The Levels of Termination:
A Predictive Model for Policy Termination

by
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Abstract

This thesis examines the role that ideology plays in the policy termination process. By isolating the role of ideology, I am able to observe the limitations posed by the constraining variables of economy and efficiency. This thesis starts by expanding the dependent variable of termination beyond the conventional dichotomy of termination and nontermination. Then, I develop a predictive model using deLeon’s three determinants of ideology, economy, and efficiency to further investigate the determinants’ respective roles. The role of federalism in the termination process is also covered. Two case studies, the CEAA 2012 and the Reagan Administration’s policies at the EPA from 1981-1983, are used to test the veracity of the model. This thesis concludes with an analysis of the findings and future revisions for the model.

Keywords: Policy Termination; CEAA; Reagan Administration; EPA; Partial Termination
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<tr>
<td>CBA</td>
<td>Cost-Benefit Analysis</td>
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<td>CCME</td>
<td>Canadian Council of Ministers of Environment</td>
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<td>CEAA</td>
<td>Canadian Environmental Assessment Act</td>
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<td>Environmental Protection Agency (U.S.)</td>
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<td>FDA</td>
<td>Food and Drug Administration</td>
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<td>HOC</td>
<td>House of Commons</td>
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<td>NEPA</td>
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<td>SFU</td>
<td>Simon Fraser University</td>
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<td>WCEL</td>
<td>West Coast Environmental Law</td>
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1. Introduction

While death maybe an unfortunate and inevitable occurrence in human life, the death of government policies was originally thought of as so rare it was near impossible.\(^1\) Recent research has since discovered that policy termination - defined as the cessation or elimination of policies and/or programs – does occur at a relatively frequent rate. Many researchers unwittingly still considered termination to be quite rare, which can cause difficulties when trying to identify causal and predictable relationships. Possibly even more troublesome is the misunderstanding of what constitutes termination. This thesis aims to provide the first steps toward building a predictive model so that it can be expanded and refined for wider use. This is accomplished by expanding the prevailing classification of termination beyond a simply dichotomy and then creating a predictive model that corresponds with newly created termination outputs.

1.1. What is Policy Termination?

Policy termination is a rather straightforward concept. Put simply, it is the study of the process of ending policy. The prevalent definition found in the termination literature comes from Peter deLeon and Garry Brewer’s work, which defines it as: “the deliberate conclusion or cessation of specific government functions, programs, policies, or organizations” (deLeon, 1978: 379). This definition clearly identifies that termination is a premeditated act aimed at particular policies. What the definition does not clarify, is whether there are lesser forms of termination. Brewer and deLeon’s definition clearly implies that termination is a simple dichotomy of termination and nontermination. In the second chapter, I will examine this shortcoming and attempt to rectify this by creating a new spectrum of termination. This should increase the accuracy for classifying what

\(^1\) While Herbert Kaufman, 1976, found it to be extremely rare, Lewis’ work, 2002, found it to be far more common than originally thought. Part of this discrepancy is the scope of research as Kaufman focused solely on organisations as opposed to the more prevalent research which includes policies, programs, functions, and organisations.
constitutes termination. I will also address the different forms of policies (functions, programs, policies, or organizations) they use in their definition in the following chapter.

1.1.1. Policy Termination within the Policy Cycle

To better understand policy termination, it is helpful to identify its place within the policy process. The dominant view of the public policy process is best understood through the use of the policy cycle framework. The policy cycle framework is a tool used to analyze the policy dynamics by breaking down the process into a model of staged, sequential policy cycles (Howlett et al., 2009). It aids the researcher by focusing on the forces and variables at each stage of the cycle. The policy cycle model was first created by Harold Lasswell in 1971 and contained seven stages – intelligence, promotion, prescription, invocation, application, termination, and appraisal (Lasswell, 1971). Lasswell’s cycle was criticized for focusing solely on the state’s role and ignoring outside forces. Using Lasswell as their foundation, many scholars have adapted their own version of the policy cycle. Garry Brewer, a scholar who contributed to the early termination literature, used only six stages – intervention/initiation, estimation, selection, implementation, evaluation, and termination (Brewer, 1976). Brewer’s contribution included an expansion beyond the confines of government and promotion of the idea that the process is an ongoing cycle. In other words, the cycle is continuous with each successive iteration aimed to improve the policy outcomes (Howlett, 2009: 11). Both Lasswell and Brewer recognize the important role of termination, each assigning termination its own stage in the process.

One of the easier ways to clarify all the different models is to focus on the applied problem-solving and the respective cycle stages. Using this method, Charles Jones provides the clearest model with five distinct stages - agenda-setting, policy formulation, decision-making, policy implementation, and policy evaluation (Howlett, 2009). The final stage, policy evaluation, is primarily centered on determining how effective a policy has been once implemented. After policy evaluation, commonly there is a reconceptualization of the problems and solutions, which cycles back into the “first” stage of agenda-setting (or to some other stage): or status quo is maintained (Howlett, 2009). Sometimes the reconceptualization leads to fundamental reforms, like the termination of a policy altogether. The evaluation process, like most of the policy stages, can be highly contested on what constitutes “success” or “failure”. Allan McConnell
created a definition for assessing policy evaluation that accounts for its contested nature (McConnell, 2010: 45).

A policy is successful insofar as it achieves the goals that proponents set out to achieve. However, only those supportive of the original goals are liable to perceive, with satisfaction, an outcome of policy success. Opponents are likely to perceive failure, regardless of outcomes, because they did not support the original goals.

This definition is also useful for policy termination, as supporters and opponents of termination are likely to hold opposing views on the success or failure of the policy being terminated.

In the policy evaluation stage, there are three possible outcomes: successful, needing reform in some respects: or a complete failure. If the policy is deemed successful, but still necessary, it will be continued in its present form. The most common outcome is that it is judged to need some reform, viewed as a partial success or failure, leading to back to agenda-setting or another stage in the cycle (dependent on what area needs to be reformed). The final outcome, complete failure (or complete success) is the policy area that this paper is focused on as the policy becomes slated for termination (Howlett, 2009).\(^2\) This usually leads directly to the decision-making stage. The exception are times of policy succession, the direct replacement of existing policies, which instead lead back to agenda-setting and/or the formulation stage. This is represented in Figure 1.

\(^2\) Ibid p. 191
While using the policy cycle framework helps the researcher focus on specific stages, there are three analytical dimensions, actors, institutions, and ideas, which hold the largest influence over the policy process (Howlett, 2009). For this paper I shall define policy actors as those who try to influence the content and process of policy termination. These are the pro- and anti-termination coalitions influencing the decision making and implementation process. Institutions are the structures that serve to constrain and influence the actors’ actions. These institutions range from political structures of government to the institutional structures of the organisations that implement the policies. Finally, ideas and knowledge play a crucial role in informing and framing the deliberations and actions of the actors (Howlett, 2009: 3).

These coalitions are not always cohesive or even coordinated in their efforts. Often times the only common denominator is a shared goal of termination or the avoidance of termination. This can make for strange bedfellows. The possibility of fractured or uncoordinated coalitions should not influence the conceptual framework as this thesis attempts to isolate the government’s role in termination from its potential coalition(s). Future research should focus on the influence of coalition cohesion on the success rate in the termination process.
1.1.2. Policy Termination Only in Cases of (Perceived) Failures?

This thesis, and the case studies it entails, focuses on termination in cases of perceived failures. In other words, the ideological motivations of the government originates from of a perceived failure of the targeted policy.\(^4\) This is not always the case. Sometimes motivation for termination stems from a policy being viewed as a success and having outlived its usefulness. The often-cited example is the National Leprosarium in the US, which survived long after leprosy had become an extremely rare disease. This example raises many other issues, policy succession and resistance to termination, but represents a case clear motivations based on economy and efficiency arguments.

1.2. Research Aim

This thesis continues Peter deLeon’s work investigating the role of political ideology in the policy termination process. While it is interesting to better understand the role of ideology in the policy process, it is especially compelling when it motivates decisions that run counter to the current scientific consensus (within the respective agencies). This thesis presents examples of termination in environmental policies that have, almost exclusively, contradicted the proposals of scientists with experience and expertise.\(^5\)

DeLeon’s motivation, and my project’s primary research question, is to discover if (and how are) political motivations are outweighing and even excluding the “rational” policy evaluation methods of economy and efficiency in the termination process. To test the influence of political ideology, I will create a predictive model using deLeon’s three determinant variables: political ideology, budgetary constraints (economy), and government efficiencies (efficiency). Before a predictive model can be created, an examination of the dependent variable of policy termination is required. This leads me to my secondary research question; is policy termination simply a dichotomous variable of termination and nontermination?

\(^4\) As previously noted, for a detailed analysis on perceived and objective successes see McConnell, Allan (2010).

\(^5\) For more on epistemic communities and their influence on the policy process, see Haas, Peter (1989).
While the termination literature has thoroughly examined many of the variables (Kirkpatrick et al.) that influence the process, few have examined the dependent variable of termination itself. Mark Daniels levied the criticism that the literature simply assumes that policy termination is a dichotomous variable, consisting of either termination or nontermination (Daniels, 2001: 252). Some scholars have mentioned partial termination, but none have devoted any energy to actually exploring this grey area. That has started to change with Michael Bauer et al.’s recent book, published in December 2012, on policy dismantling. This thesis aims shed some light on this neglected region by expanding the definition of policy termination beyond the prevailing dichotomy of termination and nontermination.

After examining the dependent variable this thesis will create a predictive model for policy (and programmatic) termination. To date there has not been any attempt to create such a model. The goal of the model is to test the influence of political ideology on the termination process and outcome compared to the historically “rational” variables of economy and efficiency. Kirkpatrick and her co-authors may have been the closest in their comprehensive catalogue of crucial variables, but they admit their model does not discern the required variables for each form of termination. This project aims to provide the first steps toward building a predictive model so that it can be expanded and refined for wider use. It also aims to identify the strong role (in some cases hegemonic) that political ideology has over the more rational determinants and the possible ethical implications that accompany such cases.

This thesis’s model is designed to predict political termination. Political termination is defined as termination motivated and implemented by the executive and/or legislative branches of government. My model does not account for judicial or administrative termination, but will be expanded to account for these other forms of termination in future research.

While Paul Pierson’s book Dismantling the Welfare State (1994) used the term dismantling, his work has since been categorized as consisting of welfare retrenchment.
1.3. Why does Termination Matter?

Policy termination has received little attention from scholars and researchers. One of the main reasons cited for its neglect is the rarity in cases of termination. While this is arguably true, the more accurate reason probably lies in the misunderstanding of the forms of termination\(^7\) and the oversimplification in classifying policy termination as simply dichotomous. The simple classification of termination and nontermination leads many researchers to miss cases of lesser termination. In other words, there are cases of programs or policies that are being terminated that do not appear as complete elimination. Examples are massive reductions in funding or resources that prevent the agency from accomplishing its stated goals. Many fields of study have areas that are neglected, but what makes policy termination important and relevant is the direct impact it can have on the wider public. At times these impacts are directed at a small section of the population, and other times the effects are felt by the entire population. The cessation of public institutions or programs can have a profound impact on peoples’ lives. This fact is well known by policy makers and is the overwhelming deterrent to complete termination.

The current literature also has some large gaps that need to be addressed. Currently, the literature lacks recognition of the role of federalism in termination, lacks comparative termination studies between nations, and finally the literature is missing any attempts at creating a predictive model. This thesis aims to contribute to the last by creating a falsifiable, predictive model. By creating this predictive model, I hope to further the collective knowledge on the termination process, which in turn can better help scholars and policy makers alike better evaluate attempts at termination. I hope to build on deLeon’s criticism that some cases of termination are based not on rationality, but solely on ideology.

The entirety of the current literature has been focused on social policy, with a few exceptions that studied economic policy. There has been a complete lack of research on the termination of environmental policies, which I view as a major limitation of the existing literature. Environmental policy has been growing in salience in the views of the public and governments alike (Ryghaug and Naess, 2012: 33). Research from the

\(^7\) See deLeon’s 1978 categorization of policy, program, organizations, and functions
natural sciences has pointed towards an increasing importance in environmental policies
to combat the effects of climate change (Ryghaug and Naess, 2012: 35-37). Termination
scholars must not neglect this area of study. This thesis takes a small step towards
addressing this deficiency, but it is just a drop in a largely empty bucket.

Societal relevance, while sometimes overlooked, remains vital for areas of study
that have direct (or indirect) impact on citizens lives. With this thesis I hope to raise
awareness of the ethical implications for cases termination when ideology is the sole
motivator. As mentioned, the cutting or elimination of government programs and policies
can have devastating effects on citizens (Bauer et al., 2012: 218-219).

1.4. Thesis Structure

This thesis follows a traditional structure of introduction, theory development, case studies, and presentation of findings. The second chapter reviews the literature from which I build a ‘Degrees of Termination’ typology for the dependent variable of termination. I use this typology to create the predictive model using deLeon’s three determinants of political ideology, budgetary constraints, and government efficiencies. I define and operationalize the newly created dependent variable (termination) and the independent variables of ideology, economy and efficiency.

The third and fourth chapters contain the two case studies I use to test my model. The first case, the Canadian Environmental Assessment Act (CEAA), 2012, is a contemporary example of environmental policy termination that would not be considered termination using the conventional termination dichotomy. The second case, found in chapter four, attempts to recreate much of deLeon’s original theory by examining a case used in his own research. DeLeon used President Ronald Reagan’s policy changes, although he focused on social and economic policy and did not directly analyze Reagan’s environmental policy, as the basis for his theory of the new emerging influence of ideology in the role of termination. The specific case I examine is the changes associated with Reagan’s “New Federalism” environmental policy at the Environmental

8 DeLeon did include energy policy in his research, which, of course, shares similarities with environmental policy. The main difference between these policy types, in respect to termination, is that environmental policy’s costs are often diffuse and obscure, which influences the motivations of would-be terminators. See Bauer et al (2012: 8).
Protection Agency (EPA) under Anne Gorsuch’s leadership from 1981-1983. Both cases provide an excellent study into the role of federalism and decentralization as a form of termination, neither of which has been directly addressed by the literature. The cases also highlight the constraining role of the lesser determinants of budgetary constraints and government efficiencies. While the two cases occur in separate federal nations, the focus of this project is to test the model and not explicitly to be a comparative analysis study.

Finally, I end the thesis with an assessment of the accuracy of the model and propose future revisions. Most importantly, I point to the implications of the model’s findings and future research directions.

DeLeon did cite that decentralization could play a role in termination, but never acknowledged that it could in fact be a motivator in and of itself.
2. Degrees of Termination Model

As stated in the introduction, this thesis continues Peter deLeon’s work investigating the role of political ideology within the policy termination process. To accomplish this, a model must be created to identify the variables involved and measure their influence on the process as well as the policy outcome. Before a predictive model can be created, though, first I must examine the dependent variable of policy termination more closely. This leads me to my first research question: is policy termination simply a dichotomous variable of termination and nontermination? DeLeon’s motivation, and my thesis’ second research question, is to discover if political motivations are outweighing and even excluding the “rational” policy evaluation methods of economy and efficiency in the termination process. To test the influence of political ideology, I will create a predictive model using deLeon’s three determinant variables - political ideology, budgetary constraints (economy), and government efficiencies – which will be applied to a comparative US-Canada case study.

2.1. Early Literature on Policy Termination

The policy termination literature levies two recurring criticisms levied against the area of study. The first is that there are too few studies done on cases of termination. So few in fact, that bibliographies of the only two books directly addressing policy termination, Mark Daniels’ *Terminating Public Programs: An American Political Paradox* and Iris Geva-May and Aaron Wildavsky’s *An Operational Approach to Policy Analysis: The Craft*, referenced fewer than 100 book and article manuscripts (Daniels, 2001: 251). The second criticism is the lack of an existing predictive model or theory on policy termination in this sparse literature.

