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A New Shade of Green

Today's environmental challenges are far different from those of 40 years ago. And so, argues William Ruckelshaus, the solutions must change as well.

By [WILLIAM RUCKELSHAUS](#)

In the 1960s, it all seemed so simple.

We humans with our big cars and our big factories and our big cities were discharging terrible stuff into the air and water, and it had to be stopped or we would soon make our nest uninhabitable. The public was growing increasingly outraged. Every night on color television, we saw yellow sludge flowing into blue rivers; every day as we drove to work, we saw black smudges against the barely visible blue sky. We knew that our indiscriminate use of pesticides and toxic substances was threatening wildlife and public health.

But we didn't do much about it. Until 1970, most regulation of industry was done by the states, which competed so strongly for plants and jobs that regulating companies to protect public health was beyond them.

Environmentally, it was a race to the bottom.

Until, that is, the public had enough and demanded action. A seminal moment: the first Earth Day, on April 22, 1970, when cars were buried and action was demanded from the Nixon administration and Congress.

And they both acted. President Nixon created the Environmental Protection Agency, and Congress, starting with the Council on Environmental Quality, passed a cascade of laws designed to clean up our act.

One of my first public actions as the first head of the EPA was to bring major enforcement actions against three large cities for violations of the Clean Water Act. We followed that with additional action against the steel industry and other industrial polluters. I knew that the job of the EPA would be far more contentious in the future if we didn't establish its credibility and its willingness to take forceful—and symbolic—action right from the start. The American people had to know we were serious about meeting their demands.



Etienne Delessert

in the 1940s and '50s when most everyone burned soft coal in their furnaces to stay warm during the winter, putting an intolerable burden on our lungs and respiratory system.

No Place to Hide

The tactics of the 1970s show what we can accomplish if we put our minds to the task. But today's tasks require more than putting our minds to them. They require a new mind-set.

To understand why, remember that most of the laws we put in place back then were based on the belief that the fundamental problem was the weakness of state regulatory programs. If we just centralized the regulation of industry at the federal level, there would be no place for the polluters to hide.

The current generation of problems that we are facing, though, is much more subtle, much less visible to the naked eye—and often not nearly as susceptible to a top-down, command-and-control approach.

The rise of climate change as a major national and global problem offers a vivid example. Climate change is difficult to deal with politically because the people who benefit (future generations) are not the same as those who pay (the current generation). That is, our children and grandchildren will reap the gains of any costs that we bear in reducing our current use of carbon.

On these kinds of issues where the payer and beneficiary are not the same, the American people are ideological liberals and operational conservatives. They are all for the promised results; they just don't want to pay for them. Little wonder that most people will tell their pollsters they are in favor of reducing the impact of our current lifestyle on future generations, but their scant support for policies that will accomplish that belie their commitment.

I believe that if we are going to address climate change successfully, the top-down, standard-setting enforcement process of the 1970s has to be rethought. It worked just fine when the goal was clear: cutting the amount of specific pollutants from a finite number of industrial and municipal entities. But climate change—which involves the behavior of all of us who heat our homes and drive our cars, not just business and industry—is too big and too complicated for something as blunt as this approach.

Instead, I believe we are going to have to make the substances that cause the problem (for example, carbon or methane) cost more. In other words, if you want people to use less of something, tax it, and then give society flexibility in achieving the desired reductions. If we ever get serious about climate change, that's what we will do.

The Last War

Fast forward to 2010. In so many ways, the problems of the 1970s seem almost quaint now—simpler problems of a simpler time. Our biggest challenge now is to make sure we don't succumb to our inevitable tendency to fight the last war. Or to put it more bluntly: Yesterday's solutions worked well on yesterday's problems, but the solutions we devised back in the 1970s aren't likely to make much of a dent in the environmental problems we face today.

Don't get me wrong: Considerable progress has been made thanks to those early laws. Air pollution, particularly of the kinds listed in the Clean Air Act of 1970, has been driven to much lower concentrations, and public health and the environment have benefited greatly.

Similarly, under the Clean Water Act, river basins and watersheds have been cleaned up all over the country. Back in the 1960s, Lake Erie was declared dead; it now supports a fishery of several hundred million dollars a year. The same can be said for many gross pollution problems—the smell, touch and feel kind. How quickly we forget what the world was like

Let me offer another example of how the environmental fight has to change tactics. In 1970, when the EPA was first started, the estimate of its water-quality office was that 85% of the problems of water pollution in the country were large point-source discharges, like municipal sewage-treatment plants or industrial operations. Only 15% were non-point sources—the runoff from city streets, suburban lawns, and rural and farm areas.

