THE CRAFT OF BUREAUCRATIC NEUTRALITY: INTERESTS AND INFLUENCE IN GOVERNMENTAL REGULATION OF OCCUPATIONAL SAFETY

Gregory A. Huber

This study of the US Occupational Health and Safety Administration (OSHA) makes an important theoretical contribution to the growing literature on bureaucratic power and autonomy. The book argues that public agencies can achieve a measure of autonomy through 'strategic neutrality', which combines an agency’s strategic pursuit of its own goals with impartial implementation of the law. The concept updates the traditional Weberian concept of neutral competence by arguing that neutrality is a strategic asset for enhancing an agency’s political position. Huber argues that strategic neutrality is janus-faced: it is used by agency managers to build external support for the agency by pre-empting critics who might claim that uneven enforcement is evidence of an unfair or ineffective law; and it is used by agency managers as a device for achieving central control over field office staff, who are prone to shirking or to capture or influence by powerful local interests. This synergy of external support and internal control, Huber argues, creates the basis for bureaucratic power and autonomy.

The book is a tour-de-force of sophisticated data collection and analysis. Much of this analysis is devoted to demonstrating that, contrary to the findings of prior research, local OSHA field offices are not influenced by local political considerations. Huber shows that the allocation of local field staff is primarily responsive to the distribution of hazardous workplaces and unresponsive to political variables. Decisions about which workplaces to inspect are centrally controlled and made by impartial means, including random lists of businesses and criteria for identifying more hazardous industries. Where politics does influence OSHA inspections, it operates in a more indirect fashion than previously recognized. The law allows workers to complain directly to OSHA, which then triggers an obligatory inspection. Significant differences in the degree to which unionized and non-unionized workers utilize this mechanism does produce observable regional differences in inspection. Variations in employee participation in inspections also produce differences in enforcement stringency, but Huber finds that these are a consequence of the ability of...
employees to provide inspectors with information about less obvious workplace violations and not merely a political signal of union strength (since union workers are more willing to participate in inspections). One of the book’s most interesting findings is that a degree of politicization inadvertently resulted from an attempt to make OSHA regions more responsive to the costs of regulation. These reforms placed less central pressure on local offices to conduct inspections, giving field offices in less politically supportive regions an opportunity to shirk.

While admiring the sophisticated data analysis, I felt that it sometimes encouraged a ‘black box’ view of OSHA. Huber conducted numerous interviews that he skillfully uses to support and probe his data analysis. Yet despite Huber’s well-argued call for ‘holistic’ analysis of agency behaviour, I found little attention to the contextual details of strategic leadership. We scarcely learn anything about the specific leaders who ushered in this period of strategic neutrality. As a result, Huber’s discussion of strategy feels more like an analysis of OSHA’s ‘revealed preferences’ than an analysis of the strategy of flesh-and-blood agency managers. These contextual details may not have changed the findings of the quantitative analysis, but they would have helped the reader to judge whether the motives attributed to agency leaders square with the actual situation they faced. Many authors have shown how agency leaders can use skillful negotiation of political context and agency culture to set an agency on a successful path. Huber’s analysis leaves us wondering about who negotiated this transition to strategic neutrality and how they managed to do it successfully.

It is surprising that Huber does not engage Terry Moe’s argument that public agencies – especially those like OSHA who are pulled between powerful opposing forces – are ‘designed to fail’ (Moe 1989). External groups, Moe argues, influence agencies such as OSHA by tinkering with their structural details, hamstringing agencies through layers of contradictory controls. Huber shows that an agency like OSHA, which is surely vulnerable to this kind of tampering, is able to successfully achieve a strong margin of autonomy from external interests, allowing it to function in a fairly efficient and effective manner. Again, we want to know more about the transitional story that allows OSHA to avoid Moe’s pessimistic prediction. Huber’s data analysis is extremely fertile ground for elaborating Moe’s claims about ‘structural politics’, while suggesting ways of discriminating those claims. For example, the book’s analysis of how rules allowing employee complaints affect inspections reinforces Moe’s claims about the importance of structural politics. But the allocation of staff to field offices is also a classic form of structural politics. Here, Huber shows that allocation decisions are not responsive to political influence. In all, the book tells a more nuanced story of structural politics than does Moe, while demonstrating that agencies are not necessarily designed to fail. Strategic neutrality is one way agencies can overcome the debilitating effects of structural politics.

This book is an impressive theoretical and empirical achievement that should be read by scholars of bureaucracy and public administration. They will find the concept of strategic neutrality an important contribution to the discussion of administrative autonomy and agency effectiveness. The book’s quantitative emphasis will make it a difficult read for undergraduates, but will also make it an appealing model of empirical analysis for graduate students.
REFERENCE

Christopher Ansell
University of California, Berkeley