
Street-level Bureaucrats and the Social Construction of Environmental Control*

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Abstract

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This article explores the micropolitics of environmental regulation of industry through interviews with, and ethnographic observations of, regulatory inspectors. As street-level bureaucrats, inspectors are seen to cope with the legal and social ambiguities of their work mainly through negotiative forms of control — which are often idiosyncratic and partial. How inspectors construct local moral orders and standards, in interaction with industrial operators, is explored in some detail, especially the role of organizational ritual, symbols and emotional display as tools of control. The importance of understanding the processes of negotiated orders in the growing regulation of industry is discussed, as well as role of interpretive forms of research in such endeavours.

Descriptors: environmental regulation, street-level bureaucrats, rituals, emotions, negotiated order

Introduction

The importance of external regulation in controlling industrial environmental damage is now acknowledged in the management literature (e.g. Sorell and Hendry 1994; Beaumont et al. 1993; Stead and Stead 1992). Indeed, there is evidence that, despite self-regulatory rhetorics, it is external regulatory conditions that bite the hardest and command most corporate attention (e.g. Fineman 1997; Fineman and Clarke 1996; Smith 1993). Regulatory conditions are most often presented as a powerful set of legal-economic conditions that prevail upon industry, but what is not revealed is how these conditions become realized at the point of contact between regulator and regulated.

This study explores empirically and qualitatively the role of the field environmental inspector in the enactment of regulation. In Lipsky's (1980) terminology, the inspector, as a 'street-level bureaucrat', is the creator of regulation-rules in practice, attempting to manage the boundaries between his or her regulatory agency and the organization being regulated. Like other street-level bureaucrats (e.g. social workers, police officers, tax inspectors) environmental inspectors deal with people who may not voluntarily desire their services and who experience some ambiguity in exercising appropriate control. In what becomes a socially negotiated encounter,

the industrial operator and agency inspector position themselves partially and politically. In holding a social constructionist lens to environmental regulation the inspectorial encounter is fluid, shaped by the participating actors. Formal rules and roles and are likely to be more plastic than they appear and conceptions of environmental damage and improvement contestable (e.g. see Berger and Luckmann 1967; Hannigan 1995; Yearley 1992).

Much of the 'green' management literature is unhelpful in illuminating how precisely regulatory encounters work. It is mainly industry-slanted and treats the regulator rather like a sealed box, an out-there stakeholder which technically and legally constrains business (e.g. see Gladwin 1993; Buchholz 1993; Stead and Stead 1992). Little is revealed about the dynamic social, political and interpretive features of the regulation process. The picture is more illuminating from studies that problematize regulation and/or adopt a critical perspective on greening. For example, in its desire to minimize or avoid regulatory costs, powerful industries have been seen to 'capture' the regulatory agenda (Finger and Kilcoyne 1997). Meanwhile, the regulator strives to reduce or prevent pollution and appear tough and credible to industry, government and public — without disabling industry and without straining its own litigation resources (Levy 1997; Fineman and Clarke 1996). Some social policy analysts note that environmental regulation proceeds via a process of 'value trading' and negotiation amongst interested actors, the style of which varies between different micro and macro social-economic orders (Smelser 1976; Smith 1997; Olsen 1992). Contrasting perceptions of pollution are important here. Lowe et al. (1997) illustrate this well in their study of farm pollution. Traditional dairy farmers are often puzzled by the notion of pollution; farming has always had its 'waste', but naturally contained in the seasonal cycle of farming. Pollution is a concept brought in by the inspector and the 'town people'.

In sum, this study focuses on how environmental agency inspectors socially and rhetorically produce regulation. As street-level bureaucrats, how do they exercise their legal authority in often highly contested terrains? The research reports a grounded analysis of inspectors' work: their roles, styles and persuasiveness; the way enforcement is socially constructed and applied. Data are derived from interviews and work shadowing. The latter is particularly emphasized, offering a close portrayal of the dramatic performances, politics and emotionality that lend meaning to the regulatory encounter. This part of the analysis reflects the growing literatures that reveal organizational settings as dramaturgical and emotional arenas (Fineman 1996a; Mangham and Overington 1987; Hochschild 1983). Persuasion and control are 'staged' in situationally-specific rituals, where the crafting of emotional display is a key interactional and control tool, and a particular feature of 'green' management situations (Fineman 1996b). The paper concludes with a discussion about the more general texture and dimensionality of regulatory conduct, as well as the wider organizational implications of researching street-level negotiated orders.

The Study Setting

The research involved the Environment Agency of England and Wales. It participated in an independently funded research programme on the personal and organizational features of environmental regulation, led by the author. It took place in 1996/97, two years after the Agency's inception.

The aims and methods of the Agency broadly parallel those of its European and American counterparts. It regulates approximately 2,000 industrial processes with the greatest potential for causing pollution, including the disposal of radioactive waste. It is responsible for the regulation of some 8,000 waste sites and the 70,000 waste carriers who use them. It monitors the water quality of rivers, estuaries and coastal waters and controls discharges from 6,000 sewage treatment works. These duties are performed through a system of permits or authorisations, which reflect national and European environmental legislation. Some regulation is 'end-of-pipe' — especially water quality, gas emissions and waste disposal. Other regulation is tied to the design of a product or process; it aims to reduce its pollution potential from the start. The Agency has powers to refuse or revoke permits; it can also prosecute those who contravene the conditions of permits or damage the environment for other reasons. The Agency levies fees from industry but is otherwise supported by, and reports to, the national government. It is organized in three tiers — head office, eight regions and 26 sub-regions or areas. Area offices, located throughout England and Wales, organize the daily, regulatory activities.

