

ENVIRONMENTAL POLICY ⁱⁿ the 1990s

Norman J. Vig and Michael E. Kraft

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***ENVIRONMENTAL POLICY
IN THE 1990S
TOWARD A NEW AGENDA***

Edited by

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PREFACE

When the first "environmental decade" was launched twenty 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 continued to gather strength and conviction both from changing social values and from mounting scientific evidence of threats to our global life support systems. People perceive the environment as more endangered now than it was twenty years ago.

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 involving change in human behavior.

By the end of the 1970s it was evident that many of the most serious environmental problems had their origins in massive use and careless disposal of industrial chemicals whose cumulative health and environmental effects were largely unknown. These second-generation problems, requiring cleanup of thousands of leaking toxic waste dumps and other sources of chemical contamination, began to overwhelm the system in the

1980s, when the Superfund and other programs were put in place. By the end of the decade, a third generation of even larger ecological issues captured public attention: the greenhouse effect and global warming, thinning of the ozone layer, massive tropical deforestation, the extinction of species, and ocean and coastal pollution. The summer of 1988—with its record heat and drought, destructive fires, and sickening urban and beach pollution—along with the great Alaskan oil spill of March 1989 appeared to confirm that things were drastically wrong and had to be dealt with at a much more serious and fundamental level than in the past.

The presidential election of 1988 offered hope that the growing environmental crisis might be addressed. George Bush and Michael Dukakis vied to become the “environmental president,” and both offered environmental programs that went well beyond their predecessors’. Bush distanced himself from the Reagan administration’s record of environmental neglect, despite his contributions to it as vice president. But the formidable array of problems that have made their way onto the national and international environmental agenda will require an entirely different level of leadership if progress is to be renewed in the 1990s.

This book seeks to explain some of the most important developments in environmental policy and politics over the past two decades and to analyze the central issues that face us in the decade ahead. Unlike our previous volume, *Environmental Policy in the 1980s: Reagan’s New Agenda*, it does not focus on policies of the current administration so much as on the underlying trends and policy dilemmas that all political actors will have to confront. As such, the book has broad relevance for the environmental community and everyone concerned with the difficulties of finding public solutions to our worsening environmental conditions.

Part I provides a retrospective view on 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 decades, the development of institutional capacities for addressing them, and the successes and failures in implementing policies. The importance of presidential leadership is highlighted in Chapter 2, which examines the dismal environmental record of the Reagan administration, the 1988 election, and the potential for change under President Bush. Chapter 3 analyzes another phenomenon of the 1980s: the increasingly innovative and diverse roles of the states in environmental policy. Finally, Chapter 4 examines public opinion and the growth of environmental groups in the late 1980s and the support they will provide for renewed environmental activism in the 1990s.

Part II takes up some of the most intractable policy dilemmas that will need to be resolved if environmental progress is to resume. Chapter 5 examines the problem of policy “gridlock” in Congress and prospects for overcoming fragmentation and divisiveness on such issues as acid rain and

pesticides. Chapter 6 looks at a similar problem played out in many local communities—the not-in-my-backyard (NIMBY) syndrome—and what new approaches may help to overcome it. Two other fundamental issues are considered in Chapters 7 and 8: to what extent should economic market incentives be incorporated into environmental regulation, and how useful is expert risk assessment in helping us to resolve difficult regulatory and environmental policy questions?

Part III shifts the discussion toward alternative institutional mechanisms for better reconciling conflicting interests and coordinating policies. Chapter 9 explains the traditional and more recent roles of the judicial system in deciding cases, reviewing administrative decision making, and sometimes reconciling parties. Chapter 10 then explores the rise of alternative methods for environmental dispute resolution, such as informal negotiation and mediation, and considers the pitfalls of these procedures as well as traditional adversary processes. Chapter 11 raises the much larger issue of whether truly comprehensive environmental policy is possible; that is, can we agree on a more general set of rational principles and institutional arrangements to guide decision making?

