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Abstract

Twenty years ago, James Q. Wilson and Patricia Rachal argued that government cannot regulate itself. In an era of revived federalism, increased reliance on contractors, and proliferation of quasi-public organizations, the importance of government self-regulation is greater than ever. This paper tests an underlyng assumption of Wilson and Rachal's claim: that regulation of public and private organizations can be differentiated. Employing a meta-research design, this pilot study uses existing regulatory case studies to create "regulatory relationship profiles" for public and private organizations. These profiles include information on the structure of the regulator, the intent of regulation, the enforcement tools available, the culture of the regulatory relationship and the involvement of the judiciary in the regulatory process. Although preliminary findings do not reveal dramatic differences in the regulatory relationship profiles of public and private organizations, the results do suggest that public organizations have a distinguishing culture and level of judicial involvement.

In a brief article entitled "Can the Government Regulate Itself?" James Q. Wilson and Patricia Rachal claim that regulation of public institutions is more difficult than regulation of private organizations (Wilson and Rachal 1977). In the years since the article's publication, the effectiveness of intra-governmental regulation has gained importance due to three developments in American government: renewed federalism that has led the federal government to rely on state and local government for program implementation (Donohue 1997), greater use of private sector contractors in place of government agencies (Kettl 1993), and creation of hybrid organizations that combine characteristics of public and private organizations (Seidman and Gilmour 1986). All three trends have increased the need for effective governmental regulation.

If Wilson and Rachal's claim is correct, the reliance on regulation to administer public programs is troubling. It suggests that a "reinvented government" may consist of organizations beyond control -- a challenge to democratic principles regarding popular sovereignty over public policy (Krislov and Rosenbloom 1988).

Wilson and Rachal concede that they had not done the empirical work necessary to fully substantiate their claim. Instead, their article draws upon examples to illustrate the distinctive challenges associated with regulating governmental organizations. They present the following four obstacles to effective government self-regulation:

1. *Can't cut off funds* -- The authors note that Medicare and Medicaid present "powerful tools [the government] could use to control the behavior of private hospitals" (5). Since no threat of cuts to funding are relevant to the independently appropriated Veterans Administration, no federal agency -- in this case, presumably the Department of Health and Human Services -- can say anything regarding the operations of VA hospitals. Similarly, the Tennessee Valley Authority (TVA) "finances itself . . . from retained earnings and revenue bonds" and thus puts up strong resistance to interference (5).
2. *Competing goals* -- The TVA has a poorer record on environmental protection than most private utilities. This is due to TVA's mission: provision of inexpensive power to poor Americans. Should the pollution problem be addressed at the expense of such citizens? Similarly, the Boston Housing Authority has an abysmal record on housing code violations but points to its competing goals of keeping rents low and not passing increases in operating costs on to tenants.
3. *No means of control* -- Discussing the failures of the Office of Federal Contracts Compliance to improve government employment practices and use of minority contractors, Wilson and Rachal cite the lack of control over "the budget, personnel, or structure of any other agency" (12). With private companies, on the other hand, the government can terminate contracts or go to court to compel compliance.
4. *Mutual independence* -- Separate entities within the government are ill-suited to "command" other entities. Each entity is capable of political maneuvering and "mobilizing allies elsewhere in government" to undermine adversaries. Also, courts cannot resolve disputes between agencies because, "in the opinion of most constitutional scholars, [that would] violate the doctrine of the separation of powers" (10).

Although these observations are plausible, some substantive problems exist. First, the notion that federal agencies can simply "cut off" funds to offending private institutions is simplistic. Consider Wilson and Rachal's example. HHS's option to withhold funds from hospitals is a blunt instrument whose use is self-defeating and politically improbable. Donald Kettl's study of similar relationships between government agencies and contractors notes that government rarely enjoys

the ability to bark orders and expect compliance (Kettl 1993). Second, regulators of private organizations routinely weigh competing public policy goals. Consider the Federal Aviation Administration's difficulty in balancing safety regulation with airline industry promotion (Wald 1996). The Department of Transportation faces a similar challenge as fuel efficiency concerns conflict with safety demands (Weidenbaum 1984).

