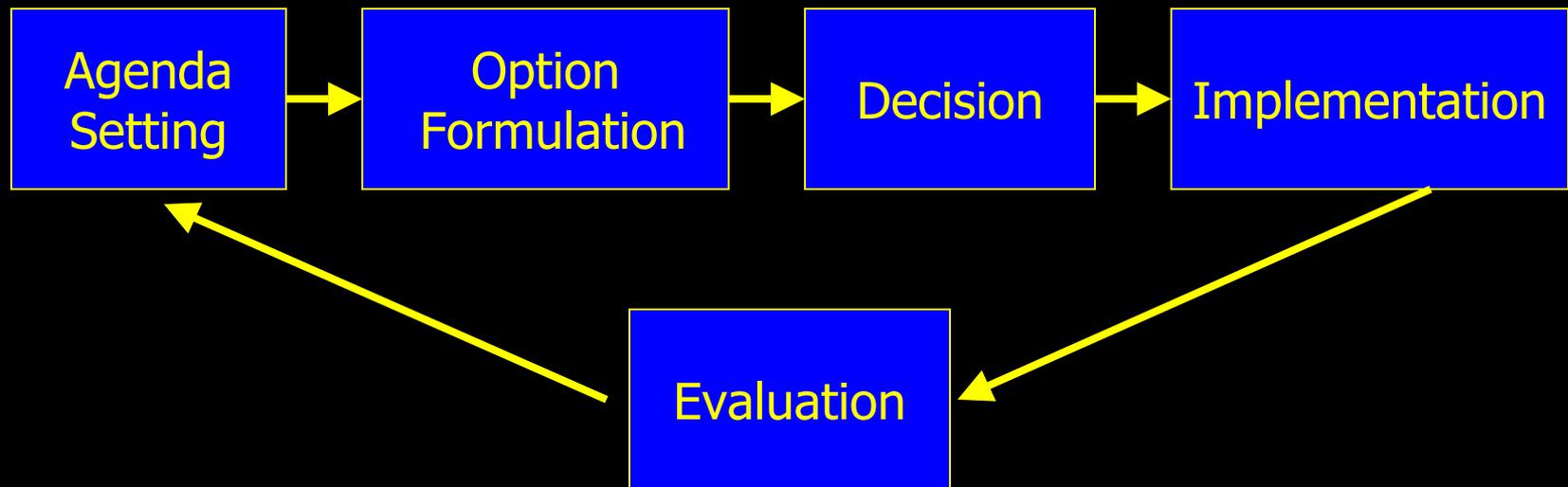
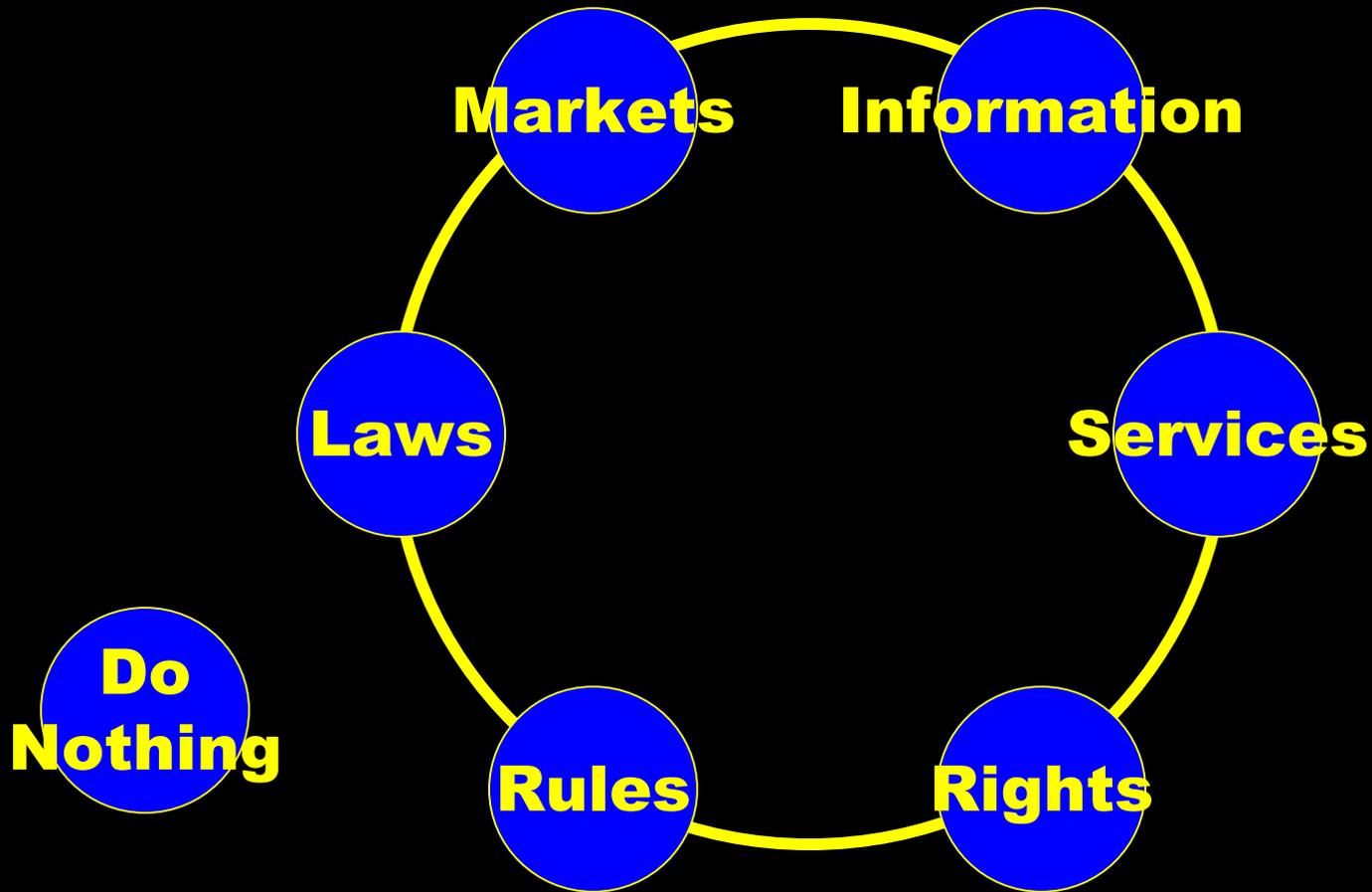


