



The attached material is posted on regulation2point0.org with permission.



J O I N T C E N T E R
AEI-BROOKINGS JOINT CENTER FOR REGULATORY STUDIES

Everything You Know About the Bush Environmental Record is Wrong

Gregg Easterbrook

Working Paper 02-6

April 2002

Gregg Easterbrook is a senior editor of *The New Republic*, a contributing editor of *The Atlantic Monthly* and a visiting fellow of the Brookings Institution. His next book, *The Here and Now*, will be published in the fall by St. Martin's.



J O I N T C E N T E R

In response to growing concerns about understanding the impact of regulation on consumers, business, and government, the American Enterprise Institute and the Brookings Institution have established the AEI-Brookings Joint Center for Regulatory Studies. The primary purpose of the center is to hold lawmakers and regulators more accountable by providing thoughtful, objective analysis of existing regulatory programs and new regulatory proposals. The Joint Center builds on AEI's and Brookings's impressive body of work over the past three decades that has evaluated the economic impact of regulation and offered constructive suggestions for implementing reforms to enhance productivity and consumer welfare. The views in Joint Center publications are those of the authors and do not necessarily reflect the views of the staff, council of academic advisers, or fellows.

ROBERT W. HAHN
Director

ROBERT E. LITAN
Codirector

COUNCIL OF ACADEMIC ADVISERS

KENNETH J. ARROW
Stanford University

MAUREEN L. CROPPER
University of Maryland
and World Bank

PHILIP K. HOWARD
Covington & Burling

PAUL L. JOSKOW
Massachusetts Institute
of Technology

RODNEY W. NICHOLS
New York Academy
of Sciences

ROGER G. NOLL
Stanford University

GILBERT S. OMENN
University of Michigan

PETER PASSELL
Milken Institute

RICHARD SCHMALENSEE
Massachusetts Institute
of Technology

ROBERT N. STAVINS
Harvard University

CASS R. SUNSTEIN
University of Chicago

W. KIP VISCUSI
Harvard University

All AEI-Brookings Joint Center publications can be found at www.aei.brookings.org

© 2002 by the author. All rights reserved.

Executive Summary

Conventional wisdom says that George W. Bush has “declared war on the environment.” Yet actual instances of Bush anti-environmental policies are few, while the new president has received no credit for significant actions to reduce air pollution. What's the political and media dynamic that makes everyone feel so sure that Bush is anti-environment?

Everything You Know About the Bush Environmental Record is Wrong

Gregg Easterbrook

“Mr. President!” the snarling journalist called out to George W. Bush at a press conference. “In the last month you’ve killed rules on carbon dioxide in the air and arsenic in the water, and proposed opening national forests to roads and drilling. Is there any part of the natural world you *would* protect?” Wow, how was the president going to wriggle out of that one? Turns out he didn’t have to—the exchange occurred in *Doonesbury*, the question hurled by the pith-helmet-wearing media caricature Roland Burton Hedley. Yet regarding Bush’s environmental policy-making, this comic-strip interpretation epitomizes the real-world media attitude, which is hostile and nearly one hundred percent negative. The comic is like most real-world environmental commentary on Bush in another way: what Roland Burton Hedley shouts is widely accepted among journalists and pundits, but *nothing* he says is true.

Let’s parse the *Doonesbury* accusation, from a panel that originally ran a few months into the Bush presidency. First, Bush has “killed rules on carbon dioxide in the air.” This refers to the White House decision to withdraw the United States from negotiation over the Kyoto Protocol. There was a lot to argue with in Bush’s action. Even if Kyoto is “fatally flawed,” as Bush declared, his withdrawal was done in a high-handed manner that failed to show respect for multilateral diplomacy; and having declared Kyoto kaput, Bush made himself look feeble by failing to propose an alternative. But in no sense did the president “kill” rules on carbon dioxide, because there aren’t any carbon dioxide rules to kill. No law currently governs this substance, either in the United States or the European Union. Neither Bill Clinton nor Al Gore, when in the White House, ever proposed any binding rules on carbon dioxide. True, Kyoto would have created greenhouse-gas rules. But even here, Bush cannot be accused of a “kill.” Clinton never submitted the protocol to the Senate, because he knew there was no chance it would be ratified; in a 1997 floor test, the Senate rejected key provisions of the Kyoto proposal by 95-0, meaning the idea failed to draw even one Democratic vote.

