LIBERTY UNIVERSITY

HELMS SCHOOL OF GOVERNMENT

**Annotated Bibliography**

**The Implementation of Climate Change Policy Within the American Federalist Governmental Structure**

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Research Concepts

by

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**Annotated Bibliography**

Basseches, Joshua A., Rebecca Bromley-Trujillo, Maxwell T. Boykoff, Trevor Culhane, Galen Hall, Noel Healy, David J. Hess, et al. "Climate Policy Conflict in the U.S. States: A Critical Review and Way Forward." *Climatic Change* 170, no. 3-4 (2022): 32-32.

The authors analyze the obstacles to the implementation of substantive climate change policy at the state level. It is initially recognized that implementation of national level policy is fraught with intrinsic bureaucratic slowdown and sometimes complete stoppage. Thus, subnational governments allow the greatest permeability to create effective climate change policy, however it is important to identify what the challenges to said implementation at the state level. The article contributes to the existing literature and identifies the obstacles of political partisanship in state governance, media opinion, interest group opposition, and the fractious state of climate advocacy coalitions as factors that obstruct the development and enactment of state level policy.

Biesbroek, Robbert, Alexana Lesnikowski, James D. Ford, Lea Berrang-Ford, and Martinus Vink. "Do Administrative Traditions Matter for Climate Change Adaptation Policy? A Comparative Analysis of 32 High-Income Countries." *The Review of Policy Research* 35, no. 6 (2018): 881-906.

The authors assert that the insular culture of bureaucracy has a marked effect on the practical execution of climate change policy. Unelected bureaucrats and administrators are historically immune from a variety of factors that would normally expedite the introduction of new policies and strategies such as popular discontent, political influence, and short-term economic instability. An example of this is the disparity between Scandinavian and American administrative governance reveals unique challenges to each individual nation as the bureaucratic complexity and legal limitations of each administrative structure will present unique difficulties to the adaptation of any novel policy. Scandinavian governmental structures are traditionally more open to social intervention and activism at national levels, while the American system is far more decentralized and therefore allows for greater stakeholder input and decision-making capacity at the local level.

Brandtner, Christof and David Suárez. "The Structure of City Action: Institutional Embeddedness and Sustainability Practices in U.S. Cities." *American Review of Public Administration* 51, no. 2 (2021): 121-138.

The authors discuss the challenges of environmental protection and sustainability policy development at the municipal level of government. The articles analysis the differentiation in the propensity of cities for policy innovations and public management reforms. The analysis utilizes survey and administrative data from the sustainability practices of 1,540 municipal governments across the United States and identifies a trend of greater sustainability policy innovations in cities that are characterized by organizational rationalization and the presence of progressive institutional actors. This data substantiates the authors theory that institutional factors are a significant contributor to public policy reform.

Brunell, Thomas L. and Brett Cease. "How do State‐Level Environmental Policies Impact the Voting Behavior of National Legislators?" *Social Science Quarterly* 100, no. 1 (2019): 289-306.

The articles investigates if state-level policy adoption of environmental regulations can result in the nationalization of the same policy. The authors review the voting records of Members of Congress on environmental policies in tandem with state level inventories to determine if there is a correlation between state policy adoption and national initiatives. The data collected verified that Congressional members of both parties were more likely to vote in favor of increasing environmental regulations if their home state already put such a policy in place. Therefore, strong empirical evidence exists to demonstrate the importance of state-level initiatives as a driver for federal policy.

Buzbee, William W. "Federalism Hedging, Entrenchment, and the Climate Challenge." *Wisconsin Law Review* 2017, no. 6 (2017): 1037.

The author posits that the retention of state and local climate authority in collaboration and possibly independent from federal climate regulation would create a more resilient regulatory framework, stabilize linked markets, and discourage challenges to federal legislation on climate and environmental protection. The inherent inertia of federal bureaucracy allow the subnational government, in tandem with federal progress and policy support, to introduce effective climate change policy in past instances. State climate policy has historically and will remain the main approach by which progess is made on the matter climate change policy while federal policy continues to engage, albeit in a less responsive and adaptable manner.

Chen, Kimberly. "a Cooperative Federalism Model for Building Energy Codes." *Columbia Law Review* 121, no. 7 (2021): 2119-2156.

