INTRODUCTION

In his definitive 1995 comparative study of new public management (NPM), Peter Aucoin documented how the NPM paradigm had diffused across Anglo-American democracies. Countries like the United Kingdom led the public service reform agenda, and other countries, including Canada, learned from and emulated the UK experience. Later adopters implemented NPM somewhat differently, and, in Canada’s case, it was more modestly and without impairing the traditional structures of public accountability (Aucoin 1995, 2008).

Studies of NPM ideas, and their incorporation into Canadian practices of public management, raise at least three issues. One is the transnational diffusion of knowledge, policy ideas, and governing paradigms – like NPM – across countries. Who or what are the agents and pathways of transnationalization? A second issue is the domestic conditions that facilitate or hinder the flow of policy and governing ideas across territorial borders and their local adoption. As just noted, analysts observe that Canada’s embrace of NPM was more modest than what occurred elsewhere. Why? More broadly, what factors explain Canada’s receptivity to transnational paradigms and its capacity or willingness to embrace them? A third issue involves the implications for public accounting norms and practices of incorporating transnational paradigms into domestic practice.
How, if at all, are norms of accountability that require mechanisms of popular control over decision makers adjusted when transnational paradigms such as NPM take hold, even if modestly?

This chapter addresses these three matters: (1) the agents of transnationalization, (2) the degree to which their impacts are mediated by domestic factors, and (3) the resulting impacts on public accountability. Doing so takes us in a somewhat different direction from that pursued by Peter Aucoin. He has fixed his gaze on NPM as a set of precepts of public management within the Government of Canada, examining, among other things, how NPM ideas have affected processes of managing public resources, the delivery of public services, and relations among politicians and public servants. Other aspects of NPM, including its advocacy of quasi-independent regulatory agencies and private-public collaboration, have not been his preoccupation. Nonetheless, as he acknowledges (Aucoin 2008), they constitute part of NPM thinking. These ideas are also arguably the face of NPM that is most politically and publicly salient – indeed, much more so than NPM reforms to management structures and processes internal to government. Whereas this focus is of intense interest to politicians, public servants, and academics (Aucoin 1995, 256), a better test of the political limits of NPM would be the implication of its tenets in policy sectors that carry greater public interest. If NPM ideas go wrong – so that public standards of acceptable and accountable performance are not met – there will be negative repercussions for those entrusted with good performance in these sectors.

We chose two policy sectors that are of high political salience: food safety and mandatory education. These two policy sectors allow us to pursue our first research goal of illustrating the reach of international ideas/paradigms of good governing/regulation into the domestic arena. In food safety, we find evidence of the transnational diffusion of two NPM tenets. One is recourse to new organizational forms in quest of improving efficiency and effectiveness; another is privatization of responsibility for public goods. These ideas are manifest, respectively, in the creation of the Canadian Food Inspection Agency (CFIA) and the implementation of mandatory hazard analysis and critical control points-based food safety programs that vest private food producers and processors with major responsibility for food safety. In elementary and secondary education, two NPM tenets have also diffused into provincial policy making. One involves reforming the existing organizational structures to improve
the efficiency and effectiveness of the public sector; the other involves reconfiguring relations between principals and their agents – in this case between provincial officials and teachers – in an effort to improve the accountability of those who deliver mandatory schooling to those who design the programs. New organizational forms appear in the wave of administrative reforms that dominated the Canadian education landscape throughout the 1990s, while reconstituted relations between principals and their agents are manifest in the creation of universal testing regimes (both within each of the provinces and across Canada) and in the reassertion of provincial control over curriculum.

The two policy sectors of food safety and education also allow us to provide answers to our second research question concerning the impact of domestic factors on mediating the impact of transnational ideas. Here, the domestic factor under scrutiny is the federal system. Elementary and secondary education is virtually exclusively a matter of provincial jurisdiction. By contrast, food safety is a matter of shared jurisdiction; the capacity for federal and provincial governments to realize shared goals of food safety depends on cooperation across the two orders of government. The case study of food safety shows that, despite efforts at federal-provincial coordination, federalism nonetheless acts as a brake on the implementation of international food safety standards and guidelines and, hence, on transnational diffusion processes. In education, despite the absence of national coordination, federalism has not impeded the influence and diffusion of NPM ideas in and across the provinces; rather, the ideational trends seemed to move rapidly among them as they cascaded across the jurisdictions and were taken up by the individual provincial governments.

Education and food safety also provide insight into our third research question, which concerns the implications of NPM for practices of public accountability. Educational reforms eschew NPM principles of privatization of services that shift accountability to private actors. Instead, with only limited exceptions, the vast majority of provincial education reforms reinforce public authority and generally abstain from taking the more radical step of undermining the dominance of publicly run education. By contrast, changes to food safety regulatory regimes shift a significant measure of accountability from public (elected) officials to private actors. In situations of crisis – the 2008 listeriosis crisis, for example – elected politicians
have nonetheless recognized their own duty to act consistently with Westminster norms of public accountability.

