

# Environmental Policy: What to Expect—What to Do

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January 1, 2017

The year 2017 opens with much that is uncertain and much that is troubling. The slow, halting and often disappointing progress that has marked the past 45 years of national environmental policy will be shifting, certainly modestly and possibly dramatically. Prospects for the future of federal programs appear grave. The potential for initiatives in most states also appears blunted as Republicans now control governments in some two-thirds of the states. There is little comfort in noting that projections for policies on labor, immigration, inequality, race, civil rights, peace and national security appear equally or even more alarming. The coming year will not be easy.

However, it has been six weeks now since the election, enough time for the shock and grief to pass. This New Year's Day marks a good time to turn from dissecting the past to considering the future. While it is important to respect the degree of danger that lies ahead, fear of the potential future serves only to cloud constructive thought about how to mobilize and respond. What is needed now is clear assessment and thoughtful strategy.

## Assessment

During the electoral campaign Donald Trump made few program proposals on environmental issues other than promising to withdraw from the Paris Climate Change Agreement. While early signs suggest a significant reversal on many federal environmental protection initiatives, there is not much reliable information upon which to speculate about the new administration's possible directions. I offer here a few thoughts on the possibilities.

The EPA Transition team was stacked with business interests. It included Republican energy lobbyist Mike McKenna and former Bush Administration Interior Department solicitor David Bernhardt as well as Myron Ebell, director of the Center for Energy and the Environment at the conservative Competitive Enterprise Institute. Ebell is a well-known skeptic on climate change and believes that Obama's Clean Power Plan, which focused on curbing carbon emissions from power plants, is

## Time for a Common Defense

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both a huge waste of government funds and illegal because of the undue burden the regulations would place on American businesses.

The conservative Freedom Caucus in the House of Representatives has submitted to the new administration a recommended list of 228 regulations to rescind of which 32 would roll back health, safety and environmental standards. These include air quality standards on smog forming ozone, airborne particulate matter, and tailpipe emissions; water quality standards that protect the Great Lakes and Chesapeake Bay; energy efficiency standards for appliances, vehicles and industrial equipment, natural gas pipeline safety standards; and food safety standards. However, weakening these standards will not come easy as tampering with them requires protracted public hearings.

The selection of Scott Pruitt for appointment as EPA Administrator is telling. As Oklahoma Attorney General, Pruitt has repeatedly teamed up with fossil fuel companies to sue the EPA to prevent action on regulating mercury air pollution and greenhouse gas emissions. (All of these lawsuits have failed.) Pruitt, who calls himself "a leading advocate against the EPA's activist agenda", is currently a board member of the Rule of Law Defense Fund, a Koch Brothers funded association of Republican State Attorneys General.

**Climate Change:** During the campaign, Donald Trump made several promises to withdraw from the Paris Agreement. This is not going down well. Not only has there been a loud outcry from international leaders, some 365 corporate leaders have signed on to a joint letter urging the new administration to remain in the agreement. Donald Trump now states that he remains open on the question. Whether the administration moves quickly or slowly, a withdrawal will take time—a year minimum. More rapidly the new administration will likely move to close and defund federal programs and federally funded research focused on monitoring and planning for climate change. The effect will be significant, but 190 countries remain committed to the Agreement and will probably keep working to implement it. The biggest question involves how China will proceed as it was the China/US agreement that allowed the Paris COP to negotiate an agreement.

**Energy Production.** With the selection of Rex Tillerson of ExxonMobil and Andrew Liveris of Dow Chemical for top administration positions, and Rick Perry, the former governor of Texas, to lead the energy department, it is clear that oil and chemical interests will play a major role in the administration. This means that efforts will be made to promote fossil fuel exploration and production. Regulations on oil and gas production will be weakened or ignored and the Clean Power Program will be shelved. The Keystone XL and the Dakota Access pipeline decisions will be reconsidered and likely reversed. More federal lands will be opened for oil and gas exploration and development, particularly in Colorado's Thompson Divide and various areas of Alaska. The current coal mine lease moratorium will be repealed and regulations on coal mining including mountain top removal will be weakened. However, the energy market is already shifting. The fastest growth areas are in renewables (solar and wind) and natural gas (through fracking). The low price and availability of natural gas is driving significant market shifts away from oil and coal. It was market dynamics (and citizen/Greenpeace protests) that led Shell to abandon its explorations in the Arctic's Chukchi Sea last year. Efforts to resuscitate the coal industry are likely to be mostly futile.

