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BASIC DOCUMENT

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LEGISLATION FOR ENVIRONMENTAL QUALITY

BY

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and
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at the

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To attempt to set before you in a brief time span, and in digestible form, a summary of legislation on the environment is indeed a challenge. Only two things permit me to attempt this: 1) the fact that my organization, the League of Women Voters, has been involved on the national level in such legislation since 1956, and 2) the philosophy I have that civic organizations, such as the General Federation, can master what they need to know to be effective.

As you can readily see, to do a good job on the state level as an environmental chairman it is necessary to understand federal legislation because these are the laws that set the structure, the money, and the enforcement powers which determine what is likely to be done at the state level.

Of course, I realize that you have a vast number of resources at your command-- both printed and oral-- to assist you in understanding federal and state legislation which has shaped the way environmental problems are managed. As I have tried to keep a firm grasp on this considerable body of material over the past several years, I have comforted myself by concentrating on knowing where I can find out

- 3) The idea that money to do the job is in short supply on every governmental level, and therefore development and consideration of all means of funding improvement-- grants, loans, taxes, bonds, financial incentives-- are necessary.
- 4) The idea that enforcement is the weakest link in a chain that includes the federal level but begins and ultimately rests in the hands of local officials.
- 5) The idea that citizens do have a right to participate in the processes of determining what quality environment they want, how much they are willing to pay for, to what degree they will accept stringent enforcement, and therefore that channels for expression of citizen opinion must be established by law.

These five points are certainly not all inclusive, but they will serve as a framework for discussion of the major environmental legislation and the likely possibilities for the near future. So let's return to number one and examine briefly the "partnership theory" as it is established in water pollution control legislation.

FEDERAL-STATE-LOCAL PARTNERSHIP

The first comprehensive-type federal legislation in the pollution control field, enacted in 1948, clearly established the principle of state-federal cooperative program development. The Federal Water Pollution Control Act of 1965, which all later acts amend, provided federal technical service, financial aid to state and interstate agencies for establishing adequate programs, and grants for construction of municipal sewage treatment works-- the grant program to be administered jointly

The first federal legislation concerned exclusively with air pollution came in 1955; the basis was partnership, with the federal level supplying research and technical support to states and localities. Pressure for a more vigorous attack on air pollution led to the Clean Air Act of 1963, which provided a mild degree of federal authority to attack interstate air pollution problems and increased federal funds to expand state and local control programs, with special bonuses for intermunicipal and interstate efforts.

To deal with the problem of air pollution from automobiles, the Clean Air Act was amended in 1965 to permit setting of federal standards for 1968 model cars.

In 1967 Congress passed the comprehensive Air Quality Act which undergirds much of the current federal air pollution effort. This Act was truly innovative in setting in motion a new regional approach to establishing and enforcing federal-state air quality standards. Except for new motor vehicles, the Clean Air Act, like its predecessors, assigns primary responsibility for control of sources of air pollution to state and local governments. But the Air Quality Act of 1967 provides an arrangement by which two or more communities that share an air pollution problem can develop and put into effect air quality standards for their region. NAPCA has been delineating areas with particularly acute air pollution problems; as of this past weekend (November 14) 72 air quality regions have been designated. By November 1, 27 states had submitted, for HEW approval, standards on sulfur oxides and particulate matter for their portions of such regions.

We can expect changes in interjurisdictional arrangements if the amendments now pending are enacted. Although the Clean Air Act amendments of 1970 have passed both houses of the Congress, there were substantial differences in the two versions and a conference committee was named to work out a compromise. The compromise

session of the Congress, but it will probably be re-introduced in the new session. EFA would buy the obligations of state and local governments to help finance treatment plants when they cannot get credit elsewhere on reasonable terms. EFA would get the money to do this by issuing its own bonds for sale, and the difference between the interest that EFA must pay on its obligations and the rates that state and local governments pay back to EFA would be made by regular federal payments. The administration thinks this plan would overcome obstacles to needed investment in treatment plant bonds. The reason I have mentioned this rather complex proposal is that it suggests the wave of the future in government funding for pollution control, and is therefore a matter with which you will need to concern yourselves on both the state and national level.

Through funding, the federal government encourages development of certain kinds of environmental programs. For example, in the new Resources Recovery Act which the president has just signed into law the Secretary of HEW is authorized to make grants to state, interstate, and local agencies for planning better management of solid wastes, for demonstrating new resource recovery systems, or constructing innovative disposal facilities. The Secretary can make grants to train personnel or teachers; to promote research on the effects of waste, and on better methods of disposal and recovery of solid wastes. Obviously, through making money available to state and local governments to do specific tasks, the federal government can encourage a focus on major problems: in the case of solid wastes, to encourage recycling and recovery of materials and energy from our trash and garbage.

ENFORCEMENT

But now we come to the part I previously referred to as the "weakest link"-- enforcement, which is also the part citizens and civic groups must concern themselves with the most. After we have the laws, have provided the money, set a

operate 2000 stations, but most of these monitor only intermittently and only for specific types of emissions.

The current authority to enforce air pollution controls is inadequate. For example, the federal government has no jurisdiction if the pollution from one state is not endangering health and welfare in another state, unless the governor of the state in which pollution occurs requests help. The current conference-hearing procedure is cumbersome and over-long. The only court action that can be requested by the government against a polluter is a cease-and-desist order. Among the proposals from the administration during the current Congressional session was a provision to streamline air enforcement procedures and to permit fines of up to \$10,000 per day for violators.

CITIZEN PARTICIPATION


Several times during the last few minutes you have heard me refer to the role of citizens and civic groups in solving environmental problems, and you will recall that the 5th idea I suggested to you at the beginning was that federal, and state, legislation does recognize officially that citizens must participate to insure good programs. This was not always so. When the standard-setting process for water quality began, government officials found it difficult sometimes to adjust to testimony from laymen at hearings and citizens found it difficult to know how to play a useful part in this process. We all learned a great deal in those first days, and we have been able to put what we learned to work in the process of setting air quality standards.

One innovative arrangement in the Air Quality Act of 1967 was the requirement that states hold public hearings before adopting air quality standards. As the

assistance and grants for state and interstate solid waste planning programs was established. Thus we have just begun to recognize inter-governmental approaches to what has seemed in the past to be a local problem.

Control over land use, a critical need of the 70s, has also been lodged primarily in local governments. The state role has traditionally been small. No federal control is exercised over use of non-federal lands; the only way the federal government can influence land use now is through planning and capital grants, or through location of federal projects and highways. In this country there is a growing body of opinion that a national land-use policy is greatly needed, and we expect to see a major press for this kind of federal legislation in the next session of Congress. The proposed National Land Use Policy of 1970 is expected to come before the Senate in the closing weeks of this session, and the Administration is expected to send its own land use proposals to Congress at the beginning of the new session.

ENVIRONMENTAL UNITY

In addition to the five ideas which it seems to me have undegirded most of the major environmental legislation thus far, there is one other which has emerged most clearly in the past two years: that is, acceptance of the fact that we need to look at the environment as a whole. The National Environmental Policy Act of 1969 clearly stressed the necessity of approaching environmental problems as a totality. The act requires that federal decision-making incorporate environmental values along with technical and economic values.  Thus we, while continuing to look at a particular environmental problem because the problems and solutions to each are different, need to be constantly aware of how they relate to each other and to watch that solutions to one problem do not create or add to another.