The Agency's public face is that of an integrated service aiming to satisfy its 'customers' with minimal bureaucratic fuss, while being tough on environmental polluters. However, at the time of the study, this image masked many internal schisms — the legacy of a recent merger of three separate, long-standing, regulatory bodies which now comprise the waste control, integrated pollution control and water quality functions of the Agency. Each brought its distinctive cultural identities, allegiances and forms of regulatory practise to the Agency, although all were united in the belief that industry could not be trusted to regulate its own environmental performance.

Waste regulation is often akin to street policing — unannounced spot checks, detective work and surveillance of those suspected of illegal dumping of waste. Much of it is routine, but it can also be tough and personally dangerous, especially in the murky world of illegal waste disposal. In contrast, integrated pollution control (IPC) inspectors usually work face to face with senior corporate executives or specialists in environmental management, sometimes across the boardroom table. Their credibility hinges upon their high level of technical expertise (e.g. in chemistry, engineering, power generation), their understanding of the polluting potential of an industrial process, as well as a sympathetic, 'politic', interpretation of 'Best Available Techniques Not Exceeding Excessive Cost' (BATNEEC). BATNEEC is an ambiguous rubric, enshrined in British environmental legislation, aimed at ensuring that pollution releases to atmosphere, land or water are optimally

controlled. Water quality inspectors are literally closer to the earth in many ways — patrolling river banks and streams, inspecting sewage treatment plants, checking on industrial waste discharge to watercourses, visiting farms. Their feel for, and aesthetic appreciation of, the natural environment, is often palpable.

Sample and Method

Altogether 82 staff were involved in the study, mainly comprising field inspectors and their managers in six area offices. They regulated industry in three contrasting geographical regions. One was densely populated and contained heavy industry, another was relatively rural and coastal, and the third was a mix of the two.

Two methods of inquiry were employed — individual interviews and work shadowing. Individual interviews took place with all participants. These were confidential, semi-structured discussions, exploring: the dynamics of the regulatory encounter; how regulatory standards are determined in field practise; how regulation is policed; and the sources of pressures and demands on the individual inspector. All interviews were tape recorded and analyzed thematically with the aid of qualitative analysis software (Peters 1996).

Work shadowing took place with 14 field inspectors, who together represented water, waste and integrated pollution control. I accompanied the inspectors on their normal site visits. Some of these took place by appointment with an industry operator, often a single site manager with environmental responsibility, but sometimes with a senior management team. Others were unannounced spot-checks.

Typically, I was introduced by the inspector as ‘... an academic doing a study on how the Agency goes about its business’. Usually, after a short period of self-consciousness on everyone’s part, I was ignored. I would then take notes of what the different actors said, what they did and my impressions of the industrial processes that were being regulated. On some occasions, especially when there was no third party present, I was invited to participate directly in an inspection routine, such as helping with a testing process or looking for pollution signs — as the inspector talked through what he or she was doing. All site visits were preceded by a briefing on the history and circumstances of the inspection we were about to make and followed by a discussion of what had happened. Soon after, I would write up my field notes in personal narrative form and these notes would be added to the data bank.

Findings

Two types of findings are reported here. The first is a summary overview of key themes from the interviews on regulatory practice. These include

inspectors' accounts of their styles, enforcement attitudes and consultancy roles. The themes are then picked up and further developed for their dramaturgical, political and emotional significance in the second set of findings — ethnographic accounts of three inspections: integrated pollution control, waste regulation and water quality.

Interview Findings

Styles: Persuasion, Negotiation and Bluff

All inspectors regarded the regulatory encounter as an opportunity for persuasion and negotiation with more or less resistant industrial operators. They saw themselves treading an unclear path between appearing too lax and too tough:

'It's how can I push him to do as much as possible?'

'You can turn the regulatory screw and make life hell for them, but that's rarely necessary. It requires sitting down and talking; chats over lunch.'

Inspectors varied in how confrontational they were prepared to be, but virtually all sought a 'prevention rather than prosecution' outcome. It was a widely shared belief amongst inspectors that regulatory outcomes and standards were open to negotiation, but '.. that's the last thing you'd admit, so you keep your cards close to your chest'. Bluff was part of the negotiation process. For water quality inspectors, bluff was often a substitute for weak legislation on water-pollution prevention and a camouflage for 'confusing' classifications on the seriousness of a pollution incident:

'There's always interpretation. Even categorizing a pollution incident you're guessing what might happen to the environment. And how can you cost the effect of a polluting discharge to a watercourse? Plant life? Amenity value? Restitution?'

IPC inspectors were keenest to present themselves as expert partners with industry, 'on their wavelength' and 'really a human being'. They spoke of lengthy pre-negotiations with industrial managers to 'talk about issues before they become sticking points'; 'Never dig holes that they, or you, can't get out of'. 'Building a relationship' was regarded as the key to effective regulation; 'keep talking'; a preferred option to imposed solutions, which may not carry the operator's commitment. Impositions also meant extra work for the inspector in policing progress.

For IPC inspectors, the BATNEEC rubric was central to their endeavours. They would point to the official Agency book, 'the bible', which offered guidance on BATNEEC standards, and the book was used authoritatively in regulatory discussions. Some BATNEECs were regarded as relatively straightforward to calculate, but others were not:

'Sometimes it's like trying to describe an elephant ...'.

Or..

'It's like balancing apples and pears. How much do certain measurable emissions actually damage the environment? Does x million pounds spent result in x million pounds of environmental improvement?'

The apparent authority of the BATNEEC could be exploited by inspectors, leaving some operators with the impression that standards were legally fixed — which they were not. For the ‘better informed’ operators, often seen to be in the larger enterprises, it was expected that a BATNEEC would be negotiated. Generally, larger companies were seen to have the edge over smaller ones in such negotiations. Because of their sophistication and resources, they were sometimes able to persuade the inspector to accept a more favourable, less stringent, deal for themselves.

