



# Regulating from the Inside

**Can Environmental Management Systems  
Achieve Policy Goals?**

*Edited by*  
**Cary Coglianese and  
Jennifer Nash**

# Regulating From The Inside Can Environmental Management Systems Achieve Policy Goals

**Cary Coglianese, Jennifer Nash**



## **Regulating From The Inside Can Environmental Management Systems Achieve Policy Goals:**

**Regulating from the Inside** Cary Coglianese, 2012 Environmental Management Systems EMSs offer an approach to regulatory policy that lies somewhere between free market and traditional command and control methods Worldwide hundreds of thousands of private firms have adopted or are considering adopting these internally managed systems for improving environmental performance In the United States the Environmental Protection Agency has established a special recognition for firms that adopt EMSs Already numerous state agencies have proposed or adopted green tier systems that allow firms with EMSs to be exempted from otherwise applicable requirements Yet while private and public sector interest in EMSs is booming limited empirical evidence is available about the efficacy of EMSs To close the gap between advocacy and analysis *Regulating from the Inside* brings together cutting edge work of leading scholars providing the most comprehensive analysis to date of environmental management systems Intended to frame the future policy and the research agenda about EMSs the discussions are organized around two critical questions How have EMSs worked in firms that have already adopted them What potential and limitations do they have as policy tools in the future Addressing the arguments of both advocates and skeptics the chapters examine why firms adopt EMSs how firms implement EMSs how EMSs answer concerns about fairness corporate social responsibility and sustainability and what kind of impact EMSs may have on the global economy

**Regulating from the Inside** Cary Coglianese, Jennifer Nash, 2001 First Published in 2001 Routledge is an imprint of Taylor Francis an informa company **Environmental Governance Reconsidered** Robert F. Durant, Daniel J. Fiorino, Rosemary O'Leary, 2004-05-07 A comprehensive in depth and thematically integrated analysis of key issues in environmental governance today from perspectives including environmental economics democratic theory public policy law political science and public administration Multilevel Regulation and the EU Andreas Føllesdal, Ramses A. Wessel, Jan Wouters, 2008 Rules are no longer merely made by states but increasingly by international organizations and other international bodies At the same time these rules do impact the daily life of citizens and companies as it has become increasingly difficult to draw dividing lines between international EU and domestic law This book introduces the notion of a multilevel regulationa TM as a way to study these normative processes and the interplay between different legal orders It indicates that many rules in such areas as trade financial cooperation food safety pharmaceuticals security terrorism civil aviation environmental protection or the internet find their origin in international cooperation Apart from mapping multilevel regulation on the basis of a number of case studies the book analyses its consequences in relation to forms of legal protection and legitimacy In that respect it proposes an agenda for research to study how to cope with multilevel regulation This work offers valuable resources for researchers involved in studying the interplay between international European and domestic law For practitioners it offers background information on the ways in which many international rules come into being

**Leveraging the Private Sector** Cary Coglianese, Jennifer Nash, 2010-09-30 Leveraging the Private Sector offers the first

sustained analysis of public and private sector initiatives designed to encourage firms and industries to use their own management expertise to improve their environmental performance Cary Coglianese and Jennifer Nash bring together original empirical studies by the nation's leading experts on recent public and private sector experiments Do management based strategies lead to improved environmental outcomes What kinds of strategies hold the most promise Leveraging the Private Sector addresses these questions through studies of state pollution prevention planning laws private sector purchasing requirements and federal risk management regulations among others The contributors show that efforts to leverage private sector experience and knowledge can have a distinctive contribution in the future of environmental protection Ultimately a firm's broader management practices shape its environmental performance Public and private sector strategies that seek to influence these practices directly can help bring about further environmental improvements This book breaks new ground by investigating a new and promising approach for advancing the economy and the environment