Part IV adds a comparative and international perspective on what is now seen as a global environmental agenda. Chapter 12 provides an intriguing comparison of cultural differences and environmental policy development in Europe and Japan, while Chapter 13 summarizes the grim pressures on environmental resources in much of the Third World and their implications for global ecological balances. Chapter 14 examines these and other “geophysical imperatives” and the need for the United States and other nations to cooperate on a much larger scale in developing *global environmental policies for the future*.

The last part raises the troubling issue of whether democratic political institutions are capable of resolving the crucial ethical and value conflicts that underlie environmental politics. In Chapter 15 it is argued that greater political activism, including expression of moral outrage, may be necessary as we are increasingly forced to choose among ecological, esthetic, efficiency, and equity values. This is followed by a discussion in Chapter 16 of how *environmental protection* as a “first-order value” is compatible with other basic democratic values, and how it can form the basis for new political coalitions that extend well beyond the present environmental community. Finally, Chapter 17 reviews and summarizes the arguments for major environmental policy changes in the 1990s and suggests courses of action that must be taken in the new “environmental decade.”

We thank the contributing authors for their generosity, cooperation, and patience in response to our seemingly endless editorial requests. It was a pleasure to work with such a conscientious and punctual group of scholars. Special thanks are also due to Rebecca Spithill and Beth Hull,

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Norman J. Vig
Michael E. Kraft

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***I. ENVIRONMENTAL POLICY AND
POLITICS IN TRANSITION***

Environmental Policy from the Seventies to the Nineties: Continuity and Change

Michael E. Kraft and Norman J. Vig

Environmental issues soared to a prominent place on the political agenda in the United States and other industrialized nations in the late 1980s. There was little mistaking the trend; the evidence for the rising saliency of the environment was everywhere. An intense drought and heat wave in the summer of 1988 dramatically raised public and governmental concern about global climate change, Europe and the United States gave new attention to elimination of chlorofluorocarbons (CFCs) and other chemicals responsible for depleting the earth's ozone layer, and in March 1989 the worst oil spill in U.S. history received extensive media coverage and vividly confirmed the environmental perils of energy development.¹ For the first time environmental issues played a highly visible role in a U.S. presidential election as George Bush and Michael Dukakis fought in the summer of 1988 over who was more committed to the environment. Just before Bush's inauguration, *Time* devoted an issue to the earth as "Planet of the Year," in which it analyzed the "looming ecological crisis" and provided an "agenda for urgent action."²

On cursory examination these recent developments resemble events of two decades ago when rapidly rising public concern about environmental issues and governments' eagerness to respond to this new political force initiated the "environmental decade." During the 1970s the United States and other industrialized nations adopted dozens of major environmental and resource policies, created new institutions such as the U.S. Environmental Protection Agency (EPA) to manage environmental programs, and greatly increased spending for them.³ Under the Reagan administration in the 1980s, these programs were curtailed as the president adopted a

We wish to thank Beth Hull for her assistance in compiling data for the appendices and Rebecca Spithill for her assistance on the appendices and helpful comments on earlier drafts of the manuscript.

4 *Environmental Policy in the 1990s*

conservative policy agenda that included deep cuts in the budgets of EPA and other agencies. That strategy ultimately failed as Congress, the courts, and the American public resisted efforts to weaken or reverse environmental policy.⁴

On closer examination, however, it is clear that the 1990s will not be a replay of either the 1970s or the 1980s. While we can expect to see considerable continuity in environmental policies over the next decade, these policies will require careful evaluation and in many cases an imaginative search for more effective and efficient approaches. Important changes in the 1990s also can be expected in the kinds of environmental problems that will make their way onto governmental agendas and in the political responses to them. For example, governments are ill equipped to resolve many long-term and severe problems in the global environment; hence, institutional reforms and new methods of decision making will be critical to success in such cases.⁵

In this chapter we examine the continuities and changes in environmental politics and policy over the past twenty years and speculate on some of their implications for the 1990s. We discuss the nature of policy making, the development of environmental policies, and the performance of governmental institutions and political leadership, paying particular attention to the major environmental programs that were adopted in the 1970s. Many of the broad questions explored in this introduction are addressed more fully in the chapters that follow.

