

Comments on “Substate Federalism and Fracking Policies”

Bill Lowry

Washington University

The Davis Paper in the Larger Context: Variation between States

- Inevitable aspect of life in the US
- Interesting and important
- And has been so since at least.....

James Madison (1787)



- “It is no longer doubted that a unanimous and punctual obedience of 13 independent bodies, to the acts of the federal Government ought not to be calculated on....How indeed could it be otherwise.”

Davis in Social Science Context

- Davis' manuscript fully within tradition of much political science
- Two important differences
- 1) Issue area: natural gas development
 - Timely
 - Rapidly evolving
- 2) Specific subject: state-local relations
 - Understudied
 - Not well understood

Excellent Early Effort

- Important and timely
- Accessible, well-written, informative
- Quite thorough on the cases
- Admirably current

Still work to do

- Because it's current, definite answers not possible yet
- Because it's so thorough, many options for future work
- Because it involves case-studies, questions about ability to generalize
- Because it's exploratory, left wondering about a larger argument

Possibilities for Theoretical Argument

- What determines variance in state control of local authorities in restricting use of natural gas?
- Wide range of variables in Davis explanation
 - Geological differences
 - Degree of Home Rule
 - Presence of entrepreneurial governors
 - Involvement of the courts
 - Level of organized opposition
 - Economic affluence of the state
 - Extent and variability of potential problems

Reactions

- All these variables potentially important
- Rather “idiosyncratic” overall argument
 - Understandable
 - Also a bit frustrating
- As project evolves,
 - Would prefer more explicit, if not parsimonious, theoretical argument
 - Would prefer ability to generalize

Possible Strategy for Proceeding

- Make more explicit the specific individual arguments
- That might then be used to build larger theoretical framework
- What are some specific arguments about state control of local autonomy?

Case Selection

- 3 Cases all big producers (all in top 5)
- What about states where natural gas production is less prominent?
- What are expectations for state control of local autonomy there?
- Suggestion: use larger N study or at least more cases

Partisanship

- Impact of partisanship evident in cases
- Make explicit the interesting contrast to conventional wisdom
 - Republicans prefer state control
 - Democrats resist state control to allow local regulations for health/env
 - So much for Republican preference for decentralization and Dem for centralization
- Are there cases where local governments pushing development and state government more concerned about health/env (eg. CA)?

Collaborative Decision-Making

- Different styles apparent in task forces described in cases
 - CO: involve different stakeholders
 - PA: members selected to support certain goals
- Does one style defuse tensions/litigation?
- What are the tradeoffs of the different styles?
- Suggestion: could add a new dimension to growing line of literature on collaboration

Efficacy of Opposition

- Varying degrees of opposition to fracking at the local level
- Varying degrees of coverage by media
- Suggestion: imagine a 2x2 that concludes that effective opposition only occurs when groups are well organized and they have sympathetic media attention

Cross-border Issues

- Natural gas production could involve cross-border issues
 - From state to state
 - From locality to locality
- Other work in federalism literature suggests that cross-border externalities provides motive for more centralized control
- Possible hypothesis: states with more cross-border externalities may need more state control

Developing Larger Framework

- Issues are obviously multi-dimensional
- Sometimes useful to combine various different factors affecting phenomenon into a couple broad dimensions

Dependent Variable: State Control of Local Authorities

Political Dimension:

Efficacy of local opposition

(level of organization, media awareness)

High

Low

Economic Dimension: High

Dependence of state on

natural gas production Low

State Control of Local Actions

- Political Dimension:
- Efficacy of Opposition to Natural Gas
- STRONG WEAK
- Economic: HIGH *Contested* *State dominance*
- State Dependence
- On LOW *Local Evolving*
- Natural Gas *Restrictions*

Style of Governance

Opposition to Natural Gas

- ENTRENCHED EVOLVING
- State Gov. attitude

toward natural gas

CAPTURED

Litigation

Risk-acceptant

WARY

Cautious

Collaborative