Environmental Law Peter S. Menell, 2019-01-15 This title was first published in 2002 Since the importance of environmental governance was realised in the late 1960s and early 1970s this vibrant area of law has witnessed much change Assembling insightful essays from a number of key contributors Environmental Law takes stock of developments to date and outlines the challenges for the future *Shades of Green* Neil Gunningham, Robert A. Kagan, Dorothy Thornton, 2003 This in depth study of fourteen pulp manufacturing mills in the United States Canada Australia and New Zealand provides the most extensive and systematic empirical examination to date of the reasons firms achieve the levels of environmental performance that they do Leaders and Laggards Neil Gunningham, Darren Sinclair, 2017-09-08 Consensus is growing internationally that traditional command and control approaches to environmental regulation have borne much of their low hanging fruit Yet it is far from clear what should complement or replace them Regulatory agencies and policy makers are struggling with a lack of information about regulatory reform about what works and what doesn't and about how best to harness the resources of both government and non government stakeholders Progress is being impeded unnecessarily by a lack of shared knowledge of how similar agencies elsewhere are meeting similar challenges and by a lack of data on the success or otherwise of existing initiatives Despite recent and valuable attempts to deal with such problems in the European Union and North America these remain islands of wisdom in a sea of ignorance For example when it comes to dealing with small and medium sized enterprises very little is known and what is known is not effectively distilled and disseminated Much the same could be said about the roles of third parties commercial and non commercial as surrogate regulators and more broadly of many current initiatives to reconfigure the regulatory state Based on the authors work for the OECD Victorian Environmental Protection Authority and the Western Australian Department of Environment Protection *Leaders and Laggards* addresses these problems by identifying innovative regulatory best practice internationally in a number of specific contexts evaluating empirically the effectiveness of regulatory reform and providing policy prescriptions that would better

enable agencies to fulfil their regulatory missions Focusing primarily on the differing requirements for both corporations and small and medium sized enterprises in North America and Europe the book aims to complement existing initiatives and to expand knowledge of regulatory reform by showing how existing experience can best be put to practical use on the ground by drawing lessons from experiments in innovative regulation internationally by reporting and extrapolating on original case studies and by advancing understanding on which instruments and strategies are likely to be of most value and why The authors argue that the development of theory has outstripped its application In essence Leaders and Laggards aims to ground a myriad of theory on the reinvention of environmental regulation into practice The book will be essential reading for environmental policy makers regulatory and other government officials responsible for policy design and implementation academics and postgraduate students in environmental management environmental law and environmental policy and a more general readership within environmental policy and management studies It will also be of interest to those in industry such as environmental managers and corporate strategists who are considering the use of more innovative environmental and regulatory strategies and to environmental NGOs *THE Role of Science in Regulatory Reform, Serial No. 111-23, April 30, 2009, 111-1 Hearing, \**,2009 Taming Regulation Robert T. Nakamura,Thomas W. Church,2003-10-27 Despite three decades of vigorous efforts at deregulation across the government regulation remains ubiquitous It also continues to be unpopular because it forces individuals and businesses to do things frequently costly and unpleasant things that they don t want to do If regulatory programs are to survive and remain effective the challenge posed by their endemic unpopularity and political vulnerability must be met Unlike much of the existing literature on regulation Taming Regulation begins with the assumption that the government s capacity to utilize regulation as a policy tool is vital The book examines the questions of how to make the inherently coercive aspects of regulation more politically acceptable in the present antiregulatory environment and how the legal and administrative challenges of reform in ongoing regulatory programs might best be approached The authors explore these issues through a case study of administrative reform in the Superfund program Chartered with an ambitious mission to clean up the nation s hazardous waste sites Superfund was from its inception a uniquely aggressive and unpopular program Yet despite the election in 1994 of a Republican Congress committed to fundamental changes in environmental regulation the Superfund program weathered the storm and remains intact today The authors credit this political and programmatic success to a series of artfully designed and orchestrated internal reforms that softened Superfund s implementation thus increasing its political support while retaining its potent coercive tools Taming Regulation provides a cautionary discussion of both the necessity and the difficulty of regulatory reform It is essential reading for students of regulation and environmental policy for practitioners contemplating reform of ongoing regulatory programs and for those interested in the checkered history of Superfund **Private Standards and Global Governance** Axel Marx,Miet Maertens,Johan F. M. Swinnen,2012-01-01 This book draws out the profound implications and

