9

INTERORGANIZATIONAL ARRANGEMENTS IN
REGULATORY POLICY DELIVERY*

Melvin J. Dubnick
Associate Professor
Department of Political Science
University of Kansas
Lawrence, KS 66045

Presented at the Annual Western Political
Science Association meeting, Denver, March
26-28, 1981.

The current debate over government regulation raises a number of issues and policy objectives which received little or no previous attention from either decision-makers or professional analysts. One such objective emerged in the mid-1970's in the form of a search for "regulatory reasonableness." Although vaguely defined, reasonable regulation involves the development of a regulatory policy system which (1) generates effective and flexible government actions to alleviate or solve some public problem, while (2) providing for the balanced consideration of relevant interests, (3) avoiding excessive political and administrative centralization, and (4) striving for economically efficient policy outcomes.[1]

Given these general objectives, the search for regulatory reasonableness can be viewed as a multidimensional problem. First, it is a technical problem involving the design and selection of relevant and appropriate policy tools which adequately deal with the specific problem at hand.[2] Second, it is a political problem calling for decision-making processes open enough to promote the involvement of all concerned interests and capable of responding equitably and fairly to the needs of concerned parties. Third, it is a legislative problem, for like all public sector efforts government regulation must meet the standards of the American legal system while avoiding the pitfalls of policies which are either too strictly defined (thus eliminating needed flexibility) or too vague (thus providing excessive discretionary power for policy implementors).[3] Finally, it is an administrative problem mandating that both the organization and management of the regulatory policy system be designed and operated to help achieve the objective of reasonableness.[4]

Within the context of regulatory reasonableness the debate over regulation is expanded beyond whether or not we should regulate, and if so, to what extent; it also raises the issue of how we should deliver those regulations. Government regulation has often been regarded as somehow different from other public sector activities. Perceived negatively as a form of control and "interference,"[5] regulations have rarely been viewed in the same light as other "goods" and "services" distributed by public entities to their respective populations. The provision of highways, recreation facilities, national defense, postal services, and fire or police protection frequently generates a different image and response than the determination of utility rates, the licensing of physicians, the control of auto emissions, or the enforcement of workplace safety standards. Common perceptions view the former as "delivered" and the latter as "imposed." Breaking away from that imagery, however, may aid us in our search for regulatory reasonableness. By regarding government regulations as "deliverables" we can give more attention to achieving the objectives of reasonableness.

Both formally and informally, the implementation of regulatory policies can have a significant impact on the quality and consequences of specific government actions. It can convert stringently defined regulations into less than stringently enforced actions, just as it can render vaguely delineated mandates into clearly articulated policy statements.[6] This aspect of government regulatory policy has been examined in several studies of policy implementation,[7] and the conclusions of these analyses are almost unanimous: policy intentions are rarely, if ever, reflected in policy outcomes. The variety of factors entering into the policy implementation process typically generates outcomes undesired or unforeseen by those initiating and authorizing the regulation.

Policy delivery systems are significant factors in that process. They consitute more than the formally prescribed structures and procedures seen on offical organization charts. They are problem solving mechanisms and their forms reflect the views of those involved in the design of policy implementation strategies.[8] But they are also the product of adaptations of those initial designs to the challenges of an ever-changing task environment. Regulatory policy delivery is, in short, a set of formal and informal organizational arrangements that constantly emerge and redevelop over time. Those arrangements can (and often do) play crucial roles in determining the effectiveness of regulatory policy efforts. Without the ability to understand them we may be incapable of making much headway toward improving government regulation.

Therefore, improving our awareness of these organizational arrangements may enhance our understanding of regulatory policy delivery and ability to bring about effective reforms. Without such improvements, efforts at changing regulations are likely to be frustrated if not ill-advised. Given the availability of data on the operation of regulatory policy mechanisms, an appropriate first step would be the development of a workable descriptive framework that will provide a foundation for further analyses. This is the objective of this paper, and in its pursuit I will use both a functional definition of regulation (i.e., any action by a government or its sanctioned agent intended to restrict the choices of a specified population[9]) and a perspective which views regulatory delivery systems as arrangements among formally or informally developed problem-solving social units. My intention is not to analyze these arrangements, but to describe them in terms that will facilitate future analyses using interorganizational models.[10]

The specification of relevant units to be included in this framework is, in part, an arbitrary decision. However, it is also informed by both the voluminous literature on regulatory policymaking and a decision to focus on three analytically distinctive levels of activity within the delivery system. Thus, these interorganizational arrangements are examined within the context of (1) intra-agency, (2) inter-agency, and(3) inter-governmental relationships.[11] Since the rationale for these arrangements is their response to perceived policy delivery problems, they will be described in light of the problematic circumstances they are intended to resolve.

INTRA-AGENCY CHOICES

Intra-agency level arrangements have been the subject of much complaining but little insightful analysis in the study of government regulation. Part of the difficulty here is the dual nature of the objectives and problems associated with regulatory agency operations. On a surface level, each agency is an organization. However, both functionally and administratively, each is also an arrangement among a variety of overlapping sub-units which make up the agency. These sub-units are defined in a number of ways: according to their physical location, the jobs performed, some common professional training or expertise, the specific programs they identify with, etc.. Functionally, these sub-units must be organized to effectively fulfill three fundamental tasks: policy determination, policy enforcement, and policy adjudication. Administratively, their efforts must be coordinated in order to achieve a reasonable degree of operating efficiency within the agency. The latter problem is no doubt significant, for it reflects a problem inherent to all public sector organizations. But while regulatory agencies are structured in different ways to achieve the administrative objective of operational efficiency,[12] this has not been a concern unique to regulatory bodies and thus does not warrant special attention at this point. Therefore, this paper will focus attention on those intra-agency arrangements relevant to the fulfillment of the basic functional tasks carried by most regulatory agencies.

While there is an almost infinite variety of organizational options to select from, the choice of delivery mechanisms to meet functional needs at the intra-agency levels tends to highlight certain fundamental approaches to carrying out each task. At the risk of oversimplifying, these choices can be summarized in terms of two general options for each function. "Policy determination," for example, emphasizes either the regulatory agency's need to formulate specific policies under a general mandate from the legislature or a more limited capacity to interpret defined mandates in order to operationalize them. The difference is exemplified by comparing the primary policy determination responsibilities of the Interstate Commerce Commission with the more restricted powers of the EPA's Administrator under certain provisions of the 1970 Clean Air Act Amendments and the 1972 Federal Water Pollution Control Act. In the former a regulatory agency is provided with the power and capacity to make policy judgments about transportation in the "public interest," while in many instances the EPA is given relatively specific instructions about its objectives, how they are to be carried out, and under what time constraints.

"Policy enforcement" can also be summarized in terms of two basic (although not necessarily exclusive) choices, i.e., between reactive and proactive responses to regulatory standards. A reactive response is typical of agencies which await the filing of complaints or require regulated parties to submit formal requests for action. Common carriers and public utilities typically "file" for rate increases or market entry and pharmaceutical manufacturers must submit applications for new drugs to the Food and Drug Administration. Once received by reactive agencies, these requests are processed through a staff unit which applies standards or decision rules provided by earlier policy determinations, agency heads, or the legal instruments under which the agency operates. To the extent that these agency sub-units also monitor and systematically seek out "violators" among the regulated (and to some extent all agencies do this) they are proactive. The typical reactive approach, however, is to await formal complaints which can then be processed.