Our analyses of the interrelationships among transnationalization, federalism, and accountability in food safety and education policy proceed in four parts. In the first section, we briefly review the literature on transnational diffusion of ideas and standards of good governance, highlighting the role of international organizations, large countries, and transnational private actors in creating and diffusing ideas and best practice standards. We speculate on how Canada’s federal system is likely to mediate transnational diffusion processes. In the second and third sections, we discuss how international ideas most closely associated with certain tenets of NPM have been implemented in Canadian food safety and education regulatory regimes, respectively. We also demonstrate how institutions of federalism have shaped governing developments and limited the impact of transnationalization. In the fourth section, we discuss the implications of our findings for conceptions and practices of public accountability. Section five concludes our chapter.

TRANSMISSION OF POLICY AND PUBLIC ADMINISTRATION IDEAS

The likelihood that countries’ policy choices, governing paradigms, and standards of good performance are affected by those elsewhere has spawned interest in the agents and circumstances of such transmission. International organizations, large countries, and private (economic) transnational actors are all potential transmission agents. In some rare instances, countries have delegated international organizations (like the World Trade Organization) with the authority to enforce performance standards on themselves and their fellow members. More often, international organizations exercise “soft power” in defining and legitimating ideas about best governing practices for member and even non-member countries (Dolowitz and Marsh 2000; Dostal 2004; Stone 2002, 2004; Simmons and Elkins 2004; Holzinger and Knill 2005; Mahon and McBride 2008). As well-endowed information producers, these organizations often frame policy debates and set parameters for policy developments. Large countries with large markets, like the United States or Germany, can also be powerful agents in defining governing standards and norms, especially for countries that are dependent upon their same markets.
Private economic actors whose scope of operations is transnational can also diffuse regulatory standards and practices across several countries by incorporating them into their own private business practices.

Still, the transnational diffusion of policy and governing ideas and paradigms cannot be assumed. Private and public actors have differing incentives and differing capacities to embrace policy ideas and best practice standards/paradigms of other countries or international organizations (Simmons et al. 2006; Dobbin et al. 2007). For example, emulation incentives are likely to be strong in policy sectors when economic competition is at stake but weaker in policy sectors that are primarily domestic in their affected constituencies and where there are few externalities (costs and benefits) incurred when diverging from practices and paradigms elsewhere, including international paradigms. Accordingly, policy sectors with foreign competitors for markets and capital investment – like food production and processing – will have greater incentives to adopt regulatory policies and practices similar to those of their competitors than will those where interdependent competitiveness incentives are not uppermost (such as education).

Emulation incentives are not only economic but also political. Politicians may gain kudos and political support through adopting policy and governing approaches from elsewhere, but they may also lose domestic political support when doing so is unpopular with local voters and organized interests. Conversely, if transnational ideas are popular domestically, local politicians who do not pursue the particular prescriptions may lose support. Transnational diffusion may be driven by symbolic or normative considerations. To maintain international legitimacy or standing, domestic actors may adopt certain ideas to avoid the stigma of appearing “backward” (Weyland 2003, 22). Finally, when faced with problems, decision makers are also prone to scan the external environment for viable solutions to problems and attempt to parlay them into domestic policy. Depending upon the political calculus, then, sectors that are primarily domestic may also experience certain pressures to comply with external paradigms.

Beyond their incentives to adopt (or not) governing and policy ideas promulgated by exemplar countries or international organizations, countries also have differing capacities both to learn from others and to implement others’ policy and governing ideas. Whether
federal systems enhance or impede the incorporation of policy/governing ideas from elsewhere is not clear. On the one hand, the existence of two orders of government can prove an obstacle to effective policy/paradigm transmission if the agreement of both orders of government is needed for new ideas and paradigms to be adopted (Scharpf 1988). On the other hand, the division of authority across two orders of government may provide openings for transnational policy diffusion in policy sectors that are controlled by subnational units (Walker 1969; Gray 1973). The adoption of internationally encouraged reforms and regulations by larger provinces, for example, may trigger a process of within-country learning and diffusion across other provinces. Still, a necessary condition for the latter may be an institutional forum that brings together public and, possibly, private officials responsible for policies within the sector.

IMPLEMENTING NEW PUBLIC MANAGEMENT IDEAS
IN FOOD SAFETY AND EDUCATION

As Peter Aucoin and others have elaborated, NPM embraces a number of ideas about how to organize public administration in service of goals of efficiency, economy, effectiveness, and accountability. These goals are to be realized not only by applying business principles and market mechanisms to public organizations (Kernaghan, Borins, and Marson 2000, 24; Kettl 2005, 3) but also by reasserting elected politicians’ control over the bureaucracy. More specifically, NPM advocates, first, a reduction in the role of the state through instruments such as privatization and contracting out; second, a general reform of government machinery through restructuring and new organizational formations; third, empowering public servants and facilitating collaboration across multiple units; and fourth, curbing the autonomy of the public service (the agents) from their principals – politicians. As Peter Aucoin and Herman Bakvis (1988) observe, these ideas are to some extent contradictory and give rise to a “centralization-decentralization conundrum.”

