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Case Study: The Nation Tackles Air and Water Pollution: The EPA and the Clean Air and Water Acts
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Facts of the Case:

- Before the Clean Air and Clean Water Acts, what were some of the ways that state, local, and federal governments sought to address air and water pollution?

Air Pollution:

- 1881 - Chicago + Cincinnati enacted the nation's first clean air laws in response to smoke coming out of factories.
- 1912 - 23/28 large American cities adopted a similar law.
- WWII - LA initiated the nation's first air pollution program, also placed limits on oil refineries/backyard incinerators.
- 1948-1950's - toxic smog incidents prompts federal government to begin assisting state efforts with financial/research help.
- 1955 - Congress authorized PHS to conduct air pollution research and help states educate personnel to control the problem.
- 1962 - Air pollution episode in NYC caused 80 deaths. Rekindled public interest in pollution-control.
- 1963 - Clean Air Act passed, regulated interstate air pollution, expanded enforcement authority, encouraged new state laws.
- 1965 - Motor Vehicle Air Pollution Control Act
- 1967 - Air Quality Act

Water Pollution:

- 1899 - Rivers and Harbors Act - no dumping of trash in the water.
- 1912 - Public Health Service Act - authorized studies of waterborne diseases, sanitation, sewage, and pollution in streams/lakes.
- 1924 - Federal Oil Pollution Act -

Key Terms

- Federal regulators - Oversee government operations in order to ensure ethical, safe, and professional business practices. Oversee/enforce laws.
- Municipal - relating to a town or city and its governing body.
- Policy entrepreneur - people in and out of government who find ways of creating a legislative majority on behalf of interests not well-represented in government
- Public policy - Government policies that affect the whole population.
- Congress - Composed of the House of Representatives and the Senate. Can initiate, modify, approve, or reject laws. Also shares supervision of government agencies with the executive.
- Legislator - A person who makes laws and is a member of the legislative body.
- Bandwagon - A shift in electoral support to the candidate who is projected to win.
- Focusing event - A sudden event that is rare and harmful. Effects are usually concentrated in a single geographic area or community and the news of it are made known to the public and policy makers simultaneously.
- Multiple principals - Multiple parties giving the "agents" giving legal authority for them to act on their behalf.
- Organized interests - Group of individuals who share a common political goal and come together to influence public policy.

- Ships could not dump oil into the sea.
- 1948 - Federal Water Pollution Control Act (failure)
- 1961 - Federal Water Pollution Control Act - transferred power over water pollution from surgeon general to the secretary of HEW. Expanded federal enforcement + made more wastewater treatment plants.
- 1965 - Water Quality Act - goal was for the "prevention, control, and abatement of water pollution."
- What were some of the "focusing events" that led to the CRA and CWA?
- 1962 publication of *Silent Spring* by Rachel Carson - "sparked a firestorm of environmental activism"
- 1969 - Union Oil Company spill, Cuyahoga River burst into flames.
- Earth Day 1970 - 20 million people nationwide were involved. Marked the "emergence of environmentalism as a mass social movement in the United States."
- Polls confirming the population's growing concern for the condition of environment.
- What are some of the established preservation-oriented interest groups?
- Sierra Club
- Audubon Society
- National Wildlife Federation
- What were some of the political responses to rising environmentalism?
- January 1970 - Nixon's State of the Union address called for federal intervention in order to protect the environment.
- July 9, 1970 - Nixon proposes the creation of the EPA, an agency devoted to environmental protection.
- Proposal was passed, EPA opened on Dec. 2, 1970
- What are the Principal functions of the EPA?

