

東京大学 21世紀COEプログラム

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"Invention of Policy Systems in Advanced Countries"



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A Case Study in the New American Politics of Values**

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Bush Environmental Policies after Three Years: A Case Study in the New American Politics of Values

Robert H. Nelson *

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One of the important trends of American politics is the increasing bitterness and division between the Republican and Democratic Parties. In the presidential election of 2000, the electoral map famously showed the United States divided into large areas of contiguous red states (they had voted for Bush) and large areas of blue states (voted for Gore). Many Democrats dislike President Bush with an intensity not found in the experience of most previous presidents. The relationships within the Congress of members of the opposing parties are more embittered today than at any time in recent memory. Members of Congress in the past often voted their regional and local interests, regardless of party, but there are more and more votes now in which almost all Republicans vote one way, and almost all Democrats vote the other way.

There are a number of explanations for this increasing division within American politics. One is the end of the dominance of the Democratic Party in the South (a legacy that went all the way back to the Civil War in the 1860s), which had previously resulted in the election of many conservative southern Democrats. Another factor is the increasing gerrymandering of election districts which groups Republicans and Democrats together, thus protecting the incumbents; at present there are typically only about 40 seats in the House of Representatives – out of 435 in total-- where the election outcome is really in doubt. As a consequence, incumbent members of Congress are often more threatened by primary opposition within their own party, thus pushing them to occupy the middle ground within their party, rather than the middle ground among all voters. More of the “extreme” candidates are thus nominated and some of them are elected to the Congress and state legislatures.

The New Politics of Values

Another factor is the increasing importance of “values” issues in American politics. For much of the twentieth century, debates about socialism versus capitalism and other economic systems occupied the intellectuals of the world. In the United States, there were few advocates for orthodox

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socialism but there were many severe critics of capitalism who sought its tight government regulation in many areas. Those debates, however, increasingly seem outmoded today. Since the fall of the Soviet Union and the end of socialism in Eastern Europe, a broad consensus has developed around the world in favor of a private market economic system. The presidency of Bill Clinton continued in the direction of the deregulation of the American economy that traced back to Ronald Reagan (and in fact to Jimmy Carter before him). It used to be that Democrats were committed to the labor union movement and Republicans to business interests. But labor unions have become much weaker and the Democratic Party now also advocates a vigorous and thriving business sector.

The management of the economy in the United States has also increasingly been assigned to the Federal Reserve Bank. It is a sign of the wider agreement on economic matters that Alan Greenspan has been appointed as chairman of the Federal Reserve Bank by Republican and Democratic presidents alike. The Democrats are challenging the Bush tax cuts but even here they promise to keep them for the middle classes, advocating a rescinding of the tax cuts for only the “very rich.” While Democrats have been deregulating, with respect to other basic premises of the welfare state, the Bush administration offers no challenge to longstanding Democratic views. Indeed, the Bush administration has aggressively moved to expand the role of the federal government in both education and health care. By some accounts, President Bush has done more to expand the domestic side of the federal government than any American President since Lyndon Johnson. A proliferation of domestic initiatives has led to large increases in federal spending, contributing to the current federal budget deficit of greater than \$400 billion.

Thus, the Democratic and Republican Parties are no longer much distinguished from one another by their economic views. Rather, they are now more divided by questions of moral values. The influential groups today within the Democratic Party include the women’s movement, “pro-choice” abortion groups, advocates for affirmative action, supporters of gay rights, defenders of the separation of church and state, and advocates for other “value” causes. In the Republican Party, the Christian Coalition has become a major force. President Bush advertises his strong Christian convictions, thus winning strong support from conservative evangelical Christians. Washington politicians now routinely debate moral issues such as the acceptable use of stem cells, whether “partial birth” abortions should be allowed, or whether gay marriages should be permitted. Reaching political agreements is easier when it is a matter of cutting an economic pie; it is more difficult to find mutually acceptable moral compromises. Religious warfare – whether rhetorical or fought with real armies – historically has been the most vicious form of conflict.

Environmentalism as a Value Issue

These current features of American politics are well illustrated in the area of the environment. The protection of the environment is for many environmentalists a basic value – indeed for some even a religious -- issue. As a leading environmental advocate declared, environmentalists are “secular prophets, preaching a message of secular salvation.”¹ Many environmentalists have enlisted in a religious crusade to save the world – or at a minimum, to save “nature.” Historian Stephen Pyne notes that metaphorically “environmentalists have told the story of the Garden of Eden and the fall from grace over and over again” – and offer the hope of the recovery (the “restoration”) of the innocence of nature in the Garden once again.² The making of American environmental policy resembles closely the making of abortion policy where deep moral and religious differences have also made it difficult to bridge the differences in American politics.

In the early years, the environmental movement focussed more on practical issues such as reducing the amount of air and water pollution or protecting Americans from toxic substances that might cause cancer. There were few major differences of opinion among Americans over such matters and support for environmental causes was bi-partisan. Many of the leading environmental laws were enacted in the Nixon administration, including the Clean Air Act of 1970, the Clean Water Act of 1972, and the Endangered Species Act of 1973. This began to change in the Reagan administration and by the 1990s the Republican Party was frequently in strong opposition to the environmental movement. This was particularly true after the Republican “Contract with American” which led to Republic control of the Senate and House of Representatives in 1995 (the House for the first time since 1954) and the elevation of Newt Gingrich as Speaker of the House. The incoming House Republicans advocated a number of measures -- including a requirement for compensation of property owners suffering economic losses due to government regulations – that were strongly opposed by the environmental movement

Republicans also increasingly saw environmentalism as advocating new social values at odds with the views of many Americans. As seen by Republican critics, environmentalism tended to place a concern for plants and animals and for nature above the interests of human beings. The environmental movement often expressed a hostility to the impacts of modern industrial civilization on the natural world. In an extreme case, for example, some environmental writers lamented the arrival of Columbus and the resulting destruction of a natural earthly paradise in the Americas. Environmentalists challenged the consumer ethic of American life, suggesting that Americans should drive smaller cars, use less energy, and otherwise curb their extravagant lifestyles. In the

broadest terms, even the benefits of modern science and economic development were often subject to a new skepticism within the environmental movement.

Not surprisingly, many Americans resisted such views and found support for their resentments within the Republican Party. Since the 1980s, while there has been a convergence in views about matters of ordinary economic policy, the Democratic and Republican Parties have shown an increasing polarization on value issues such as the environment. Owing partly to the resulting fierce recent divisions in American politics, there have been no major environmental laws enacted since the Clean Air Act Amendments in 1990. In the Clinton administration, Vice President Gore was effectively given responsibility for environmental policy. Although the Clinton administration in many areas moved closer to traditional Republican policies, under Gore's leadership this was not the case with respect to environmental policy.

After 1994, the Clinton administration distrusted the Republican Congress and was unwilling to make new legislative proposals affecting the environment for fear of an unwanted legislative outcome. When Congressional approval was necessary, as in the case of the Kyoto Protocol, the result was a prolonged political stalemate. When it did seek any significant changes, the Clinton team sought to accomplish them through modifications in regulations and other internal administrative actions. In general, there were few major developments in environmental policy during the eight Clinton years -- the administration functioned as more of a "caretaker" in this area.

Bush and the Environmental Movement

The deep distrust between the environmental movement and the Republican Party has continued in the first three years of the Bush administration. In the public pronouncements of many environmentalists, the Bush administration has been portrayed as a grave threat to the environment of the nation. Environmental groups have dedicated themselves to the defeat of President Bush in the 2004 elections. Given the new campaign financing laws after the passage of the McCain-Feingold legislation in 2002, the role of the official party organizations in the 2004 elections may be somewhat diminished. Outside groups such as environmental organizations are likely to play an increasing role. In 2004, most of the environmental movement will probably function as virtually a branch of the Democratic Party in working to defeat President Bush.

The Natural Resources Defense Council (NRDC) was formed in 1969 with Ford Foundation support by a group of recent graduates of Yale Law School. In the years since, it has been the most powerful of US environmental groups in terms of the making of environmental policy. It has exerted its large influence chiefly through the filing of lawsuits and other actions in the courts. For several decades, the administrative agenda of the Environmental Protection Agency (EPA), the Department of the

Interior and other federal environmental agencies has been set in significant part by litigation involving NRDC.