Some NPM ideas are more prominent than others in food safety regulation and mandatory education. In both cases, NPM ideas can be traced to international agents beyond Canada’s borders. As well, federal structures have played a role in the diffusion of both cases across the country and their implementation into government policies.
Over the past decade and a half, Canadian governments have opted for the NPM idea that new organizational forms – including a corporate model – can meet goals of food safety more efficiently and effectively than traditional line departments. Two related developments manifest this thinking. The first is the creation in 1997 of a new organization, the Canadian Food Inspection Agency (CFIA), with responsibility for food inspection and enforcement of laws and regulations designed to reduce the risk to human health of germs, toxins, and pathogenic chemical residues on food. The second is the implementation of risk-based food safety control systems in food production and processing establishments that rely on considerable private-sector self-regulation.

The CFIA was an immediate outcome of the 1995–96 program review exercise for which a major rationale – and one that drove NPM – was to reduce the federal deficit (Aucoin and Savoie 1998). The dispersal of food inspection and enforcement activities across federal ministries responsible for agriculture, health, and fisheries and oceans was costly in personnel and administration. The Treasury Board estimated a 10 percent savings ($44 million) would result from reducing departmental overlap and duplication costs with the creation of a single food inspection agency (Skogstad 1998, 60). However, food safety and trade goals were also important objectives that would be served by a single organization within the Government of Canada with responsibility for enforcing federal standards for food safety and animal and plant health. These considerations had been raised by the Nielsen Task Force of the Mulroney government in the mid-1980s. The Office of the Auditor General of Canada (1994) reiterated this message in 1994 and stressed the need for better coordination of food inspection within the federal government and across provincial governments in order to improve efficiencies and accountability.

Federalism presents an obstacle to an effective and efficient food safety system. The Government of Canada establishes and enforces food safety standards for domestic products sold interprovincially as well as for imported and exported products. However, provinces are responsible for the food safety standards of establishments that sell products exclusively within their borders. These provincial standards, and the provincial exercise of inspection responsibilities, have
differed markedly across provinces and from those of federally inspected establishments. In the mid-1990s, meat-processing plants that produced solely for the local retail market were either not inspected or inspected infrequently in some provinces. Although the gaps that resulted from provincial non-inspection or irregular inspection constituted a small part of overall production, there were worries that they could be a source of serious food-borne illnesses that would jeopardize consumer confidence and export markets (Auditor General of Canada 1994).

NPM ideas of privatization and deregulation were not at the fore in the creation of the CFIA; rather, the impact of NPM ideas, argues Prince (2000, 224), was evident in “the organizational structure” and “management discourse” of the CFIA. He describes the CFIA as a “hybrid” institution: more autonomous than traditional government departments but still accountable to Parliament through a cabinet minister. In Prince’s (2000, 216) view, the Government of Canada did not abandon the belief that food inspection is a core role of the state and that, as such, it ought to remain within the public (federal) domain rather than be outsourced or privatized.

The creation of the CFIA was preceded by Canadian provincial and federal governments’ endorsing an enlarged role for industry in food safety regulation in 1994 (Skogstad 2006). Greater private-sector responsibility for food safety regulation came with the endorsement of outcome-based standards for health and safety that rest on scientific risk assessment and risk management principles. Food establishments, like food-processing companies, are urged, if not mandated, to adopt hazard analysis and critical control point (HACCP) systems. They specify procedures to be taken by the food establishment to minimize the risks of microbiological contamination of food. Such procedures include cleaning and sanitation guidelines as well as plant-specific guidelines that identify the food-borne hazards that can arise in the food production or processing line as well as the points at which these hazards may occur. Companies install and monitor control mechanisms at these points in order to prevent contaminated products from entering the market.

As with the CFIA, the endorsement of HACCP as a food safety risk management tool was also shaped by fiscal calculations. Federal inspection costs are lowered because fewer inspectors are needed. Rather than on-site “sight-and-smell” inspection, the role
of government inspectors switches to monitoring private companies’ records and verifying their compliance with HACCP standards (Skogstad 2006).

Transnational actors and ideas had a role in the creation of the CFIA and the implementation of HACCP systems. In the case of the CFIA, there was no international template – no large country’s example, no international organization’s guidelines – to follow. Although France and New Zealand had established a single agency with broad mandates for health, safety, and inspection responsibilities, and the United Kingdom was also proposing what was to become its Food Standards Agency, the United States had not done so. The transnational factor that affected Canada’s decision to create the CFIA was continental market integration. The 1989 Free Trade Agreement with the United States, and the 1994 North American Free Trade Agreement, opened American markets to Canadian food-processing firms. They created strong Canadian incentives to ensure that domestic food exporters were not denied access to the US market on the grounds that Canadian food safety standards and inspection systems were not equivalent to those in the importing country.2