transformational dynamics of multi level global governance of natural resources labour standards and particularly food safety the hybrid private public governance of these supply chains has in some contexts made large western retailer groups more dominant regulators than states Yet the new regulatory governance is more pluralistic in its flux than a shift from state to retailer hegemony Governance by contracts of global sway more than government by statutes of states drives regulatory innovation Legal entrepreneurs and model mongers of many stripes inspire this innovation Political theory is yet to come to grips with the significance of the shifts this thoughtful collection ably traces John Braithwaite Australian National University This edited volume represents a major contribution to scholarship on the role of private standards in global governance It brings together a wealth of important new research written by a distinguished group of scholars It is noteworthy not only for the breadth and depth of its case studies but by its extensive analysis of the legal dimensions of private standard setting and enforcement David Vogel University of California Berkeley US Private regulatory initiatives aim to govern supply chains across the globe according to a set of environmental food safety and or social standards Until now literature on the topic has been fragmented and divided by research fields However this unique and comprehensive book bridges these disciplinary and thematic research lines bringing together an interdisciplinary group of leading scholars to identify key issues the expert contributors assess the state of the art with regard to private regulation of food natural resources and labour conditions They begin with an introduction to and discussion of several leading existing private standards and go on to assess private food standards and their legitimacy and effectiveness in the context of the global trade regime This truly multidisciplinary assessment of the scope and importance of private standards as a governance tool in a globalizing world will prove to be an enlightening read for a wide ranging audience encompassing academics students researchers policymakers and analysts focusing on private forms of governance in several sectors including economics law politics development environment and agriculture

**Decision Making for the Environment** National Research Council, Division of Behavioral and Social Sciences and Education, Center for Economic, Governance, and International Studies, Committee on the Human Dimensions of Global Change, Panel on Social and Behavioral Science Research Priorities for Environmental Decision Making, 2005-05-31 With the growing number complexity and importance of environmental problems come demands to include a full range of intellectual disciplines and scholarly traditions to help define and eventually manage such problems more effectively Decision Making for the Environment Social and Behavioral Science Research Priorities is the result of a 2 year effort by 12 social and behavioral scientists scholars and practitioners The report sets research priorities for the social and behavioral sciences as they relate to several different kinds of environmental problems

**The Role of Science in Regulatory Reform** United States. Congress. House. Committee on Science and Technology. Subcommittee on Investigations and Oversight, 2009

**Environmental Policy and Politics** Michael E. Kraft, 2021-07-22 For more than twenty years Environmental Policy and Politics has kept instructors and students abreast of the challenges presented by contemporary environmental energy and

natural resource problems in the United States Now in its eighth edition Michael E Kraft has updated his definitive text to capture the changing nature of environmental problems as well as policy proposals made through 2020 Drawing from work within environmental science policy analysis and political science this text continues to help readers think critically about how best to address problems through a variety of public policy tools and strategies at all levels of government Important updates to this new edition include The latest information about environmental challenges and governmental responses to them with extensive citation of key sources and websites Key political and policy decisions through late 2020 including presidential appointments budgetary decisions major legislative initiatives and congressional actions New learning objectives to facilitate student understanding of key concepts and their applications arguments advanced over environmental challenges and policies and the goals and methods of environmental policy analysis Coverage of new topics that have emerged during the Trump presidency including the Clean Power Plan repeal and reduction of environmental regulation climate change land conservation changes in natural resources policies and a comparison of the Republican and Democratic positions on climate change in 2020 Updated summaries of scientific studies government reports and policy analyses Revised discussion questions and new suggested readings Environmental Policy and Politics is an essential resource for upper level undergraduate and graduate students in political science and environmental studies looking for an accessible well researched and up to date text written with style and flair

**Environment and the OECD Guidelines for Multinational Enterprises Corporate Tools and Approaches** OECD, 2005-09-05 This book provides an overview of the main tools and approaches available to enterprises wishing to put the Environment chapter of the OECD Guidelines into practice *The Federal Vision* Kalypso Nicolaïdis, Robert Howse, 2001 The Federal Vision is about the complex and changing relationship between levels of governance within the United States and in the European Union Based on a transatlantic dialogue between scholars concerned about modes of governance on both sides it is a collective attempt at analysing the ramifications of the legitimacy crisis in our multi layered democracies and possible remedies Starting from a focus on the current policy debate over devolution and subsidiarity the book engages the reader in to the broader tension of comparative federalism Its authors believe that in spite of the fundamental differences between them both the EU and the US are in the process of re defining a federal vision for the 21st century This book represents an important new contribution to the study of Federalism and European integration which seeks to bridge the divide between the two It also bridges the traditional divide between technical legal or regulatory discussions of federal governance and philosophical debates over questions of belonging and multiple identities It is a multi disciplinary project bringing together historians political scientists and theorists legal scholars sociologists and political economists It includes both innovative analysis and prescriptions on how to reshape the federal contract in the US and the EU It includes introductions to the history of federalism in the US and the EU the current debates over devolution and subsidiarity the local federalism and theories of regulatory federalism as well as innovative approaches to

