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Kochtcheeva, Lada V. 2009. *Comparative Environmental Regulation in the United States and Russia*. Albany, NY: SUNY Press.

Reviewed by Laura A. Henry
Bowdoin College

When are states likely to introduce flexible environmental policies? Lada Kochtcheeva offers a historical institutionalist analysis of air and water regulation in the United States and Russia to address this question. Kochtcheeva contributes to the literature on comparative environmental policy by juxtaposing two states that are often considered “exceptional” in some way and demonstrating the common features that allow for (or fail to allow for) experimentation with incentive-based instruments for controlling pollution. These similarities, Kochtcheeva argues, hold lessons for all states—developed, transitional, and developing. While the US case has been well studied, Kochtcheeva offers a thorough overview of Russian environmental regulation from post-WWII to the present, drawing upon primary documents in Russian, and revealing a fascinating history that has been neglected in comparative analysis. The book is an impressive achievement, but also somewhat limited, as the focus on institutions inadvertently seems to de-emphasize the political, economic, and ideological context that inspired the creation of these critical agencies and policies.

Kochtcheeva’s stated intention is to go beyond a narrow and decontextualized focus on the merits of various flexible instruments, their costs and benefits and likely effectiveness. Instead, she examines the institutional context for the construction of environmental policy. Her comparative analysis identifies several important factors that create favorable conditions for the shift from command and control to more flexible regulatory approaches. These include the presence of an independent and centralized environmental agency, the initiative and capacity of the regulatory body (as opposed to the legislative branch), compatibility between new approaches and past regulations that allows for incremental change, the creation of effective systems of accountability, and past failure to achieve environmental goals with direct regulation alone. In the US case, the EPA has taken a leadership role in developing innovative regulatory

tools and has significant capacity to implement new measures, while in the Soviet Union, and later in Russia, the fragmentation of responsibility for environmental oversight across ministries and levels of government has hampered experimentation and resulted in fewer flexible approaches, particularly in water policy.

This institutionalist analysis is plausible and often quite compelling. The strategy of within-country comparisons highlights how early regulatory schemes may facilitate or block experimentation with incentive-based measures, even within a single state. Environmental regulation thus develops in a path-dependent fashion where, for example, performance-based standards rather than technology requirements lend themselves more readily to flexible instruments. This close scrutiny of institutions can obscure broader political and economic factors that shape regulatory choices, however, factors that Kochtcheeva acknowledges, but that are buried in the case material and only partially developed near the end of the book. Broadening the analysis beyond insights about centralized versus dispersed policy authority has the potential to generate both new insights and new questions for the comparative policy literature.

Comparative policy studies during the Cold War frequently relied heavily and simplistically on ideological rhetoric to account for puzzling differences across states. Contemporary scholarship transcends this kind of reductionism, but ideally without losing sight of the role of ideology and regime type. Different regimes have different standards of fairness and accountability and different sources of authority and legitimacy. These differences were stark in the United States and the Soviet Union prior to the early 1990s, yet the book fails to give the reader a clear sense of Soviet political and economic arrangements beyond environmental regulation, with only scattered references to the planned economy and the state's monopoly on political and economic resources, not systematically integrated into the analysis. The argument also does not explicitly address the dramatic upheaval—ideological, institutional, and otherwise—that accompanied the collapse of the Soviet system and disintegration of the USSR in 1991. If only to reinforce that the similarity in institutional patterns that she identifies is remarkable, Kochtcheeva's study could benefit from greater attention to different climates for policy-making. Readers unfamiliar with the Soviet and Russian cases would also walk away with a richer sense of the varied pressures on environmental policy making in post-socialist states.

There are a number of fascinating, and seemingly significant points, that influence institutional design, autonomy, and regulations and that could enhance Kochtcheeva's careful comparison. Background factors include the Soviets' preoccupation with industrial development and assumption that environmental degradation was more likely in capitalist societies, the culture of socialist law which often consists of aspirational statements about socialist ideals while legal objectives remain unattainable in practice, and the concentration of power in the executive branch that rendered legislative bodies merely window-

dressings. Even more necessary to our full understanding of the cases, however, are three factors that played an important role in the United States: the independence of the courts; a pluralist political system in which independent environmental organizations (as well as industrial lobbies) supported or challenged regulations; and, finally, the presence of functioning markets and strong property rights in the economy as a whole. Can market-based flexible instruments function under the incentive structure of state economic planning in which the profit motive is mitigated by other pressures? Is bureaucratic wrangling among Soviet ministries really akin to interest group politics in the United States? Some of these issues are touched upon late in the analysis of Russian water policy, the fourth case presented in the book, but it is challenging for the reader to retroactively integrate these factors into the analysis.

In addition, Kochtcheeva's overall argument of path dependence is persuasive, yet is hindered by the common malady of explaining continuity more effectively than change. There were several critical junctures of institutional creation in the two cases that bear greater scrutiny, including the creation of the EPA in United States, which coincided with the emergence of strong federal authority in environmental protection; and Russia's experimentation with an independent environmental protection agency in the 1990s, which seemed to signal the potential for improved implementation and enforcement of environmental regulation. The Russian case presents a peculiar institutional puzzle. After a decade of existence in several forms, the environmental agency was once again largely subsumed by the Ministry of Natural Resources in 2000. Thus a critical moment of institutional experimentation in the newly independent and postcommunist Russian state gave way to an institutional approach that demonstrates remarkable continuity with past administrative arrangements. Does this example offer any general lesson for the prospects for environmental governance in developing and transitional states and the challenges of changing old regulatory models?

Kochtcheeva ends the book by arguing that good environmental governance requires transparency, stakeholder participation, and a shift from traditional accountability relations. This observation inspires the question of whether adopting some flexible instruments invariably implies movement toward a governance model in environmental oversight. If good governance suggests policy and regulatory processes that complement state authority with the transfer of power to economic and societal actors, then many transitional and developing states will require fundamental changes to their political practices beyond simply making their institutional environments more conducive to flexible approaches.