

The Washington Post

AN INDEPENDENT NEWSPAPER

Misstep on the Environment

IN THE Reagan administration, an effort was made to roll back federal environmental and other regulatory laws. It mostly failed; the public, to say nothing of the Democratic Congress, turned out not to share the deregulators' zeal. Now the same thing appears to be happening again. Some of the Republicans who gained control of Congress in 1994 talked of completing what the Reagan revolutionists began. They are repeating the experience instead.

The federal regulatory system has grown up haphazardly. There is plenty of room in it for reform. Some regulations produce only marginal benefits at excessive cost. Some are too inflexible and snuff out local ingenuity. The cumulative effect of others on smaller businesses particularly can be excessive. But the current crew in Congress and the business groups urging on the process have not been content just to improve the system. In too many cases, they have made proposals the effect of which would be to destroy it, and the overreaching has cost them.

Their own pollsters tell them they are perceived by the public as having gone too far. The president, reading similar polls, has seized the opening and begun to take firm positions on environmental questions toward which he had often been indifferent. "I challenge Congress to reverse [its] priorities. I say the polluters should pay," he said in his State of the Union address. The Senate, whose rules force and favor compromise anyway, has never been as enthusiastic as this House about deregulation. A split has now developed among House Republicans as well, as moderates who went along with the anti-regulatory features of the Contract With America early last

year have begun to resist what they regard as anti-environmental legislation. The House leadership, which needs the votes of the moderates to keep control, is trying to fashion a new position on environmental issues but so far without success.

The House early last year, as part of the Contract, passed a broad regulatory "reform" bill whose principal effect would be to tie up most federal regulations in court. Majority Leader Bob Dole has been pushing a similar bill at industry behest in the Senate, but so far hasn't been able to get the votes. Likewise, the House early last year passed a "takings" bill to compensate property owners whose holdings were reduced in value because they had to comply with environmental and other federal regulations, but that too is rightly stalled in the Senate, as is an ill-advised House bill that would gut large sections of the Clean Water Act. Threatened legislation whose effect would be to repeal the Endangered Species Act also appears to have bogged down in both houses; the same may be true of an effort to reduce polluter liability under the Superfund program. A lot of harmful riders were tacked onto environmental appropriations bills last year; most, although not all, have been set aside. Still at issue is the size of the Environmental Protection Agency budget, particularly for enforcement. The existing appropriation would be crippling.

But the full-throated campaign of a year ago against the basic environmental laws—the effort to caricature them as enormous burdens on the society conferring only minor benefits—appears to have been blunted. That much is progress.