Proactive enforcement approaches may involve the fielding of complaints, but more typical are efforts to search out violators either through constant monitoring or special investigations. This approach is used by a variety of agencies, from the SEC and FTC to EPA and OSHA. What is monitored or investigated may depend on explicit directions from an external policymaking body, directives set forth by superordinate administrative officials, signals received from the mass media, or from th interests and concerns of the enforcers themselves. In any case, proactive enforcers generate their own cases rather than wait passively for a request or complaint.

Finally, "policy adjudication" also takes two typical forms. One is an internal process involving an adjudication system housed within the regulatory agency itself. The role of administrative judges is extremely important in some agencies, and their activities are usually guided by provisions of the detailed Administrative Procedures Act. These judges and the formal proceedings they preside over are, in fact, points of original jurisdiction for a great many cases eventually handled by the American judicial system. In contrast are regualtory agencies which rely primarily upon external adjudication. Again, the EPA is a good example, for while that agency's attorneys may initiate legal actions, they must do so through federal district courts and only after mobilizing the litigation resources of the Justice Department.

The organizational implications of choices made in pursuit of these functional objectives can vary from agency to agency. The need to "formulate" regulatory policy typically calls for a collective decision among upper echelon members of an agency or the establishment of a formal collective leadership arrangement; while "interpretation" implies the need for a substantial legal staff to advise key decision-makers on the meaning of legislative mandates or executive directives. Passive enforcement implies the existence of a central office with a clerical staff to process requests or complaints and a contingent of auditors to examine and assess submitted documents. Active enforcement, however, would rely on a corps of field investigators probably located in regional offices. Agencies with internal adjudicatory responsibilities would necessarily contain sub-units organized around a group of administrative judges or similar personnel, while those relying on external operatives will have a prosecutorial legal staff to promote as well as investigate individual cases.

[FIGURE 1 HERE]

From among these choices, two archetypical interorganizational models of intra-agency design have emerged: the "regulatory commission" (RC) and the "regulatory bureau" (RB)(see figure 1).[13] The commission form reflects an association among the "formulation - reactive - internal" approaches, while the bureau form combines the "interpretation - proactive - external" approaches as complementary arrangements. In addition, there are several nonfunctional characteristics differentiating these historically derived interorganizational forms. RCs, for instance, are operated as multiple membership boards while RBs are headed by a single administrator. They also tend to differ on the matter of accountability to the major branches of government: the RC is usually constitutionally independent of the President and politically autonomous vis-a-vis Congress, while the RB is typically linked to the executive branch and demonstrates a greater accountability to the Presidency. Together these two distinctive sets of functional and historical characteristics represent the fundamental choices policymakers consider when faced with the task of designing regulatory agencies or with the need to undertake regulatory agency reform.

Thus, when challenged to make regulatory policy more reasonable through improvements in intra-agency structures, the tendency is to automatically consider changing from one of these basic arrangements to the other. Little else is considered. The "conventional wisdom" of intra-agency

	Policy Determination	Policy Enforcement	Policy Adjudication
Regulatory Commissions (RC)	formulation	reactive	internal
Regulatory Bureaus (RB)	interpretation	proactive	external

FIGURE 1

regulatory reform posits these two options: RCs or RBs. The actual relevance of either to "regulatory reasonableness" or any other objective is never really considered. That "relevance" should be an empirical question -- one that has gone unanswered in the study of government regulation.

Underlying this problem has been the tendency of many analysts and policymakers to assume an association between agency function and form. There is no empirical evidence that a multimember body is more likely to prove better at policy formulation than a single administrator, and it may in fact prove less effective in this regard. Nor is it certain that a RB unit is necessarily more capable of carrying on proactive enforcement than an RC agency. And in neither type of unit are policy adjudication approaches necessarily limited to one form. What is even less certain is the empirical wisdom of claims that the <u>combination</u> of formulation - reactive - internal sub-function approaches is more appropriate than the interpretation - proactive - external <u>combination</u>, or vice versa. In fact, there is considerable variation in the actual structural forms and functions of agencies exemplifying each general type. Few agencies fit the stereotypical model for RCs or RBs, although each model does provide policymakers with a working "vision" of which structural arrangement is best suited for the jobs to be performed. Each agency, therefore, tends to reflect the general designs of either RCs or RBs. But what is even more disturbing is the fact that the variations that do exist are usually not related to relevant conditions or special policy delivery considerations, but instead tend to reflect the cumulative influence of political compromises and continuous reforms based on the peculiar "administrative proverbs" of the time. The result is that while the specific interorganizational form an agency takes (RC or RB) will represent the manifestation of an "ideal" form tempered by political considerations, it will rarely relate to an empirical concern for effective and reasonable regulatory policy delivery.

It would follow that one path to regulatory reasonableness might involve empirically linking the structural design of regulatory agencies with the effective delivery of government regulations. There are, however, at least two alternate viewpoints which raise doubts about this objective. First, there are those who regard formal agency structures as irrelevant to questions of regulatory policy outcomes. For these analysts the quantity, quality, and consequences of regulatory policies emerge either from the unofficial political and economic relationships surrounding the formal institutions or are determined by the implementation process itself which follows formal agency actions.[14]

A second viewpoint does not disagree with the contention that formal intra-agency structural arrangements do make a difference, but holds that there is little or nothing to be done about that situation. On the one hand, our technical knowledge and capacity to rationally design administrative units that will achieve specified objectives is not well developed. Therefore it is unlikely that we can deliver a reorganization plan that actually facilitates regulatory reasonableness. On the other hand, even if we were capable of developing such a design, it could prove difficult, if not impossible, to implement in light of the current arrangement of political power. From this perspective, the structure of government agencies results from the push-and-pull of political forces, and only as those forces change will the structure of agencies change. In short, non-political reform is improbable and the best one can hope for is a coincidental congruence between political arrangements and demands for appropriately organized regulatory agencies.[15]

While there is considerable skepticism about the relevance and possibility of regulatory policy improvement through structural changes within regulatory bodies, the question remains an open and empirical one. Systematic examinations of the relationship between intra-agency design and the reasonableness of regulatory policies may indicate some positive association between the two, but it is not likely to generate any firm causal connections. More importantly, such investigations can lead to more detailed descriptions of interorganizational design alternatives which may be used in regulatory policy delivery. The first step, however, is to move away from the idea that the only choices are RCs or RBs. Both RCs and RBs are ideal types representing commonly held images, and the application of either to describe all agencies or solve policy delivery problems would prove frustrating at best. By viewing the choices in more general terms as interorganizational design options, more detailed and appropriate alternatives may emerge, thus providing analysts and policymakers with more "raw material" for improving regulatory policy delivery.

INTERAGENCY MECHANISMS

Interagency delivery mechanisms for regulatory policies have been a central concern for both analysts and decisionmakers for the past half century. The key functional objective has been "policy coordination" and the search for that quality has generated most major regulatory reform proposals since the early 1930s.

The desire for more coordination stems from two sources: first, the highly fragmented structure of America's regulatory policy system; and second, the increasing interconnectedness among regulatory policies and the problems they deal with. Regulatory functions and agencies developed incrementally over the past century and in only one or two instances were there serious attempts to establish a coordinated approach for related regulatory policies. The result is that the regulatory policy system is an amalgamation of organizationally unrelated agencies with little in common save for a common association with "regulatory" activities.