The article cites that building operations within the United States are a significant contributor toward global greenhouse emissions, responsible for approximately nine percent of global emissions levels. The author identifies the inefficiencies of existing building energy code regulation at local, state, and federal levels and proposes a novel framework for building energy code regulation with greater cooperation between subnational and national entities. The author offers that this approach of greater cooperative federalism has already been effective in other areas of environmental law and will improve building energy code regulation and maximize energy efficiency gains.

Cramer, Kevin. "Restoring States' Rights & Adhering to Cooperative Federalism in Environmental Policy." *Harvard Journal of Law and Public Policy* 45, no. 2 (2022): 481.

The author presents cooperative federalism as the key stone in the effective execution of climate policy. The author cites the most significant federal statutes on environmental protection a, such as the Clean Air Act and Clean Water Act and emphasizes the dependency on state enforcement to implement these laws. These federal statutes and regulations cannot be successfully implemented without the assistance of the states and thus any meaningful initiatives by the federal government to introduce regulation and mitigative and adaptive policies on environmental matters must be performed in cooperation with the states. The author is ardent that federal initiatives done without this state cooperation will be sharply ineffective and unsustainable.

Dotto, Valentina and Anne Richardson Oakes. "The Environment, A Bipartisan Issue?: Partisanship Polarization and Climate Change Policies in the United States." *British Journal of American Legal Studies* 8, no. 3 (2019): 483-506.

The article reviews U.S. climate change policy under former President Donald Trump and argues that political partisanship was a significant contributor toward the previous administration’s apparent inability to recognize a relationship between climate change and human activity. The authors view the withdrawal from the Paris Climate Change Agreement and increased deregulation as indicative of a prevalent polarization and partisanship in American politics that significantly represented a “rollback” from previous efforts to address climate change. The author’s offer that state level climate change initiatives displayed some aspects of bipartisanship, however they also became disrupted by the federal government’s alleged partisan actions, rendering these subnational efforts to be less effective.

Farmer, Jayce L. "State Interventions and Interlocal Collaborations Across the Three Pillars of Sustainability." *State & Local Government Review* 54, no. 2 (2022): 120-145.

The focus of this article is the ability of state level governmental authority and resources to influence the formation of sustainability policy by local government entities. The author examines this issue utilizing the framework of three pillars of sustainability policy: environmental protection, economic development, and social equity. The draws from a 2015 national survey of U.S. cities using these three factors as the basis of evaluating efficacy of sustainability policy in these municipalities. The collected data indicates a positive relationship between supportive state-level endeavors and local-level collaborations.

Farquhar, Doug, Jessika M. Douglas, and Brian A. Smith. "State Implementation of Federal Environmental Laws." *Health Matrix* 31, (2021): 263.

The article recognizes the indispensable role of local government in the implementation of environmental policy in the United States. The major environmental statutes outline explicit responsibilities for the federal and state governments in enforcement under a cooperative federalism framework, and a literature on environmental federalism has developed looking at how variables at the state level affect implementation.

Fiorino, Daniel and Carley A. Weted. "Environmental Federalism in a Polarized Era." *State & Local Government Review* 52, no. 2 (2020): 138-151.

The article emphasize that the formulation of environmental policy occurs within a federal system within the United States. This author posits the system of cooperative federalism which has typified state and federal policy making efforts for the previous 5 decades is being threated by a more disruptive approach of federalism, well steeped political polarization. The author calls for the reexamination of foundations of environmental federalism and the effects of the four challenges on the effectiveness of policy efforts. .

Goldberg, Robert S. and Mariano Torras. "Managing Climate Change: The Case for a Climate Security Fund." *Journal of Managerial Issues* 32, no. 2 (2020): 195-126.

The author proposes a taxation framework which will impose annual tax payments to subsidize a climate change defense fund, as this challenge is perceived as a threat to national security. This approach presumes that such a fund would maintain a political neutrality which would make it immune the partisanship and political infighting that appears to typify subnational and national policy development. The funds would then be directed to effectuate climate change policy where most needed. The relevance of this article to the dissertation topic is the consideration of alternative mitigative efforts outside of purely legislative and regulatory initiatives.

Gong, Xiaochen, Yunxia Liu, and Tao Sun. "Evaluating Climate Change Governance using the “Polity–Policy–Politics” Framework: A Comparative Study of China and the United States." *Sustainability (Basel, Switzerland)* 12, no. 16 (2020): 6403.

