

Climate Policy
Course Syllabus

NRSM 428 – Fall 2021

3 credits, CRN# 75513

Tues/Thurs – 12:30-1:50pm – CHEM 123

Zoom: <https://umontana.zoom.us/j/96075552506>

Passcode: 198166

Instructor Info:

Brian C. Chaffin, Ph.D.

Associate Professor

W.A. Franke College of Forestry & Conservation

Clapp Building (CHCB) #464

406.243.6575

brian.chaffin@umontana.edu

Office Hours: by appointment (<https://brianchaffin.youcanbook.me/>)

General Course Information

Course Description

In this course, we will explore the evolving laws, policies, and judicial decisions that influence levels of carbon dioxide emissions and other climate altering activities occurring in the United States and globally. Our study will include a thorough overview of current global climate policy frameworks including the structure of the United Nations Framework Convention on Climate Change (UNFCCC) and policies resulting from the various Conference of Parties (CoP) meetings, including the Kyoto Protocol of 1997/2005 and the Paris Agreements of 2015/2016. From this starting point, we will investigate similar issues at the nation state and sub-national levels, including an investigation of how various proactive emissions regulations, incentives, and reactive mitigation and adaptation activities are treated in both statutory and administrative legal regimes. We will also investigate important intersections between climate policy and other major bodies of U.S. law and policy, including but not limited to, intersections with public trust doctrine, the Endangered Species Act, and emergency/disaster response law and policy. Through assignments and activities, I will encourage students to explore a variety of proposals for designing climate law and policy. Together, we will also explore the impact of global and national climate policy in Montana, specifically in relation to Montana's Constitution that requires "[t]he state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations" (Article IX, Sec. 1).

The study of climate policy is relevant, timely, and extremely dynamic—an ever-changing arena. To thoroughly investigate climate policy in this course, we will call on literature and tools from

disciplines such as law, history, anthropology, geography, political science and philosophy, among others. We will explore climate policy at all jurisdictional levels, geospatial scales, and across time, thinking about legacies from the past, activities at present, and impacts to future generations. Further, we will actively employ critical lenses to better understand the intersection of climate change and climate policy with race, socioeconomics, and concerns of social and environmental justice.

This is a reading intensive course with a significant class discussion component. Students will be asked to read and analyze a variety of texts including statutes, court cases, peer-reviewed and law review articles, and popular media. This course is designed for students working towards a degree in any and all environmental fields including but not limited to natural resource conservation, wildlife biology, ecology, forestry, biology, hydrology, geology, soils, and environmental studies—as well as environmental sociology, parks, tourism & recreation management, geography, philosophy, history, environmental journalism—and those who just want a better understanding of climate policy and management in the U.S. and globally.

Expected Learning Outcomes

- Students will recognize and explore basic sources of authority underpinning climate laws and policies in the U.S. and globally (i.e., constitutional, statutory, administrative, and common law authorities, and global governance treaties, conventions, and frameworks).
- Students will identify the properties that make climate a unique resource to govern/manage and then connect these to the approaches the U.S. legal system takes to govern other natural resources and environmental processes, including pollution.
- Students will articulate various approaches and strategies to climate governance and emissions control including broad legal doctrines (e.g., U.S. Clean Air Act) and specific policy instruments (e.g., regulation, incentives, market mechanisms).
- Students will evaluate and critique the assumptions, strengths, and weaknesses of various existing climate policies and potential reform measures as well as political obstacles to enacting reform measures.
- Students will imagine future climate policy innovations given potential changes in the distribution, timing, and intensity of climate-driven weather events.
- Together, the instructor and students will challenge deeply held assumptions about the roles of government, industry, and the citizenry in governing climate.
- Students will analyze and articulate the nature of conflicts (and potential conflicts) over climate governance in the U.S. and globally, including historical and institutional roots of conflict (e.g., American federalism, tensions between branches of government, political-economic power, race, geography, socio-economic status, differences in values, etc.).