Understanding the Environmental Policy Process

Stages of the Policy Process



Forms of Government Action



Policy Process as a "Game"

1. What are the structure & rules of the game and how do they affect the outcome?
2. Who are the players?
3. What tools do the players have to influence the game?
4. Where in the game are players most influential?

Structure of the Environmental Policy “Game” in the U.S.

- **Fragmentation of Authority**
 - **Federalism**
 - National Government
 - State Government
 - Local Government
 - **Separation of Powers**
 - Executive
 - Legislative
 - Judiciary
 - **Checks & Balances**

Structure of the Environmental Policy “Game” in the U.S.

- **Political Power is Widely Dispersed & Fluid**
 - Pluralism
 - Elections
 - Rights
- **Diverse Interests & Values Survive Political Loss**

Implications

- Many “access points” to government
- Policy requires broad political consensus to advance
- Easier to stall policy than it is to make it
- Policy change tends to be incremental
 - Crises
 - Issues of Low political salience
- Environmental Policy = \sum many policies
 - Duplication & Overlap
 - Inconsistency & Conflict

Players in the Environmental Policy Game – Chief Executive

- Chief Executive
 - White House Staff
 - CEQ
 - OMB
- Executive Agency Chiefs
 - Political appointees
 - Dept. Secretaries
 - Deputy & Assistant Secretaries
- Tools
 - Executive Authority
 - Decision-making
 - reorganization
 - Executive orders
 - Hire & fire
 - Agenda setting

Players in the Environmental Policy Game – Bureaucracy

- Many Agencies

- EPA
- DA
- DOI
- DC
- USACE

- Agency Personnel

- Political Appointees
- Professional staff

- Sub-agencies

- Dept. of Interior
 - F&WS
 - NPS
 - BLM
- Dept. of Agriculture
 - Forest Service
 - NRCS (SCS)