The Role of Government and Politics

The heightened political prominence of environmental problems in the late 1980s underscores the singularly important role of government and politics in devising solutions to the nation's and the world's mounting environmental ills. Effective response to problems such as global climate change, population growth, the spread of toxic and hazardous chemicals, threats to endangered species, and air and water pollution requires diverse actions by individuals and institutions at all levels of society. One major contribution will be scientific research and inquiry that draws from a wide range of disciplines, among them environmental and other natural sciences, economics, political science, sociology, history, and philosophy. There is also a wide range of response strategies. Some scholars and activists emphasize political initiatives and public policy responses more than others.⁶ As political scientists, we believe government clearly has an indispensable role to play in environmental protection and improvement.

The major reason for the preeminent role of government is that most environmental ills are public problems; that is, they cannot be solved through purely private action. This does not mean that individuals and nongovernmental organizations cannot do much to prevent environmen-

tal deterioration, especially in local communities; it means only that individual efforts alone are insufficient. Moreover, self-interested individuals and a free economic marketplace guided mainly by a concern for short-term profits predictably create spillover effects or "externalities" such as pollution. Thus, the very character, scope, and urgency of environmental problems and the deficiencies in human institutions necessitate large-scale collective action, particularly by government.

Political Institutions and Public Policy

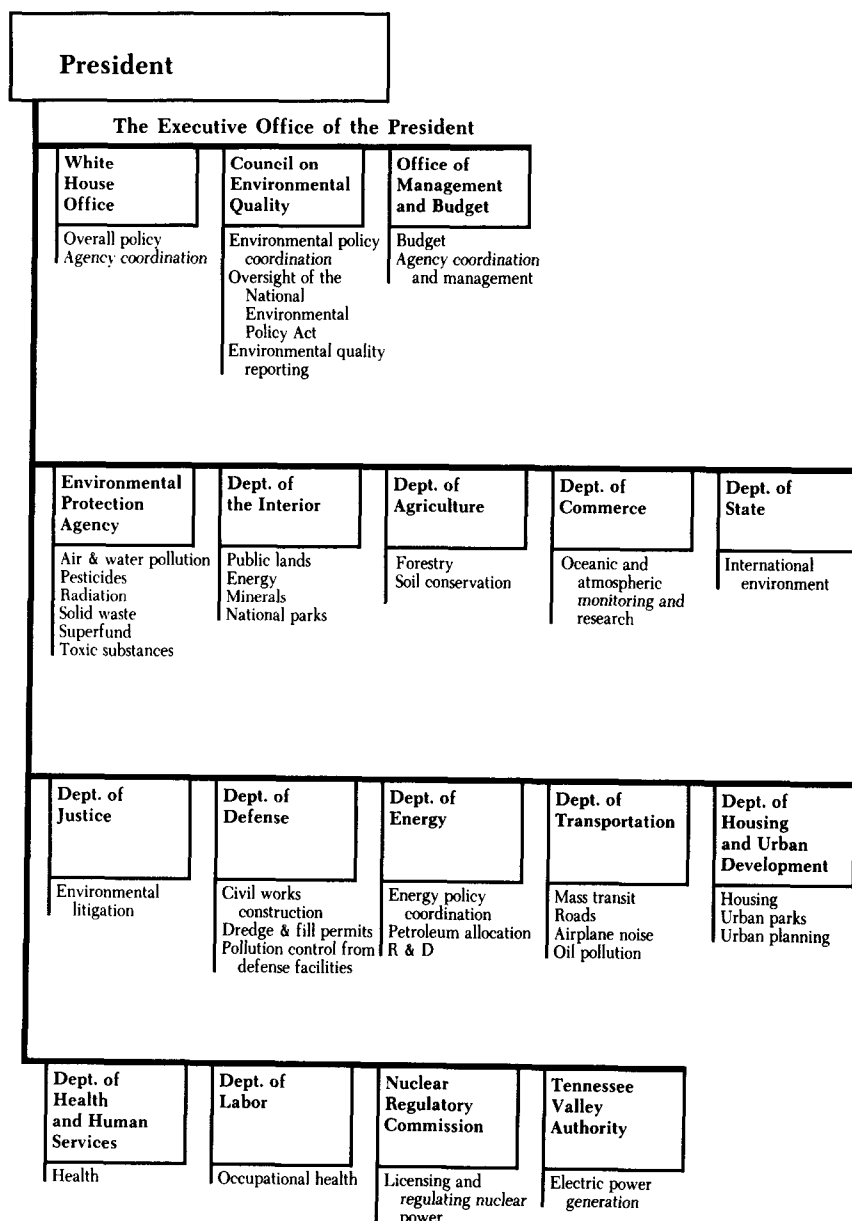
Public policy is a course of governmental action or inaction in response to social problems, and it is expressed in goals articulated by political leaders, formal statutes, rules and regulations, and the practices of administrative agencies charged with implementing programs. Policy states an intent to achieve certain goals and objectives through a conscious choice of means and usually within some specified period. In a constitutional democracy like the United States, policy making is distinctive in several respects: it must take place through constitutional processes, it requires the sanction of law, and it is binding on all members of society. Normally, the process is open to public scrutiny and debate, although secrecy may be justified in matters involving national security and diplomatic relations.

