

**Explaining Implementation Politics:
The Case of Pennsylvania's Seasonal Farm Labor Act**

**Stephanie L. Bressler
King's College**

An implementation politics model is proposed to explain how the extent and direction of policy implementation is determined by the impact of politics and the changing political and economic environments on implementation activities. The model is used to analyze the delay in implementation of the 1978 Pennsylvania Seasonal Farm Labor Act. The primary methodology employed in the research is the interviewing of key participants in the implementation of this law. The model suggests why policy implementation does not unfold in neat progressive stages but instead moves forward and backward according to some dis-cernible patterns based on the opportunities and constraints presented by the changing political and economic environments.

Policy implementation is now widely acknowledged as an important part of the processes which determine public policy (Ripley and Franklin 1991; Rourke 1976). But insufficient attention has been paid to implementation politics. While the bargaining and persuasion which define politics are characteristic of the entire policy-making process, implementation politics involves a special form of politics. In implementation politics the very existence of a defined policy mandate, legally and legitimately authorized in some prior political process, affects the strategy and tactics of participants (Bardach 1977, 37).

Implementation politics can be expected to vary across policy types. Ripley and Franklin (1991) categorize policies on the basis of the distinctive set of political relationships which they generate and by which they are surrounded. While distributive policies (which promote and subsidize private activities) and redistributive policies (which manipulate allocation of resources among groups) both involve many political actors, the relationships among these actors tend to be more stable than the political relationships generated by regulatory policies. Regulatory policies

are intended to protect the public by setting conditions under which private activities can be undertaken. The political relationships surrounding these policies are more unstable because of constantly shifting substantive issues related to them (16-22). This paper focuses on the politics of regulatory policy implementation.

Regulatory policy-making is often explained in terms of interest group competition and economic processes (Stigler 1971). This approach depends on an analysis of costs and benefits available to competing interest groups. Economic theories of regulatory policy explain rational actions taken by competing interest groups and the outcomes of rational policy-making. However, economic explanations do not adequately analyze the struggle for control of implementation within a changing political environment which involves more players than competing interest groups. For example, Wilson (1980) suggests that political elites including bureaucratic officials may favor one interest over another as economic circumstances give greater urgency to the needs of one group or another (361). But Wilson further suggests that economic interests do not totally account for the motives of political elites. Rather, he proposes that explanations of regulatory policy should give attention to the beliefs of political elites and what they seek as appropriate political rewards for their performance (372-374).

Economic explanations also do not recognize that a changing political environment alters the perceptions of costs and benefits to all major players. These perceptions influence the strategies implemented by sides to a policy conflict. While an economic approach to explaining regulatory policy can provide useful tools for analyzing policy implementation, theories like Stigler's ignore the important roles of political environment and the additional players in regulatory policymaking (Meier 1988, 171). Meier rejects the idea that policy outcomes are simply the result of economic competition between interest groups. He examines the roles played by legislators, the courts, bureaucrats, and consumers as well as industry within an environment that structures the opportunities available. Stimson (1991) points to the impact changes in public policy mood have on how these roles are played, especially by elected officials. Schlozman and Tierney (1986) observe that relationships among these players in the policy process are not static but are influenced by many factors including changes in leadership of both governmental and non-governmental groups (345).

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These observations concerning the impact of the changing environment on the political relationships of players involved in regulatory policy-making processes suggest that politics is an appropriate focus for explaining to what extent and in which direction regulatory policy is implemented. In approaching an understanding of implementation politics, a model is presented which organizes the complex reality of regulatory policy implementation. It is proposed that the nature of regulatory policy implementation is determined by the impact of politics and the changing political and economic environments on implementation activities. The model is applied to analyze the changes in extent and direction of implementation of the 1978 Pennsylvania Seasonal Farm Labor Act. While the suggestions made by the model may appear self-evident, Wilson (1980) observes that among scholars studying this subject, the politics of regulation remains controversial (357). As the following review of the literature demonstrates, some political scientists prefer a tidier, less complicated explanation of policy implementation.

How Others Explain Implementation

During the past twenty-five years, research on policy implementation has focused on the numerous barriers to implementation demonstrated by case studies. More recent research is based on the search for theories to "solve" implementation problems (Linder and Peters 1987). This search has generated many useful policy implementation frameworks. These models have evolved from focusing on a single governmental institution or level to identifying processes and multiple factors which contribute to the attainment or lack of attainment of policy goals. Cook and Scioli (1972) acknowledged the multidimensionality of policy implementation and presented an early process model based on a multivariate factorial design for analyzing and measuring impacts of public policy. While this model recognizes the relationships among major components of the process, Cook and Scioli pay little attention to the changing political environment and the political relationships surrounding policy implementation. Other process frameworks identify broad categories of variables which directly or indirectly influence implementation (Edwards 1980; Montjoy and O'Toole 1979). While focusing on central features to move toward a theory of policy implementation, these frameworks mask the political complexities of the process. Some recent models elaborate on these variables and reflect the involvement of actors from numerous

governmental and non-governmental groups, the changing political environment, and the implementation process over time. Goggins et al. (1987) present a model of intergovernmental policy implementation which explains state implementation as a function of both inducements and constraints imposed by higher and lower levels of government as well as the state's capacity and propensity to act. Sabatier and Pelkey (1987) more directly address regulatory policy with a framework that incorporates multiple actors using various legal and political instruments to influence implementation. This model, which is further refined by Sabatier (1991), views policy change over time, focuses on relationships among actors, and recognizes the impact of environmental changes as well as stable system parameters on policy formulation, implementation and reformulation.