International templates were, however, fully evident with respect to the adoption of HACCP food safety systems. Currently, these systems are widely used in American and European food-processing establishments and are regarded as “the gold standard for food safety” (Standing Committee on Agriculture and Agri-Food 2009, 35). HACCP was invented by a private food company, Pillsbury, in the 1960s to provide safe food to NASA astronauts. In 1972, the United Nations’ World Health Organization (WHO) endorsed HACCP as the best method of ensuring food hygiene. In 1985, the Codex Alimentarius Commission (Codex), the international organization created in 1962 to establish international standards for food traded internationally, began working on HACCP guidelines. The HACCP standards that Codex members agreed to in 1994 became the international standard when they were written into the 1995 World Trade Organization Sanitary and Phytosanitary Agreement. Canada, as a party to Codex, was aware of the forthcoming Codex standard when it implemented a mandatory HACCP-based food safety system for fish and seafood processors in 1992. Four years later, in 1996, the United States stated that the HACCP would be mandatory in its meat and poultry industries by January 1998 and that imported meat would also have to conform to this rule.3 The American
market is a crucial one for Canadian cattle and meat producers, and, not surprisingly, the firms exporting to the United States adopted the US HACCP guidelines. By 2004, the Canadian government had made HACCP systems mandatory for all federally inspected and registered meat- and poultry-processing establishments. The United States recognizes Canada’s HACCP programs in federally licensed meat- and poultry-processing firms as equivalent to its own.4

However strong the incentives of Canadian food exporters and Canadian governments to implement transnational best practices into Canadian food safety regulation, the capacity to do so has been impeded by federalism. Although the Canadian government has issued guidelines for food safety/HACCP systems for food establishments that fall within provincial and municipal jurisdiction, these guidelines remain voluntary until provincial governments enforce them. Ongoing efforts within an intergovernmental committee of federal, provincial, and territorial officials to coordinate federal and provincial food safety policy have failed in this task.5 There remain provincially inspected meat-processing plants (which sell only within the province) that do not have HACCP programs and are rarely inspected. The latter plants are typically smaller than those that sell interprovincially or internationally, and, for them, introducing HACCP systems is seen as a new and not insignificant private cost to bear. Their owners and their provincial governments have thus resisted harmonizing food safety standards to federal (HACCP) standards (Moore and Skogstad 1998; Standing Committee on Agriculture and Agri-Food 2009, 37–8). Until the effort to secure reciprocal agreements across provinces to recognize one another’s food safety standards succeeds, and/or provinces agree to recognize federal standards, there will be concerns about the overall integrity of Canada’s food safety system (Government of Canada 2009).

Mandatory Education

Since the 1990s, provincial education systems have witnessed many reforms that reflect two tenets of NPM. Although influenced by transnational developments, domestic factors also played a major role in the implementation of educational reforms throughout this period. The limited impact of transnational factors seems to stem in part from the nature of the sector itself. Unlike food safety, which is directly connected to international markets, education remains largely
a domestic concern (Green 1998). Consequently, transnational actors have only indirectly encouraged the spread of NPM-inspired reforms rather than compelling certain policy activities.

Faced with mounting declarations that standards were declining in public schools and that there was a general lack of accountability in the public sector, provincial decision makers moved to regain control over mandatory education in the 1990s (Manzer 2003, 261). A particular target was the local school boards, and all ten jurisdictions initiated district consolidations to reduce their number (Fleming 1997). The results were dramatic, and between the early 1990s and the turn of the century, the number of school boards were cut almost in half, dropping from 800 to 427 (Manzer 2003, 267).

When introducing the changes, provincial officials deployed the language of NPM. They used the rhetoric of improving efficiency, while simultaneously cutting costs by creating economies of scale to ensure that educational administrators no longer consumed the bulk of education expenditures. Alberta premier Ralph Klein neatly summed this up when he said: “The frontline attack relative to education is on the fundamental administration of the system, and basically we want the dollars to follow the students into the classroom so they can get good quality education” (14 February 1994, quoted in Levin and Young 2000, 203). Another Conservative, former premier of Ontario Mike Harris (2002), virtually echoed this sentiment during a speech to the Empire Club of Canada: “We made sure that tax dollars went towards education, not bureaucrats.”

In keeping with the idea of augmenting local influence, provincial decision makers also gave a tacit nod to decentralization and local control by mandating the creation of individual school councils that received some superficial powers (Levin 1998; Young and Levin 1999). Peter Aucoin and Herman Bakvis’s (1988) phrase, “decentralized-centralism,” precisely captures the contradictory nature of these administrative reforms. On the one hand, provincial education systems experienced significant centralization as numerous school boards were amalgamated into regional bodies; on the other hand, individual schools saw a token increase to their authority with the installation of mandatory councils made up of parents, teachers, and students.

Increasing parental involvement was a prevailing component of the discourse that underpinned the initiative. In Manitoba, for example, Minister Manness declared: “Many parents and community
members want to be more involved in shared decision making about educational programming and other matters ... Therefore, we will require schools to establish advisory councils” (19 December 1994, quoted in Levin and Young 2000, 201). Nevertheless, for reasons elucidated below, these local councils are heavily circumscribed under provincial control and generally fail to engender meaningful local decision making.

