Critical Dialogue

Global Governance of Hazardous Chemicals: Challenges of Multilevel Management. By Henrik Selin. Cambridge, MA: MIT Press, 2010. 235p. $44.00 cloth, $22.00 paper.
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— Megan Mullin, *Temple University*

In his book, Henrik Selin introduces readers to the complex and fragmented international regime governing the management of hazardous chemicals. He presents a compelling account of the environmental and human health threats posed by international trade and the transboundary movement of hazardous chemicals and waste, building a strong case for this problem as an appropriate target for international cooperation and governance. He then analyzes the development and contents of the chemicals regime, with particular emphasis on the way that linkages among issues and actors contribute to the design of chemicals management policy.

The chemicals regime consists of four independent multilateral agreements addressing different, but overlapping, parts of the life cycle of hazardous chemicals: the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Convention on Long-Range Transboundary Air Pollution's (CLRTAP) 1998 Protocol on Persistent Organic Pollutants (POPs); and the 2001 Stockholm Convention on POPs. Although issues of control, trade, and disposal of hazardous chemicals are clearly interrelated, the chemicals regime is unlike many other international regimes in that these conventions and protocols are formally independent, without any framework convention that coordinates policy efforts. As a consequence, the various stakeholders attempting to influence international policy toward hazardous chemicals—states, intergovernmental and nongovernmental organizations (IGOs and NGOs), and chemicals producers and users—interact with one another repeatedly across different venues in an attempt to build coalitions and advance their goals.

These interactions among actors, and the ways that the interactions evolve as policy activity transfers from one issue and institutional venue to another, are the focus of Selin's analysis. *Global Governance of Hazardous Chemicals* examines how institutional linkages across multilateral forums affect three different outcomes: coalition building in support of policy expansion; the diffusion of regime components, such as reliance on prior informed consent (PIC) as a guiding principle or the design of bodies tasked with implementation; and the design and effectiveness of multilevel governance efforts.

Following an introduction, the second chapter positions the study in the literature on institutions and multilevel governance. Chapter 3 provides a history of chemicals use and management. After that, Selin dedicates a chapter to each of the four main international chemicals treaties. With great detail, he documents the development of the treaties, tracking coalitions of interest on the key issues of conflict and providing extensive discussion of implementation challenges and outstanding unresolved issues. The research that went into producing these case histories is truly impressive—this book is essential reading for scholars and practitioners working in the area of hazardous chemicals management. For those with more general interest in issues of global environmental governance, however, these histories err on the side of too much detail. Especially in the first two case study chapters, it is difficult to untangle the larger lessons about institutional effects on policy from the specific features of the policy processes under study. The concluding chapter is helpful in summarizing results and highlighting some of the broader themes, but on the whole, I found the empirical detail to overwhelm the book's analytic arguments.

Even so, the book has much to contribute to our understanding about how institutional complexity affects strategic interplay among policy stakeholders. International governance of hazardous chemicals is both fragmented along horizontal lines and multilevel, characterized by policy action at national and regional levels, as well as on a global scale. With respect to the vertical features of multilevel governance, the study is particularly strong in its careful attention to countries' financial, technical, and administrative capacity to implement treaty provisions. Issues of capacity helped define treaty obligations; for example, the diffusion of PIC as a guiding principle was not as protective as some stakeholders preferred, but it carried great potential to spread information from countries with more regulatory capacity to those with less.

Capacity remains an ongoing challenge in regime implementation, and low rates of compliance with PIC procedures are in part attributable to insufficient domestic capacity.

Although the subtitle suggests that the book's focus is on vertically shared responsibility, the bulk of the insights relate to horizontal fragmentation among the four treaties. The treaties are freestanding, but they address related issues and involve many of the same state, IGO, NGO, and corporate actors. In this dense institutional environment, linkages among actors, issues, and administrative procedures do much to shape relationships and policy choices. Selin discusses these linkage opportunities at length, identifying different types and forms. Not only do the linkages provide analytic leverage in helping to explain developments in the chemicals regime, but they are also important substantively, because part of the purpose of multilateral cooperation in chemicals management is to diffuse knowledge about, and capacity for, the handling and disposal of hazardous chemicals. As stakeholders build coalitions to support their formal positions on chemicals governance, they also develop relationships that might help achieve the shared goal of promoting education about chemicals management.

