

The Business of Clean Air

*Selection of UK policy instruments for pollution control 1974 – 2009**

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Introduction

During the past thirty-five years “the environment” has moved from the outskirts of policymaking and academia, to become a matter of foremost concern. A particularly dramatic shift in focus has been witnessed in the area of clean air politics. A recent illustration of this was the fifteenth Conference of Parties held in Copenhagen in December 2009. An unprecedented number of leaders from around the world, including Barrack Obama, Gordon Brown, and Wen Jibao gathered in Copenhagen to hammer out an agreement to deal with the challenge of Climate Change. Suddenly clean air had become an issue for presidents and prime ministers, not just activists and NGOs. The conference represented a significant shift in thinking from the early part of the 20th century, when pollution was a peripheral issue, dealt with on an ad hoc basis. The emergence of environmental concerns, including air pollution, as a key item on the policy agenda is widely seen as a triumph of public interests and science over corporate elitism and capitalism (Gonzalez 2001, p.1) Yet evidence of the interest of business in, and activity relating to, the area is readily apparent. In the U.S. a range of studies have been conducted illustrating the influence of organised corporate interests on environmental policymaking. As Kraft and Kamieniecki state, “from helping to set the political agenda to influencing decision-making in executive agencies and the courts, U.S. firms have been among the most significant policy actors across government” (Kraft and Kamieniecki 2007, p.3). Research on the topic has left little doubt that business networks have both sought to influence the policymaking process, and have succeeded in doing so.

While studies have demonstrated that big business has exerted influence over environmental policy in the United States, less is known about private sector activity across the Atlantic, particularly in Great Britain. While the U.K has a long history of dealing with air pollution, with legislation dating back as early as 1863, very little analysis has been conducted into the way in which business interests have engaged in this process, particularly over an extended period of time. Yet this is a policy area that has undergone significant changes not simply in terms of priority, but in terms of approach. During the last four decades we have witnessed an evolution away from ad hoc agreements, to more stringent, legalistic measures and finally in more recent years towards an experimentation with new types of policy instruments. At the same time business has become better organised and more active. In light of this, the question of just how much influence corporate interests are exerting over environmental policy in the UK is both relevant and important. Is British green

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politics an oasis of democracy as often portrayed, or is it subject to the pressures of corporate interests as found in the U.S.?

The topic of British environmental policy has of course already been subject to analysis, and there are multiple explanations for why shifts in policy approach have taken place. Much of current research however, examines UK policy in reference to the European Union (Jordan 1998; Lowe and Ward 1998; Jordan and Schout 2006), and provides only limited insight into corporate power within this sphere. To develop an understanding of private sector influence within environmental politics this study focuses on the topic of clean air. This is a particularly interesting area because of the increased concern over global warming as a result of carbon emissions, but also because related legislation stems back over a century. Although increasing numbers of studies are being written on the topic of Climate Change (Nordhaus 1994; Harris 2006; Giddens 2009), and the influence of business on Climate Change policies more generally (Begg, Van der Woerd and Levy 2005, Pinkse and Kolke 2009), there are few studies that provide a detailed, long-term analysis of Clean air policies (Jones 1975, Bailey 1998; Kessel 2006,), and fewer still dealing specifically with air politics within the United Kingdom (NSCA 1989; Hamilton 1998). None provide a sustained analysis of how business has influenced the area. This study addresses this gap by offering a detailed analysis of the process of selecting instruments to tackle air pollution, and specifically of the role played by business interests therein.

The Question

Research aims and questions

In the context of extensive changes in clean air policy within the United Kingdom during the last 35 years, and the parallel increase in business activity within this area, the central purpose of this thesis is to determine the influence of the private sector on policy decisions in this sphere. Particular attention will be given to the way in which businesses have sought to use policy networks to achieve outcomes that support their goals, and if so whether this has been successful. The central question being posed by this research is thus;

To what extent and in what ways did business networks influence the selection of UK clean air policy instruments between 1974 and 2009?