Efforts to centralize control further materialized in the spread of full-provincial funding from the eastern provinces throughout the west. Ministries of education west of the Ottawa River reclaimed school board taxation powers, and provincial governments now cover the full costs of education rather than supplementing monies previously raised by school boards through local property taxes. Under the new regime, school boards are no longer able to deviate from provincial mandates in programming or regulations as they now lack the necessary fiscal capacity to fund new or alternative pathways.

Whereas the 1960s and 1970s saw a trend towards locally developed courses and more individualized curricula, the pendulum swung in the other direction in the 1990s (Wallner 2009). Ministry officials produced comprehensive guidelines that prescribe particular learning outcomes for school boards and teachers to follow. These actions were driven by the demand to impose stricter requirements and standard programs. Regional and pan-Canadian curriculum initiatives also emerged, with provinces agreeing to common learning outcomes in a variety of subject areas. And, in the four Atlantic provinces, the curriculum was completely harmonized at the regional level. Individual school boards – and schools – now play only a minor role in curricular decisions. Provincial control over curriculum was in part necessitated by district consolidations and the implementation of full provincial funding. Simply put, boards no longer had the policy capacity to develop curriculum while continuing to deliver the schooling requirements mandated by the provinces. These developments also resonated with the broader NPM paradigm, which called for standardization, performance specifications, and the assessment of results to ensure that targets have been satisfactorily met.

The penetration of NPM ideas into provincial education was driven by both international and domestic factors. Indeed, a growing number of analysts have focused on the extent to which domestic educational reforms have been influenced by international trends
Provincial decision makers were attuned to reports such as *A Nation at Risk* (National Commission on Excellence in Education 1983), which raised a number of criticisms regarding the state of education on the North American continent. Moreover, the OECD has dedicated significant amounts of time and resources to the education sector. Over the years it has become a formidable agent promoting and disseminating best-practices to inform domestic policy choices in an effort to foster the enhancement of education systems around the world. Emerging in the 1950s, cross-national testing programs have become a permanent feature of the international regime. The most recent (and arguably the most influential) iteration is the OECD’s Programme for International Student Assessment (PISA).

Programs such as these have had an important *indirect* effect propelling certain policy choices among the provinces. The Canadian provinces were increasingly exposed to the policy idea of mandatory testing through participating in international testing programs. As one respondent from Atlantic Canada reported: “Our work in the PISA programme really helped us to alleviate the fears of teachers opposed to mandatory assessments. Working with PISA officials also gave us the necessary experience to develop one of our own programs to assess students within our own provincial system” (phone interview, May 2007). Exposure to non-coercive testing programs facilitated interjurisdictional policy learning and encouraged the diffusion and transmission of ideas into the domestic setting.

The trend towards centralization was supported and indeed encouraged by the major media outlets and popular sentiments. Since the early 1980s, dismayed in part by the findings of the American study, *A Nation at Risk* (National Commission on Excellence in Education 1983), observers of Canadian education had been increasingly concerned about the structure of the system and its performance. In 1992, the Economic Council of Canada (1992) released a damning report that highlighted the rising illiteracy rates recorded by Statistics Canada and called for concerted government action to respond to the growing problem. One media pundit even wrote: “Our schools are far from what people expect them to be ... My anger, which admittedly drives this polemic, comes from my awareness as a father of two boys that some parents have totally abandoned the public school system while others have been shut out of it by administrators” (Nikiforuk 1993, xi). Those involved in the reform agenda confirm the importance of a common set of ideas and
information. When asked why all the provinces seemed to follow similar NPM-inspired prescriptions, one former minister replied: “We were all responding to the same information. Local sentiment doubted the system, and provincial scores on international tests showed we were lagging behind. We needed to do something, and the reforms were pretty clear” (phone interview, May 2007).

Nevertheless, substate policy consistency in provincial education is a puzzling result for many students of federalism. Under conventional theories of federalism, without national standards or other coercive mechanisms, the expectation is that provinces will likely diverge or pursue alternative policy pathways due to prevailing differences in political economy, culture, and demographics. What is interesting in the case of education is that the influence of NPM was remarkably consistent among the ten jurisdictions (Wallner 2009). This is not to say that all the provinces mirrored each other precisely; however, the general directions of the trends were consistent from coast to coast. Beyond the influence of similar problems, in similar settings, with similar levels of exposure to the transnational paradigm, consistency was also facilitated by organizational features of the sector itself.

The Council of Ministers of Education Canada (CMEC) acts as a constant transmission line that connects all provincial ministers and senior education officials. Its regularly scheduled meetings and workshops bring elected and appointed officials who exercise similar responsibilities in their home province together, while also exposing them to the each other’s policy initiatives. CMEC also organizes collaborative initiatives, including coordinating learning curricular outcomes and creating a pan-Canadian assessment program. The permanent secretariat also provides an institutional memory that remains constant despite changing political and bureaucratic personnel at the provincial level. It is these features that allow the CMEC to facilitate the communication of ideas and policy practices across the substate jurisdictions and to produce an outcome of considerable interprovincial similarity on education policy.

