GETTING THE MESSAGE OUT:
REGULATORY POLICY AND THE PRESS

CARY COGLIANESE AND MARGARET HOWARD

E-98-03 **APRIL 1998**

Getting the Message Out:
Regulatory Policy and the Press

Cary Coglianese
Harvard University

Margaret Howard
University of Michigan

Forthcoming in the *Harvard International Journal of Press/Politics*, vol. 3, no.4 (Fall 1998)

CITATION AND REPRODUCTION

This document appears as Discussion Paper 98-03 of the Belfer Center for Science and International Affairs and as contribution E-98-03 of the Center's Environment and Natural Resources Program. Comments are welcome and may be directed to the authors in care of the Center.

This paper may be cited as Cary Coglianese and Margaret Howard. "Getting the Message Out: Regulatory Policy and the Press." BCSIA Discussion Paper 98-03, ENRP Discussion Paper E-98-03, Kennedy School of Government, Harvard University, April 1998.

The views expressed in this paper are those of the authors and publication does not imply their endorsement by ENRP, BCSIA or Harvard University. Reproduction of this paper may only be made with the permission from the Belfer Center for Science and International Affairs, Publications, 79 JFK Street, Cambridge, MA, 02138, telephone (617) 495-3745 or telefax (617) 495-8963.

Abstract

Getting the Message Out: Regulatory Policy and the Press

Cary Coglianese
Margaret Howard

Few social scientists have paid attention to how the press covers regulatory policymaking in the US. Those who have argue that the press does not cover regulatory policy with any vigor. To assess this view, we compare what the Environmental Protection Agency did in one year with the coverage the agency received in two national newspapers in that same year. We find that the papers did not neglect the EPA. The papers certainly did not cover everything the agency did, but they covered those regulatory actions which had the most direct impact on the public. The press gets out the message about regulatory policies that affect everyday life, shift policy in novel directions, and result in policy failure. Our findings suggest that scholars should pay more attention to the impact press coverage may have on the regulatory process.

About the Authors

Getting the Message Out: Regulatory Policy and the Press

Cary Coglianese
Margaret Howard

Cary Coglianese is Associate Professor of Public Policy at Harvard University's John F. Kennedy School of Government and Affiliated Scholar at the Harvard Law School. His research focuses on administrative law and regulatory politics, with a particular emphasis on environmental regulation. His address is: Harvard University, John F. Kennedy School of Government, Cambridge, Massachusetts 02138; phone: (617) 4951402; fax: (617) 496-5747; email: cary_coglianese@harvard.edu

Margaret Howard is a visiting lecturer in the Department of Political Science at Eastern Michigan University. A broadcast journalist for six years, she was formerly an instructor at the University of Missouri School of Journalism, her alma mater. She is completing her Ph.D. in political science at the University of Michigan in Ann Arbor. Her address is: 601 Pray-Harrold Hall, Department of Political Science, Eastern Michigan University, Ypsilanti, Michigan 48197; phone: (734)487-3113; fax: (734)487-3340; email: mhoward@online.emich.edu or meghow@umich.edu.

Getting the Message Out:

Regulatory Policy and the Press*

A vibrant press figures prominently in almost any conception of democratic governance. Press coverage can provide citizens, and their representatives, with information about policies and proposals that affect their lives (Iyengar and Kinder 1987). A concern with the press' role in democratic politics underlies much of the empirical research on the press. An industry has grown up around press coverage of political campaigns, the most characteristic feature of democratic politics (Lichter and Noyes 1995; Patterson 1993; Bartels 1988; Jamieson 1988; Arterton 1984). Researchers have also pondered what (if anything) people learn about politics from the news (Graber 1988; Neuman, Just and Crigler 1992; Delli Carpini and Keeter 1996). In addition, social scientists have considered the relationship between the press and policymaking agendas (Kingdon 1984; Baumgartner and Jones 1993) and have examined press coverage of the presidency (Kernell 1986) and Congress (Cook 1989) in the periods between elections.

In comparison with the extensive attention given to the press' effect on campaigns, public opinion, and electorally-accountable institutions, scholars have given scant attention to press coverage of regulatory policymaking, leaving it one of the remaining "neglected stories" in our understanding of the regulatory state (Moe 1990). Does the press contribute to making bureaucracy more accountable or responsive to the public? The few social scientists who have considered this question have concluded that the press largely neglects

---

* Our work has been supported by a Goldsmith Research Award from the Joan Shorenstein Center on the Press, Politics and Public Policy at the John F. Kennedy School of Government, Harvard University. We are grateful for research assistance provided by Kelly Barbour, Lisa D'Ambrosio, Greg Dorchak, Bryon Farnsworth, and Soung Soo Pak. We also appreciate helpful comments on earlier versions of this paper from Kristie Bunton, Marissa Golden, Pippa Norris, Richard Parker, Margaret Young, and the several anonymous reviewers.

the decisions of regulatory officials, even though these officials adopt more regulations every year than Congress passes statutes.

In this article, we report initial findings from an ongoing research project that seeks to correct the scholarly neglect of the press and regulatory policy. By reporting data on coverage in two major newspapers of one agency, the US Environmental Protection Agency (EPA), we show that these papers provide regular coverage ¯of important regulatory policies issued by this agency. We do not examine the impact this press coverage has had on regulatory policymaking at the EPA, but if the press plays any role in informing the public or shaping deliberation over regulatory policy, this role ultimately hinges on the stories the press reports as well as those it neglects. We examine the patterns of coverage of the EPA in order to assess what the press conveys about regulatory policy. Although the newspapers we studied did not cover all EPA regulations, their reporters and editors appear to have selected regulations according to criteria related to needs of the public. Our findings suggest that the press does get out the important messages about the EPA and that scholars have reason to pay closer attention to press coverage of regulatory policy.

