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The National Association of Manufacturers' *Real* Record on the Environment

Earth Day, 1998

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*"The first step to solving a problem
is admitting you have it"*

Introduction

The National Association of Manufacturers calls its Earth Day display on the National Mall, “Manufacturing Technologies for a Better World.” It has attempted to convince “thousands of students” to listen in from its Internet site, where “visitors can learn all about the positive contributions companies make to keep our air and water clean.”

This is Earth Day, not April Fool’s Day.

While NAM’s publicists were coming up with these themes, NAM itself, according to its own Internet site, has been busy trying to weaken a wide range of environmental laws in Congress and the courts.

The Clean Air Act, the Clean Water Act, the Endangered Species Act—none have been safe from NAM’s attacks in recent years. And now NAM is leading an attempt to scuttle an international treaty to slow global warming, operating a \$13 million disinformation campaign from its own offices under an assumed name (the “Global Climate Coalition”).

When Americans learn about a NAM campaign to weaken environmental laws, they don’t like it. A recent \$30 million NAM-led effort to halt enforcement of the Clean Air Act, for instance, is failing due to widespread public concern about skyrocketing death rates from childhood asthma.

NAM’s anti-clean air effort is on the verge of defeat even though it tried to hide its activities behind front groups with misleading names such as the “Foundation for Clean Air Progress,” or the “Air Quality Standards Coalition.”

Too often, however, and with little public notice, NAM succeeds in using an army of lobbyists, lawyers, and phony front groups to weaken the fabric of environmental protection that Americans have come to take for granted. This record, which it usually boasts about to members, makes its current attempt to look “green” on Earth Day 1998 the height of hypocrisy. Consider the following examples.

A. Opposition to Environmental Laws

The National Association of Manufacturers is on record as opposing environmental laws of many kinds. All the passages in quotes below are taken directly from NAM’s Internet site, at www.nam.org. Here are NAM’s *real* environmental priorities:

On clean air health standards against soot and smog

The U.S. Environmental Protection Agency proposed new health standards against soot and smog in part because of a concern about skyrocketing childhood asthma rates. Every two minutes on average an American child is taken to the emergency room in a severe asthma attack; the death rate from childhood asthma has doubled since the early 1980s.

The National Association of Manufacturers’ response was to sponsor the Air Quality Standards Coalition, which grew to include more than 700 businesses, associations and other groups and spend a reported \$30 million to fight the new EPA standards. Rather than

deciding on the basis of what is healthy for people, NAM wanted to consider the standards based on what they might cost its members to obey.

"NAM-led coalition secured bipartisan support for moratorium on unsound air rules for particulate matter and ozone," the NAM Internet site boasts. Elsewhere it expands on the point: "NAM leads a national coalition lobbying for the bipartisan bill H.R. 1984 [that] would impose a four-year moratorium and authorize further scientific research...The NAM is also challenging the rules in federal court."

On clean water and endangered species

NAM successfully went to court this spring to stop the Environmental Protection Agency from including the plight of endangered species as a consideration in issuing permits under the Clean Water Act.

The agency had wanted endangered species to be taken into account in state-level decisions on applications under the Clean Water Act (which restricts pollution and filling of wetlands, for example, where many endangered species live and raise their young).

NAM had filed a brief on the side of logging companies (represented by the American Forest and Paper Association) and against endangered species. On March 20, 1998, NAM's Internet site recounts, the Fifth Circuit Court of Appeals "heeded NAM's arguments" in ruling against the EPA.

In addition, NAM has backed the current attempt to rewrite and weaken the Endangered Species Act. Among other things, this would lock in current recovery plans and prevent the government from responding to new developments as species go extinct. "Environmental activists oppose...yet NAM believes S. 1180 [a Senate bill to accomplish this] is step in right direction."

On global warming

A United Nations treaty framework on global warming was reached last December in Kyoto, Japan. For the first time it commits the leading nations of the world to do something about a problem that, according to a consensus of world scientists, poses a grave threat to our weather, seacoasts, crops, and economic prosperity.

NAM, on the other hand, terms it a "scientifically unsound climate treaty that would commit U.S. and other developed nations to deep, mandatory fossil fuel emission reductions." The association's Internet site promises, "NAM will lobby the Senate to reject the accord."

At another point NAM says, "During 1996-97, the NAM warned policy-makers of the risks of a binding agreement to cut emissions...NAM member lobbying helped gain unanimous Senate approval in July of S. Res. 98, which put the Senate on record opposing any accord that does not include developing nations. The NAM is now working to assure senators abide by the spirit of S. Res. 98 and reject the accord."

NAM explains that, "Believing that a strong economy is the best way to ensure environmental protection and the best defense against natural disasters, the NAM opposes any federal or state government actions regarding global climate that could adversely affect the international competitiveness of the U.S. economy."