Many authors (deLeon, Kirkpatrick et al., Lewis, Lester, and others), however, have mapped out the variables influencing the policy process of termination, although none has created a comprehensive and predictive model. In this chapter, I create a
predictive model and later test it on two different case studies, the repeal and replacement of the 2012 CEA Act and The ‘New Federalism’ Environmental Policy at the EPA under the Reagan Administration from 1981-1983.

The first real wave of termination literature came in 1976. That year Eugene Bardach was editor of a special issue of *Policy Sciences*, “precisely [because of] the rarity of the phenomenon” (Bardach, 1976: 123). Despite being rarely studied, termination was deemed worthy of its own issue of *Policy Sciences* based on its complementary role in the policy cycle. This early termination literature focused on the limited number of policies terminated in the US. Kaufman found that termination was indeed very rare, with only 15% of US federal agencies terminated between 1923 and 1973 (Boin, 2010: 389). There is no discernable consensus on what constitutes a high rate of termination but nearly all authors point to Kaufman’s research as evidence of just how rarely termination occurs. Kaufman did not find much of a pattern for survival, and ultimately labelled it as a “matter of luck” (Kirkpatrick, 1999: 211). It should be noted that Kaufman’s research was focused solely on the termination of organizations (U.S. Federal Agencies) and not on policies, programs or functions. In 2002, Lewis’ research expanded on Kaufman’s work and found that out of the 426 federal agencies that existed in 1946, 62% had been terminated by 1997, a much higher termination rate than Kaufman’s findings (Lewis, 2002: 102). Lewis pointed to political turnover, which he defines as change in Administration and/or change in majority in Congress, as the primary cause for termination.

The 1980s and 1990s saw much less interest by scholars in the subject. The few that did publish on the topic started to identify the main variables involved in the termination process. A key contributor was deLeon who discussed six obstacles to termination: psychological (intellectual) reluctance, institutional permanence, dynamic conservatism, anti-termination coalitions, legal obstacles and high start-up costs (deLeon, 1978: 379). DeLeon’s work directly led to Kirkpatrick, Lester, and Peterson’s (1999) more comprehensive conceptual framework of the termination process. They created a descriptive model that contained a catalogue of all the variables they found to be influential to the termination process. These variables are organized into three categories: inherent characteristics, the political environment, and constraints (Kirkpatrick, 1999). Within each variable are five sub-variables. While the Kirkpatrick et al.. model is the most comprehensive of all the termination models, it was designed to be
used as heuristic device to identify all of the determinant factors for termination rather than serve as a causal or predictive model. Their model did hypothesize that “for the higher levels of termination targets (i.e., functions and organizations) most of the variables mentioned will be required. However, with the lower level targets (i.e., policies and programs) fewer variables will come into play” (Kirkpatrick, 1999: 218). The model is unclear as to which variables remain important when the aim for termination is policies and programs.

This hierarchy of termination targets is important in defining the dependent variable and improves upon deLeon’s previously authoritative definition of termination as: “the deliberate conclusion or cessation of specific government functions, programs, policies, and organizations” (deLeon, 1978: 370). The hierarchy, according to Kirkpatrick et al., ranges from the hardest to terminate - policy functions and organizations - to the easier to terminate - policies and programs. This typology was created by deLeon (1978) to distinguish between forms of ‘policies’. DeLeon’s typology has been used by many of the termination scholars, but it is not without its critics. Functions are the most resistant to terminate as they “transcend organizations and policies; a number of agencies and their respective policies can all serve the same function” (deLeon, 1978: 375). Organizations are groups of individuals that form institutions. They owe their longevity and resistance to their constant expansion and the fact that they are “built to last” (deLeon, 1978: 375). They will also forsake policies (and programs) to avoid termination. This can include reorganizing or changing of goals to avoid termination. Policies are implemented by organizations that are aimed at solving specific problems. Finally, programs are the easiest to terminate as they have the fewest political resources and require the smallest investment. They are easy to abandon as they are used as tests and trials, though, sometimes they become entrenched with policies if successful.

DeLeon’s resistance to termination hierarchy is best seen in the following figure:
Figure 2.  DeLeon Termination Resistance Hierarchy

Note. This figure is similar to Daniels (1997) figure found in Terminating Public Programs: An American Political Paradox: p. 9. The lower rungs of the pyramid are larger to represent a higher number of termination cases than the higher rungs.

DeLeon’s hierarchy is useful as a starting point, but does have its flaws. For starters, he defines functions as overarching goals, like redistribution, domestic security, and defence, which are not even possible to terminate. Even more crucial is the inherent difficulty in discriminating between the different levels. Daniels and Bauer each are quick to point out this fundamental flaw, with the latter proposing a new typology. Bauer attempts to better define deLeon’s categories, generating new categories of: Level of Service, Instrument, Program, Policy Aim, and State Task (Bauer, 2009). While helpful when examining cases of termination that have occurred, the new categories are no more helpful for use in developing a predictive model. It is improbable that a government would attempt termination (with all the energy and risk that comes with it) on the level of service or simple instruments unless they believed it would go unnoticed. The larger problem is that such low levels of policies are very difficult to predict as there are fewer constraints to protect them. Thus, the predictive model will only focus on programs and policy (aims). Bauer did provide a bit more detailed explanation of policies and programs; “(a) program bundles several instruments and several programs together to form a policy aim (nature protection)” (Bauer, 2009: 15). Finally, a State task is how Bauer views the goals and responsibilities of functions, which cannot be terminated outside of the most extreme of circumstances which change the basic nature of the
State. In other words, functions or state tasks are the most foundational of policies and thus are hardest to terminate. While Bauer provided a valuable expansion and clarification on deLeon’s original typology, I will focus only on program and policy for the predictive model. Future renditions of the model will be altered to account for these other areas of ‘policies’.

2.2. Is Policy Termination Dichotomous?

Another aspect of the dependent variable of termination, itself, which has rarely been investigated but requires clarification is its scope. That is, nearly all scholars found in the termination literature refer to termination as dichotomous: either termination or nontermination. While a few scholars have cited “partial termination”, namely Brewer, deLeon, and Jones, none have devoted much energy to exploring this grey area. The main reason for its neglect is the difficulty presented in trying to operationalize partial termination. Trying to discern policy change from termination presents quite the dilemma for researchers.

This dilemma was sparked by what Paul Pierson and others call the ‘dependent variable problem’ (Green-Pederson, 2010: 3). While the dependent variable problem arose from comparativists trying to create a transferable definition of welfare retrenchment, termination scholars too struggle with the same problem. By using the imprecise dichotomy of termination and nontermination, researchers fall into the same trap as their peers working on welfare retrenchment. To avoid this pitfall, partial termination must be clearly defined and categorized.

A good starting point for defining partial termination is found in the Daniels’ led symposium; he states “Partial termination means that certain aspects of a program, policy, or organization has been changed or eliminated to such an extent that what remains is only a fragment of what once existed” (Daniels, 2001: 251). This definition is an improvement on the work of Brewer and deLeon, but it is still too imprecise to properly operationalize. The definition also ignores the role of ideological motivations in the termination process. In the next section, I will build a set of ‘degrees’ for operationalizing partial termination.

There are also measurement issues associated with termination that must be overcome. In measuring the dependent variable, there are two approaches often taken:
measuring policy outcomes or policy outputs. Policy outputs are the actual policy changes (actions) performed by the state. Policy outcomes are the effects or results of the said policy actions. Like most of the termination scholars, I will look at policy outputs, not outcomes. The reason for limiting the dependent variable to outputs is that outcomes are usually affected by numerous intervening variables, thus making it near impossible to identify the causal mechanism(s). In other words, I will not be measuring the effect of termination on anything other than the existence and composition of current policy. The reason for choosing outputs over inputs, proposed budgets or authorizations, is to highlight the role of constraints on the government’s ideological motivations. If the model only looked at inputs, it would only predict the degree of proposed termination and not the actual termination seen after the decision-making stage of the policy cycle. Future research should look examine if using policy inputs, instead of outputs, alters or contradicts my model’s predictions.

There is another type of termination that the literature has not yet recognized – decentralization. In federalist nations, decentralization can be considered termination both by a reduction in federal output (participation) and also by a potential decrease in total output (of both federal and lower level governments). Decentralization had not been accounted for because it did not amount to complete elimination. Decentralization occurs not just at the federal and provincial/state level but can also occur from the provincial/state level to the municipal level. This is not to say that decentralization always amounts to a form of termination. There have been cases of policy expansion, and even creation, after shifts towards decentralization. One of the clearest examples is Canada’s Medicare system, which originated in Saskatchewan. For this thesis I will only focus on decentralization from the federal to the provincial/state level of government. In the following section, I will categorize the stages that comprise the spectrum of termination, which includes a second level to account for decentralization.

2.2.1. Creating the categories of ‘degrees’ of the model

My model’s theoretical basis stems from the current literature, mainly the work of Peter deLeon. After testing the model with two case studies, I will revise the model in my conclusion to address its shortcomings as revealed in the case studies.

The first step in illuminating the grey area that is partial termination involves defining the range of possible positions between termination and nontermination. I call
these positions ‘degrees’ as it implies a range across a continuum. In creating the
degrees, I use Bauer’s terminology from “The Policy Termination Approach: Critique and
Conceptual Perspectives.” (Bauer, 2009). He recommended expanding termination to
include substitution, reduction, and elimination. The only other author to try to develop
partial termination was deLeon. In a footnote in his 1983 article, Policy Evaluation and
Program Termination he says, “In this instance, "policy termination" is used in its
broadest sense to represent actual agency terminations, basic policy redirection, partial
terminations, and fiscal retrenchments” (deLeon, 1983: 643). Neither Bauer nor deLeon
provided any concrete definitions of the terms they presented, leaving me to develop my
own definitions so they can be operationalized.

- **Status Quo**, or nontermination: No substantial or discernable change in
  policy or program.
- **Substitution**: A change in policy/instrument settings, which are defined
  as the adjustment or calibration of instruments in relation to past
  experiences or future projections (Hall, 1993: 278). e.g. Adjustment of
  triggers or slight procedural changes to the Environmental Assessments
  (EAs). Substitution is also a change in policy instruments; the change of
  actual means governments use in the implementation stage (Howlett,
  2009: 144). e.g. Substitution with other assessments, be it Sustainability
  Impact Assessment for the original of EAs.
- **Reduction**: A reduction in resources for implementing the
  policy/program, be it financial, instrumental, or otherwise. These could be
  budget cuts or downsizing of the program or policy. They could also be
government orders to lessen the enforcement (or implementation) of the
policy/program. These could also be a reduction in instruments, e.g.
abolition of market based instruments. The cuts must be specifically
targeted, as opposed to a general 2% cut on discretionary spending. e.g.
40% funding cut to the CEAA budget.
- **Elimination**: (Full Termination) The complete cessation of the policy
  and/or program. This comes in the form of the end of the overarching
  goals of the program. Policy Succession is also a form of elimination. e.g.
  US Congress voting to end of the Civil Conservation Corps program in
  1943.

There still remains the difficulty of discerning the levels from other forms of policy
change. By focusing only on cases of termination, dismantling, and retrenchment
researchers risk missing the similarities these cases might have with other forms of
policy change.¹⁰ This is most apparent in my ‘substitution’ level, which has many

¹⁰ For more detailed criticism see Howlett and Cashore (2009)
similarities with Hall’s (and many others) work on incremental policy change. The reason Substitution is considered a form of termination in my model is that the goal/aim of government is programme (or policy) termination, even if the actual policy output is not termination as is commonly conceived (elimination). The Substitution category accounts for direction of change, making it termination. The category also includes changes in instruments and instrument settings. These two forms of policy change are combined in one category to simplify the typology. In the conclusion I will revisit if this typology needs to be revised. Also, the Reduction level could be called “dismantling”, but I choose not do so because dismantling can also encompass substitution and elimination. The distinction between Substitution and Reduction is based on if the policy change (which can include changes in instruments and instrument settings) is aimed at reducing the program/policy’s resources or access to resources. I will further explain the relationship between dismantling and termination later in this chapter.

Parallels can also be drawn between Thelen and Streek’s work on institutional change and the individual levels. Most pertinent are the similarities between “exhaustion” and elimination. They are not quite interchangeable as exhaustion is restricted to gradual elimination. Speed is not a critical part of elimination, but realistically, the difference is quite negligible. Their work does provide value in mapping out some of the institutional reasons for exhaustion that challenge Kaufman’s seminal finding: that institutional termination is largely a “matter of luck” (Kaufman, 1976: 15). Exhaustion is attributed to behaviours “invoked or allowed under existing rules” that lead to their own demise (Thelen and Streeck 2005: 43). Thelen and Streek’s theory runs in opposition to the existing termination literature (see Kaufman, 1976, Bardach, 1976, deLeon 1978, and Bauer 2008 all of whom suggest institutions are extremely resistant to termination) by suggesting that there are “inherent limits to an institution’s sustainability” (Thelen and Streeck, 2005: 44). Future research may be needed to further test Thelen and Streek’s theory on institutional sustainability, but since their theory is concerned with the higher levels of policy (organisations), it does not directly affect the scope of my model.

The degrees of termination in visual form can be represented as the following:

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11 Hall’s first order of change is ““the features of incrementalism, satisficing, and routinized decision making that we normally associate with the policy process” These changes are represented by adjustments settings in the instruments. (1990: 280)
2.2.1.1. Degrees of Termination: Accounting for Federalism

The degrees remain mostly the same when viewing it in a federalist nation. That is, the levels remain the same, but the language differs slightly. The only two stages that change are substitution and reduction. While the definitions and criteria are still applicable, a slight translation into federalist language may aid in evaluating the stage of termination. Substitution translates to administrative decentralization. Administrative decentralization is defined as when central government delegates some policy responsibility to the sub-national levels of government but retains the rights to control how they provide the services (Escobar-Lemmon, 2006: 247). An example would be an
administrative decision an executive (or administrative) order that allowing for provincial governments to play a larger role in distributing food stamps. The federal government would still oversee the program and ensure it is up to their standards. Policy reduction would translate to legislative decentralization under a federalist structure. Legislative decentralization is aimed at institutionalizing its own preferences. Escobar-Lemmon's article defines these as political posturing and less as explicit policy procedures. I refined her definition for legislative decentralization to mean that legislative authority has fully institutionalized the change in instruments. For example, the federal legislature passed a law giving the provinces full authority and control over policy to eliminate food stamps.

2.2.2. Partial Termination as separate from dismantling, decrementalism, deregulation, retrenchment, and succession?

There is a great deal of overlap between the policy termination literature and other policy change literature, especially as of late. This is especially true in partial termination, as there is little to be found in the termination literature, itself. Hall’s “orders of change” model holds great value in identifying specific policy changes that may be found in partial termination. Lindblom’s decrementalism can be of some help, but is limited in that it is mainly focused on fiscal allocations and not specifically targeted policy changes.

While both policy dismantling and succession research is focused on broad policy retrenchment and change, there are still some terms and ideas that are useful when looking at what lies between nontermination and termination. As previously mentioned, policy succession is a form of elimination. There has been little written on succession, far less than termination, with Brian Hogwood and B. Guy Peters contributing the seminal piece in 1982. They define succession as “the replacement of an existing policy, program, or organization by another” (Hogwood and Peters, 1982: 226). Upon first glance, this may seem like they are discussing substitution, but they in fact are describing elimination with the intent of replacement. The key difference between termination and succession, is that termination occurs with the motivations that elimination signals the end, not the beginning of another policy. Succession is undertaken with the precise motivation that the policy will be replaced. A key distinction is that the replacement policy must be “directed at the same problem and/or clientele”
(Hogwood and Peters, 1982: 229). This project focuses on cases of termination where the motivations are not to (eventually) replace the policy with another.

The literature on deregulation researches the change in the existing rules, ranging from substitution, systemization, and cancelation (Bauer, 2012). This focus on rules makes for a much more narrow area of study and cannot account for the different types of changes beyond adjustments to rules. The classification of change is similar to the categories I used to expand the termination variable.

