

ENVIRONMENTAL PROTECTION AND ECONOMIC WELL-BEING: HOW DOES (AND HOW SHOULD) GOVERNMENT BALANCE THESE TWO IMPORTANT VALUES?

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The conference organizers have asked us to “tackle the critical conundrum” – how business, government, and communications media balance the competing values of economic growth and a healthy environment. In a sense, my focus is narrower, because I concentrate exclusively on *government* policy, and ask how government integrates economic concerns into its development of environmental policies. But in another sense, my focus is broader, because I also ask whether and how government *should* carry out such integration of economic and environmental concerns.

In this brief paper, I consider two dimensions of environmental policy, which are closely interrelated but conceptually distinct: (1) what is the appropriate (and actual) *degree* of government activity; and (2) what *form* should (and does) government activity take.¹ In this brief essay, I attempt to define the scope of these questions, and suggest criteria that can be used to evaluate responses.

1. What is the Appropriate Degree of Government Activity in the Environmental Realm?

The fundamental theoretical argument for government activity in the environmental realm is that pollution is a classic example of an externality (an unintended consequence of market decisions, which affects individuals other than the

decision maker). Because firm-level decisions do not take into account full social costs, pollutant emissions tend to be higher than socially optimal levels. As environmental quality is thus naturally under-provided by competitive markets, a possible role arises for government regulation. Private negotiation will not internalize such externalities adequately without government intervention, and exclusive reliance on judicial remedies is insufficient to the task.² Hence, since the time of the first Earth Day in 1970, which we may take as the beginning of the modern era of environmental policy, industrialized countries throughout the world have relied mainly upon a combination of legislative and administrative procedures to foster improvements in their natural environments.

If it is appropriate for government to be involved in environmental protection, how intensive should that activity be? In real-world environmental policy, this question becomes, "How stringent should our environmental goals and standards be?" For example, in the United States, should we cut back sulfur dioxide (SO₂) emissions by 10 million tons, or would a 12 million ton reduction be better? In general, how clean is clean enough? How safe is safe enough?

Most economists would argue that economic efficiency – measured as the difference between benefits and costs – ought to be one of the major criteria for evaluating proposed environmental, health, and safety regulations.³ Because society has limited resources to spend on regulation, benefit-cost analysis can help illuminate the trade-offs involved in making different kinds of social investments. In this regard, it seems irresponsible *not* to conduct such analyses, since they can inform decisions about how scarce resources can be put to the greatest social good. Benefit-cost analysis can also help answer the question of how much regulation is enough. From an efficiency standpoint, the answer to this question is simple – regulate until the incremental benefits from regulation are just offset by the incremental costs. In practice, of course, the problem is much more difficult, in large part because of inherent challenges in measuring marginal benefits and costs. But the fact that we are unable to measure benefits and costs with perfect precision ought not be taken as a compelling argument to abandon such analytical methods altogether, lest we allow the perfect to be the enemy of the good.

Concerns about "fairness" (distributional equity) also merit serious consideration. Regulatory policies inevitably involve winners and losers, even when aggregate benefits exceed aggregate costs. For this reason, assessments of the distributional implications of public policies should be (and in recent years

typically are) carried out, at the same time as assessments of aggregate benefits and costs.⁴ Beyond efficiency and distributional equity, non-economic factors – such as those regarding *process* – can also be of key importance. The general view from economics is that other criteria in addition to efficiency can and should be employed by policy makers, but that the existence of such criteria does not invalidate the efficiency criterion, which should remain part of social decision-making.

There is little doubt that a reallocation of expenditures on environmental, health, and safety regulations has the potential to save significant numbers of lives while using fewer resources. As seen in Table 1, the estimated cost per statistical life saved has varied across regulations by a factor of more than a million! Thus, a reallocation of priorities among these same regulations could save many more lives at given cost, or, alternatively, save the same number of lives at much lower cost.