This situation did not prove problematic until the 1930s when both the complex issues faced by New Deal administrators and the pro-centralization principles of scientific management merged to create a demand for the reform of national regulatory agencies. In an often-cited passage from its 1937 report, the Brownlow Committee called the several major regulatory agencies of the period a "headless fourth branch" of government constituting "a haphazard deposit of irresponsible agencies and uncoordinated powers...." which, by their very existence as independent units, did "...violence to the basic theory of the American Constitution that there should be three branches of the Government and only three."[16]

This call for more coordination has since been echoed in the reports of the first Hoover Commission (1949) and the Ash Council (1971). The focus of all three reports was the "independent regulatory commission," although other types of agencies were considered. While no major effort to increase coordination among agencies has actually been implemented since the Brownlow Committee report, it and the other presidential commissions have had some long-term impacts. For instance, between 1939 and the early 1970s only one new independent regulatory commission was created (the Atomic Energy Commission) and it was not in the traditional mold of such commissions.[17] Several new independent commissions have emerged since 1973, but in most cases these represented reorganizations of already existing regulatory jurisdictions (e.g., Nuclear Regulatory Commission, Federal Energy Regulatory Commission, Commodity Futures Trading Commission).[18] However, the arrested development of independent regulatory commissions has not meant a halt to the proliferation of regulators and regulations, and the problem of policy coordination among agencies performing regulatory functions remains a central concern for many.[19]

One difficulty in contending with the policy coordination problem is that it can take several distinctive forms, each demanding a unique reponse. In general, there are four major versions of the coordinating problem: (1) overlapping jurisdictions; (2) duplicaiton of agency efforts; (3) contradictory objectives and actions; and (4) the lack of central guidance. Each reflects a different level at which the coordination of the regulatory policy system can perhaps be improved through the development of appropriate interorganizational arrangements.

The problem of <u>overlapping jurisdictions</u> can be traced to the formal statutes and executive orders creating regulatory agencies. In certain instances the overlap is intentional or at least done knowingly, as is the case with federal jurisdiction over noise pollution in the workplace that falls within the legal reach of both EPA and OSHA. At other times, however, it results from unclear, ambiguous laws and decrees which leave the question of jurisdiction open to interpretation and manipulation. Ultimately the principle solution for this coordination problem[20] is a clearly rewritten statute or executive order. Short of those actions, however, the rearrangement of interagency relationships can facilitate policy coordination efforts which eliminate or circumvent overlapping jurisdictions and their attendent problems. The question to be stressed is whether such interorganizational adjustments improve regulatory policy delivery, i.e., increase its reasonableness.

The <u>duplication of agency efforts</u> can be a function of overlapping jurisdictions, but it also results from the simultaneous and unrelated application of regulatory policy by two or more agencies on a given population. The administration of regulatory policy often necessitates a considerable amount of paperwork for targeted firms or individuals, and it is not uncommon for regulated parties to find themselves deluged with forms and other reporting requirements imposed by different federal agencies. While the regulatory agencies may be dealing with entirely distinct problems, the information they demand of targeted populations may prove redundant and therefore more costly than need be. The Commission on Federal Paperwork, for example, estimated that annual federal paperwork costs may run as high as $100 billion. The relative impact on individual groups was estimated to be just as burdensome. Paperwork costs for America's 2 1/4 million farmers ran upwards of $354 million and the annual cost for 5 million small businesses averaged $3,000 each.[21] Much of this cost, of course, can be justified in light of the need for information, but a good deal of it can be attributed to the collection of irrelevant or useless data or to wasteful inefficiencies rooted in duplicative efforts.[22]

It is in this latter regard that policy coordination through a reorganization of interagency relationships may prove effective.

Contradictory objectives and actions pose a much deeper substantive coordination problem. "Horror stories" exemplifying these problems abound. A report by the Comptroller General notes, for instance, that while OSHA requires rough textured floors in meat processing plants to help prevent accidental falls, the Animal and Plant Health Inspection Service requires that such floors be "smooth so that they can be sanitized."[23] There are other cases: anti-discrimination requirements lead to prohibitions on inquiries about race on job applications, but other regulations mandate that employers report on their treatment of minorities;[24] OSHA requires "back-up" alarms on vehicles at construction sites while simultaneously mandating that workers at those very same sites wear earplugs for protection against excessive noise pollution; and so on.[25] The point is that under the current regulatory system it is not unusual "for someone, in trying to obey one regulation, to run afoul of another."[26] The contradictory nature of regulatory policy is not surprising (and, to some extent, may be unavoidable) given the fragmented structure and conflicting objectives of American public policymaking. However, to a certain degree this problem may also be ameliorated through reasonable interagency policy coordination efforts, which, in turn, may be facilitated through rearrangements of interorganizational relations among the various agencies.

Finally, policy coordination problems are reflected in the absence of a central guidance mechanism in regulatory policy delivery. There is evidence available indicating quite clearly that regulatory policy efforts have impacts far beyond a narrowly defined target population or set of behaviors.[27] The spillover effects are considerable and, given the current structure of the regulatory policy system, generally uncontrollable. The inability of the President or Congress to exercise some form of central control over this fragmented system has been an issue for decades, but it becomes increasingly significant as the nation tries to deal with inflation, energy shortages, and environmental degradation. In the face of calls for "national policies" in these macro-level problem areas, the regulatory policy system seems to stand as a major obstacle. What is involved is more than a call for the elimination of duplicative or contradictory policies which might prove bothersome to the public; rather, it raises the possibility of taking positive substantive steps to bring the regulatory policy system in line with other policy efforts to achieve a given set of national goals. Again the question is, can this be accomplished through a reorganization of interagency relationships?

The proposed form of interagency solutions to these policy coordination problems varies, but one salient feature distinguishing many alternatives is whether they involve interorganizational arrangements centered on either "third parties" or "cooperative" agreements among the agencies involved. Third party arrangments are typically imposed from outside the regulatory policy system and can take several forms. First, they can be established as entirely new organizations staffed by either current government officials or individuals appointed exclusively for this purpose. The most common example of this approach is the "Interagency Committee" of which there were 850 in 1970. Their track record as a coordinating mechanisms has, however, been dismal, for while they exist as third parties created by executive order they are mainly composed of regulatory agency representatives.[28] This approach has not improved regulatory activity in any significant way. Perhaps the best example of this was the Regulatory Advisory Review Group (RARG). Established in January 1978, RARG included representatives from most cabinet departments and a variety of Executive Offices (e.g., OMB, CEA) and independent (e.g., EPA) agencies. A smaller executive committee did the real work of the group which was to select and critically analyze a number of potentially costly regulatory proposals developed by federal agencies. In so doing it was hoped that RARG would improve the regulatory process by keeping agencies on their toes and intervening where possible to improve regulatory policy management.[29] (The Reagan Administration's version of RARG may be the newly created regulatory relief task force to be chaired by Vice President Bush.)

