



Council on Environmental Quality

Restoring a Presidential Green Agenda

By George Frampton

Introduction

The Council on Environmental Quality advises and assists the president on policy, regulatory and administrative actions, and legislation within the environmental portfolio, and coordinates the work of federal departments and agencies on these issues. CEQ also has played an increasing role in implementing White House budget priorities for environmental departments. Moreover, CEQ often plays the important role of broker or advocate when proposed new departmental regulations come to the White House for review by the Office of Management and Budget, and are thus subjected to an intense round of analysis and lobbying by constituencies inside and outside the administration.

In the first Bush administration, CEQ was prominent in pushing for reauthorization of the Clean Air Act and in wetlands protection. In the Clinton administration, CEQ played a lead role in the Northwest Forest Plan, which protected 10 million acres of old-growth forest and riparian areas in the Pacific Northwest, implemented the Everglades restoration project, and achieved new National Monument designations. In the Clinton years CEQ also developed a new land-acquisition funding program and protected 54 million acres of roadless national forest lands, alongside dozens of other initiatives that crossed departmental and agency boundaries.

Unfortunately, during the presidency of George W. Bush, senior CEQ positions were filled with agency lobbyists, some of whom became notorious for “editing the science” out of government agency reports. CEQ became the locus for defending the roll-back of environmental protections or justifying weaker standards. The Bush administration took very few positive environmental steps, and thus CEQ was largely eviscerated, except as a mouthpiece for the White House anti-environmental message.



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Recommendations

The new president should take a number of steps on his inauguration day to signal a renewed commitment to energy conservation and the protection of our environment. On day one of the new administration, the chair of CEQ should recommend that the new president create a National Energy Council within the Executive Office of the President to coordinate energy and climate policy. The National Energy Council would be chaired by a new assistant to the president, the National Energy Advisor; it would be composed of key cabinet members or their deputies and the chair of CEQ, and staffed with both dedicated and agency-seconded staff, as is discussed in detail in the chapter on the National Energy Council.

Working with CEQ and this new council, the new president should tell executive branch departments and agencies to use existing laws to promote new energy and climate policies. Specifically, the new president should direct the Environmental Protection Agency to proceed toward an endangerment finding for carbon dioxide under the Clean Air Act, which would permit EPA to propose a regulatory regime for both mobile and stationary sources of greenhouse gas emissions. The president also should direct the Department of Transportation to review existing automobile fleet mileage standard levels with a view to increasing them.

Similarly, the new president should direct EPA to move quickly to regulate mercury from power plants as a “hazardous air pollutant.” The Bush administration removed mercury from this category in favor of a weak regulatory approach that does not protect local communities. The president should also direct the secretary of agriculture to immediately revoke the “temporary exemption” of the Tongass National Forest in Alaska from the Clinton administration’s national forest Roadless Rule, which is still in effect by court order in the rest of the country despite numerous Bush administration attempts to supersede it. Such direct action would protect 9.3 million acres of the nation’s last remaining old-growth rain forest.

Going beyond day one, CEQ should focus on a number of key priorities to advance an effective environmental agenda among federal agencies and Congress, support the work of the new National Energy Council, and support new federal land-acquisition programs. For the new administration to succeed in advancing an overall environmental agenda that can win broad public support, CEQ must immediately begin to closely coordinate the policy development with the president’s staff, OMB, and cabinet heads to develop priorities, as well as a strategic plan for implementing these priorities and building broad public support.

Sequencing and coordination of this agenda are critical to avoid mistakes like those made in 1993 by the incoming Clinton administration. In 1993, the first environmental “headnotes” communicated to the public in the opening weeks of the administration involved budgetary items, such as raising grazing fees on western public ranch land to private market rates, charging royalties on hard-rock minerals taken from public lands, and a proposed

BTU, or British Thermal Unit tax, which in effect is a tax on consumption of all fossil fuels. All three of these proposals were substantively sound, but inserting these items into the first Clinton budget did not in fact represent administration priorities in any overall plan.

What's more, no political strategy had been developed to promote them. The criticism from both sides of the aisle in Congress set the Interior Department and other environmental agencies back at least a year in putting more important priorities on the table. After the 1994 congressional elections, when the Republicans captured control of the House of Representatives, some of these belated environmental priorities became unachievable.

This is why it will be essential for the new administration's CEQ to begin to shape not just immediate policy directions but also the budget and appropriations process on environmental issues. After the 44th president takes office, there will be only a few weeks in January and February 2009 to revise for submission to Congress the last Bush budget and appropriations submissions that will have been many months in the works in the agencies and departments.