I. The Neglected Story of the Press and Regulatory Policy

Just as those who study the media have neglected coverage of regulation, so too have those who study regulation overlooked the role of the press. The literature on regulatory politics has focused extensively on the influence of interest groups (Stigler 1971; Pelzman 1976; Chubb 1983), Congress (Weingast and Moran 1983; McCubbins et al. 1989; Ferejohn and Shipan 1990), and the presidency (Moe and Wilson 1994). The press does not fit neatly into this literature's principal-agent framework because newspapers do not control agencies as directly as can Congress or the President.

The small amount of research that does exist on media coverage of regulatory policy suggests that scholars might be justified in overlooking the press. Existing work

consistently argues that the press "misses the beat" (Smith 1983; Gravois and Potter 1982; Witcover 1972). Stephen Hess (1981, 1984, 1996) has found that Washington reporters do not consider reporting on regulatory agencies prestigious or interesting. Journalists ranked regulatory agencies, as a beat, twelfth out of fifteen (Hess 1981: 48-9). Hess' work suggests that journalists have few incentives to cover regulatory agencies and more than a few obstacles to doing so even if they did have the incentive.

The regulatory agency beat has been thought to rank low in part because it requires document research and "endless hours in musty archives" (Hess 1981: 52). Moreover, a topic is less likely to be covered if journalists, by and large, do not have an interest in it or know very little about it. It takes effort to learn about something new. Journalists also prefer to work with people whom they like and who already know how journalists work. Regular media sources have repeated dealings with the press and already understand the journalists' needs for on-the-record interviews, easily understood ways of framing the story, and a quick turn-around time to meet the demands of the news cycle. Furthermore, journalists, as with other professionals, like to have a central location from which to work. Beats are more easily covered when they are center around institutions in one part of Washington, such as Congress and the White House.

Journalists sometimes accuse bureaucrats of not wanting to be interviewed, or of being incomprehensible when they do agree to interviews. As Hess put it, "[b]ureaucrats don't talk English, they get wrapped up in the technical terms" (Hess 1981: 100). Journalists also fault the agencies' press officers for carrying that same jargon into their press releases: "You need a degree in nuclear physics to understand NRC [Nuclear Regulatory Commission] releases" (Hess 1984: 47). Even when comprehensible, agency press releases have been thought to be boring. Hess claims he found only two truly newsworthy press releases among the hundreds he read in 1981-82 (Hess 1984: 46).

Existing research has emphasized that the press overlooks regulatory agencies and that scholars interested in the regulatory process might therefore properly overlook the

press. Yet regulatory officials themselves are not inclined to dismiss the role of the press, as evidenced if nothing else by the establishment of agency press offices. By one count, there are 100 press information officers for every journalist in Washington (Cutlip 1981: 22-3). Concern over media coverage in recent years led one agency, the Department of Energy, to commission a controversial study of how the department fared in the press.[1] Among the study's lesser known findings was that the department appeared in over 8,000 news stories during an eight-month period, a finding that is hard to reconcile with conventional wisdom that the press ignores the regulatory beat.

Observations by those who have spent time in government suggest that press coverage does affect policymaking. Peter Strauss, formerly the general counsel to the Nuclear Regulatory Commission, has observed that "[t]he national press generally does not cover agency business on a continuing basis," but that "the influence of a story or television interview on an agency's agenda can often be substantial" (Strauss 1989: 207). Martin Linsky (1986: 80-1) points to Love Canal and the neutron bomb as cases in which media attention changed governmental priorities. John Kingdon (1984: 63-4) finds little support in interviews with policy insiders for media influence on governmental agendas, but he does suggest that the press plays a role in communicating policy ideas, framing issues, and shaping public opinion. Even if the press does not directly "control" agencies or their agendas, it may still be a part of agencies' political environment that indirectly affects policy decisions (Strauss et al. 1995: 50).

In this article, we are interested in the types of stories about environmental regulation that appear in the press. We do not purport to address the impact these stories have on regulatory policymaking, but instead take an initial step by examining which regulatory policies the press covers and which it does not. Much of the scholarship to date

---

[1] Secretary of Energy Hazel O'Leary claimed the media study was intended to help the Department communicate more effectively with the public, but critics charged that the study amounted to a "hit list" because it ranked reporters according to how favorably they characterized the Department. Neil A. Lewis, "Energy Secretary Used Fund to Monitor Reporters," *The New York Times*, November 10, 1995:A1.

suggests that media coverage of regulatory agencies revolves around coverage of scandals and disasters (Linsky 1986; Strauss 1989). We would certainly expect coverage of regulatory policy to contain its share of scandal and conflict. Yet our research shows that the press goes beyond disaster coverage. The press reports what the agency actually does, even though not everything the agency does is worth a story in a general circulation newspaper. By comparing agency regulations and press releases with press stories, we find that the press appears more likely to cover regulations when they have a direct effect on everyday lives, describe problems that could be improved, or take agency policy in new directions.

