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**POLICY PRIORITIES OF THE EPA: A PROPOSED AGENDA AND
BUDGET INITIATIVE**

A THESIS

Presented to the

Honors College at Southern University
Baton Rouge, Louisiana

In Partial Fulfillment of the Requirements for the

Honors College Degree

by

Kendra E. Perkins

December 1997

This research was conducted as part of the 1996 Public Policy and International Affairs (PPIA) Fellowship Program Summer Institute held at The University of Maryland -College Park. The PPIA Program is administered by the Academy for Educational Development.

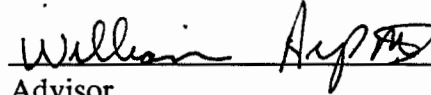
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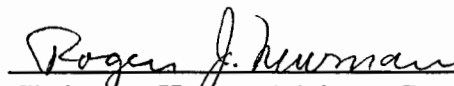
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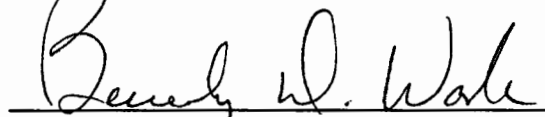
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has been approved by the examining committee for the thesis
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**POLICY PRIORITIES OF THE EPA: A PROPOSED AGENDA AND
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ABSTRACT

This paper summarizes priorities for the Environmental Protection Agency's federal environmental policy agenda. Ten issue areas are investigated, and major issues, problems and proposals are addressed for each of the areas. The proposed policies range in scope from recommendations for research, new legislation and amending existing legislation to new regulatory approaches and changes in existing regulations.

Each policy recommendation identifies environmental policy measures that deserve priority status and a rationale for each proposal. These measures include changes to existing policy, reaffirmation of important existing policies, and the elimination of unwise policies. The policy recommendations also state whether the proposals will require increases in the level of funding for the program area. The criteria by which the initiatives were chosen included public health, cost effectiveness, political feasibility, and economic growth potential.

Also included is an EPA budget proposal that illustrates how the policy recommendations will affect the agency's budget for the fiscal year. The budget begins with the funding allocated for the previous fiscal year and proposes adjustments for the upcoming fiscal year.

A series of ambitious policies were formulated and adjustments to the EPA budget were proposed. The result is a complete policy agenda and budget initiative for the United States Environmental Protection Agency.

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CHAPTER I

BACKGROUND OF STUDY

Purpose

Many environmental problems have mounted to extremely critical levels. The irresponsible management of the environment is beginning to impact the health and well being of the citizens of the United States and the world. Without the immediate focusing of attention to this critical issue, the cost to repair the mounting damage and the consequences to humanity will be enormous. The purpose of this paper is to target problem areas in federal environmental policy, and to propose original solutions to those problems.

Key Issues

In concern for the environment, there are many key issues and areas that must be addressed. Among these issues are human health, reorganization of current policies, upholding or improving current air, water, and toxic waste standards, taking responsibility for international initiative, and federal funding for environmental policy implementation. Addressing these main policy issues will ensure that the environmental health of our country and our citizens will remain strong well into the future.

EPA's most recent data indicates that one third of our nation's population continues to breathe unhealthy air, as industrial and mobile sources release millions of tons of

pollutants into the atmosphere annually.¹ In addition to this, humans are faced with unsafe drinking water, which threatens the health of our citizens, especially children and the elderly.² It is imperative to address these issues immediately to guarantee a safe environment for all Americans.

Policy Strategies

A series of ambitious restructuring strategies must be adopted in order to remedy these ills. Some of these issues can be addressed by changing the structure and quality of implementation of environmental policy.³ Hazardous waste needs to be cleaned up immediately to avoid any unnecessary risk to the well-being of American citizens. Wetland protection standards need to be upheld to prevent the declassification of critical lands that need to be protected. Protection of public lands must become more inclusive to guarantee their future protection.

Everyone deserves to live without harmful levels of degradation, pollution, and destruction. However, addressing these issues does not come without a price. It is imperative that environmental initiatives receive adequate funding. The success of toxic waste cleanup, air and water safety, as well as the Endangered Species Act, and renewable energy development all depend on the allocation of adequate funding. In time, many of

¹Clifford Russell, "Looking Ahead." EPA Journal 11 (July/August 1995) : 18.

² Ibid, p.19.

³Samuel J. Dillon, "Taking Environmental Initiatives." EPA Journal 11 (April 1995) : 9.

these costs can be internalized by industry.⁴ However, these issues need to be addressed immediately to avoid any long term serious damage to the environment and to humankind.

Organization of the Thesis

The following chapters will outline issues, problems and proposed solutions related to the ten major environmental policy areas addressed by the EPA. A proposed budget is also included to explain how the policy agenda will fit under the overall EPA budget ceiling, and how funds are allocated among policy areas.

⁴Jurgen Schmandt, "Managing Comprehensive Rule Making: EPA's Plan for Integrated Environmental Management." Public Administration Review 45 (March/April 1995) : .317.

CHAPTER II REVIEW OF THE LITERATURE

Literature relating to environmental policy needs identifies specific issues or problems in various policy areas that should be at the forefront of the EPA policy agenda. The majority of the identified policy priorities focus on the creation of new legislation, the amending of existing legislation, new regulatory approaches, and changes in the scope of existing regulations. This chapter will highlight issues in ten major environmental policy areas that are considered to be priorities.