Scholarly thinking about implementation as reflected in the literature suggests an evolution from attempting to isolate and simplify implementation as part of public policy-making to acknowledging its complex reality. The model proposed in this paper supports this evolution.

What Others Contribute

In addition to policy implementation theorists, other political scientists and public administrationists have contributed concepts which aid in our understanding of policy implementation. Their ideas prove useful in constructing a model to explain regulatory policy implementation politics.

According to Edelman (1964), policy mandates often represent symbolic reassurance in statutory form (171). He further claims that while the formulation of law constructs a setting in the sense of building assumptions and limits that will persist over time, it is only through subsequent bargaining that policy is realized (103). And that bargaining takes place in a changing political environment.

Hargrove and Nelson (1984) point out that legislators are far more inclined to support regulation in principle than in practice. They observe that symbolic support is one thing and imposition of regulation quite another. For implementation of regulatory policy to be effective, strong support from the attentive public must continue. To the degree support falters, the regulatory process is characterized by the implementors' bargaining with the regulated and the compromising of goals (239). Menzel's 1983 study of coal surface mining regulations illustrates how this maneuvering within a changing political environment can result in a definite redirection of the implementation of a specific regulatory policy.

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In his analysis of the rise and fall of the Occupational Safety and Health Administration (OSHA), Noble (1986) acknowledges the capability of the capitalist state to pass social legislation in the interest of labor and over the opposition of business. However, he makes the point that since Congress left implementation of workplace safety and health policy to the executive branch, a focal point for renewed opposition by the regulated was made available (79). Noble suggests that our liberal-pluralist system provides the regulated with many opportunities to challenge standard-setting and enforcement actions (37 and 238). Noble concludes that the failure of workplace regulation shows how mobilization of business interests can combine under certain political conditions (i.e., a pro-business White House) with the structure of capitalist democracy to frustrate implementation of anti-business reform (238). In the case of the OSH Act, the success of the regulated's strategy was facilitated by the conservative drift in the political climate which made it easier for industry to be heard.

While it is true that business sometimes pushes for regulation to control competition and/or rates in certain industries such as transportation and communications (Wilson 1980, 358), regulation designed to protect the public by setting conditions under which various private activities can be undertaken is generally opposed by business. Opponents to the goals of regulatory policy may stay quiet or compromise during the adoption phase. They may count on subsequent opportunities to achieve more decisive, less publicized victories during the struggle over implementation (Bachrach 1977, 85). As Noble observed with the implementation of the OSH Act, their chances for success are often good.

Edelman (1964) suggests that while the involvement of the public and the presence of strong coalitions provide important support for policy adoption, the intensity of interest in particular regulatory policy is lessened to the degree that statutory action is taken (164). With passage of legislation, public desire to keep focused on a conflict wanes as more novel conflicts exert claims on public attention (Downs 1972, 40). And following their perceived decisive action in setting policy by passing legislation, legislators often assume the less active role of creating a climate of expectations to keep regulators responsive to general policy goals (Meier 1988, 168).

After regulatory policy moves from the legislative agenda, the politics of the implementation process begins. While those desiring regulation are reassured that action is being taken (i.e., a law has been passed), the regulated attempt to reduce the perceived losses associated

with policy-adoption. Coalitions that pressed for passage of legislation often disband or are weakened as leaders move on to related issues. But regulated interests have good reasons to remain organized and active. Making this observation, Williams (1983) points out that analysis of regulatory policy should include more than the relative power of competing groups at a given moment (i.e., policy-adoption). It must also include the relative staying power of these groups as the environment changes (344).

Inclusion of administrative personnel charged with implementation changes the mix of major actors involved in the policy-making process. Movement of policy from the legislative to the bureaucratic agenda also alters the visibility of the policy, changing the rules of the political game by providing additional opportunities for those opposing policy to block, modify or delay its implementation (Dahl 1972, 395). At the same time, additional opportunities become available to those groups promoting implementation. Courts can become a major actor in the policy-making process as they facilitate, hinder or even nullify implementation through their decisions (Anderson 1975, 101; Melnick 1983, 345). The resulting complexities in the play of power in the policy-making process multiply during implementation (Lindblom 1980, 64). Thus, moving the conflict to the bureaucratic arena appears to be a rational strategy for the regulated if they have the resources to take advantage of these complexities to slow down or control the direction of policy implementation.

As passage of legislation moves a policy conflict from one arena to another, the regulated are expected to bargain to minimize their losses (e.g., low level enforcement) while proponents of regulatory legislation try to persuade officials that full enforcement is both reasonable and just. As evidenced by the title of James Q. Wilson's (1980) book, there is a "politics of regulation." And, the politics of implementing regulatory policy, just like the politics which characterizes earlier stages of policy-making, is defined by the struggle to control conflict as suggested by Schattschneider (1960). But as the arena changes from the legislative to the bureaucratic, so do the rules which determine who can readily get into the struggle--that is, who has access.

Who controls conflict is often determined by financial resources, expertise or experience in the areas regulated by policy. However, access is also influenced by a group's political skill in taking advantage of the party and belief orientation of those working in bureaucratic agencies charged with policy implementation. It does make a difference who is in control of

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the bureaucracy in determining whose voice is heard (Anderson 1975, 110).

