

Topics in Urban Management: Environmental Policy
Spring 2019
POL-GA 2334, Section 1

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Objective:

Environmental policy is undergoing a rapid transformation in the United States, not only in the scope and application of specific rules, but also in the overall mission and procedures of participating agencies. In this class students will become familiar with current issues in environmental policy and will have an opportunity to actively participate in the policy process. Effective participation in the policy process requires an in-depth understanding of the relevant administrative laws, scientific research, and economic analyses that are intended to support these public decisions, all of which will be covered in lectures and class discussion. Much of the class will focus on environmental policies that fall under the jurisdiction of the U.S. EPA but will also include policies under the jurisdiction of other federal, state, and international agencies.

Instructor:

Dr. Kevin Cromar is the director of the Air Quality Program at the Marron Institute of Urban Management and an associate professor of environmental medicine and population health at NYU School of Medicine. He is currently the vice-chair of the Environmental Health Policy Committee of the American Thoracic Society and serves on the Utah Air Quality Board. He leads an active research program and is involved in the development, evaluation, and promulgation of environmental policies through his involvement with science advisory committees, advocacy organizations, and rulemaking bodies.

Course Requirements:

Lectures will include active participation of students in discussing current environmental policy issues. Readings will prepare students to take part in these discussions and consist mostly of primary sourced materials rather than commentary pieces. Other requirements of the class include completion of two writing assignments and a final exam. Grading will be based on the following breakdown: participation in class discussions (10%); two writing assignments (35% each); and a final exam (20%).

Writing assignments can be completed individually or working in groups and will represent the application of information covered in class. Topics and formats will need to be approved in advance by the instructor and will address current environmental policy topics. Examples of potential writing assignments include: drafting comments on rules and regulations that have been submitted for public comment; writing amicus briefs in support of participants in legal

proceedings; writing an op-ed for an academic journal on an environmental policy topic; and drafting policy briefs for pending environmental policies.

Proposed Course Schedule and Reading Assignments

Schedule may change to accommodate agency or court actions on topics covered in the class.

Some readings are quite lengthy and students aren't expected to read the entirety of every assigned document. Instead specific selections from the reading assignments will be provided by the instructor at least one week prior to the relevant lecture.

Week 1 Topic: Our Sustainable City, Nation, World Reading: <i>Vision 3: Our Sustainable City, OneNYC 2018 Progress Report</i> . Available at: https://onenyc.cityofnewyork.us/wp-content/uploads/2018/05/OneNYC_Progress_2018.pdf
Week 2 Topic: Preventing Harm in the Face of Uncertainty Policy Tool: Quantitative Risk Assessment Reading: Daniel Farber, <i>Risk Regulation in Perspective: Reserve Mining Revisited</i> , 21 Envtl. L. 1321 (1991). Available at: https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1467&context=facpubs
Week 3 Topic: Evaluating the Costs and Benefits of Environmental Regulations Policy Tool: Cost Benefit Analysis Reading: <i>Cost-Benefit Analysis and the Environment: Recent Developments</i> . Available at: http://www.oecd.org/greengrowth/tools-evaluation/36190261.pdf
Week 4 Topic: Protecting Public Health with an Adequate Margin of Safety Policy: National Ambient Air Quality Standards Reading: <i>Strengthening Transparency in Regulatory Science</i> . Available at: https://www.federalregister.gov/documents/2018/04/30/2018-09078/strengthening-transparency-in-regulatory-science
Week 5 Topic: Addressing Transboundary Environmental Issues Policy: Cross State Air Pollution Rule, "Good Neighbor Provision" Reading: <i>EPA v. EME Homer City Generation</i> , U.S. Supreme Court (2014). Available at:

https://www.bloomberglaw.com/public/desktop/document/EPA_v_EME_Homer_City_Generation_L_P_No_121182_and_121183_2014_BL_?1537393031

Week 6

Topic: Climate Policy in the United States (Power Generation)

Policy: Clean Power Plan, Affordable Clean Energy Rule

Reading: *Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program.*

Week 7

Topic: Climate Policy in the United States (Transportation)

Policy: Corporate Average Fuel Economy and CO2 Standards

Reading: *Review Materials for The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks NPRM; RIN 2060-AU09.* Available at: <https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-0453>

No Class – Spring Recess

Week 8

RESEARCH AND WRITING WORKSHOP

Week 9

Topic: Land Management, Wilderness, and Extractive Industries

Policy: Antiquities Act

Reading: *Oil Was Central in Decision to Shrink Bears Ears Monument, Emails Show.* Available at: <https://www.nytimes.com/2018/03/02/climate/bears-ears-national-monument.html>

Week 10

Topic: Failure of Decision-makers to Take Environmental Factors into Account

Policy: National Environmental Policy Act

Reading: *The National Environmental Policy Act in the U.S. Supreme Court: A Reappraisal and a Peek Behind the Curtains.* Available at: http://www.law.harvard.edu/faculty/rlazarus/docs/articles/Lazarus_APeekBehindtheCurtain_2012.pdf

Week 11

Topic: Agency Framing of Regulations Following Bipartisan Congressional Action

Policy: Toxic Substance Control Act (TSCA) Reform, 2016

<p>Reading: <i>A primer on the new Toxic Substances Control Act (TSCA)</i> Available at: http://blogs.edf.org/health/files/2017/04/Denison-Primer-on-Lautenberg-Act-FINAL.pdf</p>
<p>Week 12 Topic: Changing How Health Benefits are Included in Economic Analysis Policy: Mercury and Air Toxics Standards Reading: <i>Michigan v EPA</i>, U.S. Supreme Court. Available at: https://www.supremecourt.gov/opinions/14pdf/14-46_bqmc.pdf</p>
<p>Week 13 Topic: Truth Seeking by Scientists and Engineers in the Face of Bureaucratic Agendas Policy: Lead Copper Rule, Safe Drinking Water Act Reading: <i>Corrosive Microenvironments at Lead Solder Surfaces Arising from Galvanic Corrosion with Copper Pipe</i>. Environ. Sci. Technol. 44, 18, 7076-7081</p>
<p>Week 14 PRESENTATION OF STUDENT PROJECTS</p>
<p>Week 15 FINAL EXAM</p>