**Land Use.** More efforts will be made to open up federal lands (e.g. BLM lands, National Forests) for grazing, mining and forestry and to deregulate private activities on federal lands. While designated

wilderness areas will most likely be left alone (it would take drawn out public hearings to affect changes), the long contested Roadless Rule that has protected much of the non-wilderness designated national forest lands will be reconsidered and possibly reversed. The administration could try to rescind the National Monument declarations which Barack Obama recently made under the Antiquities Act (such as the 87,000 acres near Mount Katahdin in Maine, the 1.35 million acres around Bears Ears Butt in Utah, the 300,000 acres at Gold Butte in Nevada and two large marine reserves), but this would be a break with long standing executive privilege.

**Water.** The 2015 Clean Water Rule (Waters of the United States Rule) which the EPA and the Army Corp have used to require the same water quality standards on smaller streams, creeks and wetlands that currently exists for larger rivers will likely be rescinded by the administration or Congress and new water discharge permits will be reconsidered and, if not rescinded, left unenforced. However, during the campaign (and in reference to the Flint, Michigan incident), Trump voiced support for improvements in drinking water infrastructure. Such investments may be tucked into the promised broader infrastructure investments intended to create jobs.

**Chemicals.** Reforms to the Toxics Substances Control Act enacted by Congress a year ago will not be threatened because they were largely supported by the chemical industry, however, rule making on specific chemicals (e.g. trichloroethylene, formaldehyde) will be slowed or blocked. Specific programs such as Safer Choice and advisory committees such as the National Environmental Justice Advisory Committee are vulnerable to closure.

**Agencies.** Budgets for EPA, DOE, NOAA, NASA and FDA will be reduced in order to stall program implementation and drive out talented staff. Efforts to implement the new workplace exposure standard for silica will be halted, but OSHA has been weakened so much at this point that budget cuts alone would be enough to limit its effectiveness.

**States.** Although many states are in conservative hands, a few states under Democratic Party control will become more active in environmental policy. California, Washington, Oregon, Minnesota, Vermont, and New York will continue to develop new policies and strengthen existing programs, particularly in areas that are left abandoned by federal shifts.

**Courts.** There will be many new lawsuits filed by environmental and public health advocacy organizations, states, and various business groups and industries. The courts will be mixed in their reviews because many justices were appointed by the Obama administration, however the new appointment to the Supreme Court will surely be conservative further dooming the Clean Power Plan were it not shelved by the administration.

## **Action**

The environmental movement will respond to these initiatives with various forms of resistance and initiative. Previous experience with the election of Ronald Reagan in 1980 offers some insights and lessons. (The election of Donald Trump differs in important ways from the election of Ronald Reagan. The political context was different in 1980, the condition of the two parties was different, and the two

individuals are different in style and capacity. However, it is still useful to consider how the movement responded then as a lesson for today.)

Many existing environmental advocacy organizations will experience a wave of new funding and members. In the short term, current large and small donors will increase giving. Many new donors will contribute and new leaders will emerge. Philanthropies will shift focus from current projects to funding resistance and protection advocacy.

Largely cut out of effective access to the Congress and the leadership of the administration, Washington-based organizations will work with Democratic Party leaders, organizational allies and internal government staff to resist roll backs and protect current policies. The mainstream media will provide an important resource for raising public attention and concern. Several organizations will mount lawsuits to block administration initiatives. Efforts will be made to coordinate organizational strategies and re-active a formation like the Group of Ten (Green Group) of the 1980s. State- and locally-based organizations will also see increased resources and volunteers. Those in Republican Party dominated states will continue to resist roll backs and protect policies. Those in Democratic Party states will have to fight roll backs and, also, attempt to present new initiatives. Efforts will be made to coordinate local and statewide campaigns.

There will be several high visibility protests where targets are clear and visible. For instance, administration efforts to reconsider the Keystone and Dakota Access pipelines will generate national mobilizations. If the administration moves to withdraw from the Paris Agreement protests will be likely. However, many more insidious administration efforts such as executive order reversals, special deals for favored firms, and budget cuts will be much harder to counter.

