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Dear Reporter:

A growing number of opinion leaders are questioning the way U.S. environmental policy is developed. They are asking questions like "What are the priorities?" and "Are we benefiting from the regulations?" Some critics contend that regulations are sometimes hastily drafted, poorly targeted, and unnecessarily costly. New regulatory policies often seem to follow on the heels of sensational media coverage as some legislators rush to respond to the latest "crisis."

Ultimately, the result of this seemingly quixotic and hastily developed environmental policy is a regulatory approach that is often times ineffective and unnecessarily adds to business costs. There is also a growing awareness that American business and industry have been playing a critical role in environmental improvement, spending over \$130 billion each year on environmental measures. In a recent 5-part series on environmental policy, *The New York Times* reported that "many scientists, economists and government officials have reached the dismaying conclusion that much of America's environmental program has gone seriously awry." Enclosed are the first and last articles in that series, printed with permission from *The New York Times*.

Efforts to stabilize greenhouse gases like carbon dioxide are prime candidates for a worrisome and potentially regrettable environmental policy. The science is uncertain, and the targets and timetables are arbitrary, not a scientific benchmark. Further, very little has been done to set the price tag on the initiatives suggested, a fact that was clearly recognized by President Clinton in his Earth Day speech last week when he said the nation's commitment to reducing greenhouse gases must be built on "cost effective" measures. The President said his Administration's policy on global warming "must be a clarion call, not for more bureaucracy or regulation or unnecessary costs, but instead for American ingenuity and creativity to produce the best and most energy efficient technology."

The Global Climate Coalition responded with the enclosed statement, which concurs with the need for a more thorough economic analysis before billion dollar policy options are endorsed. As the U.S. works with other nations around the world to respond to claims of global warming, we look forward to engaging in an open dialogue with the Administration to move toward reducing greenhouse gas emissions both here and in developing countries and to find solutions that are both good for the environment and the economy.

Sincerely,

John Shlaes
Executive Director





NEWS RELEASE

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INDUSTRY GROUP ENCOURAGED BY PRESIDENT CLINTON'S CALL FOR FURTHER ECONOMIC ANALYSIS ON REDUCING GREENHOUSE GASES

Washington, DC, April 21, 1993.....The Global Climate Coalition, the leading business voice on climate change, today reaffirmed its commitment to work with the Clinton administration to develop a "cost effective" plan that will ensure continued reductions of U.S. greenhouse gas emissions.

According to John Shlaes, executive director of the Global Climate Coalition, "The president today committed his administration to taking a hard look at the climate change issue with a keen eye to the costs of proposed solutions. This new focus on economic analysis is very encouraging for business and should be good news for all Americans," he said.

In his first public speech on the environment since taking office, President Clinton this morning said his administration's policy on global warming "must be a clarion call, not for more bureaucracy or regulation or unnecessary costs, but instead for American ingenuity and creativity to produce the best and most energy-efficient technology."

"This approach is what the business community has called for all along," said Shlaes. "The right answer to concerns about greenhouse gases is to maintain a robust economy and unleash American ingenuity. We believe the president recognizes that the share of the U.S. contribution to global greenhouse gas emissions is on the decline, and that trend should be encouraged."

Shlaes pointed out, however, that if the president's commitment is intended to go beyond the existing Framework Convention and establish firm and arbitrary targets and timetables for emissions reductions, the Global Climate Coalition will vigorously oppose any such commitment and the economic and regulatory measures that would be necessary to achieve them. "The wrong course of action could jeopardize the economic health of the nation," he stressed.

(more)



The Framework Convention on Climate Change signed in Rio last year encouraged all nations to reduce greenhouse gas emissions, but stopped short of setting targets and timetables. "All nations have to work together to reduce emissions," said Shlaes, "because the vast majority of future emissions will come from developing countries, not the West."

Shlaes pointed out that recent scientific evidence contradicts the predictions of a dangerous "global warming" trend. "Satellites monitoring global temperatures have indicated no warming trend since they were launched 15 years ago," Shlaes said, "and other observational data are in sharp contrast to the predictions of computer models that have been used to forecast a dangerous warming."

"We are looking forward to the Clinton administration pursuing a course of openness with the private sector as they develop this plan to be completed by August," Shlaes said.

