

# REINVENTING RATIONALITY

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THE ROLE  
OF REGULATORY ANALYSIS IN  
THE FEDERAL BUREAUCRACY

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THOMAS O. MCGARITY

# Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy

**B. Guy Peters**



## **Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy:**

**Reinventing Rationality** Thomas O. McGarity, 1991-05-31 In this book Professor McGarity reveals the complex and problematic relationship between the regulatory reform movements initiated in the early 1970s and the United States federal bureaucracy Examining both the theory and application of regulatory reform under the Reagan administration the author succeeds in offering both a relevant analysis and critique of regulatory reform and its implementation through bureaucratic channels Using several case studies from the early Reagan years this book describes the clash of regulatory cultures resulting from the President's attempt to incorporate regulatory analysis into the bureaucratic decision making process Yet while McGarity recognizes the limitations of regulatory analysis he concludes with suggestions for enhancing its effectiveness This book could be used not only as a textbook for political science and government courses but also for graduate applications in public policy and public administration

**Megaregulation Contested** Benedict Kingsbury, David M. Malone, Paul Mertenskötter, Richard B. Stewart, Thomas Streinz, Atsushi Sunami, 2019-06-06 The Japan led Trans Pacific Partnership CPTPPA of 2018 is the most far reaching megaregional economic agreement in force with several major countries beyond its eleven negotiating countries also interested Still bearing the stamp of the original US involvement before the Trump era reversal TPP is the first instance of megaregulation a demanding combination of inter state economic ordering and national regulatory governance on a highly ambitious substantive and trans regional scale Its text and ambition have influenced other negotiations ranging from the Japan EU Agreement JEEPA and the US Mexico Canada Agreement USMCA to the projected Pan Asian Regional Comprehensive Economic Partnership RCEP This book provides an extensive analysis of TPP as a megaregulatory project for channelling and managing new pressures of globalization and of core critical arguments made against economic megaregulation from standpoints of development inequality labour rights environmental interests corporate capture and elite governance Specialized chapters cover supply chains digital economy trade facilitation intellectual property currency levels competition and state owned enterprises government procurement investment prescriptions for national regulation and the TPP institutions Country studies include detailed analyses of TPP related politics and approaches in Japan Mexico Brazil China India Indonesia and Thailand Contributors include leading practitioners and scholars in law economics and political science At a time when the WTO and other global scale institutions are struggling with economic nationalism and geopolitics and bilateral and regional agreements are pressed by public disagreement and incompatibility with digital and capital and value chain flows the megaregional ambition of TPP is increasingly important as a precedent requiring the close scrutiny this book presents

**Understanding Regulation** Robert Baldwin, Martin Cave, Martin Lodge, 2012 An introduction to the practical and theoretical issues that are central to the study of regulation which a particular focus on contested areas and how they are dealt with

[The Oxford Handbook of the U.S. Constitution](#) Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a

comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today *Interim Report on the Administrative Law, Process and Procedure Project for the 21st Century* United States. Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law,2007

**Toward Safer Food** Sandra Professor Hoffmann,Michael R. Professor Taylor,2010-09-30 In 1998 a National Academy of Sciences panel called for an integrated risk based food safety system This goal is widely embraced but there has been little advance in thinking about how to integrate knowledge about food safety risks into a system wide risk analysis framework Such a framework is the essential scientific basis for better priority setting and resource allocation to improve food safety Sandra Hoffmann and Michael Taylor bring together leading scientists risk analysts and economists as well as experienced regulators and policy analysts to better define the priority setting problem and focus on the scientific and intellectual resources available to construct a risk analysis framework for improving food safety *Toward Safer Food* provides a common starting point for discussions about how to construct this framework The book includes a multi disciplinary introduction to the existing data research and methodological and conceptual approaches on which a system wide risk analysis framework must draw It also recognizes that efforts to improve food safety will be influenced by the current institutional context and provides an overview of the ways in which food safety law and administration affect priority setting Hoffman and Taylor intend their book to be accessible to people from a wide variety of backgrounds At the same time they retain the core conceptual sophistication needed to understand the challenges that are inherent in improving food safety The editors hope that this book will help the U S move beyond a call for an integrated risk based system toward its actual construction