II. Press Coverage of the Environmental Protection Agency

To begin compensating for past neglect of press coverage of regulatory policy, we examined coverage of the EPA in two national newspapers. Each year, the EPA promulgates hundreds of regulations, providing a large source of regulatory actions the press can choose to cover. By comparing the regulations and other agency actions covered in the press with those not covered, we can better evaluate the conventional view that the press neglects the regulatory process .[2]

In our analysis, we included an entire year's worth of regulatory actions taken by the EPA and stories about the agency in *The New York Times* and *The Washington Post.* We selected calendar year 1993 because we expected it would provide a relatively "normal"

---

[2] Some research already exists on media coverage of environmental issues. These studies tend to analyze coverage over time, tracking changes in public attention to environmental problems (Baumgartner and Jones 1993; Clark and Dickson 1995). Yet when investigating long time periods, researchers often must give cursory attention to press stories, sometimes coding only headlines listed in indices such as the *Reader's Guide to Periodical Literature* (Baumgartner and Jones 1993). In contrast, we seek to learn more about why the press covers some actions of regulatory agencies more than others, a question which demands that we read the press stories themselves and match these stories with specific agency actions.

year of press coverage.[3] We expected press coverage in subsequent years to have been affected by Republican regulatory reform efforts as well as by recent revisions to ozone and particulate standards. We avoided time periods when the EPA may have received more attention than usual, choosing instead a period of reasonably typical press coverage .[4]

In seeking to assess the conventional view of press neglect, we selected an agency that we thought would be likely to receive press coverage, notwithstanding criticism of how the press has covered the agency (Smith 1983). The EPA did receive more coverage than other federal regulatory agencies did in 1993, although in relative terms the amount of coverage appears about the same.[5] Coverage in the *Times* and *Post* may not obviously represent coverage in all other papers, but we selected these papers both because they are

---

[3] In at least one quantifiable respect, 1993 was a normal year. Text-based searches of the *New York Times* and *Washington Post* revealed that the EPA was mentioned in an average of 848 stories in these papers during the period 1988-96, almost the same number of mentions retrieved for 1993 using an identical search.

[4] Of course, when elections are held every two to four years, perhaps no single year can prove typical. Administrator Carol Browner took over in January 1993, but many of her aides were not nominated until March and several not confirmed until October. The transition may have affected press coverage of the agency. More of the decisions taken by the EPA after January 1993 may have been considered newsworthy simply because they were decided by a new administration, perhaps one seeking to distance itself from the Reagan-Bush era. On the other hand, the transition period may have delayed decisionmaking so that EPA took fewer newsworthy actions in 1993 than it might have otherwise. Despite these limitations, a close examination of a single year's worth of press coverage does allow us to study the kinds of regulatory stories the press covers.

[5] We used text-based computer searches to compare the number of mentions of the EPA in *The New York Times* and *The Washington Post* with similar mentions by name of seven other federal regulatory agencies (Consumer Product Safety Commission, Federal Energy Regulatory Commission, Federal Communications Commission, Federal Trade Commission, National Highway Traffic Safety Administration, Nuclear Regulatory Commission, and Occupational Safety and Health Administration). Each agency garnered an average of 259 mentions across both papers, but the variation was considerable (319) and the EPA stood at the top of the list. Among these agencies, the EPA received the most mentions in the press, but it also produced the most regulations published in the *Federal Register*. Using text-based searches of final actions published in the *Federal Register*, we found that among all the agencies combined the ratio of press mentions to regulatory decisions was nearly 2:1. Most significantly, the variation in agencies' regulatory output was highly correlated (0.97) to the press mentions each received.

influential[6] and because text-based computer searches in these papers minimize the erroneous retrieval of stories on state environmental protection agencies.[7]

Before analyzing coverage in these papers, we first considered the wider range of possible stories about the EPA. We obtained data on each press release issued by EPA headquarters in 1993. Although these press releases did not mention every formal action the EPA took, they do represent at least those actions that the agency's staff or leadership thought potentially noteworthy. Over the course of the year, the EPA's press relations division issued 329 press releases, or more than one press release per business day. Of these, 49 were weekly press advisories, each of which contained up to 11 separate reports on distinct EPA actions. We treated each section of these weekly press advisories as a potential story, yielding 444 releases in total.[8]

The largest proportion of agency actions contained in the press releases (33%) were ones we coded as addressing "regulatory policy" (Table 1). This category covered nationally-applicable policy decisions and other actions implementing or affecting nationally-applicable policies, including regulations and proposed regulations, schedules or

---

[6] While not everyone who follows the news reads the *Times* or the *Post*, the mass audience is probably nevertheless influenced by these papers. The two elite papers help set the reporting agenda for regional papers and television networks. Kerbel (1994: 163-4) observes that TV journalists turn to the *Times* and the *Post as* a "guide to appropriate behavior, not necessarily for validation." Similarly, Epstein (1973), Ranney (1983: 22), and Hess (1984: 99) have earlier discussed the influence of the elite papers.

[7] Although New York, New Jersey, Maryland, and Virginia each have state environmental agencies, none of these agencies is called an "Environmental Protection Agency." Text-based searches in computer databases make it cumbersome to differentiate between stories about, for example, the California Environmental Protection Agency and the US Environmental Protection Agency. Of course, it is possible; during coding to separate: out stories about state agencies, as we did for the *Times* and the *Post* when such stories appeared, but we leave to future research the more extensive culling needed to investigate coverage in wire services and regional papers (such as the *Los Angeles Times* or *Chicago Tribune).*

[8] We coded 64 press releases about press events and 24 about public outreach meetings, but excluded them from the total of 444 because they simply listed the date, time, and location of press conferences or public meetings. Each release announcing a press event was also usually accompanied by a separate release detailing the substance of the press event, the latter which was included in our total.

plans for the development of regulations, guidelines and guidance documents, voluntary programs, and court actions involving rulemaking deadlines or judicial review of regulations. Although regulatory policies made up the largest proportion of press releases during the year, the 148 releases in this category still represented only a fraction of 405 final regulations and 384 proposed regulations EPA published in the *Federal Register* in 1993. It is well-recognized, of course, that not every EPA rule is equally significant or broad in scope (Kerwin and Furlong 1992). Many decisions made by the EPA consist of approvals of state implementation plans (which we coded separately), individual approvals of pesticide tolerances (which we included in a licensing and permitting category), and numerous other minor or routine actions. The agency excludes these less significant regulations from its regulatory agenda published twice a year in the *Federal Register*. In 1993, the EPA reported that it had completed 62 regulations important enough to list in its regulatory agenda and had proposed an additional 65 listed in the agenda.[9]