Organizations such as NRDC sustain themselves through foundation grants, large grants from individual rich donors, and the annual dues paid by their members. Seeking to expand this last group, NRDC sends out letters to potential new members. In one such solicitation letter in January 2004, John Adams, the President of NRDC, bluntly expressed the hostility of many American environmentalists towards the Bush administration. Adams declared that “the Bush administration is moving quietly but aggressively to roll back 30 years of environmental progress.” It was making an attack on the environment that “strikes at the heart of our nation’s most popular and effective environmental laws” and thus “poses an immediate threat to your health and heritage.”³

The Bush administration was doing these things because it had become the captive of special interests. As Adams warned, “the White House is getting its way as it gives energy companies the right to plunder Greater Yellowstone ... gives polluters the right to dump more toxic chemicals in your air and water ... and gives timber companies the right to cut down your last wild forests.” The story here is a very old one in the history of Christianity. Sinful forces are at work in the world, motivated by greed and indifference to the suffering they create (in the environmental case suffering often experienced in nature). It is necessary for Christians – now environmentalists – of good faith to band together to fight the forces of evil in the world.

The Hollywood movie actor, Robert Redford, has long been involved in the environmental cause and is a member of the Board of Trustees of NRDC. In another solicitation letter sent out by NRDC, Redford stated that “the Bush administration has been waging a sweeping attack on our environmental laws and natural heritage.” It “has carried out a disciplined campaign to cripple environmental protections.” For example, the EPA under Bush had “recently created a massive new loophole in the Clean Air Act that will allow 17,000 of the nation’s worst polluters to spew more toxic chemicals into our air and harm the health of millions of Americans.” The U.S. Forest Service under the Bush administration was proposing “new rules that will open all 155 of our national forests to logging, drilling, and mining by eliminating the fundamental rule that protects wildlife and by scaling back environmental reviews.” Bush was taking actions that “will exact a terrible toll on our environment and the health of our families” in order to boost the profits of the private business interests that he served. Redford declared that the Bush administration was acting to “hand out billions [of dollars] in subsidies to oil, coal and nuclear companies.” This was part of a wider pattern of “blatant special interest handouts [that] are a radical departure from the values of environmental protection that most Americans hold dear.”⁴ Since the fall of man in the Garden of

Eden, the Devil has always been seeking new disciples and in such environmental messages we hear that he is having much success even in the contemporary White House.

Such views have been widely expressed across much of the U.S. environmental movement in the past year or two. In another letter sent out in October 2003, William Meadows, the President of another important environmental organization, The Wilderness Society, warned that the Bush administration was engaged in “the sacrificing of priceless resources for profits.” It was far from business as usual even for a Republican President. Meadows contended that “as it stands now, this administration’s environmental policies could end up as the worst in history.” In the view of The Wilderness Society, among the leading examples of the environmental callousness of the Bush administration, it had:

- “Urged Big Oil Companies to go into the most ecologically sensitive areas of the Arctic National Wildlife Refuge.”
- “Threatened to withdraw America’s clean air regulations.”
- “Unilaterally withdrawn from the Kyoto global warming treaty.”
- “Proposed new forest management regulations that would toss aside nearly a quarter century of environmental safeguards.”
- “[Worked] to eliminate the special protections placed on America’s last remaining roadless areas in our national forests – which are home to more than 220 endangered or threatened species.”⁵

Solicitation letters seeking new members are of course designed to stir strong feelings in the recipients – and thus increase the likelihood of a new membership and a financial contribution. Hence, they deliberately use inflammatory language and some degree of exaggeration is considered normal. However, these letters also provide a useful indication of the current thinking of the U.S. environmental movement and its potential new recruits. They show a deep antagonism to the Bush administration and its environmental policies and a willingness to employ harsh language in expressing this antagonism. The Bush administration is not only mistaken in its policy directions but has evil motives for its actions that will work to harm the environment.

Rhetoric and Reality

Despite this deep antipathy found within the environmental movement, there have in fact been few major departures in environmental policy during the first three years of the Bush administration. If the Bush administration has not been “pro-environmental,” neither has it been “anti-environmental” in its actions. Like the Clinton administration, the Bush team finds the area of the environment to be emotionally charged and difficult to navigate. A stance of caution rather than the taking of any bold

initiatives is the recommended strategy. Concerns about domestic terrorism and foreign affairs have in any case preoccupied many top policy makers, tending to relegate environmental concerns to a lesser status. In terms of actual policy change, the three Bush years thus have witnessed largely another caretaker administration with no major departures in the environmental arena to date.

The fierce attacks of environmental organizations are thus a reflection of the workings of “symbolic politics” in the new American politics of values. Strong differences of opinion about values can exist even in the absence of basic policy changes. Environmentalists not only want a government that reduces pollution and cancer rates but that also “speaks their language” and expresses their core values about the environment. Environment groups raise money by fueling the emotional resentments of their membership. They also exhibit the tendency of the religious true believer to see the world in black and white terms; even small departures from orthodoxy are likely to provoke a strong negative reaction.

A further explanation for the bitter criticism of the Bush administration is tactical; it is designed to keep the administration on the defensive. The harsh attacks can help to head off any measures that might in fact be objectionable to the environmental movement. They work to create a public mood of skepticism towards the environmental intentions of the Bush team and a desire among Bush policy makers to avoid taking any controversial actions that may seem to confirm the strong outside criticisms of environmentalists.

The many attacks on the Bush environmental record, even if considerably overstated, have nevertheless influenced the American public. According to opinion polls, the general public holds the Bush administration and the Republican Party in particularly low regard with respect to the implementation of environmental policy. Pollsters ask questions such as the following: Which Party -- Democrat or Republican -- inspires the greatest confidence with respect to the carrying out of environmental policy (similar questions are asked for other policy areas). According to polls, Republicans tend to inspire public confidence in matters such as national security and terrorism. The public is often split on matters such as the management of the national economy. Among all the main policy areas, the Republican Party fares worst with respect to the conduct of environmental policy.

This negative public view has been a source of concern to President Bush’s political advisors. There have been various attempts to moderate the Bush environmental image in the public mind. However, the Bush administration is also concerned to stay in the good graces of a solid Republican base of conservatives. There is thus a tension between appealing to the middle of the American electorate

and appealing to the hard corps of Republican supporters of the President. Another factor entering the political calculations is that environmental concerns do not seem to be a major factor in determining the votes of most Americans. The environment counts very heavily for the members of environmental organizations and some others with deep environmental commitments. For the average American, however, the environment ranks below the economy, jobs, education, crime, the war in Iraq, and other areas of voter concern.

A View from the Free-Market Right

While environmental organizations have harshly criticized the Bush administration for its irresponsible policies, it is telling that some free-market advocates on the right of the American political spectrum have been almost equally critical. The Political Economy Research Center (PERC) is a free-market organization in Bozeman, Montana that does much of its work in the environmental area (it describes itself as “the Center for Free Market Environmentalism”). Along with the Competitive Enterprise Institute in Washington, D.C., PERC is one of the two free-market think tanks in the United States that specialize in environmental issues. In matters of western lands and resources, it is especially well known among students of U.S. environmental policy.

In January 2003, PERC published a “Mid-Term Report Card” that assessed the performance of the Bush administration over the first two years in environmental policy.⁶ PERC applied the following perspective to examine the Bush record. It would be important for government policy makers to recognize the positive “role of incentives and the importance of private property rights in encouraging stewardship” of land and the environment. For political or practical reasons, the government would have to maintain many programs with important environmental consequences. In these areas of government responsibility, PERC advocated that the management of environmental programs should reflect: “1) decentralized regulation where possible; 2) encouraging merit-based waivers of command and control where possible; 3) adopting only regulation that is, on net, beneficial and cost-effective; and 4) tying public-sector managers budget to their performance.”⁷

Applying these criteria, PERC assigned the Bush administration an overall environmental grade for its first two years of C-. As PERC described its grading approach, a grade of C would mean that the Bush administration had maintained the “status quo.” Since PERC’s actual grade was lower, it meant that over its first two years “the Bush administration’s actions have drifted away from” the free market solutions advocated by PERC. The Bush administration was going backwards from the PERC perspective of “free-market environmentalism.”