**Regulation, Enforcement and Governance in Environmental Law** Richard Macrory Hon KC,2014-10-09 *Regulation Enforcement and Governance in Environmental Law* is an updated edition of Richard Macrory s most influential writings Spanning his entire career these are all works which have helped shape contemporary environmental law and policy The book includes the full text of his 2006 Cabinet Office Review on Regulatory Sanctions new chapters on the Climate Change Act 2008 the Environment Tribunal and analysis of recent leading cases The book is divided into five thematic sections Regulatory reform Institutional Reform and Change the Dynamics of Environmental Law the Courts and the Environment and Europe and the Environment Reviews of the first edition This book is surely destined to become a must read for anyone academic practitioner or student interested in the development of regulation enforcement and environmental governance P Bishop IUCN Academy of Environmental Law Journal An excellent reference work on environmental law an extremely

important and valuable edition to the environmental lawyer's bookshelf C Abbot Journal of Environmental Law It is a rare to find a volume which consumes one's attention for 765 pages and rarer still that such a blockbuster be a law book This book is not solely for environmental enthusiasts it should be essential reading for anyone concerned with the institutional reform transparency and accountability in the UK and EU C MacKenzie Cambridge Law Journal     The Oxford Handbook of Regulation Robert Baldwin, Martin Cave, Martin Lodge, 2012-07-19 Regulation is often thought of as an activity that restricts behaviour and prevents the occurrence of certain undesirable activities but the influence of regulation can also be enabling or facilitative as when a market could potentially be chaotic if uncontrolled This Handbook provides a clear and authoritative discussion of the major trends and issues in regulation over the last thirty years together with an outline of prospective developments It brings together contributions from leading scholars from a range of disciplines and countries Each chapter offers a broad overview of key current issues and provides an analysis of different perspectives on those issues Experiences in different jurisdictions and insights from various disciplines are drawn upon and particular attention is paid to the challenges that are encountered when specific approaches are applied in practice Contributors develop their own distinctive arguments relating to the central issues in regulation and apply scholarly rigour and clear writing to matters of high policy relevance The essays are original accessible and agenda setting and the Handbook will be essential reading both to students and researchers and to with regulatory and regulated professionals     **International Handbook on Privatization** David Parker, David S. Saal, 2003-01-01 Privatization has dominated industrial restructuring programs since the 1980s and continues to do so This authoritative and accessible Handbook considers all aspects of this key issue including the theory of privatization privatization in transition developed and developing economies as well the economic regulation of privatized industries     **The Preemption War** Thomas O. McGarity, 2008-12-02 Most people are unaware of a quiet war that has been raging in the courts federal regulatory agencies and Congress a war over federal agency preemption of state common law claims This text offers scholars and policymakers a full analysis of the legal and policy issues under debate

**Administrative Competence** Elizabeth Fisher, Sidney A. Shapiro, 2020-10-15 This book by two of the world's leading administrative law scholars reimagines administrative law as the law of public administration by making its competence the focus of administrative law Grounded in extensive interdisciplinary historical and doctrinal analysis Fisher and Shapiro show why understanding both the capacity and authority of expert public administration is crucial to ensure the legitimacy and accountability of the administrative state To address the current precarious state of administrative law they support a new study of the administrative process by an Attorney General's Committee on Administrative Procedure leading to a revised Administrative Procedure Act APA This book is a must read for anyone interested in administrative law and its reform

*The Presidency and the Political System* Michael Nelson, 2018-03-08 Written by top notch presidency scholars and carefully edited into a text reader format The Presidency and the Political System Eleventh Edition showcases a collection of

original essays focused on a range of topics institutions and issues relevant to understanding the American presidency Author Michael Nelson rigorously edits each contribution to present students with a set of analytical yet accessible chapters and contextual headnotes introducing each essay You will read about different approaches to studying the presidency the elements of presidential power presidential selection presidents and politics and presidents and government New to the Eleventh Edition A new chapter focused on the Trump administration Chapter 10 discusses major shifts represented by the new administration especially in regards to the president s relationship with the media New coverage of Obama s second term enables you to compare and contrast Obama s two presidential terms as well as better understand how the similarities and differences of Obama s approach compared to his predecessors Revised time tested essays reflect current scholarship that explores the themes of modern presidential power and effectiveness

**Risk Regulation at Risk** Sidney Shapiro, Robert Glicksman, 2002-09-25 In the 1960s and 1970s Congress enacted a vast body of legislation to protect the environment and individual health and safety Collectively this legislation is known as risk regulation because it addresses the risk of harm that technology creates for individuals and the environment In the last two decades this legislation has come under increasing attack by critics who employ utilitarian philosophy and cost benefit analysis The defenders of this body of risk regulation by contrast have lacked a similar unifying theory In this book the authors propose that the American tradition of philosophical pragmatism fills this vacuum They argue that pragmatism offers a better method for conceiving of and implementing risk regulation than the economic paradigm favored by its critics While pragmatism offers a methodology in support of risk regulation as it was originally conceived it also offers a perspective from which this legislation can be held up to critical appraisal The authors employ pragmatism to support risk regulation but pragmatism also leads them to agree with some of the criticisms against it and even to level new criticisms of their own In the end the authors reject the picture painted by risk regulation s critics of widely excessive and irrational regulation but the pragmatic perspective also leads them to propose a number of recommendations for useful reforms to risk regulation