- Students will engage in discovering the myriad of human connections to climate including emotional, spiritual, cultural, biophysical, and social connections; students will articulate values of climate and climate-driven events and biophysical processes beyond their commodity worth as ecosystem services.
- Students will analyze various media reports on current or pending climate laws and policies, and: (1) critique the accuracy of reporting in terms of the information conveyed on the potential impacts or application of a specific climate laws or policies; and (2) identify and synthesize reliable sources of information available to further support, critique, or clarify the media report.

Course Text

There is NO REQUIRED textbook for this course. All readings for individual class periods will be available electronically and posted to Moodle. In addition to readings, I will assign a variety of other media to support your learning, including but not limited to video and audio content (e.g., Podcasts). Below is a list of books relevant to climate policy from which I will occasionally pull readings. I provide these titles here as a reference in case you would like to explore additional resources.

- 1) Farber, D, and Carlane, C. 2017. *Climate Change Law*. Foundation Press.
- 2) Osofsky, JD, Osofsky, H, and McAllister, L. 2012. *Climate Change Law and Policy*. Aspen Publishers.
- 3) Cardamone Stokes, L. 2020. *Short Circuiting Policy: Interest Groups and the Battle Over Clean Energy and Climate Policy in the American States*. Oxford University Press.
- 4) Robinson, M. 2019. *Climate Justice: Hope, Resilience, and the fight for a Sustainable Future*. Bloomsbury Publishing.
- 5) U.S. Global Change Research Program (GCRP). 2018. *The Fourth National Climate Assessment*. Vol. I-II. <https://www.globalchange.gov/nca4>

Student & Instructor Expectations

Participation

The complexity of climate change studies and climate policy specifically can be energizing—and our class discussions will often reflect that. We cover a lot of ground in class and in order to facilitate this, I ask that students read the assigned readings prior to class and *be prepared to discuss the readings* in class. The text and concepts may be new and challenging; at the very least, I ask that you bring your questions from the readings and willingly share them with the class. I seek input from all students and I will likely ask students questions to solicit input and to assess comprehension of difficult topics. I reserve the right to initiate daily or weekly reading quizzes if I find that students are generally unprepared for class. Any student who misses class will be held responsible for all materials covered and all announcements made during their

absence. If your absence is University-approved, you are eligible to make up any missed in-class work collected for points. Life happens, and I recognize that. I am generally flexible with regard to unforeseen absences and make-up work as long as you are transparent and diligent in communicating with me. Communicate with me early and often about missing class.

The UM "Class Attendance/Absence Policy" can be found in the [UM Catalog Academic Policies and Procedures](https://catalog.umt.edu/academics/policies-procedures) (<https://catalog.umt.edu/academics/policies-procedures>).

Respect, Inclusiveness and Diversity of Thoughts, Ideas and People

In teaching courses, I believe and act upon the idea that all students are entitled to and deserve respect, courtesy and tolerance, regardless of their race, background, religious affiliation, gender, sexual preference, disability or any other perceived difference. Likewise, faculty, staff and fellow students deserve the same treatment from other students. Therefore, within the bounds of my courses and professional responsibilities as a university instructor, I make every effort to promote and create a safe space for diverse thoughts, regardless of the form of communication. I ask that you do the same.

Academic Honesty

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the [Student Conduct Code](http://www.umt.edu/student-affairs/community-standards/default.php) (<http://www.umt.edu/student-affairs/community-standards/default.php>).

Plagiarism

I will not tolerate plagiarism in any form. Students need to be familiar with plagiarism and how to properly cite references and attribute the ideas of others to original sources in their work. The following is taken directly from the [UM Catalog Academic Policies and Procedures](https://catalog.umt.edu/academics/policies-procedures) (<https://catalog.umt.edu/academics/policies-procedures>):

"Plagiarism is the representing of another's work as one's own. It is a particularly intolerable offense in the academic community and is strictly forbidden. Students who plagiarize may fail the course and may be remanded to Academic Court for possible suspension or expulsion.

Students must always be very careful to acknowledge any kind of borrowing that is included in their work. This means not only borrowed wording but also ideas. Acknowledgment of whatever is not one's own original work is the proper and honest use of sources. Failure to acknowledge whatever is not one's own original work is plagiarism."