Next, the charge that Bush “killed rules... on arsenic in the water.” In March 2001, headline-writers and newscasters across the country spoke as though Bush had done this. But the arsenic flap was either hopelessly misunderstood by the media, or

deliberately misrepresented. Days before leaving office, Clinton had proposed a lowering of the maximum level of arsenic allowed in drinking water. (Studies by the National Academy of Sciences show that harm from arsenic in water is small but real.) Bush's incoming White House suspended all last-minute Clinton orders pending review, just as Clinton's incoming White House had suspended pending review all last-minute orders by the first President Bush. The arsenic order was among those suspended. Announcement of the suspension of the new arsenic standard was treated by the national media as if Bush had not only cancelled the standard—which he had not—but also cancelled *existing* arsenic standards, which remained in effect.

Then, in fall 2001, the White House announced that the new arsenic rule had passed review and would go into effect exactly as proposed under Clinton. Media outlets that in winter 2001 gave huge play to phony claims that the arsenic rule had been cancelled in fall 2001 said little or nothing when that same rule went into force—more on that below. Telling in this regard is that when the *Doonesbury* cartoon was re-run in April 2002, its false charge had not been corrected. The cartoon still accused Bush of not protecting the public from drinking-water arsenic, even though the rules in question had *become law* by the second time the cartoon ran. Neither Garry Trudeau, nor Universal Press Syndicate, the *Doonesbury* syndicator, nor the *Washington Post*, one place where the strip re-ran, corrected the error. Probably they didn't want to correct the error, as the claim that Bush was an evil despoiler of the environment fit the preferred script, while evidence of progressive action on his part was unwelcome.

About “opening” national forests to roads? Actually the nation's national forests already contain eight times as many miles of roads (most unimproved) as the Interstate Highway System. The question is whether some wilderness areas should be closed to additional road construction, not whether forests should be opened to that which they already contain. So far, Bush has supported a Clinton initiative to create more “roadless” wilderness areas.

And “opening” national forests to drilling? The United States has national parks, monuments, forests and wildlife refuges. These may all sound the same, but are different categories of preserves with different purposes. Bush has mentioned drilling in forests but only actually proposed opening some national monument areas and wildlife refuges to drilling, most obviously the Arctic National Wildlife Refuge on Alaska's North Slope.

This idea may be good or bad. But oil and gas drilling have been ongoing for years in other wildlife refuges, prominently in Louisiana, with at worst minor environmental harm; wildlife statistics are good in most refuges where there is drilling. Drilling in refuges, paradoxically, doesn't seem to harm nature much because almost all other human activity is banned in these places. In national parks visitors are encouraged, and in national forests the public has broad rights of access—making people who seek the great outdoors the leading ecological issue in such places.

Okay, so *Doonesbury* has no idea what it is talking about. But what was assumed to be true in this comic strip, that George W. Bush is engaged in an all-out environmental assault, has become conventional wisdom throughout the media and political realms.

Consider more on the media treatment of Bush's arsenic decision. When EPA Administrator Christine Whitman announced what was merely a review of the new rule, this was treated as four-alarm end-of-the-world news, taking the banner position in the *New York Times* and *Washington Post* and being the evening's lead story on two of the three national newscasts. Most coverage implied that all arsenic regulation had just been voided, though the decision had nothing to do with existing protections. The *New York Times* editorialized that the new president was condemning all America to drink "poisoned water," though existing regulation remained in place and suspect levels of arsenic are found in less than 10 percent of the country's taps. Punditry was vehemently negative. CNN's Bill Press asserted that Bush had "declared war on the environment." *Times* columnist Maureen Dowd asserted that the president actively *wanted* Americans to "drink poisoned water," because this would serve corporate interests. How this would serve corporate interests was not explained, as the arsenic in drinking water occurs naturally.

Not only did essentially all media coverage hopelessly botch the fact that Bush had merely postponed a regulation, the significance of arsenic rules was consistently misrepresented. Arsenic is a poison, so journalists and commentators assumed any trace must be deadly. But as toxicologists say, the dose makes the poison. Bottled water often contains arsenic, nitrates or other dangerous compounds, but in doses too small for anyone to care about; likewise, most arsenic in tap water occurs at levels too minute to matter. The question before the EPA was whether allowable arsenic levels in tap water should be decreased from 50 parts per billion to 10 parts per billion. National Academy

of Sciences studies have found the 10 PPB figure justified, which is why Whitman ultimately approved the stricter rule. But leaving the standard at 50 PPB would cause fewer than 100 premature deaths annually; serious, yet a small concern compared to other ways government can spend money to save lives or improve health.

