

Lecture 19
Legislative response to the
Environmental Revolution

Legislative responses:

- Clean Air Act
- Coastal Zone Management Act
- Endangered Species Act
- several Energy Bills
- several Highway Bills
- Insecticide, Fungicide, and Rodenticide Act
- Marine Mammals Protection Act
- National Historic Preservation Act
- Radiation Control Act
- Renewable Resources Planning Act
- Toxic Substances Control Act
- Water Pollution Control Act
- Wild and Scenic Rivers Act
- Wilderness Act

Radiation protection

- concern over ionizing radiation
- Congressional bills, beginning 1967
- Johnson 1968 state of the Union address
- 1968, Radiation Control act passed
 - public will not be injured by radiation

Nixon, Executive takes action

- 1970, Occupational Safety and Health Act

Congress sets a general course

- identify problems
- tend to the needs of the Nation
- highly subjected to shifts in politics

Areas of government activity

- Abortion
- Aged
- Agriculture
- Air pollution
- Animals
- Budgets
- Business
- Children
- Civil liberties
- Civil rights

Areas of government activity

- Communications
- Congress
- Constitution
- Consumers
- Criminal justice
- Defense economics
- Defense policy
- Disabled
- Drug abuse

- Economic policy

Areas of government activity

- Educational policy
- Elections
- Elementary and secondary education
- Emergency management
- Energy
- Environmental protection
- Executive departments
- Families
- Finance
- Food

Areas of government activity

- Foreign aid
- Foreign policy
- Government employees
- Government information
- Hazardous substances
- Health policy
- Higher education
- Housing
- Humanities
- Immigration

Areas of government activity

- Intellectual property
- Intelligence activities
- International affairs
- International finance
- Job training
- Labor
- Law
- Marine resources
- Medicine
- Minorities

Areas of government activity

- Natural resources
- Politics and government
- Public contracts
- Public lands
- Religion
- Science policy
- Social security
- Solid wastes
- Space activities
- Sports
- State & local government

Areas of government activity

- Taxation
- Technology
- Telecommunication
- Transportation
- Urban affairs
- Veterans
- Water pollution

- Water resources
- Weapons systems
- Welfare
- Women

Executive (influence of politics)

Congress responds to concerns

- special interest groups
- contributors
- major events
- public pressure (National news)
- voters

NEPA - National Environmental Policy Act of 1969, as Amended

- Title: An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.
- Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That this Act may be cited as the “National Environmental Policy Act of 1969.”

Purposes of this Act are:

- To declare a national policy which will encourage productive and enjoyable harmony between man and his environment;
- To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man;
- To enrich the understanding of the ecological systems and natural resources important to the Nation; and
- To establish a Council on Environmental Quality.

Principles:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

Principles (condt.)

- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Congress authorizes and directs that, to the fullest extent possible:

- (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and
- (2) all agencies of the Federal Government shall--

Authorization (I)

- (a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment;

Authorization (II)

- (b) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

Authorization (III)

- (c) Include in every recommendation of report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on--
- (i) The environmental impact of the proposed action,
- (ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) Alternatives to the proposed action,

Authorization (III, condn.)

- (iv) The relationship between local short-term uses of man's environment and enhancement of long-term productivity, and
- (v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Authorization (IV)

- Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved....

How is this implemented? What happens?

- .Council on Environmental Quality needs to be set up by someone
- left to EPA to work out details

Consequences

- environmental concern written into law
- key precedents set (EIS)
- focus attention on risk-benefit analysis
- eventually leads to a reaction

S.123 Environmental Risk Evaluation Act of 1995

- to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes

Findings

- (1) cost-benefit analysis and risk assessment are useful but imperfect tools
- (3) cost and risk are not the only factors that need to be considered in evaluating environmental programs as other factors, including values and equity, must also be considered;

Findings continued

- (4) current methods for valuing ecological resources and assessing intergenerational effects of sources of pollution need further development
- (5) methods to assess and describe the risks of adverse human health effects, other than cancer, need further development

Findings Continued:

- (6) periodic reports by the Administrator on the costs and benefits of regulations promulgated under Federal environmental laws, and other Federal actions with impacts on human health, the environment, or public welfare, will provide Congress and the general public with a better understanding of--
 - (A) national environmental priorities; and
 - (B) expenditures being made to achieve reductions in risk to human health, the environment, and public welfare

Risk Assessment Act, JANUARY 10, 1995

- To require the Administrator of the Environmental Protection Agency to conduct risk assessments and cost-benefit analyses in promulgating regulations relating to human health and the environment, and for other

Regulations must:

- (1) describes and, to the extent practicable, quantifies the risks to human health or the environment
- (2) compares the human health or environmental risks to be addressed by the

- regulation to other risks chosen by the Administrator
- (3) estimates of the costs to:
 - costs to the United States Government, State and
 - costs to local governments and the private sector
 - benefits of the regulation;

continued:

- (4) contains a certification by the Administrator that
 - the analyses are based on the best reasonably obtainable scientific information
 - the regulation is likely to significantly reduce the human health or environmental risks to be addressed;
 - there is no regulatory alternative
 - the regulation is likely to produce benefits to human health or the environment that will justify the costs

Homeowners Empowerment and Protection Act of 1995

- To ensure that homeowners receive adequate notice of and opportunity to comment on activities likely to adversely affect the value of their homes;
- and to create procedures for homeowners to receive financial compensation for development which produces pollution and other impacts adversely affecting the value of their homes.

Wetlands Regulatory Reform

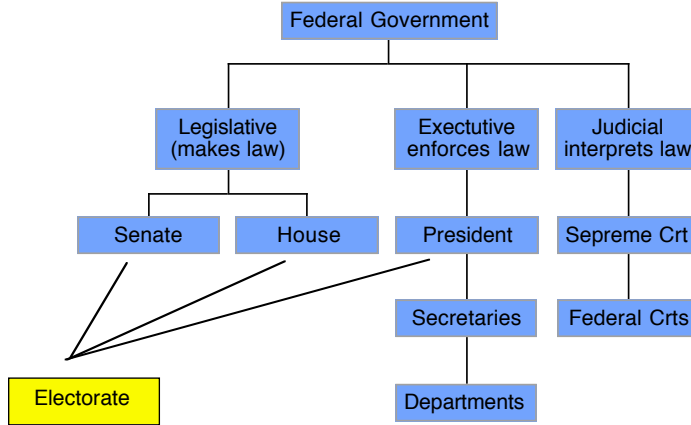
Act of 1995

- because 75 percent of the wetlands in the lower 48 States is privately owned and
- because the majority of the population of the United States lives in or near wetland areas,
- an effective wetland conservation and management program must reflect a balanced approach that conserves and enhances environmentally significant wetland functions while--

Conclusions:

- (A) respecting private property rights;
- (B) recognizing the need for essential public infrastructure, such as highways, utilities, ports, airports, sewer systems, and public water supply systems, and the need to preserve strong local tax bases; and
- (C) providing the opportunity for sustained economic growth.

Branches of Government



Options for action