It was not that the Bush administration was making things worse in every aspect of environmental policy. Individual grades were also assigned to different areas of environmental policy and some grades as high as B were given (there were no A's). These grades in specific areas were as follows:

- Agricultural chemicals -- B
- Air Quality Regulation -- D
- Arctic National Wildlife Refuge – C
- Brownfields and Superfund – C-
- Chemical Plant Security – B
- Drinking Water and Arsenic – D
- Endangered Species – C
- Global Climate Change – C
- Grazing on Public Lands – C-
- Ocean Fisheries – D
- Persistent Organic Pollutants – D
- Public Lands Management – C-
- Regulation of Lead Releases – F
- Regulatory Review – B
- Water Allocation – C
- Water Quality – B

With respect to climate change, for example, there was a dual assessment. PERC applauded the fact that “the Bush administration pronounced the Kyoto Protocol ‘fatally flawed’” and renounced U.S. participation. Although some desirable followup actions had been mishandled, the Bush team’s grade for the “international” aspects of climate change policy was A-. However, domestically, the Bush administration was showing a deep schizophrenia about climate change. Indeed, it often seemed to be undermining its own pronouncements, perhaps because important parts of the federal bureaucracy were active supporters of strong climate change measures. Thus, PERC’s report declared that “although the Bush administration rejected the Kyoto Protocol – and incurred vocal criticism for its decision – the administration is moving forward behind the scenes with Kyoto-like programs that are sure to punish the U.S. economy.” In some cases the Bush administration had advanced Clinton administration “programs that existed before this administration took office.” In other cases, the programs “began with Bush. All attempt to reduce the emissions of greenhouse gases, and all are conducive to an environment that welcomes mandatory greenhouse gas emissions.” Thus, the Bush administration was given a grade of D for its domestic actions and, reflecting the better outcome internationally, a grade of C overall in the area of climate change policy.⁸

The Clean Air Act is often said to be America's most important environmental law. Here, the judgment of PERC's reviewer was harsher than for climate change. There were six specific policy issues involving air pollution by which the performance of the Bush administration was judged. A grade of F – amounting to total Bush failure – was assigned in four of these six areas as follows:

- Particulates and Ozone – F
- Oxygenate Mandate – F
- New Source Review – B+
- Clear Skies Initiative – D
- Changing the Debate – F
- Vehicle Inspection and Maintenance – F

The “oxygenate mandate” of the Clean Air Act Amendments require that additives – either ethanol or methyl tertiary-butyl ether (MTBE) – be added to gasoline in geographic regions with major air pollution problems. When this legislation was passed in 1990, it was thought that air pollution could be reduced through such measures. However, as PERC reported, “recent studies by EPA and the National Academy of Sciences suggest ... that oxygenates won't improve air quality and could make it worse.” MTBE was being phased out because it had a tendency to contaminate underground water. The requirement for ethanol (produced from corn), however, had the powerful support of Midwestern farm interests that sought to increase the total national demand for corn. Caving to such special interest pressures, the Bush administration had failed to act to eliminate “this expensive and environmentally detrimental requirement.”⁹

Not all the assessments were as negative. For its actions with respect to the Clean Water Act, the PERC reviewer assigned an overall grade of B, reflecting diverse outcomes in specific areas of water quality policy as follows:

- Trading for Water Quality – A+
- Watershed Initiative – A+
- Cooling Water Intake Rule – B
- Confined Animal Feed Operations – C+
- Corps of Engineers Permits – D

In the market trading of water pollution permits, several positive steps had been taken by the Bush administration. First, the Bush team in August 2001 withdrew a rule promulgated by the Clinton administration concerning “total maximum daily loads” (TMDLs) of pollutants in water bodies. This Clinton rule, as PERC assessed the matter, “was burdened with centralized control and other

requirements” that would have frustrated more effective policies. In January 2003, the Bush administration announced a new “Water Quality Trading Policy” that would allow for the creation of markets in rights to pollute water bodies, patterned after the successful air trading market for sulfur dioxide pollutants under the Clean Air Act Amendments of 1990. A total allowable level of pollution of a water body would be established through the TMDL process. Market purchases and sales of water pollution rights among individual polluters would then be encouraged within this overall TMDL limit. It offered, as PERC thought, the potential to become “the foundation of decentralized market-based regulation” under the Clean Water Act. It put a new emphasis on “water quality markets, watersheds, contracting and outcomes” – all positive steps in water quality policy – and warranted a grade for the Bush administration of A+ in this area.¹⁰

Located in the western United States, PERC had particular expertise in the field of public land management where it had long published many reports. The Secretary of the Interior, Gail Norton, had been associated with libertarian causes in the 1980s, and had attended PERC conferences in those days, and knew personally some of the PERC staff. The same could be said for the new Assistant Secretary of the Interior for Policy, Management and Budget, Lynn Scarlett. One might thus have assumed that the Bush administration would have promoted market friendly policies in the areas of Interior Department responsibility, including most of the public lands (federally owned lands that represent in total 30 percent of the land area of the United States). However, PERC gave the Bush administration a grade of C-, meaning that it had had an overall negative effect on public land policy. With respect to the specific elements of public land management, PERC rated the Bush administration as follows:

- Roadless Area Conservation – C+
- Winter Use of Yellowstone – C
- Sierra Nevada Forest – C
- National Monuments – C
- Land Acquisition – D
- National Monument Planning – C
- Land & Water Conservation Fund – F
- Incentive Programs – B
- National Parks Legacy – C+
- Healthy Forest Initiative – D

The current leading policy issue on the public lands is the management of forests to reduce “excess fuels” – large volumes of small fire-prone trees that have grown up over the past 100 years – and thus the risk of catastrophic forest fires (as happened most recently in the fall of 2003 in the Los

Angeles area). As the PERC reviewer noted, “millions of acres of federal forest await conflagration. Nearly one hundred years of mismanagement – fire suppression, overgrazing, excessive harvest, and high grading – added to years of drought and inactive management have changed the structure of many forest lands, leaving them susceptible to wildfire and insect infestation.” Although the Bush administration had taken some steps to address these problems, including the “healthy forest initiative,” the PERC reviewer concluded that “there has been little action that could be described as a rational approach to forest management.” The general condition of gridlock and polarization that has characterized all environmental policy was true of forest policy as well. There was “a policy pendulum that shifts with political clout from the timber industry to environmental advocacy” in terms of the political symbolism, but few beneficial actions ever resulted on the ground. Indeed, as PERC concluded, “rather than assess the many values of our public forest lands including wilderness, wildlife, recreation, water, and timber, the current administration has fallen prey to narrow interests.”¹¹ In terms of federal forest management, PERC gave the Bush administration a grade of D.

Environmental organizations were portraying the Bush administration as having launched a large scale assault on the environment. From the other side of the political spectrum, however, the Bush administration seemed to be doing little and what it was doing was often ineffective or even negative in its consequences. Like other parts of American government, the Bush administration was caught between many competing pressures. These pressures frustrated efforts to devise “rational” environmental policies. Some of the pressures were of a traditional economic kind – the timber industry, livestock grazers, water users, and so forth with respect to management of natural resources. Other pressures were more ideological and value driven, even religious in character. From the view of both environmental organizations and the advocates of market oriented policies, the overall assessment was that environmental matters had gone downhill in the Bush years.

The actions of the Bush administration in the environmental area attracted the most public attention in its first six months. The Bush position on four environmental issues departed significantly from the policies of the Clinton administration. These issues were: (1) advocacy of drilling for oil and gas in the Arctic National Wildlife Refuge in northeast Alaska; (2) rejection of the Kyoto Protocol; (3) reversing the Clinton administration designation of 58 million acres of “roadless areas” in the national forest system; and (4) overturning the Clinton administration tightening of allowable arsenic levels in drinking water (the Bush administration would later reassess its position and accept the Clinton standard).

In each case, however, it would be difficult to describe the Bush actions as radical measures – despite the strident criticisms and suggestions to the contrary of the environmental movement. Indeed, there was strong bipartisan support in every case among researchers and opinion leaders within the mainstream community of policy analysts who study environmental issues. While Bush officials occasionally expressed a rhetorical commitment to seek more drastic change, little real change occurred in these four areas of policy during the three Bush years. I will briefly review the developments to date in the first three of these areas as prominent examples of recent environmental policy making in the United States. It will help to illustrate the difficulty of distinguishing rhetoric and reality in U.S. environmental policy. It offers a useful example of the new American politics of values that has increasingly taken the place of the old debates over capitalism versus socialism and other matters of basic economic policy – in the environmental area as well as other areas of government policy making.

The Arctic National Wildlife Refuge

As a former member of the oil industry in Texas, President Bush had long believed that it would be beneficial to open the potentially very large oil and gas resources of the Arctic National Wildlife Refuge (ANWR) in northeast Alaska ANWR to exploration. This desire was then reinforced by the increasing instability of the Middle East where so much of the world's oil is found. (Much of the ANWR oil, it might be noted, could well be shipped to Japan, which would involve lower transportation costs than shipment to the west coast of the United States.) However, ANWR has also become a virtual religious icon for the American environmental movement. Opening it up for oil and gas development is seen as a sacrilege – the desecration of a sacred site. Thus, for American environmentalists perhaps the single most offensive action of the Bush years has been its aggressive attempt to gain Congressional approval to develop the energy resources of ANWR. (Although it does not arouse as strong a reaction, environmentalists are also opposed to Bush efforts to promote energy development on many other federally owned lands, such as the development of the abundant natural gas resources in the Rocky Mountain states.)

