

ENVIRONMENTAL POLICY IN THE 1990S

THIRD EDITION



NORMAN J. VIG & MICHAEL E. KRAFT

ENVIRONMENTAL POLICY IN THE 1990s

REFORM OR REACTION?

Third Edition

Edited by

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For
Nora, Jess, and Ted
Steve and Dave

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Preface

As the twenty-first century approaches, environmental policy is being challenged as never before. New demands worldwide for dealing with the risks of climate change, threats to biological diversity, and similar issues will force governments everywhere to seriously rethink policy strategies and find new ways to reconcile environmental and economic goals. Within the United States, a conservative Republican Congress elected in 1994 brought a markedly higher level of criticism of environmental programs and the agencies that implement them. The budget cuts imposed by Congress will hamper achievement of program goals that range from reducing public health risks from air and water pollution and toxic chemicals to protecting threatened ecosystems. They will also compel the Environmental Protection Agency (EPA), the Interior Department, and other agencies to adopt new approaches and to set program priorities in light of their limited resources and escalating demands for environmental protection. Similarly, states and communities will have to take greater responsibility for dealing with local and regional environmental problems, and the private sector will assume additional obligations of its own. As much as the debate over the environment has shifted in important ways in the 1990s, however, government and politics will continue to play crucial roles in shaping our environmental future.

When the first environmental decade was launched more than twenty-five years ago, protecting our air, water, and other natural resources seemed a relatively simple proposition. The polluters and exploiters of nature would be brought to heel by tough laws requiring them to clean up or get out of business within five or ten years. The sense of urgency that swept Congress in 1970 as it passed the Clean Air Act with scarcely a dissenting voice reflected the rise of one of the most dramatic popular movements in American history. Since then, despite ebbs and flows, the tide of public opinion favoring greater environmental protection has entered the mainstream of political life. But preserving the life-support systems of the planet now appears a far larger and more daunting task than anyone imagined a quarter-century ago.

Events in the 1990s have demonstrated the new demands and difficulties for environmentalism. In 1992 the largest international diplomatic conference ever held was convened in Rio de Janeiro, Brazil, to address an enormous range of global environmental issues. That same year, Bill Clinton's election as president promised a renewed commitment to environmental protection in the United States. Yet the president was largely unsuccessful in implementing his agenda, and the new Republican Congress proposed major revisions to most of our national environmental legislation.

Translating symbolic commitments into effective action is no easy task. The making of public policy often resembles an awkward dance between idealistic ends and deficient means. The history of environmental protection is no exception. Implementing the major legislation of the 1970s on air and water pollution, hazardous waste, and preservation of public lands and other resources proved to be difficult and frustrating. Although genuine progress was made, few deadlines were met and results have fallen considerably short of expectations. At the same time, environmental protection has turned out to be a moving target. What appeared to be a relatively straightforward job of controlling a few key pollutants by mandating corrective technologies at the "end of the pipe" has become a far larger and more difficult task that may require fundamental changes in human behavior.

By the end of the 1970s it was evident that many of the most serious environmental problems had their origins in the massive use and careless disposal of industrial chemicals whose cumulative health and environmental effects were largely unknown. These second-generation problems required cleanup of thousands of abandoned dumps, leaking toxic waste sites, and military bases and production facilities under Superfund and other programs. By the end of the decade, these programs were plagued by growing controversy over the slow pace and escalating costs of cleanups. But by then a third generation of even more challenging ecological issues captured public attention: global climate change, deterioration of the ozone layer, tropical deforestation, extinction of species, and ocean and coastal pollution. The agenda for the twenty-first century is already crowded with issues that will take the greatest human ingenuity to resolve.

This book seeks to explain the most important developments in environmental policy and politics since the 1960s and to analyze the central issues that face us in the current decade. Like the first and second editions, it focuses on the underlying trends, institutional shortcomings, and policy dilemmas that all policy actors face in attempting to resolve environmental controversies. This edition contains four new chapters, and all other chapters have been revised and updated. We have also attempted to place the Clinton administration and the congressional agenda in the context of the ongoing debate over the cost and effectiveness of past environmental policies. As such, the book has broad relevance for the environmental community and all concerned with the difficulties and complexities of finding solutions to our worsening environmental conditions.

