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Regulatory Law And Policyhc1993

Cary Coglianese, Robert A. Kagan



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Regulatory Law and Policy Sidney A. Shapiro, Joseph P. Tomain, 2020-01-03 **Regulatory Law and Policy** Sidney A. Shapiro, 1993 Regulation and Public Interests Steven P. Croley, 2009-01-10 Not since the 1960s have U S politicians Republican or Democrat campaigned on platforms defending big government much less the use of regulation to help solve social ills And since the late 1970s deregulation has become perhaps the most ubiquitous political catchword of all This book takes on the critics of government regulation Providing the first major alternative to conventional arguments grounded in public choice theory it demonstrates that regulatory government can and on important occasions does advance general interests Unlike previous accounts Regulation and Public Interests takes agencies decision making rules rather than legislative incentives as a central determinant of regulatory outcomes Drawing from both political science and law Steven Croley argues that such rules together with agencies larger decision making environments enhance agency autonomy Agency personnel inclined to undertake regulatory initiatives that generate large but diffuse benefits while imposing smaller but more concentrated costs can use decision making rules to develop socially beneficial regulations even over the objections of Congress and influential interest groups This book thus provides a qualified defense of regulatory government Its illustrative case studies include the development of tobacco rulemaking by the Food and Drug Administration ozone and particulate matter rules by the Environmental Protection Agency the Forest Service s roadless policy for national forests and regulatory initiatives by the Securities and Exchange Commission and the Federal Trade Commission **Regulatory Law and the Public Interest** Robert C Fellmeth, Marcus Friedman, 2024-08-15 Most law textbooks are fixated on how the law is understood via appellate decisions by the judiciary This textbook journeys outside the courtroom and details how government regulatory agencies shape the law and how regulatory decisions can impact the public interest This text is useful for graduate courses in law economics political science education and other fields of study State regulation is crucial to trades and professions health and safety insurance utilities education and the environment et al This text outlines the basics of regulation starting with applicable definitions and elements It covers presumptions and available alternatives to traditional licensing of participants These include bond or insurance requirements mandated disclosures rules of liability involving civil remedies criminal prohibitions tax incentives sale of marketing rights and subsidies and other mechanisms that do not involve prior restraint licensing This text outlines the interface with both federal and state constitutional and antitrust law It sets forth how state regulation works including the Administrative Procedure Act sunshine statutes open meeting requirements and the Public Records Act as applicable It covers a broad array of aspects including interface with legislation the conduct of rulemaking and judicial functions e g discipline and court review of agency actions It discusses in detail the ethical standards that apply by statutory or constitutional provision Further it features discussion of excessive and inadequate regulation and their respective implications The text includes excerpts from the laws and major court holdings

outlining this information Provides essays and examples of problems and abuses and has quizzes and hypotheticals to enliven the discussion It also includes charts with potential flaws applicable to over 70 listed state agencies including lack of need cartel contamination or other conflicts inadequate staffing unnecessary or irrelevant barriers to entry possible location at questionable level of government unnecessarily in the Constitution et al Finally it provides information about relevant major California agencies in terms of coverage and governance including bureau board commission or other government structure

Regulatory Bargaining and Public Law Jim Rossi, 2005-06-06 This text explores the implications of a bargaining perspective for institutional governance and public law in deregulated industries such as electric power and telecommunications Leading media accounts blame deregulated markets for failures in competitive restructuring policies However the author argues that governmental institutions often influenced by private stakeholders share blame for the defects in deregulated markets The first part of the book explores the minimal role that judicial intervention played for much of the twentieth century in public utility industries and how deregulation presents fresh opportunities and challenges for public law The second part of the book explores the role of public law in a deregulatory environment focusing on the positive and negative incentives it creates for the behavior of private stakeholders and public institutions in a bargaining focused political process

LEGISLATION AND THE REGULATORY STATE DOCUMENT SUPPLEMENT. SAMUEL. ESTREICHER, 2015 *Regulatory Policy and Practices* Fred Thompson, L. R. Jones, 1982 **Achieving Regulatory**