The House of Representatives did actually approve oil and gas drilling in ANWR but the Senate later refused to go along. The Bush administration eventually concluded that it had higher priorities elsewhere, and conceded defeat. At present, oil exploration and development in ANWR does not seem likely to occur any time soon.

ANWR is a striking example of how political symbolism has come to dominate many environmental issues – the fight is more about the “values” of Americans than about any standard economic concerns. Environmentalists argue that oil development should not occur in ANWR because it would invade one of the few remaining “untouched places” left on earth. In their eyes,

ANWR is still “the Creation” as put in place by God and has not been altered by the pervasive impacts of economic development as found over almost all the rest of the earth.

However, this is mostly a matter of environmental imagery. The politics of value symbolism does not necessarily show a close attention to factual circumstances. The reality is that ANWR is not significantly different in its degree of isolation and remoteness from many tens of millions of acres of other lands in northern Alaska (and Canada and Russia) that border on the Arctic. ANWR does serve as a calving ground for the Porcupine caribou herd. However, there is little evidence that the caribou – which number around 1 million in total in Alaska and have grown in numbers around the Prudhoe Bay oil field – would be harmed by oil development. Moreover, every place will to some extent have its own special biodiversity features. Indeed, among all the numerous areas bordering the Arctic, there is only one feature of ANWR that makes it truly unique -- the enormous amount of oil that very likely (it is not yet known for sure) lies beneath it.

Why then has the environmental movement focused on ANWR as a special object of its moral concern. In terms of conventional models of environmental protection, there is no obvious answer. Not much is gained environmentally from protecting ANWR (perhaps a few hundred people might visit this remote area bordering the Arctic Ocean per year) and a huge amount of energy wealth would be lost. The answer, as noted, must be found in political symbolism. The one truly exceptional feature of ANWR is the very presence of such a large amount of oil. A deliberate decision to leave the enormous oil wealth of ANWR in the ground makes it possible to make a powerful social value statement. Protecting ANWR declares that money and consumption are not everything in life, that there are more important priorities than producing energy to serve modern conveniences.

Environmentalism is in part a religion – for the most part a secular religion, even as it harks back to Puritan roots -- and acts of deep symbolic significance have long been a central element in religion. Making a large sacrifice is one of the most powerful ways of making a religious statement – from a primitive tribe sacrificing one of its most valuable goats, to the gathering of contributions to build a gothic cathedral in medieval Europe. In language that environmentalists themselves now commonly employ, ANWR is referred to as a new “cathedral” of nature for our time. Environmentalists seemingly now wish to sacrifice many tens of billions of dollars worth of oil and gas as a powerful form of modern moral statement that nature must be protected in at least some places from the corruptions of modern industrial civilization.

The Puritans were the English branch of the Protestant faith inspired by the teachings of John Calvin. It is not a coincidence that in Europe the environmental cause is most popular in former Protestant countries such as Holland, Sweden, and Germany. As the American historian Mark Stoll explains, “the environmental movement today rarely evinces any real religious orthodoxy, although vague moral and spiritual values frequently appear. Yet environmentalists betray their Calvinistic moral and activist roots. Protection of nature is now a higher law.” Modern society, as Stoll further comments, “displays everywhere unintended consequences of the doctrines laid down by John Calvin. ... The environmental movement’s moral outrage, activism, and appeal to government intervention draw on the same account. The world has been transformed with new answers that are often only old ones rephrased.”¹²

Many members of the environmental movement, to be sure, mask their underlying value objectives by making a series of practical arguments against ANWR oil development. However, none of the pragmatic arguments can withstand close scrutiny. It is often said by opponents of ANWR oil development, for example, that it would merely further enrich “oil giants” like Exxon-Mobil. Actually, the oil reserves in ANWR are owned by the federal government. The Interior Department leases oil and gas reserves through competitive bidding and collects royalties (which are currently bringing in about \$5 billion per year from previous federal leases in other places). In ANWR, the federal government would divide the revenues equally with the State of Alaska.

Most of the economic “surplus” – the revenues minus the costs -- in ANWR thus would go to federal and state governments. The federal government and the State of Alaska could well each receive from \$20 billion to \$40 billion over the long run from ANWR royalties. In terms of financial impacts, the State of Alaska, rather than oil companies, has much more at stake in the development of ANWR. But a state government makes a less appealing target for political attacks than Exxon-Mobil. Although economic differences have generally receded in importance in the aftermath of the Cold War, contemporary environmentalism has sometimes become a new outlet for an old antagonism towards the private greed of “capitalism” that formerly was expressed in socialist and Marxist forms.

Even the basic argument that ANWR has been little touched by human hand turns out to be flawed. There was a military facility built there in the 1940s. The Inupiat people have occupied the area for centuries. Leaving their human presence out of the picture carries the racist implication that the Alaska Natives are less than fully human – belonging in the same “natural” category as the wolves and caribou.

This is not to say that all the economic arguments made by the State of Alaska and other parties for ANWR oil development are strong. Indeed, rebutting these flawed arguments has thus far been the best thing the environmental movement has had going for it. Some of the advocates of ANWR oil development may seem to suggest that it will solve the energy problems of the United States over the next few years. But the earliest that oil could be produced from ANWR is six or seven years, and most likely it would be ten years from now. The most recent 1998 estimates of the U.S. Geological Survey put expected oil production from ANWR at 7.8 billion barrels. This would be the largest oil pool in the United States but it could not in itself resolve any oil supply or national security problems of the country.

ANWR was thus really a symbolic struggle about the religious soul of America. Aside from the financial gains, the advocates of moving forward with development of ANWR are often believers in “economic progress” as the path of a wonderful future of the world based on abundant sources of energy. Many modern progressives believe that the abolition of material scarcities can lead to a new earthly paradise.¹³ The environmentalists are the new Calvinists of our time, arguing that great material wealth is more likely to corrupt the morals of the nation. The ferocity of the debate over ANWR would be difficult to explain by the economic stakes alone (the likely long run oil royalties of \$50 to \$100 billion spread over 20 years are not a large sum relative to the current \$2 trillion annual federal budget). Rather, like the new value orientation in so many areas of American politics today, the advocates and the opponents of ANWR oil and gas leasing have been fighting over the moral values of the nation.

The Kyoto Protocol

Internationally, the Bush administration rejection of the Kyoto Protocol has received the greatest attention among its “anti-environmental” actions. The American withdrawal in March 2001 was sharply criticized by many European leaders as a sign also of an unfortunate new “unilateralism” in the relationship of the Bush administration with the rest of the world. Here again, however, public appearances are deceiving. In terms of US actions, for example, the Clinton administration -- after playing an important role in developing the Kyoto Protocol in December 1997 -- did little or nothing to move it forward in the United States. By 2000, few nations had ratified the Protocol. The deadline of 2008 to 2012 for compliance with the Kyoto requirements was rapidly drawing nearer.

With so little action, the prospects for actually achieving the Kyoto reductions in greenhouse gases were fading. Most countries simply regarded the costs as too high, relative to the long term benefits that would not be realized until the second half of the twenty-first century. Thomas Schelling is a past professor of economics for 30 years at Harvard University and past president of the American

Economic Association. In 2002 he published an article in *Foreign Affairs*, the journal of the Council on Foreign Relations in New York, stating that:

The U.S. “commitment” to the [Kyoto] protocol meant cutting emissions significantly below their 1990 level by 2010 – which required a 25 or 30 percent reduction in projected emission levels. Such a cut was almost certainly infeasible when the Clinton administration signed the protocol in 1997. Three years later, with no action toward reducing emissions, no evidence of any planning on how to reduce emissions, and no attempt to inform the public or Congress about what might be required to meet that commitment, what might barely have been possible to achieve over 15 years – 1997 to 2012 – had become unreasonable. Bush, in stating that he would not submit the treaty to the Senate, at least avoided hypocrisy.¹⁴

The Bush administration handled the public announcement of its rejection of the Kyoto Protocol in a clumsy fashion. It did a poor job of explaining to the world the American concerns – not only with respect to the economic impact on the United States but also the worldwide ineffectiveness of the Protocol. However, President Bush was acting within the mainstream of US expert policy opinion in rejecting the Kyoto Protocol. By March 2001, there was a large body of technical work by American economists and other researchers into the benefits and costs of the Kyoto Protocol. The Protocol was widely regarded as deficient in the following six ways:

1. There are still many scientific uncertainties to be resolved. There may be increasing acceptance that human actions are affecting the climate of the earth but more detailed knowledge is required before the most effective climate policies can be devised.
2. The Kyoto Protocol moves too quickly. Given the scientific and other uncertainties, and the difficulties of making large changes in the infrastructure of national economies in the short run, a more gradual policy of world response to climate change concerns will show higher benefits relative to costs over the longer run.
3. The Kyoto Protocol leaves out a large part of the world from its provisions. Any effective policy on world climate change will have to include China, India, Brazil and other developing countries that would face no limits on greenhouse emissions under the Kyoto provisions.
4. There are key parts of the Kyoto Protocol that would be impossible to implement without new and complicated international agreements. Even today, there is no agreement among the experts – to say nothing of the political leadership of the involved nations – on appropriate means of implementing the carbon sequestration and emissions trading provisions of the Protocol.

