Republicans Take the Helm:

What's Ahead for the Environment

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As the 104th Congress settles in, environmental advocacy groups are remobilizing their efforts to prepare for a possible war against environmental legislation. It is now unclear the impact that Republicans will have, but sources generally agree that some environmental legislation will be wounded.

The top priority of the new Congress is the Republicans' "Contract with America," the ten-point legislative agenda that includes a promise to protect the nation from environmental legislation "run amok." There are no specifics dealing with environmental issues. Title III of HR 9, the Job Creation and Wage Enhancement Act, seeks to ensure that risk assessments and risk communication are open, objective, and sufficiently informative to serve the needs of decision-makers, the regulated community, and the public. The Republicans are proposing to require risk assessment and cost–benefit analysis for almost all federal regulations, eliminate unfunded mandates, and boost private property protection.

Environmentalists oppose risk legislation because they claim it induces "paralysis by analysis" at federal agencies and prevents new legislation from being implemented by regulatory agencies. EPA Administrator Carol Browner testified before the House Committee on Commerce, saying, "HR 9 would make it more difficult to remove unsafe chemicals from the market, more difficult to introduce safer alternatives, and would stifle industrial innovation. The bill calls for much more extensive risk assessments, cost–benefit analyses, and regulatory impact analyses before the EPA can take action."

Environmentalists also fear that unfunded mandates and private property protection legislation may be the first steps in rolling back environmental legislation, because the federal government would have to finance the legislation. For example, the government would be required to reimburse land owners whose properties are affected by the laws.

In their efforts to downsize the federal government as part of the contract, Republicans made changes in the committee structure which oversees science and environmental issues. They have cut two of the standing committees in the House and reduced the number of subcommittees. The Energy and Commerce Committee was dismantled, passing the entire Department of Energy to the House Science Committee (formerly the Science, Space and Technology Committee). The Merchant Marines and Fisheries Committee, which shared jurisdiction over wetlands and held primary jurisdiction over the Coastal Management Zone Act and the Endangered Species Act, was also abolished and consolidated among other committees.

The dissolution of these environmental committees symbolizes the Republican agenda for environmental legislation—cutting, trimming, and reducing the role of the federal government. As the new committee chairs take their places, environmentalists anticipate weakening of major pieces of legislation that were not reauthorized by the 103rd Congress and remain open for reform.

Clean Water Act

Primary jurisdiction over the Clean Water Act in the House belongs to the Transportation and Infrastructure Committee, which is chaired by Bud Shuster (R-Pennsylvania). In the Senate, jurisdiction belongs to the Environment and Public Works Committee, chaired by John H. Chafee (R-Rhode Island).

Shuster has a fairly poor environmental voting record: he received a score of 20% for 1993–94 and a lifetime score of 20% by the League of Conservation Voters Education Fund, a nonpartisan environmental research and education organization. His clean water bill in 1993 would have decreased requirements of farmers, made watershed protections voluntary, and given communities more time to comply with existing laws. Shuster's priorities for reforming the Clean Water Act this year include redefining wetlands, developing private properties protection, and reducing funding. He hopes to declassify a large number of existing wetlands and let state and local governments define their wetlands. As for property protection, Shuster hopes to require the federal government to pay landowners under the constitutional "takings" requirement. For example, if privately owned land is classified as wetlands and cannot be used by its owner, the government would be required to pay for the loss.

In contrast to Shuster, the Senate leader on the issue has a strong environmental voting record. LCV gave Chafee, who is currently serving his fourth term, a 1993–94 score of 79% and a lifetime score of 74%. He was endorsed by LCV in 1982, 1988, and 1994, and now remains one of the few allies environmentalists have in the Senate majority. Many conservative Republicans opposed his appointment to chair of the environment committee because of his long-time support of environmental protection, but the Senate leadership gave him the chair due to his seniority as the committee's ranking minority member. To check Chafee's power, the leaders packed the committee with conservatives. Of the committee's 16 members, all 8 other Republicans voted with LCV less than 25% of the time last year, and voted 80% of the time to protect private property rights, according to the League of Private Property Voters.

Because Chafee's committee is largely anti-environmental, his efforts to pass some of the legislation he proposed last year may be blocked. Environmentalists are hoping that he will be able to put a check on some of the Republican proposals. "We are hoping Chafee will limit some of the reform to just funding," said Paul Schwartz, national campaigns co-director of Clean Water Action. But the future of the act looks bleak for environmentalists. "We anticipate that the Clean Water Act will be severely weakened," Schwartz said. "The question is to what extent."

Safe Drinking Water Act

Primary jurisdiction of the Safe Drinking Water Act lies in the hands of the Senate Environment and Public Works Committee

and the House Commerce Committee, chaired by Thomas Bliley (R-Virginia). Bliley does not plan to address drinking water until the Contract with America is completed, according to his press secretary Charles Boesel. Boesel said Bliley has not decided which issues he will address in the SDWA reform. Last year, he sponsored HR 3392, Safe Drinking Water Act Amendments of 1994, which was considered anti-environmental by the LCV. Bliley was given a 1993–94 LCV score of 7% and a lifetime score of 15%.

In the Senate, Chafee has made drinking water a top priority and hopes to move quickly on a bill similar to S 2019, the reform bill that unanimously passed the committee and gained Senate-wide support last year. However, other committee members may not be as supportive of such a bill this year.