Research Background

A Pennsylvania statute intended to regulate agricultural labor presents an interesting case for the study of implementation politics. In 1978 the Pennsylvania Legislature publicly recognized the need for special protections for the Commonwealth's migrant and seasonal farmworker populations by enacting the Pennsylvania Seasonal Farm Labor Act. This law, still commonly referred to as Act 93, was heralded by religious, labor and advocacy groups as the long awaited commitment by the state to protection of Pennsylvania's seasonal farmworkers. The anticipated policy outcomes of this commitment have not been realized. Many farmworkers, like those interviewed for a 1988 Philadelphia Inquirer article, continue to live in deplorable housing and face substandard working conditions (Henson and Bustos, 6-BJ). The reality of the Pennsylvania Seasonal Farm Labor Act has been described by farmworker advocates as "a failed promise." In a 1984 report prepared for the Pennsylvania House of Representatives Select Committee on Seasonal Farm Laborers, the Coalition on Seasonal Farm Labor Issues observed that once public attention on farmworker needs abated, the Commonwealth returned to its policy of apparent neglect (Pennsylvania Coalition 1984, 1).

Act 93 looks good on paper. It appears to be the worthwhile product of a long hard legislative struggle. Act 93 was said by groups representing farmworkers as well as groups speaking for agribusiness to reflect a series of compromises worked out among these same groups and intended to protect the rights of workers, yet not place unreasonable burdens on employers.

The overall goal of Act 93 is to regulate the working and living conditions (i.e., farm labor camps) of seasonal farmworkers in Pennsylvania. As was common with the adoption of protective regulatory measures during the late 1960s through the late 1970s (Melnick 1983, 7), legislators appeared to be specific in writing policy goals and standards into the seasonal farm labor statute. However, considerable discretion in developing regulations and procedures for meeting these goals and standards was left to bureaucratic agencies. Such tacit delegation of policy-making authority is said to be typical of American legislators who prefer to delegate conflict "as far down the line as possible" (Lowi 1979, 55).

According to Lowi, this propensity for delegation is often expressed in the enactment of vague and ambitious legislation that appears to be more the product of logrolling and compromise than of authoritative decision-making (Brodkin 1987, 577). While Act 93 appears to be written in clear language, problems encountered in implementing the law indicate that certain definitions are imprecise and can be interpreted in different ways. Many provisions of Act 93 seem to represent compromises that at best acknowledge the claims of competing players in the policy-adoption process and pass on the more difficult choices to agencies charged with implementation.

Act 93 remains controversial and its administration fragmented. The two agencies charged with implementation, Pennsylvania Department of Environmental Resources (DER) and Pennsylvania Department of Labor and Industry (L&I), were chastised by legislators during hearings in 1984 and 1987 for not meeting their mandated responsibilities. As The Philadelphia Inquirer article indicates, the agencies have also been repeatedly criticized for their lack of adequate enforcement of the law.

The existing literature on regulatory policy-making leads us to expect difficulties in implementation. But while some difficulty is expected, the lack of progress noted by legislators and the media in the agencies' carrying out the legislative intent of Act 93 has been significant and cannot be ignored. Considering why implementation of the Act has been delayed and its stated objectives underachieved poses an important focus for research on public policy-making processes. Since it can be observed that no single set of circumstances nor a solitary dramatic event adequately explain this delay in implementation, the politics of implementation presents an appropriate starting point. The proposed implementation politics model is applied to help explain and predict the extent and direction of implementation of Act 93.

Research Methodology

The primary methodology employed in the application of the model to Act 93 involved interviewing key participants in the implementation process. Key participants were identified through review of legislative documents and media accounts and through preliminary, unstructured interviews with farmworker advocates and legislative staff. Interviewees were chosen from five groups: 1) legislators, 2) legislative staff, 3) bureaucratic officials (both political appointees and civil servants),

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4) advocates and lobbyists for groups advocating implementation of Act 93, and, 5) lobbyists and representatives of groups regulated by Act 93. While the non-random selection of interviewees might produce bias in the data collected, this is the only realistic approach to use in studying a policy with which only a limited universe has more than superficial knowledge. Due to easier access to individuals and groups advocating enforcement of seasonal farm labor regulation, it is acknowledged that the views of advocates are overrepresented in the interviews

Thirty individuals were interviewed during the period August 1988 through October 1990. It is noteworthy that several interviewees formerly held one or more positions different from their current positions which also provided for participation in or at least observation of the politics of the implementation of Act 93. For example, a current bureaucratic official formerly represented a group of regulated growers and a current legislative staff member and advocate of Act 93 is both a former legislator and bureau head.

Application of Proposed Model

The proposed model as presented in *FIGURE 1* views the interaction of competing interests within the changing balance of political and economic forces as determining the nature of policy implementation. The Pennsylvania Seasonal Farm Labor Act provides a case study supporting the usefulness of the implementation politics model.

Determinants of Context for Implementation Politics

The model views implementation politics as a dynamic process which is greatly influenced by a context determined by the policy decision itself, the bureaucratic setting assigned to the implementation, and the potentially changing political environment established by the administration and the legislature. The economic climate as well as the national mood are also important components of the context influencing implementation politics. These contextual elements can and do change. And a change in one element is often contingent on a change in others. For example, policy decisions are amended, bureaucratic assignments are changed, officials win and lose elections, and the economic climate and national mood shift.