FEDERALISM, TRANSNATIONALIZATION, AND PUBLIC ACCOUNTABILITY

The accountability of those who make authoritative decisions is always measured against standards of appropriate performance in terms of what constitute both acceptable outcomes as well as
appropriate “rendering account” procedures. A useful distinction can be made between accountability norms and practices that incorporate popular control logics of legitimate political authority and those that rely on a delegation or fiduciary logic (Majone 2001). The popular control logic is usually equated to models of democratic politics that vest authority in the hands of elected governments who are representatives of the people and can be sanctioned by them. By contrast, delegated or fiduciary accountability models of governing eliminate the possibility for direct or indirect popular control of decision makers and define accountability in terms of decision makers’ effectiveness in performing the functions assigned them (ibid.). On the fiduciary logic, the accountability of the decision maker is not weakened by being beyond the delegating party’s control; indeed, such independence may be crucial to accountability as measured by effective performance (Majone 2001). Still, there are usually controls on the discretionary behaviour of non-majoritarian fiduciary bodies to further ensure their accountability. For example, they are required to give reasons and make transparent the bases for their decisions, and these decisions are often subject to judicial review or political oversight (Majone 1994; Dyrberg 2002, 83; Harlow 2002, chap. 6).

All of transnationalization, federalism, and NPM have the potential to complicate the public accountability relationship between decision makers and the public. For example, paradigms that diffuse across nations to become international may incorporate delegate conceptions of accountability that are at odds with popular control conceptions of accountability, which require elected politicians to be answerable for decisions. Likewise, the standards of acceptable outcomes themselves may differ across transnational and domestic policies/paradigms. Federalism compounds the potential for divergence between domestic and transnational accountability norms by creating the possibility for public accountability standards of performance to vary within a country (e.g., across communities in its political subunits). As for NPM ideas, their normative preference for public goods to be provided by private actors can run counter to popular control conceptions of accountability that hold elected decision makers ultimately responsible for that task.

Food Safety

In the case of food safety, there is a tension between the accountability standards in the transnational food safety paradigm and those in
the domestic Canadian realm. The transnational paradigm, as noted above, relies to a large degree on the fiduciary authority of scientific experts (who have been at the forefront of determining and legitimizing HACCP systems as international standards [Demortain 2008]) as well as on the private companies that implement HACCP programs. The measure of public accountability in this system is good performance – that is, safe food – and food manufacturers themselves taking responsibility for food safety failures in their plants. Popular control conceptions of accountability are also present in the Canadian food safety model. As noted earlier, the CFIA has the duty to verify that private companies are in compliance with food safety regulatory standards and the CFIA itself reports to the minister of agriculture and agri-food.

The response to the outbreak of listeriosis in a Maple Leaf meat-processing plant in the summer of 2008 illustrates the uneasy co-existence of delegate and popular control concepts of public accountability in Canada’s food safety system. At issue was who was responsible and who took responsibility for the listeriosis outbreak that resulted in twenty-two deaths and fifty-seven other severely ill Canadians. Michael McCain, the president of Maple Leaf Foods, publicly assumed full responsibility for the distribution of the contaminated meat and the resulting deaths and illnesses. Opposition politicians disagreed and sought the resignation of the minister of Agriculture and Agri-Food Canada. Although he refused to resign, and the prime minister did not ask him to do so, Minister Ritz (2009) later accepted the Government of Canada’s “share of responsibility” for the crisis. A subcommittee of the Standing Committee on Agriculture and Agri-Food Canada that investigated the listeriosis crisis concluded that the CFIA, as the agency responsible for ensuring compliance with food safety standards by food manufacturers, also had to accept partial responsibility for the crisis.8 Earlier, in January 2009, and following sustained pressure from opposition parties, the prime minister appointed an independent investigator, Sheila Weatherill, to examine the factors that contributed to the 2008 listeriosis outbreak and to provide recommendations on how to prevent a similar incident in the future.

The 2009 report of the independent investigator traced the listeriosis outbreak to regulatory policy failures on the part of private industry (Maple Leaf) and government officials. First, senior management in the public and private domains were not sufficiently focused on food safety; second, they lacked a sense of urgency at the
outset of the listeriosis outbreak; third, neither the company nor the responsible government agencies were adequately prepared to prevent and deal with a crisis; and fourth, once the listeriosis outbreak occurred, both public and private officials failed to explain to Canadians “simply and clearly” what was happening and what Canadians should be doing to protect themselves (Government of Canada 2009, v-vi).

All these criticisms point to accountability shortcomings on the part of both the private company and the public officials responsible for its oversight. With respect to Maple Leaf, post-outbreak reviews revealed that it did not fully implement its listeriosis control procedures. Nor did the federal meat inspection system identify the food safety problems. Although CFIA audits were scheduled to be conducted every three months at the plant that experienced the listeriosis outbreak, they did not take place at this prescribed frequency in 2005, 2006, or 2007. No audit took place in 2008, and audits were conducted only three times over the 2005 to 2008 period. A new compliance verification system implemented by the CFIA in the Maple Leaf plant in early 2008 did not require government inspectors to request or examine the company’s listeriosis testing results. Although she was unable to conclude whether the CFIA (and the Government of Canada) had a sufficient number of adequately trained inspectors to carry out the new compliance verification system, Weatherill did conclude that the CFIA had not adequately planned or provided sufficient resources for the new system.