This relative smallness of the arsenic concern was dropped from coverage, in order to avoid undercutting the “war on the environment” spin. Neither was cost-effectiveness much discussed; the literature of risk-analysis shows that while arsenic in drinking water does cause some harm, the many millions of dollars that would be spent eliminating a few parts per billion of this substance could do more to improve public health if invested in a dozen other ways.

Finally, journalists seeking to hype the arsenic doomsday angle seemed happy to abet political figures engaging in absurd overstatement. Senator John Kerry, who hopes to run against Bush in 2004, declared that “one in 100 Americans” would contract cancer as a result of the president’s arsenic decision. This declaration may charitably be described as loony. Kerry might have misunderstood (or wanted to misunderstand) a calculation by the National Academy of Sciences showing a one-in-100 cancer risk from consumption of water with 50 PPB of arsenic, but this assumes *a lifetime of consumption*, not any exposure. Given that Bush’s delay of the stricter standard lasted only a few months, it’s statistically unlikely that even one person will contract cancer owing to the Bush action, to say nothing of one in 100. Throw in the fact that 90 percent of the country is not exposed in the first place and it works out that about one American in three million, not one in 100, faces a health risk owing to arsenic in tap water. Yet though the Kerry statement was repeated many times in print and on television, no report I saw or heard raised any skepticism about the claim.

Flash forward to November 2001, when Whitman announced her decision to uphold the new arsenic-reduction rule. The *New York Times*, which had bannered the postponement, buried the decision to go forward in a box on page A18. The *Washington Post*—which had portrayed the rule’s postponement in a banner story that called the decision “shocking”—consigned the enactment to page A31. Neither Maureen Dowd nor, to my knowledge, any pundit who wrote a column denouncing the first arsenic announcement wrote a word about the second, given that it was inconveniently non-outrageous. Newscasts and editorial pages that cried disaster about the postponement fell

strangely silent about the enforcement. Whoever fact-checks *Doonesbury* probably believes Bush “killed” arsenic regulation, because the media world continues to pretend he did.

Contrast the doomsday treatment accorded the arsenic story with handling of Bush’s decision to crack down on pollutants in diesel fuel. Perhaps you say, “Bush’s what decision?” Just a few weeks into his presidency, Bush and Whitman decided to uphold a strict, sweeping Clinton proposal that diesel fuel be chemically reformulated to reduce its inherent pollution content. (Reformulation of gasoline, which has occurred largely outside the public eye, is a reason smog is declining almost everywhere, even in Los Angeles and Houston.) Bush went ahead with the diesel fuel regulation, though it will cost billions of dollars and was vehemently opposed by the petroleum industry, to which Bush is supposedly sold out. The president upheld the rule because its scientific grounding is very strong: studies have shown that diesel pollutants cause respiratory disease and thousands of annual premature deaths.

Yet though the public-health significance of the diesel regulation is far greater than of the arsenic decision, most newspapers did not put the diesel decision on page one, while pundits denouncing the White House about the environment never mention this subject. It’s a sign of the media one-track mind that even after Bush announced had imposed the new diesel regulation and upheld the Clinton arsenic rule, the *New York Times* ran a prominent story headlined, BUSH TEAM IS REVERSING ENVIRONMENTAL POLICIES.

Nor have the media paid more than glancing heed to Bush’s unveiling of legislation that would significantly reduce emissions from power plants. Early this year, Bush proposed that the Clean Air Act be amended to require fossil-fired power facilities to make a roughly two-thirds reduction in emissions that cause smog and acid rain, plus a similar cut in emissions of mercury, a poison. To accomplish the reduction, EPA would simplify an unwieldy existing Clean Air Act hierarchy that imposes half a dozen overlapping regulatory regimes on power plants—Carol Browner, Clinton’s EPA administrator, often said Clean Air Act red tape for power plants was too cumbersome—with unified national standards. If enacted, the cuts would represent the most significant expansion of the Clean Air Act in more than a decade.

Yet even most news junkies don't know Bush has proposed this significant pollution reduction, because no major American newspaper, to my knowledge, has featured the Bush proposal on the front page, while most haven't said anything about it at all. The media have obsessively covered predictions that Bush *might* relax standards governing a group of dirty power plants in the Midwest—this prospect has repeatedly been a headline story in East Coast newspapers, though not a blessed thing has happened—while saying almost nothing about the fact that Bush *has* proposed to reduce power plant emissions overall, including overall Midwest emissions. One day last August, the *Washington Post* ran a banner story proclaiming, EPA SEEKS TO NARROW POLLUTION INITIATIVE. The piece went on to speculate at considerable line length on how Whitman *might* cave in and support weakening of the Clean Air Act; various enviros were quoted as being shocked, outraged, etc. When, a few months later, Whitman instead endorsed strengthening of the Clean Air Act, the *Post* front page was mute.