In answering this question, the study will provide insight into the evolution of clean air policy within the UK more generally, and an understanding of how business interests have influenced the selected instruments more specifically. What this study does not set out to do is to explain why certain environmental issues have entered the agenda. It is purely focused on outcomes.

Situating this question in existing literature

The purpose of this research is to test the theory that business networks have influenced the selection of clean air policy instruments within the UK. Although

research specifically treating the role of the private sector in British clean air policy is limited at best, the study nevertheless draws extensively on existing theory and research to support the analysis made.

While the interest of business in policy outcomes is readily apparent, their role in influencing these outcomes is less straightforward. This is in large part due to the intricate interactions that exist around the policymaking process. It is not only the private sector that has a stake in the policy process; government is now embedded in “complex collaborative relationships with other levels of government, private-sector actors, and non-government organisations” (Sidney 2007, p. 82). Each group involved has their own agenda, which may or may not align with that of other groups. They may form coalitions or “communities”, or they may be at direct odds. Understanding policy outcomes is not simply a matter of ends and means, one must unravel the complex interactions that have taken place during the decision-making process.

Recognising that multiple parties are now involved in the policy cycle, the role of competing networks has received a great deal of attention within academic circles. Referred to variously as policy communities, issue networks, regulatory sub-governments, iron triangles, policy sub-systems, and policy networks they can however, imply very different types of relationship. They are united though, by their focus on the role of “extra-formal interactions” between actors outside the formal processes of government. Analysis of these communities serves to shift focus away from institutional structures to the “relations of power, political action, political conflict and coalition building” (Miller and Munir 2007, p.137). The traditional democratic view of policy making considers the electorate as having clear policy choices, and selecting representatives that best represent those choices. Once elected that official is then supposed to aggregate those choices into a policy that is representative of the citizens’ preferences and these are then implemented by the administration. In reality however, administrators are not neutral, policy choices are not clear-cut and there are multiple forms of interaction. The object of analysing policy groups therefore, is to understand what role they play in the decision-making process.

Proving however, that particular networks are in place is only the first step. While it is possible to demonstrate that such relationships exist, it is more difficult to prove that their presence (or absence) determine policy outputs. As Raab and Kenis argue, “only if we can demonstrate the types of effects of interactions or links between actors on policy making, can we create a genuine and exclusive basis for a network theoretical approach to policymaking” (Raab and Kenis 2007, p. 193). This thesis concerns itself specifically with business networks. The objective therefore is to determine not simply whether they exist, or whether they made active efforts to influence the outcome of clean air policymaking, but rather if there is convincing evidence that they succeeded in their efforts. This is further complicated by the fact that the business community is not a homogenous group. Referring to “business networks” (as opposed to public interest groups, or political groups) gives the impression that they are united by similar objectives. This of course is not the case. While they may be adjoined by a similar interest in safeguarding profits or minimising costs, the way in which they are impacted by proposed policy measures can differ according to industry, and company. Thus, a proposal to enforce emission limits might negatively impact the coal industry, but the gas sector may in fact benefit from tighter controls. This has been evident in

recent debate around carbon reductions. So-called “clean” energy providers are in favour of reductions, while the fossil fuel sector is more inclined to object to changes. It is a matter therefore, of breaking down the business community into varying networks and understanding how they interact on a policy level, both between themselves and with government.

