

Energy Democracy, Risk Governance, and the Role of Regulatory Institutions

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Panel session: *Theoretical and Research Foundations
for Energy Democracy*

Symposium: *Energy Democracy—Creating a Research Agenda*
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Overview

Thesis 1: Regulatory institutions deserve closer attention as sites of energy democracy practice/action/negotiation

Thesis 2: Risk deserves closer attention as object of energy democracy practice/action/negotiation

Context: challenges in current anti-regulatory climate

- Two theoretical frameworks:
 - Beck's risk society
 - Luhmann's social systems theory
- *Energy governance* in a risk society
- Regulatory institutions as sites of energy governance
- Energy governance and energy democracy
- Some illustrative examples in passing

Informed by

- Participatory ethnography, Hanford Advisory Board, 2000-06
— advises USDOE, USEPA, Washington Department of Ecology
- North Carolina Utilities Commission, engagement since 2011
- NC Waste Awareness & Reduction Network (NC WARN)
- US Nuclear Regulatory Commission engagement & interviews
- Global context and comparisons including Germany, Japan
- Genetic Engineering & Society (NC State, 2009-present)
- “Governing Risky Technologies” course, NC State

Beck's Risk Society

- Giddens (2015): Beck as “the greatest sociologist of his generation”
- *Risk Society* published (in German) shortly after Chernobyl
- German “Ethics Commission on a Safe Energy Supply” (*Ethikkommission für eine sichere Energieversorgung*, 2011)
- Climate change as “emancipatory catastrophe” (2014)

Risk Society Basics

- Scarcity as original societal organizing principle
=> problem: democratic distribution of scarce resources
- Risk as more recent *additional* organizing principle
=> problem: democratic distribution of abundant risks
- Long history of development of institutions for managing scarcity
- More recent development of institutions for managing risks (e.g., insurance)
- Regulatory institutions and laws as sites of risk governance (e.g., EPA and NEPA)

Some Fundamental Differences

Scarcity

Enhance production

Amplify goods

Distribution

Desire

Reward

Risk

Reduce production

Attenuate bads

Containment

Distance

Compensate

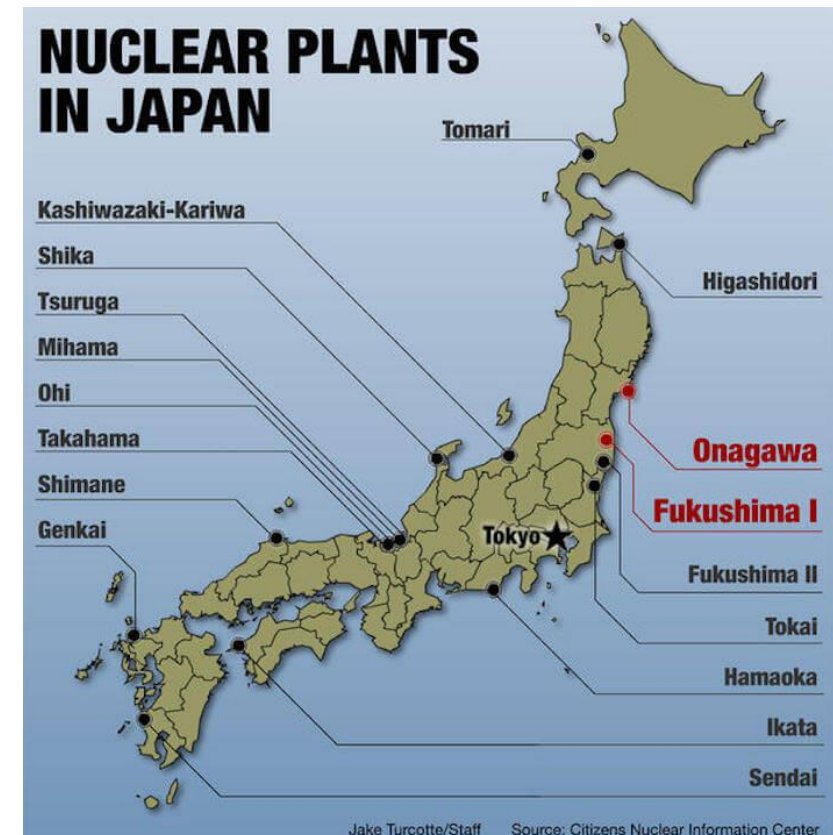
Luhmann's Social Systems Theory

- Autopoietic systems, based on binary communication codes
- Functional subsystems; each sees others as “environment”
 - economics: profitable/not profitable
 - politics: powerful/powerless
 - law: legal/not legal
 - science: true/not true
- “Too little” and/or “too much” *resonance* across systems
- *Metacodes* of inclusion: center and periphery

Fukushima Example

- Science (e.g., seismology) subordinated to politics: too little resonance
- Politics driven by economics: too much resonance
- 10 reactors sited in peripheral prefecture (cf. Hasegawa, 2015)

Hasegawa, K. (2015). *Beyond Fukushima: Toward a post-nuclear society* (trans. M. Sato). Melbourne: Trans Pacific Press.