5. There is no practical possibility that the nations of the earth will prevent at least some additional future warming of the earth's climate. By focusing so much effort on the prevention of warming, the Kyoto Protocol diverts attention from an equally – and perhaps more – pressing problem, the policy measures that will be required to adapt to higher world temperatures. Indeed, a policy of adaptation may in the end be more satisfactory and less expensive than a policy that emphasizes prevention of climate change altogether. For many nations in the temperate climate zones of the world, there may be few costs to adaptation – and some degree of global warming may even bring net benefits.

6. The United States was never likely to ratify the Kyoto Protocol because it was asked to bear a grossly disproportionate burden of the effort to reduce world greenhouse emissions. Indeed, the United States was diplomatically outmaneuvered in the Kyoto negotiations – probably in part because Vice President Gore was desperate to have any agreement, and there was no time to work out anything more equitable to the United States after his last-minute arrival in Kyoto.

This last problem would have made it politically suicidal for any American political leader to act to enforce the Kyoto Protocol, once the disadvantageous terms for the United States had been more widely understood by the American public. The choice of 1990 as the baseline year in the Kyoto Protocol significantly affected the actions that would be required of a number of countries. Both Russia and East Germany suffered an economic collapse after 1990. As a result of this economic transition, their greenhouse emissions had fallen precipitously – all this having nothing to do with actions in response to the Kyoto requirements. Russia in 1997 was emitting 31 percent less carbon dioxide than it had been in 1990. By combining East Germany with West Germany, the total German carbon dioxide emissions had fallen 5 percent by 1997 from 1990, and the decline reached 11 percent in 1999. Similarly, Great Britain in the 1990s was making a transition from coal to natural gas as its principal source of power. As a result, British emissions of carbon dioxide by 1997 had fallen by 7 percent from 1990, and by 13 percent in 1999.

In contrast, United States emissions of carbon dioxide had increased by 12 percent in 1997, and this figure reached 14 percent in 1999. For Europe as a whole, total emissions of greenhouse gases had declined by 4 percent as of 1999. Europe is required under the Kyoto Protocol to achieve an 8 percent reduction from 1990, while the United States – despite its very different greenhouse circumstances, involving a much greater difficulty of compliance – is required to achieve a 7 percent reduction. The costs of Kyoto compliance, in short, would have been much greater for the United States than for Europe.

Kyoto, like other prominent environmental issues, is not only a question of costs but also of making a symbolic statement about the moral values of the nation. When the Bush administration announced that it would not ratify the Kyoto Protocol, many environmental and European critics exhibited extreme reactions that seemed to go well beyond any practical consequences of this announcement. Much like ANWR, the only way to make sense of all this is in terms of an environmental religion. The controversy over the Kyoto Protocol is yet another example of the new American – and also international in more and more cases -- politics of moral and religious values.

The “sin” of climate change is that it now puts human beings in the place of God. In actually changing the climate of the earth — an idea that would have been inconceivable a mere few centuries ago — humanity is altering “the Creation” as it was given to us by God. By biblical standards, human beings today are literally “playing God.” And there is no greater sin in the Bible than to wish to take the place of God. Indeed, God will destroy those who challenge His authority. The biblical punishments typically involved an environmental calamity — devastating floods, famine, disease, pestilence, and so forth. It is no coincidence that our environmental prophets see virtually the same environmental calamities resulting from global warming. Owing to current human sinfulness, including an excess of consumption, higher global temperatures will soon cause the oceans to rise and to flood the land; food supplies to dwindle; hurricanes to rage; and diseases such as malaria to spread to new areas of the world.

Even though the Clinton administration was doing very little, it is not as though there is no reason to be concerned about climate change in very practical terms. If the more pessimistic predictions turn out to be true, and the earth does begin to warm rapidly, the time may not be far off when more urgent actions will be called for. There is a need for continuing meteorological, economic, and other research. Various contingency plans should be drawn up. Among the paradoxes of environmental policy in the Bush years, and despite the harsh criticisms of environmental groups, the Bush administration rejection of the Kyoto Protocol served to awaken the world and to stimulate and encourage such steps. One might even say that “Bush saved Kyoto” – at least the spirit of Kyoto if not its literal language.¹⁵

“Roadless Areas” in National Forests

A third area of bitter environmental controversy in the first year of the Bush administration involved “roadless areas” in the national forest system, managed by the U.S. Forest Service. The national forests cover 192 million acres (about twice the area of Japan), almost 10 percent of the land area of the United States. In one of his last acts in January 2001, former President Clinton set aside 58.5

million acres of new “roadless” areas on the national forests. The building of any roads or the use of any motorized vehicles would be prohibited in these areas, adding to an existing 35 million acres in the national forest system that previously had been approved by Congress as official “wilderness areas.”

Soon after entering office, however, the Bush administration suspended the Clinton roadless plans. When the roadless designations were challenged in court, the Bush administration refused to defend them. These actions infuriated many environmental groups who had hoped to achieve a large effective increase in the total amount of protected wild areas in the United States.

Combined, the previously approved and the new de facto wilderness areas would have equalled 93 million acres, almost half of the total land in the national forest system. Historically, and unlike the National Park System, most of the national forest lands (excluding the wilderness areas) had been used for intensive timber harvesting, livestock grazing, and other commercial uses. The Clinton administration was proposing to reverse this past history to put a very large amount of land in a newly restrictive land status that precluded most active management for human use. The state of Idaho has a higher percentage of its area in national forests than any other state, 40 percent. Under the Clinton roadless designations, 25 percent of the total area of Idaho would effectively have been placed in a wilderness “non-use” status. Idaho politicians, not surprisingly, were among the most vocal in opposition to the Clinton plan. Idaho, like most of the mountain West, is dominated today by a Republican party that sees the Democratic Party dominated at the national level by alien values concerning the use of natural resources and the environment.

Prior to the roadless designations of January 2001, the Forest Service had been engaged for many years in the development of land use plans for the national forests in these same areas. Local citizens had put in long hours in learning about, discussing, and debating the land management options for the nearby national forest lands. The new roadless mandates, however, were made at the national level in the White House at the end of the Clinton years. The Forest Service recognized the violation of its own longstanding forest planning commitments, as indicated in the agency’s Final Environmental Impact (FEIS) for the roadless designations, released in November 2000. As the Forest Service FEIS stated, the agency had long sought to promote “a collaborative approach between agencies, partners and the [local] public” but, as many people would now inevitably perceive, “the Roadless Rule contradicts the [past] emphasis placed on collaboration” with local citizens and instead reflects a strategy of “maximizing national prohibitions” imposed from Washington on the use of national forest lands. As a result, the Clinton actions were likely to

“undermine local communities’ trust in the [Forest Service] public involvement process over the short term,” although it could be hoped that “this trust may be regained over the long term.”¹⁶

The roadless designations made in January 2001 also bypassed the longstanding role of the U.S. Congress in determining the establishment of new wilderness areas on the federal lands. Since the Wilderness Act of 1964, Congress has had to approve each new permanent wilderness area. This has typically involved long debate and legislative consideration of each new area proposed for inclusion in the national wilderness system. The Clinton administration knew, however, that it could never win Congressional approval for such a large increase in the total acreage of wild areas. Although the newly established roadless areas would not officially be wilderness areas, the combination of the regulatory management restrictions and informal restrictions would make them for most practical purposes new wilderness areas. The Clinton administration was attempting to achieve by internal administrative actions what it could not achieve in a Republican Congress, thus in effect circumventing the Congressional democratic process.