- Federal agency - Special government organizations that manage resources, and look over finances for industries or national security issues.
- Statute - Written law passed by a legislative body or a rule of an organization/institution.
- Statutory authority - Body set up by law which can enact legislation on behalf of a country/state.
- Ordinance - A piece of legislation enacted by a municipal authority.
- Pork-barrel politics - Occurs when a member of congress spends government money on programs which will benefit their home districts.
- Tipping point - The point at which multiple smaller incidents combine to become significant enough to cause a larger, important change.
- Public opinion poll - Sampling of a cross section of the public in order to predict the results of an election or to gauge public attitudes on issues.
- State of the Union Address - Yearly address in January given by the President to Congress. Provides the administration's view on the state of the union and future plans for legislation.
- Executive Agency - Agencies authorized by Congress, not the cabinet. They report directly to the president (EPA) and the administrators are usually appointed by the president.
- Regulatory Commission - Organization created by the government in order to enforce specific regulations on a specific part of the economy (Federal Energy Regulatory Commission).
- Conference Committee - Committee of Conference appointed by the House of Reps. and the Senate in order to resolve disagreements on a particular bill.

- Establish + enforce pollution-control
- Gather + analyze information about environmental problems (new and old)
- Recommend policy changes
- Core elements of the Clean Air Act of 1970
 - Senate version - Stronger than House version.
 - Called for uniform air quality standards throughout the nation. They would not consider economic cost/technological feasibility. Instead, they would be based only on the health and welfare standards.
 - Traffic-control plans to lessen automobile use in large cities.
 - 90% reduction in automobile emissions by 1975.
 - House version - Stronger than the original bill.
 - Conference/final version - was closer to the Senate version than the House version.
 - Centered around the requirement that the EPA set primary + secondary national air quality standards.
 - Required states to submit SIP's by 1975
 - Required automobile producers to reduce emissions by 90% by 1975
 - Required EPA to set performance standards of new stationary sources.
- Core elements of the Clean Water Act of 1972
 - Senate version - would cost \$18 billion (3 times more than Nixon's)
 - Goal was to eliminate the dumping of pollutants into navigable waters by 1985.
 - Water quality healthy enough for the protection and breeding

- SIP's - State implementation plans. Outlined Strategies for meeting primary standards for the Clean Air Act.
- Compliance - Complying to a demand or desire. Conformity in fulfilling official requirements.
- The Justice Department - Department of the Executive branch headed by the attorney general. Administers FBI, prosecutes violations of federal law. and enforces civil rights legislations.
- Regulatory capture - When a regulatory agency created to protect public interest acts instead to advance the commercial or political agenda of special interest groups that dominate the sector it is in charge of regulating.
- OMB - The Office of Management and Budget. Business division of the executive office of the president that administers the US budget and oversees the performance of federal agencies.
- Discretionary authority - Ability to exercise powers not explicitly granted by law.
- BAT - Best available technology
- Acid rain - Precipitation containing high levels of acid-forming chemicals. Caused when pollutants from coal smoke or chemical manufacturing are released into the atmosphere and combine with water vapor. Very harmful to the environment.
- Command-and-control laws - The direct regulation of an industry through legislation that states what is permitted and what is not.
- Citizen suit provisions (47) - Lawsuit brought by citizens under a provision of an environmental law. Gives citizens the right to of private action against violators of the law.

of fish, shellfish, and wildlife and the recreation in and on the water by 1981.

- House version -
 - Gave states priority in administering the water pollution-control program.
- Conference/final version
 - Included the Senate version “fishable, swimmable, and zero-discharge goals.”
 - President did not approve of the timetables + disregard for economic costs.
- What were some of the obstacles to the implementation of the CRA and CWA?
 - Short amount of time was allotted for implementing the laws so they were not all uniform.
 - EPA did not fulfill mandate to eliminate pollution.
 - EPA was vulnerable to lawsuits and had to please Congress, the president, the media, the public, and state + local officials.
 - The EPA did not always have all of the scientific and technical information needed to make the quick decisions required of them in lawsuits.
 - Nixon restricted the EPA more than he helped it. Made it challenging for the EPA to enforce regulations.
- Tactics used by congress to promote environmental protection?
 - Ruckelshaus initiates lawsuits against notorious municipal and industrial violators of water pollution-control laws.
 - Promoted EPA in the media
- What strategies were used by opponents to the CRA and CWA to diminish its effectiveness?
 - Corporations began resisting agency rulemaking both administratively and in the courts. Focused more on government relations so as to gain an

upperhand over the EPA.

