

# **Environmental Federalism**

## **Old Legacies and New Challenges**

**Luke Fowler**



# Environmental Federalism

**Oliver Fritsch, David Benson**



## **Environmental Federalism:**

*The Law and Policy of Environmental Federalism* Kalyani Robbins, 2015-12-18 How should we strike a balance between the benefits of centralized and local governance and how important is context to selecting the right policy tools This uniquely broad overview of the field illuminates our understanding of environmental federalism and informs our policy making future Professor Kalyani Robbins has brought together an impressive team of leading environmental federalism scholars to provide a collection of chapters each focused on a different regime This review of many varied approaches including substantial theoretical material culminates in a comparative analysis of environmental federalism and consideration of what each system might learn from the others The Law and Policy of Environmental Federalism includes clear descriptive portions that make it a valuable teaching resource as well as original theory and a depth of policy analysis that will benefit scholars of federalism or environmental and natural resources law The value of its analysis for real world decision making will make it a compelling read for practitioners in environmental law or fields concerned with federalism issues including those in government or NGOs as well as lobbyists

**Environmental Federalism** Luke Fowler, 2020-06-02 In *Environmental Federalism* Luke Fowler helps to refocus much needed attention on the role of state governments in environmental policy creation and implementation in the United States While the national government receives most of the attention when it comes to environmental policy state governments play a vital role in protecting our natural resources Legacy problems like air water and land pollution present one set of challenges for environmental federalism but new problems emerging as a result of climate change further test the bounds of federal institutions Examining patterns of pollution and case studies from the Clean Air Act and the Clean Water Act Fowler explores two questions has environmental federalism worked in managing legacy environmental problems and can it work to manage climate change In order to answer these questions Fowler extends James Lester's typology using political incentives and administrative capacities to identify four types of states progressive delayers strugglers and regressives and assesses how they are linked to the success of federal environmental programs and conflicts in intergovernmental relations He then considers what lessons we can learn from these programs and whether those lessons can help us better understand climate policy and multi level institutions for environmental governance This timely read will be a valuable contribution to students researchers and scholars of political science public policy public administration and environmental studies

Federalism and Environmental Policy Denise Scheberle, 2004-03-17 Giving particular attention to intergovernmental working relationships this revised edition of *Federalism and Environmental Policy* has been significantly updated to reflect the changes that have taken place since the highly praised first edition Denise Scheberle examines reasons why environmental laws seldom work out exactly as planned Casting federal state working relationships as pulling together coming apart or somewhere in between she provides dozens of observations from federal and state officials This study also suggests that implementation of environmental policy is a story of high stakes politics a story rich with contextual factors and

as fascinating as the time the policy was formulated As four very different environmental programs unfold asbestos updated to include the fallout from the World Trade Center drinking water radon and surface coal mining Scheberle demonstrates how programs evolve differently with individual political economic logistical and technical constraints The policy implementation framework developed for the book provides the lens through which to compare environmental laws Federalism and Environmental Policy goes beyond the contents of policy to explore the complex web of federal state working relationships and their effect on the implementation of policy It is unique in how it portrays the nuts and bolts the extent to which the state and federal offices work together effectively or not Examining working relationships within the context of program implementation and across four different environmental programs offers a unique perspective on why environmental laws sometimes go awry *Environmental Federalism* Terry L. Anderson, Peter J. Hill, 1997-10-16 For over a quarter century the federal government has been the primary determinant of environmental regulation and policy The contributors to this volume provide a wide variety of strategies to challenge what they consider to be Washington's unsophisticated ineffective and harmful approaches The original essays demonstrate how states can improve environmental regulations as they apply to land water wildlife and pesticides and they provide a general framework for how states can regain control of their environmental destiny Important reading for anyone interested in environmental policy studies

**Environmental Justice and Federalism** Dennis C. Cory, Tauhidur Rahman, Satheesh V. Aradhyula, 2012-01-01 Within the United States minority and low income communities currently bear a disproportionate amount of risk associated with pollution and other harmful environmental practices The environmental justice movement is working to change this fact promoting the fair and non discriminatory treatment of all people with respect to environmental issues policies and regulations This fascinating and timely volume explores the relationship between environmental justice and the government offering a comprehensive introduction to the legal economic and philosophical concerns involved in pursuing environmental justice goals within a federalist system The authors discuss two case studies in their investigation of the complex interactions between environmental justice and government These analyses offer a comprehensive view of both the siting and regulation of polluting activities as well as a discussion of the effects on major natural resources such as clean air and drinking water In each case the authors both describe current government responses to the problem and offer specific recommendations regarding what actions should be taken in the future This authoritative book will make an invaluable addition to courses in environmental law and policy Professionals and policymakers working in disciplines such as law economics environmental science philosophy and political science will also find this a comprehensive and critical reference **Environmental Federalism** Per G. Fredriksson, Muthukumara Mani, Jim R. Wollscheid, 2006 *The Law and Policy of Environmental Federalism*, Manual on Compliance with and Enforcement of Multilateral Environmental Agreements Carl Bruch, United Nations Environment Programme, 2006 This Manual expands upon Guidelines on Compliance with and Enforcement of

