



## ENERGY AND ENVIRONMENT

# On the Environment, Hold Our Ground and Look to the Future

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Asked about his environmental record during the second presidential debate this fall, President Bush rattled off a series of well focus-grouped phrases – “clean coal,” “clear skies,” and “mak[ing] sure our forests aren’t vulnerable to forest fires” – and touted himself as a “good steward of the land.” The rhetoric ignored reality: during the president’s first term, the administration took a dive on global climate change, flung open wilderness areas to drilling and logging, weakened air and water pollution standards, starved cleanup and enforcement programs, and in a variety of other ways cast its lot with polluters instead of the environment and public health.

Indeed, the bad environmental decisions made over the last four years – as well as those in the pipeline – will haunt our children and grandchildren. And maddeningly, the environment wasn’t really even an issue on voters’ radar screens this November. Terrorism, Iraq, and the economy – important issues, to be sure – eclipsed concerns about clean air and water and the preservation of nature.

So what to do? How do we expose empty rhetoric and make the environment a voting issue? How do we reverse the administration’s hostility to the environment and public health? What should progressives do to reframe the debate over the environment?

My colleagues at the Center for Progressive Regulation and I think progressives have at least three specific challenges ahead: First, we must understand how the Bush administration’s acts and omissions undermine environmental quality, and insist on necessary institutional changes that will

produce effective controls on pollution and the industries that cause it. Second, we must remind Americans of the harm that environmental damage is doing to our quality-of-life. And third, we must offer new proposals grounded in sound environmental values.

## The Bush Agenda

Bush political appointees, many of them former industry lawyers and lobbyists, have pushed regulatory changes that undercut our bedrock environmental laws. In its recent proposal to “protect” Americans from mercury poisoning, for example, the administration offers a plan to allow polluters to trade pollution credits, thus practically guaranteeing mercury “hotspots” in various pockets of the country where mercury pollution swells far beyond currently unacceptable levels. (Sorry, Great Lakes region, but you lose the administration’s mercury lottery. See [Professor Catherine O’Neill’s recent article](#) for an explanation.) Lost in the debate over the audacity of the administration’s plan is a large legal problem: the Clean Air Act requires the Environmental Protection Agency to adopt the strongest possible controls that are technologically feasible, and this doesn’t mean pollution-credit trading. The administration simply isn’t following the law.

Another approach has been to take the environmental cops off the beat, turning the EPA into a shadow of its former self. The administration has simply ratcheted down enforcement efforts through budget cuts and inactivity, with the result that it’s easier to get away with illegally polluting the nation’s air and water.

The administration has also used a number of regulatory tricks to accomplish its anti-environmental goals. For example, the Office of Management and Budget has grossly stacked cost-benefit analysis against environmental regulations, so that benefits of cleaning or preventing pollution are badly understated and costs badly overstated. By contrast, when it comes to regulatory proposals to weaken protections, the administration has sometimes simply skipped the cost-benefit analysis to speed the process.

## Bear Witness

Progressives won passage of environmental laws in the 1970s by pointing to the harm pollution was doing. We need to follow that same approach today, even if the harm is less photogenic than fire on the Cuyahoga River and barrels of toxic chemicals at Love Canal.

For example, when local governments issue Code Red warnings for smog, we shouldn’t miss the opportunity to remind our fellow citizens that smog isn’t a naturally forming weather condition! It

comes from specific industrial processes, and as a community and a nation, we have made the choice to permit it – a choice we need to revisit.

Another example: toxic cleanups. Conservatives in Congress have all but strangled Superfund, and with it the resources for cleaning up a long list of sites where industry has dumped or spilled toxic chemicals. At one such Superfund site near Baton Rouge, called Devil's Swamp Lake, EPA and industry are dragging their feet on cleaning up a body of water from which a large, mostly minority, local population catches fish that are a staple of the local diet. Congress isn't likely to move on Superfund anytime soon, but my colleagues at the Center for Progressive Regulation together with local environmental activists are [raising a stink](#) about the toxic pollution by calling for the polluting industries to buy groceries for affected families until they've cleaned up the lake. They may not do it, but they've had to defend themselves in the media. That's a small example of how we need to force industry and its allies to confront the real harm of their pollution.

## **A New Progressive Agenda for Public Health and the Environment**

In an [earlier piece](#) on this website, my colleague Christopher Schroeder and I sketched out a number of next-generation environmental proposals drawn from the Center for Progressive Regulation's new book, [A New Progressive Agenda for Public Health and the Environment](#). We think such new proposals are needed, not just to capture the public's imagination, but to account for all that has transpired on the environmental front – good and bad – over the last decade. Here are a few of our proposals in short form:

- Congress should strengthen civil rights laws to block the dirtiest manufacturing facilities from locating – as they often do – in low-income and minority communities.
- Congress should establish an impartial Bureau of Environmental Statistics to fill data gaps on toxic chemicals, the health effects of which we know appallingly little about.
- Congress should require EPA to shine a spotlight on state environmental agencies, some of which are doing a miserable job enforcing environmental laws, through regular and public evaluations of their performance.
- Companies should be required to publicly disclose information on pending enforcement actions or litigation. This disclosure would help protect average stockholders and mutual fund managers, who may take a hit when companies are found liable for pollution.

It's also important that our champions on Capitol Hill not settle for half-a-loaf solutions. They're going to be under fire these next two years on a host of issues. And when they speak and vote their values, and the values of those who sent them to Washington, the congressional majority and the White House spin machine will call them obstructionist, out of step, and worst of all, liberal. (Gasp.) After you've been called enough names loudly enough, compromise gets mighty tempting. And that's exactly what the Bush administration and its allies in Congress and industry have in mind – unless, that is, they can roll over progressives altogether. In the current circumstances, such compromises are the key ingredients for blatant environmental rollbacks that are gallingly described as “reform.” It would be hugely counterproductive to cut deals with the White House on the president's disastrous “Clear Skies” bill, or on energy legislation that would sacrifice the Arctic National Wildlife Refuge to drilling, or on feel-good but do-nothing initiatives on any of a host of environmental issues. The goal should be to stop the White House, whenever possible, from doing damage. And if that fails, at the very least, the public should know the stakes.

Long after George W. Bush has retired to his ranch in Crawford, Texas, we'll be living with the environmental choices made these next four years. If we stick to our guns, we'll have a chance to limit the damage, and even lay the groundwork for future victories.

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