Of greater concern, however, is the authors'reliance upon a critical assumption. Wilson and Rachal assume that regulation of public and private institutions are distinct phenomena. Yet their examples refer only to public regulated institutions. The hypothesis that an "effectiveness" gap separates the two types of regulation is undermined if two types of regulation are not discernible. Wilson and Rachal present no evidence that private institutions are not equally, or perhaps *more*, difficult to regulate than public institutions. Without such evidence, the most one could possibly conclude is that government cannot regulate anyone or anything! While some may agree with this contention, it is surely not what Wilson and Rachal intend to claim.

In this paper, I present a preliminary empirical investigation of the assumption that public and private regulation are different. It is intended as a step toward more complete analysis of the intriguing Wilson and Rachal claim. To facilitate a comparison of case studies of regulation in multiple policy spheres, I developed a measure of the regulatory relationship. This is an attempt to bring concreteness to the ambiguous discussion of regulatory dynamics.

In addition to addressing the public/private distinction in regulation, this "pilot study" serves as a modest test of a meta-research approach that I describe in the following pages. That is, this paper treats existing case studies as a data source. There is a wealth of information collected by scholars of public administration that lies generally untapped. I am working to develop an

approach for cumulative learning so that enjoyment of the fruits of our predecessors' labor is maximized.

My research plan called for coding such case studies on crucial dimensions. I then search for patterns that distinguish regulation of public and private institutions. A caveat is required: there are clear threats to the validity of findings based on this approach. This study employs a small number of cases. The cases were written by different authors, at different times with different objectives. My coding of the cases is undoubtedly subjective despite development of guidelines to avoid this problem. Nevertheless, I believe the findings are meaningful and the method is promising. It highlights salient issues, spans substantive areas and can be easily replicated to confirm findings.

"Institutional Status" as Independent Variable

Discussions of regulation generally begin with the presumption that the regulator is governmental and the regulated entity is a private individual or organization. Academic research on regulation has demonstrated a similar orientation. For example, economists have sought to demonstrate the costs of regulation for businesses in a host of areas from steel production to financial services (Kneese and Schultze 1975; Herring and Litan 1995). Political scientists have questioned the ability of private sector organizations to influence government regulators (Quirk 1981). Relatively few discussions of regulation consider regulated organizations in the public sector.

Government agencies are among the most regulated institutions in the United States. Federal agencies must adhere to a laundry list of rules that govern personnel practices, contracting, public availability of information and even the procedures for making additional

regulations. These are regulations that apply *only* to government agencies. Federal agencies are also subject to many regulations that apply to private sector organizations: work safety rules, anti-discrimination rules, environmental protection rules and so on.

Hybrid organizations such as government corporations, government-sponsored enterprises and other quasi-public entities are subject to federal regulations that define these institutions' public mission. For example, Federal Home Loan Banks are required to devote a specific percentage of their earnings to affordable housing programs (Britt 1996). The demands on regulation have grown as governments at the federal, state and local level have turned to hybrid organizations to carry out public policy. Such organizations frequently do not rely upon government appropriations to operate. Regulation is the only means available to keep them in line with public policy objectives (Durant 1985). In short, hybrids require administration by regulation.

State and local governments confront similar webs of regulation. Sub-national governments in the United States must comply with a host of rules promulgated by federal agencies. Many such rules apply to all organizations, public and private, such as the workplace safety rules mentioned above but another major source of rules are federal grant programs. The federal government provides states with money to address policy needs ranging from transportation to education to health care. Each grant is accompanied by rules and conditions that govern the legitimate use of federal funds. The rules are the primary mechanism available to the federal government to ensure that state governments are complying with the program's intent (Kettl 1983).

