



EPA Administrator Carol Browner: Committed to the Industry & to Building a New Generation Of Environmental Protection



EPA Administrator Carol Browner was the keynote speaker at the 16th AESF/EPA Pollution Prevention and Control Conference, which was held in Orlando during COMPLIANCE WEEK. Her presence there, as well as her continuing leadership in the Common Sense Initiative, represents a milestone in the long environmental journey that this industry began in the 1970s. EPA Assistant Administrator David M. Gardiner, who spoke at last year's Conference and is coordinating the CSI effort involving our industry, was also present in the audience. Together they renewed their commitment that the EPA will work closely with the electroplating and metal finishing industry.

Administrator Browner addressed the standing-room-only crowd of more than 600 industry leaders and professionals, commending their commitment to environmental protection as "a model for many other industries." She also commented that, while touring the Exhibit Hall, she was impressed with the advances that have been made within this industry and by the hard work that is under way to produce high-quality products in the safest and most efficient manner.

A New Generation Of Environmental Protection

Browner told the audience that EPA is concentrating its efforts on building a new generation of environmental protection—a new generation that can meet the challenges of the future. She noted that, although the history of environmental protection is relatively

new in this country—EPA will celebrate its 25th anniversary later this year—the Agency has created, virtually from scratch, the most advanced system of environmental protection in the world. "Tremendous progress has been made," she said, "in that we no longer have rivers that catch on fire; our skies are certainly cleaner, and the expertise and technology developed in this country is in demand around the world." She expressed concern, however, that the past 25 years have also created a somewhat complex and unwieldy system of laws and regulations. Browner assumed leadership of the EPA with the belief that a fundamentally new system of environmental protection was needed—one that would build on the strengths of the past, that

would overcome the deficiencies of the current system, and that would be equal to the challenges of the future.

The challenge that we all face, she continued, is to protect the health of the people of this country, the health of our communities, and the health of our economy. "We must protect our air, our water, and our land—those things we all share—through common sense, cost-effective measures that produce the very best environmental results for the least cost." To accomplish this, she emphasized, it is necessary to move beyond the "one size fits all" approach of the past, and to work industry-by-industry, community-by-community. By involving those who live with the decisions, and ensuring that they are partners in making decisions, we build a

The Honorable Carol M. Browner Administrator, U.S. EPA • Washington, DC

Carol Browner was appointed by President Clinton in January 1993. Her top priority at the EPA has been pollution prevention, and she hopes to inspire Americans to participate with pride in protecting the environment.

Ms. Browner knows environmental policy not only from the Washington perspective, but also from the state viewpoint. She came to the EPA after serving as Secretary of the Florida Department of Environmental Regulation (now the Department of Environmental Protection) from 1991 to 1993. Her accomplishments in Florida were many—she was often praised for her ability to work with businesses and communities to reach the state's goal of protecting the environment, especially with regard to the protection of wetlands. From 1986 to 1988 she worked for Senator Lawton Chiles, now Governor of Florida. She later served as legislative director for then-Senator Al Gore, Jr., helping to draft amendments to the Clean Air Act. Her previous experience includes serving as general counsel for the Florida House of Representatives Government Operations Committee in 1980, and working for Citizen Action, a grassroots consumer group in Washington, DC. Browner grew up in South Florida and is a graduate of the University of Florida, where she also earned her law degree.



EPA Administrator Carol Browner is pictured here with members of the Government Advisory Committee, who are very involved with CSI. They include, from left to right (front row): David Marsh, past president of NAMF; Ted Witt, CEF, AESF executive director; Administrator Browner; and Bill Bonivert, AESF president. Back row: William Sonntag, NAMF/AESF director of Government Relations; Bill Saas, MFSA's liaison to the committee; and B.J. Mason, AESF immediate past president.

consensus for *real* solutions that work for *real* people in *real* communities.

Under Browner's leadership, EPA is changing how it does business—by incorporating the principles of common sense, cost-effectiveness, flexibility and consensus. The Common Sense Initiative goes beyond the pollutant-by-pollutant, crisis-by-crisis approach of the past, and adopts an industry-by-industry approach for the future.

Six industries were initially selected to be a part of CSI, one of which is the metal finishing industry. Browner told the audience that the selection “is a recognition of the commitment and the work your industry has already done, and the work we have been able to do together through the Environmental Technology Initiative, through the Sustainable Industry Project, and many other cooperative activities.” The dialogue that will now take place by bringing together industry leaders, state and local government officials, community leaders, labor, and environmental leaders, will allow EPA to examine environmental protection in the industry from top to bottom. Regulations, permits, and research and development will be studied, and companies that go the extra mile and do more than the law requires will be rewarded. “We’re looking at the best way to *prevent* pollution, rather than waiting to clean it up,” she added.