Waste inspectors defined their world as harder edged than IPC or water; newer to regulation and more mistrustful of operators. Dramatic pictures were painted of some of their site visits to ‘very awkward people’:

‘There are scrap metal merchants who basically want to smash your face in. Yea, it must be hard to run a business with all the various inspectors calling, but that’s not my worry.’

Waste inspectors tended to polarize operators — into those who accepted regulation and those who rejected it or, had ‘avoided it for years’. Most operators were regarded as hard to move beyond basic compliance, and then only after tough negotiations. Stylistically, the inspectors mirrored their perceptions of their ‘customers’ (an Agency term almost universally mocked by inspectors). They would set their expectations in firm language: ‘I’m always very polite, but they know what I expect; if I say I want it clean I want it clean’. They would readily resort to confrontation, if their ‘instructional’ approach failed. A number of waste inspectors had had prior experience of police work, which they claimed helped them in such situations.

Enforcement — Getting Tough

Issuing an official ‘enforcement notice’ prohibiting a particular polluting, or environmentally dangerous, industrial process was an option for inspectors. Failure to comply invited prosecution, as did a deliberate breach of the conditions of an Agency permit.

Inspectors were visibly uncomfortable with enforcement and prosecution, a power that was often more symbolic than real. IPC inspectors were the most resistant to using their legal powers as it signalled a failure in their preferred regulatory style; a breakdown in collaboration:

‘I regard prosecution as a failure, both on our part, and on those we’re regulating. There’s much table thumping, sabre rattling, letters, minded-to-send notices, all sorts of documents; but prosecution is very rare.’

Mitigation circumstances would be sought: ‘a genuine mistake’ or ‘just a little breach’, where a firm warning was considered more appropriate than prosecution.

Where prosecution seemed unavoidable, some companies were seen as more liable than others because of their attitude (‘why the hell should we comply’), their size (‘larger companies should know better; they know the score’) or the extent of damage (‘wipes out all the fish in river’).

Enforcement and prosecution, however, were two-edged for the inspector. They might be worth the effort if they succeeded, but the criminal justice system could prove both laborious and fickle. Gathering detailed legal evidence and appearing in court were uncomfortable experiences for the inspector, especially when a company had mustered the services of major experts to defend its position. Companies could legally appeal against Agency decisions or requirements, which could be an onerous experience for the inspector. Many of them felt vulnerable, even deskilled, in litigation settings, despite the support of Agency specialists. Ambiguity in interpreting license conditions meant that a magistrate or judge could rule against the Agency, or impose just a modest penalty on the firm. 'Failed prosecutions really embarrass us' was a common sentiment.

Being Consultants

How much 'free' advice to give to operators divided inspectors and reflected some structural contradictions in the inspector's role. Proffering advice to operators on BATNEECs, pollution abatement plans and ways to complete Agency application forms, reinforced the desired collaborative ethos between the Agency and industry. However, if industry literally followed an inspector's recommendations, and should that advice prove wrong (e.g. it did not prevent pollution), then the Agency could be legally compromised. For this reason, the official position was that responsibility and burden-of-proof should always rest with the operator. The inspectors took some markedly different positions on this issue:

'We mustn't be free consultants; it's not what the public expects. Doesn't leave our hands free for enforcement.' (Waste inspector)

'I give as much advice as possible. Don't see why I can't give them the sort of advice they get from a consultant. It's part of my job. Consultants often exploit people.' (Waste inspector)

'The Agency line is confused, so am I. Help people help themselves, but don't leave yourself legally vulnerable.' (Water inspector)

'The company doesn't really need to employ a consultant. The inspector knows the processes well and together we can identify the things that need to be done.' (IPC inspector)

Clearly inspectors construct their own ethical orders of practise — which may or may not reflect the 'official' line.

The overall picture from this section of the findings suggests that inspectors are active agents in constructing regulation. As they shape regulatory agreements, they deploy the symbols and rhetorics of Agency authority — special language, authoritative letters, documents. Many present themselves as skilled in the arts of persuasion, coaxing and in giving selective information, as they steer their way through the ambiguities of 'acceptable' regulatory standards. The standards applied are frequently partial and vary according to the mores of the environmental medium in which the regulator specializes, the size of the organization being regulated, and the inspector's evaluation of the intentions of the operator. Preserving an amicable dialogue

with an operator is accorded a high priority. Resorting to prosecution is a hassle and also risky, so it is avoided as far as possible. Prosecution is also regarded as a personal failure to regulate properly. However, some pollution scenarios are judged as so unacceptable that prosecution becomes unavoidable. 'Unacceptability', though, is a political/social construct, of which measurable damage to the environment is but a part.

Let us explore the dynamics of these processes further in a closer examination of particular regulatory encounters. The observations of field inspectors at work reveal some of the finer texture of regulatory practise.

Shadowing Inspectors

Three ethnographic accounts are presented below. They are selected to indicate each of the regulatory functions — integrated pollution control, water-quality regulation and waste regulation. They also represent a range of regulatory styles — from confrontational to appeasing. Each case is analyzed for (a) its social/emotional texture, (b) its political content and (c) its rituals and dramatic performances. The accounts are further developed using interview and ethnographic data from other respondents.

Integrated Pollution Control

Plastico, says Martin, an IPC inspector, is a multimillion pound organization built up by an ex-plumber — who finds regulators 'a pain in the neck'. They make plastic, PVC, pipes and gutters for the building trade. Their process is a 'prescribed' one for regulation under the Environmental Protection Act, because of the dangerous lead that is added to the plastic.