The policy dismantling literature holds the most value for transferability for future termination endeavours. Michael Bauer is one of the leading scholars in the dismantling field. Bauer and his coauthors’ 2012 volume is dedicated to moving the policy dismantling field forward. While the book draws from the relevant literatures of termination, deregulation, and (welfare) retrenchment, it’s main purpose is to expand on Paul Pierson’s welfare retrenchment work with a comparative focus (Bauer, 2012: vi). Bauer et al. believe that by using comparative case studies of dismantling, similar trends can be exposed. Pierson’s work on welfare retrenchment was focused almost entirely on social policy. There is debate about how much retrenchment literature transfers to other forms of policy.12

As this section laid out, each of the other literatures have something to offer in both theories and taxonomies. The problem is they all have focused on minute differences without recognizing their larger similarities – policy change in a negative direction. Bauer et al.’s work on dismantling is headed in the right direction by trying to incorporate as much of each domain’s ideas as relevant. The only issue with their approach is that they just create a new taxonomy. While this is an improvement, it still does not identify (nor test) the possible causal relationships. The solution to this shortcoming is the creation of a predictive model. The real strength of a predictive model is when it is combined with descriptive research that has fleshed out a detailed taxonomy.

12 For additional resources on deregulation see Derthick, Martha and Paul Quirk’s book The Politics of Deregulation.
2.3. Adapting deLeon to Create a Predictive Model

Since my aim is to create a predictive model based on the existing literature, I used DeLeon’s 1983 article, *Policy Evaluation and Program Termination* as my starting point. I chose deLeon’s model for the basis of my own model because of its simplicity. Termination, like all policy change, is not a simple process with simple explanations. If it were, political debate would look much different. The virtue in using a simple model is that if the key variables are initially accounted for, the model should be predictive in general cases. Then the model can be expanded to include additional variables to increase its accuracy. The risk, of course, is that by using a small number of variables the model excludes a crucial explanatory variable. There is a secondary risk of over-specification in using only three variables as they might limit the selection of cases.

DeLeon’s motivation for writing his article was to discover if political motivations were outweighing and even excluding the “rational” program evaluation methods of economy and efficiency (deLeon, 1982: 632). This runs counter to what many other scholars, Bardach in particular, had suggested: that politicians eschew termination for fear of backlash and/or failure. DeLeon’s model uses only three determinants for policy and/or program termination: financial or budgetary constraints, government efficiencies, and political ideology.

- **Budgetary constraints** are defined as actual or projected deficits leading policymakers to reduce (funding of) programs wherever possible.
- **Government efficiency** is the ability of the government to deliver desired goods in an efficient and timely manner.
- DeLeon uses a rather vague definition for **political ideology**, as “one’s general political orientation as it affects specific policies and programs-necessarily influences the termination decision” (deLeon, 1982: 632).

The difficulty in deLeon’s model is the nested nature of the variables. Deleon states “none of these (determinants) should be considered independently of the other; a comprehensive examination of most termination decisions will reveal them to have aspects of-or at least nominal allusions to-all three” (deLeon, 1982: 632). Despite saying this, he does still recognize the need to decouple the individual variables to determine their individual weights. Historically, he says, economy (budget constraints) and efficiency (Government efficiency) are the two determinants considered to be required for termination. DeLeon theorizes that the political ideology determinant is not only an additional determinant, but it also carries the most weight. Political Ideology, he argued,
carried an increasing amount of weight during the Reagan administration. The ideology
determinant, although rarely articulated explicitly by policy terminating actors, is much
more important in determining the success and motivations of termination at the policy
and program level (deLeon, 1982: 635).

2.3.1. Theoretical Issues with deLeon’s model

The glaring issue with deLeon’s model is his vague definition of political ideology.
DeLeon defined ideology as “one’s general political orientation as it affects specific
policies and programs – [which] necessarily influences the termination decision”
(deLeon, 1982: 634). Using deLeon’s basic definition, one wouldn’t need to even identify
what specific ideology the current government has, but only to identify the influence the
ideology has on their policy making. For my model, the precise ideology is not important.
Instead, I focus on the ideological distance of the party’s support (or opposition) to the
policy. This definition fits with DeLeon’s main research question: to uncover if the
ideological motivations lead to an exclusion of ‘rational’ program evaluation (deLeon,
1982: 636). While at first glance, this method seems to assume that the policy in
question falls along a linear ideological range, but in actuality I am only concerned with
one party’s position on a single policy and how it has changed over time.

The ideological distance is based on Bauer’s “ideological core” typology. He
looked at the termination risks of policy, based on whether it had a major or minor effect
on a party’s clientele (supporters), compared to how close the policy was to the party’s
ideology. His isolation theory expects that the further a policy is away from a party’s
core, the easier it is to terminate; and the less the impact the policy has on the party’s
clientele, the easier it is to terminate (Bauer, 2009: 17). His typology did not separate
peripheral support for the policy from opposition to the policy. Since deLeon’s original
model’s motivation was to account for ideological motivations for opposing policy, I
expanded Bauer’s typology to include opposition. I also simplified his typology by
eliminating the clientele influence, since it was written to account for coalition
governments’ motivations. Clientele support can have an influence on party politics and
could be added to the model in future revisions. The adjusted Bauer Ideological Core
typology:
A sacrosanct policy will be protected from termination to the fullest extent if it is a core tenet of the party. An example of this is found in Michael Harris’ work on Kibbutzims in Israel. Harris takes from deLeon’s theory that ideology plays the prominent role in termination and somewhat predictably, finds that ideology also plays a prominent role in preventing termination. He found that termination has continually been prevented, despite the growing pressure of budgetary constraints and obvious inefficiencies. An orthodox policy is highly unlikely to see full termination, but might see minor adjustments. Bauer describes orthodox policy as “some dismantling in the short-term appears possible as long as it remains on a low scale” (Bauer, 2009: 17). Negotiable policy will see some significant form of policy change. This kind of policy is vulnerable to large changes, but still unlikely to see full termination. Finally, dispensable policy is most likely to see elimination. It no longer sees any support from the government, only opposition.

Through the use of a broad definition for the political ideology determinant, I aimed to make the model more transferable, both cross-nationally and over time. DeLeon wrote his piece during the Reagan Administration of the 1980s, when it was relatively easy to identify a political ideology that rarely masked its motivations for termination. While most examples of termination have come at the hands of center-right administrations and governments, there are examples of programs and policies that center-left governments wish to terminate. Modern examples in the U.S. for example, are some faith based initiatives, education reform (NCLB), Guantanamo Bay, as well as some energy projects deemed to have too great an environmental impact. This illustrates one reason why the model cannot simply identify the prevailing ideology of the administration or government.
as center-right or as inherently pro-termination. A second reason, of course, is that ideologies are not static. Instead ideologies and political motivations shift with party leaders, members, potential consequences and backlash, and public opinion, to name a few likely determinants.

There are two additional gaps in the model. The first is the lack of a predictive aspect which I’ve already discussed. The second gap is in the role it ascribes to federalism, or more specifically, it the lack of recognition of federalisms role in termination. DeLeon’s view of federalism is that it is intertwined with political ideology. He states “the Reagan Administration has repeatedly averred that state and local units of government are more capable of delivering governmental services to the populace than the distant federal monolith…. The evidence for this assumption is clearly open to debate”(DeLeon, 1982: 633). This model ignores the possibility of institutional constraints arising from federalism. By limiting the variables to three determinants, he ignores the legal constraints that are inherently present in a federalist system. He also ignores the different federalist dynamics, for example centralization vs. decentralization and cooperative vs. competitive.

2.4. The Degrees of Termination Model

In this section, I present my predictive model adapted from deLeon’s model, named the Degrees of Termination Model. I used deLeon’s three determinants, political ideology, budgetary constraints, and government efficiencies, as the model is aimed at predicting the individual level of termination based on the number of determinants present. There were many issues to confront when attempting such a task, so I tried to stay as true to deLeon’s model as possible.

I use Bauer’s isolation thesis as the basis for identifying the limits of possible policy outcomes for a given classification within a party’s “ideological core”. This still leaves unaddressed the relationship between political ideology and the two other determinants, government efficiency and budgetary constraints. I use Hall’s Incremental/Paradigmatic view on policy change to examine the relationship between deLeon’s three determinants of political ideology, budgetary constraints, and government efficiencies. First, using Hall’s typology of policy change, the substitution level is a first order of change. It represents “the features of incrementalism, satisficing,
and routinized decision making that we normally associate with the policy process” (deLeon, 1982: 636). These changes are represented by adjustments in settings of the instruments. Reduction represents second order of change; “development of new policy instruments may move one step beyond in the direction of strategic action” (deLeon, 1982: 636). Finally, elimination represents the paradigm shift seen in third order change.

The paradigm change that ushers in the radical change of full termination is due to a combination of factors. In this model it represents a new government with ideological opposition to the policy, and supported by the scientific evidence of efficiency and economy. Hall’s view on new paradigms reflects deLeon’s motivations to further examine the expanding role of ideology in relation to science. Hall states “That is to say, although the changing views of experts may play a role, their views are likely to be controversial, and the choice between paradigms can rarely be made on scientific grounds alone” (Hall, 2005: 282). The importance of authority cannot be underestimated, Hall states. My model assumes that the governing party faces some challenges to its power (if even the threat of electoral punishment) and thus the party feels constrained to lesser levels of termination without scientific support for termination. In other words, a party cannot force a paradigm shift without some supporting evidence for their ideological preferences. Pierson pointed out the reason for this constraint in his work on blame avoidance. He states that parties seek to avoid blame when it comes to policy retrenchment (and to an even greater degree for termination) (Pierson, 1995). They fear they would face greater backlash if they pushed for retrenchment without supporting evidence.

The model does not account for Thelen’s exhaustion form of policy change. Exhaustion is the idea that institutions eventual fail by running their course. This runs counter to all the existing literature (Bardach, deLeon, Daniels) that states that organizations will adapt to remain intact and viable, except for some extreme cases.13

13 Another way of looking at the model is to use Kingdon’s Multiple Streams Model. Kingdon’s theory is that the three separate streams, policy, problem, and solutions, are always fluctuating and only when they meet can a policy be decided upon. He calls this point the “policy window”. In my model, the politics stream is represented by the ideological core of the party. The problem stream would be budgetary constraints and also government efficiency. The solution stream would be the level of termination (policy change). There are multiple issues that arise trying to use the Multiple Streams (MS) Model, starting with the fact that my model would see many different “policy windows”. Essentially, the policy window would represent wherever the politics stream (and sometimes the problem stream, as well) met with
The full visual representation of the Degrees of Termination Model is found in the figure below. As the figure demonstrates, this is a probabilistic model, meaning the different combination of variables lead to an expected stage of termination. This is not a deterministic model that holds if a case’s combination of variables does not match the corresponding output, then the model is invalid.

The solutions stream. The second major issue is that the problem stream would have to have two smaller streams to represent both the efficiency and economy determinants.
### Figure 5. **Degree of Termination Model Visual Representation**

<table>
<thead>
<tr>
<th>Policy Location</th>
<th>Status Quo</th>
<th>Substitution</th>
<th>Reduction</th>
<th>Elimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ideological Core</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>+Both Determinants (BC and GE)</td>
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<tr>
<td>Ideological Peripheral</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
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<tr>
<td>+Both Determinants (BC and GE)</td>
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<tr>
<td>Ideological Opposition</td>
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<tr>
<td>+1 Determinant (BC or GE)</td>
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<tr>
<td>+Both Determinants (BC and GE)</td>
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</tbody>
</table>

**Figure 5. The Levels of Termination Model**

Note. The black squares represent the most likely policy outcome given the corresponding combination of the three determinants. (BC= Budgetary Constraints and GE= Government Efficiency)

### 2.4.1. **Hypotheses**

Before one can test the model and hypotheses one has to define the variables. As mentioned earlier, deLeon theorized that political ideology had become the most important determinant, to the extent that at times the lesser two variables were put
forward to mask the real ideological motivations. The Degrees of Termination Model theorizes that political ideology is the driving force and is either strengthened or constrained by the presence of budgetary constraints and government efficiencies. The model’s hypotheses are as follows:

**H1.** If the policy/program is a core belief of the governing party the resulting policy outcome will be status quo. Even if all three determinants are present, status quo is still the expected outcome. This is because the policy is considered a sacrosanct policy.

**H2.** If the policy/program is a peripheral belief of the governing party the resulting outcome can range from status quo to substitution to reduction. The policy is an orthodox policy initially, but transfers to a negotiable policy when additional evidence (determinants) is presented (usually by anti-termination coalitions, relevant experts, or the institution involved). The presence of one additional determinant (either government efficiency or budgetary constraints) will see policy substitution as the outcome. If all three determinants are present, then the policy outcome will be reduction.

**H3.** If the policy/program is ideologically opposed by the governing party the resulting outcome can range from substitution to reduction to elimination. The policy is considered a dispensable policy, and unlike the first two possibilities, is constrained by the presence of the other determinants. If only ideological opposition is present, substitution will be the policy outcome. If one of the other determinants is present, then the policy will see reduction. If all three determinants are present, then the policy will be eliminated.

### 2.4.2. **Operationalizing the Hypotheses: Methodology and Data**

Testing these hypotheses requires identifying the existence of each of the three determinants. The difficulty lies in discerning if there is empirical evidence for the claim of existence or if it is just rhetoric. After the determinants have been identified and evaluated, then I will evaluate the level of termination found in the cases. This evaluation will determine the fit of the case to the model.
Measuring the variables of budgetary constraints and government efficiencies is rather straightforward based on their respective definitions. *Budgetary constraints* will be measured not only by the actual or projected deficits facing policymakers, but also importantly the percent of the budget of the program or policy consumes. Intuitively one would assume smaller, less expensive programs and policies would be less affected by budget deficits.\(^{14}\) I will make this assumption while evaluating the budgetary constraints found in the case studies.

*The second rational variable, government efficiency,* will require looking at past performance by the program or policy, or the organisation implementing them, to determine if it is running efficiently. This will be done by examining audits, self-review reports, CBAs (cost-benefit-analysis) of the policy and/or programs. I will also examine to see if there have been congressional or parliamentary reports or investigations on the efficiency of the policies. As Frantz’s work highlights, terminating a program/policy does not necessarily save money. That is especially true in the short term, where she found nearly all cases to cost significantly more to terminate than to just leave them alone (Frantz, 1997: 178). The efficiency argument and or evidence can be found in a few places; government administration reports, the organisation implementing—many institutions have performance reports, parliament/congressional reports, or in many cases third party evaluations. There is potential for dispute on the interpretation of government efficiency claims. An example would be in cases of replacement (Partial Termination) of one program for another. The government might claim that it is equally efficient, while the organisation (and maybe even the recipients, too) claim that it is not as efficient if the goals remain identical. While the means change, the ends should not if it is a direct substitute. A replacement program/policy is only equal or more efficient if the new means being implemented achieve the same goals.

Finally, operationalizing political ideology is the most difficult. As previously stated, I will be measuring the ideological distance of the policy from the stated party platform. This will be measured by looking at the governing party’s platform/manifestos for stated positions on the policy. The resulting analysis will be classified as either the party’s core belief, peripheral belief, or ideological opposition to the policy. For cases of

\(^{14}\) There are exceptions, like the US Defense budget in many instances and also “too big to fail” programs or policies.
support, the determination between core and peripheral support will be based on the prioritization of the policy. Using the Comparative Manifesto Project (CMP) datasets it enables me to compare the emphasis on policies between each election manifesto. The dataset ranks the priorities of every (included) policy for every manifesto. This creates the ability to measure shifts in ideological positions. Since the CMP data does not measure opposition to most policies, I will closely examine the manifesto from the most recent election to see if there is stated opposition to the policy. I will also supplement this with public statements by party leaders on ideological support or opposition. For my case studies, this method will be enough to determine the ideological distance of the policy from the party. Using manifestos is straightforward for Environmental policy, and the CEAA program which is closely reflective of environmental policy, as it has been a salient issue for decades. For less salient policies and programs, the method would have to rely far more heavily on statements by party leaders and committee reports.

This thesis will use data triangulation to avoid using a single set of data or using a single researcher’s interpretation. For example, instead of only using CMP’s classification of respective manifestos, I analyze the specific manifestos. I then supplement this data with speeches and government statements to better discern the ideological position of the current government/administration.