Cleaner, Cheaper, Smarter

By working together and harnessing the creativity of those who know best how

to do this job, Browner believes we will learn how to do things cleaner, for the environment; cheaper, for the taxpayer and industry; and smarter, for the future of this country.

Browner informed the audience that EPA will soon be proposing a rule that will affect many in the industry—the Metal Products and Machinery rule. Through discussions within the CSI, she continued, the industry will have the ability to affect the final rule, to make it cleaner, cheaper and smarter—an opportunity that had not previously been afforded. “We are changing at EPA,” Browner reiterated, “and we look forward to continuing our work with you.”

The Administrator expressed concern, however, with what is happening in Congress today by those who seek to roll back EPA's hard-won public health protections. According to Browner, the fine print of the “Contract with America” (which has gone to the House floor for approval) would undermine virtually every public health and environmental protection that each of us count on in our work, our communities, and our lives. She stressed that the American people would not want EPA to rely on simplistic mathematical formulae in determining public health protections, or to be prevented from setting standards for drinking water that comes from our taps, based on incidence of disease. Setting standards, she continued, is what the American people *want* EPA to do; that is what they *expect* EPA to do, and it is what EPA *should be* doing. Browner informed the audience that there are 23 new judicially reviewable components the Contract with America would create, in addition to the “layers of lawyers” involved with the review. At the very time that we are moving away from a “one-size-fits-all” approach to environmental protection, we should not be creating another rigid, bureaucratic system, she stated.

What It Means to the Industry

Browner contends that the contract language of this legislation will mean that those in the industry who were responsible, who thought about how better to do the job for the people who live in the communities, will now find that those who *didn't* take the time to do the job better will be rewarded. The



Administrator Browner toured the industry Exhibit prior to giving her keynote address.



concept of a level playing field, she said, will be lost, resulting in unfair treatment for those who were willing to spend the money to do the job cleaner.

Environmental laws are products of extensive public dialogue and debate, and in each instance, Browner emphasized, complicated and fine balances have been struck in terms of how to achieve the goal of public health protection. She maintains that these laws should not be "casually dismantled" by the Contract with America,

that we do not abandon the success and progress already made.

CSI is just one way EPA is changing. Recognizing the need for quality science, EPA recently launched the STAR (Science To Achieve Results) Program bringing the best and the brightest from across this country to assist in the difficult decisions being made at EPA. There has also been an expansion of risk assessment and cost-benefit analysis—the National Academy of Sciences recently reviewed

which would force us into a false choice between environmental protection and economic growth.

Browner is committed to making the system of environmental protection more flexible and more sensible. Through CSI, industry and the EPA will work together to reform the system ... but not to repeal it. It is important, she noted,

EPA's use of risk assessment and found it to be a world leader. Partnerships are being built, Browner said, with state and local government, recognizing that each level of government brings different strengths to these responsibilities.

Browner believes that the American people have every right to expect their government to protect those things that we all share. She noted that two out of five Americans today live in communities where the air is not safe to breathe, because it doesn't meet public health standards. Asthma and breast cancer are on the rise in this country. Forty percent of our rivers, lakes and streams are still not suitable for drinking, fishing, or swimming. One in four Americans live within four miles of a toxic dumpsite.

"We cannot go back," said Browner. "We must go forward together—industry, government and individuals, working together to protect our health, our communities, and our economy. And we must do it by using common sense, cost-effective measures so that all of us can be proud to pass on to our children—and our children's children—a healthy and prosperous world." □

Following her address, Administrator Browner welcomed the opportunity to answer specific questions from the floor. A few of those questions, along with her responses, are reprinted here.

Q *In the U.S., we've been working hard for years to meet effluent guidelines. We know that some other countries are lagging behind us in the areas of water and air pollution. What's being done to encourage or help them conform to our standards?*

A EPA works around the world to see environmental standards raised, to see environmental laws in a variety of countries enforced. We have international agreements in more than 25 countries, working to see their skills and capacities grow. In some instances we focus on particular problems; in others we are helping that country's environmental agency grow and expand its knowledge. In the case of Mexico, as a result of the NAFTA agreement that was adopted by Congress more than a year ago, we develop an annual work plan with Mexico and with Canada, looking at how to improve environmental protection. A specific component of this year's work plan with Mexico focuses on enforcement, and we have been engaged in joint activities with the Mexican government to ensure that the laws are complied with.