Over the years, policy makers have sent mixed signals regarding the use of benefit-cost analysis in policy evaluation. Congress has passed several statutes to protect health, safety, and the environment that effectively preclude the consideration of benefits and costs in the development of certain regulations, even though other statutes actually require the use of benefit-cost analysis.⁵ But this has not prevented regulatory agencies from considering the benefits and costs of their regulatory proposals. Otherwise, what are all those lobbyists doing at EPA headquarters?⁶ The problem with such informal, implicit benefit-cost analysis is that it can be unsystematic, not subject to peer review, and carried out behind closed doors, with access limited to the particular friends of the administration. Thus, we ought to be concerned about this approach not only on technical grounds (poor analysis), but on process grounds – it is fundamentally undemocratic.

At the same time as Congress has sent mixed signals regarding the use of economic analysis in environmental policy assessment, Presidents Carter, Reagan, Bush, Clinton, and Bush all introduced formal processes for reviewing economic implications of major environmental, health, and safety regulations (using so-called Regulatory Impact Analysis). Apparently the Executive Branch, charged with designing and implementing regulations, has seen a greater need than the Congress to develop a yardstick against which the efficiency of regulatory proposals can be assessed; benefit-cost analysis has been the yardstick of choice.⁷

Although formal benefit-cost analysis should *not* be viewed as either necessary or sufficient for designing sensible public policy, it can provide an exceptionally

useful framework for consistently organizing disparate information, and in this way, it can greatly improve the process and hence the outcome of policy analysis. If properly done, benefit-cost analysis can be of great help to agencies participating in the development of regulations, and it can likewise be useful in evaluating agency decision making and in shaping statutes.

Despite such arguments, formal benefit-cost analysis has only infrequently been used to help set the stringency of environmental standards. The politics of environmental policy have favored a very different set of approaches to setting standards, such as that embraced by the Clean Air Act: set the standard to “protect the most sensitive member of the population with an adequate margin of safety.” Economists and legal scholars have spent a great deal of time arguing that such criteria are neither reasonable nor well defined, but little change has occurred. The significant heterogeneity of costs per life saved under existing statutes, portrayed in Table 1, suggests that in the absence of a benefit-cost test aimed at achieving efficiency, much could be accomplished through greater attention to simple cost-effectiveness, that is, achieving given goals or standards at minimum cost.

In the 104th Congress, a major part of the Republicans’ “Contract with America” was a regulatory reform bill that would have made meeting a benefit-cost test a *necessary condition* for a broad set of regulatory actions. That bill was narrowly defeated in the Senate, and would have faced a certain Presidential veto, in any case.⁸ Subsequently, Congress considered but did not enact legislation (introduced by former Senator Fred Thompson and Senator Carl Levin) which would have required agencies to conduct (*non-binding*) benefit-cost analyses of new regulations and periodically of existing ones. Congressional efforts at such generic “regulatory reform” are unlikely to disappear from the policy landscape, and there will continue to be attempts – sometimes successful – to introduce benefit-cost tests into individual environmental statutes.⁹

2. What Form Should Government Activity Take in the Environmental Realm?

Once the goals or standards of any given environmental policy are established (whether on political, scientific, economic, ethical, or any other grounds), policy makers are left to ask what *form* should government involvement take. In

other words, what means – what policy instruments – should be used to achieve the established ends? Economists consistently have urged the use of “market-based” instruments – principally pollution taxes and tradeable permits – rather than so-called “command-and-control” instruments, such as design standards, which require the use of particular technologies, or performance standards, which prescribe the maximum amount of pollution that individual sources can emit. At least in theory, market-based instruments are cost effective, that is, they minimize the aggregate cost of achieving a given level of environmental protection, and provide dynamic incentives for the adoption and diffusion of cheaper and better control technologies. Despite these advantages, however, market-based instruments have been used far less frequently than command-and-control standards.¹⁰