The Global Climate Coalition is an organization of business trade associations and private companies established in 1989 to coordinate business participation in the scientific and policy debate on global climate change.

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New View Calls Environmental Policy Misguided

By KEITH SCHNEIDER

Special to The New York Times

WASHINGTON, March 20 — A generation after the United States responded to poisoned streams and filthy air with the world's first comprehensive strategy to protect the environment, many scientists, economists and Government officials have reached the dismaying conclusion that much of America's environmental program has gone seriously awry.

These experts say that in the last 15 years environmental policy has too often evolved largely in reaction to popular panics, not in response to sound scientific analyses of which environmental hazards present the greatest risks.

As a result, many scientists and public health specialists say, billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause far more harm.

At First, Clear Benefits

In the first wave of the modern environmental movement, starting about 30 years ago, the focus was on broad efforts to eliminate the most visible pollution pouring from smokestacks and sewer pipes — programs with clear goals that had obvious benefits.

But a second wave began in the late 1970's, with a new strategy intended to limit visible pollution further — and to begin attacking invisible threats from toxic substances.

To that end, states and the Federal Government began writing sweeping environmental laws, some of which included strict regulations to insure that certain toxic compounds were not present in air, water or the ground at levels that did not exceed a few parts per billion, concentrations that could be measured with only the most sophisticated equipment.

The result was a tangle of regulations that the Environmental Protection Agency estimates cost more than \$140 billion a year, roughly \$100 billion spent by industry and \$40 billion by Government.

But what is now becoming apparent, some scientists and public health specialists say, is that some of these laws — written in reaction to popular concerns about toxic waste dumps or asbestos in the schools, as examples — were based on little if any sound research about the true nature of the threat. Since 1980, for instance, thousands of regulations were written to restrict compounds that had caused cancer in rats or mice, even though these animal studies often fail to predict how the compounds might affect humans.

And with rare exceptions, Congress approved new laws without subjecting them to even rudimentary cost-benefit analyses. One reason was that during the 1980's, when the economy seemed healthier, there was far less pressure on Congress to consider the cost of environmental policy.

Overpriced and Misguided?

Now a new Administration intent on strengthening environmental policy is settling into office when competition for scarce financial resources is keen. At the same time, a wealth of new research shows that some of the nation's environmental protection efforts are excessively costly — though no one knows how much of this money is mispent — and devoted to the wrong problems.

This view is the vanguard of a new, third wave of environmentalism that is sweeping across America. It began in

the late 1980's among farmers, homeowners and others who were upset largely by the growing cost of regulations that didn't appear to bring any measurable benefits. Corporate executives had long been making similar arguments but had gone unheeded, even during 12 years of Republican rule, because often they were seen as interested only in saving money.

Richard J. Mahoney, chairman and chief executive of Monsanto, the chemical company, said the nation may start listening to industry now.

"People want to know, even with the environment, what we are getting for our money," he said. "The most positive thing since the election is that we are beginning to recognize that we do have finite resources, and one must make choices."

But leaders of the nation's conservation organizations believe the new view is misguided.

"We don't need a new paradigm," said David D. Doniger, a senior lawyer with the Natural Resources Defense Council. "For 35 years, the policy of the Government has been that when there is uncertainty about a threat it is better to be safe than sorry. When you are operating at the limits of what science knows, the big mistake would be to underestimate the real danger and leave people unprotected."

Still, in the last few years the wave has moved into universities, city halls, state capitols and even to the highest levels of the E.P.A., whose Science Advisory Board in 1990 concluded that environmental laws "are more reflective of public perceptions of risk than of scientific understanding of risk."

Law Follows Panic

William K. Reilly, the E.P.A. Administrator at the time, agreed. And in a recent interview, he argued: "People have a right to expect that public officials are making the right choices for the right reasons. We need to develop a new system for taking action on the environment that isn't based on responding to the nightly news."

"We're misallocating large amounts of money," added Mr. Reilly, who is now a senior fellow at the World Wildlife Fund. "What we have had in the United States is environmental agenda-setting by episodic panic. We've had Love Canal, Valley of the Drums, the Exxon Valdez and with virtually

every case of a new environmental crisis there is a new legislative priority and a new budget allocation. That has created a mix of programs that don't respect the biggest risks to health and ecology."