A second third party coordination approach is to give those responsibilities to already established agencies outside the regulatory policy system. OMB has been involved in such efforts for many years,[30] and under Carter there was considerable involvement by the Council of Economic Advisors and the Council on Wage and Price Stability.[31] On the legislative side, the General Accounting Office has taken on several responsibilities in this area, especially in the supervision over data gathering by independent regulatory commissions.[32]

A third approach is to establish an objective measurement and evaluation process for the regulatory policy system that highlights and standardizes information about what regulators are doing, thus providing a basis for outside assessment and control or interagency coordination based on information system linkages. This is the rationale behind environmental and economic impact statements,[33] and it is at the heart of efforts to develop a "regulatory budget". The development of such information-based interorganizational arrangements and their use as management tools proved to be a difficult and long-term task, but in the end it might be worth the costs involved.

Central to most proposals using third party arrangements to improve policy coordination is the belief that only through centralized (i.e., Presidential) leadership will coordination problems be resolved reasonably. Reflecting this viewpoint, reform-minded commissions both inside and outside government have suggested the development of interorganizational mechanisms reflecting third party approaches.[34] However, the possibility of developing reasonable policy coordination from within the regulatory policy system should not be overlooked.

<u>Cooperative interagency arrangements</u> can range from informal interorganizational contacts to highly structured agreements. What these approaches have in common is that they are generated <u>from within</u> the regulatory policy system. For purposes of description we can focus on three general types of cooperative arrangements. The first is the informal contact which usually occurs at the staff level over the telephone, face-to-face, or through some equivalent medium. It is impossible to determine the extensiveness or scope of such contacts, but available indicators show that it is not a trivial amount of interaction. For example, in a recent study the SEC noted 6,500 staff visits with other agencies over a twelve month period, and its Enforcement Division made special note of how such contacts facilitated agreements over jurisdictional problems.[35] It is probable that over time such contacts result in a set of expectations among

those involved regarding both the need to communicate and perhaps the necessity of cooperating.

Such contacts can be formalized through a "Memorandum of Understanding," a mechanism representing a second level among the many available cooperative arrangements. These Memos may focus on a specific issue or issue area or can take the form of standing agreements (or committess) that deal with more general, on-going concerns. An example of the first was an agreement (since put into law) between EPA and the CPSC regarding jurisdiciton over the packaging of hazardous products. A more broadly defined arrangement exists among EPA, OSHA, CPSC, and the FDA based on a mutual awareness that all shared jurisdition under 13 statutes governing health and safety. As specific problems of jurisdictional overlap emerge, task forces are formed to work out interagency agreements. These interagency committees and task forces have usually been more successful than those imposed from outside the regulatory policy system.[36]

A third level of cooperation is the formal interagency group. The most inclusive example was the Regulatory Council (formed during the Carter Administration) which resembled "a sort of joint chiefs of staff" for 35 regulatory agencies. The agreement to form the Council resulted from an increased awareness of the benefits such agreements could generate as well as from pressures for coordination applied by OMB, COWPS, and RARG. Initially chaired by EPA Administrator Douglas Costle, the Council issued a "Calendar of Federal Regulations" annually which provided a basis for coordinating major regulatory efforts. Both the Council and its staff had considerable potential to deal with many dimensions of the policy coordination problem. The question is whether it simultaneously promoted regulatory reasonableness.

[FIGURE 2 HERE]

Figure 2 illustrates the general options available to decisionmakers who must select an interorganizational arrangment to deal with interagency regulatory policy coordination problems. Among those options, however, the choices tend to be relatively consistent; that is, there are "typical" responses to each coordination problem. These are represented by the solid line markings in Figure 2. There are also tendencies to propose certain types of interorganizational reforms as means for improving policy coordination, and these are represented by the broken line markings. Thus, we see that problems of overlapping jurisdictions and contradictory policies are presently solved primarily through cooperative arrangements. Reliance on these mechanisms has evolved in the absence of a strong "third party" option, although in the case of contradictory policies there have been many suggestions (from the Brownlow Committee to the American Bar Association's recent Cutler-Johnson proposals) that policy coordination be more centralized. The problem of duplicative efforts, on the other hand, has usually led to the use of some third party mechanism (e.g., OMB, GAO) as a solution. As for the lack of central guidance, while no single effort has actually been launched in this area, proposals generally concentrate on third party solutions, particularly those involving the White House.

One would hope that the propensity of policymakers and implementors to rely upon (or propose) specific types of interorganizational arrangements reflects a careful analysis of the comparative advantages and drawbacks in the adoption of each. However, there is little evidence to lead us to that conclusion. As in the selection of intra-agency structures, the actual

Policy Coordination Problem:

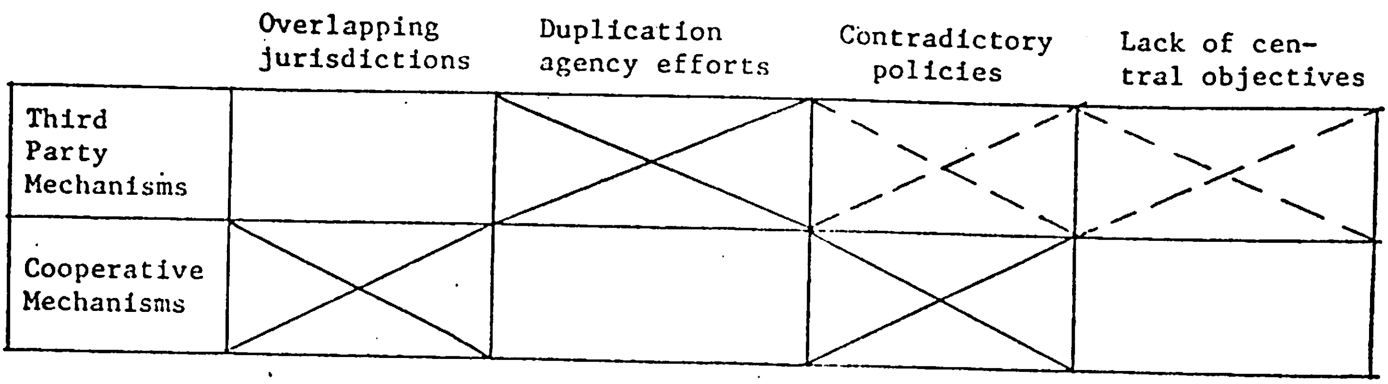


FIGURE 2

choices seem more related to political circumstances, conventional wisdom, and historical accident than to a concern for how the adoption of a given third party or cooperative arrangements influences the reasonableness of regulatory policies. Nor does the selection process seem to take into account the complicating linkages between interagency coordination problems and intra-agency or intergovernmental arrangements. Ignoring these and related factors may make regulatory activity less effective, less responseive, and less efficient, although taking them into consideration will not necessarily improve regulatory reasonableness. Our ability to improve government regulation through reorganizing interagency relations and developing associated management techniques will only increase as our awareness and knowledge of their roles increases.

INTERGOVERNMENTAL OPTIONS

In many ways, intergovernmental delivery problems are similar (if not identical) to those intra-agency and interagency arrangements attempt to solve (i.e., policy determination, enforcement, adjudication, and coordination). In fact, intergovernmental arrangements can be regarded as complex versions of the other forms. But despite these possible similarities, there are a number of factors making intergovernmental problems and arrangements quite distinct.

First, there is the complexity factor itself. Dealing with components of a single agency or with a variety of agencies at one level of government tends to be much less problematic than contending with a variety of organizational actors at several levels at the same time. Second is the related dimension of scale, for as the complexity of the problems increase so does their scope and magnitude. For example, structuring an enforcement mechanism at one level of government using the resources available in one agency is likely to prove easier than accomplishing that task in a multi-level, multi-agency context. This is not to say that intra-agency and interagency solutions are easy to construct and implement, but that tasks become much more difficult--and therefore qualitatively unique--when undertaken in an intergovernmental arena.