Gradually, the political process has become more receptive to market-based instruments. Beginning in the 1970s, the U.S. Environmental Protection Agency (EPA) offered states the option of employing variants of tradeable permits for the control of localized, criteria air pollutants. More significantly, tradeable-permit systems were used in the 1980s to accomplish the phasedown of lead in gasoline, and to facilitate the phaseout of ozone-depleting chloroflourocarbons (CFCs); and in the 1990s to implement stricter air pollution controls in the Los Angeles metropolitan region, and – most important of all – to control acid rain under the Clean Air Act amendments of 1990 (Table 2). This last program – the trading of sulfur dioxide (SO₂) emissions allowances to reduce acid rain – is saving the country \$1 billion per year in compliance costs, while achieving the statutory goal more quickly than could have been accomplished by a conventional approach.¹¹

Given the historical lack of receptiveness by the political process to market-based approaches to environmental protection, why has there been a relatively recent rise in the use of market-based approaches?¹² It would be gratifying to believe that increased understanding of market-based instruments had played a large part in fostering their increased political acceptance, but how important has this really been? In 1981, Steven Kelman surveyed Congressional staff members, and found that support and opposition to market-based environmental policy instruments was based largely on ideological grounds: Republicans, who supported the concept of economic-incentive approaches, offered as a reason the assertion that “the free market works,” or “less government intervention” is desirable,

without any real awareness or understanding of the economic arguments for market-based programs. Likewise, Democratic opposition was based largely upon ideological factors, with little or no apparent understanding of the real advantages or disadvantages of the various instruments (Kelman 1981). What would happen if we were to replicate Kelman's survey today? My refutable hypothesis is that we would find increased support from Republicans, greatly increased support from Democrats, but insufficient improvements in understanding to explain these changes.¹³ So what else has mattered?

First, one factor has surely been increased pollution control costs, which have led to greater demand for cost-effective instruments. By the late 1980s, even political liberals and environmentalists were beginning to question whether conventional regulations could produce further gains in environmental quality. During the previous twenty years, pollution abatement costs had continually increased, as stricter standards moved the private sector up the marginal abatement-cost function. By 1990, U.S. pollution control costs had reached \$125 billion annually, nearly a 300% increase in real terms from 1972 levels (U.S. Environmental Protection Agency 1990; Jaffe, Peterson, Portney, and Stavins 1995).

Second, a factor that became important in the late 1980s was strong and vocal support from some segments of the environmental community.¹⁴ By supporting tradeable permits for acid rain control, the Environmental Defense Fund (EDF) seized a market niche in the environmental movement, and successfully distinguished itself from other groups.¹⁵

Related to this, a third factor was that the SO₂ allowance trading program, the leaded gasoline phasedown, and the CFC phaseout were all designed to *reduce* emissions, not simply to *reallocate* them cost-effectively among sources. Market-based instruments are most likely to be politically acceptable when proposed to achieve environmental improvements that would not otherwise be feasible (politically or economically).

Fourth, deliberations regarding the SO₂ allowance system, the lead system, and CFC trading differed from previous attempts by economists to influence environmental policy in an important way: the separation of ends from means, that is, the separation of consideration of goals and targets from the policy instruments used to achieve those targets. By accepting – implicitly or otherwise –

the politically identified (and potentially inefficient) goal, the ten-million ton reduction of SO₂ emissions, for example, economists were able to focus successfully on the importance of adopting a cost-effective means of achieving that goal.

Fifth, acid rain was an unregulated problem until the SO₂ allowance trading program of 1990; and the same can be said for leaded gasoline and CFCs. Hence, there were no existing constituencies – in the private sector, the environmental advocacy community, or government – for the *status quo* approach, because there was no *status quo* approach. We should be more optimistic about introducing market-based instruments for “new” problems, such as global climate change, than for existing, highly regulated problems, such as abandoned hazardous waste sites.

Sixth, by the late 1980s, there had already been a perceptible shift of the political center toward a more favorable view of using markets to solve social problems. The George H. W. Bush Administration, which proposed the SO₂ allowance trading program and then championed it through an initially resistant Democratic Congress, was (at least in its first two years) “moderate Republican;” and phrases such as “fiscally responsible environmental protection” and “harnessing market forces to protect the environment” do have the sound of quintessential moderate Republican issues.¹⁶ But, beyond this, support for market-oriented solutions to various social problems had been increasing across the political spectrum for the previous fifteen years, as was evidenced by deliberations on deregulation of the airline, telecommunications, trucking, railroad, and banking industries. Indeed, by the mid-1990s, the concept (or at least the phrase), “market-based environmental policy,” had evolved from being politically problematic to politically attractive.