As a last resort, Martin has had to serve a legal enforcement order on Plastico because the powdery PVC substance has been spilling over the site — a fine-graded lead 'blowing around neighbourhood'. There have been local complaints with 'risks to kids and animals; possible asthma connection; it persists in the environment once its there'. Martin adds..

'But they've contested this! "Only half a percent lead; no problem", they claim. However, the onus of proof is on them, the operator, and they can't prove it's not harmful.'

Martin has taken photographs of the fine lead spillages around machinery. The company disputes the need for prescription on the process, because of the 'very small levels of lead' and the owner is 'not motivated towards regulation'. Relations are 'prickly', says Martin cheerfully. Plastico has a tough style of management, but Martin gives the impression of being someone who is not easily compromised:

'My action has cost them a fair bit of money in improvements — 7-figure sums to achieve BATNEEC. There has been so much aggro that I took my

Area manager around with me. It was the worst tempered meeting I've ever been in! He had to keep me and the owner apart. They wanted to be let off regulation! He told them they have to be prescribed. I was pleased to have his support. The plant manager still regards me as a threat because of the photos I took. He also hates climbing silos and I go up silos. They've had an enforcement notice and warning of this visit, so things should be OK.'

More calmly, Martin reflected ...

'You know, I like visiting these companies to see something happening; see why some British companies are so successful and others aren't. I know those I'd prefer to invest in. Some I can't resist the urge to put my production engineer's hat on and advise them on improving their process. This firm, though, gives me bother out of all proportion to their pollution potential.'

Inspection

Douglas, the plant manager, receives us. Martin is disappointed that the 'bolshy MD' is not there. We tour the factory. Martin states exactly where he wants to go and Douglas complies, with a look that suggests he can't refuse.

Martin asks lots of technical questions about the processes involved and is particularly focused on the dust spillage from the five massive silos containing PVC and its mixes — some 100ft high. Where the waste eventually goes is, apparently, crucial. If it goes to the municipal incinerator it gives off poisonous dioxins.

Martin makes a beeline for the silos and sprints up the precarious external ladder. A less confident Douglas follows. They descend after about 15 minutes, Martin disguising his triumph in a business-like tone. On top of the silo is an open cover and bags of dust...

'Maintenance of the silo tops was part of my last instructions to you, so I'm a bit annoyed'.

Douglas appears embarrassed and annoyed about the discovery. Back in his office he picks up the phone and delivers a very curt reprimand to an operator ... 'I left instructions to ensure the top of the silos are clean, and they're not!' he barks down the phone.

Douglas now turns on Martin, as if he's been suppressing his ill feelings. He's disgruntled that Martin can appear any time for an inspection without someone 'competent in charge being around, who can explain what's happening'. Martin shrugs. There then follows a terse exchange.

Douglas: (firmly, staring at Martin) 'I'd like to flag a few more things up. We've taken all our tests and we're well below the danger levels! We feel aggrieved to pay you £3,600 a year for such low levels.' (He waves the test sheets at Martin).

Martin: (coolly) 'I agree. But it's accidental releases that are the problem; fugitive releases'.

Douglas: (peevish) 'So if everything's bang-on we're not qualified for exception?'

Martin: (calmly) 'Because of the legislation and your volume and escape points you cannot get automatic exemption. The onus is on you to prove it doesn't cause harm.'

Douglas: (exasperated) 'We've checked the blood levels of operators. There's no danger from lead in any of them!'

Martin: 'It's also the housing outside'.

Douglas: 'That's false! Even there, it's well below danger levels.'

Martin: (backing off) 'I work on the current legislation. There is scope for debate when you get near the edge.'

Douglas: 'OK. It's a grey area. I agree there's a small amount of powder...'

Martin: 'A kilo or two!'

Douglas: 'But people are handling compounds in tonne boxes. That's more worrying than loose spills.'

Martin: (disengaging) 'OK. It's an ongoing debate. I can't take it further today. You can apply for exemption any time. You can get a second opinion and appeal....'

Douglas: (rattled) 'Appeals don't work! I get exactly the same letter that you write to me, but this time signed by your boss.'

Martin: (appeasing, looking uncomfortable) 'We have been working towards exemption. It's not impossible. We must go...'

In the car, afterwards, Martin looks ready to fight on. 'A tough company to visit! They try and bully you.'

Discussion

The negotiative features of integrated pollution control are vibrant in this case. The inspector is prepared for confrontation because of his prior difficulties in dealing with the company and their resistance to regulation. The *political context* has moved beyond easy collaboration, and deservedly so, in the inspector's eyes, because of the 'obvious' risk to the local neighbourhood of PVC dust and the company's lack of cooperation. He needs to get tough. From the manager's point of view, the inspector's risk assessments are patently wrong, or at least much exaggerated, and the Agency is unreasonably unyielding. In response, the inspector adopts the 'correct' bureaucratic position, 'reminding' the manager that the legal onus is on him to demonstrate that the problem is not a problem.

Thus the lines are drawn. The meaning of the encounter is partly determined by its history. Its *social-emotional texture* is set to be antagonistic; consequently a spikiness pervades the encounter. However, and importantly, this climate is sustained and shaped by the actors as they play out their respective positions, worries and statuses. In their different ways, they attempt to assert control; their *rituals and dramatic performances* are telling in this respect. The inspector takes obvious control from the outset, interrogates the manager, determines what is to be inspected, purposefully ascends the silo, forcefully asserts the legislative obligations on company, and, ultimately, under some assault, decides when to terminate the visit. The manager, in his turn, quietly acquiesces to the inspector's requirements during the tour of the site, suppressing his discomfort. He then transfers his embarrassment

about the silo dust onto a subordinate with an outburst of anger, and he finally turns on the inspector with an animated display of frustration. The outcome, in the inspector's eyes, is to reinforce further his own view of the company's intransigence. The fight, it seems, will go on.