The third (and perhaps most important) factor differentiating intergovernmental arrangements from the others is the degree of influence of historical, constitutional, and political forces in determining both the nature of the problems involved and the potential interorganizational solutions that can be applied. As was stressed in previous sections, the choice of interorganizational solutions to intra-agency and interagency problems tends to be limited to a narrowly defined set of alternatives and the actual selection is often more related to dominant beliefs than to any empirical evidence that a given interorganizational arrangement facilitates regulatory policy reasonableness. The same can be said for the selection of intergovernmental mechanisms, but in this case the determinants of the choice are also rooted in historical trends, constitutional doctrines, and the arrangement of political forces.[37] It is within the context of federalism and intergovernmental relations in general that relevant regulatory policy problems are defined, and it is within those same parameters that alternative interorganizational solutions are provided.

Intergovernmental arrangements relevant to regulatory policy can be categorized as four general types: complete preemption, federalization, interstate organizations, and intergovernmental relations (IGR).[38] The complete preemption approach is of historical and legal interest, but there is little evidence to suggest it provides a viable alternative today. At the heart of this approach is the total assumption of a policy problem by national policymakers who prohibit the involvement of other government levels in a given policy arena or some aspect of policy determination, enforcement, adjudication, or coordination efforts. Complete preemption is a solution to intergovernmental problems involving their arbitrary elimination; rather than attempting to arrange interorganizational solutions, the national government changes the nature of the problem. In short, it turns intergovernmental problems into simpler intra-agency and/or interagency dilemmas.[39]

There are several reasons why complete preemption has not proved feasible or useful in the area of government regulation. For one thing, its use is constitutionally questionable, and historically the long-standing legal debate never settled the dispute over the ability of Washington to claim exclusive jurisdiciton in an area. In addition, most regulation was, until the last several decades, traditionally a function of state and local governments. While national policymakers concentrated on subsidizing and promoting America's growth during most of the 1800s, the regulation of economic enterprises, safety, health, and the environment was handled by lower level jurisdictions.[40] Given these precedents it was (and remains) difficult for Washington to justify and assert exclusive rights in a regulatory policy area.

In areas where preemption has recently been asserted (e.g., nuclear power; occupational safety and health) the tendency has been to either share or qualify the preemption so as to render it less that "complete." We will discuss the OSHA example below. As for nuclear power, while there is no question regarding national preeminance in this field, state and local jurisdictions have maintained a role in this area through regulations dealing with peripheral (yet potentially significant) matters (e.g., regulating plant siting, nuclear waste disposal). (In fact, in a brief informal survey I was able to find no domestic policy area in which complete preemption has been applied with success.)

The federalization approach is typically associated with calls for social welfare policy reform and has been related to the fiscal crises of states and cities.[41] It usually involves having national officials assume policy responsibilities at the "request" of state and local officials. At times that request is explicit and immediate; at other times it emerges slowly through a variety of actions which change expectations among both officials and the public regarding the distribution of policy functions and responsibilities. An example of the latter is the "nationalization" of major aspects of highway construction and public health policies, for while these technically remain within the jurisdiction of lower level units they reflect basic policy standards and operating procedures set in Washington. Explicit agreements to defer to national policymakers are not as common, but a major (and often overlooked) example is the federalization of public health, safety, and economic policies during critical periods involving natural disasters or civil disorders. These situations temporarily overwhelm state and local officials or are generated by their inaction. In any case, they lead to the federalization of regulatory and other policies, but only sporadically, for short-terms, and in localized situations.

Federalization has been an untenable model for more substantial, long-term attempts to solve intergovernmental problems associated with implementing regulations. For one thing, it is unlikely that all states will simultaneously and of their own volition defer to national officials in policy areas where they technially retain authority to act. Second, even if such mass deference was to occur, there is little likelihood that a single national agency would be capable of carrying out its assumed functions without having to mobilize state and/or local authorities in their efforts. In that situation federalization would actually become merely a variation of mechanisms based on intergovernmental relations (see below).

Interstate organizations are also often proposed as mechanisms for implementing nationwide regulations,[42] but they have in fact not been used in that role. Such arrangments are rationalized on three primary grounds.[43] First, they would meet specific public problems at the appropriate scale of effort. That is, solutions to given problems may be technically regional in character, thus making nationwide or state efforts inappropriate. Under this form of regulatory action, a regional approach to fighting water pollution in specific water basins or air pollution in contiguous areas would seem relevant.

Second, regional arrangements can facilitate the administrative coordination of naitonal policies by bringing together relevant actors and resources at politically and economically manageable levels. As a possible means for implementing regulatory policy on a nationwide basis, these organizations could be used to plan and oversee the consistency of enforcement efforts by member units.

Third and finally, regional organizations are often regarded as a means for checking the tendency toward the centralization of power while not barring national efforts. Thus, while they allow for the use of national resources in solving policy problems, they also decentralize the locus of national executive power through the establishment of distinct, functionally specialized, frequently autonomous government entities that can prove more flexible, adaptive, and open to regional interests and needs. Again, put in a regulatory policy context, this type of arrangement could prove politically feasible and economically beneficial by allowing regional variations on nationwide regulatory standards.

In practice, regional organizations have performed some regulatory functions, but none have been actually national in scope or impact. Most of these entities are primarily planning and coordinating bodies and thus perform few regulatory tasks outside those intra-agency or interagency administrative mandates they impose on their institutional members. In the total picture of nationwide regulatory policies they are not treated as special interorganizational implementing arrangements, but as variants of state and local jurisdictions. In short, they are regarded as individual units in the intergovernmental system rather than as interorganizational solutions to regulatory policy delivery problems. As such they have not been utilized as a primary means for delivering nationwide regulations despite suggestions along those lines. Nor is a change in this direction likely to prove politically or administratively feasible.[44] Regional organizations would be difficult to design on a nationwide basis and even more difficult to operate given the jurisdictional conflicts that inevitably arise. It is little wonder that this implementaiton mechanism for regulatory policies has not been utilized.

The fourth and preferred interorganizational arrangement for dealing with intergovernmental aspects of delivering regulatory policies is intergovernmental relations (IGR). At the heart of this approach is the assumption that regulatory policy formulation and implementation are separable in fact as well as theory. But it is neither the logic nor rationality of this approach which makes it the most often chosen. There are other forces at work. First among these is the long-standing operational reliance on IGR, for while interstate organizations, federalization, and even complete preemption have been frequently discussed and debated, they have rarely been used. This historical reliance is further enhanced by the deeply rooted bias in American ideology for decentralized governance.[45] While the belief in the value of state and local policymaking and policy implementation may seem irrational at times or based on a number of questionable assumptions (e.g., local governments are "more representative," "more flexible and adaptable," more familiar with the "needs and desires" of local populations), it remains a powerful force in determining the choice of intergovernmental regulatory policy delivery arrangements.

A third factor favoring the use of IGR is the technical nature of the problems being regulated. There are certain subjects of regulation calling for nationwide policy actions which, nevertheless, also demand that regulatory treatments be adjusted to regional and local conditions.[46] While general national standards can be set, specific standards appropriate to achieving national objectives might differ from region to region and city to city given variations in geography, climate, demographic, and even socioeconomic conditions.