FIGURE: A Framework for Analyzing the Impact of Politics on the Nature of Policy Implementation

DETERMINANTS OF CONTEXT FOR IMPLEMENTATION POLITICS

Policy Decision
Bureaucratic Assignment
Changing Political Environment
Economic Climate
National Mood

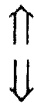


DIMENSIONS OF IMPLEMENTATION POLITICS

Struggle for Control of Scope of Conflict
Who plays and when
Strategies



Struggle for Control of Intensity ↔ Struggle for Control of Visibility
Access Policy Windows
Resources Fixer/breaker
Strategies Strategies



IMPLEMENTATION ACTIVITIES

Interpretation of Policy
Application of Policy



NATURE OF POLICY IMPLEMENTATION

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The context set the stage for the politics of the implementation of the Pennsylvania Seasonal Farm Labor Act. The long and sometimes bitter struggle to pass protective regulation for seasonal farmworkers in Pennsylvania culminated in a policy decision in 1978. This policy decision established the point at which the struggle to control the conflict moved from the legislative to the bureaucratic arena. The policy decision signaled a need for a changed strategy for seasonal farm labor employers who perceived they had lost in the legislative process. On the other hand, the decision provided symbolic reassurance to farmworker advocates that something was being done about the conflict and that their struggle might be over. Subsequent actions taken by the legislature in response to advocates' inquiries or media attention also provided reassurance that influenced proponents to put off committing additional resources to the struggle to control the conflict during implementation. In the years immediately following passage of Act 93, farmworker advocates disbanded the coalition that pushed for the law. Advocates were lulled into complacency when legislative oversight hearings were held and a line item appropriation suggested that enforcement of the law was imminent.

Bureaucratic assignment also influenced implementation politics since how well a mandate fits into an agency's overall mission influences its ability and desire to meet responsibilities. The assignment of implementation of Act 93 to DER and L&I was based on political expediency and the attempt to avoid a prolonged legislative battle over authorization of a new, single enforcement agency. Although camp inspection provisions meshed at least generally with DER's authority and expertise in environmental health and wage and hour provisions fit in well with L&I's overall authority and expertise, these agencies resisted carrying out the added mandates. DER and L&I preferred to give priority to implementation of more salient programs which won them the support of the governor, legislature and the public. During Richard Thornburgh's governorship which spanned the eight years following Act 93's passage, these departments were headed by officials to whom Thornburgh granted little discretion. As a result, the agencies were anxious to contribute to the governor's economic development goals by not enforcing costly regulation.

The analysis of the seasonal farm labor conflict points to the changing political and economic environments as the most important features of the context influencing policy implementation. The political environment that is intertwined with the economic environment determines which opportunities parties confront in their efforts to control a conflict.

This context determines how the game of politics is played and who will play. Schattschneider's (1960) explanation of politics as the struggle to control the scope, intensity and visibility of the conflict is most useful in analyzing implementation of Act 93 when considered within the changing political and economic environments.

Dimensions of Implementation Politics

As implied by the model, the context not only sets the stage but continues to influence the politics of implementation. Schattschneider's (1960) view of politics as the struggle to control conflict is applied here. A conflict is thought to occur between two or more identifiable groups, each attempting to take control over procedural or substantive matters relating to the distribution of resources (Cobb and Elder 1972, 82). The dimensions identified by Schattschneider as determining strategies of politics are also utilized in the model.

Concepts from the agenda-building literature used to analyze processes by which demands become conflicts competing for the attention of public officials in policy-adoption also help to explain how policies move from legislative decisions to implementation. Processes determining whether a policy succeeds on the bureaucratic agenda are likely marked by struggles similar to those which distinguish agenda-building during policy-adoption. Concepts from this literature (Cobb and Elder 1972; Cobb, Ross and Ross 1976; Kingdon 1984; Sharp 1992) are incorporated into the implementation politics model.

Struggle for Control of Scope of Conflict. The struggle for control of the scope of conflict is defined as the simultaneous attempts to expand and limit participation of actors during policy-making. It is usually the least powerful (i.e., the group with few resources seeking regulation) who wish to expand the scope. Keeping the struggle on the public agenda and maintaining a high level of interest among many individuals and groups help to insure that the issue will continue to get attention. The movement of a policy conflict from the legislative to the bureaucratic arena would appear to be a transfer from one formal governmental agenda to another. However, proponents of policy implementation might discover that the conflict is stalled on the bureaucratic agenda. Cobb, Ross and Ross' (1976) out-side initiative model can be incorporated here to explain how proponents must create sufficient pressure to bring the conflict to the attention of decision makers in this new

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arena (132). Strategies to expand the scope of the conflict include efforts to bring more groups outside of government into the conflict.

It is usually the group already holding an advantage in resources and having something to lose with regulation that prefers to limit the scope of the conflict (Schattschneider 1960, 39; Schlozman and Tierney 1986, 396). This group's goal is to have as few actors involved in the conflict as possible so as to utilize its privileged position to influence what happens in the administrative arena. Should implementors go against the interests of this group, the regulated might seek to expand the scope of the conflict to attract more support for the group's opposition. However, once the scope is expanded in the administrative arena, both sides can take advantage of the complexity of the situation by lining up with other influential groups both inside (e.g., legislators, bureaucratic officials, etc.) and outside of government (e.g., large, well-organized interests).

The struggle over the scope of conflict is not just a fight over who plays a role in the policy implementation process, but also involves alignment of these players. Coalition-building becomes an important part of this strategy as both sides to a conflict line up with individuals and groups (both inside and outside of government) who can bring their own resources to bear on the struggle. The stability and willingness of coalition members to commit resources is influenced by factors related to the conflict in question and factors unrelated to the conflict. Who can play a role in policy implementation and when and how these roles are played is closely related to struggles to control intensity and visibility of the conflict.