The heart of the Wilson and Rachal argument is that regulation of public institutions is more difficult than regulation of private organizations. In experimental terms, this hypothesis provides a clear independent variable: the "institutional status" of the regulated institution. This

variable is implicitly dichotomous. All institutions with governmental connections would be in one category: public institutions. All other regulated institutions are placed in the other category: private institutions.

This strategy is adequate but a note of caution is required. Using "public institutions" to encompass government agencies, local authorities, government-sponsored enterprises, government-owned corporations and other institutional types glosses over distinctions based on structure, funding, personnel and other characteristics. Variations within the category "public institutions" may be relevant to the research question at hand. Paradoxically, the relevance of the differences among public institutions cannot be determined before assessing the broader "public versus private" question.

Thus in the long run, a two-step strategy is necessary. The dichotomous approach to categorizing subject institutions (public or private) will employed but reassessed in light of the findings. At that time, sub-groups of public institutions can be examined to determine if, for example, regulating government agencies is different than regulating government corporations.

"Regulatory Relationship" as Dependent Variable

This paper does not directly address the hypothesis that government cannot regulate itself. Thus the dependent variable is not "regulate-ability" or some such concept. My objective is to determine how, if at all, regulation of public organizations differs from regulation of private institutions. Unlike the independent variable, however, there is no dichotomous set of alternatives. Nor is there an existing numerical scale created to measure regulatory responsiveness, effectiveness or another general description of the regulatory dynamic.

To solve this measurement problem, I have identified a set of features based on a review of the regulation literature in an effort to capture the character of the relationship between regulator and regulated entity. The resulting composite profile, which I refer to as the regulatory relationship profile, is the dependent variable of this study.

There are benefits to this approach. First, dividing the variable "regulatory relationship" into component parts allows simple assignment of cases to categories within sub-fields. For example, enforcement is characterized as "penalty" or "incentive" based. Second, this mode of analysis highlights salient sub-variables. For example, regulation of public and private institutions may be similar in every respect except the role of the judiciary. Such a finding points the direction for future reseach.

Measures appropriate to each sub-field of the dependent variable must be derived. Each measure need not be dichotomous. However, limiting the number of possible outcomes makes coding cases and interpreting results much easier. The challenge of specifying the variables is to achieve analytic functionality while maintaining conceptual coherence. What follows are brief descriptions of the five characteristics utilized to measure the regulatory relationship, an explanation of their inclusion in the relationship profile and the measures used for each sub-variable.

1. Structure of Regulation

Regulatory organizations take several different structural forms. Government departments often regulate other agencies and private organizations. Some regulation is entrusted to "independent" agencies that are not under direct, executive authority like other cabinet departments. Regulatory functions are frequently assigned to commissions or boards that are appointed by public officials, interest groups, citizen groups or some combination of methods.

There is reason to believe that such structural variation may be relevant to the efficacy of regulation. Terry Moe noted that some regualtory agencies seem designed to fail (Moe 1987). If one type of regulator is associated with one type of regulated institution, it is noteworthy.

Additionally, some regulators oversee numerous institutions while other regulators are dedicated to oversight of a single or limited number of institutions. It has been suggested that this variation has bearing on the danger of regulatory capture, a problem that inhibits regulatory effectiveness (Meier 1985). Once again, the possibility of correlation with the institutional status of the regulated institution merits review.

This presents two areas of potential variation between public and private regulated institutions and two measures in the "structure" sub-field of the regulatory relationship. First, I will categorize the structure of the regulator in the broadest possible terms: department, independent agency or commission. Second, each regulated institution is coded "single" or "multiple" based on the number of other organizations overseen by that institution's regulator.

These shorthand measures may not be sufficient to identify smaller yet meaningful variations such as the method by which regulators are appointmed. Still, measuring with broad tools can establish whether certain regulatory structures are associated with one class of regulated institutions. The implications of more subtle variations can be studied in the future.