[Table 1 about here]

Air pollution regulations dominated the EPA's regulatory agenda in 1993 as the agency worked to meet deadlines in the 1990 amendments to the Clean Air Act. Slightly more than 50 percent of the regulations and proposed regulations listed in the EPA's agenda fell under the rubric of the Clean Air Act. Air pollution policies also made up the largest portion of the EPA press releases on regulatory policy (39%). If newspaper coverage succeeded in "getting out the message," we would expect to see a similarly substantial proportion of coverage in the press devoted to air pollution regulations.

---

[9] We obtained data on regulations from text-based computer searches of the *Federal Register*. We compiled the data on "important" EPA regulations using the listings found in the EPA's regulatory agendas, published in the *Federal Register* in April 1993, October 1993, and April 1994.

To locate stories on the EPA, we conducted text-based searches of *The New York Times* and *The Washington Post*, searching for each story that mentioned the EPA or its administrator by name. In this way, we retrieved an initial set of more than 800 stories from both papers, from which we dropped items whose discussion of the EPA was minor, slight, or even incidental.[10] Of the 226 items remaining, 122 articles were from *The New York Times* and 104 were from *The Washington Post.* These included "hard" news stories, "soft" feature stories, and editorials, letters to the editor, or opinion columns. For our separate analysis of press coverage of regulatory policy, we used only news and feature stories.[11]

How did these stories in print reflect the agency's policymaking agenda? Like the EPA's press releases, the largest percentage of news stories on the EPA focused on regulatory policy, though the proportion of stories on regulatory policy was lower than the proportion of press releases devoted to regulatory policy (Table 1). The mix of news stories contained a proportionately larger share of incident responses (such as emergency clean-ups or boil water orders) and legislative developments (primarily coverage of the NAFTA debate and proposals to elevate the EPA to cabinet level status). The press also gave proportionately greater attention to licensing and permit decisions, though this mainly reflected a series of reports on EPA's approval of a hazardous waste incinerator in East Liverpool, Ohio. Vice presidential candidate Al Gore had pledged to stop the approval of

---

[10] We excluded, among other things, obituaries and social notices that mentioned current or former EPA employees. Coding instructions called for both a ranking on a five-point scale of the "focus" given to the EPA in the article, as well as a separate notation for whether the agency action described in the article was the "primary topic" of the news article.

[11] Examples of stories coded as having "some" focus on the EPA included a dozen articles about boil orders issued for the District of Columbia and Northern Virginia. Examples with a "major" focus included those on state implementation of the Clean Air Act in which the EPA was an integral part of the article, but not the primary focus of the story. Stories with a "primary" focus on the agency almost always referred to the EPA in the headline or the lead paragraph, such as an article on EPA's decision to list 35 pesticides as suspect.

the incinerator in East Liverpool, but when the new administration backed away from this pledge, the *Times* and *Post* repeatedly covered the story.

We paid specific attention to the kinds of regulatory policies that found their way into the newspapers. [12] In terms of topics covered by EPA policies, the pattern of press coverage tended somewhat to track the agency's policymaking agenda. Just as the EPA spent most of its effort developing policies under the Clean Air-Act, reporters and editors gave most of their coverage to EPA's air pollution policies. As shown in Table 2, air pollution regulations made up about half of the important regulations listed in the agency's regulatory agenda and roughly 40 percent of the press releases devoted to regulatory policy. Among the regulatory policies covered by the press, a similar proportion (47%) addressed air pollution. Though proportionately fewer hazardous waste and Superfund stories found their way into the papers, press coverage in other areas seemed reflective of the distribution of EPA's regulatory workload.

[Table 2 about here]

The number of important regulations in our population was small, but we tested the relationships between the number of regulations issued, the number of press releases issued, and the number of stories published. The chi-square test for independence assumes as its null hypothesis that the regulations, press releases, and stories are independent of one another. As Table 2 shows, we could not reject the null hypothesis that the number of

---

[12] Of the 44 stories covering regulatory policies, 26 appeared in *The New York Times* and 18 appeared in *The Washington Post.* News accounts of regulatory policy consisted of two main types of stories: "spot" stories announcing the proposal or establishment of a new policy, and more in-depth "situationer" or follow-up stories reporting on the implementation of policies adopted at an earlier, time. Spot stories made up most of the regulatory policy stories in 1993 (36/44). Most spot stories were associated with an EPA press release (26/36), while far fewer follow-up stories were (3/8). These patterns are consistent with Hess' (1981: 15) finding that 80 percent of stories from Washington are about events (many of them staged by government officials) and Sigal's (1973: 5) finding that stones generated from routine press releases outnumbered enterprise stories two-to-one.

stories in each category was independent of the number of regulations the EPA issued. Not surprisingly, the press releases issued by EPA were related to the regulations issued (Table 2). The general kinds of agency actions covered by the press followed the agenda set by the agency press office (Table 1), but the press office failed to dictate which specific regulatory policies the press covered (Table 2).