Given the importance of the linkages on both analytic and substantive grounds, I was disappointed not to see more systematic treatment of their causes and effects. Selin convincingly portrays the linkages as a critical factor in shaping the design of the chemicals regime, but he does not take the next step to theorize about the determinants of linkage formation or the conditions that might increase the influence of linkages on outcomes. This broader emphasis is needed in order to export findings from this research to other areas of international governance. On the basis of findings in the literature on institutional fragmentation in metropolitan areas, I would expect the dense institutional environment in the chemicals regime to create high transaction costs for forming linkages, but these costs should be lower where trust relationships emerge. Do transaction costs have a similar effect in this case? For example, do we see more linkages between venues that have more common membership? Selin notes that differences in membership between the CLRTAP POPs Protocol, a regional agreement, and the Stockholm Convention, which is global in scope, complicated the transfer of certain elements of POPs governance from one venue to the other (p. 175). Is this finding about the importance of overlapping membership something we should expect systematically?

The metropolitan fragmentation literature offers other potentially useful hypotheses. For an individual stakeholder, institutional fragmentation should increase the cost of monitoring policy activity across the multiple venues, but at the same time it should improve the stakeholder's ability to articulate complex sets of preferences. In other words, if a country seeks differential levels of regulation in different areas of chemicals policy, the fragmentation of venues may make it easier for the country to pursue this outcome. Selin notes the cost of monitoring (p. 168), but he offers little insight about whether this cost has a differential impact on actors with varying resource levels. Moreover, is there evidence that horizontal fragmentation allows articulation of complex preferences? Canada seems to be an example: It is allied with the United States and Japan in resisting a ban on hazardous waste transports from industrialized to developing countries, but it has taken a more aggressive approach toward controlling the long-range transport of POPs emissions, which have contributed to environmental contamination in the Arctic and health risks for indigenous populations. Are complex preferences such as these more tenable in a horizontally fragmented governance system, and what are the consequences for coalition maintenance?

Another area ripe for systematic theorizing is in the policy consequences of diffusion. Fragmentation facilitates the diffusion of regime components from one venue to another, increasing policy consistency, but it also allows conflict and political differences to carry across venues. On some issues, according to Selin, "political stalemates permeate across policy forums" (p. 13). In the interest of generalizing beyond this case, I sought more careful treatment of the conditions under which we see synergy or disruption. Does the experience in chemicals governance tell us anything that might help predict more or less productive linkages in other issue areas?

These critiques center mostly on trying to organize this book's findings into testable propositions that can be exported to other governance issues, and it is a testament to Selin's good research that I am so eager to do so. Through careful treatment of the hazardous chemicals regime, the author has dissected how institutional fragmentation affects the strategies of actors, which then shape the contents of the regime. Participants are defining the rules by which they will play in the future as the regime continues to evolve to address new chemicals and management challenges. Thus, the testable propositions may also be useful for future analysis of the chemicals regime itself.

Response to Megan Mullin's review of *Global Governance of Hazardous Chemicals: Challenges of Multilevel Management*

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— Henrik Selin

First, I want to thank Megan Mullin for her careful review of my book, which raises several important issues worthy of careful consideration. These will be helpful to me in my continued research and analysis of global environmental governance. A main criticism offered by Mullin's review is that my book includes a great deal of empirical detail but

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is less focused on testing propositions. This is largely by design, however, and her critique reflects our different views on research design and our varying ways of approaching empirical case studies and analysis.

In Chapter 1 of my book, I outline and justify three related research questions that guide my analysis in the subsequent chapters: First, how do coalitions of regime participants form in support of policy expansions, and how are their interests and actions affected by institutional linkages? Second, how do regime participants diffuse regime components across policy venues, and how are policy diffusion and expansion efforts shaped by institutional linkages? Third, how do institutional linkages influence the effectiveness and design of multilevel governance efforts? I address each of these questions directly in the concluding chapter, discussing important governance challenges.

In her book, *Governing the Tap,* Mullin focuses principally on testing a small set of hypotheses, using quantitative data and statistical analysis. When she writes that she was "disappointed not to see more systematic treatment" of the "causes and effects" of linkages and that she was wanting more "testable propositions," she is in effect calling for the kind of methodological approach applied in her own book. In constructing my analysis, I chose to frame it around research questions. I believe this approach best resonates with the character of the case and my stated aim to present a comprehensive analysis of the multifaceted chemicals regime and explore issues of policy expansions, institutional linkages, and effective multilevel governance.