Seventh and finally, the adoption of the SO₂ allowance trading program for acid rain control – like any major innovation in public policy – can partly be attributed to a healthy dose of chance that placed specific persons in key positions, in this case at the White House, EPA, the Congress, and environmental organizations.¹⁷ The result was what may remain the golden era in the United States for market-based environmental strategies.

3. Outlook

Despite the arguments made for decades by economists and many others, there seems to be little political support in the United States for broader use of benefit-cost analysis to assess proposed or existing environmental regulations. These analytical methods remain on the periphery of policy formulation. As long as leaders on both sides of the debates in the policy community continue to react on ideological bases to proposals for such “regulatory reform,” the status quo is unlikely to change.¹⁸ Perhaps the significant changes that have taken place over the past twenty years with regard to market-based environmental policy instruments can provide a model for progress.

Certainly the change has been dramatic. Market-based instruments have moved center stage, and policy debates today look very different from those twenty years ago, when these ideas were routinely characterized as “licenses to pollute” or dismissed as completely impractical.¹⁹ Market-based instruments are considered seriously for each and every environmental problem that is tackled, ranging from endangered species preservation to regional smog to global climate change (Stavins 1997). It is reasonable to anticipate that market-based instruments will enjoy increasing acceptance in the years ahead.

Of course, no particular form of government intervention, no individual policy instrument – whether market-based or conventional – is appropriate for all environmental problems. Which instrument is best in any given situation depends upon a variety of characteristics of the environmental problem, and the social, political, and economic context in which it is being regulated. There is no policy panacea. But economic instruments are now part of the available policy portfolio, and ultimately that is good news both for environmental protection and economic well-being.

TABLE 1: COSTS OF SELECTED ENVIRONMENTAL, HEALTH, AND SAFETY REGULATIONS THAT REDUCE MORTALITY RISKS

Regulation	Year Issued	Agency	Cost per Statistical Life Saved (Millions of 2002 Dollars)
Logging operations	1994	OSHA	0.1
Unvented space heaters	1980	CPSC	0.2
Trihalomethane drinking water standards	1979	EPA	0.3
Food Labeling	1993	FDA	0.4
Passive restraints/belts	1984	NHTSA	0.5
Alcohol and drug control	1985	FRA	0.9
Seat cushion flammability	1984	FAA	1.0
Side-impact standards for autos	1990	NHTSA	1.1
Low-altitude windshear equipment and training standards	1988	FAA	1.8
Children's sleepwear flammability ban	1973	CPSC	2.2
Benzene/fugitive emissions	1984	EPA	3.7
Ethylene dibromide drinking water standard	1991	EPA	6.0
NOx SIP Call	1998	EPA	6.0
Radionuclides/uranium mines	1984	EPA	6.9
Grain dust	1988	OSHA	11
Methylene chloride	1997	OSHA	13
Arsenic emissions standards for glass plants	1986	EPA	19
Arsenic emissions standards for copper smelters	1986	EPA	27
Hazardous waste listing for petroleum refining sludge	1990	EPA	29
Coke ovens	1976	OSHA	51
Uranium mill tailings (active sites)	1983	EPA	53
Asbestos/construction	1994	OSHA	71
Asbestos ban	1989	EPA	78
Hazardous waste management/wood products	1990	EPA	140
Sewage sludge disposal	1993	EPA	530
Land disposal restrictions/phase II	1994	EPA	2,600
Drinking water/phase II	1992	EPA	19,000
Formaldehyde occupational exposure limit	1987	OSHA	78,000
Solid waste disposal facility criteria	1991	EPA	100,000