In reading the newspaper stories, we were not surprised that many featured conflict, as conflict is a standard definition of what is news. About two-thirds of the stories on regulatory policy emphasized conflict of some kind (29/44). Conflict between the EPA and outside interest groups, as well as among interest groups themselves, was the most frequent kind of conflict reported in the press (Table 3). Reporters sometimes wrote that proposed EPA regulations "irritated" industry, that industry groups "attacked" the regulations, and that citizen groups engaged in "battles" against the agency. A number of stories mentioned litigation, also described in conflictual terms. Reporting on the EPA's May 1993 announcement of a rulemaking strategy for hazardous waste incinerators, journalists used litigation and recent citizen protests over the East Liverpool incinerator as a basis for framing their stories.

[Table 3 about here]

Although conflict figured prominently in about two thirds of the stories, conflict did not appear on its own to account entirely for the patterns of coverage we observed. First, conflict did not dominate all the press coverage of environmental policy. Not only did a full third of the stories lack conflict, but many of these stories affirmatively highlighted cooperation in the policy process. For example, stories featured the signing of a voluntary energy-saving agreement with manufacturers of computer printers; a joint industry effort to develop new diesel fuel standards; and interagency cooperation over pesticides. Second, the press almost certainly overlooked other regulatory policies that engendered much

conflict. For example, the EPA's restrictions on land disposal of hazardous wastes have elicited much criticism and litigation over the years from industry representatives and environmentalists.[13] Responding to a court remand over its 1990 land disposal regulation, the EPA issued an interim final regulation in 1993 for ignitable and corrosive wastes.[14] Industry groups reacted by filing critical comments on this interim standard, challenging the agency's scientific and economic analysis. Yet notwithstanding the insider conflict over the land disposal regulations, we could find not a single article in the *Times* or *Post* focusing on the 1993 interim standard nor for that matter any article ever on the EPA's land disposal regulations more generally. If journalists sought merely to cover conflict, they could publish more, or different, stories than they currently do.

To explore further what drives the selection of press stories, we considered the kinds of policies issued by the EPA and how these policies affect (or do not affect) the general public. In reading *Federal Register* notices and other agency documents, we observed three factors that appear central to the selection of regulatory policy stories: (1) a connection with "everyday issues" directly affecting broad segments of the public; (2) novelty or a change in policy direction; or (3) policy failure or criticism. These three factors, individually and sometimes in combination, were readily captured in the regulatory policies covered in the press, but less immediately evident in those policies that were not covered.

The first, and most prominent, of these factors was the presence of an "everyday issue." Regulatory policies that directly affect features of everyday life tend to make the news. A story on an EPA regulation controlling soot from diesel buses, for example, led with a direct link to the public: "Smoke-belching city buses are Americans' biggest complaint to the Environmental Protection Agency, and yesterday the federal government

---

[13] For example, see the court decision in *Chemical Waste Management, Inc. v. US Environmental Protection Agency*, 976 F.2d 2 (D.C. Cit. 1992).

[14] "Land Disposal Restrictions for Ignitable and Corrosive Wastes," *Federal Register*, May 24, 1993, 58:29,860.

announced plans to do something about it."[15] Two other stories covered new diesel fuel standards designed to reduce sulfur pollution, and numerous other stories covered policies affecting automobiles. A story on proposed auto emissions regulations forecasted that the rules would "mean cutting the power of car engines to a degree that invites customers' wrath and possibly poses safety problems." [16] A story on another regulation predicted that EPA's "decision could affect American drivers' choices of where they can get their cars fixed and could make repairs more costly."[17] In addition to "everyday" transportation stories, we found stories on federal drinking water standards, pesticide residue standards for foods, tobacco smoke guidelines, and radon standards for new home construction. When the government sets policy that directly affects these kinds of "everyday issues," the press tends to pay attention.

Newspapers also tend to pay attention to novelty. For the Environmental Protection Agency, what could be more novel than the agency asking for *more* pollution? When the EPA took the step of asking DuPont to produce more ozone-depleting chemicals than it had planned, both the *Times* and the *Post* printed the story.[18] Of course, almost every policy decision marks a departure from existing policy in some way; however, some policies mark a more substantial shift. These are the stories more likely to find their way into the newspapers. For example, the acid rain emissions trading regulations implemented under the 1990 Clean Air Act amendments exemplified one of the more significant shifts in policy direction at EPA in recent years. Instead of requiring all firms to meet the same standards,

---

[15] D'Vera Cohn, "In ‘94, New Metro Buses Will Spew Fewer Fumes," *The Washington Post*, March 5, 1993:D3.

[16] Julie Edelson Halpert, "Lead-foot Habits Prompt Search for New Emission Rules," *The New York Times*, July 11, 1993:C7.

[17] Julie Edelson Halpert, "Who Will Fix Tomorrow's Cars," *The New York Times*, November 7, 1993:C4.

[18] "Production of Refrigerant Urged," *The New York Times*, December 19, 1993:B30.

these regulations allowed polluting firms to buy and sell credits in sulfur dioxide emissions. Such market-oriented policies had been tried in limited ways before, but the acid rain trading program was the most extensive of its kind. In March 1993, the *Times* ran two stories on the results of the first day's trading on the Chicago Board of Trade. Later, the *Times* ran another story on a proposal to develop a similar trading scheme for ozone precursors and yet another story on proposed revisions to the sulfur dioxide trading program.