Distilling a large set of complex and interacting factors into testable propositions inevitably simplifies and omits elements of an empirical case. Critical background and specific influencing factors may be ignored when quantitative data are often included and excluded to answer a narrow hypothesis. There is no "perfect" research approach, and the appropriateness of different ones is partially case dependent, as they come with separate strengths and weaknesses. I chose the use of research questions based on an aspiration to provide contextual information examining the historical development of the chemicals regime, as I sought to be both analytically focused and policy relevant. I still think this was the correct choice.

One of the reasons I very much liked being part of this Critical Dialogue was that it illustrated the important point that scholars working in different fields do well to look beyond their immediate core literature in order to gain valuable ideas and insights from other areas. Many of us are, of course, already aware of this, but it is still easy to get stuck in one's own tracks. Mullin's analysis of domestic interjurisdictional issues inspired me to think more broadly about my own research on multilevel institutional linkages in global environmental politics and policymaking. This reconfirms my strong belief in the benefits of crossing disciplinary boundaries and subfields.

Governing the Tap: Special District Governance and the New Local Politics of Water. By Megan Mullin. Cambridge, MA: MIT Press, 2009. 280p. $44.00 cloth, $22.00 paper.
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— Henrik Selin, *Boston University*

This notable book on a little-studied but central aspect of American water politics addresses analytical issues important to a range of political science fields. It is, for example, of considerable relevance to scholars working in areas of American federalism and community politics, as well as to those who are interested in cross-cutting issues of public administration and policy fragmentation, public and private stakeholder participation and democracy, and multilevel governance. In *Governing the Tap,* Megan Mullin analyzes the institutional context and means through which local public services are provided, the governance structures that shape policy outcomes and how they are able to meet developing community goals, and the ways in which specialized structures fit into the complex political landscape of city, county, state, and federal policymaking. Because of both its broad appeal and its own qualities, this book deserves a wide readership.

More specifically, Mullin examines special districts, which are "autonomous units with substantial administrative and fiscal independence from general purpose cities and counties" (p. 3). These districts provide a variety of local services, including transit, libraries, fire protection, electricity, airports, water, and sewers, rather than making such services the responsibility of more traditional governments. However, special districts are not used for basic public welfare, and they lack the police and land-use powers of cities and counties. School districts are also typically not counted as special districts. Nevertheless, special districts have tripled in number over the past 50 years, ranging in size from small areas for mosquito abatement to large entities like the Los Angeles County Metropolitan Transit Authority. There are more than 35,000 special districts in both rural and urban areas across all 50 states, making them the most common form of local governance structures in the United States. However, this particular form of governance has received only limited analytical attention. This book is an important contribution toward filling that gap.

The creation of special districts is part of a larger trend of specialization of public service provision as political systems have grown in size and complexity. Mullin sets out to examine "the consequences of specialization and fragmentation for local policymaking" (p. 1). To this end, she uses specialized water districts as empirical cases, providing a solid justification for them. There are more than 160,000 public-water systems in America, and all states except Alaska and Hawaii have at least one special district that manages water services. Some of the first special districts addressed water issues, and many more recent spe-

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cial districts in other areas were modeled after them. Water quality and quantity concerns are high, and often growing, on local political agendas in many parts of America as a result of combinations of population growth, contamination problems, and droughts. Over time, there has also been an important shift in the focus of water management from technical supply-side issues to contested governance issues. Water is both an essential natural resource and the subject of high politics.

Mullin identifies two major conflicting views on the character and desirability of special districts. What she calls the "conventional wisdom perspective," drawing from metropolitan reform theory, maintains that special districts typically lack transparency and are unaccountable to the public and local governments, making them ripe for corruption and runaway spending. A contrasting view, informed by public choice theory, holds that creating special districts to sort policy issues into separate forums will increase transparency and produce cost savings through decoupling and competition. Mullin, however, believes that special districts have not been subject to enough empirical study to adequately assess their effectiveness. In response, she sets an ambitious and laudable goal: to formulate a "conditional theory of specialized governance," taking into account problem conditions and diversity in local policymaking contexts in order to provide a more nuanced view of special districts than that offered by other perspectives.