Department of Defense/Department of Energy Cleanup

According to Dennis Coates, temporary nuclear waste disposal methods are inadequate and the United States lacks an acceptable long-term disposal plan.⁵ Campbell suggests that by setting up an independent research commission, and taking the lead in clarifying and supporting current Department of Energy and Department of Defense waste management efforts, the United States may be able to break through the recent gridlock, and establish responsible short-term and long-term plans.

Environmental Technology and Energy

Hollander concluded that in the future, the budgets provided to the Department of Energy by Congress must allow the United States to take advantage of its technological

⁵Dennis Coates, "Not Equitable, Not Efficient: U.S. Policy on low-level radioactive waste disposal." Journal of Policy Analysis and Management 13 (Summer 1994) : 528.

leadership in energy production and research.⁶ He also noted that this orientation should be evident in the allocation and distribution of funding.⁷ Furthermore, according to Assenza, budgets must allow the United States to meet its domestic and international obligations for the reduction of greenhouse gasses, provide for an energy and technology network that eliminates, or significantly reduces dependence on foreign owned fossil fuels, and facilitate the international marketing of non-strategic energy technology.⁸ Assenza further asserts that all of these requirements can be satisfied by granting the Department of Energy the ability to redistribute funds to key programs.⁹

Public Lands

"Public lands belong to the American people,"¹⁰ is the assertion made by Klyza. He also comments that in order to protect this national heritage, and preserve the nation's environmental health, we must manage public lands efficiently.¹¹ Public lands account for

⁶Jack Hollander, "Future Energy Innovation Grows From Today's R&D." Environment and Planning 21 (Spring 1997) : 1360-62.

⁷Ibid, p. 1363.

⁸Marit Assenza, "Energy Efficiency Means No Regrets." Forum for Applied Research and Public Policy 11 (Summer 1996) : 82-85.

⁹Ibid, p. 85.

¹⁰ Christopher Klyza, "Framing the Debate in Public Lands Politics." Policy Studies Journal, 19, no. 3 (1995) : 577.

¹¹Ibid, p. 581.

one-third of our nation's land mass. These lands provide resources such as oil, gas, timber, and coal, which are essential to the nation's economy. In addition, public lands house endangered species, and help maintain biodiversity. Public land management involves balancing these often conflictual goals of economic use and preservation. To ensure the protection of public lands, and preserve resources for future generations, the jurisdiction of these lands should remain in the hands of the federal government.¹² To accomplish these goals, Meyers also concluded that more public lands should be protected under the national wilderness preservation system, and timber sales on federal lands should be priced to reflect their true economic and environmental costs.¹³

Water Quality

Gray identified three water policy measures that deserve priority status in the environmental policy agenda. Those measures are wet weather issues, or non-point source pollution, safe drinking water, and EPA cost-benefit analysis. Non-point source pollution accounts for the majority of water quality problems, while unsafe drinking water remains the largest threat to urban health.¹⁴ EPA analysis should not solely rely on cost-benefit

¹²Gary Meyers, "Old-Growth Forests: Environmental Ethics Versus Public Lands and Resource Laws." Boston College Environmental Affairs Law Review 18 (1995) : 644-651.

¹³Ibid, p. 667.

¹⁴N.F. Gray, "Drinking Water Quality: Problems and Solutions." Congressional Geographer 47 (August 1996) : 352.

methods, but should also include factors such as timeliness and fairness.¹⁵ Shapard stated that water quality concerns are under funded and need immediate attention.

Superfund

Superfund is responsible for providing safe environments for the American public by funding hazardous waste clean-up.¹⁶ Hird asserts that for Superfund to be effective, policies must be enacted that allow for prompt attention to hazardous waste sites. Accelerating the response to hazardous waste sites can occur through reform in the program's liability system, the establishment of uniform cleanup standards, and an increase in technical research.¹⁷

Endangered Species

An endangered species is any species which is in danger of extinction throughout all or a significant portion of its range. A threatened species is any species which is likely to become an endangered species within the foreseeable future throughout a significant portion of its range.¹⁸ The initial purpose of the Endangered Species Act of 1973 was to save all species of animals and plants from extinction. Fredman notes that since the Act's

Ibid.

¹⁶U.S. Environmental Protection Agency. "This Is Superfund: A Citizen's Guide to EPA's Superfund Program." (1996) : 9.

¹⁷John Hird, "Superfund Expenditures and Cleanup Priorities." Journal of Policy Analysis and Management 9 (1994) : 477-481.

¹⁸Endangered Species Act (1973).

creation, there has been wide spread criticism of its contents.¹⁹ According to Simon, because of criticism by society and the continuing debate in government, reforms should be made to the Act.

Wetlands

According to Minter, the nation's wetlands are crucial to biological diversity. Wetlands are endangered species habitats, and are vital to maintaining healthy ecosystems.²⁰ Minter also identified two critical issues that are at the forefront of federal environmental policy. Those issues are wetlands protection and federal "takings." The current no-net-loss wetland conversion policy is threatened by the deregulation of wetlands currently under federal protection as in the Clean Water Act and the 1995 Farm Bill. Proposed legislative amendments include controversial provisions which will compensate private property owners for land takings by federal regulation.²¹

International Initiatives

Payne stated that environmental issues transcend jurisdictional boundaries and play an integral role in the United States' domestic and foreign policy.²² Currently,

¹⁹Peter Fredman. "Endangered Species and Optimal Environmental Policy." Journal of Environmental Management 47 (August 1996) : 381-386.