Struggle for Control of Intensity of Conflict. The intensity of a conflict is measured by the degree of commitment of the contending parties to mutually incompatible positions. In operational terms, intensity roughly corresponds to the resources groups are willing to commit to controlling conflict relative to their total capability (Cobb and Elder 1972, 43). Specifically, intensity refers to the proportion of their available resources groups apply in their struggle to control a particular conflict. While generally the greater resources a group expends, the greater its chances of success, groups must consider the likely return on investment of resources based on characteristics of a conflict as well as demands placed on resources by other conflicts (Cobb, Ross and Ross 1976, 131). Resources are defined as money, organization and special competence or expertise that can be used to bargain during policy implementation. But these resources are second in importance to a group's accessibility to political elites including bureaucrats who determine when and to what extent policy

is implemented. Where access is not already institutionalized through formal lobbying activities, a group's commitment in bringing resources to bear on a conflict can help it gain access. Where both sides have some access, political skill becomes a significant factor. Effectiveness in developing and sustaining political skill over time influences the struggle to control intensity. Groups' perceptions of each other's resources, commitment and access are also important determinants of their political strategies.

Struggle for Control of Visibility of Conflict. The struggle for control over visibility of conflict is closely related to the struggles to control scope and intensity. Means, motive and opportunity form the basis for this struggle. According to Schattschneider, politics determines which conflicts become issues, which conflicts become most visible (64). And, Schattschneider says, all politics deals with displacement of conflict or efforts to resist displacement of conflict (68).

Kingdon (1984) suggests that policy windows provide opportunities for advocates to push attention to their favorite conflicts. A change in administration or a well publicized tragic event can provide a favorable climate for bringing attention to a conflict. The simultaneous occurrence of one of these with other circumstances (e.g., changes in the economy or extensive media coverage influencing a shift in public opinion) can determine whether a policy window opens or closes as far as a particular conflict is concerned. Since regulatory policy is generally implemented in a bureaucratic agency led by politically appointed officials, a change in administration could be the most powerful determinant as to whether a policy window opens or closes for the implementation of a particular policy.

As Kingdon observes, policy windows do not stay open for long. In fact, with most regulatory policy, a window will often close soon after policy-adoption because participants feel they have addressed the problem (1984, 177). It is important that policy entrepreneurs take advantage of reopening windows for policy implementation. Kingdon's policy entrepreneur is an advocate for a proposal, an individual or coalition willing to invest resources--time, expertise and reputation--in hopes of finding success for ideas in the policy-making process (129). The successful policy entrepreneur is able to couple a proposal to politics to push it through an opening window toward policy adoption. A skillful policy entrepreneur should also be able to take advantage of opening windows to push implementation.

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Bardach's (1977) related concept of fixer is a policy entrepreneur who specializes in policy implementation. According to Bardach, because the policy implementation process is so complex, it is often necessary for a fixer with powerful resources to intervene in the process (279). This concept of fixer implies that the person or coalition doing the intervening is not just taking advantage of an opening window but is trying to pry one open. Bardach's fixer best describes a type of policy entrepreneur who finds it necessary to advocate not just for the adoption of policy but also for its implementation.

In contrast to the concept of fixer, a breaker might be understood as seeking to delay or limit opportunities to implement a policy. Unlike the concept of fixer, breaker is not found in the agenda-building literature. But a breaker can be thought of as an individual or coalition that attempts to keep policy windows closed and uses resources to insure that the disjointed pieces of the implementation of policy are not assembled.

In the case of regulatory policy that is not favored by industry, a breaker often represents the well organized, well financed interests of the regulated. The availability of a fixer is important to counter a breaker's strategies. The success of a fixer is often related to ability to raise the visibility of a conflict by redefining or relabeling it to attract wider support. Since the scope of conflict is often reduced by symbolic reassurance provided by passage of legislation, proponents of regulatory policy might find fewer advocates among their ranks during implementation. However, following passage, the regulated may exploit their advantages in resources to try to renegotiate policy goals or slow down implementation. The regulated may attempt to convince bureaucrats and other political elites that policy implementation would not be in the public interest. Relabeling of a conflict by a fixer to take advantage of political sentiment could again expand the scope and counter the strategies of the regulated. Redefinition serves to propagandize the conflict as consistent with priorities of the public and the changing political environment. Redefinition can expand the scope of a conflict and raise its visibility (Cobb, Ross and Ross 1976, 127).

It is proposed in this model that the presence or absence of a skillful fixer often determines whether conflicts can be coupled with politics to take advantage of an open window through which regulatory policy can be pushed into implementation. Some individual or coalition must be able to gather support by mobilizing resources and allies and outmaneuvering breakers who organize to oppose implementation of policy. The

commitment and political skill of a fixer can determine success or failure in identifying and exploiting opportunities during policy implementation.

But opportunities must first exist. Political elites play an important role in establishing the climate for the presence or absence of opportunities. Legislators pass legislation which sets the stage for policy and they further influence policy by exerting various degrees of oversight and controlling agency budgets. The administration appoints the heads of bureaucratic agencies charged with implementation and either grants them independent authority or closely directs their activities. And the courts play an increasingly important role in ruling on interpretations of statutory language and agency decisions.