**Regulatory Impact Analysis Best Practices in OECD Countries** OECD, 1997-12-01 This is the first report to look across the OECD membership at how regulatory impact analysis is actually designed and carried out

**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

***Presidential Powers*** Harold J Krent, 2005-02-01 Framed in Article II of the Constitution presidential powers are dictated today by judicial as well as historical precedent To understand the ways the president wields power as well as how this power is kept in check by other branches of government Harold J Krent presents three overlapping determinants of the president s role under the Constitution the need for presidential initiative in administering the law and providing foreign policy leadership the importance of maintaining

congressional control over policymaking and the imperative to ensure that the president be accountable to the public Krent's examination is sweeping ranging from the president's ability to appoint and remove executive branch officials to the president's role in proposing and implementing treaties and the power to conduct war to the extent the president can refuse to turn over information in response to congressional and judicial requests Finally Krent addresses the history and purposes of presidential pardons By drawing on historic and contemporary presidential actions to illustrate his points Krent reminds us that the president is both an exalted leader with the regalia of power and an American who is and should be accountable to fellow citizens important considerations as we elect and assess our presidents **Handbook of International Trade** E.

Kwan Choi, James C. Hartigan, 2008-04-15 This second volume of the Handbook of International Trade focuses on the economic and legal analysis of international laws and institutions as they impact trade Containing chapters written by both economic and legal scholars this volume encourages cross discipline discussion with writing that is accessible to those approaching the material from any background Central issues to those studying international trade are addressed including labor environmental rights and preferential trade agreements antitrust policy patent rights trade liberalization foreign direct investment **The Future of Governing** B. Guy Peters, 2001 Examines and compares various forms of government in industrialized countries

Leading Issues in Competition, Regulation, and Development Paul Cook, 2004-01-01 The promotion of liberalized and deregulated markets by bilateral and multilateral aid donors and by global institutions such as the WTO has led to significant attention being paid to competition and regulatory reforms in developing economies The process of reform involves the transfer and diffusion of market models derived from practice and theory in developed countries However in developing countries regulation needs to do more than simply promote competitiveness and consumer interests it also needs to ensure that the market nurtures development By rigorously examining the numerous impacts of regulation this book will help to fill a significant gap in the literature on economic and social development The book now available in paperback draws together contributions from leading experts across a range of disciplines including economics law politics and governance public management and business management The authors begin with an extensive overview of the issues of regulation and competition in developing countries and carefully illustrate the important themes and concepts involved Using a variety of country and sector case studies they move on to focus on the problems of applicability and adaptation that are experienced in the process of transferring best practice policy models from developed to developing countries The book presents a clear agenda for further empirical research and is notable for its rigorous exploration of the links between theory and practice Although there is substantial interest in competition and regulation as yet there has been relatively little investigation of these issues in developing economies This book redresses the balance and will be a valuable resource for researchers academics teachers and students interested in development economics and development studies It will also be of great relevance for practitioners and policymakers working in the fields of competition policy and regulatory

reform     Reviving Rationality Michael A. Livermore, Richard L. Revesz, 2020-11-02 For decades administrations of both political parties have used cost benefit analysis to evaluate and improve federal policy in a variety of areas including health and the environment Today this model is under grave threat In Reviving Rationality Michael Livermore and Richard Revesz explain how Donald Trump has destabilized the decades long bipartisan consensus that federal agencies must base their decisions on evidence expertise and analysis Administrative agencies are charged by law with protecting values like stable financial markets and clean air Their decisions often have profound consequences affecting everything from the safety of workplaces to access to the dream of home ownership Under the Trump administration agencies have been hampered in their ability to advance these missions by the conflicting ideological whims of a changing cast of political appointees and overwhelming pressure from well connected interest groups Inconvenient evidence has been ignored experts have been sidelined and analysis has been used to obscure facts rather than inform the public The results are grim incoherent policy social division defeats in court a demoralized federal workforce and a loss of faith in government's ability to respond to pressing problems This experiment in abandoning the norms of good governance has been a disaster Reviving Rationality explains how and why our government has abandoned rationality in recent years and why it is so important for future administrations to restore rigorous cost benefit analysis if we are to return to a policymaking approach that effectively tackles the most pressing problems of our era



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In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy** a literary masterpiece penned by a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of those who partake in its reading experience.

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