

Unanimous Agreements on Public Policy

Diverse hostile groups have reached consensus on many issues, hundreds of times that we know of at the state and local level. Several of those cases have been at the national level.

One of the best known occurred in June 1997, when representatives for attorneys general from 40 states, the tobacco companies, and major anti-smoking groups unanimously agreed on a measure to curb teenage smoking and resolve the states' lawsuits against the companies.

Other such examples have received less attention. In 1998, for instance, twenty-four representatives from across the political spectrum — assembled by the Center for Strategic and International Studies — developed a comprehensive plan for insuring that the vast majority of Americans could retire with financial security while saving Social Security from insolvency.¹

The following year, eighteen representatives from the Cato Institute, the Progressive Policy Institute, and other ideologically driven organizations — most on the right, but some clearly from the left and the center — unanimously agreed on a plan for restraining health care costs while boosting quality.²

And in 2004, sixteen politically diverse advocates, called the National Commission on Energy Policy, devised a comprehensive plan that included reducing greenhouse gases and reducing the nation's consumption of foreign oil at minimal cost.³

More recently, in 2010, representatives for auto makers, labor unions, environmental groups, various state agencies and federal regulators negotiated new fuel economy standards for cars and trucks, standards significantly tighter than most commentators had thought possible. Yet, all sides hailed that agreement.⁴

Congress has in fact authorized a process known as “negotiated rulemaking,” under which representatives for opposing camps can craft certain federal regulations. Using that process, long time opponents have unanimously agreed on regulations covering food safety, student loans and disposal of nuclear waste.⁵

A statistical study of negotiated rulemakings evaluated the outcomes as consistently superior to standard policymaking procedures in terms of “economic efficiency” and “cost effectiveness” to the public, costs and benefits to their own interest groups, the “quality of the scientific analysis” and “incorporation of appropriate technology.”⁶

¹ *The 21st Century Retirement Security Plan: The National Commission on Retirement Policy Final Report*, Washington: Center for Strategic and International Studies, 1999

² *A Vision for Consumer-Driven Health Care Reform*, The Consensus Group, 1999, galen.org/fileuploads/vision.pdf

³ *Ending the Energy Stalemate: A Bipartisan Strategy to Meet America's Energy Challenges* (www.energycommission.org)

⁴ “Toward a 21st-Century Regulatory System,” *The Wall Street Journal*, Jan. 21, 2011

⁵ <http://archive.org/details/gov.acus.1995.source>

⁶ Laura I. Langbein & Cornelius M. Kerwin, Regulatory Negotiation versus Conventional Rule Making: Claims, Counterclaims, and Empirical Evidence, 10 *J. Pub. Admin. Res. & Theory* 599 (2000), p. 604