Bureaucracies charged with policy implementation also influence how well opportunities can be exploited to move implementation at a particular pace or in a particular direction. Bureaucracies are organizations with their own goals and interests and established practices and procedures. These organizations and their leaders often have goals or priorities that are incompatible with the goals of regulatory policy. And these agencies often have structures (such as regional offices) which contribute to inconsistent implementation of policy. In addition party orientation or personal philosophy of agency leadership might clearly support either of the sides competing for control of a conflict. Sides both promoting and opposing implementation often view bureaucracy as a potential ally rather than referee of a conflict (Schlozman and Tierney 1986, 397). In this model, the bureaucracy is not considered a neutral implementor of legislation or arbiter of competing interests. The bureaucracy is seen as an active participant in this stage of policy-making. Whether policy windows open or close and whether a fixer or breaker can exploit resulting opportunities often depend on the roles played by these bureaucratic participants as well as those played by other political elites.

As noted in the discussion of the struggle to control scope of a conflict, Cobb and Ross and Ross' (1976) outside initiative model presents strategies groups use to achieve formal agenda status for a conflict. These same strategies (expansion of conflict, redefinition of conflict, and mobilizing interested groups both inside and outside of government) are useful strategies for controlling visibility of a conflict and maintaining its status on the bureaucratic agenda.

During the fiscally conservative, pro-business Thornburgh Administration, the regulated were able to control the seasonal farm labor conflict during a time of economic uncertainty by utilizing access to

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political elites to keep enforcement of regulation low and their costs minimal. While the scope of the conflict expanded somewhat as it moved to the bureaucratic arena, the Thornburgh Administration provided a climate in which agribusiness found officials in DER and L&I disposed to making minimal implementation efforts. As Pennsylvania's leading industry, agribusiness was represented by the well-financed, well-organized Pennsylvania Farmers Association (PFA), and it found a willing ear for its message that enforcement of regulation would cut into profits resulting in slower economic growth for the Commonwealth. In addition, the lack of a highly salient issue combined with symbolically reassured advocates practically guaranteed that growers would control the seasonal farm labor conflict during the years immediately following passage of Act 93.

One of the most controversial provisions of the drafts of legislative bills which culminated in the Pennsylvania Seasonal Farm Labor Act was that which defined a seasonal farmworker and a seasonal farm labor camp. Since agribusiness resisted the intervention of government into the farm labor-management relationship and recognized the economic costs of compliance, the users of farm labor pushed to have these terms defined as narrowly as possible. Farmworker advocates pushed for broader definitions that would lead to wider coverage by the law. Even though DER's Seasonal Farm Labor Committee set up by the Act to develop regulations for implementation proposed a broad interpretation, Thornburgh's appointed officials in DER established guidelines which excluded from coverage many farm operations, especially in the mushroom industry.

Court action is often the strategy employed by groups who perceive that the other side to a conflict has important advantages in terms of access to political elites and a favorable political climate. In a suit filed in 1983, Friends of Farmworkers, a legal services organization representing workers in the mushroom industry, alleged that there was a conspiracy between growers and DER officials to ignore the legislative intent of Act 93. In particular, the suit alleged that DER conspired with other Commonwealth officials and agricultural producer representatives on the Seasonal Farm Labor Committee to bar review and reconsideration of regulations in order to deprive farmworkers of their equal protection rights.

The following year Commonwealth Court issued a judgment which clarified legislative intent of broad definitions of seasonal farmworker and seasonal farm labor camp. The Court directed DER to inspect camps in the mushroom industry. This action empowered farmworker advocates to seek funding to staff DER's camp inspection program when that agency claimed

it did not have the resources needed to comply with the court order. Advocates reorganized into the Pennsylvania Coalition on Seasonal Farm Labor Issues and used research and moral persuasion to lobby the legislature for enforcement money. But even after a line item was appropriated, DER continued to duck its responsibilities. Such ducking was reinforced by standard operating procedures and personnel policies including a refusal by the Thornburgh Administration to authorize the positions intended to be funded by the appropriation.

DER's non-enforcement of Act 93 in the mushroom industry illustrates the politics of the implementation process. It demonstrates the struggle to control the scope, visibility and intensity of a conflict with the strategies employed by the opposing forces. An important strategy among mushroom growers involved the promotion of a definition of seasonal farmworker which effectively excluded their operations from coverage by the law. They took advantage of their history of ready access to political elites and regional office staff to make sure they would not be subjected to the law's provisions. Farmworker advocates led by Friends of Farmworkers increased the scope and raised the visibility of the conflict by resorting to a strategy--court action--which seems to work best for groups which traditionally have little power to push implementation of protective regulatory policy. Advocates responded to DER's later claim that the agency had too few resources to implement Act 93 in the mushroom industry by appealing to the legislature to appropriate special funds. When advocates realized that legislative oversight was not adequate to insure that DER would use its new funding to enforce provisions of the Act, they pushed for monitoring of DER's compliance with the court order. But DER's decentralized structure, lack of staff and no strong commitment to its seasonal farm labor camp program resulted in quantitative but little qualitative progress in the inspection of farm labor camps.

While the court decision provided a potential policy window through which advocates might push Act 93's implementation, it was not until a second policy window began opening that progress was made. The election of Robert Casey as governor in 1986 provided a more favorable climate for implementation. Although Casey is a fiscal conservative and not always willing to commit adequate resources to enforcement activities, he recognized his responsibility to enforce statutes of the Commonwealth which have been put in place to meet needs. He appointed heads of agencies who shared this philosophy. They in turn appointed staff who redirected implementation of Act 93 toward meeting legislative goals.