Multilateral Environmental Agreements MEAs Many States participated in the development and negotiation of the Guidelines which were adopted by the UNEP Governing Council in 2002 While this Manual is not a negotiated document it also is the result of a collaborative process involving a wide range of numerous individuals around the world These people assisted in drafting case studies and other contributions reviewing the text and suggesting substantive and formatting changes

*Regulating Wetlands Protection* Ronald Keith Gaddie, James L. Regens, 1999-11-04 Wetlands are a valuable natural resource yet over 200 000 acres are destroyed in the United States each year An alternative recently promoted to improve wetland protection is state assumption of the law governing wetland protection the Federal Water Pollution Control Act section 404 This book discusses the implementation problems associated with the national wetland regulation program and examines the state assumption option in twelve states with extended case studies of Florida Maryland Michigan and New Jersey

*Handbook of Research on Environmental Taxation* Janet E. Milne, Mikael Skou Andersen, 2012-01-01 Ingeniously organized in a life cycle format the Handbook covers environmental taxation concepts design acceptance implementation and impact The universal themes discussed in each area will appeal to a broad range of readers Larry Kreiser Cleveland State University US This book is a smart and useful reader's guide providing analytical tools for a full comprehension of environmental taxes with an interdisciplinary approach that looks at all the different phases of environmental taxation from the design to the implementation the political acceptance and the impact on the economy The authors effort is very successful in endowing academicians policy makers and the general public with an excellent proof of the effectiveness of environmental taxes and green tax reforms Alberto Majocchi University of Pavia Italy Putting the words environment next to taxation might not always be the flavour of the month but no modern society can ignore the value of the natural environment and the need to maintain its good quality and no competitive economy can prosper without the necessary tax revenues to function Environmental taxation offers the prospect of moving towards a more resource efficient economy where preference is given to tax more what we burn less what we earn I welcome this contribution to the literature Commissioner Connie Hedegaard European Commission The Milne and Andersen volume provides a splendid treatment of environmental taxation that encompasses the basic conceptual issues problems of tax design and implementation and several insightful case studies that show how environmental taxes actually work in practice It is the best overall treatment of environmental taxation available comprehensive rigorous and readable Wallace Oates University of Maryland US The Handbook of Research on Environmental Taxation captures the state of the art of research on environmental taxation Written by 36 specialists in environmental taxation from 16 countries it takes an interdisciplinary and international approach focusing on issues that are universal to using taxation to achieve environmental goals The Handbook explores the conceptual foundations of environmental taxation essential elements for designing environmental tax measures factors that influence the acceptance of environmental taxation the variety of ways to implement environmental taxes their environmental and economic impact and