Players in the Environmental Policy Game – Bureaucracy

- **Tools**

- Information
- Professional/analytic staff
- Implementation power (client contact)

Players in the Environmental Policy Game

– Legislative Branch

- House & Senate

- Leadership
 - Majority party
 - Minority party
- Membership
- Committees & staffs

- Tools

- Law-making power
- Budgetary power
- Investigative power
- Standing committees & staff
- Approval of senior agency appointments

Players in the Environmental Policy Game

–Judicial Branch

- Courts

- Federal courts
- Appellate courts
- Supreme Court

- Tools

- Constitutional authority
- Insulation from electoral politics
- Case selection & legal methodology

Players in the Environmental Policy Game – States

- Duplicate Federal “Cast of Characters”
- States Rights to Define Policy
- Federal Policy Implementation Roles

Players in the Environmental Policy Game – Interest Groups & NGOs

- **Non-Governmental Organizations**
 - Industry & Trade associations
 - Nat'l. Assoc. of Home Builders
 - American Mining Association
 - Teamsters
 - Environmental Groups
 - Property Rights & Wise Use Groups
- **Media**
- **Public**

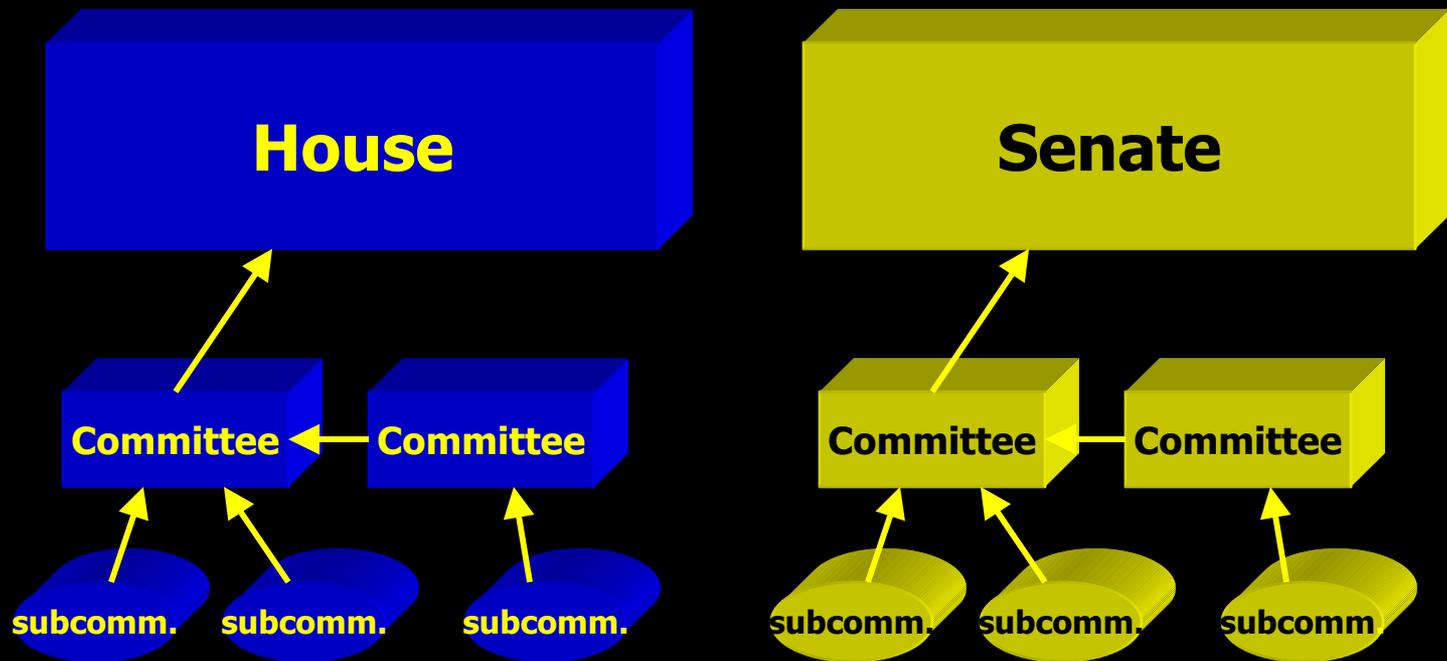
Players in the Environmental Policy Game – Interest Groups & NGOs