²⁰Richard Minter, "Muddy Waters: The Quagmire of Wetlands Regulation." Policy Review 56 (Spring 1993) : 70.

²¹Ibid, pp. 73-75.

international initiatives are organized into four broad approaches: global, regional and bilateral initiatives, and public/private partnerships, each of which contains its own specific programs and policies.²³ Claussen suggested that emphasis should be placed on several issues which cut across the traditional domains --strengthening of domestic and international efforts to reduce climate change, expansion of regional environmental initiatives, and developing a set of environmental principles for future trade liberalization negotiations. These three issues are critical to the advancement of positive international environmental policy over the next decade and should play a prominent role in the U.S. policy agenda.²⁴

Strategic Partnerships

To effectively manage the coastal zones of the United States, strategic partnerships are necessary to coordinate the efforts of federal, state and local levels of government along with private actors.²⁵ According to Doyle, the goal of this initiative is to reduce

²²Rodger Payne, "Deliberating Global Environmental Politics." Journal of Peace Research 33 (May 1996) : 129.

²³Eileen Claussen, "U.S. Foreign Policy and the Environment: Engagement for the Next Century." SAIS Review 17 (Winter/Spring 1997) : 99.

²⁴Ibid, pp. 100-105.

²⁵ Robert G. Healy, "Environment and Development Conflicts in Coastal Zone Management." Journal of the American Planning Association 51 (Summer 1995) : 299-300.

unwise development in flood-prone areas which will decrease the level of environmental destruction in these regions.²⁶

Air Quality

EPA's most recent data indicates that more than 85 million Americans, or about one-third of the nation's population continues to breathe unhealthy air, as industrial and mobile sources release millions of tons of pollutants into the atmosphere annually.²⁷

Bennett also commented that the Clean Air Act has improved air quality but can be strengthened if reasonable and cost-effective air quality improvements are implemented.

These improvements should attempt to improve both immobile and mobile air standards.²⁸

²⁶Robert Doyle, "Coastal Management: Planning on the Edge." Journal of the American Planning Association 51(Summer 1995) : 288-294.

²⁷K.M.Bennett, "EPA Sets Goals." EPA Journal 8 (November 1995) : 3-5.

²⁸Ibid.

CHAPTER III
DEPARTMENT OF DEFENSE/DEPARTMENT OF ENERGY
CLEANUP

ISSUE: FUNDING FOR DOD ENVIRONMENTAL PROGRAMS PROBLEM:

Measured by the number or the area of contaminated sites, the U.S. military is the nation's largest polluter. Every major U.S. military base is contaminated with toxic, radioactive, or explosive wastes.²⁹ Unless controlled, military hazardous waste will undermine the health of millions of Americans. Congress has cut Department of Defense environmental spending and shifted the responsibility of defense cleanup to another branch of the federal government.³⁰ Proposals designed to save money by diluting cleanup standards would subject the public and military personnel to serious health risks and postpone necessary cleanup.

PROPOSAL:

The Administration must ensure steady funding for Defense environmental programs including cleanup and the development of new environmental technologies and reject efforts to dilute standards.

ISSUE: FUNDING FOR DOE ENVIRONMENTAL MANAGEMENT PROGRAM

PROBLEM:

The Department of Energy's Office of Environmental Management's jurisdiction includes several major facilities and dozens of smaller and formerly-utilized sites involved

²⁹Campbell, p. 24.

³⁰Ibid, p. 30.

in weapons research, assembly and testing, nuclear materials production, and waste storage. Deadly radioactive waste and other toxins have gone beyond the borders of most, if not all, major nuclear weapons sites. Hundreds of related safety and health hazards require immediate action by the Office of Environmental Management.³¹ Members of Congress have stated their intentions to reduce funding for the Department of Energy Environmental Management Program in order to pay for increases in other areas of the defense budget. These reductions would severely impact the Department of Energy's compliance with environmental health and safety protection laws.

PROPOSAL:

Resources must remain intact in order to meet the enormous cleanup challenge. Efforts to reduce the Department of Energy Environmental Management budget should be rejected. The cleanup of the weapons complex should not be weakened or delayed but should be made more effective and cost-efficient.

ISSUE: LONG-TERM NUCLEAR WASTE POLICY

PROBLEM:

The United States lacks a comprehensive long-term plan to dispose of its radioactive waste. Radioactive materials, dismantled warheads, and the civilian nuclear power industry continues to add to the stock already in storage. Nuclear waste remains

³¹Stan Albrecht, Stan, "The Sitting of Radioactive Waste Facilities: What Are the Effects on Communities?" Rural Sociology 61 (1996) : 651.

active for thousands of years; our decisions today will effect the health of future generations.

PROPOSAL:

An Independent Presidential Commission to conduct research, development, and evaluation into long-term nuclear waste disposal options must be created to seek and evaluate new constructive solutions for a long-term radioactive waste strategy.