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Implementation Activities and Nature of Policy Implementation

It is proposed in this model that the impact of these struggles over the scope, intensity and visibility of conflict on implementation activities that include interpretation (directives and regulations) and application (enforcement and service provision) of policy explains when, how much and in which direction policy will be implemented.

The case study illustrates how the climate of expectations created by political elites influences opportunities to push or delay implementation. The struggle to control the intensity of the conflict moved from the hands of those opposing regulation to those pushing for regulation. While the mushroom industry used its access to political elites and resources to influence a delay in implementation for many years, Friends of Farmworkers later committed much time and effort to pursuing a court case which brought together legal and political attention to the need to implement Act 93. This group mobilized a coalition of complacent farmworker advocacy groups to struggle for control over the intensity of the conflict by committing resources to court action and then trying to link this action with community advocacy (media coverage emphasizing farmworkers' contribution to the state's economy) and political advocacy (legislative hearings) to raise visibility of the conflict. However, it was not until a change in the political environment, specifically a change in governor and top leadership in agencies, that a policy window slowly opened through which advocates could push for implementation. Kingdon's concept of policy window proves useful in this model and is best illustrated here by the change in administrations. While the operationalization of this concept is not limited to a change in administrations, in the case of Act 93, this change provided a significant opportunity to raise visibility of the seasonal farm labor conflict.

A future change in the political environment could signal another redirection of policy implementation. While farmworker advocates talk about the need to institutionalize the changes in implementation that came about in the Casey Administration to insulate them from future political influence, they do not recognize the importance of the changing political environment in determining which side can maintain control of a conflict.

A change in the political environment which does not involve a change in administrations can also come about as a result of economics. For example, the slowdown in the national and state economies can lead political elites to tighten spending and cut back on staffing of enforcement

Stephanie L. Bressler

programs. The worsening economic climate for Pennsylvania state government slowed progress made in Act 93's implementation during the Casey Administration.

As discussed, during the Thornburgh years, L&I did not perceive its responsibilities under the Seasonal Farm Labor Act as fitting in well with its priorities. And the economic climate did not support rigorous regulation of industry. However, with the change in agency leadership under Casey, L&I acted on its mandated responsibility to enforce wage and hour and related provisions of Act 93. The Casey Administration set a climate of expectations in which statutory remedies were implemented. Implementation of Act 93 was actually established as a priority for L&I in 1988 by then Secretary Harris Wofford, and the seasonal farm labor program was reorganized and adequately staffed.

But just as L&I moved forward in implementing its seasonal farm labor regulatory responsibilities, the general operating budget for the department was reduced. As state revenues failed to meet predicted levels, the governor and legislature cut operating expenses. Economic and political realities provided a context in which priorities were reexamined. So while the direction of implementation changed with the replacement of top L&I officials, the economic environment brought about a slow-down in enforcement activities due to insufficient staffing resources.

The employers of seasonal farm labor continue to look for opportunities to commit resources to regain control of the regulatory conflict. An attempt by PFA (now the Pennsylvania Farm Bureau) to amend Act 93 is viewed by farmworker advocates as an admission by agribusiness interests that the law is beginning to work as a result of the agencies' redirection of implementation. When implementation was delayed, farm employers maintained control over the seasonal farm labor conflict. However, several changes came about which threatened agribusiness' control. The political environment in Pennsylvania became more supportive of regulation with the change in administrations, the suit against DER clarified legislative intent of coverage, and Friends of Farmworkers successfully litigated cases based on Act 93. From the growers' perspective, since the law began to work, perhaps it was time to change it. The growers seek to return the conflict to the legislative arena where they may regain control. Their chances of succeeding have improved since the 1994 election switched control of the Pennsylvania General Assembly away from the Democratic Party whose leaders have generally supported farmworker advocates' positions.

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The current attempt to amend Act 93 is recognized by advocates as one of agribusiness' strategies to regain control over the seasonal farm labor conflict. Another involves ongoing attempts to hamstring Friends of Farmworkers by discrediting the agency and by threatening to defund its operations. The Pennsylvania Farm Bureau has testified at Congressional hearings to block reauthorization of the Legal Services Corporation from which Friends of Farmworkers receives funding. As a result of this group's actions, several members of Congress asked the General Accounting Office to investigate legal services programs which represent seasonal farmworkers in their complaints against growers. The Pennsylvania Farm Bureau appears to be substituting a more politically popular "farmers versus lawyers" conflict for the "employer versus farmworkers" conflict. These actions are perceived by advocates as part of an overall political offensive by the regulated to diminish the effectiveness of Friends of Farmworkers in the struggle to control the seasonal farm labor conflict.

Since proponents of seasonal farm labor regulation have used court action and taken advantage of a changing political environment to redirect implementation of Act 93, they are perceived as succeeding in their struggle to control the conflict in the bureaucratic arena. But the struggle continues as agribusiness perceives new opportunities to regain control in a changing political environment. The most recent political change--the election of Tom Ridge as governor in 1994--could provide a window of opportunity for those interested in slowing down implementation. The governor's restructuring of DER includes a gradual transfer of that department's farm labor camp inspection responsibilities to the Pennsylvania Department of Agriculture. Agribusiness enjoys ready access to this department which has traditionally promoted rather than regulated agriculture. Meanwhile, farmworker advocates are forced to use resources to develop counter-proposals to agribusiness' attempts to amend the law and to defund advocates' legal actions while continuing to monitor the bureaucracy's implementation of the current law.