The constitutional requirements for policy making were established two hundred years ago, and they remain much the same today. The U.S. political system is based on a division of authority among three branches of government and between the federal government and the states. Originally intended to limit government power and protect individual liberty, this division of power can impede the ability of government to adopt timely and coherent environmental policy. Dedication to principles of federalism means that environmental policy responsibilities are distributed among the federal government, the fifty states, and thousands of local governments (see Chapter 3). Responsibility for the environment is divided within the branches of the federal government as well, most notably in the U.S. Congress, with power shared between the House and Senate and jurisdiction for environmental policy scattered among dozens of committees and subcommittees (see Table 1-1). The executive branch is also institutionally fragmented, with at least some responsibility for environmental and natural resource concerns located in eleven cabinet departments and in EPA, the Nuclear Regulatory Commission, and other agencies (see Figure 1-1). Although most environmental policies are concentrated in EPA and in the Interior and Agriculture departments, the Department of Energy (DOE) and the State Department are increasingly important actors as well. Finally, the more than one hundred federal trial and appellate courts play an important role in interpreting environmental

Table 1-1 Major Congressional Committees with Environmental Responsibilities

Committee	Environmental policy jurisdiction
<i>House</i>	
Agriculture	agriculture in general, soil conservation, forestry, pesticide policy
Appropriations	appropriations for all programs
Energy and Commerce	Clean Air Act, nuclear waste policy, safe drinking water, Superfund, hazardous waste and toxic substances
Interior and Insular Affairs	public lands, wilderness, surface mining, nuclear waste policy
Merchant Marine and Fisheries	National Environmental Policy Act, oceanography and marine affairs, coastal zone management, fisheries and wildlife
Public Works and Transportation	water pollution, rivers and harbors, oil pollution, water power
Science, Space, and Technology	nuclear waste policy, environmental research and development, energy research
<i>Senate</i>	
Agriculture, Nutrition, and Forestry	agriculture in general, soil conservation, forestry, pesticide policy
Appropriations	appropriations for all programs
Commerce, Science, and Transportation	coastal zone management; marine fisheries; oceans, weather, and atmospheric activities; technology research and development
Energy and Natural Resources	energy policy in general, nuclear waste policy, mining, national parks and recreation areas, wilderness, wild and scenic rivers
Environment and Public Works	air, water, and noise pollution; toxic and hazardous materials; Superfund; nuclear waste policy; fisheries and wildlife; ocean dumping, solid-waste disposal; environmental policy and research in general

Figure 1-1 Major Executive Branch Agencies with Environmental Responsibilities



Source: Council on Environmental Quality, *Environmental Quality, Sixteenth Annual Report of the Council on Environmental Quality* (Washington, D.C.: U.S. Government Printing Office, 1987).