ISSUE: SHORT-TERM NUCLEAR WASTE MANAGEMENT

PROBLEM:

The existing short-term policy to keep nuclear waste in a temporary federal storage site, while searching for more responsible and permanent solutions has fallen far off track, due to controversies surrounding the safety and ramifications of the geological burying of radioactive waste. The aging on-site nuclear waste storage facilities across the country, most of which are located in highly populated areas, are inadequate and extremely dangerous.³²

PROPOSAL:

Increased oversight and leadership are needed to get the Department of Energy's short-term nuclear waste management plan back on track. The Administration should take

³²Ibid, p. 667.

the lead in making necessary reforms and increasing oversight to ensure that the Department of Energy's short-term nuclear waste management program gets back into shape.

CHAPTER IV ENVIRONMENTAL TECHNOLOGY AND ENERGY

ISSUE: RESEARCH AND DEVELOPMENT FUNDING

PROBLEM:

The current allocation of research funds support the development of mature energy technologies at the expense of renewable energy and alternative fuels technologies. Due to the obligations listed in the Clean Air Act and the United Nations Conference on Environment and Development (UNCED "Earth Summit"), the U.S. must reduce all Carbon-dioxide emissions and sustain them at 1990 levels. The use of fossil fuels for energy generation, transportation, and commodity production represents the majority of carbon emissions produced domestically.³³ Though significant advances have been made in the efficiency of processes demanding the use of fossil fuels, the U.S. has yet to realize its goal of reducing or eliminating the need for fossil fuels. This can be accomplished through the establishment of a domestic strategic alternative fuel reserve for the operation of the U.S. economy, national defense, and needed civil services.

PROPOSAL:

Reduce all Research and Development funding for fossil fuels and fission energy by 50% and redirect these funds to the Research and Development of renewable energy and alternative fuels technologies, such as hydrogen based fuels, and high temperature

³³Assenza, p. 84.

superconductivity. The research for these technologies will take place at U.S. national laboratories and universities via Department of Energy academic agreements.³⁴

To ensure progress is made on the issue of global climate change, no less than 5% of Department of Energy funds earmarked for global climate change mitigation should be spent of international initiatives that address this problem.

ISSUE: SUBSIDIES FOR BUSINESS

PROBLEM:

Though the previously proposed programs will require significant investments, the technology yielded can be applied to U.S. industries and traded in the world market.³⁵ In its 1992 report, the Department of Energy ranked the United States last among seven major nations with respect to the amount of energy technology traded to other nations. The major obstacle cited by the study was the lack of financing available to U.S. corporations that would make their products attractive to foreign buyers.³⁶ By increasing the marketability of available energy technology, the United States will be able to capitalize on its technological investment, and help domestic corporations capture an increasing share of the world market which is estimated to reach \$600 billion by the year 2000. Given the fact that in previous years energy technology sales comprised 7% of the

³⁴Hollander, p. 148.

³⁵Ibid, p. 146.

³⁶Ibid, p. 147.

GDP, there are obvious economic and environmental gains to be made by increasing the competitiveness of the U.S. in this area.³⁷

PROPOSAL:

Provide tax incentives for businesses that sell energy efficient technology in the international market. These price incentives can be paid for in full by reducing and redirecting current subsidies away from mature technologies such as fossil fuels and fission energy. Also, phase in market prices for energy generated at Department of Energy facilities.³⁸

³⁷Ibid.

³⁸Russell, p. 19.

CHAPTER V PUBLIC LANDS

ISSUE: WILDERNESS PROTECTION

PROBLEM:

Critical wild areas are being threatened. Currently, 460 million acres are managed by the Forest Service and the Bureau of Land Management. Many of these areas are roadless and are crucial habitats for endangered species.³⁹ These areas are the last large wilderness areas in the United States that remain undisturbed.

PROPOSAL:

More of the public lands should be included in the Wilderness Preservation System. There are 22 million acres of improved public lands managed by the Bureau of Land Management in Utah that are under contention between environmental and developmental interests.⁴⁰ At least 50% of these lands should be protected under the National Wilderness Preservation System. Montana and Idaho's Bitterroot area, critical grizzly bear habitat, as well as sacred Native American land should also be protected by this act.

³⁹Klyza, p. 581.

⁴⁰Ibid, p. 584.

ISSUE: SUBSIDIZED TIMBERPROBLEM:

The true economic and environmental costs of timber sales on public lands are not borne by loggers, but subsidized by tax payers. The Forest Service loses money on about two-thirds of its timber sales because it subsidizes infrastructure, and assumes management and administrative responsibilities for loggers, allowing private companies to harvest public forests at a lower cost.⁴¹

PROPOSAL:

To guarantee efficient economic production, these subsidies and services should be streamlined to more accurately reflect the true cost of timber harvesting.

⁴¹Ibid.

CHAPTER VI WATER QUALITY

ISSUE: WET WEATHER ISSUES

PROBLEM:

Amendments of the 1987 Clean Water Act addressed the states' assessment and development of plans to manage non-point pollution sources, but failed to provide adequate funding for the states to implement such programs. Fifty to sixty percent of the nation's water pollution problems are related to wet weather or rainfall events.⁴² These include hazardous runoff from agriculture, toxic urban storm water, and sewer overflow. Until recently, the Federal Pollution Control Act of 1948 has focused primarily on dry conditions. It is critical that wet conditions are made central in environmental policy issues.

PROPOSAL:

The State Revolving Fund, a loan program, must be reevaluated to provide local and state governments with the funds necessary to mitigate pollution.⁴³ Also, state and federal regulations must be integrated to establish concrete standards for the states.