Source is Morrall (2003). Only final rules are included. Estimates are from respective agencies. Non-mortality and non-health benefits were subtracted from the annual cost (numerator) to generate net cost. For each entry, the denominator is the estimated number of statistical lives saved by the regulation annually. Agency abbreviations are as follows. CPSC: Consumer Product Safety Commission; EPA: Environmental Protection Agency; NHTSA: National Highway Traffic Safety Administration; FAA: Federal Aviation Administration; FRA: Federal Railroad Administration; OSHA: Occupational Safety and Health Administration

TABLE 2: MAJOR U.S. TRADEABLE PERMIT SYSTEMS			
Program Traded	Commodity	Period of Operation	Environmental and Economic Effects
Emissions Trading Program	Criteria air pollutants under the Clean Air Act	1974–Present	Environmental performance unaffected; total savings of \$5–12 billion
Leaded Gasoline Phasedown	Rights for lead in gasoline among refineries	1982–1987	More rapid phaseout of leaded gasoline; \$250 million annual savings
Water Quality Trading	Point-nonpoint sources of nitrogen & phosphorous	1984–1986	No trading occurred, because ambient standards not binding
CFC Trading for Ozone Protection	Production rights for some CFCs, based on depletion potential	1987–Present	Environmental targets achieved ahead of schedule; effect of TP system unclear
Heavy Duty Engine Trading	Averaging, banking, and trading of credits for NO _x and particulate emissions	1992–Present	Standards achieved; cost savings unknown
Acid Rain Reduction	CO ₂ emission allowances; mainly among electric utilities	1995–Present	CO ₂ reductions achieved ahead of schedule; annual savings of \$1 billion per year
RECLAIM Program	CO ₂ and NO _x emissions by large stationary sources	1994–Present	Unkown
Northeast Ozone Transport	Primarily NO _x emissions by large stationary sources	1999–Present	Unkown

Source: Stavins (2003).

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Endnotes

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1. There is a third important dimension of the role of government. What level of government should be delegated responsibility and authority: local, state, regional, Federal, multinational, or global? There is, of course, no general answer. The answer will depend upon specific characteristics of individual environmental policy issues. The debates on this question have often been analytically flawed. For clarification, see: Revesz 1997.

2. Externalities in the environmental realm are not bilateral, but involve public goods with multi-party impacts. Transaction costs and third-party impacts preclude the possibility of private negotiation leading to simple, efficient solutions (Coase 1960). For largely the same reasons, private tort litigation – with its considerable transaction costs – will not solve the bulk of environmental problems.

3. See: Arrow, Cropper, Eads, Hahn, Lave, Noll, Portney, Russell, Schmalensee, Smith, and Stavins (1996).

4. During the 1990s, equity concerns played increasing roles in environmental policy debates (Hahn, Olmstead, and Stavins 2003). President Clinton's Executive Order 12866 was the first among the series of Presidential executive orders dealing with regulatory analysis to include distributional concerns. Also, the "property rights movement" in the western United States was fundamentally about the distribution of regulatory costs (particularly in the context of the Endangered Species Act and wetlands regulation under Section 404 of the Clean Water Act).

5. Statutes that have been interpreted (in part, at least) to restrict the ability of regulators to consider benefits and costs include: the Federal Food, Drug, and Cosmetic Act; health standards under the Occupational Safety and Health Act; safety regulations from National Highway and Transportation Safety Agency; the Clean Air Act; the Clean Water Act; the Resource Conservation and Recovery Act; and the Comprehensive Environmental Response, Compensation, and Liability Act. On the other hand, parts of the Clean Water Act, the Consumer Product Safety Act, the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Safe Drinking Water Act explicitly allow or require regulators to consider benefits and costs.

6. This is by no means an argument against lobbying *per se*. On the contrary, lobbying activities by interest groups and individuals on all sides of issues is a fundamental aspect of the nation's pluralistic system. In this regard, a participant in the Aspen workshop pointed out that it would be preferable to have lobbying activity focus on technical points (such as in a benefit-cost framework) than on ethical assertions and sweeping generalizations. In any event, there is rigorous, empirical evidence that agencies do take into account benefits and costs of regulatory decisions, even when governing statutes do not encourage or allow such analysis to affect decisions. See, for example: Cropper et al. 1992.