Fourth, the distribution of available administrative capabilities and fiscal resources has also prompted a reliance on the IGR approach. A commonly noted characteristic of the American political system is the administrative strength of state and local jurisdictions and the revenue-raising efficiency of the national government.[47] An interorganizational arrangement favoring both these capabilities is bound to be preferred over one with less promise.

Fifth, political factors have had a great deal to do with the reliance on IGR for implementing regulatory policies. Viewing politics as the "mobilization of bias," E.E. Schattschneider and others have demonstrated how public sector conflicts can be escalated ("socialized") or reduced ("privatized") as part of the tactics employed by interests involved in a policy debate. This is especially relevant in our federal system wherein an interest who is "losing" at one level can attempt to improve its situation by working to move to another. The resulting "pull" and "push" of contending interests typically results in a compromise, and this often is one relying on a sharing of policy responsibility among two or more levels of government.[48]

Sixth and finally, IGR provides a variety of approaches through which interorganizational arrangements among the various levels of government can be operationalized. Technical and financial assistance are the most often used of these IGR approaches, but there are a number of other options which rely on greater degrees of legal coercion.[49] In short, the number of options found within the IGR option make it a more flexible -- and therefore, more desirable -- approach.

[FIGURE 3 HERE]

Taken together, these six factors make it likely that the delivery of nationwide regulatory policies will involve IGR. This tendency is reflected in Figure 3 which not only illustrates the delivery options available for solving the basic intergovernmental problems, but indicates (by the solid markings) the overwhelming propensity to favor IGR. But again it must be noted that the rationale for policymaker choices is not likely to be the empirical warrantability or rational linkage between IGR and the objectives of regulatory reasonableness. Any such correlation is probably going to be the result of mere coincidence between what is approproate and what is actually used to deliver regulatory policies.

THE NEED FOR FURTHER WORK

At this point it would seem appropriate to specify several propositions regarding the relationship between interorganiztaional arrangements and the quality (i.e., reasonableness) of regulatory policy delivery. But what started out as an attempt to develop a workable descriptive analytic framework ends as a "thought-piece"--at most a preliminary exploration of the interorganizational forms which might contribute to the effectiveness of government regulation. In the process of constructing this typology of forms several problems emerged which must be attended to before specific hypotheses are posited for discussion and testing. These include:

(1) Dealing with administrative objectives: As noted in the discussion of intra-agency arrangements, regulatory agencies (like all public sector organizations) must organize their various sub-units to deal with administrative objectives centered on operating efficiency. While not unique to regulatory agencies, these objectives do have a significant impact on organizational form and thus can play a major role in determining the overall structure of interorganizational arrangements within an agency. Therefore, any analysis of intra-agency sub-unit relationships must consider the relevance and influence of administrative and other non-functional interorganizational arrangements.

The same might be said for interorganizaitonal arrangements at other levels of the regulatory policy delivery system. However, an administrative issue (i.e., policy coordination) is the salient factor in generating most structural arrangements at those levels, thus making this problem less significant at other than the intra-agency level.

(2) Dealing with "informal" arrangements: The various options described in this paper had two things in common: first, they assumed that the relevant units involved in the interorganizational arrangements had an explicit form--that is, each party to an arrangement is (or would be) a recognizable (i.e., formal) organization. This assumption was most obvious in the discussion of interagency and intergovernmental relations, but it was implied at the intra-agency level as well where the examples of agency sub-units tended to be formal in form.

Of course, it is possible (and simpler) to limit our analysis to the study of relationships among these formal units. That, in fact, has been the tendency among students of government regulation: in the Federal Trade Commission the Bureau of Economics interacts with the Bureau of Competition; in the regulation of factory/work places EPA interacts with OSHA; and in the regulation of highway traffic safety the national

Policy Delivery Problems:

	Policy Determination	Policy Enforcement	Policy Adjudication	Policy Coordination
Complete Preemption				
Federalization				
Interstate Organizations				
Intergovernmental Relations				

FIGURE 3

government interacts with the states. However, interactions occur among more informal groupings at each level. The interorganizational structure of informal interactions may be a significant ingredient in the delivery of regulatory policies. To the extent they can be factored into the study of government regulation, they should be. The tools of interorganizational analysis are increasingly capable of dealing with interactive "networks" and "fields," and thus more attention can be paid to these informal arrangements.

(3) Dealing with more levels: In this paper I have limited the descriptive framework to the intra-agency, interagency, and intergovernmental levels. From the outset it became obvious that there were at least two other levels that should be considered.

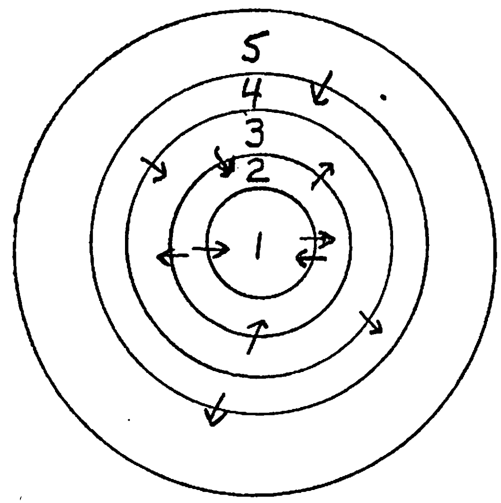
First, "intra-governmental relations" between regulatory agencies and the three major branches of government have always been a matter of concern among analysts. These relations seemed implied in interagency relationships, especially those using "third party" arrangements. But the interaction between the Presidency and a given regulating body is unique and problematic enough to warrant explicit attention, as does the relationship between such agencies and Congress or the courts.

Second, "intra-arena relations" may also be a significant factor missing in this effort. Intra-arena relations focus on interactions between individual regulatory policy delivery systems and those organizations being regulated. The relationships are likely to be primarily political and economic, and it will no doubt be "two-way." The idea of examining the structure of those relationships is an intriguing (and challenging) prospect.

(4) Dealing with the structure of relationships among the levels: Whether discussing three, four, five, or more levels of interorganizational arrangements, it is necessary to account for the influence of inter-level relationships on regulatory policy delivery. Over time, intra-agency structures will influence and be influenced by interorganizational relationships at the interagency level, and vice versa. The relevance of interorganizational arrangements at each level to all the other levels is (as with everything else) an empirical question, but the possibility of those impacts should be taken into account in this analysis.

[FIGURE 4 HERE]

How to perceive the structure of these potential relationships poses a difficult problem. A likely model is to view the levels as an inclusive series of concentric circles, with intra-agency structures at the center and intra-arena arrangements at the periphery. (see Figure 4) This model, or some appropriate substitute, will help further clarify the potential significance of interorganizational arrangements and is likely to generate a number of relevant propositions regarding the empirical significance of regulatory policy delivery structures to reasonable regulation.



1. Intra-agency arrangements
2. Interagency arrangements
3. Intra-governmental arrangements
4. Intergovernmental arrangements
5. Intra-arena arrangements

FIGURE 4

ENDNOTES

*This paper was started while the author was a policy analyst with the Office of Regulatory Economics and Policy, U.S. Department of Commerce. Portions of the work were first submitted to that agency under the title "Delivery Mechanisms For National Regulations: Parameters and Options." I wish to express my indebtedness to Alan R. Gitelson who co-authored some of the work upon which this paper is built. Of course, full responsibility for the thesis presented here belongs to the author alone and should not be attributed to Professor Gitelson or the Office of Regulatory Economics and Policy.