- Tools
 - Membership & Organization
 - Professional & analytic staff
 - Information
 - “Votes”
 - Money

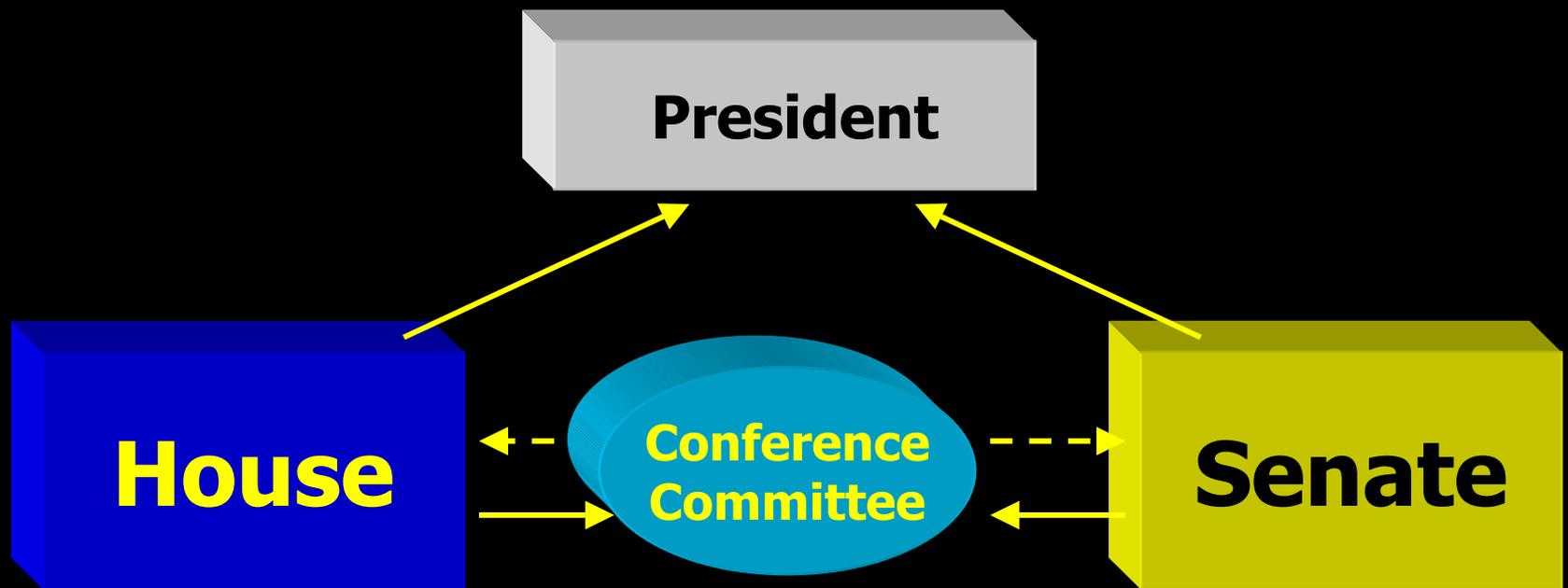
Implications

- Many diverse interests and values in policy process
 - Many are not directly concerned with environmental problem solving
- Decision-making institutions & organizations are not monolithic
- Information & analysis are widely dispersed
- Decision-making influence (power) & tools vary among players

