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This Article responds to recent scholarship questioning the need for environmental statutes that place primary responsibility for regulation in the hands of the federal government. Earlier scholarly work demonstrates that these claims lack credible empirical and historical support with respect to water pollution. This Article will focus on similar arguments with respect to air pollution, the area where critics contend the most extensive data exists supporting their assertions. As this Article will demonstrate, the data upon which these critics have relied is seriously flawed and cannot be relied upon to support the contention that sulfur dioxide and particulate matter pollution were declining in the years before substantial federal regulatory involvement. In fact, additional empirical data reveals that sulfur dioxide pollution was growing much worse during these years.

This Article introduces an investor-oriented framework for the evaluation of renewable energy policy, applies these newly developed criteria to a qualitative comparison of the primary policy instruments, and offers recommendations to enhance the investor appeal of renewable energy in the United States. Public policy must catalyze private investment in renewable energy. Empirical evidence of deployment support for renewables from thirty-five countries reveals enormous differences in policy performance. Remarkably, some policies leverage four times as much investment in renewable energy as others, despite offering only half as much compensation to renewable power project developers. These results point to forces at play other than policy remuneration and generation costs alone. To better understand these forces, this Article develops a framework of criteria to guide the evaluation of deployment policies beyond remuneration. Unlike previous studies, this Article assumes an