Finally, just as policy departures gain the attention of the press, so do policy shortcomings. Sometimes news stories noted the lack of compliance with EPA standards, such as in stories on unsafe levels of lead in drinking water. Other stories focused on court decisions reversing the EPA, such as a court reversal of the EPA's decision not to require on-board vapor canisters for automobiles. Still other stories emphasized the increased costs or inconveniences created by EPA regulations, such as when the EPA required new procedures for servicing car air conditioning units or mandated the use of low-sulfur diesel fuel. The *Post* story on low-sulfur fuel, for example, described complaints that the new fuel caused leaks in car and truck gaskets: "Eric Reisfeld blames the Environmental Protection Agency for the diesel stains in his Silver Spring driveway. Scott Meeman of Laurel is on the agency's case, too. Both say their diesel-powered cars have been leaking since early October, when they began using an EPA-mandated low-sulfur fuel."[19]

When a story can be easily framed around two or more of the features we have outlined -- an "everyday" issue, novelty, or policy failure -- it would appear to stand an even greater chance of finding its way into print. Most of the stories on policy failure also made a connection with an everyday issue, much like the story on low-sulfur diesel fuel. Indeed, we found an "everyday issue" prominently featured in at least three-fourths of the

---

[19] Warren Brown, "Diesel Drivers Say a New Fuel Mandated by EPA Causes Leaks," *The Washington Post*, November 16, 1993:C2.

regulatory policy stories in our sample, even stories that also reported policy change, failure, and conflict.

The regulatory policies covered by the *Times* and *Post* readily lent themselves to being framed around the three features we have described. Most of the other policies did not. We compared the covered policies with the other policies found in press releases and in the agency's 1993 regulatory agenda. The stories the press "missed" were ones directly affecting states and industries, regulations that in almost all cases had only a remote connection with the general public. Missed policies included a proposed change in the procedures for small scale field testing of microbial pesticides; new reimbursement and administrative hearing procedures under Superfund; water effluent guidelines for offshore oil drilling; revisions to air quality modeling methods; compliance extensions for states under the Clean Water Act; and new federal procurement standards for ozone-depleting chemicals.

These and the other missed policies were crucial to specific firms facing compliance decisions and to states seeking to implement environmental standards. Yet the relevance to the general public was largely limited to the fact that these regulations were designed to protect health and the environment. A savvy reporter with unlimited time could find a way of pitching a story about some of these regulations to the general public, but most of these neglected policies lacked a direct effect on the day-to-day lives of the citizens and most represented only incremental changes in environmental policy. The only regulatory policy the press missed that came close to possessing the features we have described was one that established new procedures the EPA would use to test emissions from city buses.[20] Although the *Times* and the *Post* did not cover this testing program, they did publish stories on the two EPA regulations that established new fuel and emissions standards for diesel buses.

---

[20] "In-Use Urban Bus Testing Program,"*Federal Register*, June 8, 1993, 58:32,121

III. The Press and the Public in the Regulatory Process

Press coverage of the EPA differed from what past research would have led us to expect. The press did not overlook the EPA in 1993. Rather, the *Times* and the *Post* taken together carried a story on the EPA nearly every day and a half (or, taking the two papers separately, nearly every three days. More than three times each month the paper featured a story on regulatory policy developed by the agency. While Hess (1984: 46) reportedly found only two newsworthy stories out of hundreds of agency press releases he examined, the *Times* and the *Post* published stories that drew directly on 13 percent of EPA's press releases related to regulatory policy.[21] Of the 46 press releases devoted to completed rulemakings, the press covered 22 percent. Using other sources, the papers developed stories on 10 additional policy actions not detailed in a 1993 press release.

To some, this coverage will undoubtedly still seem slight. The EPA issued hundreds of regulations in 1993, proposing and promulgating more than a hundred regulations important enough to be listed in its regulatory agenda. The agency also undertook more than 200 prosecutions, made more than 380 civil referrals, and initiated more than 3,500 administrative enforcement actions.[22] Compared with all of EPA's activity, the amount of coverage in the newspapers can seem small. Yet general circulation papers are, after all, just that. They have other news items to report and must be selective in what they cover. Indeed, if the press is to serve an informative role in politics, it should not overload the public with information any more than it should fail to report the most

---

[21] Hess criticized press officers for issuing too many releases on relatively mundane matters. He is surely right that most press releases are of little interest to the general public; however, informing the general press is not the only reason agencies issue releases. Press releases also inform specialized press services, lobbyists, lawyers, and others working on regulatory issues. Agency press officers can communicate with specialized audiences by distributing daily press releases, and can target the general press with press conferences and other media events.

important stories. Somewhere between dereliction and overload lies the socially optimal level of press coverage. Our findings cannot tell us what that optimal level might be, but they do show that press coverage of regulatory issues is not a rare event, triggered simply by the occasional crisis or scandal. Rather, press attention is a fact of life for regulatory officials at the EPA.

More important than frequency of coverage is its content. We-find some evidence that the press does attend to the kinds of issues on which EPA efforts are focused. In making decisions about what regulations to cover, newspapers appear, contrary to expectations, to balance independent investigation with reporting stories that the EPA thought were the most important. If the agency spends most of its effort working on air pollution regulations, we can expect that reporters covering the agency will write more about air pollution regulations. Yet the press is also by no means a slave to the EPA's public information office, as the chi-square statistics in Tables 1 and 2 show. Reporters and editors still pick and choose among possible stories.

In choosing what to cover, the press does more than simply reflect the agency's priorities. Newspapers do not select a random sample of EPA regulations to cover, but instead deliberately select those stories that are easily seen to be the most meaningful to the public. The regulatory policies that newspapers cover affect matters of everyday life, represent novel departures from past policies, or exhibit signs of failure relevant to the general public. Although most stories draw on EPA press releases, not all press releases lead to stories. Eight press releases were notable in that they explicitly touted the success of EPA's regulatory programs -- such as by releasing "report cards" showing improvements in air quality. The press, however, did not pick up on these potentially positive stories, choosing instead to use its background stories to point to criticisms of the agency and of environmental policy. That said, the number of stories critical of the

---

[22] These estimates are based on averages of data reported in the EPA's annual enforcement accomplishments reports for fiscal years 1993 and 1994.

agency's implementation of regulations was still outnumbered by spot stories announcing new agency actions responding to environmental problems.