⁴²Gray, p. 352.

⁴³Ibid.

ISSUE: SAFE DRINKING WATERPROBLEM:

The Safe Drinking Water Act of 1974 was passed to protect public drinking water supplies from harmful contaminants, yet the United States continues to struggle with unsafe drinking water. State and local governments are increasingly burdened to keep up with regulations because of their lack of financial resources. Small city water suppliers bear disproportionate costs of regulation to large city water suppliers.⁴⁴

PROPOSAL:

The state revolving fund must be restructured so that loans can be provided equally to small and large jurisdictions. This can be done by focusing specifically on small communities, making low-interest loans available, and setting up more lenient methods of repayment.⁴⁵

ISSUE: EPA COST BENEFIT ANALYSISPROBLEM:

During the 104th Congress, the Senate unanimously passed a Safe Drinking Water Act Reauthorization Bill S.1316. It requires EPA to conduct a cost-benefit analysis when setting standards for water quality. Quantitative cost-benefit analysis undervalues

⁴⁴Shapard, p. 32.

⁴⁵Ibid.

environmental and health benefits and exaggerates cost.⁴⁶ Excessive reliance on quantitative analysis to evaluate problems and solutions ignores other equally important factors such as timeliness, fairness, and reversibility of effects. Mandatory cost-benefit analysis will lead to inefficiencies and the rolling back of existing critical regulations since it will become harder for regulations to be evaluated and passed.

PROPOSAL:

The standard setting approach used by EPA prior to the passage of S.1316 should be reinstated. Cost-benefit analysis minimizes health risks, overemphasizes costs and can endanger current and proposed legislation thereby weakening environmental regulations as a whole.

⁴⁶Gray, p. 357

CHAPTER VII SUPERFUND

ISSUE: THE LIABILITY SYSTEM

PROBLEM:

A tremendous amount of litigation surrounds the distribution of cleanup costs for hazardous waste sites at which multiple parties are responsible. It is quite possible that hundreds of parties can be held responsible for the pollution at many sites. The average cost for the cleanup of a hazardous waste site is 30 million dollars. Thus, the question of "who should pay, and how much?" is always an issue. The litigation surrounding cases such as these hinders the cleanup process tremendously.

Furthermore, in the past few years, private responsible parties have increasingly sought to share their cleanup costs with local governments. This results in numerous lawsuits against municipalities, which contribute waste to landfills that does not pose nearly as much threat to human health and the environment as industrial toxic waste does.

PROPOSAL:

An independent party should serve as an arbitrator in order to allocate cost shares among the liable parties. Also, given the minimal amount of toxicity of materials produced by municipalities, third party lawsuits against them should be discouraged through economic disincentives.

ISSUE: CLEANUP STANDARDSPROBLEM:

The current practice of reconciling federal and state regulations to determine the standards for site cleanups prevents Superfund from being effective.

PROPOSAL:

Current federal environmental regulations will serve as a minimum standard for all 50 states. If the states are unable to financially fulfill this mandate, the federal government must subsidize the necessary funding. Also, the federal government must provide strong oversight for the implementation of these standards.

ISSUE: TECHNICAL RESEARCHPROBLEM:

Lack of technology causes a great delay in many Superfund cleanup operations. Difficulties surrounding the cleanup of certain sites often result in the site being labeled "technically impracticable."⁴⁷ Thus, many communities continue to suffer from the existence of hazardous waste sites that cannot be cleaned, given the current levels of technology.

PROPOSAL:

Increase basic and applied research in order to find innovative cleanup solutions that can achieve quicker, more cost-effective ways to clean up hazardous waste sites.

⁴⁷Hird, p. 497.

CHAPTER VIII ENDANGERED SPECIES

ISSUE: PROPERTY RIGHTS VERSUS ENDANGERED SPECIES

PROBLEM:

Species and habitat preservation, the basis of the Endangered Species Act, is the primary way in which an endangered or threatened species is recovered. This often comes into conflict with property rights. Environmental law states that individuals must utilize their land under specified conditions if it is the habitat of an endangered species. A private property owner can obtain a permit to develop a Habitat Conservation Plan (HCP), lessening the negative impact on the species. Once the permit is obtained, the HCP takes years to implement. This prevents property owners from utilizing their land.

PROPOSAL:

Increase funding for the purpose of implementing the Habitat Conservation Plans within one year.

ISSUE: PUBLIC OPINION

PROBLEM:

The Endangered Species Act sets out to recover all species from extinction regardless of public opinion. However, there is a bias in society regarding which species get protected. Society believes that it is important to recover animals that are in the

"spotlight" such as the grizzly bear, the spotted owl, and the bald eagle, but lesser recognized, yet critical species often do not get much attention.⁴⁸

PROPOSAL:

Increase funding to educate the public on the importance of all species in a well functioning ecosystem.

⁴⁸Fredman, p. 381.

CHAPTER IX WETLANDS

ISSUE: WETLAND PROTECTION

PROBLEM:

Section 404 of the Clean Water Act, one of the nation's primary wetland protection tools, is under reauthorization in Congress. Proposed Clean Water Act reform measures include reclassification criteria that provide protection for only those sites that exhibit clear evidence of wetland soils and plants and the presence of water at the surface for 21 consecutive days. An exclusionary classification such as this would end protection for many sites, regardless of their ecological value or importance to biodiversity. It is estimated that approximately 65 to 75 million acres of wetlands that are currently protected would be vulnerable under the proposed reauthorization measures.⁴⁹

PROPOSAL:

Protection standards authorized by the Clean Water Act must, at a minimum, be upheld in order for federal protection of the remaining wetlands to be effective.

