

Environmental Law Seminar - Class 1

Reading Assignment

1. Read pages 1267-1324 of Howard Latin, *Ideal Versus Real Regulatory Efficiency: Implementation of Uniform Standards and 'Fine-Tuning' Regulatory Reforms*, available at:
http://heinonline.org/HOL/Page?handle=hein.journals/stflr37&div=47&g_sent=1&collection=journals
2. Read pages 1333-1351 of Bruce A. Ackerman & Richard B. Stewart, *Reforming Environmental Law*, available at:
http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1143&context=fss_papers
3. Read EPA Journal handout.

Questions to Consider for Class

1. Command and Control Regulation
 - a. Assume that Congress determines that the levels of lead in the nation's waters are unsafe, and that those levels must be reduced. Using a "command and control" approach, how might Congress direct EPA to ensure that those lead levels are reduced?
 - b. Uniform national standards often impose stricter requirements on new sources than existing sources. Why? Are there any disadvantages to that approach?
 - c. What are the major criticisms to the uniform national standards approach?
2. Fine Tuning of environmental regulation
 - a. How does the "fine tuning" approach to environmental regulation discussed in Howard Latin's article differ from traditional "command and control" regulation?
 - b. What is negotiated rulemaking, and how does Latin suggest it could reduce the government's information collection burden in a "fine tuned" system and reduce legal challenges to the government's standards?

- c. Why does Latin feel that “fine tuning” environmental regulation will not work? Can he cite any instances in which it has been tried, and has failed?
- 3. Market-based alternatives to environmental regulation
 - a. Ackerman and Stewart discuss a marketable permit system as an alternative to traditional “command and control” regulation. What are the advantages of that approach? What administrative burdens are inherent in such an approach?
 - b. What are some examples of market-based alternatives discussed in the readings, other than marketable permits? What are their advantages and disadvantages?
- 4. Environmental Justice
 - a. Does the traditional “command and control” approach equitably distribute pollution? Would a market-based system equitably distribute pollution?