Q *How is the CSI going to affect the retro-liability aspects of Superfund? We're the companies paying huge amounts of money for Superfund liabilities for the legalized disposal of hazardous waste many years ago, and now we're paying for it again.*

A The Superfund law has not yet been changed. We argued last year in Congress, working across industry, environmental groups, state and local government, community citizens, and forged a compromise on a piece of environmental legislation that enjoyed a breadth of support never seen by any environmental legislation before in this country—from the Sierra Club to the chemical manufacturers. We think that that legislation resolves the issues that have been raised in terms of the unfairness of the current law. It would clearly state that certain people should not be trapped in the



Superfund liability. The CSI will look at everything affecting this industry, but we have to first change the Superfund law. We can have dialogue within the CSI, but at the end of the day, to provide parties with appropriate protection from liability, the law will need to be changed. That's the position we've taken for a year and a half, and we think Congress should move more expeditiously. There are a half-billion dollars in annual savings associated with our proposal.

Q *Until you spoke to us today, the image I had of CSI was that it was looking back at existing regulations and how to improve the way the environment was being protected, based on those regulations. What EPA policies are there to assure that regulations are being written that incorporate the concepts of cleaner, smarter, cheaper? Could you elaborate on what your Agency is doing to ensure that the proposed regulations that we're going to see later this year or next year are also part of the CSI program?*

A The CSI is not just about looking back—it's about looking forward. It's about looking back in terms of, where have we had successes? Where perhaps have we not been as successful as we would have liked? We're building for the future from that base of knowledge and from that shared understanding of what has and has not worked. Our obligations are to continue with rulemaking and with implementing the various statutes. The part of the Common

Sense dialogue we will be bringing to these discussions will come from our meetings with industry participants, with environmentalists, the community, state and local government participants—the same way we have already addressed those issues on the proposed [Metal Products and Machinery] rule, and as we will do on the final rule. This is very much about the future—about how we get there cleaner, cheaper, smarter.

Q *What consensus has been achieved about how long it will take for us to see a change in existing regulations?*

A We will go as fast as the law allows us to go. Obviously, we have to take public comment, and to respond to those comments, but we are prepared to move expeditiously. I have encouraged each of the six industry sectors to look, not just in terms of what you want us to be doing jointly four or five years from now, but also at short-term efforts that need to be undertaken. I suspect that, as each group looks at these issues, they will come up with very different timeframes. We are prepared to adjust our work to fit with and meet the sector-by-sector consensus that is achieved. That's the point of CSI—it is for all of us to work together, and we will do our piece of this as quickly as we can.

Q *We have all seen programs come and go—in our own companies and in agencies—how is the CSI viewed by both sides of Congress, and what surety can you give us that it is not going to be something that will change with the political winds? How do we know it will be ongoing and sustaining for years to come?*

A When given the responsibility, such as mine, to run a large program it is very easy to do what you are suspicious of—to create programs and to claim success, and to know that, in our political environment, I will someday not be there. And, if history is any guide, many of the programs launched by people in my position

will leave with them. This program will not, for a couple of reasons: (1) It comes out of the people at EPA. It is their sense of where the Agency needs to be going, of moving beyond the piecemeal approach of the past. It comes out of a number of efforts that were underway within the Agency, but it brings them together. It is managed, on a day-to-day basis, by people who will be in the Agency long after I am gone. There is a tremendous recognition at EPA of the need to move toward an industry-by-industry, place-by-place focus in the work that we do. And I have a great deal of confidence that the CSI will be a guiding principle at EPA for many years to come, and that we will be adding more industries to the list as we begin to see the successes in the first six industries. (2) This isn't something that was added on top of everything else we do. It is a different way of doing what we have historically done.

Q *What is your position on the Great Lakes Initiative, and what is your plan, especially for chlorine?*

A The Great Lakes Water Quality Initiative grows out of a special law that was passed by Congress, bringing together all the issues associated with how we best restore and manage the Great Lakes for future generations. The proposal, which is now under consideration, is the result of more than 100 public meetings held in the Great Lakes states—people taking the time to understand what this resource once had been and could be in the future. We are in the final phases of our dialogues, so it would not be appropriate to comment on specifics because of the March 13 deadline. This law was not necessarily lacking in common sense—it's a very important law and one that we have worked hard to implement in a common sense, cost-effective manner, and our final decisions should reflect those philosophies. The Great Lakes are a significant resource—they represent 92 percent of the fresh water in this country, and 23 million people drink that water—and it is important that we all work together to see that this important resource is managed wisely.