

**Review: American Environmental Policy, 1990-2006: Beyond Gridlock**

By Christopher McGrory Klyza and David Sousa

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From 1964 to 1980, there were twenty two major environmental laws enacted. This so-called “golden era” of environmental lawmaking essentially stopped around 1990, ending in an era of Congressional gridlock. Political polarization not only eliminated bipartisan measures, but also pushed policy initiatives onto alternative legislative paths. The book explores the alternative pathways taken to generate environmental policy from 1990 to 2006. Alternative pathways include appropriations politics, executive-branch policymaking, use of the courts, collaboration-based politics, and state focused policymaking. The authors provide ample examples of each pathway, for example, Clinton’s use of the Antiquities Act and the federal courts rulings on the Endangered Species Act.

Environmental policymaking has been further complicated by the layering of multiple orders over time. When Congress does act, new layers are added to past laws, adding complexity and contradiction to environmental policy. The complexity and contradictions further reinforces gridlock by making it more difficult to move ahead. One policymaker is quoted as saying, “...every time you think you have an agreement in place, then someone else ... finds a way, legally, or otherwise, to put a wrench in the spokes of the wheel” (p. 308). Yet, gridlock has opened opportunities to compromise, including negotiated rulemaking, a flexible, collaborative process that has had some success.

One clear “next generation” environmental policymaking process is the rising importance of the states. States act when Washington doesn’t, for example, taking the initiative in pollution prevention and regulation. Though state performance has been uneven, this pathway to environmental policymaking is being used with more frequency. Also discussed are the ideas of green drift and private pathways, which include land protection via land trusts, altering business behavior through consumer purchasing decisions, and voluntary business moves toward better environmental performance.

The authors present some optimistic outlooks by saying, for example, “...environmental policy is likely to haltingly move in the direction favored by environmentalists” (p. 295) and that “portents of the death of environmentalism” is “unduly pessimistic” (p. 299). Yet they leave a bleak, though seemingly accurate, ending by saying, “In closing, we envision a future of more of the same, with some collaboration and pragmatism, but with plenty of lawsuits and riders and instability too, green drift amid seeming chaos” (p. 309).

The book is part of the MIT Press’s American and Comparative Environmental Policy series. Klyza is Professor of Public Policy and Political Science and Environmental Studies at Middlebury College and Sousa is Professor in the Department of Politics and Government at the University of Puget Sound. The text is accompanied with notes, selected references, and an index. Due to the depth of coverage, general readers may find the book challenging and out of reach, but activists, political scientists, and governmental lawmakers working in the environmental areas, will likely find the book engaging and informative. Highly recommended for academic and research collections.

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