The introductory chapter outlines the major analytical and empirical issues of the book. Chapter 2 presents the analytical framework, which contains four conditioning variables: problem severity, special district elections, special district boundary flexibility, and contiguity between special district and city or county boundaries. The author posits that these independent variables will have significant effects on two dependent variables central to the effectiveness of specialized governance: responsiveness and intergovernmental coordination. This chapter is helpful, but precisely because it is essential to the analysis, the dependent and independent variables could have been presented more succinctly, with the summarizing table (2.1) better integrated into the discussion. A more streamlined use of terms would also have been appropriate. For example, Table 2.1 uses "intergovernmental coordination," while the chapter section is labeled "policy coordination," raising questions of exactly how the variables were conceptualized. Furthermore, the chapter could have elaborated a bit more on how the dependent variables were selected. Nevertheless, many important points are raised.

In Chapters 3–5, Mullin uses different models and statistical analysis, relying on quantitative data from national and state surveys to test hypotheses on specific aspects of the operation of special districts (compared to general purpose governments). Chapter 3 explores the adoption of increasing block-rate pricing structures for charging customers in accordance with goals for community water use. Chapter 4 examines the use of development impact fees to fund water-system expansions as communities grow. Chapter 5 investigates whether the institutional design of special districts affects their strategies for addressing changing problems in structure. All of these chapters offer convincing arguments, even if Mullin's models rest on a multitude of critical assumptions that could be discussed further.

It is Chapter 6, however, that provides the richest analysis. It applies a qualitative case-study approach in order to examine how governance structures and boundaries shape the politics of land-use and water issues. Here, Mullin demonstrates how specialized governance can require difficult and costly cross-jurisdictional coordination, but also reveals how it may make decision-making processes more transparent and stimulate innovative policy solutions to complex problems.

Chapter 7 provides a useful review of the multifaceted aspects of special water districts, even if Table 7.1, which summarizes the main findings relating to the conditional theory of specialized governance, could have been better linked to the text. There are several key conclusions: Special districts can be more responsive to their constituents than is sometimes believed, but they should not be seen as a simple fix for local problems (p. 178); policy failures are not any more or less common among special districts than among general purpose governments (p. 183); and without direct elections providing accountability, local officials expend less effort to provide public goods and solve policy problems (p. 183). A definite strength of the chapter is the discussion of five lessons for thinking about the pros and cons of special districts, including the critical observation that "our evaluation of specialized governance ultimately depends on the values we seek to maximize" (p. 188). Many communities may benefit from more public debate about fundamental policy preferences alongside narrow cost/benefit discussions of specific policy options.

This very thoughtful, if at times somewhat dense, book highlights many important institutional design issues related to the capacity of special districts to deal with policy problems of varying severity, as it works off of the important fact that special districts and local physical and political conditions may vary greatly. The book also sets the stage for further research on local governance. The conditional theory of specialized governance, producing many valuable insights into the complexity of specialized governance, can be used as a benchmark for further theorizing about and empirically studying the operation and effectiveness of special districts. Of course, many of these issues are not only of analytical interest but also highly policy relevant. Mullin's study is directly pertinent to the practical design of governance structures, as local policymakers and communities consider how to meet current and future needs most effectively. This includes thinking

carefully about choices between centralized and decentralized governance models, as well as about the use of specialized independent districts versus relying on more inclusive governments.

The book's findings suggest that the federalist aspect of American policy fragmentation and governance is worthy of more attention by scholars, policy analysts, and policymakers. Mullin explicitly recognizes that federal, state, and city laws and regulations can either support or restrict the operation and effectiveness of special districts. Private developers can also play critical roles in the formation of special districts, as a wide range of advocacy groups may engage decision makers. The book ends with a short but extremely interesting discussion about sustainability concerns and specialized governance, as the author argues that "sustainability can be achieved only with local authorities' participation, but state or federal involvement may be necessary to induce local governments to participate" (p. 191). Also, "the prospect of global climate change highlights the importance of problem severity and context when evaluating governance systems" (p. 193). *Governing the Tap* offers many arguments essential to the continued study of special districts and their ability to meet evolving societal needs and policy challenges in local water governance and beyond. It should be read by many.

Response to Henrik Selin's review of *Governing the Tap: Special District Governance and the New Local Politics of Water*

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— Megan Mullin

In his careful and generous review of my book, Henrik Selin asks why I selected responsiveness and intergovernmental coordination as dependent variables for my analysis, therefore setting aside other policy effects that special district governance might produce. This is an important question: the delegation of policy authority to autonomous, specialized governments is a significant departure from the normal politics that takes place in a multidimensional legislature and could have a variety of consequences. To the extent that special districts have received any scholarly attention, it has focused mostly on estimating how specialization affects the level of public spending. My interest lies more in the quality of governance. What do we want from representative government? Central among our goals should be policy outcomes that are responsive both to public preferences and to public problems.