Any bias toward alleged policy failure may not necessarily be a bad thing from a democratic standpoint if it provides citizens and their representatives with information that they might use to call for corrections. To the extent that the press covers topics that have more direct impact on the public, it may perhaps also infuse a greater sense of public-mindedness on the part of agency officials. Agency officials who observe that the press gives more attention to issues affecting consumer goods and people's homes have an added reason to be sensitive to the wishes of the public on such issues. Moreover, press coverage may serve to signal others who seek to represent the public -- such as legislators and interest groups -- to get involved. Reporters and editors may in this way serve to activate other political actors to intervene-in agency affairs.

On the other hand, the press' impact on agency behavior may turn out to be less sanguine. While the patterns of coverage we have observed are consistent with the claim that the press helps make regulatory agencies (to some degree) more responsive and accountable, such coverage many also make agencies more cautious. In a recent analysis of bureaucratic innovation, Alan Altshuler (1997: 39) writes that "people in government fear nothing more than newsworthy failure." If such a fear does indeed pervade regulatory agencies, the press' interest in failure could well contribute to the supposed "ossification" of administrative rulemaking so widely of concern to legal scholars. (McGarity 1992; Mashaw 1994).

In this article, we have shown that at least with respect to regulatory policy at the EPA, the press seems to get out the important messages to the public. We have not analyzed the effects this press coverage may have on regulatory policymaking. Yet if at least some major newspapers pay close attention to the actions of regulatory agencies, press coverage might well influence regulatory policy. The patterns of coverage we have observed suggest that the press could play an important role in making the regulatory

process either more deliberative or more deliberate. By showing that the press is selective, but not neglectful, our analysis draws attention to the importance of exploring the effects of press coverage on agency behavior. The press' role in the regulatory process, though long neglected by scholars, may well be more substantial than previously thought.

References

Altshuler, Alan A. 1997. "Bureaucratic Innovation, Democratic Accountability, and Political Incentives." In Alan A. Altshuler and Robert D. Behn, eds., *Innovation in American Government: Challenges, Opportunities and Dilemmas.* Washington, DC: Brookings Institution.

Arterton, F. Christopher. 1984. *Media Politics: The News Strategies of Presidential Campaigns.* Lexington, Mass.: Lexington Books.

Bartels, Larry M. 1988. *Presidential Primaries and the Dynamics of Public Choice.* Princeton, NJ: Princeton University Press.

Baumgartner, Frank R., and Bryan Jones. 1993. *Agendas and Instability in American Politics.* Chicago: University of Chicago Press.

Chubb, John E. 1983. *Interest Groups and Bureaucracy: The Politics of Energy.* Stanford: Stanford University Press.

Clark, William C., and Nancy M. Dickson, eds. 1995. "The Press and Global Environmental Change: An International Comparison of Elite Newspaper Reporting on the Acid Rain Issue from 1972 to 1992." Environment and Natural Resources Program Working Paper No. E-95-06, Harvard University, John F. Kennedy School of Government, Center for Science and International Affairs.

Cook, Timothy. 1989. *Making Laws and Making News.* Washington, DC: Brookings Institution.

Cutlip, Scott M. 1981. "Government and the Public Information System." In Lewis M. Helm, Ray Eldon Hiebert, Michael R. Naver, and Kenneth Rabin, eds., *Informing the People: A Public Affairs Handbook.* New York: Longman.

Delli Carpini, Michael X., and Scott Keeter. 1996. *What Americans Know About Politics and Why It Matters.* New Haven: Yale University Press.

Epstein, Edward Jay. 1973. *News from Nowhere.* Vintage.

Ferejohn, John, and Charles Shipan. 1990. "Congressional Influence on Bureaucracy." *Journal of Law, Economics & Organization* 6:1.

Graber, Doris A. 1988. *Processing the News: How People Tame the Information Tide.* Lanham, MD: University Press of America.

Gravois, John, and Walt Potter. 1982. "How the Press Misses the Beat," *Washington Journalism Review* Jan/Feb:29-32.

Hess, Stephen. 1981. *The Washington Reporters.* Washington, DC: Brookings Institution.

Hess, Stephen. 1984. *The Government/Press Connection.* Washington, DC: Brookings Institution.

Hess, Stephen. 1996. *News and Newsmaking.* Washington, DC: Brookings Institution.

Iyengar, Shanto, and Donald R. Kinder. 1987. *News That Matters.* Chicago: University of Chicago Press.

Jamieson, Kathleen Hall. 1988. *Interplay of Influence: Mass Media and Their Publics in News, Advertising and Politics.* Belmont, CA: Wadsworth.

Kerbel, Matthew R. 1994. *Edited for Television: CNN, ABC, and the 1992 Presidential Campaign.* Boulder, Colo.: Westview Press.

Kernell, Samuel. 1986. *Going Public: New Strategies of Presidential Leadership.* Washington, DC: Congressional Quarterly Press.

Kerwin, Cornelius M., and Scott R. Furlong. 1992. "Time and Rulemaking: An Empirical Test of Theory." *Journal of Public Administration Research and Theory* 2:113.

Kingdon, John W. 1984. *Agendas, Alternatives, and Public Policies.* New York: Harper Collins.

Krasnow, Erwin G., Lawrence D. Longley, and Herbert A. Terry. 1994. "The Politics of Broadcast Regulation." In Doris Graber, ed., *Media Power In Politics.* Washington, DC: Congressional Quarterly Press.