All IPC inspectors claimed, with sincerity, that it was not their aim to jeopardize 'UK plc', and many, like the above inspector, made commercial judgments about the soundness of the businesses they regulated. In a political sense, they were willingly captured by the broad aims and philosophy of industry, a majority of them being past employees of the very industries they were now regulating. Yet some would drive harder environmental bargains than others, partly because of their preferred regulatory style, but also as a reflection of the way they appraised both the environmental consequences of the processes they were regulating and the competence and willingness of the managers. In the words of one inspector, 'Is the manager a bullshitter or does he really care?'

Social and Emotional Leverage

Gaining control in technical disputes could be tense and problematic for the IPC inspector, as illustrated above. This was especially evident when an inspector was dealing with managers whom themselves had once been regulators ('gamekeepers turned poachers'). Inspectors were then on their mettle, conscious of the limits of their expertise. Although it was possible to use their legal authority to terminate debates, it threatened their credibility as negotiators and experts. Many, therefore, would delay closing the regulation by giving the operator 'homework'; information for them to obtain before the inspector's next visit. Meanwhile, the inspector could on check his or her 'facts'.

After site visits, some IPC inspectors described how they could 'recover a situation when the going gets too hot'. In practice, this meant using bureaucratic and administrative procedures to coerce operators. If the inspector had lost face, this was added justification for 'really scaring' an operator. Terse letters stating legal obligations, together with hints of enforcement and prosecution, provided appropriate leverage. Yet the seemingly unspoken agenda behind this 'sabre rattling' (see 'Findings', pp. 957–959) was for *both* parties to try and avoid the financial costs and possible public humiliation of a court appearance. To make this less likely, a number of inspectors and managers would mark out their territory in terms of hints or boasts about how successful a litigation or appeal had been for them. For example, during one inspection, the managers involved proudly proclaimed that they had 'taken out' their last inspector in an appeal — because he was a '...real bastard, talked prosecution all the time and frequently came unannounced'.

There is demonstration here of collusion, albeit camouflaged in threats or 'advice'. On occasions, both regulator and regulated saw themselves as one, pitted against a censorious media and a green lobby. An IPC inspector, on an organizational visit to a radioactive waste company, recommended to the managing director that she changed her application for an Agency authorization in specific ways '... which will work in your favour; it's to

convince the protesters — who have given you and me so much aggravation in this case’.

Waste Control

Jennie, a Waste Control Officer, was busy when I arrived at her crowded, untidy, office. Her colleague Maureen, was keen to bend my ear...

‘Going out with Jennie? Well, you should see what I have to face! My area’s inner city; really rough, lots of unlicensed sites. Visits can be dangerous. Illegal sites have dogs — which do worry me. Recently, an Agency inspector injured himself running away from a Rottweiler. I carry a stun gun for dogs — high pitch sound — for protection. The other day, I and a male colleague, John, answered a call to visit an empty house, which was being used for illegal dumping. When we arrived, the perpetrator was actually there, caught red-handed by the police. The police hadn’t heard of the Environment Agency so were puzzled about us. Meanwhile, the man gets more abusive and I got really nervous, trying to calm him down. We told him he could be in trouble — whereupon the man, now sizzling with rage, picks up a sizeable traffic cone and makes as if to throw it at John ...’

Jennie’s now ready. We’re off to visit Apple Tree Farm, a transfer station that takes in industrial waste to be sorted and transported elsewhere for disposal — recycling, incineration or landfill. The site is hidden away in a beautiful, rural, valley on the outskirts of London.

A license to operate the site was issued in the 1980s when the owner, Alf, appealed against some of its conditions, and won. As a result ‘it’s an open tip; no hard, concrete surface; a mud bath in wet weather. Water can run off seams into the ground, which can contaminate ground water. In summer there’s much dust, but no dust suppression system. There’s neither a proper waste bay nor documentation from skip lorries. Neighbours complain of early-morning and late-night traffic.’

Alf, I am told, is of Gypsy heritage, and works with his five brothers. He has ‘no education and the family are difficult to deal with’. Engineers from the Agency have assessed the site and its inadequacies. There is asbestos on the site, which really worries Jennie. She will have to write to Alf telling him to upgrade the site. She expects a very hostile reception to this, but she has checked out her position with the legal department of the Agency.

Inspection

We drive into Apple Tree Farm, unannounced, past an enamel sign with apple trees on it. The farm is bleak. Apparently, it is no longer a farm and no one can remember the last apple tree. Big lorries are discharging their skips of building waste and driving straight off. There are dozens of empty skips around; business does not appear to be good.

As Jennie and I walk across the site, squelching in the mud, Alf homes in on me. ‘Am I the Gestapo?’ We have a bit of trouble convincing him of my neutrality and purpose. He jokes with Jennie while she quietly scans the site and makes notes on what she sees.

The 'office' is a wooden shack. There's a roughly painted sign proclaiming it as a licensed site. A few men are mooching around inside. Alf's affronted that a previous inspector ('.. should have been strangled at birth; he should have been a policeman!') wanted him to move the sign to a more prominent place. 'A stupid waste of time!' In earshot of Jennie, Alf wants to convince me that he knows his business, as his father did before him — when the horse and cart, rag-and-bone, men used the site. He is a fast talker and obviously has little patience for regulation or any form of officialdom. He is adamant that the site is environmentally safe and that the 'experts' are misguided. But he quickly adds, with a laugh, that Jennie's 'OK'. Jennie acknowledges this with a wry smile.