As the predictive model should make obvious, this thesis was written with a positivist approach. The model lays out testable hypothesis that aim to hold valid social and scientific inferences. Positivist approaches are often criticized by qualitativists as being too deterministic and risks missing many of the underlying ‘realities’. Fortunately, the study of policy outputs lends itself to positivist approaches, but as always, use of different research methods only strengthens the discipline.

Finally, when creating or testing any theory, a researcher is always subjected to questions of selection bias. The criticism is heightened when researching using only a small number of case studies. Selecting cases based on ‘dependent variable bias’ is a criticism that researchers might not be measuring a random sample by selecting cases that fit their theory. Collier and Mahoney respond to this criticism by pointing out that not all models and theories are designed to apply to the entire population (Collier and Mahoney, 1996). Researches must first be aware of their theory’s population because if

15 See Johnson, James "Consequences of Positivism: A Pragmatist Assessment". 2006.
it is aimed at only a partial piece of the population then studying the entire population will
provide context but may miss the real relationship. More pertinent to termination is
Shively's response that not all cases create new theories. Many cases, such as my own
reclassification of the termination variable as well as my predictive model, are about
refining existing theories (Shively, 2001). If researchers did not select based on both the
independent and dependent variables, they would miss many of the cases that can
clarify and revise the existing theories. For example, to discover if there are additional
cases of termination beyond nontermination and elimination, one must select based on
the dependent variable. Future research goals include creating a database of possible
termination cases to better clarify the entire range of the termination variable.
3. Case #1: The 2012 Canadian Environmental Assessment Act

The first case study examines the 2012 Canadian Environmental Assessment Act. It was chosen as a contemporary example of programmatic change that does not fit into the existing theories of termination. This case is presented as the first case as it represents a programmatic test (lower level than the second case, the EPA under Gorsuch’s leadership, which represents a test of the policy level) of the predictive model. As stated in the introduction, I chose cases of environmental policy with the intention of expanding the termination literature beyond the traditional social policy analysis. It cannot be classified as either termination or nontermination— as the current literature dictates. The legislation is a clear case of devolution, which provides an excellent example of the role that federalism can play within the termination process.

3.1. Brief History of the CEAA

The Government Organisation Act of 1970 established the Department of Environment as part of the cabinet. After a cabinet decision in 1973, the Department of Environment began requiring Environmental Assessment and Review Process (EARP) for “projects initiated by federal departments and agencies, and those for which federal funds are solicited or which involve property” (OECD, 1979: 30). This legislation was a weaker version of the 1969 National Environmental Policy Act (NEPA) found in the U.S. The Canadian EARP was not effective at this point because the Environmental Impact Assessments (EIA) were self-assessments. The problem with the self-assessment requirement was that the agencies that oversaw the assessments often found themselves in a position of conflict of interests (Delicaet, 1995: 498). The larger criticism was that the EARP panel lacked any sort of enforcement mechanism. It was so bad that “the panel’s advisory authority, which gave no authorization to implement or enforce a decision”, completely undermined the stated purpose of the EARP panel (Delicaet, 1995: 498).
On the federalist front, the CEAA (both Act and Agency) owe its existence to the Supreme Court Rulings of the Albertan Oldman River Dam Supreme Court case and Rafferty and Alameda dams case in Saskatchewan of 1990 (Delicaet, 1995: 499). In the Rafferty and Alameda dam cases, environmentalists asked the Federal Courts to force the federal government to complete federal EAs. The Court ruled that since the dams required a federal permit, a federal EA was also required before the project could begin (Harrison, 2006: 44). The second case centered on how the Government of Alberta had decided to build an irrigation dam against the wishes of Natives and environmentalists (Harrison, 2006: 48). The Oldman Dam had been approved by a provincial EIA but not a federal EIA. Environmentalists and Aboriginal Natives argued that it needed a federal EIA before it could be approved based on the EARP Guideline Orders, which requires EIAs for any project that has an environmental impact on an area which falls under federal responsibility (Fisheries and Oceans, in this case) (Kennett, 1992: 183). The environmentalists hoped that the federal government could put a stop to the project by refusing permission to proceed based off the federal EIA. In an 8 to 1 decision, the Supreme Court ruled in favour of the Natives and Environmentalists. The Court found that the EARP Guideline Orders was an instrument that had “the force of law creating judicially enforceable obligations on the part of the federal government” (Delicaet, 1995: 499). The end result of both the rulings was the indicative that the existing EARP legislation was outdated.

The Rafferty-Alameda and Oldman rulings were quickly followed by the introduction Canadian Environmental Assessment Act (CEAA) in June 1990. It did not receive much support initially, but eventually was passed by the House of Commons (HOC) on March 19, 1992, and finally enacted in January 1995 (Delicaet, 1995: 500). The CEA Act created the CEA Agency to oversee the Environmental Assessment (EA) process. Environmental Assessments are defined as “a systematic process that examines the environmental consequences of development actions, (completed) in advance” (Glasson, 2005: 4). Environmental Law scholar Arlene Kwasniak describes the assessments as “the cornerstone of sustainable development” (Glasson, 2005: 4). The use of EAs ensures projects “are better planned, mitigated, and monitored, and they may have reduced environmental impacts and social costs” (Glasson, 2005: 4). The stated goal of the policy, program, agency (organization), and function, in deLeon’s terms, is to ensure greater environmental protections.
The CEA Act saw a slow expansion of capabilities and influence through the 2000s. It was not until the 2010 omnibus Federal budget that the CEAA saw its first major amendments. The 2010 provision gave the Minister of the Environment the power to restrict EAs to only certain components of the full project (Kwasniak, 2011: 2). Kwasniak questioned whether this provision would hold up in court, as the amendment came just weeks after the Supreme Court (SC) ruling on *Mining Watch Canada vs. Canada* (Fisheries and Oceans). The SC ruled that the federal EA must be completed for the *entire* project and not just an assessment of certain components of the project (Kwasniak, 2011: 2).

The 2012 omnibus federal budget saw more than just a few amendments to the CEAA, it actually repealed and replaced it with an entirely new CEA Act. There are many changes to how EAs are completed, when they are to be completed, what qualifies, and many others changes. The CEAA 2012 sees the elimination of “most federal government involvement in environmental assessments and sharply curtails the scope and potential effectiveness of what remains.” (Gibson, 2012: 179). I will further explore the policy changes and their respective impact in the efficiency and analysis sections.

### 3.2. Testing the Levels of Termination Model: Hypotheses

In order to test the three hypotheses that make up the predictive model, one must first determine the level of ideological support or opposition to the program. As the model operationalized, this is done by closely examining the most recent party manifesto in comparison with the previous manifestos. To further supplement the manifestos, I will examine statements made by government and party officials expressing their support or opposition to the program. In the case of the CEAA 2012, there were not many official statements on the topic as it was just one part of a massive budget bill. Instead, I will focus more on the 2011 Standing Committee seven-year review of the CEAA as it was the precursor to the dramatic revisions found CEAA 2012. These statements (and Committee hearings) are a necessary compliment to manifestos for cases of programmatic change. This is because it is rare for manifestos to explicitly state support (or opposition) to a program. Instead, manifestos are written with an aim towards detailing party policy positions. Once the ideological position has been determined, the next step is to test the Model’s applicable hypothesis:
H1. If the policy/program is a core belief of the governing party the resulting policy outcome will be status quo. Even if all three determinants are present, status quo is still the expected outcome. This is because the policy is considered a sacrosanct policy.

H2. If the policy/program is a peripheral belief of the governing party the resulting outcome can range from status quo to substitution to reduction. The policy is an orthodox policy initially, but transfers to a negotiable policy when additional evidence (determinants) is presented (usually by anti-termination coalitions, relevant experts, or the institution involved). The presence of one additional determinant (either government efficiency or budgetary constraints) will see policy substitution as the outcome. If all three determinants are present, then the policy outcome will be reduction.

H3: If the policy/program is ideologically opposed by the governing party the resulting outcome can range from substitution to reduction to elimination. The policy is considered a dispensable policy, and unlike the first two possibilities, is constrained by the presence of the other determinants. If only ideological opposition is present, substitution will be the policy outcome. If one of the other determinants is present, then the policy will see reduction. If all three determinants are present, then the policy will be eliminated.

After determining the ideological position, I will then test the corresponding hypothesis. In the case of the CEAA, this amounts to testing the third hypothesis (H3), which is derived from the government’s ideological opposition to the program. Ideological opposition corresponds to government’s view of policy as dispensable. Dispensable policy outcomes range from substitution to reduction and even to elimination. To determine the expected outcome within dispensable policy (substitution, reduction, elimination) the presence of the final two determinants must be examined.

3.3. Political Ideology

The 2012 CEA Act replaced the existing CEA Act in July 6, 2012. The Act was part of the 2012 Omnibus Budget bill. The previous election, held on May 2, 2011, saw the Conservative Party win a majority of seats in the House of Commons. The Conservatives were able to form a majority government in 2011, after two successive minority governments in 2006 and 2008. The chart below compares the most recent manifesto to the previous three elections. The Comparative Manifesto Project (CMP) codes and measures the party’s positions, as well as the priority given to each position. The advantage to using this dataset is the ability to view trends in priorities. For the case of the CEA Act, I used environmental protection as a proxy for the CEAA. The reason for this is that the stated goal of the CEA Act (and Agency) is to better protect the
environment (Kwasniak, 2011: 2). A stated opposition to environmental protection is an illogical position for a party, thus manifestos will only identify the difference between core support or peripheral support. If the party’s manifesto is deemed to show peripheral support, then it must be further examined to discern if it is indeed peripheral support or if it represents ideological opposition. This is done through the aforementioned methods of examining statements and committees. The threshold between core support and peripheral support is 5%. While an arbitrary cut-off, in the three previous elections the Conservative party averaged 5.3 policy positions breaking the 5% priority threshold.

As the table 1 shows, environmental protection is not a core support of the Conservative Party. However, the support does remain significant, signalling peripheral support. Unfortunately, the actual manifesto lacks any references to the CEAA or any assessment processes. I tried to compare the priority given to environmental protection with preference for free enterprise, with the hope that the relationship between each might indicate the government’s ideological preference. The results were inconclusive for two reasons; first, the mentions of free enterprise were always very low (>2%) and second, the measurement of free enterprise is not a very accurate measurement (for Canada, at least) as it was always contradictorily balanced with similar priorities of market regulations. Next, I will examine statements made by government and party officials during the formulation and decision-making process of the 2012 CEA Act with the goal of discerning if the governments ideological position was one of peripheral support or opposition.
Table 1. Conservative Party Platforms: Priorities in Environmental Protections and Decentralisation

<table>
<thead>
<tr>
<th>Year of Party Platform</th>
<th>Frequency in Positive Mentions of Environmental Protection</th>
<th>Frequency in Positive Mentions of Decentralisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>3.0%</td>
<td>3.7%</td>
</tr>
<tr>
<td>2006</td>
<td>2.1%</td>
<td>5.4%</td>
</tr>
<tr>
<td>2008</td>
<td>4.7%</td>
<td>2.5%</td>
</tr>
<tr>
<td>2011</td>
<td>3.2%&lt;sup&gt;16&lt;/sup&gt;</td>
<td>8.1%&lt;sup&gt;17&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

3.3.1. Seven-Year Statutory Review of the CEAA

The original CEA Act was amended in 2003, one such amendment required that Parliament undertake a seven-year review. The statutory review was intended to be a

<sup>16</sup> Manually calculated as the CMP dataset has not been updated to include the 2011 Canadian federal election Party Platforms. The manual calculation was accomplished by generating a word count of all mentions of positive environmental protections. The mentions were limited almost entirely to the small section titled “Conserving and Protecting Our Environment”. The total was 575 words out of a total of 18033 words equalling 3.2%. Data derived from 2011 Conservative Party Platform. CMP code the variable environment protection: positive (per501) as mentions of “Preservation of countryside, forests, etc.; general preservation of natural resources against selfish interests; proper use of national parks; soil banks, etc; environmental improvement.”

<sup>17</sup> Manually calculated as the CMP dataset has not been updated to include the 2011 Canadian federal election Party Platforms. The manual calculation was accomplished by generating a word count of all mentions for special treatment to local and municipal areas, as well as special considerations for Quebec The total was 1424 words out of a total of 18,033 words equaling 8.1%. Data was derived from 2011 Conservative Party Platform. CMP code the variable environment protection: positive (per401) as mentions of “Support for Federalism or devolution; more regional autonomy for policy or economy; support for keeping up local and regional customs and symbols; favourable mentions of special consideration for local areas; deference to local expertise; favourable mentions of the territorial subsidiary principle”.

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“comprehensive review of the provisions and operations” of the act.\textsuperscript{18} The first evidence of ideological opposition arose in early 2009 when the review was scheduled to begin. The government, now under the Conservatives, repeatedly delayed the statutory review.\textsuperscript{19} The Committee presented their findings in March 2012, less than six months after the review (finally) began. The delaying of a committee report is not evidence alone, it is the actual report and how it was completed that serves as evidence for ideological opposition.

The Canadian Environmental Law Association (CELA) was involved in the development of the original CEA Act and has taken part in nearly all of the Parliamentary reviews, including the recent seven-year statutory review. They concluded that the Committee’s statutory review was “ineffecutal, unduly limited by arbitrary timing constraints, and largely driven by ideology rather than rational, evidence-based analysis” (CELA, 2012: 3). CELA found that the Committee hearings were “largely designed to solicit or foster anti-CEAA sentiment among certain industrial sectors whose projects trigger federal EA requirements at the present time”, which was in great contrast to previous hearings in which they had participated in (CELA, 2012: 4). The Government’s ideological opposition was evident in hearings marked by insufficient public consultation, inadequate notifications, and substantial uncertainty about the committee’s focus (CELA, 2012: 3). Producing even greater controversy was the premature termination of the hearings before many notable appearances could be made. Some of the most significant voices that did not make appearances were government agencies like the National Energy Board, Canadian Nuclear Safety Commission, Department of Fisheries and Oceans, and Major Projects Management Office, as well as many other stakeholders who participated in the CEAA’s implementation, like CELA and the WCEL. Most alarming of all, was that the Minister of the Environment did not present the government’s proposals for reform.

The Committee’s recommendations give little evidence that the review’s foundation was not ideological in nature, instead they appear grounded in empirical inefficiencies. The report found that the CEAA was “outdated” and needed “significant

\textsuperscript{18} CELA. \textit{Legal Analysis of the Report of the Standing Committee on Environment and Sustainable Development Regarding the Canadian Environmental Assessment Act}. p. 3

\textsuperscript{19} Gibson, Robert. \textit{In full retreat: the Canadian government’s new environmental assessment law undoes decades of progress}. p. 181
changes” in order to make the federal EA process “more efficient” and less “duplicative and complicated” (CELA, 2012: 5). However, the recommendations themselves, do very little to improve on the inefficiencies. Environmental scholars Robert Gibson and Arlene Kwasniak each came to the same conclusion; that the Committee’s recommendations, nearly all of which were part of the 2012 CEA Act, improve efficiency (Gibson, 2012: 179). I will delve deeper into efficiency in the following sections. Many of the Committee’s recommendations were based on debatable anecdotes presented by resource extraction industries. The report’s ideological motivations are most obvious in the fact that the only views quoted in the report are from witnesses who supported the recommendations (CELA, 2012: 5).