Equal Access

The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and the Office for Disability Equity (ODE). If you anticipate or experience barriers based on disability, please contact ODE by phone at (406) 243-2243, by email at ode@umontana.edu, or visit the [Office of Disability Equity](https://www.umt.edu/disability/) (<https://www.umt.edu/disability/>) online for more information. Retroactive accommodation requests will not be honored, so please, do not delay. As your instructor, I will work with you and ODE to implement an effective accommodation, and you are welcome to contact me privately if you wish to ask questions and discuss.

Basic Needs Security Statement

Any student who faces challenges securing their food or housing and believes this may affect their performance in the course is urged to contact the [Office for Student Success](http://www.umt.edu/oss/) (<http://www.umt.edu/oss/>) for support. Furthermore, please notify me if you are comfortable in doing so. This will enable me to provide any resources that I may can.

Assignments & Assessment

Assessment of student learning is important, but only one part of the course. As this course is not yet required for any undergraduate program of study (but can fulfill a policy requirement for some undergraduate majors, e.g., ESS, RSCN, others), each of you have some motivation to learn about climate policy. To accommodate this, I have structured the course to provide significant flexibility in topics covered and will employ multiple forms of assessment to evaluate student learning. Throughout the semester, I will also provide students with the opportunity to evaluate the class structure, content, assessment strategies, and my performance in order to improve your learning experience *during* the progression of the course.

Midterm & Final Exams

There will be two exams in this course consisting of short answer essay questions. One exam will be given roughly mid-semester and the other during our final exam period. Make-up exams will only be scheduled for University-excused absences on the day of exam and they will be re-scheduled at my convenience, prior to the in-class exam if possible. Please contact me ASAP and *at least three weeks prior to the exam* if you know you will have a conflict with an exam.

Reading Questions

Most weeks I will post a set of questions on Moodle designed to help guide you through the course readings that week. Answers to these questions will require only short responses, generally 2-4 sentences. You will submit your answers on Moodle by *Wednesday* night of each week that reading questions are due. These questions are designed to highlight important points or concepts in the assigned readings and other media and to help you focus your attention while reading, listening, or viewing. I suggest reviewing the readings questions *before*

diving into the material each week. I will use your answers to the reading questions to enhance our discussions in class and they will help you study for the exams.

In-class Assignments

Each week I will facilitate in-class activities for you to become more familiar with the concepts surrounding climate policy. Participation in these in-class assignments is mandatory and I will grade these based on observed level of participation and produced content. The number and type of activities will vary and explicit instructions will be provided each day in class. In addition to this, I will occasionally give quizzes at the beginning of class to measure your progress with and comprehension of the readings. Missed quizzes and writing assignments can be made up for University-excused absences only. Cumulatively, these quizzes and in-class activities will make up roughly 25 points of your final grade (half of your participation grade). I allow students to miss up to two (2) in-class quizzes or writing assignments without penalty. I do not give extra credit in this course, but I will note your level of participation in class and your diligence in keeping up with the readings as judged by your performance on in-class quizzes and writing assignments. For example, a final grade of 89.4% is a B+ unless a student has not missed a quiz and has provided thoughtful, accurate answers on in-class writing assignments—in this case I may consider this grade an A-.

Climate Policy News/Current Events Assignment

There is a lot happening in the world of climate policy—every day. This assignment is designed to help us foster an ongoing discussion about current issues of climate policy in the U.S. and globally. During Week 2 of class, students will sign up for a 5-minute time period during one class throughout the semester. On the selected day, students will come prepared to give a 5-minute presentation on a current issue of climate policy that they discovered either in a popular news article or by tracking legislation or administrative procedures through either federal agency websites or via [GovTrack](https://www.govtrack.us/) (<https://www.govtrack.us/>) or the UNFCCC websites (<https://unfccc.int/>). The 5-minute presentation should cover the nuts and bolts of the climate policy issue or controversy, including *who is involved*, *what policies are implicated* or debated, *where and what aspects of climate governance* does the issue impact, *how* was the policy decided (or will be), and *what is the future* of this issue. Specific assignment instructions and an evaluation rubric will be presented to students in class and on Moodle. News or current events presented by students should be relatively recent (i.e., within the last 6 months).