Richard D. Morgenstern, the acting administrator for policy planning and evaluation at the E.P.A., explains the problem this way: "Our society is very reactive, and when concerns are raised people want action. The problem in a democracy is you can't easily sit idly back and tell people it would be better to learn more."

The result, he added, is that "we're now in the position of saying in quite a few of our programs, 'Oops, we made a mistake.'"

President Clinton is clearly aware of this view. As Governor of Arkansas, he continually complained as a Federal toxic waste cleanup project in Jacksonville devoured \$21 million in state, Federal and private money. State officials said nearly a decade of work has produced little more than piles of technical documents, exorbitant legal bills and public discord.

Greater Consequences

To be sure, some of the \$140 billion the nation is spending this year pays for environmental programs that are indisputably useful. As an example, few experts question the value of spending roughly \$3 billion each year on new sewage treatment plants. Many experts, however, question the wisdom of spending billions of dollars to protect people from traces of toxic compounds.

The new school of thought has blossomed as policy makers confront planetary threats like global warming, ozone depletion and deforestation in which the consequences of wrong action are much greater. Unless the nation rethinks its approach to environmental protection, some experts say, the United States could repeat its mistakes.

"The President is aware of this dilemma, and there is leadership in this Administration for trying to change the way we do business in every aspect of governing, including environmental protection," said Carol M. Browner, the Administrator of the Environmental Protection Agency. "We have to allow for change to occur as new information becomes available. This is not an area where a solution will fit forever."

Policy Now

Costly Solutions Seeking Problems

Almost everyone involved, including community and local environmental groups, agrees that the toxic waste program stands as the most wasteful effort of all. It began 15 years ago when the nation rose in revulsion over the discovery of seeping chemicals at Love Canal in New York. Hundreds of people were evacuated from their homes.

In response, Congress passed two laws: the Superfund law of 1980 and amendments to the Resource Conservation and Recovery Act in 1984. A decade later, those laws have driven the Government to spend almost \$2 billion a year for the Superfund, which cleans

up toxic waste sites, and more than \$8 billion more a year on similar programs in other agencies, even though many of the sites pose little if any danger.

The Superfund law, which is a foundation for the Government's toxic cleanup policy, established a formula for ranking the potential hazards of toxic sites, and then devised a rigid recipe for cleaning them up.

Throwing Money at a Problem

"Does it make sense to spend millions of dollars cleaning up a site that only has a tenth of an ounce of contamination?" asked Dr. Richard Goodwin, a private environmental engineer in Upper Saddle River, N.J., who has overseen more than 20 toxic waste cleanups. "I say no. All we're doing in most cases is throwing money at a problem without improving public health or the environment."

Hugh B. Kaufman, a hazardous waste specialist at the E.P.A. who helped uncover the problem at Love Canal, said that in the few cases in which a site is near populated areas, "the best thing we can do is evacuate people if they want, then put up a fence and a flag that says 'Stay Away.'"

Mr. Kaufman said he knows that his idea represents a marked change in the traditional view of how the nation should care for its land. But he and other experts says it does not make sense to clean up these wastes at costs that frequently exceed \$10 million an acre.

Even a principal author of the Superfund law, Gov. Jim Florio of New Jersey, who was chairman of a House environmental subcommittee in the 1970's, now argues that inflexible rules mean that Superfund resources are too often devoted to making sites pristine.

"It doesn't make any sense to clean up a rail yard in downtown Newark so it can be a drinking water reservoir," he said, speaking rhetorically.

Toxic waste cleanups are one example of a program gone awry. Here are others:

Early in the 1980's, Government scientists argued that exposure to asbestos could cause thousands of cancer deaths. Since asbestos was used as insulation in schools and public buildings, parents reacted with alarm. So in 1985 Congress approved a sweeping law that led cities and states to spend between \$15 billion and \$20 billion to remove asbestos from public buildings. But three years ago, the E.P.A. completed research that prompted officials to admit that ripping out the asbestos had been an expensive mistake; the removal often sent tiny asbestos fibers into the air. Now, except in cases when the asbestos is damaged or crumbling, the Government's official advice is: Don't touch it.