finally the larger question of the role of taxation among other policy approaches to environmental protection Intermixing theory with case studies the Handbook offers readers lessons that can be applied around the world It identifies key bodies of research for people who are already working in the field or entering the field and highlights issues that call for more research in the future With systematic analysis of key issues in environmental taxation this book will appeal to researchers governments think tanks NGOs and academics in law economics political science and public finance as well as students specializing in environmental taxation and other market based instruments *Globalization, Environmental Law, and Sustainable Development in the Global South* Kirk W. Junker, Paolo Davide Farah, 2021-11-29 This volume examines the impact of globalization on international environmental law and the implementation of sustainable development in the Global South Comprising contributions from lawyers from the Global South or who have experience in the Global South this volume is organized into three parts with a thematic inquiry woven through every chapter to ask how law can enable economies that can be sustained given the limited carrying capacity of the earth Part I describes and characterizes the status quo of environmental and economic problems in the Global South during the process of globalization Some of those problems include redistribution of environmental burden on the public through over reliance on the state in emerging economies and the transition to public private partnerships as well as extreme uncontrolled economic expansion Building on Part I Part II takes an international perspective by presenting some tools that are in place during the process of globalization that lead to friction and interfaces between developed and developing economies in environmental law Recognizing the impossibility of a globalized Northern economy the authors in Part III present some alternatives through framework ideas of human and civil rights environmental rights and indigenous persons rights as well as concrete and specific legal tools to strengthen justice and rule of law institutions The book gives new perspectives to familiar approaches through concrete examples by professional practitioners and theoretical discourse by academic researchers and can thereby form the basis for changes in practices as well as further discussions and comparisons This book will be of great interest to students and scholars of environmental law sustainable development and globalization and international relations as well as legal professionals and practitioners The Oxford Handbook of U.S. Environmental Policy Sheldon Kamieniecki, Michael Kraft, 2013 Prior to the Nixon administration environmental policy in the United States was rudimentary at best Since then it has evolved into one of the primary concerns of governmental policy from the federal to the local level As scientific expertise on the environment rapidly developed Americans became more aware of the growing environmental crisis that surrounded them Practical solutions for mitigating various aspects of the crisis air pollution water pollution chemical waste dumping strip mining and later global warming became politically popular and the government responded by gradually erecting a vast regulatory apparatus to address the issue Today politicians regard environmental policy as one of the most pressing issues they face The Obama administration has identified the renewable energy sector as a key driver of economic growth and Congress is in the

process of passing a bill to reduce global warming that will be one of the most important environmental policy acts in decades. The Oxford Handbook of U S Environmental Policy will be a state of the art work on all aspects of environmental policy in America. Over the past half century America has been the world's leading emitter of global warming gases. However, environmental policy is not simply a national issue. It is a global issue, and the explosive growth of Asian countries like China and India mean that policy will have to be coordinated at the international level. The book will therefore focus not only on the U S but on the increasing importance of global policies and issues on American regulatory efforts. This is a topic that will only grow in importance in the coming years, and this will serve as an authoritative guide to any scholar interested in the issue.

Environmental Policy and Fiscal Federalism Wallace E. Oates, 2004. Wally Oates is one of the most important scholars in both environmental economics and public finance, and this new volume of his essays collects together his best recent research in both these areas, covering theory, research, and policy. The first half of the book includes papers on the political economy of environmental policy, the analysis of environmental regulation, and environmental federalism. The second half deals with fiscal and regulatory competition, state and local government finance, and fiscal federalism. This new collection will be essential reading for scholars and students in both environmental economics and public finance. **Preemption Choice**

William W. Buzbee, 2008-12-15. This book examines the theory, law, and reality of preemption choice. The Constitution's federalist structures protect states' sovereignty but also create a powerful federal government that can preempt and thereby displace the authority of state and local governments and courts to respond to a social challenge. Despite this preemptive power, Congress and agencies have seldom preempted state power. Instead, they typically have embraced concurrent, overlapping power. Recent legislative, agency, and court actions, however, reveal an aggressive use of federal preemption, sometimes even preempting more protective state law. Preemption choice fundamentally involves issues of institutional choice and regulatory design: should federal actors displace or work in conjunction with other legal institutions? This book moves logically through each preemption choice step, ranging from underlying theory to constitutional history to preemption doctrine to assessment of when preemptive regimes make sense and when state regulation and common law should retain latitude for dynamism and innovation. **Strategies for Environmental Success in an Uncertain Judicial Climate**

Michael Allan Wolf, 2005. Over the last 30 years we have made great progress in curbing the most obvious pollution, largely due to effective enforcement of federal and state environmental statutes. Now, however, there is increasing skepticism of the efficiency and even the constitutionality of our bedrock environmental laws from all branches of the federal government, including the courts. This book is the result of lively debate at the conference "Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate," held on November 11, 2004, and co-sponsored by the University of Florida's Levin College of Law and the Environmental Law Institute. Topics ranged from U S Supreme Court trends in environmental law jurisprudence to innovative federal and state constitutional and statutory arguments that defend environmental protections.

to federal provisions most vulnerable to attack on federalism takings and separation of powers grounds This thought provoking and insightful collection of essays provides smart realistic solutions to the profound and complex legal challenges facing defenders of our environmental protections With contributions by Richard J Lazarus Sean H Donahue Paul Boudreaux William W Buzbee Robert L Glicksman Alyson C Flournoy Christopher H Schroeder Douglas T Kendall Susan George J B Ruhl Donald W Stever and Mary Jane Angelo **Environmental Federalism** Per G. Fredriksson,2016 This paper provides new empirical evidence to the debate on the optimal locus of power over environmental policymaking in developing countries The authors develop a simple lobby group model with mobile capital The model predicts that a decentralized institutional structure leads to weaker environmental policy due to more intensive lobbying by capital owners and workers They test this prediction using novel cross sectional developing country data The results are consistent with the prediction of the model in particular for air pollution policies The authors also find that the effect of decentralization declines with a greater degree of trade openness They believe this is the first developing country evidence on the environmental policy effects of federalism

