From Bottom-Up to Top-Down: The American Intergovernmental Climate Odyssey

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Themes in American Federalism

- State Limits: What States Can’t Do
  - Secession, Block Commerce, Foreign policy
- Intergovernmental Competition
  - Development vs. Redistribution
- Race to the Top, Bottom or Middle of Pack?
  - Leaders vs. Laggards
# Federal and State Climate Policy Engagement

## Federal

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<td>Centralization (20??)</td>
<td>Symbolic Policies (1975-1998)</td>
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## State

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Symbolic Policies, 1975-1997

- **Federal**
  - Legislative Hearings
  - Conferences
  - Task Forces

- **State**
  - Legislative Hearings
  - Conferences
  - Task Forces
State Domination, 1997-2006

- Federal Abdication post-Kyoto
- State policy diffusion (RPS, RFS, Vehicles, energy efficiency, social benefit charges....)
- Regionalism (Cap-and-trade via RGGI, WCI, MGGRA....)
Regional Greenhouse Gas Initiative (RGGI)
Why ‘States on Steroids’?

- Strategic Economic Advantage
  - Home-grown technology and skill
  - Burden-shifting
- Strategic Political Advantage
  - Agency entrepreneurs (RGGI Roadies)
  - Political advancement (Pavley)
Contested Federalism, 2007-present

- States go to the Courts (MA v. EPA)
- Feds discover climate change: Courts, President, Executive Branch, Congress
- States go to Congress (NCSL, NGA, ECOS, NASEO, NARUC, NACAA. . .)
Intergovernmental Options under Contested Federalism

- Total Preemption
  - Federal Encroachment
- Bargained Preemption
  - A Federal-State Deal
- Partial Preemption
  - Setting a Federal Floor
- Collaborative Federalism
  - Intergovernmental Partnership
Making Intergovernmental Sausage: Lessons from the 111 Congress

- Missed opportunity for policy learning and building state capacity
- Climate policy as distributional: What price to secure state support?
  - Free allowances
  - Tinkering with allowance formula
  - Grants, grants, grants