In 1982, high concentrations of dioxin were discovered in the dirt roads of Times Beach, Mo., near St. Louis. Residents were alarmed; the Government had designated dioxin as one of the most toxic substances known. The furor came in the middle of a scandal at the E.P.A.; the agency's chief, Anne Gorsuch Burford, was accused of not enforcing environmental law and being too close to industry. And as that scandal dominated the news, the Reagan Administration decided to evacuate all 2,240 residents of Times Beach, a project that cost the Government \$37 million. But new research indicates

that dioxin may not be so dangerous after all. None of the former residents of Times Beach have been found to have been harmed by dioxin, and two years ago, Dr. Vernon N. Houk, the Federal official who urged the evacuation, declared that he had made a mistake.

Yet even as enormous sums of money were being spent on these problems, Washington was doing little about others. Here are two:

Mercury, a highly toxic metal, has contaminated thousands of lakes across the nation, poisoning wildlife and threatening human health, state environmental officials say. Twenty states, including New York, have warned consumers not to eat lake fish because they are tainted by mercury, which can cause nervous system disorders. During debate on the Clean Air Act, in 1990, Congress considered limiting mercury emissions from coal-burning electric plants, but lawmakers decided not to act because they believed utilities had already been asked to spend enough to control acid rain, Senate and House leaders said.

In the last two years, several Federal agencies have called exposure to lead the largest environmental threat to the nation's children. Although some scientists dispute that, several studies have shown that lead poisoning in children leads to reduced intelligence, learning disabilities and hyperactivity. The problem is that most houses built before the 1970's could have some lead-based paint, and the fear is that children are eating paint chips or inhaling lead-laden dust. Some experts have said removing the lead paint will cost at least \$200 billion. This year, the Government will spend \$234 million on the problem, far less than it spends on cleaning up toxic wastes.

The Path to Policy

When Politics Mixes With Fear

Even the advocates of change acknowledge that as science evolves, experts may change their views again on the dangers posed by these and other substances. But at the least, "sound science should be our compass," as Mr. Reilly put it two years ago.

After all, it was politics, misinterpreted or inaccurate scientific findings and a newly influential national environmental movement that combined to set America down its present path.

During the 1970's, the United States had successfully dealt with many obvious environmental problems. When the Cuyahoga River in Cleveland caught fire in 1969, as an example, Congress passed the Clean Water Act. About the same time came the Clean Air Act, the Endangered Species Act and other landmark environmental statutes — laws that are now widely acclaimed.

Partisan Battles

By the late 1970's, many Democrats in Congress believed the public wanted even stricter environmental law. But when Ronald

Reagan was elected in 1980, he promised to reduce regulation. While the White House and Congress battled over this, the national environmental movement, with help from the news media, took on the job of warning the public about new threats and enlisting popular support for new regulations. They were spectacularly effective at this, and Congress passed two dozen bills that laid down mandates.

In the 1970's, environmental statutes rarely ran more than 50 pages. In the 1980's, these bills seldom numbered fewer than 500 pages. The reason was that Congress wanted to mandate safety limits so specific that the Administration could not ignore or evade them. Mr. Reilly, the former E.P.A. chief, said he was largely unable to change the Government's thinking, despite his strong opinion that environmental policy was on the wrong course, because "this represented a pretty significant change of direction."

At the leading environmental groups, staff members dispute the developing view that environmental policy is off track.

Legitimizing Pollution?

"It's an effort to legitimize pollution," said Daniel F. Becker, director of the Global Warming and Energy Program at the Sierra Club. "There are powerful forces who have an economic stake in de-emphasizing environmental damage."

But others who analyze environmental issues said these groups are in danger of becoming the green equivalent of the military lobby, more interested in sowing fear and protecting wasteful programs than in devising a new course.

"We are in danger of losing credibility and thus losing public support if we don't modify the whole way we go about protecting public health and the environment," said Dr. Devra Lee Davis, a senior research fellow at the National Research Council of the National Academy of Sciences.

A Case Study

Making Dirt Safe Enough to Eat

Perhaps no environmental program has come under more criticism than the Superfund and its progeny. The Federal programs to clear toxic or radioactive wastes will consume more than one-quarter of the roughly \$38 billion that the Federal Government spends for environmental protection this year. Experts in and out of the Government assert, though, that the justification for these expenditures is often questionable.

Consider the case of Columbia, Miss. The E.P.A. is overseeing the last phases of a \$20 million Superfund cleanup project there. Like many others around the country, this one was guided by the Government's assumption that children will eat dirt. Lots of it. And from that dirt, the Government theorized that they could develop cancer.