Conclusions

The case study points to the need to understand the implementation process as more than just a sum of its parts. Implementation is influenced by more than the actions of those players in the policy-making process who legislate policy, those who administer it, and those who oppose or promote it. Implementation is more than the strategies employed by sides that

continually struggle to control the conflict which becomes the focus of public policy. Implementation takes place in a context that influences actions and interactions of those with a stake in the outcome and determines which strategies they will use to try to win an advantage. So while the model used to analyze the implementation of Act 93 can be separated into components that can be examined on their own, it is only in the dynamic interaction of the components that the politics of policy implementation is understood. The direction and extent of implementation of Act 93 is the sum of the actions of governors, legislators, bureaucrats, the courts, farmworker advocates, regulated growers, and the media. But it is something more than what results from adding up the pieces of the implementation puzzle. And that something more is not easily represented in a model. It is not easily comprehended by discerning how the features of the model relate to each other. Instead, it is only understood when the model is used to make sense out of a messy reality that constantly reminds the policy analyst that features are not the neat little packages that they appear to be in a model.

The concepts of fixer and breaker as initially operationalized in the model proved to be oversimplifications when applied in the case study. While individuals and groups are identified as pushing or blocking implementation, the idea that a single fixer or breaker can gain control over the many elements of implementation to direct it approaches a simplistic explanation of implementation politics about which Wilson (1980) warns us.

While potential single fixers of Act 93 can be identified, none seem able and willing to commit the time, resources and reputation needed to continually direct the process. Other conflicts backed by more influential constituencies take priority for potential legislative or bureaucratic fixers. And members' agency work and day-to-day operational responsibilities prevent the Seasonal Farm Labor Coalition from assuming this role on other than an as-needed basis.

In further developing the ideas of fixer and breaker, it might be more useful to adopt Sharp's (1992) concept of "network." It appears more accurate to identify fixer or breaker networks in considering the efforts and interactions of those individuals and groups pushing and delaying policy implementation. These efforts can be viewed in terms of the strategies networks employ given the opportunities and constraints offered by the political environment in their struggle to control conflict so as to determine the nature of policy implementation.

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What does seem clear is the general advantage a breaker network has over a fixer network in this process. A breaker network need take advantage of only a few opportunities to slow down implementation while a fixer network must exploit all opportunities to keep implementation on track. A fixer network is required to assemble all pieces of the implementation process while a breaker network can focus on the few weak links needed to stall the process.

The model is not intended to be a blueprint for improving the way government goes about making public policy. Much has already been written on how we might improve this process by returning to a more simplified structure (Lowi 1979) or by striving to achieve optimal conditions under which effective implementation can be achieved (Sabatier and Mazmanian 1979). But the politics model can assist in explaining and predicting implementation of regulatory policy. It is helpful in discovering relationships, influences and outcomes of policies which are focused on struggles to control conflicts. It helps make some sense out of the politics of the implementation process while it brings to our attention the reality that this process does not lend itself easily to finite analysis. The model's importance lies in its pointing out complexities involved in any effort to reduce the policy implementation process to a simplified model.

In using the model to order the research undertaken on the implementation of the Pennsylvania Seasonal Farm Labor Act, many questions have been addressed. Why more efforts were not made to proceed with the implementation of Act 93 can be explained as the result of the carryover of the politics that characterized the policy-adoption process. Passage of Act 93 has been shown to be mostly symbolic reassurance that something was being done to resolve the seasonal farm labor conflict when, in actuality, it was transferred from the legislative to the bureaucratic arena. The strategies of the parties in their struggles to control the conflict reflect the resources available to them as well as the opportunities and constraints presented by the new arena and changing political environment. A look at the strategies employed illuminates what works and under what conditions as the conflict continues. The value of this model, therefore, is not prescriptive--it does not indicate how public policy-making might be improved. Rather, its value lies in implicit suggestions it offers to sides to a conflict that need to better understand the politics of policy implementation in order to recognize and exploit opportunities to influence that process.

Contributing to Theory of Implementation Politics

If theories are described as sets of generalizations that explain relationships between phenomena, then models that try to represent reality can help us locate those relationships. In the case of seasonal farm labor policy in Pennsylvania, the proposed framework helps discover the nature of relationships between actors in the policy-making process, the strategies employed by proponents and opponents of the policy and the impact of the changing political context. The model helps us understand how the process works and provides some basis for forecasting how the process might work if certain political conditions exist, certain actors get involved and certain strategies are employed.

Although the limits inherent in using a single case study to demonstrate the usefulness of a particular model cannot be denied, case studies provide the best opportunity to study the complexities of implementation problems. The case study supports the model's explanation that policy implementation does not unfold in neat progressive stages but instead moves forward and backward according to some discernible patterns based on the opportunities and constraints presented by the changing political environment.

This model helps to highlight the opportunities and constraints of the policy implementation process and the many points at which proponents and opponents can attempt to influence policy. In this way the model contributes to theory building in this area. Most importantly, this model reminds us that simple theories of public policy implementation might very well be unrealistic, and that single explanation theories of regulatory politics might be, as James Q. Wilson (1980) suggests, just as useless as single explanation theories of politics or disease.

But models can suggest relationships which provide a basis for establishing empirical generalizations which in turn can contribute to theory building. Hopefully, the proposed model does just that. And if this claim can be attacked as too optimistic, at least the claim that the model illuminates the messy world of implementation politics cannot be refuted.

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