Schwartz says that last year's Senate bill, S 2019, actually weakens the SDWA, and that it is considered too environmentally friendly for this Congress. Therefore, he predicts a weakening of the act, saying it is unclear whether the Democrats will put up a strong fight or not.

To combat possible blows to the SDWA, a coalition including public health officials, consumer organizations, religious leaders, environmental justice advocates, and environmental advocates is launching a nationwide campaign to educate the public about safe and affordable drinking water. The group will discuss how state and local officials treat the issue, and stress the communities' right to know what is in their drinking water. "We hope this will be a campaign that will change the debate in Congress," Schwartz said.

Clean Air Act

The Clean Air Act also faces change because of current problems with the implementation of its provisions. Primary jurisdiction belongs to the House Commerce Committee, chaired by Bliley, and the Senate Environment and Public Works Committee.

In early January, the act came under fire when House Majority Whip Thomas DeLay (R-Texas) introduced several bills that would repeal all or portions of the acts' 1990 amendments, as well as the acid rain and air toxics programs. DeLay, who is serving his sixth term, has a 1993–94 LCV score of 9% and a lifetime score of 8%. His bills have raised skepticism from several congressional staffers and criticism from the EPA. Hearings were scheduled to be held in late January.

As with the SDWA, Bliley will not address clean air issues until the Contract with America is completed. He has not stated whether he supports any of DeLay's proposals.

Superfund

The Republicans are hoping to reform Superfund as well. In the House, primary jurisdiction belongs to the Commerce, Trade and Hazardous Materials subcommittee of the Commerce Committee, which is chaired by Michael Oxley (R-Ohio). In the Senate, the jurisdiction belongs to the Superfund subcommittee of the Environment and Public Works, chaired by Bob Smith (R-New Hampshire).

Oxley's priorities for Superfund reform include reducing cleanup costs and increasing the number of cleanup sites, according to his press secretary, Peggy Peterson. A major issue for Congress this year will be whether to repeal the retroactive liability provisions of Superfund. Oxley supported a Superfund reform bill last year that did not repeal retroactive liability, but says this is a different Congress and the repeal may garner more support. He has not yet made a decision on the issue, Peterson said. Informal meetings began in late January, but Peterson said it would take some time before hearings were scheduled because Superfund is such a massive project. Peterson said Oxley will work on Superfund informally while he pursues the Contract with America and interstate waste and flow control.

Meanwhile, in the Senate, Chafee and Smith are holding a series of hearings and are working to draft a bill together. Smith is examining several changes that should be made, but is adamant about repealing retroactive liability. Chafee will wait to focus on Superfund after he addresses drinking water and interstate waste issues.

Endangered Species Act

The Endangered Species Act appears to be endangered under the new Republican leadership, who propose cuts to the act. Primary jurisdiction in the House belongs to the Resources Committee, chaired by Don Young (R-Alaska).

Young supports major changes to the Endangered Species Act. He has commissioned a task force chaired by Richard Pombo (R-California) that will hold several hearings throughout the country for citizens who have been affected adversely by the Endangered Species Act, local environmental leaders, or anyone who has something to say about the bill. He will consider the input and work to have a bill out of the committee and on the floor by June 1, according to his communications director Steve Hansen.

Hansen said that Young has developed specific reforms, including a regulation that in order for an animal to be listed as threatened, there must be scientific and biological evidence. Then, once the species is listed, the government must take measures to improve the health and population through the development of a refuge. Once it is biologically proven that the species is healthy again, it should be immediately removed from the list, rather than after a waiting period, as it is now. Young also wants to mandate that if the government deems a habitat on a private landowner's property necessary for the recovery of a species, then the government must reimburse the owner for the loss of the land.

Young is known for his anti-environmental stance. He has an LCV score of 2% for 1993–94 and a lifetime score of 13%. Aside from revising the Endangered Species Act, Young hopes to open Alaska's Arctic National Wildlife Refuge to oil drilling and gas development, to expand logging in the Tongass National Forest, and to build tourist developments around Alaska's national parks.

Budget

In pursuing the Contract with America, the Republicans are looking to make budget cuts wherever possible. Undoubtedly, this will include cuts to areas that deal with environment and health.

The Labor, HHS, and Education subcommittee of the House Appropriations Committee chaired by John Edward Porter (R-Illinois) is examining the National Institutes of Health for possible recisions from the FY 1995 HHS budget. Cuts may be made to duplicative NIH and HHS programs, but Porter will assure that dramatic cuts are not made.

"If you look at the . . . Congress members, you'd be hard-pressed to find a bigger fan of NIH and biomedical research," said Dave Kohn, Porter's press secretary. "He thinks we need to trim spending, but NIH is an important priority."

Porter hopes to have recommendations to the subcommittee by late February.

President Clinton's 1996 budget includes budget increases for certain divisions of NIH and level funding for the EPA, but Congress has the ability to raise or lower his figures.

The future of environmental legislation will depend on how quickly and effectively the Republicans attempt to implement their ideas, as well as how strongly the remaining green Democrats oppose them. Although the 103rd Congress had a number of environmentalists, gridlock prevented environmental legislation from being passed. This Congress has the ability to redefine environmental law as it is scheduled to reexamine every major environmental statute enacted in the past 25 years.

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