[1]See U.S. Department of Commerce (1977), pp. 9-33.

[2]See Mitnick (1980), Chapters IV-VIII; also Dubnick and Walker (1979).

[3]On political and legislative problems, see Freedman (1978), Woll (1977), and Lowi (1979).

[4]See Mitnick (1980).

[5]Ibid., pp. 2-11.

[6]See Rowland and Marz (1979); Link (1977); Gellhorn (1980).

[7]E.g., Marcus (1970B); Larson (1980); Mazmanian and Sabatier (1980).

[8]See Levine, Backoff, Cahoon, Siffin (1975).

[9]On definitions, see Mitnick (1980), Chapter I; Dubnick (1979); and Priest, Stanbury, Thompson (1980).

[10]Interorganizational analysis can take a variety of forms and the way organizational arrangements are described will influence the analyst's options. Using a typology of analytic approaches developed in Berne and Levine (1977), the specification of arrangements presented in this paper is most amenable to "exchange" analysis which stresses the constancy of ("static") relations among ("decomposable") parts of the interorganizational system. E.g., see Lehman (1975).

[11]Focusing on these three specific levels is more a matter of convenience than an indication of their salience. Other potentially relevant levels of analyses are discussed in the final section of this paper.

[12]See Welborn (1977). Also, compare the operating structure of the Federal Maritime Commission [see Mansfield (1980)] with that of the

Environmental Protection Agency [see Marcus (1980A) and (1980B)] and the Federal Trade Commission [Katzmann (1980)].

[13]See Mitnick (1980), pp. 30-31; also Meier (1978).

[14]See Hofferbert (1974); on implementation, see note 7.

[15]Seidman (1980); Fiorina (1977); Calvert and Weingast (1979).

[16]U.S. Senate (1977), p. 31.

[17]Emmerich (1971), p. 12.

[18]U.S. Senate (1977), Chapter 1; a major exception has been the Consumer Products Safety Commission.

[19]On the growth of regulatory agents, functions, and actions, see Lilley and Miller (1977) and ACIR (1980), Chapter II.

[20]There are analysts who would question the assumption that overlapping jurisdictions are problematic; see Landau (1969) and Ostrom (1974).

[21]See Paperwork (1978); also Neustadt (1981), p. 28.

[22]See Kaufman (1977).

[23]Quoted in U.S. Senate (1977), p. 4.

[24]Kaufman (1977), pp. 12-13.

[25]See Weidenbaum (1981), Part One.

[26]Former Senator Fannin, quoted in U.S. Senate (1977), p. 4.

[27]See Synergy (1978).

[28]U.S. Senate (1977), pp. 92-93.

[29]Tolchin (1979).

[30]U.S. Senate (1977), pp. 43-52. The role of OMB in controlling the paperwork problem was recently enhanced. See Neustadt (1981).

[31]See DeMuth (1980A).

[32]U.S. Senate (1977), pp. 52-54.

[33]<u>Ibid</u>., pp. 90-92; also Data Resources (1978) and DeMuth (1980B).

[34]See Emmerich (1971), Noll (1971), and ABA (1979).

[35]Cited in U.S. Senate (1977), p. 85.

[36]<u>Ibid</u>., pp. 85-90,

[37]See ACIR (1980); also see Dubnick and Gitelson (1979).

[38]For a detailed description of these options, with emphasis on the "intergovernmental relations" option, see Dubnick and Gitelson (1981).

[39]On the national government's ability to use complete preemption, see Croy (1975) and Freeman (1972).

[40]Lowi (1976), p. 135.

[41]For background see Moynihan (1973).

[42]See Grad (1973).

[43]Derthick (1974), esp. Chapter 1.

[44]*Ibid.*, Chapter 11.

[45]See Syed (1966).

[46]See Brunner (1980).

[47]See Break (1980).

[48]Schattschneider (1960); Cobb and Elder (1972); Eyestone (1978). Also see Nadel (1971), Sabatier (1975), and Berry (1977) for examples.

[49]For details, see Dubnick and Gitelson (1981).

ABA (1979)
American Bar Association, Commission on Law and the Economy, Federal Regulation: Roads to Reform (Washington, DC: A.B.A., 1979).
ACIR (1980)
Advisory Commission on Intergovernmental Relations, The Federal Role in the Federal System: The Dynamics of Growth: A Crisis of Confidence and Competence (Washington, DC: July, 1980).
Berne and Levine (1977)
Robert Berne and Charles H. Levine, "Interorganizational Analysis: An Analytical Handle on the Complexity of Service Delivery Systems," Urban Affairs Quarterly, 12, No. 3(March, 1977):411-422.
Berry (1977)
Jeffrey M. Berry, Lobbying For the People: The Political Behavior of Public Interest Groups (Princeton, NJ: Princeton University Press, 1977).
Break (1980)
George F. Break, Financing Government In a Federal System (Washington, DC: The Brookings Institution, 1980).
Calvert and Weingast (1979)
Randall L. Calvert and Barry R. Weingast, "Six Myths of Regulation: Congress and the Failure of Regulatory Reform," paper presented at Symposium on Regulation, Chicago, 1979.
Croy (1975)
James B. Croy, "Federal Supersession: The Road to Domination," State Government, XLVIII, no. 1(Winter, 1975):32-36.
Brunner (1980)
Ronald D. Brunner, "Decentralized Energy Policies," Public Policy, 28, no. 1(Winter, 1980):71-91.
Cobb and Elder (1972)
Roger W. Cobb and Charles D. Elder, Participation in American Politics: The Dynamics of Agenda-Building (Baltimore: The Johns Hopkins Press, 1972).
Data Resources (1978)
Data Resources, Inc., "The Regulatory Budget: Concepts and Information Requirements," in U.S. Department of Commerce, Regulatory Reform Seminar: Proceedings and Background Papers (Washington, DC: October, 1978), Appendix B.
DeMuth (1980A)
Christopher DeMuth, "Constraining Regulatory Costs, Part One: The White House Review Programs," Regulation, 4, no. 1(January/February, 1980):13-26.
DeMuth (1980B)
Christopher DeMuth, "Constraining Regulatory Costs, Part Two: The Regulatory Budget," Regulation, 4, no. 2(March/April, 1980):29-44.
Derthick (1974)
Martha Derthick with Gary Bombadier, Between State and Nation: Regional Organizations of the United States (Washington, DC: The Brookings Institution, 1974).
Dubnick (1979)
Mel Dubnick, "Making Regulators Regulate," paper presented at National Conference on Public Administration, Baltimore, 1979.
Dubnick and Gitelson (1979)
Melvin J. Dubnick and Alan R. Gitelson, "Intergovernmental Relations and Regulatory Policy," paper presented at Symposium on Regulation, Houston, 1979.
Dubnick and Gitelson (1981)
Melvin J. Dubnick and Alan R. Gitelson, "Nationalizing State Policies," in The Nationalization of State Government, edited by Jerome J. Hanus (Lexington, MA: Lexington Books, 1981):