Beyond that it is vital to determine whether they have had a demonstrable impact on the outcomes reached. In alignment with the Rhodes model, characteristics of the various business networks will be considered, including membership, integration, resources, and power. For instance, whom they are affiliated with, what percentage of the GDP they account for and whether members have a cohesive agenda (Rhodes 1997). Alignment of network objectives and policy outcomes however, will not be considered as evidence of a causal relationship in and of itself. There will have to be sufficient evidence that without the influence of these groups the decision outputs would have been different. This is crucial, because it is arguable that even should they coincide, this may be a product of chance rather than design. It is possible for instance, that business networks and policymakers have similar objectives. This would be the argument of certain political economists. Within the concept of political economy, economic systems can be viewed as political systems that privilege certain values and interests over others. Capitalism is seen to prioritise profit and the interests of the capitalist class over other considerations, such as the environment (Block 1990, Roy 1997). An argument could therefore be made that the interests of business and government simply coincide, and that rather than outcomes being a function of network pressure they are a product of the primacy of capitalist values.

There are also multiple other explanations for policy outcomes. These include systemic constraints (Bemelmans-Videc, Rist et al. 1998, p.152), ideas (Hall 1993; Hood 1994; Blyth 1997), policy transfer (Dolowitz and Marsh 1996; Lodge 2003), policy communities (Miller and Demir 2007; Raab and Kenis 2007), advocacy coalitions (Sabatier 1998), path dependency (Pierson 2004; King 2007) and individual agency (Dunleavy 1991; Gunningham and Gabrosky 1998; Huppel and Simonis 2000; Sterner 2003). Regulation theorists additionally point to fact that certain policy tools become obsolete due to changes (e.g. technological advances) or alternatively “destroy themselves” (e.g. through bureaucratic failings) (Baldwin and Cave 1999). The objective of this study therefore, will be to determine to what extent outcomes are a product of business interest group pressure, while at the same time considering the degree to which other factors have been important.

Approach

In order to answer the central question posed by this thesis there is a need for a conceptual and methodological framework that enables analysis of changes in the policy landscape in reference to the influence exerted by business networks. The objective within this is to test the theory that businesses have influenced the instrument selection process. The period between 1974 and 2009 has been selected because it enables a consideration of the way in which the dynamics within and between government and business have altered during the preceding decades. Rather than drawing conclusions from a snapshot in time therefore, this longitudinal approach enables a consideration of how history informs current activities. Focusing

on a thirty-five year period additionally provides context to our understanding of the current interaction between business and government on the topic of clean air, and offers insight into how policies and networks have altered during this period.

Qualitative “within-case” analysis

In line with other theory testing research, a case study approach has been chosen. The choice of this method reflects several relatively straightforward considerations. Most importantly, it enables a rich, descriptive account of the dynamic relationship between business networks and government, along with complex details of the policymaking process. This is important due to the extended time period and historical focus of the research. This method additionally provides a highly ‘contextual’ account of specific policies that have been adopted, offering a more nuanced understanding of what was introduced, for what reasons and at which stage. Finally, qualitative, case-based methods are an appropriate means of analysing complex, multi-dimensional pathways of ‘causality’, particularly where underlying ‘units of analysis’ are multiple and/or contested (Abell 2001, Bennett and Elman 2006). Both business networking and the policy process present features of complexity, and contain multiple units of analysis and thus a detailed case analysis is necessary.

The choice of UK clean air policy as the high-level case study is based on several factors. Firstly, policymaking in this area spans the entire period under investigation, and has been subject to regular revision. Secondly, its policies have particular implications for the business sector, with much of the reforms made being directed specifically at industry. This provides an ideal starting point for examining the potential influence of business networks on policy, particularly in the environmental sphere. The chosen timeframe for analysis additionally means there are multiple policies, election terms and party leaderships under consideration, providing an opportunity to weigh up competing factors of influence. In terms of wider contributions, this case is additionally important because there have been few studies of UK air policy, and certainly not an exploratory analysis of the role of business networks within this field. Gaining insight into if (and how) private sector associations have impacted the selection of policy instruments in this area will improve understanding of the role of interest groups in shaping policy outcomes, and will additionally contribute to current debate around Climate Change. Clean air is a topic of intense policy focus at present, and is likely to stay that way for the foreseeable future.