2. Intent of Regulation

An intuitive theoretical explanation for the hypothesized difference between regulation of public and private organizations is that there is a difference in the type of regulations to which the two classes of organizations are subject. In this section, I describe two ways to differentiate types of regulation.

a. *Negative/Positive Regulation*

Many instances of regulation are justified by a set of objectives that are essentially "negative" in character. That is, the regulator is attempting to prevent the regulated institution from performing harmful acts such as abuse of monopoly status, exploitation of social spillover costs, charging of excessive rents, taking advantage of a lack of information, or some other behavior deemed socially harmful (Breyer 1982). Although such "negative" regulation is commonly associated with the concept of regulation, other regulations are "positive" in character.

"Positive regulation" is intended to compel institutions to undertake some form of beneficial activity. For example, financial institutions are subject to regulations that mandate investment in underserved areas (Head and Hess 1987). Government-sponsored enterprises in the housing sector are required to invest in low-income dwellings (Koppell 1997). In general, positive regulation takes the form of pre-set goals for various socially valuable goods.

It is possible that positive regulation is more difficult than negative regulation. Thus if public institutions are more frequently subject to positive regulation, public institutions may be more difficult to regulate. This measure is not dichotomous; the outcomes are not mutually exclusive. Institutions can be subject to both positive and negative regulation. Thus there are *three* possible outcomes in this sub-field: each subject institution will be coded positive, negative or both.

b. *Procedural/Substantive Regulation*

A second approach to differentiating types of regulation is to distinguish procedural regulation from substantive regulation. Regulations related to the policy mission of an organization -- such as number of housing units permitted, permissible airplane noise levels,

acceptable automobile emissions -- are referred to as "substantive." Such regulation relates to the outputs of the regulated entity.

Procedural regulation, as the name suggests, is more concerned with process. Thus requirements that paperwork be filed in a requisite format or that personnel be processed in a certain manner are categorized as "procedural."

As with the negative/positive distinction, this variable is not dichotomous. Organizations may be subject to procedural and substantive regulation. Also like the negative/positive distinction, the salience of this variable relates to the ease of regulation. It may be more difficult to enforce substantive regulations than procedural regulations.

3. Enforcement of Regulation

There is a variety of tools available for regulatory enforcement. Barry Mitnick has described advantages and disadvantages of incentives and directives, effluent charges and subsidies, auctions of pollution rights, financial penalties and legal sanctions (1980). Given the wide variety of enforcement tools available to regulators, boiling this aspect of the regulatory relationship down to limited number of measures is difficult. The most basic distinction generally drawn by students of regulation is between "penalties" for non-compliance and "incentives" for compliance. Like the positive/negative measure utilized in the "intent" field, these two measures are not mutually exclusive. Regulators can utilize penalties *and* incentives to regulate a single institution. Thus there are three possible outcomes.

Although there is no consensus as to which approach is optimal, it is important to include this element of the regulatory relationship to evaluate the hypothesis that regulation of public and private institutions are different. The purpose of this measure is to determine whether of public and private institutions are subject to different enforcement mechanisms. This "carrot or stick"

Although there exists a spectrum on which the Swedish and American cases can be placed, I have characterized the regulatory culture as cooperative or adversarial. An alternative approach could utilize a numerical scale (say, 1 to 5) to reflect relative assessments of cooperation or adversarialism in a regulatory relationship. This might add precision to the measurement but the subjectivity of the assessment would be all the more obvious.

5. Judicialization of Regulation

The final aspect of the regulatory relationship to be measured is the role of the judiciary. Kagan (1991), Melnick (1983), Wilson (1989), and Rabkin (1989) have argued that the prominence of the judiciary in American regulation distinguishes it from regulation in other parts of the world. From rule-making to enforcement, the judiciary plays a significant role in the regulatory process. In comparing regulation of public and private institutions, then, it is necessary to include the role of the courts as part of the profile of the regulatory relationship.