3.3.2. The Repeal and Replacement of the 2012 CEAA

The 2012 version of the CEAA was introduced as part of the omnibus bill in April 2012. It included all 20 of the recommendations from the Standing Committee’s statutory review. While there was at least some public consultation in the Committee’s hearings, the 2012 CEAA was immediately tabled without even a single proposal (Gibson, 2012: 180). During the budget debate, Gibson points out that the government constantly “emphasized its commitment to removing barriers to economically desirable ventures” (Gibson, 2012: 180). This conflict between economy and environment, was exemplified by the EA battle in the Northern Gateway pipeline. The government’s reactions were so swift in striking down the opposition’s amendments, that they were enforcing key regulations that had yet to be published (Gibson, 2012: 181). Further supporting this position of economy over environment in Greenpeace’s recent publication of a letter from Energy Framework Initiative (EFI) to the government. In the letter the EFI, which represents all the major oil and gas associations, ask the government to overhaul six environmental statutes which it finds “outdated” and results in “a position of adversarial prohibition” (EFI, 2012). In under a year, five of the six statutes, including the CEAA, had been replaced or received major amendment overhauls. This ideological opposition to environmental protections is not outright opposition. Instead it is more accurate to label it

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20 Quotes were used by CELA from the official Committee Report.
21 Emphasis added.
a preference for economic growth over greater environmental protections, in cases of conflict.

The government’s preference for economic growth over environment is further supported by the leaked Oil Sands Advocacy Strategy report, which labeled energy companies, the NEB, Environment Canada, and business and industry associates as its “allies”. In contrast, the government considered the media, and environmental and aboriginal groups as its “adversaries”. Minister of Natural Resources, Joel Oliver’s open letter describing how “environmental and other radical groups…threaten to hijack our regulatory system to achieve their radical ideological agenda” is perfect example of the government’s opposition to environmental protections in the face of economic decisions (Oliver, 2012).

3.3.3. Decentralization

As noted in the previous chapter, the role of federalism has always been ignored in the termination literature. There is ample evidence that at least some of the government’s ideological motivations were centred on its passion for decentralization. This can be seen in Table 1, which clearly shows the priority given to decentralization in the party’s 2011 manifesto. While it may not be core value of the party, it certainly holds peripheral support. This support for decentralization is seen in the government’s principal claim of “one project, one review”. The one review is to be the provincial EA instead of the common occurrence of duplication between federal and provincial EAs. This represents a classic decentralization argument: that if a project qualifies for a provincial EA, there is no reason for the federal government to encroach on provincial authority.

The foundation of the governments arguments for the repeal and replacement of the CEA Act 2012, is to provide greater government efficiency while budgetary constraints did not play a central role in its motivation. In the next sections I will closely examine the arguments based around these determinants.
3.4. **Budgetary Constraints**

The independence of budgetary constraints is not important for this case as it was not presented as a motivator for the new CEA Act in 2012. Federal Minister of Environment Peter Kent stated, “Despite what the media has reported, there are no cuts to the agency’s funding” (Kent, 2012). He was referencing the many (CBC, Globe and Mail, amongst others) that had reported that the CEA Agency budget was being cut by 43% (McCarthy, 2012). While the CEAA budget did decrease in the 2012 budget, Minister Kent argued that it was simply the semantics of expiring budgetary laws that were chosen not to be renewed, not a specifically targeted budget cut. Environmentalists point out that there were significant cuts made to the Fisheries Department, which also conducts and analyses EAs which could further undermine the role of the CEAA. The vital fact remains, that the government did not present budgetary constraints as a reason for termination. This is definitive evidence that budget constraints were not a determinant for the partial termination of the CEAA.

3.5. **Government Efficiency**

The government’s main argument for the replacement of the CEA Act is “one project, one review”, with the aim of ending “duplication and overlap.” There are three main areas to investigate efficiency arguments in EAs: timeliness, provincial EAs have an equally high standard as federal EAs, all projects will still require either a federal or provincial EA. One might expect a cost benefit analysis as well, but the majority of expenses for EAs reside with the project proponent and not with the agency evaluating the EA. It is still an area that would be worth investigating but neither provincial nor federal governments stated this as an important issue needing to be addressed.\(^\text{23}\)

\(^{22}\) The language has been used since 2009, ranging from CEAA amendments in 2010 Budget, 2011 7-year review, 2012 Standing Committee, and CEA Act, 2012

\(^{23}\) Only mentioned in 7-year review of CEAA, but as pertaining to the costs for the project proponents and not the government
3.5.1. **Timelines**

One of the central arguments by the government for better government efficiencies is to reduce the completion time of EAs. Imposing a deadline seems like an easy way to increase efficiency, but this is only the case if the EA is completed to the same standards as without a time limit. As the chart below shows, through the CEAA’s own tracking of EA effectiveness, nearly all of the EAs completed during the second half of 2009 fit within the new timelines. There are two issues with the imposed timeline: first, the deadline does not account for possible delays by the proponent and second, the possibility of compromise in goals imposed by the deadlines. By not accounting for proponent delays, or more importantly, by not increasing the other factors that increase efficiency of the government like increases in budget, staff, or expertise, the imposed deadlines cannot expect to increase efficiency without sacrificing some quality. The Canadian Environmental Law Association describes the ethical component as “(t)he overall purpose of the CEAA is to safeguard the public interest, and if this takes a bit more time in relation to particularly significant, complex or controversial projects, then this is time well-spent, particularly since this allows informed decisions to be made about such projects” (CELA, 2012: 12). Also of concern is the fact that the government presented no evidence during the 7-year review, the subcommittee of the standing committee for the budget, and during the budget speech to support its belief that faster EAs are better EAs (CELA, 2012: 12).
### Table 2. New Timelines of CEAA 2012

<table>
<thead>
<tr>
<th></th>
<th>New Time Limit</th>
<th>Time Range</th>
<th>Avg. Time&lt;sup&gt;24&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Standard” EAs</td>
<td>365 Days</td>
<td>72–308 Days</td>
<td>125 Days</td>
</tr>
<tr>
<td>NEB Hearings</td>
<td>548 Days</td>
<td>91–515 Days</td>
<td>219 Days</td>
</tr>
<tr>
<td>Panel Review</td>
<td>730 Days</td>
<td>72–921 Days</td>
<td>250 Days</td>
</tr>
</tbody>
</table>

#### 3.5.2. Provincial EAs vs. Federal EAs

Much of the debate circling reforming the CEAA is around the fact that some projects require both federal and provincial EAs. As sections 35 and 37 of the CEA Act 2012 states, the Minister of Environment may approve of “substitution” or “equivalency” of required provincial EAs for federal EAs. (Government of Canada, 2012). This change stems from the governments arguments (both in the seven-year review of CEAA, and the Budget bill) that the ‘duplication and overlap’ are inefficient (CELA, 2012: 14). First, I will look at the differences in standards between provincial and federal EAs, and second, I will examine whether all projects will still be required to hold at least one EA under the new CEA Act.

<sup>24</sup> All data from Government of Canada, Canadian Environmental Assessment Agency. “Effectiveness of the Environmental Assessment Track Process under the Canadian Environmental Assessment Act” p. 19 *Data had to be adapted as the new definition of “standard” EAs does not fit exactly with section 25 Panel review that I attributed the data to. Excludes screenings, which have been dramatically reduced after the 2010 amendments to the CEAA
3.5.2.1. Difference in EA Standards?

All provinces and territories have some form of EA legislation in place. For the federal governments argument about efficiency to be empirically true, the provincial EAs must be of equal standard if they are to be “substituted” or deemed “equivalent”. Arlene Kwasniak, Professor of Law at the University of Calgary, published an article titled *Environmental Assessment, Overlap, Duplication, Harmonization, Equivalency, and Substitution: Interpretation, Misinterpretation, and a Path Forward*, that dissected and refuted these claims. Kwasniak could not find the large amount of “overlap” that the government claims. Overlapping of issues is a reality of the constitution in Canada. There will always be projects that overlap different constitutionally assigned responsibilities to each level of government, so overlap is not inherently negative (Kwasniak, 2012: 7). An example would be a new hydro-electric dam project (provincial jurisdiction) that obviously impacts fisheries, and thus the project will overlap both jurisdictions. Not only is this overlap not a problem, but it is also rather rare. Kwasniak found that during fiscal year (FY) 2007/8, only 1/5 of 1% (.2%) of the 6,938 EAs had overlap between federal and provincial/territorial governments (Kwasniak, 2012: 7). The CEAA’s five-year review found similar numbers that 98% of federal EAs were not subject to provincial EAs in 1995/6 (Kwasniak, 2012: 10).

Duplication is the second argument against government efficiency. Duplication is defined as doing the exact same thing twice, in this case, completing identical EAs for provincial and federal EA requirements. It should be noted that in the current electronic age, this isn’t as onerous as it once was (Kwasniak, 2012: 23). As Kwasniak points out, and despite the governments claims, “having to obtain a federal authorization and a provincial authorization to carry out a project, is not duplication” (Kwasniak, 2012:23). This overlap is just representative of the constitutional authority, not duplication. Again, the government has not provided any empirical evidence of this being an issue.  

Industry has been more forthcoming in its complaints, especially in industry consultant Jacques Whitford’s paper *Environmental Assessment Crisis in Canada: Reputation versus Reality?*. Kwasniak deconstructs his arguments and concludes the problems

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25 Neither in the 7-year CEAA review, Standing committee on CEAA, nor in the budget and relating speeches.
industry complains about are uncertainty and discretion of scoping decisions and not duplication (Kwasniak, 2012: 24). She concludes her analysis:

In summary, it is not the fact of federalism that is the problem of inefficient duplication. Nor is it the fact that provincial interests and mandates differ from federal mandates and interests. It is the fact that either a single jurisdiction with more than one agency involved in an EA, or multiple jurisdictions involved in an EA, require the same or similar information of industry and industry finds this to result in inefficient duplication. (Kwasniak, 2012: 25).

While the new provisions in the CEAA 2012 call for the “substitution” and “equivalence” of provincial EAs and federal EAs, it is first important to note the difference. Equivalency is defined as recognizing a law or process in jurisdiction A as being equivalent to a law or process in jurisdiction B. Substitution differs in definition in that the law or process being substituted is deemed to be the application of another law or process (Kwasniak, 2012: 24-25). It does not require equivalency by the Minister if the substituted process is deemed as an “appropriate substitute.” (Kwasniak, 2012: 25). The substitution passage from the CEAA 2012 states:

32. (1) Subject to sections 33 and 34, if the Minister is of the opinion that a process for assessing the environmental effects of designated projects that is followed by the government of a province — or any agency or body that is established under an Act of the legislature of a province — that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project would be an appropriate substitute, the Minister must, on request of the province, approve the substitution of that process for an environmental assessment. (Kwasniak, 2012: 25).

The CEA Act of 2012 has added a provision for equivalency that did not exist previously. Kwasniak argues that both substitution and equivalency are not constitutional as “the substitution of a provincial assessment for a federal EA (or vice-versa) is not appropriate where the project requires regulatory authority that falls under shared constitutional authority” (Kwasniak, 2012: 21).

Ignoring the constitutional legality arguments made by Kwasniak, it is important to view the provincial EAs as acceptable substitutes or equivalents to the federal EAs, only if they are of the same standard. A defining example of the possible issues of only using a provincial EA is found in the case The Prosperity Gold-Copper Mine Project in B.C. The proposed mine was originally approved by the BC government in January 2010. Later in November 2010, the federal government rejected the project, based on the independent review panel’s judgment of the federal EA (Haddock, 2011: 3). Haddock, who published a 76-page report on the project, pointed to nine important
differences between provincial and federal EAs. A quick summary is found in the chart below:\(^26\)

### Table 3. Differences between BC and Federal EAs

<table>
<thead>
<tr>
<th>Category</th>
<th>B.C.</th>
<th>Federal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Process</strong></td>
<td>Involved information meetings and a “review and comment” period</td>
<td>Required further information from Taseko and, once the information base was found to be adequate, held public hearings in early 2010.</td>
</tr>
<tr>
<td><strong>Information</strong></td>
<td>The EAO (B.C.) did not wait for critical information from Fisheries and Oceans Canada, and from First Nations and their expert advisors, leading to deficiencies in the factual record placed before the provincial ministers</td>
<td>The Federal Review Panel (and hence federal Cabinet) had more complete information upon which to base their analysis</td>
</tr>
<tr>
<td><strong>Expertise</strong></td>
<td>The provincial Assessment Report discloses four EAO staff on the working group for the assessment but does not indicate their qualifications or areas of expertise.</td>
<td>The Federal Review Panel was highly qualified, with each of its members being impact assessment professionals with experience of mining projects. In addition, federal agencies such as Fisheries and Oceans Canada brought considerable expertise to evaluation of the viability of proposed compensation measures (e.g. man-made Prosperity Lake), and participant funding provided by the Federal Review Panel enabled a form of peer review on several aspects of the project, neither of which were available at the time the Province approved the project.</td>
</tr>
<tr>
<td><strong>Significance</strong></td>
<td>Many of the impacts found to be significant by the Federal Review Panel were dismissed as insignificant by the EAO by measuring them against a large geographic area, in some cases the whole Cariboo-Chilcotin region</td>
<td>The Federal Review Panel adopted established significance determination policies developed by the Canadian Environmental Assessment Authority. Some adverse effects found by the Federal Review Panel were not evaluated by the BC EAO.</td>
</tr>
<tr>
<td><strong>Mitigation and Compensation</strong></td>
<td>BC lacks clear mitigation and compensation policies, leaving the EAO somewhat rudderless when it comes to significance determinations because each and every adverse effect becomes an opportunity for negotiation.</td>
<td>By contrast, the Federal Review Panel and Fisheries and Oceans Canada were guided by a long-established “no net loss” policy for the destruction of fish habitat.</td>
</tr>
</tbody>
</table>

\(^26\) All data is quoted from Haddock, Mark. Op. cit p. 3-74. I added italics to highlight the discrepancies.
**Standards and Criteria**
For many environmental values there are no standards or criteria to guide decision-making in BC provincial legislation, such as those found in Canada’s Fisheries Act and Species at Risk Act. This leads to significance determinations that are highly subjective and malleable.

Highly detailed standards and criteria guiding decision-making. The Federal Review Panel caught significant adverse cumulative effects to the threatened South Chilcotin grizzly bear pop. That the EOA dismissed.

**Legislation**
The BC Environmental Assessment is largely procedural and lacks many of the substantive aspects of the Canadian Environmental Assessment Act (CEAA). Key impact assessment concepts and terminology are not addressed or defined in the provincial legislation.

The independence of the Federal Review Panel may account for some of the differences in the outcomes.

**Independence**
Given that the EAO found no significant adverse effects to anything other than fish and fish habitat in the face of strong evidence to the contrary, the question inevitably arises as to whether the reporting relationship of the EAO to the relevant provincial ministers subtly or indirectly affects its judgment, objectivity and neutrality.

Sustainability is not explicitly addressed in either the EAO or Federal Review Panel assessments, but seems to be an implicit factor in the Federal Review Panel’s evaluation of impacts, and is one of the purposes of CEAA.

**Sustainability Objective**
There was a similar sustainability objective in the BC Environmental Assessment Act but it was repealed by the Liberal government in 2002.

The differences between EAs illustrates that due to the different priorities and jurisdictions of the provinces (as noted by Kwasniak), provincial EAs cannot and should not be substituted or deemed equivalent to federal EAs.

The final area of examination between EAs is whether any projects will not be covered under either jurisdictional EAs as applied to the new “one project, one review” CEA Act of 2102. The easy way to analyze this would be a before-and-after analysis of the number of EA projects completed at the provincial and federal level before and after the new CEA Act, but this is obviously not possible due to its enactment only a month ago. What I can analyze is the potential issues with shifting from the previous “Category Approach” to the new “List Approach”. The previous Category Approach stated that all proposals that fall into one of the categories, that have a federal authority involved, and fit the trigger, must have an assessment (Kwasniak, 2012: 8). If a proposal does not fit one of the categories it is screened to see if it is to be assigned to the CEAA or simply does not require a federal EA. The List Approach, on the other hand, means that if a project proposal falls under a specified activity then it triggers a screening for an
assessment. The focus shifts from areas (or jurisdictions) to activities that are deemed environmentally significant. The major difference is that projects that trigger the “list” may require an assessment, instead of the more stringent requirements of the Category Approach (Kwasniak, 2012: 9).

