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A New Progressive Agenda for Public Health and the Environment

by **Christopher H. Schroeder and Rena I. Steinzor**
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For the past four years, the effort to protect the environment has devolved into a defense of past achievements against an onslaught of Bush administration attacks. It's been a multi-front assault. The administration has walked away from global warming; taken a dive on mercury contamination of fish; given a free pass to aging, high-polluting power plants; refused to tighten auto-emissions standards; opened up wild and pristine places to oil and gas drilling; permitted steady destruction of wetlands crucial to natural filtering of water; okayed "mountain-top removal" mining; backpedaled on clean air deadlines for cities; invited logging companies into national forests; and much, much more.

That record is deeply frustrating for Americans committed to preventing polluters from fouling the air we breathe, the water we drink, and the natural places we cherish – all the more frustrating because we have made great progress since the 1970s, when the modern environmental movement first began, and the Bush rollbacks could take much of it away.

The first problems we attacked were the most obvious ones: rivers and streams laden with pollution, poisonous lead in gasoline, grit in the air that turned the inside of people's noses black, and dump sites flooding basements with foul-smelling chemicals. But after conquering many of these initial challenges, we confronted a set of new, even more intractable problems, including cancer-causing contaminants in drinking water that people do not see, smell, or taste; air pollution that eats a hole in the ozone layer; and the swelling of red tides as run-off washes from chemically laden fields and parking lots.

So where do we go from here? First and most immediate, we must continue to defend legal landmarks like the Clean Air Act and the Clean Water Act from the steady regulatory assault of the Bush administration. That means fighting in the trenches over regulatory reinterpretations of the law – like the one the administration is now attempting in the area of mercury pollution. And it means fighting in Congress to defeat statutory rollbacks, like the administration's preposterously named "Clear Skies Initiative," which would permit excessive and unsafe levels of power-plant emissions.

We must also identify new approaches that accomplish our environmental ends, thus generating new debate, new interest, and new public commitment to the cause of environmental protection. With that in mind, some 20 scholars of the Center for Progressive Regulation have recently published [***A New Progressive Agenda for Public Health and the Environment***](#). The book proposes dozens of new environmental initiatives large and small. Among them:

- The dirtiest manufacturing facilities are often located in low-income and minority communities, a problem compounded by a lack of affordable health care and adequate nutrition. Congress should strengthen civil rights laws to end discriminatory environmental outcomes.
- Current information gaps regarding toxic chemicals are appalling. We lack sufficient information about 80 percent of the high-production volume toxic chemicals sold each year. Congress should establish an impartial Bureau of Environmental Statistics charged with closing the data gap, creating guidelines for collecting environmental data, collecting and analyzing comprehensive statistics on environmental quality, and disseminating the results.
- This administration champions "devolution," a phrase that in the environmental context is too often deployed as camouflage for federal abdication of enforcement obligations. State governments may be "closer to the people," but they're also closer to home-state industries, and generally less equipped and sometimes less willing to enforce the law. Congress should require EPA to shine a spotlight on state environmental agency performance by means of regular and public evaluations of how well state agencies are meeting their obligations, based on a uniform set of criteria.
- The National Environmental Policy Act requires environmental impact assessments whenever the federal government does something that could produce a major effect on the environment. Congress should extend the reach of the law to cover private corporations, since that's where most pollution originates.

- There are so few inspectors and prosecutors that corporate scofflaws routinely ignore pollution control requirements, not only ruining environmental quality but putting those companies that are good citizens at a competitive disadvantage. We need to get the environmental cops back on the beat.
- Every so often, some large company is forced to pay out a settlement or fine to pay for cleaning up past pollution. Typically, average stockholders and mutual fund managers are caught completely unaware and take a hit. Liability for pollution is a very real consideration in making investment decisions, or at least should be. Congress should require companies to disclose promptly, accurately, and fully the nature, extent, and impact of any corporate activity or practice that poses a significant threat to public health and the environment, whether or not the activity is regulated.
- In the context of so-called "advertorials" or "corporate image ads," companies under fire for poor environmental or labor practices have invoked their ostensible First Amendment rights to evade prohibitions on deceptive and unfair advertising. Those prohibitions are a cornerstone of the free market, protecting consumers and ethical competitors. The courts must reject claims that the First Amendment shields anyone from compliance with these provisions.

There will be those who argue that such proposals are politically unlikely to succeed, and it is certainly true that the current occupant of the White House and the majority party in Congress are disinclined toward environmental progress. But we believe these and the many other proposals of our book can serve both as a rallying point for progressives and a meaningful agenda for future action.

Christopher H. Schroeder and Rena I. Steinzor are member scholars of the Center for Progressive Regulation and co-editors of ***A New Progressive Agenda for Public Health and the Environment***. The Center for American Progress will host an event to spotlight this book at 9 a.m. Friday, Feb. 4. Video clips, the complete audio file, and a transcript of the event will be available on the Center for American Progress web site.

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