Alf seems to be a canny man, a survivor; 'could talk the hind leg off the proverbial donkey' says Jennie. With a smile, and hardly a look at the paper, he signed a long list of breached regulations that Jennie had carefully recorded. As we drive away, Jennie says to me that she'll send him a license order with 'the lot' in it. 'He'll not like me; he'll be furious'. Small transfer stations like this will get away with whatever they can...'

Discussion

In this case, the regulatory lines are drawn even more firmly than in the previous encounter. The inspector has decided — following prior inspections and technical assessments — that the site will have to be considerably improved and that enforcement is the only way forward. The environmentally sensitive setting and pressure from the local community adds further weight to this 'necessary' outcome; she has other stake-holders to consider who are important voices in the *political context* of this regulation.

The actual inspection proceeds as if it is a pre-ordained *ritual*. The inspector goes about her regulatory business without directly engaging the site owner; he mechanically and uncomplainingly endorses the list of regulations he has breached. Other than the foray with the researcher (a strong indication of the owner's feelings of threat) there is little of the direct, interactional, confrontation of the first case. It is more a caricatured expression of their differences, orchestrated by the owner. Yet there is still an impression of much *social-emotional* work going on: tacit negotiation, mutual positioning and attempts at control. Through the researcher, the owner makes clear 'to' the inspector his negative views about regulators and their judgements. His colourful style, humour and teasing are generally met with implacability from the inspector, a 'cool' professional mask. She appears to have accepted that they speak different regulatory languages, so there is little merit in direct dialogue. Her aims now are more legalistic — the only way she sees to achieve the change she desires.

Many waste inspectors had a clear image of the cause they were defending. They were the final backstop to the street-wise, hard-core polluters, people who were potentially untrustworthy and/or of criminal intent (see 'Findings', p. 958) — people like Alf 'the Gypsy', or abusive miscreants of the sort described by Jennie's colleague, or white-collar operators illegally disposing of waste, perhaps through a third party. Typically, interactions with these

individuals were blunt and plain speaking. Being taken seriously, 'looking the part', was of concern to the inspector. Impression management ranged from a 'resolute' demeanour (like the inspector in the present case), to carefully arranging the symbols of authority on a first inspection visit. Nevertheless, such 'dressing' was not always successful as, for example, on one occasion, when I observed an inspector on his first call to a clinic suspected of improperly disposing of infected clinical waste. In shirtsleeves and relaxed in the car, he transformed into 'the professional': 'Put on my stern face; don't fuck with me.' He adjusted his jacket and tie, held out his identity card and firmly rang the front door bell. The clinic's manager opened the door, but he was singularly unimpressed by the inspector's credentials. He refused further dialogue and slammed the door shut. Without a legal permit to search the premises, the inspector could do no more. Unlike the IPC inspector, waste inspectors could not take for granted the 'peer' respect of those they visited.

Water Quality

Tony is a water quality inspector, young with an easy-going style. We are off to inspect a polluted watercourse linked to country club called Hampton House. Tony's van is packed with jars, bottles, testing equipment, protective clothing, torches, maps, documents and sticky labels. Hampton House is an unusual mix — a golf driving-range, a pub, an equestrian centre and a nursing home. In Tony's words, the complex has 'never quite got there' and it certainly looked seedy, unkempt, as we approached via a very long driveway.

They have a sewage treatment problem and one that has transgressed the terms of the consent given by the Agency to discharge treated waste to land drains and watercourses. The treatment system fails, or is mostly non-existent. A combination of septic tanks and illegal soakaways do not do the job. The outflow pollutes a protected stream, which contains freshwater trout. The owner, Pete, has resisted all Agency attempts to install proper facilities. Instead, he has diverted the outflow into a ditch which takes a long route to the main stream. He claims that the pollution degrades by the time it reaches its destination. It does not. Tony has received an anonymous report that it is septic ...

'This has gone on for years. We've threatened. We now need to up the anti. Pete always has excuses. He's an amiable, slippery character. It would cost him £10,000 to put it right. He's claimed he's bankrupt, but I'm sure he's got money stashed away.'

This was a surprise visit to collect a 'legal' sample of the water for testing. Without the surprise, says Tony, Pete would probably pump the tank and ditch clean before we arrive.

Because Pete had been making the 'right noises' Tony had resisted prosecution. At his last visit Pete claimed to have had some 'good fortune' and had engaged a consultant to do the remedial work. But nothing more had happened. Also, Tony was super-cautious about prosecution because he

had had his fingers' burnt when a prosecution of his went 'disastrously wrong'. It was not until it reached court that he found he had prosecuted the wrong person. He was on the receiving end of the magistrate's wrath and an official inquiry by the Agency: 'I have to be absolutely clear where the responsibility lies before I can prosecute; there are others on this site besides Pete'.

We could not find Pete on site. Tony tracked him down by phone at his home. No, he did not want to witness the taking of the sample (his legal right), but we should bring one of the three samples (legally required) to him at his home. He could not see why it needed to be done, though.

We visually inspect the ditch and stream and, indeed, they look and smell distinctive — a grey colour and musty; classic signs of overload from sewage, says Tony. Tony does the tests, which means carefully scooping samples of the water at strategic places, bottling and then labelling them. The seals have to be licked to stick them on the bottles. Tony (wearing protective gloves) points out how dangerous this is, given the disease potential. Another test is with a meter that measures the oxygen, conductivity and other chemicals in the water. The meter shows some poor quality, but not dangerously so. 'Really not too bad' concludes Tony.

Tony seemed very much at home as we trudge back over the fields with our sample...