"The NAM vehemently opposes any efforts to establish a cap on carbon dioxide emissions or a carbon tax that would have a negative impact on trade and economic well being...NAM adamantly opposes any binding commitments on the part of the developed countries without inclusion of the developing countries in those same commitments...sacrifices by Americans will be in vain and unfair."

On public interest regulations

So-called regulatory "reform," in the hands of this Congress, is a code word for "rollback." And the regulations targeted are not those that benefit industry—those would be exempted by the leading bill, S. 981, authored by Sens. Carl Levin (D-MI) and Fred Thompson (R-TN). The regulations targeted by the bill are those that protect public health, worker safety, and the environment.

NAM wants new paperwork requirements for "cost-benefit analyses, risk assessments of major rules and more," all subject to "independent peer review," which often means industry roadblocks. If they are not conducted, "A court could overturn a rule...Environmental and other public interest groups have attacked the measure," it notes.

Even Jonathan Adler, directory of environmental science for the big-business front group, the Competitive Enterprise Institute, admits that the real motive is to help big business lawyers tie up the process of carrying out public interest regulations:

"...this bill creates handholds for lawyers to manipulate the process, larger businesses will be better able to take advantage of [this legislation] than small businesses...and one of the reasons for that is they have big legal teams." (Quoted in *Congressional Quarterly*, April 6, 1998).

The NAM Internet site continues: "As a complement to lobbying, NAM amicus briefs filed in 1997 challenged onerous federal regulations...NAM arguments prevailed in several key cases, including a precedent-setting decision that should curb the number of speculative product liability and workplace safety suits against manufacturers."

On smog over national parks

Many of our most visited and most scenic national areas—for instance, the Grand Canyon—are frequently shrouded in smog that cuts visibility and harms forests and wildlife. NAM's position on action to cut the smog: "EPA preparing rule...for national parks and wilderness areas. New emissions controls likely. Final rule due soon. NAM comments opposed proposal."

On toxic waste

The Toxic Release Inventory has used simple reporting by industry to greatly reduce factories' uncontrolled releases of toxic chemicals into the environment. However, it covers less than 5% of the chemicals in commerce and has many loopholes. Corrections are supported by EPA, President Clinton, Vice President Gore, and groups concerned with worker safety, firefighter preparedness, and the environment.

NAM's opinion: "EPA may soon expand reporting program to include chemical use data. NAM comments in February opposed the effort as impractical, unnecessary."

On strip-mining public land

The Mining Law of 1872 hasn't been changed in 126 years and virtually gives away America's mineral wealth to strip miners who often fail to reclaim the environmental destruction they cause.

NAM, on the other hand, believes that the antiquated law is useful: it promises corporations access to mine federal lands "for a nominal fee." Not surprisingly, NAM takes the position that "rulemaking and environmental clearance would seriously delay exploration for minerals on public lands."

B. Deceptive Front Groups

Members of the National Association of Manufacturers belong to and support numerous front groups with misleading names that oppose environmental laws, and work to have them weakened in Congress. NAM in some cases creates and houses the groups, such as the Global Climate Coalition and the Air Quality Standards Coalition.

In the following excerpt from a July 1997 article, Dan Barry, director of the Clearinghouse on Environmental Advocacy and Research (CLEAR), describes this practice as employed by NAM members during their unsuccessful effort in the current Congress to block tighter Clean Air Act standards on smog and soot.

In the battle against the clean air rules, two major industry trade associations have played critical roles in establishing and supporting an array of opposition front groups. The National Association of Manufacturers and the American Petroleum Institute have conducted massive fundraising efforts and have themselves poured hundreds of thousands of dollars into establishing a set of front groups to combat the proposed clean air rules.

Although corporate front groups and astroturf campaigns are not new tools, or tactics, used by industry to fight regulations, the manner in which such groups are being deployed in today's clean air debate represents a new overall strategy that industry has adopted to increase the likelihood that their efforts will succeed.

Previously, an industry threatened with a law or set of regulations that it found objectionable would typically create a single front group that would use lobbying, PAC contributions and some manner of "astroturf" grassroots mobilization to attempt to mislead the public and influence Congress and the Administration that the regulations were unnecessary or a threat to the well being of that particular industry. Supporters of these front groups expected a full-service operation that would bring all the opposition tactics available to bear under one organization or coalition.