ISSUE: EXEMPTIONS

PROBLEM:

Swampbuster exemptions currently require agricultural producers to protect wetlands on their farms if they wish to be eligible for USDA farm program benefits.

⁴⁹Minter, p. 74.

Proposed Swampbuster amendments include exemptions for wetlands that are smaller than one acre and those that have been cropped in 6 of the past 10 years. The less than one acre exemption would impact a significant number of wetland areas currently protected by federal regulations.⁵⁰ In addition, 5.9 million acres once protected by the "prior converted" exemptions would also become vulnerable. Wetlands protection under the Clean Water Act and Swampbuster provision does not provide a blanket of prohibition of activities, which could adversely affect the wetlands. Drainage is not expressly prohibited or regulated either Act, even though it is widely believed that drainage is responsible for much of wetland loss through conversion to other uses, including agriculture.⁵¹

PROPOSAL:

Block proposed Swampbuster amendments to prevent threats to biodiversity and wetlands classification definitions.

ISSUE: FEDERAL TAKINGS

PROBLEM:

There is pressure in Congress to interpret wetland protection on private property as a "taking" and thus requiring compensation under the Fifth Amendment of the U.S. Constitution. Payments to private landowners would come from congressional

⁵⁰David Cloud, "Farm Groups, Environmentalists Compromise on 'Swampbuster'." Congressional Quarterly Weekly Report 48 (May 1994): 1345.

⁵¹Ibid, p. 1346.

appropriation through the EPA. Estimates of the amount of funding required range from 45 to 70 billion dollars, which would debilitate the EPA's wetlands operation.⁵²

PROPOSAL:

The protection of wetlands located on private property should not be considered an issue of federal "takings" since the nature of these measures is protection of property, for which land owners should not be compensated.

⁵²Minter, p. 76.

CHAPTER X INTERNATIONAL INITIATIVES

ISSUE: CLIMATE CHANGE

PROBLEM:

The United States is not meeting its domestic and international obligations under the Framework Agreement on Climate Change.⁵³ Current funding for the President's National Climate Change Action Plan falls short of what is needed, and the U.S. is off course for returning emissions to 1990 levels by the year 2000.⁵⁴ Additionally, the U.S. is not meeting its commitments to the Global Environment Facility. Along with other industrialized nations, we have failed to effectively address the long-term challenges of climate change and define actions for the post 2000 period.

PROPOSAL:

The U.S. must take an international leadership position at the Conference of the Parties to the Climate Convention and make a strong international and domestic commitment to controlling climate change. Specifically, the administration must honor the annual \$110 million funding commitment to the Global Environment Facility, and work together with developing countries to ensure that they are able to meet their obligations under the Climate Convention. Also, the administration should push for a

⁵³Alan Miller, "World Responds to Climate Change and Ozone Loss." Forum for Applied Research and Public Policy 11 (Summer 1997): 59.

⁵⁴Ibid, p. 60.

strict post-2000 global reduction plan structured around internationally coordinated, flexible, near term targets and goals. Furthermore, the administration should work with businesses and Non-governmental Organizations to reduce greenhouse gas emissions by converting some of the EPA's voluntary programs into regulatory programs. Finally, the administration should strengthen the State and Local Outreach Program with funds from the Environmental Technology and Energy Global Climate Change Fund in order to further reduce greenhouse gas emissions.

ISSUE: REGIONAL INITIATIVES

PROBLEM:

Environmental and natural resource issues often threaten the stability of a region.⁵⁵ Yet, the majority of environmental policy is focussed at the international, national, or local level.

PROPOSAL:

The U.S. State Department should strengthen its regional environmental initiatives both substantively and structurally, in order to foster economic growth and advance sustainable development goals. Substantively, the United States should improve existing programs which are bringing high returns and introduce new regional environmental programs. Structurally, the administration should forward the Department of State's

⁵⁵Claussen, p. 100.

proposed development of "Environmental Hubs" in key countries. These "Hubs" would consist of embassy centers staffed with a group of people to deal with resource and environmental issues.⁵⁶ They would be focussed on improving the integration of environmental issues into regional planning and would serve as a central point for environmental technology transfer sales from U.S. companies.

ISSUE: TRADE LIBERALIZATION AND THE ENVIRONMENT

PROBLEM:

In recent years, many environmental standards and regulations have been challenged under trade liberalization agreements as non-tariff barriers to trade. Free trade is not necessarily linked to either environmental degradation or preservation, but trade liberalization can have significant negative implications.⁵⁷ No adequate global forum exists for the reconciliation of trade and environmental policy conflicts, so it is important to national and global interests that the international commitment to free trade does not result in undermining environmental standards.

PROPOSAL:

The United States should develop a comprehensive set of environmental principles for integration into future trade agreements. These environmental measures can be

⁵⁶Ibid.