Some evidence suggested that this was an exaggerated concern. In 1981, a study for the Congressional Office of Technology Assessment, which has been endorsed by the National Cancer Institute, found that only 1 to 3 percent of all cancers in people are caused by exposure to toxic chemicals in the environment. This finding, however, has had little influence on Federal policy.

The problem in Columbia was an 81-acre site that over its long life had been home to a lumber mill, a naval turpentine and pine tar plant and a chemical manufacturer.

Soil tests taken in 1986 showed traces of compounds the Government defines as hazardous. The concentrations rarely exceeded 50 parts per million, or about two ounces of chemicals mixed in a ton of soil. But that level exceeded the Federal limit, and the E.P.A. placed the land on its list of dangerous toxic waste sites.

Some experts told the E.P.A. that such tiny amounts of contamination were harmless. They said the safest and most economical way to solve the problem would be to spread a layer of cleaner soil and call it a day. The cost: about \$1 million.

Most Expensive Solution

But two years ago, the E.P.A. settled on the most expensive possible solution. The Government ordered Reichhold Chemical, the plant's former owner, to dig up more than 12,500 tons of soil and haul most of it to a commercial dump in Louisiana — 450 dump truck loads, each one costing \$7,500.

E.P.A. officials said they wanted to make the site safe enough to be used for any purpose, including houses — though no one was proposing to build anything there. With that as the goal, the agency wanted to make sure children could play in the dirt, even eat it, without risk. And since a chemical in the dirt had been shown to cause cancer in rats, the agency set a limit low enough that a child could eat half a teaspoon of dirt every month for 70 years and not get cancer.

Last month, the E.P.A. officials acknowledged that at least half of the \$14 billion the nation has spent on Superfund cleanups was used to comply with similar "dirt-eating rules," as they call them.

"I don't think any way you look at this it could be seen as a practical solution," said W. Scott Phillips, an engineer with Malcolm Pirnie, an environmental planning company that manages the cleanup. "It's a lot of money to spend moving dirt."

Second Chance on Environment

Opportunity to Redefine Core of American Policy on Pollution

By **KEITH SCHNEIDER**

Special to The New York Times

WASHINGTON, March 25 — Four laws that help form the foundation of United States environmental policy are up for renewal in the next two years, and leading environmental advocates in Congress say they intend to use the opportunity to begin redefining how the nation safeguards its air, land and water.

News Analysis

The Clean Water Act, the Endangered Species Act, the Superfund law for cleaning up toxic wastes and the Resource Conservation and Recovery Act for disposing of hazardous chemicals all are under Congressional review. Calls for change from lawmakers focus on their desire for more rigorous science and better analyses of the costs and benefits. Several leading members said that too often Congress has moved from panic to panic and not developed a uniform approach to consider risks.

"Costs are out of sight," and the benefits from many recent environmental programs are not apparent, said Representative Mike Synar, the Oklahoma Democrat who is chairman of a House subcommittee on the environment. Now, he added, "we have a chance to end the quilt-patch form of environmental lawmaking."

Senator John H. Chafee of Rhode Island, the ranking Republican on the Senate Committee on Environment and Public Works, said current policies had already controlled 90 percent of the pollution. "But now there is increasing recognition of the costs," he said. "It will cost twice as much or three times as much to get the last little percent. Do we want to do that?"

Others in Congress, notably Representative Henry A. Waxman, Democrat of California, see it as their job to make sure that cost savings do not compromise safety.

Several members of Congress said that one lesson of environmental policy-making in the 1980's was that acting on the basis of being safe rather than sorry had unintended consequences. Not the least of them has been many costly rules that are not producing measurable improvements in public health or the environment.

There is a higher premium on preventing such mistakes in the 1990's, and not only because of scarce financial resources. With even larger global environmental problems becoming apparent from climate change to deforestation, the nation could make even bigger mistakes if it acts aggressively without a measured, careful analysis of the consequences.

4 Laws as One Program

This week, Senator Max Baucus, the Montana Democrat who heads the Committee on Environment and Public Works, began a series of hearings to develop a comprehensive and effective environmental program.