 The article is a comparative analysis of climate change policy development and implementation under the respective governmental structures of China and the United States. The authors utilize the framework of “polity–policy–politics as the basis of their analysis of the policy efforts. Clearly, there are easily recognizable differences between these two systems of government. China is a highly centralized governmental structure under one party rule, and thus national level policy is continuously implemented with minimal interruption by subnational players, in addition to an economic environment in which market mechanisms and regulatory systems are highly underdeveloped. The authors view US federal climate policy efforts as inadequate compared with to state level and non-government organizational efforts to which the article attributes substantial climate change policy successes. The analysis reveals a divergence of climate change adaptation and mitigation strategies according to these differing political structures and evaluates the effectiveness of governance in the respective nations and seeks to contribute to the existing academic literature an insight which will aid in the improvement of climate change governance performance.

Goulder, Lawrence H. and Robert N. Stavins. "Challenges from State-Federal Interactions in US Climate Change Policy." *The American Economic Review* 101, no. 3 (05, 2011): 253-7, https://go.openathens.net/redirector/liberty.edu?url=https://www.proquest.com/scholarly-journals/challenges-state-federal-interactions-us-climate/docview/871970713/se-2.

The study presents and analysis of regulation of renewable electricity and clean energy standards and automobile fuel-economy standards. The authors review negative and positive interactions and overlap between state and federal regulatory policy of environmental issues. The authors also identify rationales for state action where federal policy may be less effective or responsive. The relevance of this article to the dissertation is the analysis of intergovernmental efforts to resolve climate change issues and the embedded challenges to state and federal intergovernmental collaboration.

Guber, Deborah Lynn, Jeremiah Bohr, and Riley E. Dunlap. "'Time to Wake Up': Climate Change Advocacy in a Polarized Congress, 1996-2015." *Environmental Politics* 30, no. 4 (2021): 538-558.

The authors view the failure of climate change policy in the United States as resultant to the coordinated efforts of political operatives, conservative think tanks, and partisan news outlets. The authors collect quantitative text analysis on a corpus of floor speeches published in the Congressional Record between 1996 and 2015, we find notable differences in the language partisans use. A correlation is identified from the collected data and shows a trend of political party affiliation with the frequency of Congressional members to discuss the matter and introduce legislation in the House.

Hawkins, Christopher V., Rachel Krause, Richard C. Feiock, and Cali Curley. "The Administration and Management of Environmental Sustainability Initiatives: A Collaborative Perspective." *Journal of Environmental Planning and Management* 61, no. 11 (2018): 2015-2031.

The article analyses the scope of the collaborative networks formed by US cities around issues of climate and energy sustainability. Data is collected from the integrated city sustainability database and delivers an analysis which finds that the number of partners a city collaborates with on climate and energy issues is influenced by city administrative capacity and community stakeholder support. These results have theoretical and practical implications for understanding the use of collaborative networks to resolve coordination and cooperation problems.

Hopper, JoyAnna S. and Clint S. Swift. "Considering Subnational Support of Climate Change Policy in the United States and the Implications of Symbolic Policy Acts." *Environmental Politics* ahead-of-print, no. ahead-of-print (2021): 1-22.

The author recognizes the important role of state government in climate change policy development and implementation, within the context of the United States. The article proposes a correlation between political ideology and affiliation and the introduction of such policy. The author cites that local and state level elected officials with the fewest opportunities to signal efficacy to their constituents are the most likely to support climate change policy efforts. The author subsequently suggests that due to the limited capacity of these elected officials to implement these policies, that the impetus for these efforts is more symbolic than substantive due to inability to effectuate significant change or impact given the resources available to the local or state level legislature.

Jordaan, Sarah M., Adrienne Davidson, Jamal A. Nazari, and Irene M. Herremans. "The Dynamics of Advancing Climate Policy in Federal Political Systems." *Environmental Policy and Governance* 29, no. 3 (2019): 220-234.

The authors advocate for the implementation of climate change policy via a cooperative federalist model with subnational actors serving as the primary actors of policy implementation. The authors cite climate change efforts on national and subnational policies in both Canada and the United States as incoherent according to collected case studies of investments in low‐carbon energy and emissions outcomes. The article’s analysis advocates for subnational actors to fill the void created by the occasional absence of clear national level direction via mechanisms such as incentivization of low‐carbon technologies further emissions reductions. A strategy of coordinated effort between national level government, yet chiefly carried out by subnational actors is viewed as being ultimately the most effective approach for climate change policy action.