To demonstrate the stark difference in the number of federal EAs completed, Blakes found that under the previous CEAA, FY 2010 saw 2,906 screenings, 26 comprehensive studies, and nine panel reviews. Compare that to the January-July 6, 2012 timeframe, that saw a total of 70 projects currently subject to federal EAs (Blakes, 2012). This massive reduction in assessments was a goal of the government for better efficiency. Blakes Law found that “according to the speeches in Parliament on the Budget and the press releases from the government, the regulation will likely narrow the number of projects subject to federal environmental assessment to larger projects or activities” (Blakes, 2012).

There are a few risks when using this approach to assessing efficiency. The first is that by focusing assessments only on large projects, the government is not accounting for the possibility that small projects have a large impact, or more importantly the accumulation of impacts by many small projects. And second, by switching to a “List Approach” it is very likely that the federal government will fail to provide EAs for all projects that fall under its jurisdiction (Kwasniak, 2012: 8).

As this section has shown, the arguments for greater government efficiency do not hold up under closer inspection. There is no empirical evidence that the new CEA Act of 2012 will provide more efficient EAs while still attaining the goals of the program. But therein lies a problem, since the government claims that their main motivator is greater efficiency despite the lack of evidence. This begs the question of whether the government has changed the goals (or at least their interpretation) of the CEAA.

3.6. Actual Policy Output: Reduction

The repeal and replacement of the CEA Act 2012 is an example of the reduction level of termination. While there is overlap between substitution and reduction, a distinction must be drawn. The new CEA Act contains many substitution outputs like the use of timelines and switching from a “category” to “list” approach to qualification. This switch is intended to produce far fewer EAs, a clear representation of reduction
(Kwasniak, 2012: 9). Ultimately, the Act is an example of reduction based on the overall output being a massively reduced role of the federal government in the EA process. As Gibson points out, well over 90% of assessments that would have taken place under the old CEAA will no longer occur under the new CEAA 2012 (Gibson, 2012: 179). It is a clear weakening of the CEAA program and thus qualifies as a reduction level of termination.

3.6.1. Actual Federalism Policy Output: Legislative Decentralization

When the CEAA 2012 passed as part of the federal budget, it shifted a great amount of power to the provinces in the form of increased reliance on provincial EAs. This deliberate devolution of power by the federal government represent legislative decentralization.
3.7. Level of Termination Model’s Expected Policy Output: Substitution or Reduction?

The predicted output for the CEAA 2012, again, depends on how one evaluates the government’s motivations. If the model was only interested in the government’s motivations, then the predicted output is reduction. Instead, the model aimed to test

<table>
<thead>
<tr>
<th>Determinant</th>
<th>Present?</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Ideology</td>
<td>Yes</td>
<td>• Ample evidence of ideological opposition in Standing Committee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• History of current government shows strong push towards devolution/decentralization</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• “Largely driven by ideology rather than evidence-based analysis”</td>
</tr>
<tr>
<td>Budgetary Constraints</td>
<td>No</td>
<td>• 43.1% budget cut ($30 million to $17.1m) and 1/3 reduction in full-time staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 5.8% cut to Fisheries Department and reduction in number of offices and size of staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• “Despite what the media has reported, there are no cuts to the agency’s funding.”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Not forwarded as a motivator for termination, despite there being conflicted evidence of significant cuts</td>
</tr>
<tr>
<td>Government Efficiency</td>
<td>Yes/No</td>
<td>• “The CEAA often provides more detailed environmental scrutiny, and greater public participation opportunities, than may be available under provincial EA laws.”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• CCME’s EA sub-agreement lacks any national EA standard for provincial EAs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• New timelines not connected to any increase in resources to ensure they are attainable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• No evidence that “substitution” or “equivalency” of provincial and federal EAs increases efficiency while achieving the same goals and standards</td>
</tr>
</tbody>
</table>

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27 CELA. “CELA Analysis of CEAA Report” p. 5
29 Ibid
30 Kent, Peter. Subcommittee of the Standing Committee on Finance Bill C-38. “Evidence for Meeting #1”.
32 CCME “Sub-agreement Environmental Assessment”
deLeon’s theory that ideological motivations outweighed evidence of the classic termination motivations (economy and efficiency). Thus, the model would not deem government efficiency to be present and predict an output of substitution. There is one stipulation that might change this, and that is if the government changed the goals of the CEAA. If it was possible to account for such a change, then the government’s claim on efficiency would hold true. If the goal shifted from environmental protection as the highest priority to environmental protection unless it conflicts with crucial economic growth, then the CEAA 2012 would in fact greatly improve the efficiency of the CEAA program. This case raises the need for greater clarification in the model. I will save the discussion on possible improvements and revisions for the concluding chapter.

3.7.1. Model’s Expected Federalism Policy Output: Administrative or Legislative Decentralization

As mentioned, the Degrees of Termination Model would conclude that political ideology is the only determinant present and predict an output of administrative decentralization. While some of the government’s early actions were representative of administrative decentralization, the actual output is legislative decentralization. The reason for this discrepancy, and one that requires a revision to the Model, is that in parliamentary systems with majority governments there is no real legislative check on the government’s power.

3.8. Why not Elimination?

So why didn’t the government aim for elimination, if their ideological motivations point in that direction? There could be a few reasons for this. First, as the model indicates, they were constrained by the lack of evidence of the other two determinants—without them any attempt would be useless. Second, there could be legal constraints that are not accounted for by the model. These constraints would be the Constitutional jurisdiction requirements that governments are held to account over. Lastly, they might fear the ramifications of such a move. This would be the political environment variable that Kirkpatrick et al. discuss, but deLeon leaves out. Further evidence for this final strategic consideration is found in the timing of the 2010 amendments and the CEAA 2012. Gibson describes the process of the governments timing:
The more plausible explanation for pushing the legislation quickly through Parliament is that the government knew its agenda of weakening assessment law and other environmental provisions was controversial, waited until it had a governing majority (achieved in 2011) and used the omnibus budget bill, in the context of economic worries arising from global financial system turmoil, as the legislative vehicle offering the fewest openings for effective opposition (Gibson, 2012: 181).

Gibson’s quote shows just how aware the government was of potential constraints to termination. The Harper Government clearly tried to avoid and limit these constraints while still recognizing that full elimination was not feasible.

Another possibility was that the government may fear future competition by other political parties. The government may have chosen a strategy of stealth in an act of blame avoidance. This “stealth” strategy may lead to the most probable of reasons for the government avoiding complete elimination; the government was able to achieve its goals while effectively avoiding blame for their termination.

3.9. Courts

Finally, while it is far too soon to predict any possible legal challenges or court rulings that may impact the CEAA 2012, it is important to note the possibilities. WCEL already has an outstanding legal challenge on behalf of a few groups, including some First Nations groups. As I previously discussed in this chapter, the history of EAs in Canada has been a slow expansion strengthened by court rulings. The Federal Supreme Court has ruled numerous times that all projects within federal jurisdiction require a federal EA. The CEAA 2012 leaves many opportunities for these EAs to be completed only by provincial EAs or not conducted at all. History would suggest that parts of the CEAA 2012 would be overturned by court decisions, but that cannot be simply assumed. Until the first challenge on the new law, it appears the government has largely reduced the CEAA and its effectiveness for the foreseeable future.
4. Case #2: The ‘New Federalism’ Environmental Policy at the EPA under the Reagan Administration, 1981-1983

The second case study will examine the “New Federalism” environmental policy ushered in by President Reagan as he took office in 1981. It was chosen as an example of a change in policy that does not fit the existing theories of termination. The reason for choosing an older case is two fold; one, it remains an example of environmental policy termination, and two, deLeon’s theory of termination was based on policy changes found under President Reagan, thus making this a clear choice to test my adapted theory on a case that directly led to his original theory. The drastic change in environmental policy under Reagan represents one the most extreme cases of policy termination, without seeing full elimination, making it an excellent case study of the extreme side of the dependent variable. Also, just as in the previous case, the policy changes at the Environmental Protections Agency (EPA) represent a clear case of devolution, which provides an excellent example of the role that federalism can play within the termination process.

Just as in the previous case of the CEAA 2012, I will start by examining the presence of direction of the ideological position of the Reagan administration. The next step will be to evaluate the presence of the other two determinants, economy and efficiency, as they act to strengthen or constrain the termination output. The goal of this case study, Regan’s “New Federalism” policy, is to illuminate that ideology can play an instrumental role in termination, but that even the most extreme ideological opposition is still constrained by the secondary variables.

4.1. Brief History: Role of the EPA

There were many different aspects to Reagan’s environmental policy, ranging from political appointments, regulatory reform, and budgetary adjustments. The central
change in the “New Federalism” environmental policy was the shift in regulatory enforcement. This is best measured by the changes enacted under the reign of Anne Gorsuch as the head of the EPA from 1981-1983. President Reagan was adamant that this appointment would represent his version of “New Federalism” in environmental policy. This was in stark contrast to previous EPA administrators who had not been seen as politically motivated appointments (Mintz, 2005: 41). The Reagan administration took drastic administrative steps to push its “New Federalism” environmental policy.

The EPA was formed in 1970 as a means to implement the numerous statutes responsible for environmental quality and public health, most of which were contained in the monumental National Environmental Policy Act of 1969 (Mintz, 2005: 1). It quickly grew into one of the largest federal agencies by the end of the decade. Much of the EPA’s work is devoted to monitoring enforcement and compliance of regulations. Before this can take place, though, regulations must be interpreted. Landy et al.’s chapter described this process as:

Regulations only reveal their true meaning through the enforcement process. The inevitability ambiguous language of the rules is defined only as decisions are made about what constitutes a violation in specific cases... Given the variety of processes and settings that must be dealt with, even rules written in meticulous detail will not eliminate the need for case by case enforcement. (Vig and Kraft, 1984: 204)

This process had remained mostly apolitical until the Reagan administration. Decisions on interpretation and enforcement had been based on the most recent science with little ideological influence. Nor had there been much evidence of political appointments within the EPA. That all changed under the policy of “New Federalism” Reagan brought to the White House after his landslide win in 1980.

4.1.1. The Tenure of Anne Gorsuch as EPA Administrator

President Reagan came into office with a claim of a strong mandate after his convincing victory over incumbent President Carter. Although the environment was not a salient issue during the election, Reagan and his advisors believed their mandate extended to reforming environmental policy.
4.2. Testing the Levels of Termination Model: Hypotheses

To test the model’s hypotheses, the first step is to determine the level of ideological support or opposition to the policy. Unlike the previous case, the 1980 Republican Platform (manifesto) provides a trove of details on the party’s ideological position on environmental regulations and enforcement. Also in contrast to the previous case, the case of the EPA has long been implemented thus making it possible to include analysis of the implementation process. To further supplement the manifestos, I will examine the transition period after Reagan’s victory in the 1980 election and into the stages of implementation. Once the ideological position has been determined, the next step is to test the Model’s applicable hypotheses. Just as was the case with the CEAA, 2012, this amounts to testing the third hypothesis (H3), which is derived from the government’s ideological opposition to the program.

H3: If the policy/program is ideologically opposed by the governing party, the resulting outcome can range from substitution to reduction to elimination. The policy is considered a dispensable policy, and unlike the first two possibilities, is constrained by the presence of the other determinants. If only ideological opposition is present, substitution will be the policy outcome. If one of the other determinants is present, then the policy will see reduction. If all three determinants are present, then the policy will be eliminated.

Ideological opposition corresponds to the government’s view of the policy as dispensable. Dispensable policy outcomes range from substitution to reduction and even to elimination. To determine the expected outcome within dispensable policy (substitution, reduction, elimination) the presence of the final two determinants must be examined.

4.3. Political Ideology

There is very strong evidence for political ideological influence on environmental policy preference found in the Republican’s party manifesto through the transitions period and all the way through the implementation stage. I will start by examining the 1980 party platform to determine if the Republican party supported or opposed the
current environmental policy, and then I will proceed to look at the transition and implementation stages of the policy change.

4.3.1. **1980 Republican Party Platform**

In the primaries, Reagan was able to defeat George G. W. Bush by using a superior ground presence and by positioning himself to the right of the other candidates (Vig and Kraft, 1984: 32-33). After winning the nomination, Reagan attempted to reunite the party by agreeing on a more moderate part platform. In the primaries, Reagan made harsh comments in complete opposition to current environmental policies and their respective agencies. He walked back his more extreme position by the general election. The following chart uses CMP data to determine the support of environmental protections. As the first column shows, the election of 1980 represented the low point in support for environmental protections. This was quite a reversal from President Nixon’s positions in 1968 and, especially true in 1972, when the environment was a core position in the president’s successful re-election bid. This time period, of course, saw the creation of much of the environmental legislation and agencies that remain the centerpiece of today’s environmental policy.

Table 4 makes clear that the 1980 Republican platform certainly did not hold environmental protection as a core belief. With such a low emphasis, it signals opposition to the policy, but to fully determine this opposition I will look at specific passages within the platform.
Table 4. Republican Party Platform Analysis: Priorities of Environmental Protections, Free Market, and Decentralisation

<table>
<thead>
<tr>
<th>Year of Party Platform</th>
<th>Frequency in Positive Mentions of Environmental Protection</th>
<th>Frequency in Positive Mentions of Free Market</th>
<th>Frequency in Positive Mentions of Decentralisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968</td>
<td>3.6%</td>
<td>0.8%</td>
<td>2.2%</td>
</tr>
<tr>
<td>1972</td>
<td>6.1%</td>
<td>1.2%</td>
<td>0.9%</td>
</tr>
<tr>
<td>1976</td>
<td>2.8%</td>
<td>4.3%</td>
<td>6.4%</td>
</tr>
<tr>
<td>1980</td>
<td>1.7%</td>
<td>2.0%</td>
<td>2.2%</td>
</tr>
<tr>
<td>1984</td>
<td>3.0%</td>
<td>5.7%</td>
<td>3.1%</td>
</tr>
</tbody>
</table>

The platform contains many references to “overregulation”, “duplication”, and the “burdens” of regulation. In the agriculture section, the platform explicitly cites the excessive regulations of the EPA:\(^{33}\)

The crushing burden of excessive federal regulations such as many of those imposed on farmers, ranchers, foresters, and commercial fishermen by OSHA, EPA, the Departments of Agriculture, Labor, Justice, Interior, and other government entities are unrealistic and unnecessary.

The platform also cites the need to review and reform the current regulatory system:\(^{34}\)

 Republicans support a comprehensive program of regulatory reform, improved incentives, and revision of *cumbersome and overly stringent* Clean Air Act regulations.

...Much progress has been made in achieving the goals of clean air, clean water, and control of toxic wastes. At the same time, we believe that it is imperative that environmental laws and regulations be reviewed and, where

\(^{33}\) 1980 US Republican Party Platform. p. 21 I was unable to find a pdf or physical copy of the platform so the page numbers correspond to the respective page numbers after transferring the platform into Microsoft Word with Times New Roman font, size 10.

\(^{34}\) Ibid p. 21, 26, and 28 I added italics for emphasis.
necessary, reformed to ensure that the benefits achieved justify the costs imposed. Too often, current regulations are so rigid and narrow that even individual innovations that improve the environment cannot be implemented. We believe, in particular, that regulatory procedures must be reformed to expedite decision-making. Endless delay harms both the environment and the economy.

...Especially high on the agenda for changes in policy under Republican leadership are such regulatory issues as the Interior Department’s ineffective predator control policies, EPA and FDA’s excessive adherence to “zero risk” policies relative to the use of pesticides, herbicides, antibiotics, food additives, preservatives, and the like.

The platform also contain a few positions that directly state an opposition to the current environmental policy as it comes at too great a cost.35

While the new environmental policies have resulted in improving air quality, cleaner waters, and more careful analysis of toxic chemicals, the price paid has far exceeded the direct and necessary cost of designing and installing new control technology. (26)

Finally, the most overt position of opposition is found in the support of deregulation.36

Where possible, we favor deregulation, especially in the energy, transportation, and communications industries. We believe that the marketplace, rather than the bureaucrats, should regulate management decisions.