Lichter, S. Robert, and Richard E. Noyes. 1995. *Good Intentions Make Bad News. Why American Hate Campaign Journalism.* Lanham, MD: Rowman and Littlefield.

Linsky, Martin. 1986. *Impact: How the Press Affects Federal Policymaking.* New York: W. W. Norton.

Mashaw, Jerry L. 1994. "Improving the Environment of Agency Rulemaking: An Essay on Management, Games, and Accountability." *Journal of Law and Contemporary Problems* 57: 185.

McCubbins, Mathew D., Roger G. Noll, and Barry Weingast. 1987. "Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies." *Virginia Law Review* 75:431.

McGarity, Thomas O. 1992. "Some Thoughts on 'Deossifying' the Rulemaking Process," *Duke Law Journal* 41: 1385.

Moe, Terry. 1990. "Political Institutions: The Neglected Side of the Story." *Journal of Law, Economics & Organization* 6*:* 213.

Moe, Terry, and Scott Wilson. 1994. "Presidents and the Politics of Structure." *Law and Contemporary Problems* 57:143.

Neuman, W. Russell, Marion R. Just and Ann N. Crigler. 1992. *Common Knowledge: News and the Construction of Political Meaning.* Chicago: University of Chicago Press.

Patterson, Thomas E. 1993. *Out of Order.* New York: Alfred A. Knopf

Pelzman, Sam. 1976. "Toward a More General Theory of Regulation." *Journal of Law and Economics* 19:211.

Ranney, Austin. 1983. *Channels of Power: The Impact of Television on American Politics.* New York: Basic Books.

Sigal, Leroy V. 1973. *Reporters and Officials: The Organization and Politics of Newsmaking.* Lexington, MA: D.C. Heath.

Smith, Jeffrey R. 1983. "Covering the EPA, or, Wake Me Up if Anything Happens," *Columbia Journalism Review.* Sept/Oct:29-34.

Stigler, George J. 1971. "The Theory of Economic Regulation." *Bell Journal of Economics and Management Science* 2:3.

Strauss, Peter L. 1989. *An Introduction to Administrative Justice in the United States.* Durham, NC: Carolina Academic Press.

Strauss, Peter L., Todd Rakoff, Roy A. Shotland, and Cynthia R. Farina. 1995. *Administrative Law: Cases and Comments.* Westbury, NY: Foundation Press.

Weingast, Barry R., and Mark J. Moran. 1983. "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission." *Journal of Political Economy*

Witcover, Jules. 1972. “Washington’s Uncovered Power Centers,” *Columbia Journalism Review.* Mar/Apr: 14-19.

Table 1
EPA Press Release and Stories by Agency Action, 1993 [a]

Type of Agency Action	Press Releases	News Stories
Regulatory Policy	148 (33%)	44 (19%)
Studies or Reports	79 (18%)	36 (16%)
Enforcement	59 (13%)	24 (11%)
Other	33 (7%)	16 (7%)
Appointments/ Staffing	31 (7%)	3 (1%)
License/Permits	23 (5%)	20 (9%)
Recalls	15 (3%)	1 (0.4%)
Legislative Developments	14 (2%)	27 (12%)
State Oversight	11 (2%)	21 (9%)
Awards/Recognition	11 (2%)	0 (0%)
Grants or Funding	9 (2%)	1 (0.4%)
Incident Repsonse	7 (2%)	28 (12%)
Judicial Developments	2 (0.5%)	1 (0.4%)
Budget	1 (0.2%)	1 (0,4%)
Management Problems	1 (0.2%)	3 (1%)
Total	444	226

[a] Pearson's chi-square = 813 (196 d.f.) p = .000. Percentages do not add to 100 due to rounding.

Table 2
Distribution of EPA Regulatory Policies and Press Coverage[a]

Policy Area	Regulations in the Regulatory Agenda	Regulatory Policy Press Releases	Regulatory Policies Covered in the *Times* and the *Post*
Air	65 (51%)	58 (39%)	15 (47%)
Hazardous Waste	15 (12%)	27 (18%)	2 (6%)
Toxics	13 (10%)	5 (3%)	4 (13%)
Water	10 (%)	11 (7%)	3 (9%)
Superfund	9 (7%)	9 (6%)	0 (0%)
Pesticides	7 (6%)	20 (14%)	2 (6%)
Drinking Water	5 (4%)	1 (1%)	2 (6%)
Other	3 (2%)	17 (11%)	4 (13%)
Total	127	148	32

[a] Although we coded 44 stories on regulator policy, several policies were the subject of multiple newspaper stories. The data in the right-hand column exclude the duplicate stories and reflect only the 32 distinct regulatory policies that were covered in one of more press stoires. We conducted several tests of independence for the relationships between the three colums. Press releases by regulation: Pearson's chi-square = 52. (56 d.f..), p=.000 (2-tailed). Stories by regulation: Pearson's chi-square = 52 (56 d.f.), p = 622 (2- tailed). Press releases by stoies:Pearson' chi-square = 63, (49 d.f.), p = .082 (2-tailed). Percentages do ot necessarily add up to100 due to rounding.

Table 3
Conflicts Described in Press Coverage of EPA Regulatory Policy

Type of Conflict	Percent of Articles on Regulatory Policy [a]
EPA vs. Citizen Groups	34%
EPA vs. Business Groups	20%
Citizens Groups vs. Business Groups	14%
EPA vs. States or Localities	11%
EPA vs. Other Federal Agencies	5%
Congressional Democrats vs. President	5%
Congressional Republicans vs. President	2%
Congressional Democrats vs. Agency	2%

[a] Of the 44 stories coded, 29 portrayed at least one kind of conflict. We coded as many kinds of conflict as appeared in each story; some stories referred to more than one kind of conflict.