To elucidate the case of clean air however, three within-case examples have been selected. The first two represent key groups of legislative reforms adopted during these decades, these being policies related to Motor Fuel content and the Climate Change Agreements. In addition, a case analysis of voluntary and negotiated agreements will be carried out. This is in recognition of the fact that not all policy making is formalised in legislation. To understand the full scope of change within clean air it is necessary to understand how new instruments have been used to supplement, or even replace, legal reforms and the final case will provide this insight. Combined, the three sub-cases in question will offer a comprehensive historical

narrative of air pollution control between the 1970's and 2000's, and detailed insight into the influence of business networks.

Developing an historical narrative through process tracing

The interactions between business and government are complex, and understanding the influence of one on the other is not a simple means of cause and effect. To provide insight it is necessary to build a convincing body of evidence. This study is grounded on the premise that by collecting detailed historical facts it is possible to identify causal mechanisms, and in doing so go beyond narrative and test theoretical claims. Pierson argues that in examining the role of politics in time it is crucial to consider the timing and sequence of events and processes (Pierson 2004, p.54). To achieve this the method of process tracing is most useful. Bennett and George define the technique as a means with which “to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable”(George and Bennett 2005, p.206). The key difference between this and statistical methods is that the latter focuses on identifying *causal effects* (i.e. outcome of variable changes) while process tracing focuses on the *causal mechanisms* that connect causes and effects (Falleti 2006, p. 1-2). By examining the sequence of events surrounding a political outcome, process tracing can be used as a tool for both theory testing and theory development. It additionally allows for equifinality. As Peter Hall argues, “process tracing is a methodology well-suited to testing theories in a world marked by multiple interaction effects, where it is difficult to explain outcomes in terms of two or three independent variables” (Hall 2003, p.18). The research at hand deals with the selection of multiple policy instruments, by several leaderships, over a thirty-five year time period. It is impossible to preclude the possibility that different factors have influenced outcomes.

Process tracing can be applied in varying ways, but for the purpose of this study will be used as a means to test the theory that business networks have acted as influents on policy instrument selection. This variant of the method has been dubbed theory-guided process-tracing, and has been applied by various scholars (Buthe 2002; Hall 2003; Pierson 2004). Within this approach the narrative is given focus by applying theoretical assumptions. As Ronald Aminzade states, “by making the theories that underpin our narratives more explicit, we avoid the danger of burying our explanatory principles in engaging stories. By comparing sequences, we can determine whether there are typical sequences across [cases]... and can explore the causes and consequences of different sequence patterns” (Aminzade 1993, p.108).

Analytical approach

The methodological approach is thus focused on three sub-cases with process tracing used as the primary analytical tool. The analytical approach is similarly bounded around these three case examples. The objective is to understand (i) the steps taken in the policymaking process, (ii) how business engaged, or was engaged, by government in this process and (iii) whether there is sufficient evidence to suggest that networks influenced the outcomes reached.

For each of the three legislative cases several layers of analysis will be carried out. The same approach will be taken to each in order to provide continuity in the discussion, and to permit comparative analysis. The major steps involved are as follows:

1. Mapping of networks: the first stage of the study will be mapping the landscape of networks associated to policymaking, both for clean air in general, and for the specific cases under analysis. Tracing the associations involved will be essential to understanding their role in the policy process. The mapping will be carried out from a top down perspective, beginning with overarching networks (some of which function at the international level) and then examining their affiliated groups. Once this is carried out each network can then be understood in terms of its internal activities, along with its interactions with other business groups. This will feed into an analysis of the relationship between private sector associations and the government.

2. Analyse Selection Process: The second, and most crucial, stage will be examining the interaction between business networks and government during the policymaking process. I.e. who said what, who did what, which associations were involved and so forth.

3. Comparative Analysis: The final stage of investigation will entail cross-analysis of the three cases. The findings will be compared, and a determination made about whether there is sufficient evidence to suggest that business networks have played a role in shaping policy outcomes in the sphere of clean air.

