

A brief historical context for U.S. environmental policy, including several major U.S. environmental laws

- From 1780s to late 1800s: U.S. policy reflected the perception that Western lands were practically infinite and inexhaustible in natural resources. All policies encouraged settlers and land development (Homestead Act of 1862).
- From late 1800s to mid-20th century: As the U.S. continent became more populated and its resources increasingly exploited, public policies began to reflect elements of conservation, preservation, and mitigation of early land use (National Park Service Act, Soil Conservation Act, Wilderness Act).
- From mid-20th century to 2000: With continued development and industrialization, this era of environmental policy targeted pollution and has given us many of today's major environmental laws.

- **National Environmental Policy Act (NEPA), 1970:** Often described as the cornerstone of U.S. environmental law, NEPA established the Council on Environmental Quality and the Environmental Protection Agency (EPA), and it required that an **environmental impact statement (EIS)** be prepared for any federal action (building an interstate highway or dam; logging) that might affect environmental quality.
- **Clean Water Act, 1972:** Established goal of creating "fishable, swimmable" waterways by setting maximum permissible amounts of pollutants that can be discharged into waterways and requiring permits for the discharge of these pollutants. Recent amendments have focused on stormwater pollution issues, requiring industrial stormwater discharges and municipal sewage discharge facilities to acquire permits prior to operation.
- **Clean Air Act, 1970:** Established air quality standards for primary and secondary air pollutants and required states to develop specific plans for cleaner air, including the emission testing of automobiles.
- **Endangered Species Act, 1973:** Identifies threatened and endangered species in the United States, puts their protection ahead of economic consideration, protects their habitat, and directs the Fish & Wildlife Service to prepare effective recovery plans.
- **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 1980:** Established the Superfund for emergency response and remediation of toxic and hazardous waste sites.

- The **Environmental Protection Agency (EPA)** has been the main U.S. agency working to develop solutions to pollution issues, conducting and evaluating environmental research, setting and enforcing standards for pollution levels, and monitoring overall environmental quality.
- **Sustainability** (safeguarding functioning ecosystems while raising living standards for world's developing nations) and **climate change** have been the focus of 21st-century U.S. environmental policy.

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Specific approaches to creating environmental policy

- **Congressional legislation** and subsequent regulations from the appropriate administrative agencies, such as the Department of the Interior and the Department of Agriculture, comprise the approach of most federal policy.
- Shortcomings of this top-down approach have led many economists to advocate alternative economic policy tools such as:
 - **Green taxes** – The polluter-pays principle, which levies taxes on businesses that engage in environmentally harmful activities and products, provides a market-based incentive to *discourage/correct* the activity.
 - **Subsidies** – The government provides an incentive (cash or tax break) intended to *encourage* a particular industry or activity.

The institutions important to U.S. environmental policy

- Environmental law, or legislation, is created by Congress. Once laws are enacted, their implementation and enforcement is assigned to the appropriate executive agency. A few of the most environmentally important are listed below:
 - Department of the Interior – National Park Service, Fish & Wildlife Service
 - Department of Agriculture – National Forest Service
 - Department of Commerce – National Marine Fisheries Service
 - Department of Health and Human Services – Food and Drug Administration, FDA

■ Some major international environmental treaties:

- **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1975:** Protects endangered species by banning their commercial trade as live specimens or wildlife products.
- **Montreal Protocol, 1987:** This treaty's goal is to reduce the emission of airborne chemicals (CFC's) that deplete stratospheric ozone. Because of its effectiveness in decreasing global CFC emissions, it is considered the most successful effort to date in addressing a global environmental problem.
- **Kyoto Protocol, 2005:** An agreement drafted in 1997 that calls for reducing, by 2012, emissions of 6 greenhouse gases to levels lower than their 1990 levels. The United States has refused to ratify this treaty, primarily on the basis of economics.

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