CEQ work in the next fiscal budget—the new administration's first full budget—will require a comprehensive new energy and climate policy, which will be the new president's most pressing and visible environmental challenge. He will need to define clearly the relationship between CEQ and the new National Energy Council, which will be chaired by the cabinet-level National Energy Advisor. But there are clearly areas where CEQ has expertise, relationships, and authority by statute and executive order to play an important role in the energy and climate arena.

First, CEQ can coordinate new government (civilian and military) procurement requirements in areas such as energy-efficient LED (light-emitting diode) lighting, other energy efficiency devices, biodiesel and all-electric vehicles, the greening of buildings and facilities, and the purchase of "green power." Such CEQ-driven mandates can be useful in creating markets for companies and products that would not otherwise exist or command significant market share.

Second, CEQ can coordinate the effort to create new federal-state-local partnerships in the energy and climate arenas, especially since states have already taken the lead on measures that include regional carbon cap-and-trade programs, renewable energy and fuel standards, "renewable energy credit" programs, state subsidies, and state production credits. Third, the new administration will need to showcase its new approaches to the use of federally controlled energy resources. CEQ can help develop new policies on oil and gas drilling on federal and offshore land, the use of federal land for solar, wind, and geothermal energy production, and an overall review of biofuels.

Indeed, CEQ will have a critical policy role to play in biofuels, including policies concerning the sustainability of production, lifecycle greenhouse gas emissions, and the effects

on croplands as well as food prices. This will require leadership by CEQ since multiple agencies are involved, including the departments of Interior, Commerce, Energy, and Agriculture, as well as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, because environmental effects and side effects will be a central calculation in each of these new biofuels initiatives.

Finally, CEQ must play a lead role along with the National Energy Council, other White House offices, and the agencies in outreach to constituency groups to help build public support for the measures the new administration is seeking to implement. A good place to start would be to build new federal-state partnerships with the new progressive Western states. Major changes in the economies and demographics of the intermountain West and Pacific Northwest over the past two decades have reshaped the land use and environmental politics of these states. One reflection of those changes is the number of progressive pro-environment governors recently elected in states such as Arizona, New Mexico, Colorado, Montana, Wyoming, Oregon, Washington, and even Alaska.

These political changes offer a once-in-a-generation opportunity for the new administration to build partnerships on issues divisive in the past, but on which many states may now want to cooperate with federal agencies. These issues include water shortages exacerbated by climate change, energy generation on public lands and its effects on clean water, clean air, and sensitive habitats, and recreation management.

Stronger federal-state partnerships will also be necessary to mitigate potential conflict on issues that will continue to be contentious, such as endangered species issues and off-road vehicle access to protected federal lands. This is another arena where CEQ can play a decisive role. The new president should ask CEQ to immediately issue a Request for Proposal accepting “bids” or “proposals” within 75 days from states, local governments, non-profit groups, and citizens for major new landscape-level protected areas on public lands. The new administration would then pick the most attractive proposals (in terms of size, richness of resources, need for protection) and work with local and state partners to design legislation and other measures to create a new protected area

The model here should be the Clinton National Monuments, which were among the most significant and lasting legacies of his presidency, widely praised by the American public. Yet many of the remaining large natural areas on federal public lands in the Western United States are still not protected as parks, wilderness, monuments, or by administrative designation, such as roadless forests. These wild land ecosystems cry out for similar treatment, and the local and regional politics in these states have undergone a sea change over the past 15 years. Local opposition to Clinton National Monuments largely centered on the fact that they were imposed by “top down” pronouncements. This proposed RFP process would help avoid that critique.

Finally, CEQ in the first year of the new administration should develop a new proposal for dedicated land acquisition funding, which is at its lowest level in 20 years. In the late 1990s, Congress enacted a measure designed to increase funding for federal land acquisition, cost-sharing with states for acquisition of park land, and easements to protect forest land that would continue to be held in private hands (the “Forest Legacy” program). But the mechanism did not survive the demise of the congressional budget and appropriations framework of the 1990s.

Today, broad national support for land-acquisition funding continues, judging by the success of state bond referenda. Moreover, the political constituency for funding for easements has expanded from the Northeast states to the West, where the purchase of conservation easements to protect private ranches and farms, as well as timberland, is now a popular conservation tool consistent with local values. CEQ should develop a new trust fund or similar concept to increase and guarantee both federal land-acquisition funding but also matching grants to the states for acquiring land outright, and for purchasing easements and development rights as well.

About the author

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