Mr. Baucus's effort is the first time a Congressional committee has attempted to consider four separate laws as related parts of a unified program of environmental protection. In an interview, he said that it was too early to make specific recommendations about amending the laws, but he also said that all would undergo some changes.

Senator Baucus and Representative Synar said their work was guided by two main questions.

First, what should lawmakers and regulators do after they discover a new environmental problem that seems dangerous — but before careful scientific analysis has shown the degree of risk? Many environmentalists say waiting for more data might mean that the Government reacts only after people have begun dying.

Second, what should be done about regulations enacted over the last 15 years that set inordinately strict standards for toxic compounds in air, water

or the ground? Most were based on rodent studies now perceived to be flawed, and even scientists who conducted the studies say that as many as two-thirds of the compounds deemed carcinogenic would present no danger to humans.

William K. Reilly, head of the Environmental Protection Agency in the Bush Administration, said one problem was the air of crisis that surrounded every new environmental concern.

'Cost Considerations'

"It is far past time when we become mature enough as a nation to address an environmental issue, mobilize to support it, and do so without acting in an emergency atmosphere," he said. "Not everything is a crisis that has to be corrected tomorrow. And we need to make clear that cost considerations are relevant to any remedy. Cities just aren't going to keep spending more on cleaning up toxic dumps, for instance, than they are on their schools."

Senator Daniel Patrick Moynihan, Democrat of New York, has introduced a bill that would require the Government to amass much stronger scientific proof and convene expert panels to consider a new environmental rule before it is issued.

Environmentalists call that thinking a recipe for disaster.

"As a scientist, we always hope to have more research to answer complex questions," said Dr. Adam Finkel of Resources for the Future, an environmental research group in Washington. "But in 1993 we don't have the scientific basis for rejecting the current approach, which says we should be prudent when faced with uncertainty."

Many experts also assert that, just as damage from forest fires is reversible, so too is damage from many pollutants. At the same time, the National Cancer Institute and the Centers for Disease Control and Prevention in Atlanta say that even after a generation

of study, there is no confirmed evidence that pollutants are causing epidemics of cancer, birth defects or other chronic diseases.

The cancer institute says about 500,000 people die from cancer each year. Some institute officials estimate that between 1 and 3 percent of those deaths resulted from environmental pollutants. That would be between 5,000 and 15,000 people. Other scientists say that exposure to the panoply of chemicals in the environment causes other affects in people, among them infertility and nervous system disorders.

Experts urging the most conservative course say environmental poisons

Lawmakers hope to avoid costly rules that provide little benefit.

may be causing as many as 15 percent of all cancer. The higher number takes into account research indicating that farm and factory workers exposed to high levels of toxic substances are dying at higher than normal rates from certain types of cancers.

Senator Moynihan believes research like this can be improved and put to better use.

"We're entirely capable of moving on to a more productive period of environmental protection that is based on clear factual assessments of what produces risks to human health and the environment," he said.

If the Government decides to undo existing regulations it faces years of work, following much the same process of hearings and notification periods that led to the rules.

"Once something is decided as being a threat, it is very hard to recognize that new information suggests that it's not," said Carol M. Browner, the Administrator of the Environmental Protection Agency.

Whatever new approach Congress or the Clinton Administration takes in the next two years, leading lawmakers say

they want to be careful not to weaken a number of regulations that are widely believed to provide valuable protections for public health. High on that list are the landmark environmental laws passed in the 1970's like the Clean Water Act and the laws establishing protection for public lands.

But environmental experts say many other programs do not offer clear benefits. With this in mind, Mr. Synar and other lawmakers have begun talking about some principles they hope to use as they consider the four major laws that are up for renewal:

¶Require the Government to consider the cost of a regulation before it is issued. Several environmental statutes, including the 1972 Clean Water Act, prohibit the Government from taking costs into account.

¶Increase spending on problems now regarded as more important, like protecting endangered plants and animals, and reducing financing for less dangerous problems, like cleaning up toxic waste sites.

¶Give businesses and cities more flexibility to decide how to comply with environmental standards, ending the expensive and rigid approach demanded under most laws.

Even as they work toward these goals, the lawmakers said they were fully aware that 15 years from now that it was likely that Congress would look back and see that other kinds of mistakes had been made. But at least, they said, in the 1990's the United States would have begun to take more methodical steps based on better science to solve environmental problems.