I had a conversation with a *New York Times* editor about why the paper was carpet-bombing the Midwest powerplants angle while saying almost nothing about the far more significant national emission-reduction proposal. The conversation went approximately as follows.

Me. Why aren't you praising the Bush emission reduction proposal?

Editor. Because he wants to replace current rules with a single standard. That means eliminating regulations. That makes it a rollback.

Me. But pollution would decline. What is the goal, more regulations or less pollution?

Editor. Anything that changes an existing regulation is rollback. We are opposed to rollbacks.

Here we reach the nut of the matter. The objections against Bush on the environment are not at heart about his policies, but about finding ways to bash him. For example, Bush's actions constitute "the most alarming rollbacks in environmental efforts that we have ever seen:" Rep. Richard Gephardt, another potential Bush 2004 opponent. This isn't true—indeed, it's hard to think of *anything* on environment that Bush has rolled backed, though trial balloons keep rising—yet clearly resonates with the media and with voters.

Democrats and environmental fundraisers have spent years perfecting a vocabulary in which to denounce Republicans about nature; when George W. Bush was elected, his political foes couldn't wait to open fire. For their part, Republicans have spent years trying to make themselves sound bad on the environment, and gotten really good at this. Though Richard Nixon signed the legislation creating the Environmental Protection Agency, the first President Bush proposed the 1991 Clean Air Act and other ecological accomplishments stand in the GOP corner, the party consistently fumbles environmental issues. Bush's advisors should have known that the media and Washington were primed with people who wanted any excuse to denounce him over the environment; nevertheless he got off on the wrong foot with his clumsy Kyoto statement, his Enron-flavored energy policy and other actions that begged for one-dimensional criticism. Now journalists, politicians and pundits feel they can safely assume Bush to have "declared war on the environment" regardless of what the particulars show.

What's a fair assessment of Bush on the environment so far?

- On global warming, Bush was only stating the obvious when he withdrew from Kyoto negotiation (no European Union nation has ratified the treaty, either), but he did so in an imperious manner that was poor diplomacy and worse PR. The global warming "plan" he later announced is embarrassing window dressing. The White House has an opportunity to assert a world leadership role, and kick off the next big phase of environmental progress, by devising an economically sensible "carbon trading" pilot program. Instead Bush has proposed nothing meaningful. He's totally bungled this issue.
- Bush could not have done better by the environment on the arsenic and diesel rules, and has received zero credit. His power-plant emission reduction program is both excellent for the air and cost-effective regulation, as it would involve streamlining and rapid progress through market-based mechanisms. Again, zero credit. A related Bush plan for added restrictions on emissions from power plants that are upwind of national parks (to insure ideal visibility in parks) has been disregarded by the media.
- Bush's proposal to drill in ANWR is defensible environmentally—drilling for 25 years on the nearby Prudhoe Bay fields has caused at worst minor harm—

but has been made to look rigged by the Interior Department's idiotic attempt to manipulate data. Proposing to drill in ANWR but proposing nothing to improve SUV gas mileage (whether via the notoriously inefficient CAFE system or by the approach preferred by most economists, a revenue-neutral increase in federal petroleum taxes) makes Bush seem a hypocrite. An energy policy that both mandated higher mileage performance and allowed ANWR drilling could significantly reduce U.S. dependence on Persian Gulf oil. Bush lauds "leadership," but hasn't proposed a combined ANWR-MPG policy because he would have to lead against established conservative and liberal biases on both issues.

- The administration has floated, though not actually implemented, plans to block scheduled restrictions on snowmobiles and jet skis in national parks and on protected waterways. Here the conservationist's desire for pure preservation clashes with the populist position, since people like to use snowmobiles and jet skis in the great outdoors. Manufacturers and the political right are to blame for much of the current problem, since both opposed regulations that would have made snowmobiles and jet skis quieter and less-polluting. (Both are essentially exempt from emission standards, while snowmobiles make a deafening racket because they lack the century-old technology called mufflers.) If these vehicles were quieter and didn't pollute, the controversy might not have happened.
- Bush is being damned for wanting to open the Yucca Mountain nuclear waste repository, but there is no serious reason to believe it poses anything beyond the sort of very-long-term unknowns that could not be eliminated by any plan. Meanwhile, leaving nuclear wastes in rusting holding tanks at power plants all around the country, rather than placing these materials deep underground at a facility whose design has been checked by the National Academy of Sciences, does not sound like history's greatest idea. Whitman's EPA has received zero credit for endorsing a strict interpretation of Yucca Mountain groundwater standards.