Political scientists have dedicated considerable attention to investigating the role of institutions in channeling popular will into government action; I sought to extend that line of inquiry to special districts. In the book, I show that under normal conditions, specialized governance can produce outcomes that are more congruent with what the majority would prefer than would be the case with decisions made by a multidimensional legislature. Put simply, specialization can increase policy responsiveness. This result has important implications for governance at multiple levels. It counters the popular perception that special districts are captured by local special interests, and furthermore, it suggests that findings in other work showing higher spending levels by special districts may be attributable to constituent preferences rather than to special interest domination. Beyond the setting of local politics, my findings about the responsiveness of special districts can inform our evaluation of other specialized institutions, such as independent regulatory agencies and international organizations. Importantly, however, I also show that the effect of institutional design is conditional—policy differences between specialized and non-specialized venues are minimal for functions that are highly salient.

In addition to democratic responsiveness, I also consider how specialization affects the problem-solving capacity of the public sector by examining how localities coordinate policy activities across jurisdictional lines. Intergovernmental coordination is a vital concern in complex metropolitan settings, especially with respect to environmental issues that often crosscut political boundaries or impose significant externalities. Coordination may involve formal interlocal agreements to share or transfer resources, or it may refer to the myriad ways in which a local government's policy activities can complement rather than interfere with the activities of its neighbors. I examine both formal and informal coordination in the book, and find that functionally specialized governance makes coordination both more necessary and more costly.

In the specific case of water, questions about responsiveness and intergovernmental coordination are critical as water governance becomes increasingly localized. Communities throughout the nation are facing serious and escalating challenges in securing an adequate water supply and protecting the quality of their drinking water. Local governments will face difficult decisions as they attempt to balance competing demands from different user groups and manage the externalities from their policy choices. The lesson of my book is that the design of governing institutions helps shape the decisions that local governments make, and that there is no institutional fix that guarantees both responsiveness and coordination under all circumstances. Ultimately, our evaluation of specialized governance must depend on the specific policy context and the goals we have for representative government.

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Political scientists have dedicated considerable attention to investigating the role of institutions in channeling popular will into government action; I sought to extend that line of inquiry to special districts. In the book, I show that under normal conditions, specialized governance can produce outcomes that are more congruent with what the majority would prefer than would be the case with decisions made by a multidimensional legislature. Put simply, specialization can increase policy responsiveness. This result has important implications for governance at multiple levels. It counters the popular perception that special districts are captured by local special interests, and furthermore, it suggests that findings in other work showing higher spending levels by special districts may be attributable to constituent preferences rather than to special interest domination. Beyond the setting of local politics, my findings about the responsiveness of special districts can inform our evaluation of other specialized institutions, such as independent regulatory agencies and international organizations. Importantly, however, I also show that the effect of institutional design is conditional—policy differences between specialized and non-specialized venues are minimal for functions that are highly salient.

In addition to democratic responsiveness, I also consider how specialization affects the problem-solving capacity of the public sector by examining how localities coordinate policy activities across jurisdictional lines. Intergovernmental coordination is a vital concern in complex metropolitan settings, especially with respect to environmental issues that often crosscut political boundaries or impose significant externalities. Coordination may involve formal interlocal agreements to share or transfer resources, or it may refer to the myriad ways in which a local government's policy activities can complement rather than interfere with the activities of its neighbors. I examine both formal and informal coordination in the book, and find that functionally specialized governance makes coordination both more necessary and more costly.

In the specific case of water, questions about responsiveness and intergovernmental coordination are critical as water governance becomes increasingly localized. Communities throughout the nation are facing serious and escalating challenges in securing an adequate water supply and protecting the quality of their drinking water. Local governments will face difficult decisions as they attempt to balance competing demands from different user groups and manage the externalities from their policy choices. The lesson of my book is that the design of governing institutions helps shape the decisions that local governments make, and that there is no institutional fix that guarantees both responsiveness and coordination under all circumstances. Ultimately, our evaluation of specialized governance must depend on the specific policy context and the goals we have for representative government.