TESTIMONY

Testimony of
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Hearing on Public Health and Natural Resources:
A Review of the Implementation of Our Environmental Laws (Part 2).

Before the Senate Committee on Government Affairs
March 13, 2002

Thank you Mr. Chairman. I am Dr. Kenneth Green, an environmental scientist with the Reason Public Policy Institute, a project of the Reason Foundation, a non-profit, non-partisan policy research and education organization headquartered in Los Angeles.

My interest in environmental policy originates quite a ways back, over 27 years, in fact, to the year when I was diagnosed with asthma, living in California's then-ferociously smoggy San Fernando Valley.

Actually, diagnosed isn't really the right word – one day, when running the 600, my lungs simply locked up, and I collapsed at the 600 yard line, my breath sounding like a steam whistle.

From then on, I was one of the kids sentenced to corrective physical education, to sit and play checkers while the other kids were out on the gym field.

The smog in those days was so thick that you didn't need weather forecasters to tell you about it, and its impact on the lungs was strong enough that you didn't need epidemiological studies to observe it.

Growing up with asthma taught me how important it is to have a healthful environment, and how radically environmental health hazards can impact the lives of our children.

But growing up with asthma was not my only formative experience. My father died when I was very young, and after a short stint with an abusive second husband, my mother decided to raise her two sons by herself, out in Los Angeles.

It was a brave decision that started out well at a small sandwich shop she opened with a friend, but they ran straight into the teeth of the 1970s economic recession.

As local building projects were cancelled, the business failed.

As rents inflated, and salaries stagnated, we were bumped from apartment to cheaper apartment.

I went to four different elementary schools in only two years. My mother's health, none too good to begin with, wasn't helped by the constant stress of trying to make it in an economy that was fighting against her.

We managed to stabilize things by the time I was 13, when my Bar Mitzvah brought me back a certain amount of my outdoor liberty.

Though it will no doubt horrify some listeners here today, that was when I took my $200.00 in Bar Mitzvah money, and bought a small off-road motorcycle – an 80cc

Yamaha, to be specific.

Camping was the one recreation we could afford, and though I couldn't hike, even in the clean air of the mountains or desert, I could ride, and boy, did I.

That little bike took me places that would make mountain goats nervous. It let me indulge my budding love for nature in ways that would have been impossible to me without the motorized assist.

Was it noisy? You bet. Did it pollute? Yes. Did I destroy nature with it? No, I stayed on established roadways and trails.

It saddens me, now, to think of the kids like me that face no-motorcycle rules that would keep them from ever experiencing our country's scenic beauty, or standing on an inaccessible mountain-top by themselves, wearing the sense of accomplishment that only getting there solo can provide.

My love for things natural took me, ultimately, through my doctorate in environmental science and engineering at UCLA.

My smoggy childhood taught me these lessons that I've never forgotten:

Environmental quality is a vital good.

A sound economy is a vital good.

And the freedom of mobility, and the ability to develop oneself are vital goods.

My subsequent studies taught me, fortunately, that one needn't trade one of these for the others. Indeed, studying environmental science and policy convinced me that choice and economic competition were not the enemies of the environment.

Rather, choice, competition, and technological progress are the wellspring of safety, health, and environmental quality.

I've spent the years since my graduation looking for approaches to environmental problems that embody the wisdom of environmental science – approaches that are holistic, flexible, and cooperative.

Such approaches that tap into local knowledge are not only more likely to produce results, they're less likely to breed angry litigation, the ultimate waste of resources we need to invest in environmental quality.

There is a big debate right now over the Bush Administration's approach to environmental policy.

The arguments from those in opposition seem to embody an old, 1970s, "them versus us" mentality that holds voluntary, cooperative, and locally-derived approaches to solving environmental problems to be inferior to centralized, command-and-control approaches driven from Washington, D.C.

It is not my job to defend the Bush Administration. I'm sure they've got plenty of able-bodied defenders.

It is my job to defend an approach to environmental protection that can move society out of the bitter, recriminating legislative, regulatory, and judicial battles that have turned environmental policy into a battlefield, rather than the shared journey it could and should be.

Now I don't deny that the regulatory approach did considerable good – We have virtually eliminated open dumps, our air is constantly cleaner, we've reduced pollution in our surface waters, which no longer burst into flame, though we have a way to go before we can claim victory in that environmental arena.

But the low-hanging fruit is pretty much plucked. The environmental problems that remain are not the simple ones of the past that might yield to blunt-object regulatory approaches.

Today's problems require all the creativity that can be brought to bear, from the people with the local knowledge of the problem, and the technologies or behaviors that might ameliorate those problems all working together, rather than fighting it out in courtrooms, where only the lawyers benefit.

So let's review a few of the voluntary, cooperative, and locally-derived environmental policy approaches that have gotten results without all the negative baggage that command-and-control regulations historically breed.