- Bush is being damned for his position in complex litigation involving “salvage” logging of the Bitterroot National Forest in Montana. Maybe the Forest Service should not be involved in timber sales at all, becoming a preservation agency and leaving the logging business to private tracts of managed timber. But the extent of the Bitterroot controversy has been broadly exaggerated, as the timber in question represents only about one percent of the peak United States logging rate of the 1980s. concurrently, Bush is getting no credit for appointing, as head of the Forest Service, Dale Bosworth, who has a reputation for favoring preservation over logging.
- Bush was damned for essentially suspending the filing of new Endangered Species Act (ESA) lawsuits. But in 1999, Bill Clinton did the same thing. The Fish and Wildlife Service, which administers the ESA, has been so overwhelmed by spurious suits from extremists that it’s having trouble getting its real work done.
- Whitman’s decision to delay revising an obscure Clean Water Act standard called the “total daily maximum load” (TMDL) rule has been treated as shocking by the press—“what they’re looking at is options for weakening the rule,” the *New York Times* prominently quoted an environmentalist as saying in a page-one story—though the National Research Council, a branch of the National Academy of Sciences, has said the regulation isn’t ready. That an esoteric dispute over TMDL, a standard that nine out of ten environmentalists would be hard-pressed to explain, lands on the front page of the *New York Times* is a manifestation of need for something that sounds like bad news.
- Bush has proposed to end the taxing of corporations for Superfund cleanups, and instead fund such work from general tax revenues. This may or may not be wise tax policy, but the media reaction—that the news heralds a dangerous abandonment of toxic-waste remediation—is 15 years behind the times. All Superfund sites that imperiled public health are already cleaned up, while national cancer rates have been in decline for nearly a decade. What remains of Superfund is largely a public-works spending program existing in a weird stasis among lawyers and contractors who benefit from the spending; enviros

who want more land declared “toxic” for scare-mongering purposes; and local governments, which want land taken off the Superfund list so that investors are not driven away from their communities.

- Whitman cut EPA’s enforcement staff in favor of working with companies to help them meet rules, which has been damned as proof that industry will get away with murder. But industry’s not getting away with murder; pollution continues to decline. Whitman’s predecessor Browner, who was selected by Al Gore, also advocated working with companies in a non-confrontational manner. Last summer, the *Washington Post* ran a page-one story asserting that the Justice Department was about to stop enforcing some sections of the Clean Air Act. When the Justice Department replied that enforcement was ongoing and released specifics of many pending suits against corporations, the *Post* played this on page A23. At any rate, given that all forms of pollution are declining, prosecution would be expected to decline—there’s less to prosecute.
- In the most recent media flap, the *New York Times* accused Bush of “seeking the ouster” of Robert Watson, chosen by Clinton to head a United Nations panel that studies the greenhouse effect. But Watson wasn’t being “ousted,” his term had simply expired and Bush chose not to renominate him. Whom did the White House nominate instead? Rajendra Pachauri, an Indian economist on record as believing that global warming is real. Pachauri not only might help bring on board the developing world nations whose support would be critical to any realistic global warming action, but his specialty—economics—is more relevant to the question of what to do regarding greenhouse gases than was Watson’s specialty, atmospheric chemistry.

Let’s close with two quotations that crystallize the current low state of the debate. One: the *New York Times* editorial page has denounced the Bush environmental record as “generally deplorable,” even though *all* domestic environmental trends other than greenhouse gas emissions are currently favorable and expected to remain so.

Two: Senator Charles Schumer of New York declared in April, “We’re seeing conservative judicial activism erode Congress’s power to protect the environment.” He said this on the same day the United States Court of Appeals for the D.C. Circuit, one of the most conservative appellate courts, unanimously upheld the power of the EPA to make anti-smog regulations much more strict. National Public Radio and other media outlets picked up Schumer’s quote and ran it without the kind of skeptical challenge that would surely be appended to any administration contention that things were fine. But then, we all know Bush has declared war on the environment. It must be true; the comic pages say so.