Another problem was that the Clinton roadless designations might have restricted future management actions that would be needed on the national forests. About 50 percent of the newly designated roadless areas in the lower 48 states consisted of declining forests in a moderate to advanced state of ill health and ecological deterioration.¹⁷ As noted above, a principal reason for their poor condition is a previous century of Forest Service active suppression of forest fire. In ponderosa pine and other types of western forests, frequent low intensity fires historically removed the underbrush and other invasive tree species. Suppressing forest fires for decades disrupted this natural process, leaving many forests now with as many as 300 to 500 small and fire prone trees per acre -- where about 50 much larger trees might have been the historic norm.¹⁸

By the fall of 2000, the Forest Service had established priority areas for forest treatments to reduce excess fuels and fire hazards on 89 million acres of national forest land. Among these lands already identified as having a higher priority for fuels reductions were 14 million acres within the newly designated roadless areas. A roadless status, however, would effectively preclude most forest treatment actions -- such as prescribed burning or mechanical removal of the trees -- to reduce the risk of fire. Hence, as the Forest Service itself stated, the new roadless designations would have resulted in “more wildfires with [historically] uncharacteristic fire effects” within the areas. More generally, as compared with a more flexible management regime that maintained wider road access, the Clinton roadless designations would “increase the likelihood of large fires in high priority areas, especially over the short- to medium term.”¹⁹ There was also no assurance that the fires would

remain within a roadless area; in a dry season, once the wind blows, anything could happen, potentially extending raging fires into roaded areas throughout a whole region.

Such practical concerns were of less importance to Clinton administration officials, however, than the making of a new and very visible value statement. It was another case of the symbolic politics of values. By declaring an official roadless status, the Clinton administration was seeking to expand the number of “cathedrals” on the national forests where human interference with nature was excluded – or at least minimized. The Bush administration regarded the active use of the lands for human purposes in more favourable terms and thus sought to reverse the Clinton actions. It was another part of the struggle for the public soul of the United States, a value dispute in which the correct understanding of “economic progress” was in part at stake.

A Broken System

The most contentious environmental issues of the Bush years thus involved highly symbolic statements of values. They sought to define the appropriate relationship of human beings and nature – a subject central to the teachings of most past religions. In contemporary American politics, such value disagreements have become just as important as the old controversies among communism, socialism, capitalism and other economic systems. Indeed, from the environmental perspective today, all of the modern “religions of progress” have been deeply flawed in their preoccupation with material concerns and in their advocacy of the tight control of nature for “progressive” human purposes.²⁰

While such issues commanded the headlines in the newspapers, little was done by the Bush administration to address other more practical problems of the environmental system. Yet, many informed observers had been warning for years that the environmental system was not working well. William Ruckelshaus is one of the most admired figures in the environmental area. He was the first Administrator (the highest official) of the Environmental Protection Agency from 1970 to 1973. When staff morale at EPA was suffering in the early 1980s under weak leadership installed by the Reagan administration, Ruckelshaus was called back to fix the problems. He is the only person to have served twice as EPA Administrator. He has continued to serve on commissions and otherwise lend his expertise in the environmental field.

In a 1995 speech, Ruckelshaus declared that, while the general public did not know it, at EPA “the system is broken, severely broken, broken beyond hope of easy repair.” As a result of its many problems, EPA was “hesitant, not sufficiently empowered by Congress to set and pursue meaningful

priorities, deluged in paper and lawsuits, and pulled on a dozen different vectors by an ill-assorted and antiquated set of statutes.” Congress had given EPA a set of mandates to improve the environment on a short timeframe that was altogether infeasible in practical terms. Yet, when it came to providing resources, the Congress was stingy. As a result, as Ruckelshaus commented, “any senior EPA official will tell you that the agency has the resources to do not much more than ten percent of the things Congress has charged it to do.”²¹

In the environmental area, Congress often passed a law and then took credit for having addressed or even solved a pressing problem. When the law failed to have its intended effects – partly because Congress did not provide resources and other needed support – the blame would be put on the federal administrators of the law. It was another element of the symbolic politics in the United States where there might be little relation between political rhetoric and environmental reality. As Ruckelshaus commented, EPA was “an agency paralyzed by the conflict between its statutory mandate and sound public policy, and a public debate which erroneously depicts the social choices in apocalyptic terms” – and thus expects immediate solutions to very difficult problems.²²

Caught between the utopian expectations of the public and its own limited resources and capacities, the EPA had become “the agency everyone loves to hate.” Ruckelshaus identified four key reasons why environmental policy making and management at the EPA had reached such an unhappy state of affairs. First, many Americans believed “that pollution is not just a problem to be worked out by society using rational means, but a form of evil.” As Ruckelshaus argued, “environmentalism has to leave the realm of quasi-religion” but this met resistance from many people who preferred to see the environmental cause as a crusade to curb the “evil polluter.” In reality, “the most significant threats to our environment now seem to lie, not with major industrial sites, but in the habits of ordinary Americans: we like to drive big, powerful cars, use a lot of electricity, generate a lot of waste, enjoy cheap food, live in grassy suburbs” and otherwise put burdens on the environment.²³ However, few politicians – or environmental groups – wanted to put the blame for environmental problems on the “ordinary American.”

A second basic concern for EPA, as Ruckelshaus argued, was “the commitment to perfection built into the language of our major statutes” – another elevation of symbolism over substance. In the major environmental laws, the Congress had promised “a sort of pie-on-the-sky at some future date, a date extended further and further as inevitably EPA missed nearly every deadline set for it.” It was true that the failures to achieve its targets put EPA under constant pressure to try harder. It gave EPA leverage to apply against businesses, local municipalities and others who might resist its

mandates. However, the inability to achieve the (impossible) goals of the environmental laws left “the agency and the environmental community ... pervaded by a sense of failure.”²⁴

A third factor undermining the effectiveness of EPA, Ruckelshaus declared, was “the devolution of all important environmental decisions to the courts.” Since the 1970s, experience had clearly shown that “nearly every major EPA decision ends up in the judicial system.” The key decisions made in the implementation of environmental laws thus were not the result of “the deliberations of scientists or engineers or elected representatives or responsible appointed officials.” Rather, EPA operated in a decision making world of “consent decrees handed down by judges.” The legal system, however, was never designed to administer a complex set of environmental laws; it often moved very slowly. An appeal of a decision could often take a full year to get a resolution. As a result, as Ruckelshaus lamented, government by judiciary meant “that environmental improvement is delayed, sometimes indefinitely, and ... all involved in these drawn-out proceedings face crippling, costly uncertainties” about the eventual requirements of the law.

A fourth obstacle facing EPA was faced by almost every other federal agency. As Ruckelshaus lamented, in the United States there had been a “nearly steady erosion of trust in all public institutions. People don’t trust government, but they don’t trust business either.” The election of a Republican Congress in 1994 reflected this anti-government public mood but the actions of the new Congress were becoming as much a part of the problem as the solution. Speaking in 1995, Ruckelshaus commented that “We have a Congress that has so far shown itself unwilling to do the hard work necessary for meaningful reform. Instead, it is intent on further snarling a system it sees as an example of liberalism gone wild.” There had been gridlock in the environmental field and “the result will be gridlock” again with the Republicans newly in charge of the Congress and President Clinton holding the Presidency.

Ruckelshaus doubted that any major improvements would occur in the short run but held out the hope that the liabilities of the current environmental system would eventually produce strong complaints and a public insistence on corrective measures. Yet, he recognized that there were powerful forces that would oppose any significant changes in the current environmental system. If it “must be repaired,” the necessary steps would be “in the teeth of the immediate interests of many reading this article.” EPA had thus far sought without success to develop a political base that would support more rational public policies for the environment. Ruckelshaus had no clear answer to the problem that “as far as I can see, there is no coherent, politically potent constituency devoted to making sure that the agency [EPA] can make the best possible decisions and carry them out effectively.”²⁵ The new American politics of values is better at stirring the emotions of the faithful

than at devising the practical policies – and making the inevitable compromises -- to address real world problems.

A Washington Consensus

By the 1990s, there was a “Washington Consensus” concerning the failures of the international development aid programs for developing nations and the best future means of providing economic assistance by agencies such as the International Monetary Fund and World Bank. Although it has received less attention, there was another Washington consensus that had emerged in the 1990s concerning the practical failures of environmental regulation and the needed directions of administrative reform in the United States. In many respects, this thinking paralleled the analysis offered by William Ruckelshaus in the 1995 speech described above. Similar views were shared widely among mainstream policy organizations such as The Brookings Institution, Resources for the Future (RFF), and the National Academy of Public Administration. These were the “expert” views, in contrast to the many “populist” contributors to the environmental debate.

In 1998, for example, two senior researchers at RFF, J. Clarence Davies and Jan Mazurek, after several years of intensive study, published a book-length evaluation of the pollution control system of the United States. Their conclusion was that the current environmental control system “is seriously broken. Its effectiveness in dealing with current problems is questionable, it is inefficient, and it is excessively intrusive. These are fundamental problems.” Moreover, small adjustments in the environmental system would not work because “the problems cannot be fixed by administrative remedies, pilot programs, or other efforts to tinker at the margin.” What would be required would involve nothing less than “fundamental, nonincremental change,” reflecting the fact that the core “problems ... are built into the system of laws and institutions that Congress has erected over thirty years.” One core problem was that the EPA “lacks scientific knowledge about both the causes and the effects of threats to human and environmental health.”²⁶ Under both Republican and Democratic leadership over the past 30 years, scientific studies had been chronically neglected at EPA, reflecting the dominance of value motives grounded in initial assumptions that were not dependent on the results of any empirical investigations.