Over the course of the past four decades, we have largely brought the point-source pollution problem under control by instituting a national permit program that spells out for each discharger, whether industrial or municipal, precisely what they are allowed to put into waterways, and in the event they do not live up to those permit requirements, enforcement action is likely to follow.

By the same token, we have made little or no progress on non-point-source pollution. In fact, the EPA's latest estimate is that the percentage impact on receiving waters is just the reverse of that in 1970: 15% of the problem is point sources, and 85% of the impact is non-point sources.



EPA
William Ruckelshaus at his 1970 swearing in
as the EPA's first administrator

Impractical Approach

The problem is that instituting a top-down solution for this kind of pollution is a lot more difficult than passing laws that target big industrial or municipal offenders. It turns out that while people will support such rules in the abstract, they aren't nearly as eager when it comes to allowing inspectors on their land to tell them how they should manage, say, storm-water runoffs. What's more, in practical terms, it's simply impossible to regulate and monitor everyone who owns property in these areas, as opposed to the comparatively small number of industrial plants and sewage facilities.

The result has been to frustrate efforts to clean up places like the Chesapeake Bay or the Great Lakes. These efforts have floundered on the shoals of landowner intractability in the face of regulatory mandates. Often the people who support the controls in the abstract and those who resist in the particular are one and the same.

Even when legislators or local governments mandate certain land-use practices, they will not appropriate money to hire inspectors to enforce them, or local courts will not back up the full reach of land-use restrictions. Our lawmakers and courts are simply reflecting the public's ideological/operational disconnect by their actions. (After all, that is what elected officials who want to stay elected do.)

Lessons for the Future

So what does this all mean for 2010? What does it mean for protecting the environment 40 years after that first Earth Day and nearly 40 years after the EPA first opened its doors?

I am convinced that when we put our creative minds to it, we are perfectly capable of harmonizing human prosperity and growth with environmental protection. But putting our mind to some of the more intractable modern problems like climate change and non-point-source pollution is indeed quite a task. It will take a level of public understanding and knowledge of the relationship between the way we live and what we are doing to our natural systems, coupled with a sense of responsibility for the stewardship of our planet, that does not currently exist.

My own experience in a variety of posts over the past 40 years leads me to certain conclusions.

First is that people affected by change have to be deeply involved in the crafting of solutions—they are going to pay for them either economically or through changes in how they live. We need more democracy, not less. Trying to enact rules centrally to control the behavior of hundreds, sometimes thousands of people in a watershed when their individual contribution is minuscule, but collectively overwhelming, is futile. We have been trying a command-and-control, top-down approach for the past four decades to control non-point sources of water pollution. The examples of the Great Lakes, Chesapeake Bay and Puget Sound are grim testimony to our failure. If one solution doesn't work, the answer is not to push it harder but to look for new approaches.

Second, we have to get better at both involving people in the process of change and providing them with enough information to make that involvement useful and worthwhile. My experience recently helping with salmon recovery efforts in Puget Sound tells me that when people understand their self-interest in solving a problem, they are more than willing to agree to the trade-offs necessary to come to a solution.

Third, we need uniformly supported science and technical support to inform the discretion of the "deeply involved" people if they are going to come up with sustainable solutions. Dueling scientists make for confused participants in the decision-making process and the subsequent lawsuits lead to expensive and time-consuming nonsolutions. Yes, scientists often disagree, but if the parties affected take an adversarial position to one another at the outset, then scientific disagreement is inevitable. If all interested parties are working together and can agree on a scientist or group of scientists as they start their efforts to fashion a solution, they can avoid the court-inspired dueling-scientist phenomenon.

Hard Collaboration

Fortunately, we have some examples in the Great Lakes, Chesapeake Bay and Puget Sound where all the interests affected by the needed changes have been invited to the table, and challenged by the government or themselves to put their positions in their pocket and their interests on the table. What people often find is that their interests can be harmonized, and we can have prosperous farms and healthy fish, safe drinking water and sustainable development, and so forth.

These citizen collaborations have to be carefully structured, stimulated and led by leaders in the government or private sector, facilitated by trained professionals, and end with an outcome of clear goals and objectives.

This is hard work: It takes time, effort and skills not often enjoyed by governments. But the payoffs from avoiding delays—and the economic and environmental costs that come with those delays—are well worth it.

If there is any overriding lesson we should learn from the progress we made over the past 40 years, it is this: We have always shown our ability to adapt to meet new and complex challenges, as long as we are given the chance to go to work on them.

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