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Environmental Impasse

IN 1970, THE Clean Air Act was supported by liberal Democrats and conservative Republicans, including President Richard M. Nixon and Sen. Barry Goldwater (R-Ariz.). When the act was amended under George H.W. Bush in 1990, a bipartisan Congress not only supported the changes but paid close attention, decreeing precise emission allowances and timetables.

The bipartisan consensus has since crumbled, and the legislative process has ground to a halt. In an unpublished paper, Richard Lazarus of Georgetown University points out that increasing partisanship has meant that although dozens of environmental laws passed in the 1970s and 1980s, there have been no amendments to the Clean Air Act since 1990, or to the Clean Water Act since 1987. Congress has not reauthorized the tax that funds toxic waste cleanup, and it has made no significant reforms to laws on mining, grazing or endangered species protection on federal lands since 1992. These days only riders attached to appropriations bills can pass, or oddities such as the new budget resolution that may legalize drilling in the Arctic National Wildlife Refuge.

In part, the shift reflects a change among congressional Republicans, whose leaders found that environmental laws won them no friends (Nixon himself said so, according to Mr. Lazarus, on one of his famous tapes) and whose key committee chairmanships now go more often to anti-environmentalist Western-

ers than to the environmentalist Northeasterners who held them in the past. The issue is so unpopular generally among Republican politicians that a career civil servant now runs the Environmental Protection Agency.

By rigidly opposing compromise, some environmentalists haven't helped matters. But the president sets the tone. And by refusing to push higher environmental standards in any area, whether climate change, forest policy, ocean policy or automobile emissions, the Bush administration has eliminated goodwill. Earlier this month, yet another air pollution law, the Clear Skies Act, stalled in the Senate, following a tied committee vote. The changes proposed, to set up a cap-and-trade scheme for three pollutants, will now be written by regulators, whose interpretations are more easily challenged in court.

Many believe the Clear Skies Act could have passed if it had been intended to win bipartisan support from the start. Instead, Republicans made changes at the last minute, trying to win over a single Democrat; Democrats, wary of an administration with no environmentalist credibility, refused to go along, as did Sens. Lincoln D. Chafee (R-R.I.), and James M. Jeffords (I-Vt.). No one thinks the shift from legislation to regulation is good for the environment or for business. If the president cares about these issues, as he sometimes claims to do, he should look harder at the leading role he has played in the impasse, and propose ways to get out of it.