Other leading experts in U.S. environmental policy reached similar conclusions. In 1993, the U.S. Congress charged the National Academy of Public Administration (NAPA) to undertake a comprehensive study of the system of environmental policy making and management of the United States. This effort yielded several books and many smaller reports, and culminated in a 2000 publication, *Environment.gov: Transforming Environmental Protection for the 21st Century*.²⁷ This

report concluded that the current environmental system had major flaws and required large scale changes – there would have to be a wholesale “transformation” of the system:

The nation’s current environmental protection system cannot deliver the healthy and sustaining world that Americans want. Absent significant change in Americans environmental governance, ... the uncontrolled runoff of fertilizers and other pollutants will continue to choke rivers, lakes, and estuaries with oxygen-depleting algae; smog will continue to degrade the health of millions of Americans. The regulatory programs in place in this country simply cannot address those problems at a price America can afford. A different kind of program can, however.²⁸

The character of the leading environmental problems facing the nation, according to NAPA, had changed. Since the 1970s, EPA had done a reasonably good job of cleaning up factories and other large individual sources of pollution of the air and water. Automobiles had successfully been required to install catalytic converters that greatly reduced their emissions in urban areas. However, there had been much less success in reducing other types of pollution – the pollution derived from indirect or “nonpoint” sources of pollution. Much of the remaining pollution of rivers and lakes was from water runoff from farms and housing developments. Significant amounts of air pollution were still coming from small businesses such as dry cleaners and from the activities of individuals doing things like mowing their lawns. The protection of endangered species required obtaining the cooperation of many small private land owners. The environmental regulatory system, as it had been inherited from the 1970s, was simply incapable of adequately controlling environmental problems originating on farms and other such individually small sources.

Future environmental policy would have to address issues of land use that had traditionally been considered state and local responsibilities in the American federal system. As NAPA observed, “when states surveyed the nation’s rivers, lakes, and estuaries, they found that about half of the locations assessed failed to meet the states own water-quality standards. The primary cause of that failure is ‘nonpoint’ runoff from farms, ranches, forestry operations, and developed areas.” Achieving success in reducing such forms of pollution would “depend in part on changing how Americans use their land.” Whole new institutional structures with much greater decentralization of regulatory authority might be required for this purpose. One promising approach would be to encourage local “watershed-level” planning and regulation of land use. The NAPA report thus encouraged the EPA to support the setting of “watershed-protection goals” and the implementation of “collaborative watershed processes” among involved land owners and other state and local

groups.²⁹ This would require major departures from the regulatory methods that had worked best for large point sources such as a chemical plant or an automotive assembly line in the past.

Another major problem with the existing environmental system was its emphasis on “command-and-control” regulations. In a typical case, EPA would direct that a company must install a particular type of control technology. As a result, the main burden was placed on EPA to discover the most efficient ways of reducing pollution. Frequently, however, a business would have much greater knowledge than EPA of its own production processes and thus the pollution reduction possibilities. Yet, the private firm had no private incentive to use this knowledge under the existing system to reduce pollution through EPA mandates.

NAPA thus proposed to give individual firms much greater authority to decide the best ways of reducing their own pollution. Rather than a technology requirement, a firm would be given an allowable level of pollution emissions. This allowable level would be embodied in a “right to pollute.” Individual firms would also be able to trade these rights in the market place, just as they might buy any ordinary good or service in the market. Such market approaches are known as “cap and trade” systems – a total “cap” is set for all pollution and individual firms can “trade” their individual pollution allowances with one another. As NAPA declared, “EPA, the states and Congress are poised to expand trading programs to airsheds, and to implement some fairly large-scale pilots in river systems and estuaries. ... In many situations, trading systems can deliver relatively certain and equitable results” and at lower costs than traditional command-and-control methods.³⁰ When a firm has the freedom to determine the best ways of reducing pollution on its own, it is likely to be more innovative and energetic in devising pollution reduction strategies.

“Clear Skies” and “New Sources”

There was thus a wide agreement among informed policy makers by 2000 concerning the necessary next steps in shaping a better U.S. environmental system. It would be important to be more flexible in the future in seeking the best ways of reducing pollution, turning away from the technology mandates under “command and control” policies. In many circumstances, the best way of promoting such flexibility would be to allow firms to pollute within a given limit, and allow market trading among firms in “rights” to pollute. There should in general be a decentralization of environmental control responsibilities, reflecting the necessity of addressing many small sources of pollution such as farms and homes at the state and local level.

The Bush administration, like the Clinton administration, however, largely avoided the formidable prospect of reworking the environmental system. It was likely to be a thankless task.

Environmental groups were likely to see any significant changes in the worst of lights – as efforts to undermine environmental protections. Business groups had adjusted to the system and were not anxious to upset the status quo. Farmers would be unhappy about any attempts to require new methods of farm management for environmental purposes. Car owners would resist changes in their driving habits. From the viewpoint of the Bush administration, therefore, real changes in environmental management and policy offered the prospect of much political pain for little gain.

Nevertheless, although it was cautious in taking any bold steps in the environmental area, the Bush administration did make one major effort to alter the basic system. Reflecting a Washington consensus in favor of market trading, the “Clear Skies” proposal sought Congressional approval for a “cap-and-trade” market approach to the reduction of sulfur dioxide, nitrogen oxide and mercury pollution. Specifically, the Bush proposal aimed to reduce the amount of sulfur dioxide from the existing level of 11 million tons in 2000 to a cap of 4.5 million tons in 2008 and then still further to 3 million tons in 2018. For nitrogen oxides, the reduction would be from an existing level of 5 million tons to a cap of 2.1 million tons in 2008, and then to 1.7 million tons in 2018. Finally, for mercury the reduction would be from an existing level of 48 tons to a cap of 26 tons in 2010 and then to 15 tons in 2018. As under any cap and trade program, there would be allocations of rights to pollute up to the total amount of the cap, and individual firms would be permitted to trade their rights with other firms within the overall cap.

The reductions proposed by the Bush administration were in fact substantial, more rapid than most previous reductions in pollution since the main environmental laws were enacted in the 1970s. However, the environmental movement responded with an all-out attack on the Bush proposals. There seem to have been several motives. First, given the generally antagonistic mood of the environmental movement towards the Bush administration, it was difficult to give the Bush team credit for any positive steps environmentally. Second, consistent with the Bush rejection of the Kyoto Protocol, the Bush proposal did not include a cap and trade system for carbon dioxide or other greenhouse gases, as the environmental movement was strongly advocating. Third, environmentalists argued that the caps should be lower and should be achieved more rapidly – that the Bush administration was giving industry too much time to make reductions that should be made sooner. And fourth, environmentalists argued that the Bush proposal undercut existing lawsuits that had the promise of requiring many power plants to make large near-term reductions in pollution. Instead, these power plants under the Bush plan would be given pollution rights that would enable them to continue polluting for a longer period – even though the cap would eventually come into play.

With respect to the level of the overall caps, and the timing, it might have seemed that the environmental critics might instead have simply pressed for lower caps and their more rapid realization. Why abandon the whole effort, when the Bush administration was following a wide consensus among leading policy analysts that cap-and-trade systems were desirable? The issue of the existing lawsuits against power plants was more complicated but again seemed to suggest an unwillingness to try to negotiate compromises with Bush policy makers. In the Clean Air Act, a large distinction was made between existing power plants and new power plants (that were subject to “new source performance standards”). The regulation of the new plants was much more stringent than the old plants. This left open, however, the issue of whether an old plant could be fixed up and improved, without being put into the category of a “new” plant. In the late 1990s, the Clinton administration decided that many “old” power plants had had so much repair and renovation that they had in effect become “new” power plants. It sued the owners of these plants to force them to comply with the more stringent requirements for new plants. The power plant owners, as might be expected, resisted with their own court actions, claiming that the Clinton administration had changed the rules in the middle of the game.

Under a cap and trade system, one of the advantages is that the artificial distinction between old and new plants is abolished. Each plant, whether new or old, must have a permit for the amount of pollution it is emitting. Environmentalists now argued, however, that the Bush administration was giving up on the lawsuits, just as the power plants were about to be required legally to install expensive pollution control equipment. They suggested that the “Clear Skies” program was really a plan to free polluters from technology requirements that the law was about to impose on them.