Part I provides a retrospective view of policy development as well as a framework for analyzing policy change in the United States. Chapter 1 serves as an introduction to the book by outlining the basic issues in U.S. environmental policy over the past two and a half decades, the development of institutional capabilities for addressing them, and the successes and failures in implementing policies. The evolving role of the states in implementing federal policies and developing their own innovative approaches is considered in a new analysis by Barry G. Rabe in chapter 2. The states' capabilities have become a more urgent question as Congress seeks to devolve

responsibilities from Washington. In chapter 3 Christopher J. Bosso examines public opinion trends and the emergence of new grassroots environmental movements and countermovements. One of his most important conclusions is that environmental groups in the 1990s are becoming more fragmented, decentralized, and diversified in their concerns and modes of action. Part I concludes with a perceptive essay by Robert C. Paehlke that discusses the core values of environmentalism and proposes a variety of ways in which environmental ethics can be incorporated into environmental, social, and economic policies.

Part II analyzes the role of federal institutions in environmental policy-making. Chapter 5, by Norman J. Vig, discusses the role of recent presidents as environmental actors, focusing on the varying approaches of the Reagan, Bush, and Clinton administrations. In chapter 6 Michael E. Kraft examines the causes and consequences of policy gridlock in Congress, especially in light of the new Republican agenda. Walter A. Rosenbaum takes a hard and critical look in chapter 7 at the nation's chief environmental institution, the EPA, discussing a range of proposals for redefining its mission and functions. Chapter 8, by Lettie McSpadden, then explores the evolving role of the federal courts in interpreting environmental laws, reviewing administrative decisionmaking, and ultimately resolving many environmental disputes. McSpadden discusses several new legal trends such as the growing controversy over private property rights and legislative "takings."

Some of the broader dilemmas in environmental policy formulation and implementation are examined in Part III. The first two chapters focus on approaches that are increasingly being advocated to improve the efficiency and effectiveness of environmental regulation. Economist A. Myrick Freeman III discusses the potential for more rational economic decisionmaking, including the use of cost-benefit analysis, in chapter 9. He also asks how market incentives such as pollution taxes and tradable discharge permits could be introduced to achieve better results at less cost. Chapter 10, by Richard N.L. Andrews, takes up a parallel set of questions regarding scientific risk assessment: How well can environmental risks be measured given the technical obstacles and human judgments involved? And should comparative risk assessment be used to set environmental priorities? The last two chapters in Part III consider broader social responsibilities that are increasingly recognized as central to environmental health and progress. In chapter 11 Evan J. Ringquist analyzes the emergence of the environmental justice movement in response to growing awareness of racial and social inequities in the distribution of environmental burdens. He presents new empirical evidence regarding these inequities and discusses potential remedies. Chapter 12 switches the spotlight to evolving business practices. Daniel Press and Daniel A. Mazmanian examine claims for a "greening of business" and find considerable evidence of new trends toward voluntary pollution prevention and reduction.

Part IV shifts our attention to international environmental issues and institutions. Chapter 13, by Marvin S. Soroos, sets the stage by exploring the

development of global environmental diplomacy and institution building over the past twenty-five years. He focuses on the 1992 U.N. Conference on Environment and Development and prospects for implementing its goals. In chapter 14 Regina S. Axelrod analyzes the success of the European Union as perhaps the most advanced model for international environmental cooperation. Richard J. Tobin, in chapter 15, examines the plight of nations at the other end of the development spectrum that are struggling with an even more formidable array of threats brought about by rapid population growth and resource exploitation. The last chapter in Part IV, by David Vogel, discusses the potential impacts of new international trade agreements such as the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) on national policies for resource preservation and environmental protection.

The final chapter, by the editors, draws on the contributions to the book and on other current research to define an agenda of major environmental issues and new policymaking approaches that are the focus of contention in the closing years of the century. We make some reference to recent initiatives of the Clinton administration and its nemesis in Congress in offering some suggestions for a more constructive policy dialogue in the future.

We thank the contributing authors for their generosity, cooperative spirit, and patience in response to our seemingly ruthless editorial requests. It is a pleasure to work with such a conscientious and punctual group of scholars. Special thanks are also due to Brenda Carter, Nancy Lammers, Kris Stoecker, Talia Greenberg, and the rest of the staff at CQ for their customarily splendid editorial work. We also gratefully acknowledge support from the Department of Political Science and the Environmental and Technology Studies Program at Carleton College and the Department of Public and Environmental Affairs at the University of Wisconsin-Green Bay. Finally, we thank our students at Carleton and UW-Green Bay for forcing us to rethink our assumptions about what really matters. As always, any remaining errors and omissions are our own responsibility.