4.3.2. Transition Period after Election Win

After his convincing win in November 1980, Reagan appointed a transition task force to study environmental proposals and to make recommendations. The task force was chaired by Dan Lufkin, a director of Connecticut’s Department of Environmental Protection, and two other former EPA administrators (Vig and Kraft, 1984: 38). The task force created a report calling for moderate reforms that aligned with the Republican platform that Reagan had successful used to win the election. Despite this, the Lufkin report was largely ignored, with only three copies ever produced (Vig and Kraft, 1984: 39).

Instead, Reagan took the advice of the unofficial “task force” organised by the conservative Heritage Foundation. This alternate task force was comprised of ideological critics of environmental agencies that lacked the scientific expertise of the “real” task force (Vig and Kraft, 1984: 39). The Heritage Foundation’s task force’s report described the EPA as containing too much regulation at too much cost, all for risks that were not

35 Ibid p. 26
serious (Vig and Kraft, 1984: 24). Many of its suggestions were adopted during the Gorsuch era at the EPA, which I will detail in the following section. The alternate strategy was used to such an extent under the early Reagan administration that the Heritage Foundation gloated that nearly two-thirds of its suggestions were implemented (Vig and Kraft, 1984: 24).

4.3.3. Implementation of “New Federalism” Environmental Policy

The implementation of Regan’s New Federalism environmental policy consisted of three main strategies: political appointments, reducing the budget, and regulation reform. In this section, I will focus on political appointments. I will investigate the latter two strategies in their respective sections on budget constraints and government efficiency.

4.3.3.1. Political Appointments

The politically motivated appointments that Reagan used throughout his first term were among the most controversial part of his environmental policy. Historically, the EPA had remained mostly nonpartisan with the focus for appointments being scientific expertise and experience. The motivation for political appointments was two fold: (1) to implement personnel policies with the intent to change the ideological orientation of the agency; and (2) to reorganize the agency (EPA) to centralize decision making and increase control over policy changes that will further the President’s agenda (Vig and Kraft, 1984: 81). The Reagan administration viewed the EPA as being full of “environmental zealots” that refused to consider economic needs in their analyses (Vig and Kraft, 1984: 81).

Within the EPA, the first and most controversial of appointments was Anne Gorsuch (later became Burford) to run the EPA as head Administrator. She had been a member in the Colorado legislature where she was identified as being devoted to the “unfettered free-market and opposed to environmental and other regulations, especially federal regulation” (Vig and Kraft, 1984: 24). Her qualifications were quite lacking as she

36 Ibid p. 24
had no previous experience in Washington DC, nor any management experience, nor even any in-depth knowledge of environmental policy.

Another high-level appointment was William Sullivan, chosen as enforcement counsel and deputy associate administrator. He, too, lacked any logical qualifications and was did not even apply for the position. Instead he was quoted as saying, “I handled Reagan’s stop in Youngstown as a candidate and when they were recruiting they asked for my resume. The EPA was the last agency I wanted to go to, and enforcement was the last job I wanted at the Agency” (Mintz, 1995: 41).

The political appointments were also prevalent in mid- and low-level positions as well. One study looked at the appointments in Reagan’s first six months in office. The study found that nearly 80 percent of independent agencies and virtually 100 percent of all independent regulatory commissions of the appointed staff had no prior experience in the executive branch (Vig and Kraft, 1984: 146). The motivation and pervasiveness is best captured by this experience captured by Richard Mays, a career enforcement manager at the EPA:

Sullivan made the announcement about the latest reorganization and then following that had a question-and-answer series. Some member of the staff asked him about the hiring of attorneys and whether political affiliation had played any role in these hirings. Sullivan’s response was that essentially this was a “political world”. The Republicans were the administration in power and, all things being equal, he would rather hire a Republican than someone who was not a Republican. The staff didn’t like that too much, obviously, because this is a group of people who believe, and I think rightly so, that politics and ideology should have little to do with environmental protection or qualifications in terms of hiring staff. (Mintz, 1995: 46)

Taking the evidence found in the Party platform, strategy of transition period, and the implementation practices of political appointees it becomes unequivocal that the Reagan administration opposed the environmental policies of the preceding Presidents. Now that this opposition has been established, the next step is to evaluate the presence of budgetary constraints and government efficiencies, as they serve as constraints on the viable level of termination.
4.4. Budgetary Constraints

One of the central positions Reagan ran his campaign on was cutting spending and reducing the budget. At the time of the election, inflation was a salient topic and Reagan had promised to balance the budget as well as cut spending to dampen the simulative effect of government spending. To avoid voting on specific budget cuts, Reagan and his supporters in the legislature wrote an omnibus reconciliation bill forcing a single vote on the entire package (Vig and Kraft, 1984: 125). Incidentally, this represented the first time reconciliation, the practice that limits the length of debate as well as prevents additional amendments and revisions from being added, had ever been used.

Included in Reagan’s first budget were significant budget cuts to the EPA. Trimming of agencies’ budget was a core strategy in the New Federalism environmental policy. As the table below shows, the EPA saw some very large cuts to their budget (Vig and Kraft, 1984: 135). If not for the legislature, the cuts would have been even greater. I will further investigate the constraints levied by the legislature in the section titled Backlash and the Retreat of 1983.

Table 5. EPA Budget (excluding Superfund)

<table>
<thead>
<tr>
<th>Year</th>
<th>EPA Budget excluding Superfund (in 1972 dollars)</th>
<th>Percent Change from Prior Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 (President Carter)</td>
<td>$701.3 million</td>
<td>-5.2%</td>
</tr>
<tr>
<td>1981</td>
<td>$659.6 million</td>
<td>-5.9%</td>
</tr>
<tr>
<td>1982</td>
<td>$516.2 million</td>
<td>-21.7%</td>
</tr>
<tr>
<td>1983</td>
<td>$470.7 million</td>
<td>-8.8%</td>
</tr>
</tbody>
</table>

Some of the direct impacts of the cuts were a large exodus of full-time employees. By 1983, the Agency had lost 26 percent of its full-time employees compared to the 1980 level (Mintz, 1995, 41). While this represented a major ‘cleaning
of the house’, there were few employees that were actually fired. Instead, many left their
posts at the end of the previous administration’s reign, a common practice, or quit due to
conflicts with the new administration. Rather than replace these workers, the
administration strategically left the positions unfilled as an effective form of downsizing
without the conflict of firing long-tenured employees. This was accomplished on
Reagan’s first day in office when he issued a memo ordering a “strict freeze on the hiring
of federal civilian employees to be applied across the board in the executive branch”

The cuts were felt hardest in the research and development (R&D) department of
the Agency. The R&D department saw their own budget cut in half during the Gorsuch
tenure of 1981-83 (Vig and Kraft, 1984: 88). It does not take much to imagine how
devastating these cuts were to an already underfunded department charged with
developing more efficient and effective regulations. It is also worth noting that the
enforcement department’s budget was cut by 26 percent over the same period, further
diminishing the department’s bite.

4.5. Government Efficiency

While there were many claims of overregulation and the burdens presented by
the existing regulations, the administration’s specific arguments and examples were far
from clear. In other words, the administration was explicit in ‘their’ solution, but was
vague in their explanation of the problems. One of the solutions was Executive Order
12291, which required all agencies to conduct cost-benefit analysis of new rules and
regulations before proposing them. This was signed within a month of Reagan taking
office and immediately forced all agencies to consider economic criteria in their decision
making process. A major problem with cost benefit analysis applied to environmental
policy is that environmental benefits are not (entirely) quantifiable. The costs, of course,
can always be easily calculated but even estimating benefits is a controversial task as it
is inherently subjective. The value attributed to environmental benefits varies greatly
between administrations. One way this was mitigated was through the consistent
(nonpartisan) practices of the Agency’s bureaucracy.

The methods used to estimate the environmental benefits examine things like
increases in health and productivity, and reductions in property damage and disease. An
example is found in the Council on Environmental Quality’s (CEQ) Tenth Annual Report: which estimated the cost of all pollution control and environmental control programs at $26.9 billion in 1978, while the benefits were substantially greater. The calculated annual benefit from air quality control alone was $21.4 billion (Vig and Kraft, 1984: 19).

The Executive Order had no effect on existing regulations, only regulations to be formed and proposed. What the Order did do was give the White House control, through the Office of Management and Budget (OMB), over all rule making by federal Agencies. Reagan did setup a Regulatory Relief Task Force that investigated regulations that needed to be eliminated and reformed. It recommended 119 regulations to be reduced or eliminated, with about a quarter of them being EPA regulations (Vig and Kraft, 1984: 168). While it seems a significant number, the reality is that remained just a small fraction of all the regulations enforced by the EPA. Instead of focusing on reforming, replacing, or eliminating many of the existing regulations the administration chose to implement a deregulation strategy. Under previous administrations, the EPA had pioneered many innovative regulations and reforms, like emissions trading and even interagency regulatory coordination. Surprisingly, under Gorsuch’s tenure, there was little tolerance for these innovations. She claimed these reforms were “neither effective nor far-reaching in their scope” (Vig and Kraft, 1984: 169). Instead her reform agenda consisted of centralized control over regulatory development, substituting voluntary cooperation for adversarial enforcement, and giving state and local jurisdictions more authority and flexibility to weaken federal standards (Vig and Kraft, 1984: 170).

Overall, the question of whether the efficiency of the EPA has increased under Gorsuch has mixed results. She did increase efficiency in paperwork streamlining and reformed some regulations. What was most inefficient was the delay in formulating new regulations. During her tenure, the EPA had only adopted 3 of the 12 newly proposed performance standards for air quality. She sought to delay regulations on toxic water pollutants indefinitely but was overturned by a court ordering it an illegal form of deregulation (Vig and Kraft, 1984: 171). Of the new regulations actually issued, most were intended to weaken the existing regulations. Gorsuch also failed to reform or amend either of the Clean Air Act and Federal Water Pollution Control Act. This failure to gain a consensus and reform two of the EPA’s most fundamental statues shows a failure in strategy and/or leadership.
Finally, enforcement in the Gorsuch era left much to be desired. Beyond the deep cuts in enforcement, there was a cultural change brought to the Agency on how to enforce the regulations. As one regional administrator explained, “for every enforcement case referred to headquarters by his region, it will be considered a black mark against you” (Mintz, 1995: 41). The Gorsuch tenure was defined by limited enforcement to the point that many viewed the practice of enforcement as being “dismantled” (Mintz, 1995: 41). When all the policy changes of the Gorsuch era are taken together, it is hard to argue that the EPA became more efficient. Instead, the era was marked as a time of reckless deregulation that was only efficient in its incompetency.

4.6. Decentralization

Decentralization was the centerpiece of Reagan’s New Federalism policies. The New Federalism environmental policy was set out in the 1981 Council on Environmental Quality (CEQ) report; it stated the new administration priorities were “regulatory reform, including extensive use of cost-benefit analysis in determining the value of environmental regulations; …reliance as much as possible on the free market to allocate resources;…and decentralization on environmental federalism, shifting responsibilities for environmental protection to state and local governments whenever feasible” (Mintz, 1995, 44). The main decentralization changes implemented under Gorsuch were: (1) the recognition of increased authority and responsibility of the states and (2) the near elimination of regional enforcement offices.

Gorsuch took great pride that the EPA had reduced the administrative requirements that “burden” states while delegating greater regulatory authority to the states (Vig and Kraft, 1984: 172). Under Gorsuch’s EPA, 10 additional states, from 16 to 26, were authorized to administer air quality deterioration prevention. Even greater expansions were seen in states authorized to administer hazardous waste programs, from 18 to 34 states (Vig and Kraft, 1984: 172).

The second major policy shift towards decentralization was seen in the reorganization of the EPA under Gorsuch. On June 1st, 1981 Gorsuch “abolished” the federal Office of Enforcement, with its duties being divided amongst other programs. Three months later, she formally eliminated the regional enforcement divisions (Mintz, 1995: 44). This reorganization saw that the legal enforcement staff was now separated
from the technical enforcement staff. The net effect of these reorganizations was that the states were forced to take on a much larger role in enforcement.

4.7. Expected Policy Output: Reduction

<table>
<thead>
<tr>
<th>Determinant</th>
<th>Present?</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political Ideology</td>
<td>Yes</td>
<td>• Platform: “The crushing burden of excessive federal regulations such as many of those imposed… by (the) EPA… are unrealistic and unnecessary.”37</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• During transitional period: eschewing official task force in favour of “unofficial” Heritage Foundation task force</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Numerous political appointments, that lacked any form of qualifications, at the highest level positions</td>
</tr>
<tr>
<td>Budgetary Constraints</td>
<td>Yes</td>
<td>• EPA budget was cut a total of 33% by 1983 compared to 1980 levels</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Lost 26% of full-time employees from 1980 to 1983</td>
</tr>
<tr>
<td>Government Efficiency</td>
<td>No</td>
<td>• No major reforms to any foundational regulations or statutes under the Gorsuch era</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Inadequate and, at times, incompetent enforcement</td>
</tr>
</tbody>
</table>

The predicted output for Reagan’s New Federalism environmental policy is reduction. The case is fairly straightforward in that political ideology is clearly present. Budget constraints are also present but there is little evidence of increased government efficiency. A potential issue arises in the budget constraints variable as the budget cuts are actually a strategy used by the government. The Model needs to clarify at what threshold is the concern for budget justified or manufactured. As the chart below shows38, the expenditures for the EPA as a percent of the federal budget are on the low side of federal expenses.

38 Bartlett, Robert. Op cit. p. 130
Table 6. Expenditures for Environmental Protections as Percent of Federal Budget

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditures for Environmental Protections as Percent of Federal Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>1.5%</td>
</tr>
<tr>
<td>1980</td>
<td>2.4%</td>
</tr>
<tr>
<td>1984</td>
<td>1.2%</td>
</tr>
<tr>
<td>1985</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

4.8. Actual Policy Output: Reduction Initially, but later Substitution

The actual policy output was reduction. This was seen is the drastic reductions in the EPA’s budget and workforce. There was also, maybe most significantly, a large reduction in enforcement, which, of course, is a reduction in the policy instruments (enforcement and regulations). In federalist terms, it was a clear case of both administrative and legislative decentralization. Nearly all the changes in policy were administrative, save for budget reductions. While these policy changes accurately fit the Model, that was no longer the case after the resignation of Gorsuch in 1983.


So why didn’t the government aim for elimination, if their ideological motivations point in that direction? Just as in the first case of the CEAA, the reasons lie both in the constraints of the other determinants and also the unaccounted variable of legal and constitutional constraints. What makes this case interesting is how the Reagan administration was constrained by the legislature at an ever increasing rate until the showdown in 1983.

The concern over the new ideological direction of the EPA started in a few legislative committees, spearheaded by Congressman John Dingell, after the release of
the new enforcement figures. This was also compounded by efforts of Save EPA, a lobby formed by former EPA officials, who were in opposition to the new budget cuts (Mintz, 1995: 52). The result was a rather hollow promise by Gorsuch to initiate a criminal enforcement program.

At nearly the same time, the public started to become aware of the “failures” of the EPA. One of the more unusual forms of public education of these failures was the comic strip Doonesbury. The comic strip depicted an EPA employee being fired for protesting the new policies that represented a failure in enforcement. Gorsuch was forced to respond with a pledge that “there will be no involuntary separations due to reductions-in-force at the EPA…” (Mintz, 1995: 52).

The revived public interest in environmental issues because a center position in the 1982 midterm elections. Environmental groups like the Sierra Club and the League of Conservation Voters, who had seen their membership skyrocket under the first years of the Reagan administration, became huge players in the election. The environmental groups saw a large number of endorsed candidates win their elections, but most importantly, they were able to ensure the environmental leaders won re-election and remain in control (Mintz, 1995: 52).