7. On the other hand, it should be recognized that the Office of Information and Regulatory Affairs (in the U.S. Office of Management and Budget), which reviews draft regulations and manages the process of receiving Regulatory Impact Analyses from the departments and agencies, was itself established by the Congress (through the Paperwork Reduction Act of 1980).

8. But President Clinton did sign the Small Business Regulatory Reform Act of 1996, which provides an opportunity for the Congress to pass legislation that nullifies a regulation that does not pass a benefit-cost test (the nullification itself is then subject to possible Presidential veto, like any act of Congress).

9. Proposals for the use of a benefit-cost test for setting environmental standards have found a more receptive audience among the states. As of 1996, some 25 of 35 states surveyed reported significant environmental regulatory reform efforts, defined as including the establishment of benefit-cost criteria for promulgation of regulations (Graham and Loevzel 1997). On the other hand, a participant in Aspen conference pointed out that in at least one state the increased use of benefit-cost analysis of regulations had also led to increased litigation. Another participant noted that this unintentional consequence can be avoided by careful wording of the law or regulation that calls for the analysis, as was done with the analytical requirements in the Safe Drinking Water Act amendments of 1996.

10. Diverse factors have caused command-and-control instruments to so dominate environmental regulation. See: Keohane, Revesz, and Stavins (1998).

11. For a detailed survey of the use of market-based instruments for environmental protection in the United States, as well as other nations, see: Stavins (2003).

12. For a more thorough exploration of the answers to this question, see: Stavins (1998).

13. But there has been some increased understanding of market-based approaches among policy makers. This has partly been due to increased understanding by their staffs, a function – to some degree — of the economics training that is now common in law schools, and the proliferation of schools of public policy (Hahn and Stavins 1991).

14. But the environmental advocacy community is by no means unanimous in its support for market-based instruments. See, for example, Seligman 1994.

15. When the memberships (and financial resources) of other environmental advocacy groups subsequently declined with the election of the environmentally-friendly Clinton-Gore Administration, EDF continued to prosper and grow (Lowry 1993). In 2003, the World Resources Institute was alone among environmental advocacy groups to support the George W. Bush administration's water quality trading policy.

16. The Reagan Administration enthusiastically embraced a market-oriented ideology, but demonstrated little interest in employing actual market-based policies in the environmental area. From the Bush Administration through the Clinton Administration, interest and activity regarding market-based instruments – particularly tradeable permit systems – continued to increase, although the pace of activity in terms of newly implemented programs declined during the Clinton years, when a considerable part of the related focus was on global climate policy (Hahn, Olmstead, and Stavins 2003).

17. Within the White House, among the most active and influential enthusiasts of market-based environmental instruments were: Counsel Boyden Gray and his Deputy John Schmitz, Domestic Policy Adviser Roger Porter, Council of Economic Advisers (CEA) Member Richard Schmalensee, CEA Senior Staff Economist Robert Hahn, and Office of Management and Budget Associate Director Robert Grady. At EPA, Administrator William Reilly – a “card-carrying environmentalist” – enjoyed valuable credibility with environmental advocacy groups; and Deputy Administrator Henry Habicht and Assistant Administrator for Air and Radiation William Rosenberg were key, early supporters of market-based instruments. In the Congress, Senators Timothy Wirth and John Heinz provided high-profile, bi-partisan support for the SO₂ allowance trading system and, more broadly, for a wide variety of market-based instruments for environmental problems through their “Project 88” (Stavins 1988). And, finally, in the environmental community, EDF Executive Director Fred Krupp, Senior Economist Daniel Dudek, and Staff Attorney Joseph Goffman worked closely with the White House to develop the initial allowance trading proposal.

18. There continues to be more rhetoric than understanding about what is really entailed in an economic perspective of environmental problems. For a response to the “straw men” frequently set up and attacked by those hostile towards an economic viewpoint, see: Fullerton and Stavins (1998).

19. Although such ethical objections to the use of market-based environmental strategies have greatly diminished, they have by no means disappeared (Sandel 1997).