⁵⁷Payne, p. 132.

developed under the auspices of existing agency programs at no additional cost. They must be built into the structure of the trade system to ensure that it does not adversely affect environmental protection efforts. Important provisions include: (1) the exclusion of multilateral environmental agreements from trade agreement obligations; (2) no mandatory international harmonization of standards and no standard "ceilings"; (3) placing the burden of proof in court on the nation challenging an environmental standard or regulation as a violation of trade policy; and (4) instituting restrictions against attracting investment by either lowering or not enforcing domestic environmental provisions.⁵⁸

⁵⁸Ibid, p. 135.

CHAPTER XI STRATEGIC PARTNERSHIPS

ISSUE: COASTAL DEVELOPMENT

PROBLEM:

Coastal development leads to erosion, increases in air pollution, damages natural habitat, and destroys wetlands. Damages will increase if coastal development continues. Three conditions undermine the effective conservation of the coastal regions of the United States. The first is the predominance of private ownership within these regions. The second is institutional fragmentation. Multiple agencies have the responsibility for coastal management and coastal damage risk reduction. The result is that management initiatives are not well coordinated, they lack unified comprehensive strategies, and they each have different missions. Lastly, the federal government has subsidized the reconstruction of private property in flood-prone areas through the National Flood Insurance Program (NFIP), Federal Disaster Assistance (FDA), and the U.S. Tax Code. These subsidies have resulted in funding in excess of \$300 billion annually to construction in flood prone areas.⁵⁹

PROPOSAL:

Due to the unique and widespread nature of this problem, a simple federal level regulation would not be adequate to reduce current development trends. A four-course

⁵⁹Healy, p. 302.

strategic partnership policy initiative is needed. First, a governmental oversight agency should be created that would oversee coastal management and damage risk reduction. Second, the EPA should facilitate a discourse among all stakeholders by forming an alliance between federal, state, and local governments and private property owners to work collaboratively.⁶⁰ Third, an economic disincentive should be provided for coastal development by eliminating funding for the reconstruction of private property in flood-prone areas through the NFIP, FDA, and U.S. Tax Code. And finally, economic incentives should be provided for private property owners who opt to relocate out of flood prone areas.

⁶⁰Doyle, p. 330.

CHAPTER XII AIR QUALITY

ISSUE: PERMIT PROGRAMS FOR STATIONARY SOURCES

PROBLEM:

Stationary sources such as electric utilities, oil refineries, and other industrial and commercial facilities account for nearly half of the nation's air pollution, including 96% of sulfur dioxide.⁶¹ The EPA estimates that there are about 35,000 major stationary sources of air pollution.⁶² The new Title V permit program is intended to ensure compliance at major stationary sources by requiring stationary sources to submit a detailed document describing the type and amount of pollutants emitted. Despite the ambitious program which will improve air quality, Title V imposes a procedural burden to industry.⁶³ All changes in emissions, including minor ones are subject to a lengthy review process by the EPA. Resource shortfalls in the EPA may make it difficult to carry out its permit program.

PROPOSAL:

Title V needs to be revised to simplify and expedite the permitting process for industry, and make it more administratively feasible for EPA to adequately address air

⁶¹Russell Jones, "Curbing Emissions: Pressures, Problems." Forum for Applied Research and Public Policy 11(Summer 1996) : 82.

⁶²Ibid.

⁶³Tirole, p. 559.

pollution concerns efficiently. If every minor change within the facility is subject to a lengthy review, there is a strong disincentive to make process changes. The system needs to be streamlined, allowing for a quick response from the EPA. A computerized "paperless" permit program should be implemented which will be environmentally sound, and result in more efficient communication with the EPA and industry.

ISSUE: VEHICLE EMISSIONS REDUCTION THROUGH LAND USE PLANNING

PROBLEM:

Motor vehicles account for about ninety percent of the carbon monoxide, fifty percent of hydrocarbons, and about thirty of the nitrogen oxides that combine in sunlight to form ozone, or smog.⁶⁴ Though today's cars emit seventy to ninety percent less pollution than thirty years ago, the number of car owners and miles driven has skyrocketed, resulting in rising levels of pollution.⁶⁵ Current clean air policies for mobile sources include (1) the use of cleaner fuels, (2) improved transportation alternatives, and (3) tighter tailpipe emission standards. Though these policies help to minimize mobile pollution, they fail to address the fundamental issue -- reducing vehicle miles traveled.⁶⁶

⁶⁴S. Owens, "Environmental Change and Land-Use Planning." *Environment and Planning* 24 (December 1994): 1673.

⁶⁵Ibid.

⁶⁶Ibid.

PROPOSAL:

Mobile emissions from on-road vehicles can be further reduced by improving regional land use planning strategies. Work, home, and leisure activities should become more spatially concentrated in order to minimize vehicle miles traveled. Local governments should work with the local community to develop a tier system of growth management in which land in cities is divided into areas of desired growth.

CHAPTER VIII
BUDGET INITIATIVE

The following budget request for environmental protection reflects no net increase in funding from the previous fiscal year's budget. It places special interest on maintaining current levels of overall expenditures while attaining more productive results and higher efficiency.

The environmental budget priorities are built upon accomplishments made during the previous fiscal year. The proposal is based on the notion that the significance of funding a strong environmental policy should not be obscured by the current budget-cutting practices in Washington.