Climate Policy Briefing Paper

This is an advanced undergraduate policy course and thus I want you to be familiar with the process of critically analyzing climate and related policies. As part of your assessment in this course, I will ask you to explain a specific climate policy challenge, assess the situation and current context of law, policy, or legal action surrounding the challenge, and clearly communicate the climate policy challenge in writing—including potential solutions or paths forward. I encourage you to choose a climate policy challenge as closely related to your

personal or professional interests as possible. To facilitate this, I will provide potential examples in class and provide you with time in class to work in groups or meet with me to discuss possibilities. This assignment can be tied to your current event presentation, so please consider that when choosing a current event to research and discuss. A final written briefing paper for this assignment will be due at the end of the semester. To help you produce quality work, I will provide multiple opportunities for you to turn in drafts of this work in stages as part of the assignment progression. I will provide a detailed description and rubric (including due dates) for this assignment in class.

Grading Scale & Points

This course is graded on the traditional A – F letter grade scale only, it is not offered under the credit/no credit option. Upon completion of the course, your points earned on exams and policy reflection papers will be expressed as a percentage of total points possible in the course and translated into a letter grade as follows:

<i>Grading scale</i>	<i>Points available</i>
A 93-100%	Midterm Exam: 50 points Reading Questions: 100 points In-class Activities and Participation: 50 points Current Events Assignment: 50 points Climate Policy Briefing Paper: 100 points Final Exam: 50 points <p style="text-align: center;"><u>Course total</u>: 400 points</p>
A- 90-92%	
B+ 88-89%	
B 83-87%	
B- 80-82%	
C+ 78-79%	
C 73-77%	
C- 70-72%	
D+ 68-69%	
D 63-67%	
D- 60-62%	
F 59% and below	

Graduate Increment

Since this course is listed as a U/G (undergraduate and graduate) course at the University of Montana, graduate students can take the course as offered (NRSM 428) for credit with the completion of additional work known as a “graduate increment.” The graduate increment for this course will consist of three specific requirements:

1. Completion of additional readings per topic area as assigned by the instructor;
2. Participation in a graduate student “climate policy book club” (details provided in class);
3. Two additional meetings (time/place TBD) with the course instructor and other graduate students, to pursue a discussion of graduate-increment readings.

The logistical requirements (and due dates) for the undergraduate assignments will be the same for graduate students, but graduate students will be required to engage more substantively and critically with course topics as demonstrated in the completion of the referenced graduate requirements. In addition to the overall learning objectives of the course, through the graduate increment, graduate students will:

- Understand the intersection between climate science and climate policy and be able to articulate the contributions (or lack thereof) of climate modeling and attribution science to modern climate policy; and
- Engage with popular long-form media of relevance to climate policy and critique the potential efficacy of proposed messages, policies, and other actions.

The graduate increment will be collectively worth an **additional 100 points** (25 points each for readings and additional meetings, and 50 points for the book club), making up a quarter of the graduate student's overall grade. Additional details will be provided in class and on Moodle.

Course Readings & Topic Schedule

I have designed this course as a series of sections or “topics” that are flexible and can be moved around. We will work through the material at a pace dictated by the interests of the class as a whole. We may spend one class period on a specific topic, or we may spend two weeks—this will be determined by student engagement and the relevance of the topic to understanding critical climate policy issues in Montana, the U.S., and globally. ***Please be attentive to announcements in class and on Moodle as I update the schedule of assigned readings.*** I will post and update the reading schedule on Moodle regularly as well as announce changes in class. Please be sure you are working off the most updated schedule in Moodle or bring a copy of the schedule with you to class in order to record adjustments.

Tentative Course Topics

1. The intersection of climate change science, law, policy, and economics
2. Global climate policy frameworks: United Nations Framework Convention on Climate Change (UNFCCC)
3. Global climate change: putting a price on carbon
4. Climate policy intersections with sustainable development and disaster risk reduction
5. A three-pronged approach to global climate policy: *mitigation, adaptation, and loss and damage*
6. U.S. Climate Policy Foundations: The Clean Air Act
7. Emerging approaches to climate policy in the United States: federal v. state approaches
8. Intersection of U.S. climate policy and environmental law
9. Climate and the Energy and Transportation sectors
10. Climate justice
11. Innovations in climate policy