In areas as dissimilar as civil rights and auto safety, it has been suggested that the courts have had a negative effect (McCann 1986; Mashaw and Harfst 1987). Regulations are reshaped to conform with rulings. Agencies placate judges to avoid judicial interference. Regulated entities turn to the courts to challenge unfavorable regulatory policies. Yet it has been suggested that the judicial interference in intra-governmental regulation is proscribed by constitutional separation of powers (Melnick 1983; Atiyah and Summers 1987).

The consequences of such a barrier are unclear. Wilson and Rachal argue that the separation of powers doctrine limits the ability of courts to mediate disputes between governmental entities. But if courts *do* muddle the regulatory process, their absence might actually *improve* regulatory efficiency. Before addressing this conflict, however, it is necessary to determine whether the judicial role in cases of government self-regulation is different at all.

analysis may not hold up to more rigorous inspection, but it is a useful starting point in this study. If this measure does not provide telling data, refinement – perhaps specification of the incentive and/or penalty employed – will be necessary.

4. Culture of Regulation

Comparisons of national and regional differences in the relationships of regulators and regulated industries suggest another area for measurement. Intra-governmental regulation may have a distinctive culture or psychology that sets it apart from regulation of private organzations.

Several scholars have pointed out the distinctive character of regulation in the United States. For example, Steven Kelman pointed out that the rules governing worker safety are similar in Sweden in the United States yet regulatory practice is quite different (1981). The culture of regulation in Sweden is far more cooperative than in the American context. Regulators work with regulated institution to find solutions to disagreements in Sweden while their American counterparts are more inclined to penalize offenders immediately. David Vogel found environmental regulation in the United States had a more adversarial character than in Britain (1986). Joseph Badaracco had smilar findings in his study of Vinyl Chloride regulation in industrialized countries (1985).

Cultural differences are not limited by international boundaries. Shover, Lynxwiler, et al. observe regional variation in the enforcement of the Surface Mining Control and Reclamation Act (1984). Jerry Mashaw noted distinct differences in implementation of AFDC regulations in neighboring counties (1971). Cultural differences between countries, states, counties and cities may be due in part to legal distinctions, economic variation, or other factors. Without understanding of such an underlying relationship, however, it is most useful to characterize the general culture of regulation.

As with the "culture" variable, the prominence of the courts in any given regulatory relationship could be placed on some spectrum between the most "active" judicial role in regulation and the most "passive." Nevertheless, I have used the two endpoints to characterize the judicialization of regulation in any particular case. Once again, this simplification may prove unsatisfactory and require refinement.

Thus we have a five-part regulatory relationship profile that includes information on the structure of the regulatory agency, the intent of the regulation, the enforcement mechanism utlized by the regulator, the "culture" of the regulatory relationship and judicialization, the extent to which courts are involved in the regulatory process. The appendix includes the regulatory relationship profiles created using this five-part measuring device. These profiles of the interaction between regulator and regulated institutions are based solely on the observations of the authors of the case studies.

Additional items could have been incorporated into the relationship profile. It is impossible to know *a priori* what characteristics are most important. Structure, intent, enforcement, culture and judicialization are elements of the regulatory relationship that appear critical. The extent to which excluded information undermines the findings is an issue addressed in the findings.

Findings

It cannot be stated strenuously enough that this paper is preliminary and based on a very small number of cases.[1] Despite this Grand-Canyon-sized caveat, there are findings that inform my investigation of the public/private distinction. Additionally, this pilot study provides some insight into the utility of such a research design.

An initial comparison of the regulatory relationship profiles for public and private organizations do not reveal stark differences. The following table compares regulatory relationship profiles of public and private organizations.