Excellence Cary Coglianese, 2016-12-20 Whether striving to protect citizens from financial risks climate change inadequate health care or the uncertainties of the emerging sharing economy regulators must routinely make difficult judgment calls in an effort to meet the conflicting demands that society places on them Operating within a political climate of competing demands regulators need a lodestar to help them define and evaluate success Achieving Regulatory Excellence provides that direction by offering new insights from law public administration political science sociology and policy sciences on what regulators need to do to improve their performance Achieving Regulatory Excellence offers guidance from leading international experts about how regulators can set appropriate priorities and make sound evidence based decisions through processes that are transparent and participatory With increasing demands for smarter but leaner government the need for sound regulatory capacity for regulatory excellence has never been stronger In addition to chapters by editor Cary Coglianese and a foreword by Jim Ellis president and chief executive officer of the Alberta Energy Regulator contributors include Robert Baldwin London School of Economics and Political Science John Braithwaite Australian National University Angus Corbett University of Pennsylvania Daniel Esty Yale University Adam Finkel University of Pennsylvania and University of Michigan Ted Gayer Brookings Institution John Graham Indiana University Neil Gunningham Australian National University Kathryn Harrison University of British Columbia Bridget Hutter London School of Economics and Political Science Howard Kunreuther Wharton School at the University of Pennsylvania David Levi Faur Hebrew University of Jerusalem

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Regulation and Regulatory Processes Cary Coglianese, Robert A. Kagan, 2009

Regulation of business activity is nearly as old as law itself In the last century though the use of regulation by modern governments has grown markedly in both volume and significance to the point where nearly every facet of today's economy is subject to some form of regulation When successful regulation can deliver important benefits to society however regulation can also impose undue costs on the economy and when designed or implemented poorly fail to meet public needs at all Given the importance of sound regulation to society its study by scholars of law and social science is also of paramount importance In this chapter we review the state of the field by focusing on four major areas of empirical research 1 regulatory policy making 2 regulatory enforcement 3 business responses to regulation and 4 innovative models of regulation We begin by reviewing the political economy literature on the factors that influence government regulators as well as the ways that overseers may use administrative procedures to affect decisions of regulatory agencies We next highlight the varied empirical findings on adversarial versus cooperative enforcement styles We then review explanations for business responses to regulatory pressures including the range of factors influencing compliance and beyond compliance behavior Finally we survey the ever growing research literature on innovative approaches to regulation including self regulation performance standards and market based incentives This chapter serves both as a stand alone account of the existing state of empirical regulatory research by political scientists and researchers from other disciplines as well as an introduction to the authors edited volume that reprints a diverse collection of classic studies of regulation and regulatory processes

The Regulatory Craft Malcolm K. Sparrow, 2011-01-01 The Regulatory Craft tackles one of the most pressing public policy issues of our time the reform of regulatory and enforcement practice Malcolm K Sparrow shows how the vogue prescriptions for reform centered on concepts of customer service and process improvement fail to take account of the distinctive character of regulatory responsibilities which involve the delivery of obligations rather than just services In order to construct more balanced prescriptions for reform Sparrow invites us to reconsider the central purpose of social regulation the abatement or control of risks to society He recounts the experiences of pioneering agencies that have confronted the risk control challenge directly developing operational capacities for specifying risk concentrations problem areas or patterns of noncompliance and then designing interventions tailored to each problem At the heart of a new regulatory craftsmanship according to Sparrow lies the central notion pick important problems and fix them This beguilingly simple idea turns out to present enormously complex implementation challenges and carries with it profound consequences for the way regulators organize their work manage their discretion and report their performance Although the book is primarily aimed at regulatory and law enforcement practitioners it will also be invaluable for legislators overseers and others who care about the nature and quality

of regulatory practice and who want to know what kind of performance to demand from regulators and how it might be delivered It stresses the enormous benefit to society that might accrue from development of the risk control art as a core professional skill for regulators

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