

11.373 Science, Politics, and Environmental Policy  
**Day 9: SCIENCE IN ADMINISTRATIVE AND  
JUDICIAL DECISION MAKING**

**I. Science in Bureaucratic Decisionmaking**

*Legislative decisionmaking involves deciding whether or not to address an environmental problem and then establishing general policy goals. Administrative decisionmaking involves translating those general goals into specific policies via rulemaking. (Of course, in the process of making or enforcing rules, agencies can in essence make legislative decisions—that is, they can adjust the goals of policy.)*

What sorts of things seem to shape bureaucratic decision making—to affect how they use their discretion in formulating rules to implement legislative mandates?

What about scientists? What factors seem to motivate them?

Do you see any tension between these two motivations?

Where do agency officials get their science, and how does it affect their decision making?

**II. Science In Judicial Decisionmaking**

*During judicial review, judges must decide: whether the agency correctly interpreted its own statute; whether the agency followed the procedures prescribed by the statute and the APA; and whether the decision the agency made was either (1) supported by “substantial evidence” (formal rulemaking) or (2) was “arbitrary and capricious (informal rulemaking).*

How do courts make such determinations? What do judges consider when they are reviewing agency decisions?

How does the way the courts treat science affect the way agencies treat science?