Karapin, Roger. "Federalism as a Double-Edged Sword: The Slow Energy Transition in the United States." *The Journal of Environment & Development* 29, no. 1 (2020): 26-50.

The author argues that position that primary climate policy innovation has occurred at the state level and to some extent has led to policy adoption by other states and the federal government. Historical analysis of five periods of federal and state renewable energy policy-making, from the Carter to the Trump administrations, identifies a generally negative effect of federal efforts on national renewable energy policy in the United States. This is viewed by the author as resultant to the significant influence of the fossil fuel industry of national level policy and the generally unwieldy nature of federal policy implementation efforts.

Krause, Rachel M., Christopher V. Hawkins, Angela Y. S. Park, and Richard C. Feiock. "Drivers of Policy Instrument Selection for Environmental Management by Local Governments." *Public Administration Review* 79, no. 4 (2019): 477-487.

The authors argue that local environmental protection standards often meet and exceed state and federal minimum requirements. The article is an analysis of the factors that lead cities to adopt such policy goals and the process that drive the choice of policy instruments that cities use to pursue local environmental objectives. The authors model the dynamics shaping cities' use of regulations, financial incentives, or combination thereof, to better comprehend the motivations and objective in urban level policy formation.

Lee, Robert E. and Richard C. Feiock. "Local Government Roles in Filling the Sustainability Policy Vacuum: Insights from Local Government Managers." *State & Local Government Review* 52, no. 4 (2020): 266-276.

This article examines the four roles that local governments play in sustainability within the contemporary intergovernmental system—minimalist, implementing agent, entrepreneur, and regional champion. The data collected are interviews with local government managers offer insights into how these two dimensions shape the roles that local governments play in sustainability. Although the interviews offer support for the utility of the sustainability role framework, they also suggest additional factors influencing the roles that local governments play in sustainability policy development.

Margolies, Joseph H. "Powerful Friends: EPSA, Hughes, and Cooperative Federalism for State Renewable Energy Policy." *Columbia Law Review* 118, no. 5 (2018): 1425-1472.

The article reviews recent litigation surrounding the overlap federal and state level regulatory authority on energy policy. The position of the author is the endorsement of cooperative federalism and suggested expanded of influence for the This articles additionally examines, through the lens of state policymakers in New York and California, the degree to which the new jurisprudence will aid states to reach their ambitious renewable energy goals in the absence of a comprehensive federal policy. Achieving these goals will likely require the use of programs that straddle the traditional federal–state jurisdictional divide.

Robertson, David Brian. "Leader to Laggard: How Founding Institutions have Shaped American Environmental Policy." *Studies in American Political Development* 34, no. 1 (2020): 110-131.

The author adopts the position that the distinct American institutions of broad private owner control of real property and competitive federalism have been contributory to the resistance of national level environmental policy by subnational actors pressured by the economic and political will of powerful local and regional interests. The author posits that the introduction of national level environmental standards, particularly as embodied by the Clean Air Act of 1970 created strict national standards to which the states had to adhere and subsequently many both met and exceeded, as epitomized by California. However, local business interests began to exercise influence on local and state level policy implementation which has manifested as an entrenched opposition to environmental protection efforts in certain areas of the United States. This has resulted in the perceived decline of the U.S. federal governments forefront posture on the matter of environmental protection and a current stagnation in comparison with other developed nations, particularly Canada, in this case study and reviews the divergence between the two countries concerning the development of environmental protection policy.

Meckling, Jonas and Jonas Nahm. "The Power of Process: State Capacity and Climate Policy." *Governance (Oxford)* 31, no. 4 (2018): 741-757.

The article argues that the division of labor between the bureaucracy and legislature in policy formulation is a critical source of state capacity. In cases of bureaucratic policy design, the legislature sets policy goals and delegates policy design to bureaucracies. This approach has been used by California in its climate policy making process allowing it to be on track to meet its established climate goals. In cases of legislative policy design, bureaucracies set goals and legislatures design policy measures. The authors advise on the difficulties faced by this process, particularly the challenge of vested interests opposing these policies within state legislatures.

Miao, Qing. "What Affects Government Planning for Climate Change Adaptation: Evidence from the U.S. States." *Environmental Policy and Governance* 29, no. 5 (2019): 376-394.