In terms of budget distribution, there were relatively small changes made between line item allocations. The slight modifications in redirecting allocations of the proposed budget were made on ambitious, sensible initiatives toward long-term investment. Through targeted reallocation of funding to specific areas, the EPA should plan to use short-term funding increases to stimulate long-term benefits and savings. This budget initiative is about redistributed investment. Whether that redistribution comes in the form of increased research and development, efficient technological advances, or streamlining current practices. Ultimately, these investments will result in an improved environment for our nation and our planet.

PROPOSED ENVIRONMENTAL PROTECTION BUDGET
(In Millions)

POLICY AREAS	FY '97	PROPOSED ADJUSTMTS.	FY '98
DOD/DOE CLEANUP	11468		11468
DOE Env. Mgmt Program	6592		6592
DOD Compliance/Prevention	2611		2611
DOD Cleanup	2087		2087
Other Agencies	178		178
ENV. TECHNOLOGY & ENERGY	4653		4515
Climate and Global Change	2743	-138	2606
Energy Conservation & Efficiency	924		924
Solar and Renewable R&D	423		423
Clean Car Program	371		371
Environmental Technology	192		192
PUBLIC LANDS	4287		4267
USDA Conservation Reserves	1926		1926
National Parks	1158		1158
National Forests	649		649
Public Lands	319	-20	299
Land & Water Conservation	235		235
WATER QUALITY	3005		3028
Clean Water	1600	+ 7	1607
Waste Water	805	+ 6	811
Drinking Water	500	+10	510
Watershed Restoration	100		100
SUPERFUND	1763	+27	1790
ENDANGERED SPECIES	1012		1020
Fish & Wildlife	535		535
Protected Species	304	+8	312
National Biological Service	173		173
WETLANDS	922		922
Wetlands Protection Plan	691		691
Wetlands Reserve Program	231		231
INTERNATIONAL INITIATIVES	818		918
International Assistance	351		351
NAFTA	291		291
Global Environment Facility	110		110
Ozone	51		51
State & Local Outreach	0	+100	100
Global Environment Education	15		15
STRATEGIC PARTNERSHIPS	489		489
Pacific Northwest	390		390
Everglades	99		99
AIR QUALITY	*		*
OPERATING FUNDS, REGULATORY ENFORCEMENT, & ALL OTHER PROGS.	3462		3462
NET INCREASE/DECREASE		0	
TOTAL	31879		31879

* Included in Operations, Regulatory, & Other Programs

Source: Budget of the United States Government, Fiscal Year 1997

CHAPTER XIV CONCLUSION

Moving toward the 21st century, the world faces unprecedented environmental challenges and threats. They are manifested in the air we breathe, the water we drink, and the ecosystem in which we live. Toxic emissions, urban air pollution, and global climate change are among the problems that significantly undermine human health and global ecosystems. A strong environmental policy is paramount for protecting American citizens from these problems. There are four basic priorities of environmental policy. Those priorities are: ensuring public health by maintaining and improving environmental quality; upholding and improving current environmental standards; preserving ecosystems and wildlife; and taking a lead in global environmental initiatives.

The environmental policy recommendations described in the previous chapters reflect these priorities. Through the adoption of a series of innovative strategies and proposals, the United States can continue to protect the environment. Specific avenues for implementing the environmental vision include (1) increasing the efficiency of policy implementation, (2) restructuring and reallocating funds to achieve greater environmental gains, (3) upholding federal standards and consistent regulation to maintain a high level of equity, and (4) fostering a cooperation between federal, state, and local actors.

The proposed budget reflects the belief that current levels of funding for environmental quality must be maintained. By endorsing achievable, cost-effective and

long-term policies in both the public and private sectors, the United States will lead in safeguarding its environment for years to come.

There were limits to the level of detail that could be provided in the policy agenda due to the large amount of information and the numerous issues related to each policy area. Further study could be conducted to secure verification from other nations that the successful implementation of proposals, such as the ones presented in this paper, will solve the environmental problems that were identified.

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VITA

Kendra Emel Perkins was born on July 2, 1975 in Zachary, Louisiana. Her parents are Jesse L. Perkins, Jr. and Carolyn Mack Perkins. She has resided in Baker, Louisiana for the past 18 years. Kendra has two younger brothers, Byron Emile Perkins and Brent Everette Perkins. She is a 1993 graduate of Scotlandville Magnet High School in Baton Rouge, Louisiana and is a December 1997 Candidate for the Bachelor of Arts Degree in Political Science at Southern University.

In 1993, Kendra received the USDA National Scholarship Award and the Southern University Honors College Scholarship. In 1996, she received the Woodrow Wilson Graduate Fellowship and participated in the Public Policy and International Affairs (PPIA) Summer Institute at the University of Maryland-College Park. Prior to this, Kendra completed three summer internships at the United States Department of Agriculture. While attending college, she served as an intern in United States Senator John Breaux's office and was an employee at the Louisiana Department of Education.

Kendra's campus and community involvement includes active participation in the Association for Women Students, the College Democrats, and the Alpha Tau Chapter of Delta Sigma Theta Sorority, Incorporated. From 1994 to 1997, Kendra served as a member of the Student Government Association Supreme Court. In 1997, she held the position of Chief Justice. Kendra is a member of the Greater Mt. Carmel Baptist Church.

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As a Woodrow Wilson/PPIA Fellow, Kendra plans to pursue graduate studies in public policy, with an emphasis on education and labor policy. Her ultimate goal is to earn a doctorate degree. Kendra's personal philosophy is "concentrate on those things which are before you."

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