Empirical sources

Data for the case study will primarily be collected through document analysis, but will be supplemented by semi-structured interviews. These methods have been selected on the basis that they can provide the rich detail required for the case studies. Used in conjunction they additionally allow for primary data to be collected for the complete time frame being analysed.

Content Analysis

Due to the long period under investigation, content analysis will form the central part of the empirical analysis, with the majority of information being gathered from historical documentation. In line with the analytical framework the textual analysis will focus on identifying the business networks involved, their internal and external activities, detailing the process steps that led to the selection of specific policy instruments, and determining the extent to which business networks influenced the outcome reached. To obtain this breadth of information multiple sources need to be looked at. This will include committee and consultation meeting minutes, information produced by individual companies and business associations, political party publications, transcripts of house of commons debates, media output, departmental publications, policy documents and any other written or recorded material that might have bearing on the topic.

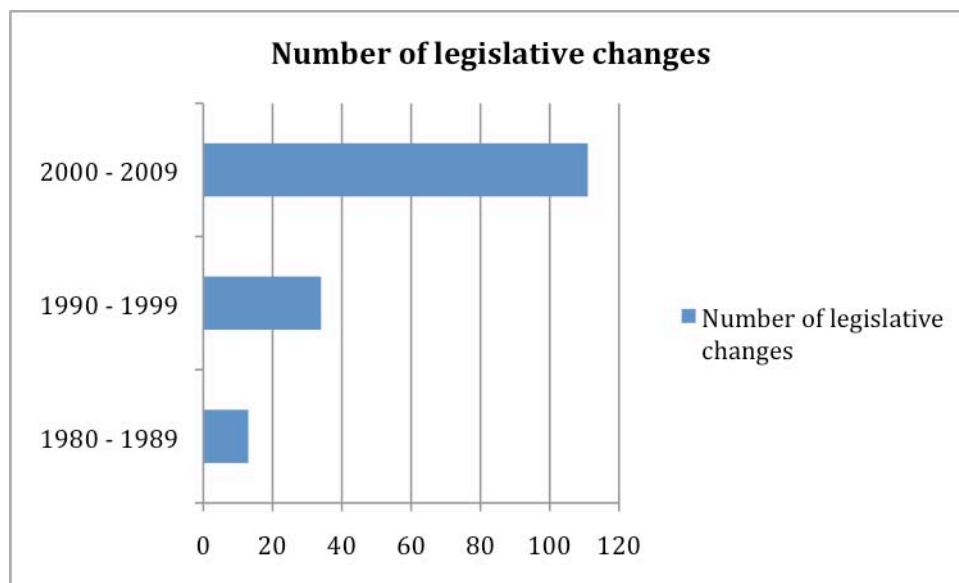
Interviews

The outcome of content analysis will be supplemented by semi-structured and unstructured interviews with individuals involved in the policy making process. The objective of interviewing will be to both follow-up points raised by the content analysis, and to elicit new lines of enquiry. It will additionally serve to provide context to the decision making process. Those interviewed will include Members of Parliament, policy analysts, committee members, business representatives, association leaders, and civil servants. Information will therefore be gathered from both elites and functionaries within politics and business. The interviews will be left largely unstructured to allow the individuals to guide the discussion towards the issues they consider most relevant. Interview guides will be developed however, to provide topics of focus for each meeting and possible questions. This will help ensure that the interview remains on course, and that if the interviewees are not forthcoming they can be prompted through more structured questioning.

Preliminary Analysis

As indicated, to date there has been very little research conducted into the topic of air pollution control within the UK. Consequently, the primary objective so far has been to produce a background picture of the sphere for the last thirty-five years. This has involved identifying the key reforms introduced between 1974 and 2009, and from this producing some initial analysis of the major trends that have characterised the area. In doing so, several changes have become immediately apparent. The first of these is the increasing number of policies passed in each succeeding decade. Between 1974 and 2009 the UK government introduced over 150 legislative changes that had a bearing on air pollution control. This was far in excess to any reforms passed in the preceding century. Yet of these over 100 were passed since the year 2000 (see graph A).