Sites of Democratic Risk Governance

- Public discourse in any and all venues
- Media/journalism
- Cultural context (currently polarized)
- Political institutions and policy, legal, regulatory frameworks
- Roles of regulatory institutions
 - Rule-making
 - Enforcement
 - Research to support rule-making

Current Threats and Challenges

- Anti-regulatory rhetorical and political environment
- “Energy dominance” rhetoric
- “Cooperative federalism” (?)

COOPERATIVE FEDERALISM 2.0:

Achieving and Maintaining a Clean Environment and Protecting Public Health

JUNE 2017



Introduction

The Environmental Council of the States (ECOS) is the national nonprofit, nonpartisan association of state and territorial environmental agency leaders. Its purpose is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of our nation.

The following document was produced through a consensus-based process among the members of ECOS. It is respectfully shared by ECOS with all who desire to participate in a conversation related to these matters. Please feel free to direct questions or comments to ECOS Executive Director and General Counsel Alexandra Dunn at adunn@ecos.org or 202.266.4929, or to any of the undersigned officers.

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The Washington Post
Democracy Dies in Darkness

Energy and Environment
Trump's pitch for U.S. 'energy dominance' is dominated by misleading claims

By Steven Mufson and Chris Mooney



Energy Secretary Rick Perry speaks during a hearing at the White House on Tuesday. (Damon B. Stewart/AP Photo)

The White House has heeded this week "energy week," rolling out a buzzword, "dominance," and replaying lines from last year's Trump campaign in an effort to portray the United States as a global energy superpower — and to label previous administrations as obstacles to energy growth.

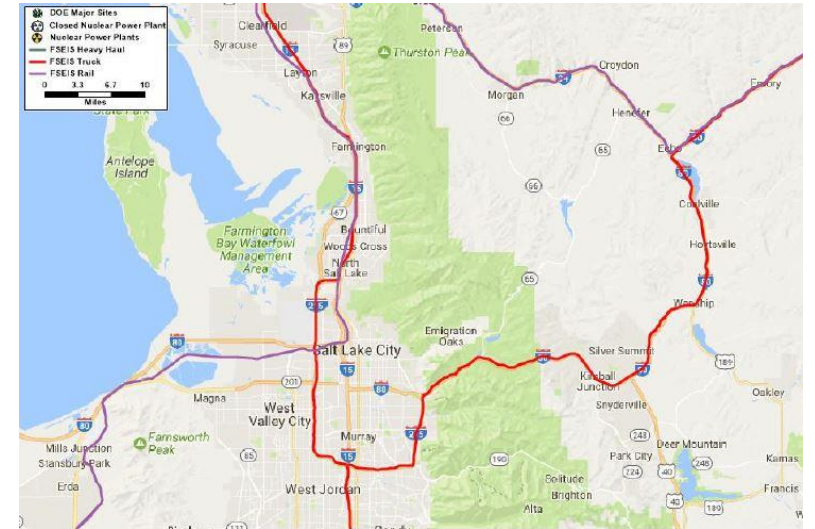
President Trump is expected to avoid these themes Thursday in an address on energy, picking up from Energy Secretary Rick Perry, who said Tuesday: "We're ending the bureaucratic blockade that has hindered American energy creation."

But analysts say that many of the administration's claims about American "dominance" are overstated and that authoritative energy statistics do not line up with those cited by the administration.

One example: The White House asserted that the United States has 20 percent more oil reserves than Saudi Arabia. But according to the Energy Information Administration, the federal authority on such matters, the United States had proven oil reserves of 32.3 billion barrels as of Dec. 31, 2014. That's a fraction of Saudi Arabia's proven reserves of about 268 billion barrels.

Four Current Examples

- Used nuclear fuel: storage and disposal siting, transportation
- Radiation doses to women & children (“reference man”)
- Atlantic Coast Pipeline (Dominion Energy) & Federal Energy Regulatory Commission (FERC)
- State level limits/constraints on renewable energy production



Images: State of Nevada Agency for Nuclear Projects; NC WARN

Thanks!

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