Table 1. Comparison of Relationship Profiles

	Public	Private
Structure		
Department	50%	50%
Independent Agency	38%	25%
Commission	13%	25%
Single	25%	25%
Multiple	63%	75%
Intent		
Positive	25%	13%
Negative	25%	50%
Both	38%	38%
Substantive	50%	63%
Procedural	13%	38%
Both	38%	0%
Enforcement		
Incentive	13%	0%
Penalty	75%	75%
Culture		
Cooperative	50%	25%
Adversarial	38%	63%
Judicialization		
Active	50%	25%
Passive	50%	75%

n=16
(8 public and
8 private organizations)

[1] One surprise that limited the scope of this project was the difficulty of finding coherent, quality case studies. This is undoubtedly due, in part, to an academic culture that devalues such work.

A. Interpreting Results No dominant *profile* for public or private regulated organizations emerged in this study. Given the small number of cases involved, the only *characteristics* that have marked variation are culture and judicialization. Although inconclusive, these findings indicate some systematic differences between regulation of public and private institutions. As for the original Wilson and Rachal claim that government cannot regulate itself, the findings are inconclusive and open to interpretation.

The differentiation on culture and judicialization variables can be assessed in two ways. The cross-national comparisons of regulation find more effective regulation in countries that are less adversarial. Thus the cooperative culture associated with public institutions would suggest more effective regulation of public organizations. This is consistent with Kagan's observation that public schools are more responsive to regulation than private schools (1986). On the other hand, given the adversarial nature of regulation in the United States, one could conclude that a cooperative culture is merely a symptom of regulatory capture. Thus public institutions *are* more difficult to regulate. There is no easy escape from this loop. It requires more thorough investigation of the actual cases.

The judicialization finding directly contradicts one of the points made in the Wilson and Rachal article: that public organizations are immune to the judicial remedies used to compel compliance by private regulated organizations. This study suggests that courts are *more* involved in regulation of public institutions than private organizations.

This finding is consistent with the observation that rights-based litigation has increased the role of the courts in general (Sunstein 1990). It would not be surprising that intra-government regulation would provide more opportunities for litigants to challenge the rulings of regulatory agencies; state action is a *prima facie* justification for assertion of a rights claim. Of course, this

raises concerns regarding the influence of the courts. If the courts must act as super-regulator over both regulator and regulated parties, the judiciary may be vested with too much authority (Shapiro 1988).

B. Interpreting Non-Results What does not show up in the table are the variables that were not included in the regulatory relationship profile. These might have added insight into the research question. One nominee for inclusion based on the case studies is "politicization." In some cases, the regulated institutions, public and private, seem to operate aggressively in the political system to secure favorable outcomes.

Wilson and Rachal cite this as an advantage for public regulated organizations. That generalization seems false. Although government bureaucrats can be adept political actors (Rourke 1984), private companies subject to regulation have also proven adept at applying political pressure when faced with unsympathetic regulation (Quirk 1981). Indeed, private organizations, given advantages in financial resources and lack of constraints on political activities, may be more effective in the political realm than many public organizations. Unfortunately, developing a measure of such activity is daunting. Furthermore, many of the case studies did not investigate this aspect of the regulatory relationship.

Undoubtedly, there are other characteristics that ought to be included in the regulatory relationship profile. One of the goals in unveiling this research at such an early stage is to benefit from suggestions in developing a more complete model. This leads to some observations on the methodology.

C. Assessing the Research Methodology This pilot study demonstrates both the promise and inherent limitations of meta-research approaches. On the positive side, it was possible to draw multiple cases into a single study. This allowed relatively quick assessment of a broad hypothesis

without years of field research in a manner that can be easily replicated. Although one must be cautious in drawing conclusions from the results, the findings do suggest areas of focus for future research. Increasing the number of cases examined can only improve the validity of the findings.

There are, however, disadvantages to this type of research. Using case studies written to address one research question to assess a completely different question is a tricky business. First, it requires extrapolation of observations from second-hand reports. Coding such cases is a subjective process. Although I developed a guideline to ensure some level of consistency (see Appendix), interpretation is unavoidable. The fact that this interpretation is layered upon an initial round of interpretation is reason for some skepticism. Second, the writers of the case study may not address the issues of interest. As the regulatory profiles reveal, some boxes remain empty for lack of information.