The Legislative Maze I



Legislative Maze II



Subcommittee Setting

Report to Committee

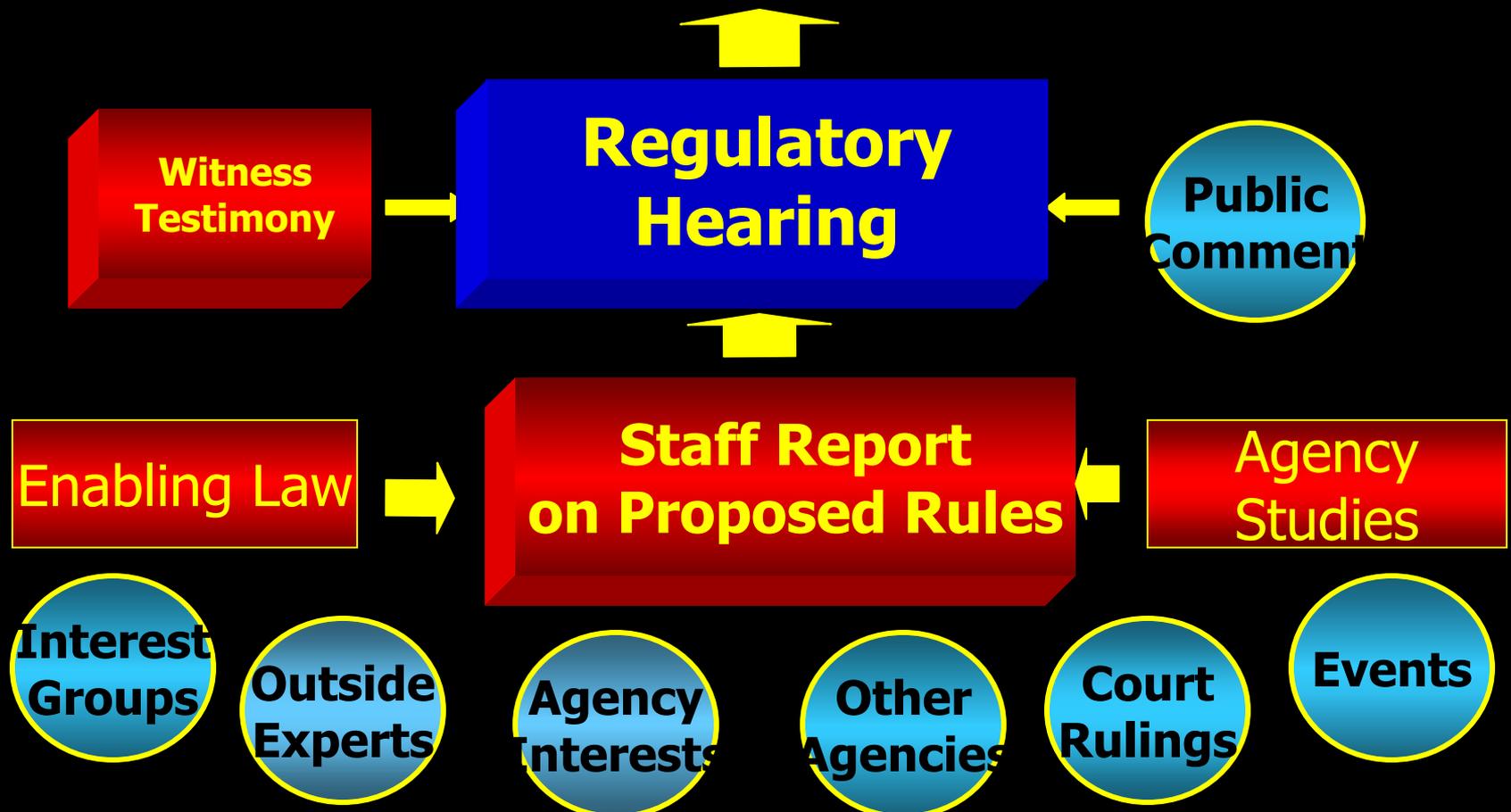


Rule-Making in the Bureaucracy

- Enabling Law & Statutory Authority
- Administrative Procedures Law
- Science & Technology Data
- Organizational Mission/Health

Rule-Making in the Bureaucracy

Publication of Rules



Courts

- Legality
 - Does the law authorize this action?
- Constitutionality
 - Does the Constitution allow this action?
- Rationality
 - Does this action make sense?
 - “Hard look” at administrative action

Judicial Review

- **No Authority to Initiate Action**
 - Must wait for cases
- **Standing**
 - Parties bringing suit must suffer direct harm
- **Judicial Philosophy**
 - **Judicial activism**
 - Making policy by broad interpretations of what the law intended
 - **Strict Constructionism**
 - Ruling on merit of the specific case as read in the context of the precise wording of the law

Federal Environmental Laws Passed

(including amendments)