The independent investigator produced a slew of recommendations to improve the safety of the food system, including the need for better coordination across federal agencies and across the two orders of government. With respect to the CFIA, she argued that its ability to perform its objectives of consumer protection and to act as a node for greater collaboration among federal organizations and with other levels of government had been limited by its organizational structure. The problem, in her view, was that the CFIA “is organized, structured, and managed as a traditional department” (Government of Canada 2009, 89). This departmental model “has not resulted in clear lines of authority, accountability, or meaningful collaboration” (ibid.). She recommended that the CFIA, supported by independent experts, undertake a comprehensive review of its organizational structure, current delegation of responsibility and lines of authority within the agency, and its
decision-making processes (90). Although Weatherill’s conclusion that the CFIA’s accountability is limited by its departmental structure is counter-intuitive as measured by popular control conceptions of accountability, it may not be so as measured by fiduciary standards of accountability. Of significance to the discussion here is the fact that her recommendations do highlight the difficulty of clarifying lines of accountability when both public and private authorities are responsible for providing a public good and when more than one order of government is also involved.

The Canadian government and the federal minister responsible for the CFIA agreed to implement all fifty-seven of Weatherill’s recommendations. By October 2010, they reported on a suite of actions that had been taken to reduce food safety risks, enhance surveillance, and improve emergency responses. These measures included initiatives to coordinate actions across all responsible federal partners and with the industry (Canadian Food Inspection Agency 2010).

**Mandatory Education**

In education, a number of critics called for changes in the accountability of professional educators that resonated with the critiques of management structures encapsulated in the NPM paradigm. As one editorial in the *Globe and Mail* observed: “The trouble with school boards as they exist ... is that they are somewhat accountable in theory, but barely accountable in practice.” Continuing their commentary, the editors argued: “All residents may vote for the school board, but hardly any do; these large and barely visible institutions start to look a little like taxation without representation” (quoted in Fleming 1997, n.p.). The response of provincial decision makers to these criticisms did not, however, adhere to the traditional remedies prescribed by NPM to improve accountability.

In the 1990s, provincial decision makers began to create assessment programs to evaluate students’ performance. Initiated in Alberta, each of the provinces gradually developed its own means of assessing children at regular intervals. Providing an instrument to measure the efficacy of the curriculum such assessment programs also act as a measure of the performance of education professionals. Assessments create the opportunity for provincial officials to gauge the quality of teachers in the classroom, principals and other administrators involved in running schools, and the calibre of board
officials in developing and implementing successful education plans. Consequently, the instatement of universal assessments dovetailed with the NPM rhetoric of augmenting performance measurement and accountability, while also transforming the relationship between the principals (provincial officials) and their agents (education professionals).

One province even tried to go a step further. In 2000, the Harris government announced its intention to create an Ontario teacher testing program to promote teaching excellence in the classroom (Anderson and Ben Jaafar 2003, 29). The program was to include “a qualifying test for teacher certification, a teacher recertification process, and provincial standards for regular teacher evaluation” (20), and it made the Ontario College of Teachers (OCT) responsible for administering the various professional development activities and appraisal process for recertification. The provincial teachers’ federations and the OCT, however, challenged various parts of the government’s initiative, and when the Liberals came into office, they immediately repealed the legislation (Wallner 2008). This example illustrates how NPM-inspired ideas cannot always be effectively transplanted into particular policy contexts.

Similar to food safety inspection, privatization was not an essential component of the provincial education agenda. Of the ten jurisdictions, Alberta was the only one to make any concerted move in this direction. In 1994, the Klein government passed legislation that enabled the establishment of charter schools. Charter schools are autonomous non-profit institutions that receive public funds (and so cannot charge tuition) but are released from some of the general rules and regulations to which regular schools in the public system must adhere. They can be founded by parents, teachers, or other activists who wish to pursue schooling in an alternative fashion. However, few groups in Alberta have taken advantage of the new opportunity; to date, only thirteen schools are operating with the majority concentrated in Calgary (Alberta Education 2011). Consequently, even Alberta’s efforts to pursue some forms of privatization have not produced a sustained effect in the Canadian mandatory education sector.

Practices in food safety deviated from the transnational paradigm that favoured a fiduciary logic that entrusted food safety to the scientific community and private food manufacturers. In education, however, the international commitment to this type of accountability logic was not as clear. Some evidence of this fiduciary logic
appeared in American education: in Philadelphia, for example, state officials have turned over the management of low-performing schools to private contractors, non-profit organizations, and local universities (Goertz 2006, 157). This type of pursuit, however, has not found widespread endorsement, either in other countries or in international organizations such as the OECD. Instead, when tracing the trends in Canadian education reforms, the striking pattern has been one that re-enforces the participation logic of legitimate political and public authority. Centralization has clarified the pre-eminence of ministers of education and their officials; assessments have primarily increased the accountability of professional educators (agents) to the provincial ministries (principals) who are in turn accountable to the electorate. Consequently, traditional conceptualizations of accountability in education have been left undisturbed by the infusion of NPM practices into the sector.