Deficits in EU and US Mandatory Environmental Information Disclosure Dirk Büniger,2011-10-20 It is the publicity about the Pollutant Release Inventory's data which creates an incentive for firms to achieve emission reductions Accordingly public access to environmental information constitutes a core characteristic of the aforementioned inventory Here in essence two facets arise First with regard to the collection it is disputed whether such information which may comprise confidential commercial and industrial information in the EU as well as trade secrets in the US can be protected under fundamental and constitutional property rights respectively Second in the context of dissemination and utilisation it is arguable whether the information indeed impacts polluters and produces an outcome that secures a certain level of environmental protection The author responds to the first issue by taking the EU and US jurisdictions into account and strives to analyse how this novel form of Internet disclosure liberates market mechanisms in the quest for effective and efficient emission reductions

Federalism and Environmental Policy Denise Scheberle,2004 Giving particular attention to intergovernmental working relationships this revised edition of Federalism and Environmental Policy has been significantly updated to reflect the changes that have taken place since the highly praised first edition Denise Scheberle examines reasons why environmental laws seldom work out exactly as planned Casting federal state working relationships as pulling together coming apart or somewhere in between she provides dozens of observations from federal and state officials This study also suggests that implementation of environmental policy is a story of high stakes politics a story rich with contextual factors and as fascinating as the time the policy was formulated As four very different environmental programs unfold asbestos updated to include the fallout from the World Trade Center drinking water radon and surface coal mining Scheberle demonstrates how programs evolve differently with individual political economic logistical and technical constraints The policy implementation framework developed for the book provides the lens through which to compare environmental laws Federalism and



Environmental Policy goes beyond the contents of policy to explore the complex web of federal state working relationships and their effect on the implementation of policy. It is unique in how it portrays the nuts and bolts, the extent to which the state and federal offices work together effectively or not. Examining working relationships within the context of program implementation and across four different environmental programs offers a unique perspective on why environmental laws sometimes go awry.

**The SAGE Encyclopedia of World Poverty** Mehmet Odekon, 2015-06-15. The SAGE Encyclopedia of World Poverty Second Edition addresses the persistence of poverty across the globe while updating and expanding the landmark work Encyclopedia of World Poverty originally published in 2006 prior to the economic calamities of 2008. For instance, while continued high rates of income inequality might be unsurprising in developing countries such as Mexico, the Organization of Economic Co-operation and Development (OECD) reported in May 2013 even countries with historically low levels of income inequality have experienced significant increases over the past decade, including Denmark, Sweden, and Germany. The U.N. and the World Bank also emphasize the persistent nature of the problem. It is not all bad news. In March 2013, the Guardian newspaper reported that some of the poorest people in the world are becoming significantly less poor according to a groundbreaking academic study which has taken a new approach to measuring deprivation. The report by Oxford University's poverty and human development initiative predicts that countries among the most impoverished in the world could see acute poverty eradicated within 20 years if they continue at present rates. On the other hand, the U.N. says environmental threats from climate change could push billions more into extreme poverty in coming decades. All of these points lead to the need for a revised, updated, and expanded edition of the Encyclopedia of World Poverty. Key Features: 775 evaluated and updated and 175 entirely new entries; New Reader's Guide; categories; Signed articles with cross references; Further Readings will be accompanied by pedagogical elements; Updated Chronology; Resource Guide; Glossary; and thorough new Index. The SAGE Encyclopedia of World Poverty Second Edition is a dependable source for students and researchers who are researching world poverty, making it a must-have reference for all academic libraries.

*Handbook on the Governance and Politics of Water Resources* Oliver Fritsch, David Benson, 2024-06-05. This cutting-edge Handbook provides a global perspective on the current issues affecting water politics and governance. Focusing in particular on the policy-making process and the power dynamics that it involves, it showcases the emerging diversity of objectives, instruments, and governance approaches in the field of water resources.

## Reviewing **Environmental Federalism**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Environmental Federalism**," an enthralling opus penned by a highly acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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### **Environmental Federalism Introduction**

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