the application of network analysis principal agent models institutionalist analysis and political theories of citizenship to the federal context The introduction and conclusion by the editors draws out cross cutting themes and lessons from the thinking together of the EU and US experiences and suggest how a federal vision could be freed from the hierarchical paradigm of the federal state and articulated around concepts of mutual tolerance and empowerment The New Environmental Regulation Daniel J. Fiorino, 2006 Winner 2007 Louis Brownlow Award presented by the National Academy of Public Administration NAPA and 2006 Best Book in Environmental Management and Policy American Society for Public Administration Environmental regulation in the United States has succeeded to a certain extent in solving the problems it was designed to address air water and land are indisputably cleaner and in better condition than they would be without the environmental controls put in place since 1970 But Daniel Fiorino argues in *The New Environmental Regulation* that given recent environmental economic and social changes it is time for a new more effective model of environmental problem solving Fiorino provides a comprehensive but concise overview of U S environmental regulation its history its rationale and its application and offers recommendations for a more collaborative flexible and performance based alternative Traditional environmental regulation was based on the increasingly outdated assumption that environmental protection and business are irreversibly at odds The new environmental regulation Fiorino describes is based on performance rather than on a narrow definition of compliance and uses such policy instruments as market incentives and performance measurement It takes into consideration differences in the willingness and capabilities of different firms to meet their environmental obligations and it encourages innovation by allowing regulated industries especially the better performers more flexibility in how they achieve environmental goals Fiorino points to specific programs including the 33 50 Program innovative permitting and the use of covenants as environmental policy instruments in the Netherlands that have successfully pioneered these new strategies By bringing together such a wide range of research and real world examples Fiorino has created an invaluable resource for practitioners and scholars and an engaging text for environmental policy courses *Environmental Protection and the Social Responsibility of Firms* Bruce L. Professor Hay, Robert N. Professor Stavins, Richard H. K. Professor Vietor, 2010-09-30 Everyone agrees that firms should obey the law But beyond what the law requires beyond bare compliance with regulations do firms have additional social responsibilities to commit resources voluntarily to environmental protection How should we think about firms sacrificing profits in the social interest Are they permitted to do so given their fiduciary responsibilities to their shareholders Even if permissible is the practice sustainable or will the competitive marketplace render such efforts and their impacts transient at best Furthermore is the practice however well intended an efficient use of social and economic resources And as an empirical matter to what extent do firms already behave this way Until now public discussion has generated more heat than light on both the normative and positive questions surrounding corporate social responsibility CSR in the environmental realm In *Environmental Protection and the Social Responsibility of Firms* some of the nation's leading



scholars in law economics and business examine commonly accepted assumptions at the heart of current debates on corporate social responsibility and provide a foundation for future research and policymaking Renascent Pragmatism Alfonso Morales, 2017-07-05 Pragmatism is experiencing a resurgence in law philosophy and social science with pragmatists seeking a consistent comprehensive and productive understanding of social life In its four sections Renascent Pragmatism aids the reinvigoration of pragmatism as an important intellectual tradition and contributor to inquiry and change in social life The book is a first of its kind for combining essays on theory method public policy and empirical scholarship presenting contributions from philosophers legal scholars and social scientists Throughout the book the concrete linkage between policy theory and method is emphasized while recognizing the philosophical tradition in which the inquiries and prescriptions rest

**Generative Artificial Intelligence** Mitja Kovač, 2025-01-07 This book takes a comparative law and economics approach to explore the role of public and private actors in regulating generative artificial intelligence The book provides an introduction and context for the creation of new generative AI technologies now understood to be the chief goal of the leading AI companies As autonomous super intelligences these technologies are still an unknown entity which nevertheless have profound implications for liberal democracy consumer choice mechanisms mutual trust and political legitimacy This book explores the deep challenges posed for lawmakers and how we can achieve an optimal form of regulation and governance of such unreliable technologies Chapters investigate possible hybrid modes of regulation such as a co regulatory approach between private AI companies and public actors in addressing the issue of misinformation spread It also explores mixed types of regulation toward research on new forms of AI arguing that different levels of systemic risk posed by different technologies must be accounted for Different contemporary and historical contexts for the regulation of unprecedented technical innovation are also considered and new suggestions for policy are presented This book is a timely resource which will be of interest to researchers and practitioners in economic governance law and regulation artificial intelligence and comparative law

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