Examples of such front groups include:

- **Citizens for Sensible Control of Acid Rain**—established and supported by electric utilities and mining companies to combat the 1986 Clean Air Act
- **Coalition for Vehicle Choice**—created and supported by the auto industry to oppose increased fuel efficiency standards
- **Council for Solid Waste Solutions**—established and supported by the plastics industry to promote the use of plastic containers
- **Global Climate Coalition**—located in the headquarters of the National Association of Manufacturers, supported by oil, gas, and mining interests

- **Keep America Beautiful, Inc.**—created and supported by the bottling and packaging industries to oppose bottle bills
- **National Wetlands Coalition**—established and supported by the oil and gas and real estate industries to oppose wetlands protection.

While industry front groups and astroturf campaigns such as these have been successful in the past in both masking their true intentions and defeating proposals to protect the environment, environmentalists and other public interest advocates, as well as public policy makers, have become more adept at exposing these shams and discrediting them.

With corporate profits at stake, industry has continued to invest enormous amounts of money in developing new methods of fighting environmental regulations. Driven by this spending, the environmental public relations industry has grown rapidly over the past twenty years, now representing a \$1 billion of the world-wide \$35 billion p.r. industry, according to public relations expert John Stauber.

A new refinement of such tactics is to pressure and harass enterprising journalists themselves, using fraudulent media “resource” groups with names like the Statistical Assessment Service, the Advancement for Sound Science Coalition, or the National Center for Public Policy Research.

These groups try to pass off work by industry-paid scientists, or people with no academic credentials, as that of independent researchers. Or they promote the views of a few discredited skeptics as proof that there is no scientific consensus on an issue such as global warming, when in fact a consensus exists.

C. Five Steps to Improvement

If the members of the National Association of Manufacturers really want to help protect the environment and make a better world, they can:

#1. Quit industry front groups like the Global Climate Coalition, as Shell did yesterday.

The GCC and its associated \$13 million p.r. campaign, known as the Global Climate Information Project, are led by National Association of Manufacturers on behalf of fossil fuel-related industries to block the Kyoto treaty on global warming. They deny the science behind global warming, they make fictitious claims of huge gasoline price increases, and they claim that developing countries which use a tiny fraction of our energy must make the same commitment as the United States does before we can start to address the problem.

Already, some GCC members have distanced themselves from its extremist rhetoric. Yesterday, April 21, Shell quit outright because the GCC is irrevocably opposed to a climate treaty. This campaign by old-fashioned industries stuck in the past would be better known as the Flat Earth Society. NAM should shut it down and its members should disavow its propaganda campaign.

#2. Adopt the EnergyStar program for their facilities and products.

The Empire State Building, the World Trade Center, and the Sears Tower announced April 20 that to qualify for the EPA's EnergyStar label, they will reduce their energy usage to at least 25% below the average for large office buildings. The methods used are typically simple: new windows, or energy-saving electronic fluorescent lights.

The manager of the Sears Tower said apart from the publicity benefits, he expects to recoup the entire cost of retrofitting his huge building within four years and to continue saving for years thereafter. Products can qualify too—EnergyStar washing machines, for instance, use 60% less energy and up to 40% less water than conventional washers, and get clothes cleaner with less wear and tear.

#3. Support expansion of the U.S. Toxic Release Inventory.

The Toxic Release Inventory in just over 10 years has succeeded in greatly reducing many corporations' uncontrolled toxic waste releases into the environment simply by requiring them to keep tabs on it and make an annual report to the public. Yet it covers less than 5% of the chemicals used in commerce, partly because the original law that created it left out entire categories of facilities such as incinerators and power plants.

EPA is expanding the inventory, and members of Congress have proposed "cradle-to-grave" reporting of chemicals in commerce, to include use, storage, transportation, and recycling. This is a "market-driven solution" that works; NAM and its members should support it, not attack it.

#4. Investigate new evidence of human health impacts.

Too much research funded by industry still deserves the label, "tobacco science"—it's designed to clear products and chemical waste of suspicion for causing human health effects, and not honestly evaluate the threat. Recent studies have shown that chemicals not only cause cancer in humans, they can interfere with our hormone systems and reproductive health. And hazardous chemicals can have 10 times the impact on children, whose bodies are rapidly developing and who take in more air, water, and food per pound of body weight than do adults.

A corporation concerned with its impact on the environment and human health would do well to first determine what that impact is, and not spend its research dollars denying it to the public.

#5. Stop calling toxic dumping "recycling."

Industry in recent years has mistreated the popular term "recycling" to cover such environmentally destructive practices as dumping incinerator ashes laden with toxic heavy metals on farmland, and calling it fertilizer. Or, a corporation will send its toxic waste to be burned as fuel in the giant kilns that make cement, which don't have to meet air quality and health standards as a toxic waste incinerator would.

When people hear the term "recycled," they don't expect it to mean recycled danger to their health and to the environment. Yet that is precisely the result of these increasingly common practices to evade environmental laws.

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