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PART I. ENVIRONMENTAL POLICY AND POLITICS IN TRANSITION

1

Environmental Policy from the 1970s to the 1990s: An Overview

Michael E. Kraft and Norman J. Vig

Environmental issues soared to a prominent place on the political agenda in the United States and other industrial nations in the early 1990s. The new visibility was encouraging, even if it could not be taken as a clear sign of public consensus on either the severity of ecological and health risks or public policies needed to deal with them. Intense public concern over environmental problems was manifest in opinion surveys conducted domestically and internationally.¹ Policymakers around the world pledged to deal with a range of important environmental challenges, from global climate change and protection of biological diversity to air and water pollution. For instance, delegates to the 1992 United Nations Conference on Environment and Development (the Earth summit), held in Rio de Janeiro, approved Agenda 21, an ambitious plan for redirecting the world's economies toward environmental sustainability. In the United States, the Environmental Protection Agency (EPA) sought new ways to improve implementation of the policies under its jurisdiction through "reinvention" of environmental regulation and use of "common sense" approaches.²

Despite these promising initiatives, sharp conflict over environmental policy goals, as well as over the means used to achieve them, was equally evident by the mid 1990s. This was especially so in the United States following the watershed 1994 congressional elections. The Republican party took control of both the House and Senate for the first time in forty years, and the party's conservative manifesto, the "Contract with America," promised to greatly reduce the scope of governmental activities. Environmental regulation became one of the prime targets of the GOP "revolution" on Capitol Hill. Nearly every major environmental statute and agency became the object of "reform" proposals that were often intended to undercut long-established and popular programs.³

The only other time in the past twenty-five years that environmental policies were attacked so directly was in the early 1980s during Ronald Reagan's presidency. Reagan's actions followed an "environmental decade" (the 1970s), during which the United States and other industrial nations

adopted an impressive array of environmental and resource policies, created new institutions such as the EPA to manage programs, and greatly increased spending for them.⁴ Under the Reagan administration, these programs were significantly curtailed and deep cuts exacted in the budgets of the EPA and other agencies. That strategy ultimately failed as Congress, the courts, and the American public resisted efforts to weaken or reverse environmental policy.⁵ In the early to mid 1990s, many of the same critiques of environmental policy were advanced once again. This time it was the Congress itself that sought to pull the nation back from its previous environmental policies and it was the Clinton White House that rose to their defense.

The precise way in which Congress, and the states, will revise environmental policies over the next few years remains unclear. The outcomes will depend on how environmental issues are defined by the various policy actors, the role of the media in covering the disputes, the state of the economy, the relative influence of opposing interest groups, and political leadership at all levels of government. One thing is certain, however. Political conflict over the environment is not going to vanish any time soon. It will likely increase as the United States and other nations struggle to define precisely how they will respond to the latest generation of environmental problems.

Another conclusion is inescapable. Deep cuts in federal agency budgets in 1996 and the heightened antienvironmental rhetoric and political backlash—in the states as well as in Congress—plainly indicate that environmental policy is at an important crossroads. Future achievements are critically dependent on understanding the new antienvironmental movements within and outside of government, improving our knowledge of the diversity of environmental risks we face, and devising effective policy actions that are broadly acceptable to the American public.

The rest of the 1990s will not be an exact replay of either the 1970s or the 1980s. We can expect to see much continuity in environmental policies for the remainder of the decade and into the early twenty-first century. We should also expect continued evaluation of existing policies and institutions and actions to change them. Some proposals will represent genuine efforts to reform environmental programs by improving their effectiveness and efficiency. Others will be less constructive reactions that are designed to reduce policy commitments made over the past three decades or more. All proposals require careful assessment, however, to determine their likely effects on governmental programs and, ultimately, on the achievement of important ecological, natural resource, and public health goals.

In this chapter we examine the continuities and changes in environmental politics and policy over almost three decades and speculate on their implications for the rest of the 1990s and early twenty-first century. We review the policymaking process in the United States and we assess the performance of government institutions and political leadership. Special attention is given to the major programs adopted in the 1970s, their achievements to date, their costs, and the need for policy reforms and priority setting in light of increasingly constrained budgetary resources. Many of the broad