This debate was carried on, for example, by David Hawkins (a longtime environmental activist in the area of clean air) and the Assistant Administrator of EPA for air pollution, Jeffery Holmstead. In Congressional testimony, Hawkins declared that the Bush plan would “allow power plant pollution to continue to inflict huge, avoidable health damages on the public” and that “the administration bill should not become law.”³¹ Hawkins argued that current law required major environmental improvements by 2009, while the Bush plan would impose some of its reduction deadlines well beyond this point. Holmstead argued in response that the 2009 requirements in the law were unrealistic and would not be met – as similar requirements had seldom been met in the past. Hawkins was comparing a utopian possibility under the current system with a real world prospect of environmental reductions under the Bush plan. As Holmstead declared, the existing system of pollution control would “almost certainly involve years of litigation and uncertainty about reduction targets and timetables,” compared with the relative clarity of the Clear Skies proposal in which

“power plants would immediately understand their obligations to reduction pollution and would be rewarded for early action.”³²

It was not a debate that could be resolved by argument alone. Projections of future differences in pollution reductions under the Bush plan for market trading versus the existing command-and-control system could only be made with the use of an heroic set of assumptions. The effect of the continued political fighting, to be sure, was to continue the polarization and gridlock that have characterized environmental policy making since 1990. The Clear Skies proposal was a bold initiative but it is going nowhere at present. In an election year, the prospects of enactment in 2004 are slim at best.

Conclusion

Fixing the major problems of EPA would have required a President committed to reform of the environmental system. The President would have had to command the respect of the public in this area and be able to articulate the problems and the potential solutions. The Congress would have to be willing to defer to Presidential leadership in many respects. Environmental groups would have to seek constructive solutions and be restrained in their rhetoric. None of these conditions was met during the Clinton administration. Indeed, much of the second term of the Clinton administration was consumed by the bitter struggle over the possible impeachment of the President. At EPA, the Administrator, Carol Browner, was herself not a forceful leader; she was not able to command the strong allegiance of the EPA professional staff. The problems of the environmental system described by Ruckelshaus, the National Academy of Public Administration, Resources for the Future, and other mainstream policy analysts were thus mainly left to fester during the Clinton years. The Clinton environmental team in any case was more motivated to protect additional wild areas in nature than to address the complicated administrative problems of air and water pollution.

During the Bush administration, another form of serious threat to the public – terrorism – preoccupied the President and his top advisors. Compared with al Qaeda, the dangers of polluted air and water have seemed mild and the urgency of addressing the management problems of EPA has receded. Indeed, the Bush administration appointed a professional politician, former governor Christie Whitman of New Jersey, to be the first Administrator, and then a second politician, former governor Mike Leavitt of Utah, as the second Administrator. Neither person had any great expertise in the environmental areas of prime EPA responsibility. The message was that political management was the top priority. Environmental pollution and other environmental hazards were perhaps not such an urgent necessity in an age of terrorism. There might be political risks in being perceived as “anti-environmental” but there was no great danger otherwise. The easiest thing for a pragmatic

politician was to do little and “keep the lid on.” Who might be better equipped for this mission than a skilled politician such as the former governor of a state?

Thus, much of what the expert commentators had said in the 1990s with respect to the grave failings of the environmental system was still true in 2004. Little had been done to improve matters; Congress and the Bush administration had been preoccupied in other areas than the environment. This could be interpreted in two ways. It might be a sign of a broader dysfunction in American political institutions – that they were unable to take the actions necessary to address an urgent public necessity. A second interpretation, however, might be that the environmental problem had been exaggerated in the first instance. The environmental movement, as Ruckelshaus noted, had long exhibited an “apocalyptic” side. It raised funds and sought other support through campaigns to impress the danger in environmental pollution and other problems for the American public. Much of this, as Bjorn Lomborg has recently argued, might have been considerable overstated.³³

The environmental field might thus be seen as an area where political symbolism and rhetoric could dominate because the stakes in fact were not so great – whatever some people might be saying. The environment was not in bad shape; existing policies were not working to improve matters much but they were succeeding in preventing significant deterioration – even in the face of increases in population and gross national product. The highest political payoffs for politicians were found in telling people what they wanted to hear. Democratic politicians employed environmental rhetoric; Republican politicians employed a rhetoric of markets, efficiency, and costs. Neither side made much effort to accommodate its views to the views of the other side. The American public was not sufficiently informed or concerned to require a more forceful response. In terms of real change in the day-to-day operation of the environmental system, not much has happened since 1990.

Moreover, unless these circumstances change in the future, the past fifteen years of gridlock, polarization and environmental inaction may continue for a considerable period to come in American environmental policy. The Bush administration has been largely a continuation of the Clinton administration in perpetuating this trend. In the new American politics of values, economics and practical considerations are secondary. It is perhaps a reflection of the arrival of American society at a condition of such great material prosperity and national economic well being that arguments about “correct” value choices are now more important than government actions to promote further growth and development of the American economy in an environmentally sound way.

Endnotes

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- ³ Membership Solicitation Letter from John Adams, President of the Natural Resources Defense Council, received by the author in January 2004.
- ⁴ Membership Solicitation Letter to "Dear Fellow Environmentalist" from Robert Redford, member of the Board of Trustees of the Natural Resources Defense Council, received by the author in January 2004.
- ⁵ Membership Solicitation Letter from William H. Meadows, President of The Wilderness Society, received by the author in October 2003.
- ⁶ Bruce Yandle and Jane Shaw, eds., *Mid-Term Report Card: Bush Administration's Environmental Policy* (Bozeman, MT: PERC, January 2003).
- ⁷ *Ibid.*, p. i.
- ⁸ David W. Riggs, "Global Climate Change," in Yandle and Shaw, eds., *Mid-Term Report Card*, p. 57.
- ⁹ Joel Schwartz, "Air Quality Regulation," in Yandle and Shaw, *Mid-Term Report Card*, pp. 11, 15.
- ¹⁰ Bruce Yandle, "Water Quality," in Yandle and Shaw, eds., *Mid-Term Report Card*, pp. 109-111.
- ¹¹ Holly Lippke Fretwell, "Public Lands Management," in Yandle and Shaw, eds., *Mid-Term Report Card*, pp. 77, 83-84.
- ¹² Mark Stoll, *Protestantism, Capitalism, and Nature in America* (Albuquerque, NM: University of New Mexico Press, 1997), pp. 51, 52.
- ¹³ See Robert H. Nelson, *Economics as Religion: From Samuelson to Chicago and Beyond* (University Park, PA: Penn State Press, 2001); and Robert H. Nelson, *Reaching for Heaven on Earth: The Theological Meaning of Economics* (Lanham, MD: Rowman & Littlefield, 1991).
- ¹⁴ See Thomas C. Schelling, "What Makes Greenhouse Sense?: Time to Rethink the Kyoto Protocol," 81 *Foreign Affairs* (May/June 2002), p. 2.
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- ¹⁶ United States Forest Service, *Final Environmental Impact Statement, Roadless Area Designation* (2000), pp. 3-369, 3-238.
- ¹⁷ *Ibid.*, p. 3-83.
- ¹⁸ See Robert H. Nelson, *A Burning Issue: A Case for Abolishing the U.S. Forest Service* (Lanham, MD: Rowman & Littlefield, 2000)
- ¹⁹ *Ibid.*, pp. 3-95, 3-368.
- ²⁰ Paul R. Josephson, *Industrialized Nature: Brute Force Technology and the Transformation of the Natural World* (Washington, D.C.: Island Press, 2002).
- ²¹ William D. Ruckelshaus, "Stopping the Pendulum," speech to the Enterprise for the Environment (1995), available at www.csis.org/ege/pendulum.html.
- ²² *Ibid.*
- ²³ *Ibid.*
- ²⁴ *Ibid.*
- ²⁵ *Ibid.*
- ²⁶ J. Clarence Davies and Jan Mazurek, *Pollution Control in the United States: Evaluating the System* (Washington, D.C.: Resources for the Future, 1998), p. 269.
- ²⁷ National Academy of Public Administration, *Environment.gov: Transforming Environmental Protection for the 21st Century* (Washington, D.C., November 2000).
- ²⁸ *Ibid.*, p. 11.
- ²⁹ *Ibid.*, pp. 94, 132.
- ³⁰ *Ibid.*, p. 66.
- ³¹ David G. Hawkins, Testimony on the "Clear Skies Act of 2003" to the U.S. Senate Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, April 8, 2003.

³² Testimony of Jeffrey Holmstead, Assistant Administrator of EPA, on “The Clear Skies Initiative: A Multipollutant Approach to the Clean Air Act,” House Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, July 8, 2003.

³³ Bjorn Lomborg, *The Skeptical Environmentalist: Measuring the Real State of the World* (New York: Cambridge University Press, 2001).

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