An additional problem I had not anticipated was selection bias by the case study authors. This problem is revealed by the intent (substantive/procedural) variable. Although only a small percentage of cases studies considered procedural regulation, it is quite common. Scholars may focus on substantive regulation because it is easier to study or more intellectually stimulating than procedural regulation. Nevertheless, the sample of cases does not seem to reflect the population. The implications of such bias are unclear. Other findings may be skewed as a result.

Despite these problems, this approach can lead to progress in public administration research. I look forward to comments and suggestions that will improve this project and future endeavors. Moreover, I hope that other students of political science experiment with similar research strategies. This brief exercise demonstrates that 1) case studies remain a valuable part of political science research and 2) labor-intensive field research is not incompatible with analysis of interesting theoretical questions.

Regulatory Relationship Profiles: Public Organizations

	Structure		Intent		Enforcement	Culture	Judicial-ization
Regulated Institution	*Department/ Independent Agency/ Commission*	*Single Regulated Institution/ Multiple Regulated Institution*	*Positive/ Negative*	*Substantive/ Procedural*	*Incentive/ Penalty*	*Cooperative/ Adversarial*	*Active/ Passive*
Boston Housing Authority (Nivola 1979)	department	multiple	negative	procedural	penalty	adversarial	active
EPA regulation of TVA for Clean Air Act (Durant 1985)	independent agency	multiple	positive/ negative	substantive	penalty	adversarial	passive
SF School Commission oversight of School Board (Fine 1986)	commission	single		substnative	-	cooperative	active
DOT/DOJ enforcement of ADA on transit agencies (West 1986)	departments	multiple	positive	substantive	penalty	adversarial	active
State (IL) regulation of airports (Wolfe and NewMeyer 1985)	department	multiple	negative	substantive	penalty		passive
Public Schools (Kagan 1986)	department	single	positive	substantive/ procedural	incentive	cooperative	active
HUD regulation of Federal National Mortgage Assocaition (Koppell 1997)	independent agency	multiple	positive/ negative	substantive/ procedural	penalty	cooperative	passive
HUD regulation of Federal Home Loan Mortgage Corporation (Koppell 1997)	independent agency	multiple	positive/ negative	substantive/ procedural	penalty	cooperative	passive

Regulatory Relationship Profiles: Private Organizations

	Structure		Intent		Enforcement	Culture	Judicial-ization
Regulated Institution	*Department/ Independent Agency/ Commission*	*Single Regulated Institution/ Multiple Regulated Institution*	*Positive/ Negative*	*Substantive/ Procedural*	*Incentive/ Penalty*	*Cooperative/ Adversarial*	*Active/ Passive*
EPA regulation of steel industry for CAA violations (Lensky, Roberts, Thomas 1994)	independent agency	multiple	negative	substantive	penalty	adversarial	passive
OSHA regulation of aerispace (Northrup et al. 1978) *note about govt owned plant on p.63.	department	multiple	negative	procedural	penalty	cooperative	passive
OSHA regulation of chemical industry (Northrup 1978)	department	multiple	negative	procedural	penalty	adversarial	passive
OSHA regulation of cotton industry (Northrup 1978)	department	multiple	negative	procedural	penalty	mixed	passive
EPA regulation of coal industry on SO_2 (Noll 1983)	independent agency	multiple	positive	substnative	penalty	adversarial	active
FCC/FTC regulation of children's television (Goff and Goff 19XX)	commission	single	positive/ negative	substantive	penalty	adversarial	passive
Airline fare regualtion by Civilian Aviation Board (Redford 1969)	commission	single	positive/ negative	substantive		adversarial	active
FAA certification of new Boeing planes (Wolfe/NewMyer 1985))	department	multiple	positive/ negative	substantive		cooperative	passive

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