Congress’s actions constrained the administration in several ways: (1) they limited the size of the budget cuts, (2) limited the changes in statutes when they were up for reauthorization, and (3) investigated the practices under the Gorsuch tenure. The first Reagan budget actually provided even greater budget cuts to the EPA than Reagan requested. As previously noted, this was due to the use of reconciliation which prevented the opposing Democrats from making amendments to the budget. This was not the case in 1983 and 1984 as the EPA budget started to grow again in 1983, which I will go into further detail at the end of this section. This can all be seen in the chart below: (Mintz, 1995: 53).
### Table 7. Total EPA Budget

<table>
<thead>
<tr>
<th>Carter 1982 Budget 1,376.3</th>
<th>Reagan 1982 Budget 1,191.4</th>
<th>1982 actual 1,086.0</th>
<th>Percent Change, Reagan request to actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reagan 1983 Budget 961.4</td>
<td>1983 actual 1,039.7</td>
<td></td>
<td>+8.1%</td>
</tr>
<tr>
<td>Reagan 1984 Budget 948.6</td>
<td>1984 actual 1,114.0</td>
<td></td>
<td>+17.4%</td>
</tr>
</tbody>
</table>

The second way Congress constrained the scope of the termination at the EPA was in its refusal to make large substantive changes to major environmental legislation. Reagan had wanted to make sweeping changes to the Clean Air Act, as it was up for reauthorization. After negotiating with the Senate, the administration presented a modest revision proposal but never made it out of the Committee. A similar situation occurred in the House, as no revisions were able to make it through Committee, resulting in a reauthorization of the original Act without any changes (Vig and Kraft, 1984: 105).

The final practice of constraint by Congress was to investigate the EPA’s practices. The Dingell Committee opened a second hearing on enforcement practices, this time focused on the EPA’s hazardous waste enforcement program. This investigation revealed the practices of negotiating with Inmont Corporation, the dramatic decrease in civil enforcement case referrals to federal authority, and the reorganizations of the enforcement programs (Mintz, 1995: 54). These investigations led to the resignation of William Sullivan.

At the same, another Committee was holding a parallel investigation into the practices of the Superfund. The EPA denied the Committee’s request for “actual data, rather than unsupported estimates”, citing executive privilege (Mintz, 1995: 56). Gorsuch was subpoenaed to appear before the Levitas Committee on December 2, 1982 and to bring with her the previously requested data. She arrived empty handed and informed the Committee that President Reagan had instructed her to withhold the requested
information. After her testimony, the Committee voted to hold her in contempt. A nearly identical situation played itself out in the Dingell Committee, with Gorsuch again being found in contempt of Congress. With the nation focused on the EPA debacle, Gorsuch was compelled to resign in disgrace. This marked the end of the Gorsuch era at the EPA.

President Reagan reacted with a swift retreat by appointing William Ruckelshaus, the EPA’s first administrator, to Gorsuch’s former position. Over the next few years, Ruckelshaus implemented a moderate approach that reflected past practices. This case’s significance is that the legislature not only constrained the administration from full elimination, but it actually constrained it from reduction. After the Gorsuch resignation, the budget started increasing again and most of the previous reductions in instruments were slowly reversed. In the end, the Reagan administration was left with only substitution as a form of termination for the EPA. This was a result of the legislature constraining the executive branch and exposing, or eliminating, one of the determinants, budgetary constraints. The case confirms the model, as during the Gorsuch era there were two determinants, which resulted in reduction forms of termination, but in the post-Gorsuch era the only determinant remaining was political ideology, and as the model predicts, the administration is left with using substitution (and administrative decentralization) forms of termination.

4.10. Conclusion

This case of the Reagan administration’s policy shifts at the EPA supported deLeon’s original theory that ideology plays a primary role in the termination process, even without the support of the secondary determinants of economy and efficiency. My model added to the existing understanding of this role by highlighting the constraining role of the secondary determinants. The case also gave further support for including a lower level (substitution and reduction) of termination in a modified model.
5. Conclusion: Findings and the Future

This thesis successfully accomplished the first research aim, that of determining whether policy termination is dichotomous. As argued, termination incorporates policy changes beyond complete elimination. I expanded the variable to include substitution and reduction to the existing classification of nontermination (status quo) and full termination. This contribution should help scholars identify additional examples of termination, which previously would have gone unrecognized. Researchers should better be able to indentify the underlying motivations and reasons for termination by recognizing these additional cases. The risk of using this new typology is that researchers may move to the other extreme by suffering from over-identification in cases. This would be caused by researchers identifying cases solely based on policy outputs and not determining whether the actions were premeditated.

5.1. Utility of the Degrees of Termination Model

My second research question required investigating the role of political ideology in the termination process and was addressed in the predictive model created. The case of the CEAA (and also Reagan’s environmental policy pre-1983) provides ample evidence for deLeon’s original theory that there are cases of termination where only political ideology is present. The model was able to identify that the other determinants of economy and efficiency strengthen the probability for higher degrees of termination when present. Equally critical is the discovery that they also constrain the intensity of termination when either or both are not present. In other words, the model demonstrates that political ideology alone will not lead to elimination without the presence of the budget constraints and government efficiencies.
5.1.1. Possible Revisions for Degrees of Termination Model

The model was able to successfully operationalize the role of political ideology in the termination process and, more importantly, recognized the constraining role of the other determinants, budgetary constraints and government efficiencies. By identifying the presence and direction of the prevailing political ideology, as well as the presence of the constraining (or strengthening, in cases of ideological support) variables, researchers and policy-makers alike should be able to better predict the policy output. This model provides the foundation for greater comparative work by using easily operationalized variables that are transferrable between nations. This allows for the creation of a database of termination cases, which can identify the presence of these variables. The database can also be expanded to include Kirkpatrick et al.’s catalogue of variables to revise the model to further increase its accuracy. This process would be necessary to expand the model to include the more complex cases of functional and organisational termination (as the original model only applies to programmatic and policy termination). Examining the utility of the model, I have come up with four formal changes as well as multiple informal changes that need further investigation.

5.1.1.1. Formal Revisions

There are four formal revisions needed to improve the model. The first should be a clarification accounting for the relevant nation’s institutional structure. More specifically, the model only held true in presidential systems and parliamentary systems with minority or coalition governments. This is due to the need for constant checks and balances to constrain the role of ideology. In parliamentary systems with a majority government, the demarcation between substitution and reduction (or administrative and legislative decentralization, in federal systems) becomes inconsistent without the constraints provided by the legislature. Majority governments are cases of fused power, while the model only accounts for fragmented or contested power, with distinct limits on power.

The second formal revision is to better differentiate between the substitution and reduction categories. I had based my definitions of substitution and reduction on Bauer’s work but after examining the cases there needs to be clarification between these categories. Specifically, the substitution category needs to distinguish between a change
in policy instruments and instrument settings. The cases highlight the need for this clarity. The first case, the 2012 CEAA, saw the government use a change in instruments, timelines and new regulations, to arrive at the reduction category. The case originally appeared as an example of simple substitution of instruments but the reality was that the new instruments were less efficient and saw a massive reduction in resources for the program. The second case of the EPA under Gorsuch’s leadership saw the Reagan administration focus on changing instrument settings, represented by changes in budgets, enforcement standards, staff size and duties. These instrument setting adjustments were classified as a reduction as the policy, and the agency enforcing the policy, the EPA, saw a massive reduction in resources. This was short-lived as the legislature quickly reversed many of the administrations actions, ultimately ending with a substitution of instrument settings (but little change in resources as compared to the original reference point—pre-Reagan administration).

The third formal revision is to create a more precise method to measure the political ideology variable. While this thesis presented a useful and transferable method of measurement, it needs to expanded to accommodate the large deficiencies of measuring the difference in governing strategy from campaign statements. The next generation of this model needs to supplement manifesto data with an analysis of the governing behaviour of the government. An example would be to process trace how the Harper government governed the CEAA before the repeal and replacement of the CEAA Act in 2012. A possible change would be to tie the ideological opposition with the strategy implemented by the government. The opposition category would be expanded to include indirect opposition and direct opposition. These categories reflect the strategies of stealth termination and overt/public termination.

The final formal revision is to include a temporal dimension. The case of the EPA highlights this need to account for the temporal dimension. If one evaluated the intensity of termination of the “New Federalism” policy in 1982 one would conclude it was a case of reduction, but if one makes the same evaluation in 1983 they conclude it was a case of substitution. This need for a new temporal dimension adds complexity but should increase the precision and accuracy for researchers to identify the intensity of termination. The existing termination is in major need of further investigation into the temporal dimension as seen by the archaic use of Bardach’s (1976) “big bang or
protracted whimper” to describe the existing temporal dimension of the termination process (Bardach, 1976: 125).

5.1.1.2. Informal Revisions

The first informal revision would be the inclusion of legal constraints. The difficulty in accounting for the courts is that governments and administrations usually draft legislation (or executive decisions) that will avoid judicial conflict. So if the courts do overturn legislation or policy directives, it is long after the termination has occurred. The model as it is currently organized accounts for legislative constraints which I view as being more vital, as well as easier to operationalize. What could be accounted for is the constitutional constraints faced in some nations. For example, Canada’s constitution calls for a shared responsibility on environmental regulations between the federal government and the provinces and territories. The Supreme Court has ruled that the federal government must remain active in its enforcement and cannot surrender its enforcement responsibilities to the provinces (Kennett, 2005, 183). However, some form of legal constraints must be included in the model. As mentioned in the chapter developing the model, there are instances of court enacted termination that the model does not currently take into account.

While the model focuses on the role of political ideology, it does not account for strategy implemented by governments. Bauer et al.’s work on policy dismantling argues that this strategy is better representative of the role of ideology than a simple identification of ideology. This strategy is closely tied to blame avoidance, which was well documented in Pierson’s work. When governments’ try to avoid blame they will implement a strategy of stealth termination. I tried to improve the accuracy by identifying the prevailing level of ideological support or opposition before the government came to power and/or evaluated the need for termination. In the future, I hope to at least investigate if strategy plays a vital role in termination.

Directly tied to political strategy is the behaviour of pro- and anti-termination coalitions. Further research needs to include better tools for analysing coalition behaviour. This is especially important for termination where the coalitions are rarely well-coordinated. Paul Warwick’s work on ‘policy horizons’ might be useful in better
understanding these behaviours. These ‘policy horizons’ may indicate the range of termination each coalition, and epistemic communities, deem acceptable. By identifying these ‘horizons’ the model may better be able to predict the range and intensity of termination.

Kirkpatrick et al. use three conceptual categories for termination: political environment, constraints, and inherent characteristics (Kirkpatrick, 1999: 213). While the model already covers the first two categories, it ignores the latter. A possible revision might be to include a variable that accounts for the inherent characteristics of the program or policy terminated. While Kirkpatrick and her fellow authors identify important variables, such as longevity and complexity of the policy/program, and the distribution of benefits, they actually are all just additional constraints. This leads me to believe that the constraining variables are vitally important in determining the degree of termination, and may need to be expanded beyond economy and efficiency in future manifestations of the model.

The model focused entirely on the state structure and ignored the possible international constraints placed on a nation either through treaties and agreements (NAFTA and the Kyoto Protocol, for example) or through political pressure. This additional external structure may influence and constrain the government’s attempts at termination. In the cases studied in this thesis, an argument could be made that the Harper government was pressured (mainly by President Obama) to avoid implementing too great an intensity of termination. Climate change has been a point of friction between the two leaders and this may have played a role in constraining the government’s hand. International constraints may also influence the management and strategies used in the termination process as a government may try to implement a strategy of stealth to avoid this constraint.

In this thesis I chose to focus on policy outputs by examining direct legislative changes. This thesis ignored the possibility that management and implementation strategies have on outputs. These strategies can range from stealth to overt termination. These management strategies can have as much of an influence on the intensity of termination as the legislative changes themselves. Further research must be done to

39 For more information on policy horizons see Warwick, Paul (2000).
understand if these strategies are independent of the intentions of the legislation and how to incorporate the strategies within the model.

The final informal change that must be addressed is whether the less intense forms of termination fit Hall’s orders of change. This theory used Hall to formulate the theory of paradigm shift but this thesis did not sufficiently test if the cases fit Hall’s theory. Future rendition’s of the model must test cases to see if these ‘partial’ termination categories align with Hall’s order of change. If they do not fit, then the model must be adjusted by reassessing the categories of change.

5.1.1.3. Rendition of Future Model including revisions

The two figures below represent possible future renditions of the model with some of the formal revisions (political structure and the re-categorization of ideological opposition/strategy) included. These figures do not include the additional revisions of: division of federalist powers, role of judicial system, policy horizons/coalition behaviour, international constraints, and implementation strategies.

Figure 6. *Degree of Termination Model Visual Representation - Showing Possible Revisions in a ‘Divided’ Political Structure*

<table>
<thead>
<tr>
<th>Policy Location</th>
<th>Degree of Termination in ‘Divided’ Pol. Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Status Quo</td>
</tr>
<tr>
<td><strong>I ideological Core</strong></td>
<td></td>
</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
<td></td>
</tr>
<tr>
<td>+Both Determinants (BC and GE)</td>
<td></td>
</tr>
<tr>
<td><strong>I ideological Peripheral</strong></td>
<td></td>
</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
<td></td>
</tr>
<tr>
<td>+Both Determinants (BC and GE)</td>
<td></td>
</tr>
</tbody>
</table>
### Degree of Termination Model Visual Representation - Showing Possible Revisions in a ‘Unified’ Political Structure

<table>
<thead>
<tr>
<th>Policy Location</th>
<th>Status Quo</th>
<th>Substitution/Reduction</th>
<th>Elimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ideological Core</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Both Determinants (BC and GE)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ideological Peripheral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+Both Determinants (BC and GE)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ideological Opposition - Indirect</td>
<td></td>
<td></td>
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<tr>
<td>----------------------------------</td>
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<td></td>
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<tr>
<td>+1 Determinant (BC or GE)</td>
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<tr>
<td>+Both Determinants (BC and GE)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Ideological Opposition - Direct</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>+1 Determinant (BC or GE)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>+Both Determinants (BC and GE)</td>
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</tbody>
</table>

## 5.2. Contributions and Future Research

This thesis identified the role that federalism can have on the termination process. The institutions of federalism can constrain the potential intensity of termination. A particular ideologically-driven view of federalism can also represent a motivation for governments and administrations. Future research needs to further investigate just how often federalism constitutes to the motivations for termination.

The Degrees of Termination Model contributed to expanding the termination literature by isolating and identifying the key causal variable of political ideology. As the model establishes, there are intervening variables that influence the relationship and help determine the degree of termination. This model will hopefully lead to further revisions and expansions to better capture the entire range of policy termination.

This thesis identified the impact that federalism has on the termination process. The institutions of federalism can constrain the potential intensity of termination. It can also represent a motivation and/or strategy for governments and administrations. Future research needs to further investigate just how often federalism constitutes the motivations for termination.

Further research must be done to determine if there are significant variations between the different policy areas. With nearly all the existing literature focusing on
social policy, future research needs to directly compare termination in social and environmental policies. There may be significant differences, which may justify using different methods of research. The most obvious difference is in how the changes in policy are felt by the public. Termination of environmental policies may be much easier to hide from the wider public through targeted termination. Environmental policy termination is also easier to obscure from the public because many of the outcomes and impacts are time delayed. For example, reducing the regulations of auto emissions will not be accumulate enough to impact the public until long after the policy change has been implemented.

This thesis has been an exercise in theory building that employed two cases to test its accuracy. To increase the confidence in the model's accuracy the model needs to be tested on a larger number of cases. Future research should include the revisions proposed here followed by testing the revised model on a large number of case studies. This also represents the most obvious way to discover the potential differences in characteristics of policy areas.

Finally, I will end with a note about the societal responsibility of policy research. Much of policy research is focused on outputs and not outcomes (this thesis is no exception). The reason for this, of course, is that one must study outputs to identify causal relationships before making the jump to outcomes. When making predictions on outcomes based on outputs, it can be difficult to identify all the interceding variables. This is made even more difficult in environmental policy – benefits can be nearly impossible to identify and estimate, while the costs are easily felt by the regulated industries. But, with the potential social costs associated with poor environmental policies researchers should attempt to bridge the gap between outputs and potential outcomes. I hope to expand my model to at least acknowledge the policy outcomes of termination, especially in environmental policies.

If there is a positive finding to take away from this thesis and my predictive model, it is that even the most ideologically driven governments and administrations are still constrained from eliminating policies they are ideologically opposed to. This discovery should aid those in opposition to any form of termination.
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