Dubnick and Walker (1979)
Melvin J. Dubnick and Lafayette Walker, "Problems in U.S. Standard Setting: The Implications of the Shift to Control Functions," Midwest Review of Public Administration, 13, no. 1(March, 1979):25-49.
Emmerich (1971)
Herbert Emmerich, Federal Organization and Administrative Management (University, AL: University of Alabama Press, 1971).
Eyestone (1978)
Robert Eyestone, From Social Issues to Public Policy (New York: John Wiley and Sons, 1978).
Fiorina (1977)
Morris P. Fiorina, Congress: Keystone of the Washington Establishment (New Haven: Yale University Press, 1977).
Freedman (1978)
James O. Freedman, Crisis and Legitimacy: The Administrative Process and American Government (Cambridge: Cambridge University Press, 1978).
Freeman (1972)
Harrop A. Freeman, "Dynamic Federalism and the Concept of Preemption," DePaul Law Review, 21(1972):630-648.
Gellhorn (1980)
Ernest Gellhorn, "The Wages of Zealotry: The FTC Under Seige," Regulation, 4, no. 1(January/February, 1980):33-40.
Grad (1973)
Frank P. Grad, "Intergovernmental Aspects of Environmental Controls," in Managing the Environment (Washington, DC: U.S. Environmental Protection Agency, 1973):323-349.
Hofferbert (1974)
Richard I. Hofferbert, The Study of Public Policy (Indianapolis: Bobbs-Merrill, Inc., 1974).
Katzmann (1980)
Robert A. Katzmann, "Federal Trade Commission," in Wilson, 1980, pp. 142-187.
Kaufman (1977)
Herbert Kaufman, Red Tape: Its Origins, Uses and Abuses (Washington, DC: The Brookings Institution, 1977).
Landau (1969)
Martin Landau, "Redundance, Rationality and the Problem of Duplication and Overlap," Public Administration Review, 29, no. 4(July/August, 1969):346-358.
Larson (1980)
James S. Larson, Why Government Programs Fail: Improving Policy Implementation (New York: Praeger, 1980).
Lehman (1975)
Edward W. Lehman, Coordinating Health Care: Explorations in Interorganizational Relations (Beverly Hills, CA: Sage Publications, 1975).
Levine, Bachoff, Cahoon, Siffin (1975)
Charles H. Levine, Robert W. Bachoff, Allan R. Cahoon, William J. Siffin, "Organizational Design: A Post Minnowbrook Perspective for the 'New' Public Administrator," Public Administration Review, 35, no.4(July/August, 1975):425-435.
Lilley and Miller (1977)
William Lilley, III and James C. Miller, III, "The New 'Social Regulation'," The Public Interest, no. 47(Spring, 1977):49-61.
Link (1977)
Mary Link, "Proposed Saccharin Ban Causes Controversy," Congressional Quarterly, 35, no. 13(March 26, 1977):539-541.

Lowi (1976)
Theodore J. Lowi, American Government: Incomplete Conquest (Hinsdale, IL: The Dryden Press, 1976).
Lowi (1979)
Theodore J. Lowi, The End of Liberalism: The Second Republic of the United States, 2nd edition (New York: W.W. Norton and Co., 1979).
Mansfield (1980)
Edward Mansfield, "Federal Maritime Commission," in Wilson (1980).
Marcus (1980A)
Alfred Marcus, "Environmental Protection Agency," in Wilson (1980), pp. 267-303.
Marcus (1980B)
Alfred A. Marcus, Promise and Performance: Choosing and Implementing An Environmental Policy (Westport, CT: Greenwood Press, 1980).
Mazmanian and Sabatier (1980)
Daniel Mazmanian and Paul Sabatier, editors, "Symposium on Successful Policy Implementation," Policy Studies Journal, 8, no. 4(Special #2, 1980):531-651.
Meier (1978)
Kenneth J. Meier, "The Impact of Regulatory Organization Structure: IRCs or DRAs?" Mimeo, March 1978.
Mitnick (1980)
Barry M. Mitnick, The Political Economy of Regulation: Creating, Designing, and Removing Regulatory Forms (New York: Columbia University Press, 1980).
Moynihan (1973)
Daniel P. Moynihan, "The Crises in Welfare," in Coping: Essays on the Practice of Government (New York: Random House, 1973).
Nadel (1971)
Mark V. Nadel, The Politics of Consumer Protection (Indianapolis: Bobbs-Merrill, Inc., 1971).
Neustadt (1981)
Richard M. Neustadt, "Taming the Paperwork Tiger: An Experiment in Regulatory Management," Regulation, 5, no. 1(January/February, 1981):28-32.
Noll (1971)
Roger G. Noll, Reforming Regulation: An Evaluation of the Ash Council Proposals (Washington, DC: The Brookings Institution, 1971)
Ostrom (1974)
Vincent Ostrom, The Intellectual Crisis in American Public Administration, revised edition (University, AL: University of Alabama Press, 1974).
Paperwork (1978)
"The Paperwork Burden," Regulation, 2, no. 1(January/February, 1978:52-53.
Priest, Stanbury, Thompson (1980)
Margot Priest, W.T. Stanbury and Fred Thompson, "On the Definition of Economic Regulation," in Government Regulation: Scope, Growth, Process, edited by W.T. Stanbury (Montreal: The Institute for Research in Public Policy, 1980):1-16.
Rowland and Marz (1979)
C.K. Rowland and Roger M. Marz, "Interstate Implementation of Toxic Substance Regulations: The Case of Pesticides," mimeo, 1979.
Sabatier (1975)
Paul Sabatier, "Social Movements and Regulatory Agencies: Toward More Adequate--and Less Pessimistic--Theory of 'Clientele Capture'," Policy Sciences, 6, no. 3(September, 1975):301-342.

Schattschneider (1960)
E.E. Schattschneider, The Semisovereign People: A Realist's View of Democracy in America (New York: Holt, Reinhart and Winston, 1960).
Seidman (1980)
Harold Seidman, Politics, Position, and Power: The Dynamics of Federal Organization, 3rd edition (New York: Oxford University Press, 1980).
Syed (1966)
Anwar H. Syed, The Political Theory of American Local Government (New York: Random House, 1966).
Synergy (1978)
Synergy, Inc., "Costs and Benefits of Regulation: A Survey of Studies," in U.S. Department of Commerce, Regulatory Reform Seminar: Proceedings and Background Papers (Washington, DC: October, 1978), Appendix A.
Tolchin (1979)
Susan J. Tolchin, "Presidential Power and the Politics of RARG," Regulation, 3, no. 4(July/August, 1979):44-49.
U.S. Department of Commerce (1977)
U.S. Department of Commerce, Regulatory Policy Committee, Toward Regulatory Reasonableness (Washington, DC: January, 13, 1977).

U.S. Senate (1977)
U.S. Senate, Committee on Governmental Affairs, Study on Federal Regulation, Volume V: Regulatory Organization (Washington, DC: December, 1977).
Weidenbaum (1981)
Murray L. Weidenbaum, Business, Government, and the Public, 2nd edition (Englewood Cliffs, NJ: Prentice-Hall, 1981).
Welborn (1977)
David M. Welborn, Governance of Federal Regulatory Agencies (Knoxville, TN: The University of Tennessee Press, 1977).
Wilson (1980)
James Q. Wilson, (ed.), The Politics of Regulation (New York: Basic Books, 1980).
Woll, (1977)
Peter Woll, American Bureaucracy, 2nd edition (New York: W.W. Norton and Co., 1977).