CONCLUSION

Our inquiry into developments in food safety and education has been spurred by certain phenomena raised by Peter Aucoin’s work. These phenomena are the capacity for governing paradigms to diffuse transnationally as well as the likelihood that paradigms are not imported wholesale and that they will be applied to varying degrees in different local settings. We have directed our study to examining the impact of one factor – the federal system – on the diffusion of transnational paradigms in Canada. Our findings indicate that exclusive provincial authority for a policy sector can, but need not, preclude diffusion of policy ideas across provinces – and thus across Canada. In education, provincial legal authority has not been a barrier to the diffusion of some NPM tenets; however, in food safety, some provinces have exercised their legal authority not to harmonize on transnational – and federal – standards. Intergovernmental coordination institutions exist in both the education and food safety policy sectors, yet they appear to be more successful in education than in food safety. Why?

The most likely explanation is that the economic stakes of interprovincial harmonization are greater in food safety than they are in education. The interests of food processors in harmonized nationwide food safety regulatory standards diverge in keeping with whether their markets are local or extend beyond the province’s
borders (Skogstad 2008). Food processors in all provinces who sell in interprovincial or foreign markets have very strong incentives (and obligations in the case of the meat and poultry sectors) to conform to international/federal food safety regulatory standards. Those who sell locally do not have these same interests, and their provincial governments may also see little reason to impose higher-cost food safety standards on them. In education, by contrast, there are not such obvious costs to provinces converging on their counterparts’ policies. Simply put, all provinces are interested in high-quality education and are equally assisted in informational exchanges by the Council of Ministers of Education, Canada.

The cases of food safety and education also allowed us to probe another subject that has been the focus of Peter Aucoin’s work. That matter is whether norms and practices of accountability are altered by the diffusion of transnational paradigms in general and NPM tenets in particular. Again, we find differences across the two policy sectors. Norms and practices of public accountability, consistent with the popular control logic, persist in education despite the implementation of NPM ideas. In food safety, we find the fiduciary logic of accountability grafted on to the popular control logic. As the listeriosis outbreak revealed, the result is that lines of accountability become blurred not only for the public but also for the private and public regulators themselves.

NOTES

1 The CFIA has many functions. Besides inspection of imported and exported food, fish, plants, and animals, it also licenses food-, fish-, and animal-processing plants that fall under federal jurisdiction, manages the quarantine system, and enforces several regulations and statutes.

2 In the early 1990s, Quebec shipments of ultra-high temperature milk to Puerto Rico were prohibited entry to the United States on the grounds that Canada’s dairy standards were not equivalent to US national standard. At that time, Canada had no national standard for milk; all milk standards were provincial standards.

3 The European Union made HACCP methods legally binding on food processors in 2003.

4 NAFTA’s Chapter 7 is consistent with the international/Codex guidelines. It requires NAFTA member countries to base their food safety measures on
scientific risk assessment principles and international (Codex) standards (where they exist).

5 The mechanism is the Federal-Provincial/Territorial Food Safety Committee. Its draft report in 2008, entitled “National Strategy for Safe Food,” failed to address provincial differences that create gaps in a national food safety strategy that allows multi-jurisdictional management of food-borne emergencies.

6 The most dramatic example came from New Brunswick. Following New Zealand’s lead, the government decided to entirely eliminate all local school districts, centralize most of the responsibilities into the Ministry of Education, and decentralize some authority to individual schools. This radical policy change, however, did not resonate with local opinion, and, within a few years, the New Brunswick government decided to re-establish local boards in the province.

7 Full provincial funding had already spread throughout eastern Canada in the 1960s and 1970s.

8 This conclusion was one of the reasons why Conservative MPs on the subcommittee refused to endorse its report and filed their own separate report.

9 The independent investigator observed that the CFIA team to recall the contaminated Maple Leaf products was first made aware of the emerging outbreak and the suspected food source on 6 August. Senior executives were advised on 7 August, but it took until the week of 18 August before they were “fully involved” and ordered the first recall.

10 Two federal agencies were involved: the CFIA, and the Public Health Agency of Canada (PHAC). The CFIA investigates food responsible for a food-borne illness and initiates food recalls with the industry. The PHAC, created in 2004, has the responsibility to respond to public health threats, including those arising from food-borne illnesses. The independent investigator reported that there was a lack of clarity as to whether the lead federal agency was the CFIA or the PHAC. There was also confusion regarding the leadership role of the federal agency (PHAC) and the provincial chief medical officer of health in Ontario.

11 In some provinces, assessments focus on the accountability of professional educators to provincial politicians and officials because they do not make the results public beyond provincial averages. In other provinces, however, assessments are used to also increase professional educators’ accountability to parents and the public at large by making the scores from the boards (or, in the case of British Columbia, individual schools) widely available (Wallner 2009).
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