- Carmakers called for a one-year extension of the deadline for cutting emissions and went to court in order to get it passed. Used their new political involvement and public attention in order to “frame” how economically tough it was on their industry.
- Power companies, carmakers, and coal and oil producers used the 1973-74 energy crisis in order to pressure Congress and the president into passing the Energy Supply and Environmental Coordination Act of 1974, which greatly extended their emission deadlines.
- States made it difficult for EPA to implement TCP’s. EPA lacked administrative power to impose the control strategies on its own.
- More than 150 lawsuits were brought by major companies to challenge the EPA’s “best practicable technology” guidelines.
- What actions did President Reagan take to diminish the impact of the EPA?
 - Appointed Anne Gorsuch, a known critic of environmental regulation as EPA administrator.
 - Gorsuch cut EPA’s budget and staff severely.
 - Halted enforcement of the Superfund Act.
 - Delayed action on the issue of acid rain.
- What have been some of the successes and failures of the EPA?

Successes:

 - Survival of the Clean Air Act + 1990 amendments for additional requirements/deadlines.
 - Supreme Court decisions (2001 and 2007) in favor of the EPA.
 - Substantial reductions of the six major “criteria” pollutants have been made

<p>since the mid-1980s, despite our growing economy and energy usage.</p> <ul style="list-style-type: none"> - EPA reported that 56% of our lakes are in good biological condition - Clean Water Act has resulted in huge investments in sewage treatment and as a result many polluted water bodies have been cleaned up quite well. - Failures: - Court decisions in 2001 and 2006 limited the Clean Water Act in it's ability to protect isolated wetlands across the U.S. - EPA reported that 55% of the nation's river and stream miles do not support healthy populations of aquatic life. Phosphorus and nitrogen pollution are the most widespread problems. - Clean Water Act does not address runoff/nonpoint sources. Also does not deal with groundwater or the loss of wetlands. - Republican/Conservative pressure highlighted EPA's failure to move quickly in implementation of acts. 	
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Case Question: In retrospect, what are the strengths and weaknesses of the particular approach to pollution adopted in the original Clean Air and Water Acts?

The original Clean Air and Water Acts both took a very stringent to pollution. At the time, this seemed necessary due to the growing public concern for the environment and focusing events such as Earth Day and a number of incidents where public health concerns came to the forefront. The ambitious approach was exciting for environmentalists and seemed to get more of the policymakers on the bandwagon. The public support for the idea of strict regulation and achievement of environmental goals seemed to be high at the beginning. However, the high standards the acts set made it almost impossible for the EPA to achieve. The regulations were much too hard to impose on corporations, who strongly resisted the deadlines and constantly asked for extensions on emission guidelines. The EPA was struggling with the goals set for them in the acts and faced constant criticism from Conservative members in Congress due to their failure to move along quickly in their implementation. Even environmentalists were frustrated with the EPA, because they had made promises which they could not keep. Although the approach to pollution seemed in theory to be beneficial, it was logistically impossible. The EPA faced constant setbacks from nearly every corner of the government, and struggled to keep up their credibility. From that point on, every rule and guideline became harder to enforce. The public began to recognize the failures of the approach and took advantage of the EPA's trouble in reaching the goals they had set for pollution control. Had a less ambitious approach been taken, I think the EPA

would have been much more successful in implementing the laws set forth in the acts.

Questions:

Was Reagan's appointment of Gorsuch exactly the same as Trump's appointment of Pruitt?

Are citizen suit's done in local courts or in the Supreme court?

Other Ideas/Thoughts/Insights:

I felt like the majority of the time, the EPA really got the short end of the stick. They tried so hard to implement their laws but it was hard when it seemed like everyone was against them. I think it is sad to see that happen because the EPA's mission as a whole is very pure and they just want to save the planet before it is too late. It is too bad that they always have to answer to the corrupt government officials who would love to see the environmental fight fail.