'I have to say this is a perfect job for me; I'm not a political person. And that's my problem — where do I go next? Any promotion takes me away from this, out of the field. I don't want an office job. Already it's changing. I used to know the river because I walked it; so I knew exactly what someone meant when they rang in. Now I haven't the time to do this; I get out of touch.'

Meeting Pete

We cannot find Pete at his farmhouse. We are just about to leave when we he drives up in an old pick-up towing a horsebox. He is familiar with Tony but subdued about the water testing. Tony carefully lines up the three bottled samples of water and asks Pete to choose one for testing himself, should he so desire. Pete takes and signs for his sample and immediately claims it looks OK to him. Tony becomes firmer, more 'professional' and puts him right. He tells Pete that things are not good and that a major pollution could happen with the next major rainfall. What was he going to do about it — as he had promised? Pete shrugs, claims poverty and says he has to wait until he sells some property. Tony perseveres, trying to pin him down and also to find out more about his financial status. He talks about Pete's business interests and what the prospects are. Pete adopts a hangdog posture: 'I live from day to day; it could all come together soon'.

Despite wanting to 'up the anti' Tony appears beaten, lost for a new tack. 'Something must be done!' he says boldly to Pete. 'I can't let this continue. Do you understand? I'll have to bill you for these tests.' 'Sure', says Pete, and we leave.

Tony is not surprised at the outcome, 'He's up to his old tricks; all I can do is report this to my boss. He's spinning me a yarn.' The Agency and

Tony seems helpless. The pollution is not dire enough to ensure a prosecution will succeed. If it did, and Pete cannot pay the fine, 'this will not end up protecting the environment', says Tony. In theory, the Agency could put in a sound sewage treatment system and charge it to the owner, 'but we'd never get our money back and it would set a terrible precedence. Ironically, though, with all the costs of my time we could have already paid for such a system.'

Tony confessed that Pete knew exactly how he could play the Agency along and blunt his powers. He hoped that by constantly pushing Pete he would eventually get there.

Discussion

In this case, the water-quality inspector is dealing dutifully with a long-standing water pollution problem, with added impetus (as in the previous case) from an outsider's tip-off. The *political context* is, however, complex. First, the operator is regarded by the inspector as untrustworthy, a reluctant complier and, possibly, without resources to solve the problem. Second, the man has occasionally been able to do something positive to rectify the pollution, so there is a slight possibility of further amelioration, and thirdly, the inspector is wary of prosecution because of his unhappy personal experiences with the court.

Against this background, the inspection proceeds with its technical and social *rituals*. The former, as we have seen in the previous cases, involve some 'serious' bureaucracy. In this instance, it is the gathering of water samples in triplicate, tests and careful labelling. The subsequent social formalities are especially interesting because of their failure to protect the environment — in a manner that both parties seemed to know about, but could not openly declare. Yet the ritual is of symbolic importance in demonstrating that regulation needs to be seen to be done, reinforcing the social place of inspector *vis à vis* inspected. The *social/emotional texture* of the event has none of the harsh, confrontational, edge of the IPC encounter in the first case, or the stand-off quality of the waste regulator's experiences. Instead, after the careful hand-over of a water sample (a legally required procedure) the inspector goes through the role-motions of getting tough (but seemingly not altogether comfortable with that style), somewhat exaggerates the pollution in the sample (bluff), while his 'amiable' adversary dramatises his sense of helplessness.

Prosecution is an implied sanction in all regulatory encounters but, as earlier described, inspectors see it as a coarse and expensive instrument of control. For the inspector in the present case, a prosecution had to be perceived as worthwhile in order to proceed, a judgement that hinged upon an appraisal of environmental, social and reputational costs and benefits. Once again, this is revealed to be an idiosyncratic and partial process. Another (shadowed) water inspector illustrates the point even more fully. He was deciding whether or not to prosecute an elderly farmer for allowing the diesel oil he stored for his tractor to leak into a nearby river...

'Well, is it in the public interest in this particular case? Debatable. Will a prosecution succeed? Probably not. Will prosecuting an 85-year-old look good to the Agency? No. We'll put in a large charging bill and he will take it to his insurers. We need his cooperation in the clean up, so getting tough is counterproductive. I'm here to protect the environment as an environmental biologist; I don't want to shock the man into a heart attack. We rely on public support. We could spend thousands of pounds taking him to court and he will be given a conditional discharge. Bad PR for us. People in his village would not have helped me if they knew I'd prosecute. But I guess we're bending the rules. If it had been a young bolshy farmer we might have prosecuted.'

The *effective* rules of prosecution are shaped according to the inspector's personal feelings and predictions about the consequences of such action for a particular case. A 'fuzzy logic' prevails that is highly interpretive and significantly politicized.

The expressed *personal style* of Tony, the inspector, fluctuated — according to his perception of his functions during the inspection and the general tension between being 'friendly-helper' and 'less-friendly enforcer' (see earlier interview findings). Water inspectors sometimes had to be particularly agile in their impression management, rapidly switching 'masks'. During one site visit, for example, the inspector could be observed in light, friendly, banter with the environmental manager of an engineering plant. She turned a corner to face a stack of chemical drums, with signs of leakage of a dangerous chemical. She instantly looked serious and 'official'. She took photographs and water samples and legally cautioned the manager in the presence of his staff. The manager appeared chastened and embarrassed. Soon after leaving the premises she visibly relaxed, smiled and said how satisfied she was with what she had achieved.