### **Future Directions**

What lies ahead for the country and for the environmental surely looks grave. But, progressive forces have not had it easy for some time and advocates for environmental protection have not had good years in several decades. What is needed now is what has been needed for some time: a large scale, robust and inclusive environmental movement. There are millions of Americans who could be tapped to resist this new administration, fight for new initiatives, and build a broad (mass) movement. Opposition forms an opportunity for unity. Power lies in unified responses and large scale mobilization. The 2014 New York march for climate protection suggests the potential for thinking and acting big. Scale matters.

However, growing the environmental movement requires thoughtful attention to the race and class matters that divide the country. The past two years have revealed a wide range of grievances and disaffections. Environmental issues affect all Americans but in different ways within different communities and there are both historic and current inequalities and injustices that need to be addressed if respect, trust and mutual collaboration are to be achieved. Environmental justice organizations could play a leadership role here, but solutions require real work across all organizations.

Getting to scale and being effective requires doing more and doing it better. Below, I suggest some guiding thoughts for the effort.

**Build Unity.** The current environmental movement is a loose collection of hundreds of issue campaigns and often amazing stand-alone organizations, but it has no central forum or process for national coordination. The many varied parts of this collection are critical to its diversity, resilience and creativity, but they have not added up to substantial power. The 1980s experience and more recent efforts to win climate change legislation demonstrates the need to link Washington-based and locally-based campaigns. Traditional issue areas (forest conservation, wildlife and wilderness protection, water and air protection, chemicals and wastes, food justice, workplace safety, etc.) are needed to provide continued focal points for campaigning, but they need to be strategically linked and, where possible, mutually reinforcing. The Green Group and various multi-issue state environmental conferences are good ideas and such initiatives need to be fostered, expanded in scale, openly inclusive, and aggressively focused on multi-issue, multi organizational strategy co-ordination.

**Engage Volunteers.** Thousands of people across the country volunteer for environmental organizations, however, they are seldom aggressively used. Today, thousands more would volunteer if they could figure out how to effectively contribute. The Bernie Sanders campaign demonstrated the power of engaging volunteers in empowered roles as peers of staff who can run campaigns and vastly extend the work of organizations. Bringing an army of volunteers into the movement would require organizations to redirect some effort to volunteer mentoring and facilitation. Quality campaign and organizer training programs would be useful.

**Use Social Media.** The Internet and its wide array of apps has opened new opportunities for campaign coordination at large scale. Many organizations now use social media effectively. There are good models and lessons from Move On, Story of Stuff, Some of Us and membership based organizations ranging from Greenpeace and Sierra Club to local neighborhood organizations. With more work on platforms, technology and data management these powerful tools could be more strategically directed to inform, direct and target coordinated and mutually reinforcing actions.

**Build New Leadership.** There are many talented and seasoned leaders within the Washington- and locally-based organizations. However, new leadership is emerging and needed. Young activists and professionals of color are particularly valuable. Welcoming and mentoring new leaders and opening access for them is important in broadening the movement and introducing more creative and risk-taking actions.

**Align with Allies.** Even a broader and more unified environmental movement will not be effective in mounting resistance and new programs without allies from other movements. Traditional alliances with labor, public health and farmer movements need to be deepened, but also new alliances are needed with black, Hispanic, Native, immigrant, women's, peace and economic justice movements. Such linkages need to be two-way coalitions that commit environmental movement resources to support parallel struggles waged by other organizations while seeking support for environmental campaigns.

Coordination with Our Revolution and progressive Democrats would be useful as reform of the Democratic Party is critical to future elections.

Building a movement focused on massive resistance may stall the worst initiatives of this new administration, but it is not enough to support hope and envision a positive future. It would be useful now to launch a dialogue on how a future administration could be an effective steward of the environment; protecting the climate, conserving and guarding the land, water and air, and assuring safer production and consumption systems. Out of power European advocates often create a shadow government (“government in exile”) as just such a vehicle for preparing now for a better future. We could and should be creating plans and roadmaps to help ourselves and others understand alternatives to this brutish administration. Even in these dark times, it would be worthy to spend some time considering the outlines of a future we do want. We are not lost—there is much to do.