First let's consider the air. Under the traditional permit-based approach to cleaning the air, Massachusetts found itself in an uncomfortable position in the 1990s, regulating some 10,000 businesses through 16,000 permits.

Some 4,400 of those permitted facilities were small, mom-and-pop businesses that, combined, only emitted about 5 percent of the state's total air pollutant emissions.

So the state looked for a better way. Under the Massachusetts Environmental Results Program, a voluntary approach was tried.

Participating firms agreed to comply with a set of industry-wide whole-facility emission standards developed in cooperation with the Massachusetts Department of Environmental Protection.

Signing on to this voluntary, mutually agreeable standard would gain the small businesses of Massachusetts freedom from the equipment-based permits that kept them mired in a regulatory morass.

And the program worked. In the first few years alone, the program resulted in a 43 percent reduction in fugitive emissions from participating dry cleaners, and a 99 percent reduction in silver discharges by photoprocessors.

A similar program was implemented in New Jersey, which set emission caps on participating firms, but let them achieve those emission targets in whatever ways they felt were most effective and efficient.

For one firm, the old source-by-source permitting processes had generated ten full binders of paperwork. The new system replaced 80 separate permits with a single permit, and could be processed in 90 days, rather than the 18 months required under the old system.

The result? One firm estimated that it reduced 8.5 million pounds of emissions per year because the new system allowed them to modernize their facility without the pain of individual equipment permitting.

Through the modernization, the firm eliminated 107 of 350 pieces of equipment.

Now let's talk about water. In California's Feather River basin in 1985, Pacific Gas and Electric discovered that 250,000 cubic yards of silt was piling up behind its dams.

Since the sedimentation was reducing reservoir capacities and damaging power

generation systems, PG&E was about to follow the standard, and legally acceptable approach of dredging the reservoir.

But a concerned history teacher named John Schramel, county supervisor of Plumas County, proposed that the money earmarked for the dredging be used in upstream erosion-abatement programs instead, solving the cause of the sedimentation problem, rather than the symptoms.

Gathering a coalition of anglers, business owners, government officials and environmental activists around his dining room table, Schramel formed the Feather River Alliance as a means to restore some of the local creeks and watersheds.

With funding from PG&E, the group did a trial run on the Red Clover Creek, and not only dramatically reduced watershed erosion and sedimentation, but restored what was a barren range riddled with sagebrush into a wet meadow lush with wildflowers and waist-high grasses, geese, herons, and sandhill cranes.

The Upper Clark Fork River basin in Montana has been utilized for over 100 years for mining and smelting purposes, and the water has steadily degraded.

In fact, 140 miles of the Clark Fork River, from Butte to Milltown, Montana constitute the largest Superfund site in America.

By the mid 1980's, copper and zinc concentrations in the water were high enough to be toxic to fish, and logging operations in the area were causing soil erosion and streambank degradation.

In 1985, environmental groups pleaded with Montana's department of Fish, Wildlife and Parks (DFWP) to initiate conservation efforts to increase instream flows to protect fish and wildlife habitats.

The DFWP agreed, but its plan was not exactly nuanced. The DFWP's conservation effort would have halted all development in the basin, setting aside the water as a nature conservancy.

While area businesses were willing to work to see the river cleaned up, a ban on all water use would simply have run the local businesses needing that water for irrigation right out of business.

Having already spent over $1 million dollars in court over a previous hearing on the Missouri River, area irrigators wanted to avoid the judicial solution pathway.

Fortunately, a way was found out of the impending conflict. The Northern Lights Institute, a neutral third party stepped in to coordinate a voluntary agreement allowing the basin's water users and managers to develop a basin management plan that would balance the interests of all the users while preventing any new demands to be made on the river's flow.

Now over 10 years old, the Clark Fork project has a council of 21 members that work to not only clean and protect the river, but to balance the interests of the diverse area residents who want to use the river for business and recreation.

It has become popular to pooh-pooh voluntary, cooperative approaches to environmental problem solving, and some groups seem determined to keep environmental policy debates as partisan as possible, though polls show that virtually all Americans are environmentalists, regardless of where they work.

Further, success stories abound showing that such approaches have been embraced by members of both major political parties, industry groups, environmental activists, and

informed citizens.

The low-hanging fruit of environmental problems has been plucked in the United States, and the problems that remain are tricky.

Solving them, while retaining the choice and economic competition that are the wellsprings of our safety, health, and environmental quality will require the cooperation of all parties, flexibility on all sides, the tapping of local knowledge, and the avoidance of wasteful litigation.

I urge you, in all the decisions you make, to ask first whether there is a flexible, cooperative, and local approach to environmental problem solving before you whip out the blunt-object of a centralized, one-size-fits-all regulatory approach run from afar.

Not only will we attain the environmental quality we seek that way, we'll preserve the benefits of choice, economic competition, and economic strength that are the foundations of our wellbeing.

I thank you for the opportunity to speak to you today, and I will gladly take your questions.

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