The second major change pertains to the agenda for clean air. In the 1970's and 1980's primary focus was on reducing sulphur and lead particulates, with the majority of legislative changes aimed at controlling fuel content. In the 1990's however, attention turned toward the mechanisms used for pollution control, with significant efforts made to improve the authorisations and inspection process. This resulted in the formation of an Integrated Pollution Control regime, which combined strategy on air, water and land pollution. From 2000 another shift took place, with the entrance of Climate Change onto the UK policy agenda. This was a direct result of the 1997 Kyoto Protocol, which contained legally binding commitments for signatories to reduce their production of greenhouse gases. To this end, in 2001 the UK government introduced the Climate Change Agreements, and in the last 8 years much of the legislation passed in relation to air pollution has had some bearing on this issue.

Graph A: Number of legislative changes for clean air between 1980 and 2009

Alongside a changing agenda and increasing number of reforms, there has been a shift in the type of policy instruments being adopted. In the 1970's and 1980's British environmental policy was in the process of transitioning away from ad hoc agreements, towards a more legalistic approach. Stricter controls were introduced for heather and grass burning, motor fuel content and industrial emissions. This approach was reinforced in the early 1990's with emphasis placed on strengthening regulatory measures. In the latter part of the decade however, serious concerns began to surface about the economic efficiency, environmental effectiveness and democratic legitimacy of command and control measures. Industry leaders argued that by forcing all sites to meet the same standards abatement measures were not achieved economically, and that the marginal costs for some sites were much higher than for others. Critics also claimed that strict limits failed to provide incentive for sites to exceed targets. Command and control measures were also costly for government to maintain, with far more resources being required to manage a strict regulatory regime than a more flexible framework. As a result, in the 2000's the UK government sought to identify more flexible and cost effective means of achieving policy objectives.

This has resulted in the introduction of so-called "new instruments" into the policy mix; a trend particularly evident in the UK's strategy to reduce carbon emissions. The Climate Change Programme aims to achieve reductions by combining limits for emissions with levies, trading schemes, voluntary targets, and financial incentives. Together, these measures represent a different approach to traditional voluntaristic methods, but are more flexible than command and control instruments. Importantly, the UK has been a forerunner in implementing such methods. In 2002, for example, Britain became the first country to introduce a nation-wide emissions trading scheme, providing a blueprint for a similar initiative rolled out across Europe in 2005. The economic incentive behind the adoption of new instruments is clear. As with the emissions trading scheme, much of recent policy in the area of clean air is explicitly intended to provide businesses with flexibility of response, and thereby a more

effective means of managing costs. Financial incentives are used to encourage industry to reduce emissions, and they are provided flexibility in how much they spend and what targets they aspire to. In outlining its objectives the CCP states that Climate Change policies should be analysed against criteria including cost-effectiveness; incentives for innovation; burden on consumers and business; cost to the Exchequer; and impact on competitiveness. Reduction in emissions is thus an objective to be managed against broader concerns.

The clean air policy landscape has clearly undergone a number of significant changes during the past thirty-five years. With an increasing number of reforms, a more powerful agenda and a complex policy mix it has transformed from a peripheral issue to a matter of central interest. While it is not the objective of this thesis to explain all of these changes, it *is* concerned with understanding why the type of policy tools adopted has altered. More specifically, in light of the increased emphasis on cost-effectiveness, private sector competitiveness and the role of the market, it seeks to determine whether business has had any influence on this shift. While it would seem plausible to assume that pressure from the private sector to relax strict regulatory controls, and adopt more flexible measures was behind the change; in truth it is an area subject to complex interactions, and it is not clear whether this is in fact the case. Only further analysis will reveal what the real explanation is.

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