The author provides an analysis of how state governments develop climate change adaption policies within the United States. The author’s findings indicate that according to an event history analysis, a state is more likely to engage in adaptation planning due to extreme weather events, and high levels of civic engagement and economic activity. The analysis also indicates that political ideology plays a critical role at state level climate change adaptation planning. The applicability of this article to the dissertation focus is to provide insight into the process of climate change policy development at subnation and national levels.

Reich, Johannes. "Federalism and Mitigating Climate Change: The Merits of Flexibility, Experimentalism, and Dissonance." *Transnational Environmental Law* 10, no. 2 (2021): 263-291.

 The author reviews the system of Swiss federalism and cites the apparent inability of federalism to address climate change due to insufficient incentivization of these efforts at an international level. The author assess that the Swiss federal governmental structure allows for effective climate change mitigation policies to be developed and instituted at the domestic level. The articles provides a comparative study of climate change mitigation and adaption policy development and implementation in contrast to the process as instituted by American subnational and national climate change policy development.

Switzer, David. "Citizen Partisanship, Local Government, and Environmental Policy Implementation." *Urban Affairs Review (Thousand Oaks, Calif.)* 55, no. 3 (2019): 675-702.

The article recognizes and reiterates the importance of local governments in the implementation of environmental policy in the United States. The major environmental statutes outline explicit responsibilities for the federal and state governments in enforcement under a cooperative federalism framework. The analysis suggest that just as politics influence environmental policy implementation at the federal and state levels, the local role in environmental policy is inherently tied to the political incentives facing municipalities.

Trachtman, Samuel. "Building Climate Policy in the States." *The Annals of the American Academy of Political and Social Science* 685, no. 1 (2019): 96-114.

Political and institutional intransigence is recognized as a factor in limiting the ability of U.S. federal government to enact national-level climate change policy. Subsequently, the author cites that state governments demonstrates a both the ability and willingness to enact said polices, despite the global nature of the climate change challenge. The author recommends mechanisms by which state level policy can effectively contribute towards the mitigation of climate change, such as severance taxes on fossil fuel extraction, stronger carbon pricing programs, and state level climate education initiatives.

Trachtman, Samuel. "What Drives Climate Policy Adoption in the U.S. States?" *Energy Policy* 138, (2020): 1-10.

The author sought to ascertain the main drivers for climate change policy adaptation on the state level within the United States. The author collected and analyzed panel data measuring the strength of state policy from 2007 to 2014 in four areas: renewable portfolio standards, distributed generation, energy efficiency, and severance taxes on oil and gas extraction.. The analysis determined that the following factors predicting state-level climate policy demonstrated the following: political factors in general were far more powerful than economic factors, renewables policies were highly responsive to state-level partisanship, energy efficiency and severance tax policies were much less responsive to partisanship.

Youm, Jisun and Richard C. Feiock. "Interlocal Collaboration and Local Climate Protection." *Local Government Studies* 45, no. 6 (2019): 777-802.

The article emphasized the influence of state policy adaption on city efforts to promote climate and environmental sustainability issues focuses primarily on local-level institutions, politics, and processes. A national survey of transaction cost and institutional collective action theory and of US cities, investigated the influences of city-level factors together with the hierarchical effects of state rules and policies on the extent to which mechanisms for interlocal collaboration are employed in pursuing climate protection and renewable energy development goals. The results confirm that multilevel intergovernmental forces influence the extent to which cities collaborate.

Zhao, Huiyu and Robert Percival. "Comparative Environmental Federalism: Subsidiarity and Central Regulation in the United States and China." *Transnational Environmental Law* 6, no. 3 (2017): 531-549.

This article is an additional comparative study of the implementation of environmental policy by the highly centralized Chinese government in contrast to the decentralized approach of the United States federalist system of governance. During the 1970s the United States Congress decided to shift the most important environmental responsibilities from state governments to the federal government. China is challenged with major deficiencies in air and water quality due to pollution and soil contamination, which is attributed to ineffective enforcement of its national environmental laws. It demonstrates that devolution of responsibility for environmental protection to lower levels of government tends to result in lax implementation and enforcement of national environmental laws, particularly where national governments also create strong incentives for economic growth. This is of course in contravention to data collected in the American context which reals that environmental policy and mitigative strategies are most effectively implement at the state and local levels of government.