitutes?
  + Environmental quality management
    - How to reduce waste and to what extent?
    - Whether to substitute one waste flow for another?
    - How much to recycle?

## Public Policy

* Individuals or groups can pursue policy, but public policy is undertaken in the public arena to manage activities affecting public welfare
  + Private, collective behavior to decide upon actions that occur in the public
  + Purposeful: objectives and the means to accomplish objectives
  + Includes political posturing, using influence over events

## Environmental Policy

* Focuses on pollution control and regulation of production and consumption leftovers to lessen impacts on environmental resources (water, air, land)
  + Focus traditionally is to have direct impacts on polluters --> quality of environment
  + Examples of major environmental laws
    - Clean Air Act
    - Clean Water Act
    - Superfund Law
* Implementation is where battles occur
  + Laws not aimed at environment can still have an impact on the environment
    - Agricultural subsidies to support farm incomes
    - Transportation laws
  + U.S. Constitution is legal system basis
    - Courts: where rulings are made about the parameters for environmental protection
* Institutional changes that impact environment
  + Example: rise of large and competent state environmental agencies
  + World Trade Organization
  + Role of government as polluter

### The Layered Nature of Public Action

* Public bodies exist as layers
  + Neighborhoods to the globe
  + Structure in relation to each other varies throughout the country
  + Differences between layers are not static
    - Shift from federal to state-level

#### Table 1.1: Layers of Public Action to Protect the Environment

* Neighborhood homeowners
  + Informal meeting to develop plans for protecting quality of neighborhood
  + Voluntary cleanup efforts once a month to pick up trash
* Citizens of town or city
  + Annual town meeting, or weekly meetings of town manager and council members
  + Local ordinance making it illegal to keep junk cars in backyards
* Citizens of a county or group of communities
  + County board of supervisors
  + County regulation restricting residential development in areas where wetlands may be harmed
* Citizens of a state
  + State Department of Environmental Quality
  + Regulations that require firms to have operating permits if they plan to emit toxic pollutants into the air or water
* Collection of states
  + Interstate compact or regional agreement
  + Program to control NOX emissions with a multistate region
* Citizens of the country
  + US EPA and US Congress
  + Clean Air Act of 1990
* Groups of countries
  + International agreement among all countries in a particular region
  + UN Regional Seas program where nations bordering particular seas act to protect water quality
* All countries of the world
  + UN Environment program
  + Kyoto agreement to reduce emissions of greenhouse gases

## The Evolution of Environmental Policy

* Change in environmental policy: evolving by ongoing concerns about healthy environment
  + Perspective with which governmental action is pursued
    - Good for obvious problems like air and water quality
    - Limits to command and control approach to policy
  + Technological problem --> behavioral problem
    - More cost-effective pollution control
    - Enlists skills and knowledge of polluters to reduce pollution
    - Burden of pollution-control choices on polluters rather than government agencies
    - Good for more complex problems that are ingrained into decisions made by producers and consumers
  + Locus of action
    - States had control, federal government aided with finances, research, tech advice (pre-1970s)
    - Problems:
      * States didn’t have expertise among policy makers for environmental issues; years for environmental agencies to establish themselves
      * Environmental interest groups not strong at local and state levels; hard to develop public interest at that level
      * States focused on desirability of economic environment; disinclination for states to require businesses to engage in anti pollution measures that are less competitive than other states
      * Recognition that pollution problems are not confined by state boundaries; actions in one state could affect another
    - EPA was created in 1970s to address these problems
    - Still need some degree of local and state level policy enforcement as states become more capable in environmental action
    - International action
      * UN Environmental Program
      * International environmental non-governmental organizations
      * Environmental treaties and agreements

## Approaches to the Study of Environmental Policy

### Positive vs. Normative Policy Analysis

#### Positive Analysis

* Approaches
  + Environmental politics
    - Where interests and institutions clash and cooperate
    - Environmental policies and regulations emerge from coalitions and political power
    - Understanding main political players, rules of the game, how political process yields outcomes
  + Content of environmental policies
    - What the laws say
    - How agencies have followed up the laws with regulations
    - How laws are enforced
    - How policies and laws have evolved
  + Current problems in policy and how changes are made to ameliorate problems
    - Failures and successes of policies
    - New policy initiatives that rectify failures or duplicate successes
    - Why policies and regulations have/have not worked well in the past, how they can be designed to be more effective in the future

#### Normative Analysis

* Assuming predetermined objective or set of objectives, what policies ought to be to achieve them
* What policies ought to be in an ethical or moral sense

## Environmental Policy and Politics

* Outcome of political process is policy
  + Political process is ongoing struggle with different individuals and groups with different values and beliefs who want influence and control over policies and regulations
* Environmental policy is frustrating because of politics
  + Technical questions
    - Scientists can see how technical solutions will fix problems
    - Political conflicts about solutions and extents of solutions arise and get in the way of sound policy
  + Policy has to be the result of collective course of action from individuals
* Environmental policy reflects underlying values of people involved
  + Also reflects changing circumstances
  + Developed world vs. developing world
    - Material security vs. environmental impacts of economic activity
    - Resources to clean up environment
* Possibilities depend on potential to form alliances, take advantage of unforeseen circumstances, develop public opinion
  + Comes from the public opinion in practice
  + Multiple opinions and always changing
    - Example: 1994 Republican victories led to goals to weaken environmental laws, but they found that public opinion was behind the environmental laws and goals faded away

## Environmental Policy as a Morality Play

* “Good guys” vs “Bad guys”
  + Government regulators and environmental groups vs. private corporations and business interest groups
  + Reality is more complex
    - Industry and business is not just profit mongers who don’t care about environment; some companies are more progressive and are willing to undertake initiatives toward environmental improvement; envirotech industry for example
    - Government policy makers are not all-seeing or all-competent; not always out for the public good; “bureaucrats” can stand in the way of progress
    - Most of the pollution does not come from businesses but from individuals and public agencies

## Summary

Main problems that exist in environmental policy:

* The role of science
* The division of responsibility among federal, state, and local authorities
* The problem of managing conflict and encouraging consensus
* The issue of enforcement
* The difficulty in shifting from command and control to more incentive-based policies
* The role of policy analysis
* International issues

Ideas that bedevil discussions of environmental policy

* Policy consists of passing new environmental statutes
* Environmental policy can be reduced to a simple struggle between polluters (“the bad guys“) and everybody else (“the good guys”)

### Key Terms

* Behavioral problem: problem solved by changing the incentives faced by people
* Command and control: using regulations and authorities to force people to adopt technologies and using fines and penalties to bring about compliance as the people cannot be relied upon to adopt them themselves
* Devolution: a shifting of policy initiative and responsibility to state and local levels
* Environmental policy: collective action undertaken to manage human impacts on the quality of the environment
* Governmental institutions: legislatures and courts
* Institution: organization, law, or custom that affects the ability of people to come together and make collective decisions
* International action: coordinated steps taken by groups of nations
* Litigious society: a society which resorts to the courts to resolve differences
* Normative analysis: questions what policy ought to be
* Policy: a plan or guideline for action
* Positive analysis: looks at what is: how policy is enacted, why policies and regulations are what they are and not something else
* Public opinion: reflects the objective state of the environment and the activities and accomplishments of the policy process
* Public policy: collective actions that are pursued through formal governmental institutions
* Strategic possibilities: circumstances of enacting a policy
* Technological problem: problem that arises from the use of technology and can be fixed with technology

# Bibliography

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