Conclusions

The UK now has some ten statutory agencies regulating the economic, quality and competitive performance of industry, a scenario consistent with the growth in Europe of regulatory regimes accompanying privatization and economic liberalization (Majone 1996). All work in the shadow of the law, the legal framework providing the skeleton around which different parties negotiate and bargain (Graham and Prosser 1991; Veljanovski 1991). However, for organizational researchers, it is the nature of their bargaining and field-level interpretations that raises especially important questions. It is here, as revealed in the present study, that moral order is shaped, where reputations are protected and traded and where collusion is more or less possible. The field inspector's 'street-level' bureaucracy is a far cry from the Weberian image of monolithic rules and standardized procedures. It is more an exercise in careful ritual and improvization, where personal style, dramatic skill, emotion and a degree of bluff are used to put flesh on the regulatory skeleton. In this form, regulation is substantially a social/organizational construct, not a legal one.

The regulatory inspector is exposed as a key player in creating meaning in environmental regulation. He or she is at a crucial interface with industry, selectively interpreting agency requirements, making judgements about the intentions of the industrial operator and part-managing the interactional process. Like other street-level bureaucrats who translate and deliver wider standards set by others (e.g. teachers, social workers, police officers), what inspectors do and assert effectively *becomes* agency policy, and the nature and extent of environmental protection is formed by this process.

Street-level bureaucrats share certain patterns of coping, a function of the characteristic uncertainty, high load and ambiguity of their work. These patterns include: structuring client interactions, 'teaching' them how to behave; processing work consistent with their own preferences; using only agency policy that is backed up by significant sanctions; working in ways to maintain and expand their autonomy; confronting the 'unfairness' of wider agency standards which aim to treat all people alike; dealing with the indeterminacy of their objectives by limiting demand; and organizing work to meet resource constraints (e.g. see Lipsky 1980; Zimmerman 1969; Ham and Hill 1993).

We can see many of these activities with environmental regulators. For example:

- the ritualization of inspections and their threats, warnings and official letters (structuring/control)
- identifying favoured, 'good', 'trustworthy', operators (personal preferences)
- using prosecution only as a final resort (most salient sanction)
- separating from other inspectors and from management (autonomy)
- resisting Agency attempts to redefine operators a customers (autonomy)
- constructing their own moral order(s) about operator behaviour and pollution (fairer than same-rules-for-all)
- doing more or less consultancy (autonomy; workload management)
- getting operators to do 'homework' (workload management)

Here, then, we have a picture of the inspector as rule creator, trying to make a wider organizational system of rules workable. However, this study reveals that street-level bureaucracy is more than a set of inspector-led cognitions and behaviours. It is *interactional* and requires considerable *emotional* and *performatory* work. What an inspector feels about an operator and the operator about him/her (e.g. anger, rage, embarrassment, fear, pride, admiration, shame), is intrinsic to rule making and the control process. Moreover, the cases show that the dramatization of emotions in 'face work', is a key strategic resource for the actors. It helps them to test each other's boundaries and relative positions and it adds force or favour to a particular version of events. In such settings, the inspector's power is always bounded, often more by the social-political context of the encounter than the wider agency bureaucracy. This is especially so when the inspector's (and the inspected's) occupational identity hinges upon successful collaboration or partnership.

Like many street-level bureaucrats, the environmental inspector lionizes the field (see Lowe et al. 1997; Van Maanen 1988; Punch 1985). It is 'out there' in, and with, industry where the 'real' business occurs and where environmental legislation is cut down to size and made workable; so much so, that some inspectors pay scant attention to changes in environmental law, relying on well-tested assumptions that have always guided their everyday practise. Field regulation 'law' is self-sustaining and only loosely coupled with the broader aims of the agency and the various legislative demands placed upon it. Such processes complicate centralized attempts at organizational change and the standardization of regulatory practise. Where bureaucrats at the centre strive for similarity in practise, their counterparts in the field look for, and create, differences.

The public credibility of regulation hinges upon the impartiality and independence of the regulator. There is evidence that this is a wistful ideal. Some regulators in the present study had held managerial positions in the industries that they now regulated, a relationship further complicated by their dealings with managers, who themselves had once been regulators. The preferred collaborative style of many inspectors lent itself to mutual capture (reinforced by beyond-work fraternization — see *ENDS* 1997). Furthermore, industry and related professional associations are often heavily implicated in the shaping of national and international environmental policy, while both state agencies and industry share a desire to avoid major social transformations (e.g. see Lyons 1992; O'Riordan 1988; Luke 1995).

Hints of regulatory weakness or collusion usually shake confidence in the role and integrity of the regulatory agency and threaten its very survival, so regulatory systems need to proceed *as if* regulator and regulated are separate. How is this achieved? At one level, it is managed within the wider bureaucracy and public relations of the agency itself, where results are re-faced for public consumption. The agency in the present study published a regular, tabloid-style, newspaper for public distribution. Typical of its uncompromising headlines were 'Polluters to face exposure shame', 'ICI: a catalogue of errors' and 'Fly tipper jailed' (*Environment Action* 1997: 1). However, the separatory myth is also maintained in the micro, organizational, processes of regulation, especially where inspectors are protective of the symbols and trapping of their autonomy and, ultimately, want to be seen as distinct from the people they regulate. A 'pally' regulatory 'chat', therefore, can switch rapidly into a 'legal caution', and a verbal agreement formalized in cold agency language.

The processes revealed in the present study have been derived through interpretive methods — 'loose' interviews and ethnographies. The latter reflects an anthropological approach to cultural analysis and as been particularly important in describing the finer texture of the regulatory encounter. There have been some notable organizational investigations and critical papers within this tradition (e.g. Watson 1994; Van Maanen 1988; Kunda 1992; Bate 1994; Czarniawska-Joerges 1992) yet it is still a relatively rare approach within organizational studies. Arguably, though, it is to this kind

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