

RHS 3031603

# Policy Instruments in Environmental Law

*Edited by*

**Kenneth R Richards**

*Professor, O'Neill School of Public and Environmental Affairs, Indiana University, USA*

**Josephine van Zeben**

*Professor and Chair, Law Group, Wageningen University, the Netherlands*

ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW



**Edward Elgar**  
PUBLISHING

Cheltenham, UK • Northampton, MA, USA

---

# Contents

---

<i>List of tables and figures</i>	viii
<i>List of editors and contributors</i>	ix
Foreword to the Encyclopedia <i>Jamie Benidickson and Yves Le Bouthillier</i>	xi
Foreword to Volume VIII <i>Michael Faure</i>	xii
<i>List of abbreviations</i>	xiv
Introduction to Volume VIII: Instruments for environmental policy <i>Kenneth R Richards and Josephine van Zeben</i>	1
<b>PART 1 GENERAL ISSUES IN ENVIRONMENTAL POLICY INSTRUMENTS</b>	
VIII.1 Governmental environmental action: legal bases and restraints <i>Josephine van Zeben</i>	17
VIII.2 Beyond compliance costs: comparing the total costs of alternative regulatory instruments <i>Daniel H Cole and Peter Z Grossman</i>	32
VIII.3 Public and private interactions in global environmental governance <i>Orr Karassin and Oren Perez</i>	41
VIII.4 Distributional concerns in environmental policy instruments <i>Suryapratim Roy</i>	56
VIII.5 Monitoring, enforcement, and the choice of environmental policy instruments <i>Mark A Cohen and Jay P Shimshack</i>	76
VIII.6 Designing public participation in the policy process: a critical review of procedural instrument theory <i>Michael Howlett and Ishani Mukherjee</i>	88
VIII.7 Politics and policy instrument choice <i>Richard C Feiock and Hongtao Yi</i>	101

VIII.8 Behavioral instruments in environmental regulation  
*Arden Rowell*

VIII.9 Transaction costs considerations in instrument choice, design, and implementation  
*Laura M J McCann*

## PART 2 EXAMINING ENVIRONMENTAL POLICY INSTRUMENTS

VIII.10 The range of policy instruments  
*Kenneth R Richards*

### **Instruments to change behaviour**

VIII.11 Explaining the persistence of 'command-and-control' in US environmental law  
*Daniel H Cole*

VIII.12 Environmental taxes  
*Janet E Milne*

VIII.13 Prices versus quantities  
*Shi-Ling Hsu*

VIII.14 Subsidies and the environment  
*Tracey M Roberts*

VIII.15 Public and private procurement in environmental governance  
*Sarah E Light and Eric W Orts*

VIII.16 The role of tort law in environmental and public health governance  
*Adam D K Abelkop*

VIII.17 Property rights  
*Bruce Huber*

VIII.18 Emissions trading: design, diffusion, and drawbacks  
*Edwin Woerdman*

### **Instruments to create and disseminate information**

VIII.19 Patents as environmental policy instruments  
*Carlos M Correa*

VIII.20 Management-based regulation  
*Cary Coglianese and Shana M. Starobin*

---

VIII.21	Mandated information – reporting <i>Bradley C Karkkainen</i>	308
<b>Instrument mixes, hybrids, and blends</b>		
VIII.22	Environmental offset programmes <i>Kenneth R Richards</i>	325
VIII.23	Regulatory pluralism and regulatory mix <i>Neil Gunningham and Darren Sinclair</i>	352
VIII.24	Voluntary environmental agreements <i>Stephanie Hayes Richards and Kenneth R Richards</i>	363
VIII.25	Deposit-refunds <i>Hilary Sigman</i>	377
<b>International issues in policy instruments</b>		
VIII.26	Linking of climate change policies <i>Stefan E Weishaar</i>	389
VIII.27	Environmental protection through legal acts and instruments by the European Union <i>Nicolas de Sadeleer</i>	406
	<i>Index</i>	423