



MESSENGER FROM THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

During the last several decades, the environmental priorities of the various administrations occupying the White House have varied. But the statutory basis underlying the White House's role in environmental policy has not. By law, the White House Council on Environmental Quality (CEQ) is charged with ensuring a safe, healthy environment for all Americans. But as controversy over the Bush environmental agenda heats up, stakeholders increasingly accuse the CEQ of losing touch with its own mandate.

The greening of the federal government arguably dates back to 1969. That year, Congress passed the National Environmental Policy Act (NEPA) to ensure that environmental concerns would be considered in all federal agency decisions in any way related to resource management. Oversight of this expansive mission was assigned by NEPA to the newly formed CEQ, which was to reside within the Executive Office of the President. With a staff of nearly 80, the fledgling CEQ leaped into the 1970s, a decade that would prove to be a time of profound environmental progress.

During this time, the CEQ worked to ensure that environmental values, as articulated by NEPA, reached far into the federal administrative machinery. Its annual reports—which absorbed up to a third of staff resources—were highly influential guides for legislators working in the environmental policy arena. Jim McElfish, a senior attorney with the Environmental Law Institute in Washington, D.C., says the reports established a much-needed baseline evaluation of the status of the nation's environment. "The reports identified environmental issues and trends that deserved concern not only from CEQ but also agencies from across the federal government," he says.

The *Global 2000 Report to the President*, the annual report released by the CEQ in 1980, remains the most widely distributed document ever produced by the federal government—more than 1.5 million copies are in print, and the report has been translated into eight languages. William Reilly, administrator of the U.S. Environmental Protection Agency (EPA) under George Herbert Walker Bush, has described the *Global 2000 Report* as "a classic

achievement of a White House council charged with taking the long view and looking beyond the turf of any one agency.

With CEQ oversight, a regulatory infrastructure began to take shape after NEPA. Congress formed the U.S. EPA and passed important legislation underlying our current system of environmental laws. "The CEQ played a crucial role in what is today the fabric and network of environmental protection," says Linda Fisher, deputy administrator of the EPA.

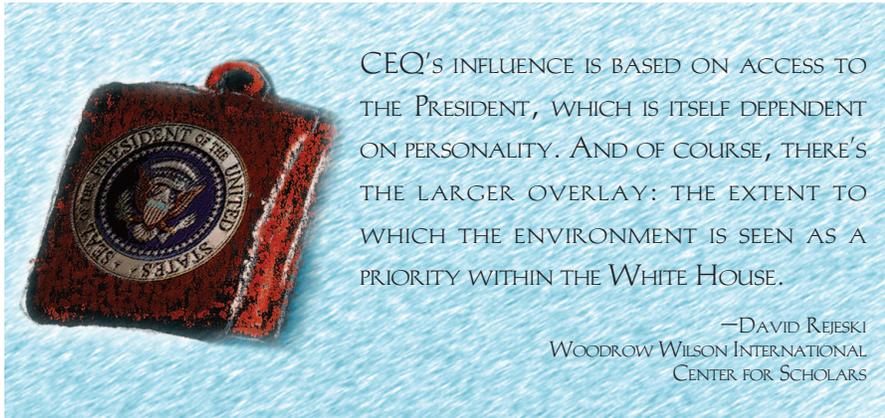
Under NEPA, the CEQ is charged with upholding a core set of environmental principles designed to protect public and ecological health. Consistent with this task, the CEQ's mission is, among other procedural duties, to study the environment and advise the President on optimal policies for its protection. Environmental stakeholders believe this mission is independent of the administration in power. But the CEQ itself is fluid, explains its general counsel, Dinah Bear. "The CEQ reflects available resources and the priorities of the [council] chairman and the President," she says. "So there is no set organizational charter that works for more than a short period of time."

A Variable Influence on Policy

In recent years, disagreements have arisen over the CEQ's changing role in the environmental policy arena. CEQ staff, who represent the administration, see themselves as playing a key role in advancing a worthy environmental agenda. But a number of stakeholders also believe the CEQ has lost its own voice as it has passed through one administration to the next.

"CEQ's influence is based on access to the President, which is itself dependent on personality," explains David Rejeski, a scholar at the Woodrow Wilson International Center for Scholars, an independent research group in Washington, D.C. Rejeski, who spent two years at the CEQ as an EPA representative at the end of the Clinton administration, adds, "And of course, there's the larger overlay: the extent to which the environment is seen as a priority within the White House."

Clearly, the influence of the CEQ over environmental policy has varied since its heyday in the 1970s. Ronald Reagan virtually ignored the CEQ. Bill Clinton, during his effort to shrink the federal government, threatened to abolish it altogether. At this low point in its history, says one source, the CEQ's staff was cut to two people: Bear and Ray Clark, a NEPA expert who now heads The Clark Group, a Washington, D.C.-based consulting firm. The Clinton CEQ rose in stature only when Kathleen McGinty—who was highly regarded by Vice President Al Gore—assumed its leadership as chairwoman in 1995.



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—DAVID REJESKI
WOODROW WILSON INTERNATIONAL
CENTER FOR SCHOLARS

Today, the CEQ has a staff of 24, but its role is far removed from its earlier days as NEPA's designated bellwether of the nation's environmental future. After a long period of changing formats and steadily declining influence, the annual reports were finally discontinued in 1997. Meanwhile, the torch of environmental leadership within the government has passed largely to the EPA, leaving the CEQ with a more thankless procedural agenda, much of it devoted to interagency coordination of the President's own environmental goals.

The CEQ Today

To increase support for the President, CEQ representatives work with a wide range of stakeholder interests, says current council chairman James L. Connaughton, previously a partner in the environmental practice group of the law firm Sidley Austin Brown & Wood. "It's a very extensive coordination effort," he explains. "The staff works with the agencies at the ground level, and as the policy evolves, I'll go out and give speeches and talk to various groups. The day-to-day work is done by the agencies according to their operational responsibilities. And we work at the highest levels of government to bring the whole effort together."

In another key activity, the CEQ contributes policy and technical support for agencies that review environmental impact assessments, which are required by NEPA for federal actions, such as construction projects, that could have environmental consequences. And finally, Connaughton adds, the CEQ functions as the "ultimate in-house mediator" for agency disputes over environmental jurisdiction.

The current CEQ is routinely attacked by critics of the Bush administration's environmental policies. To his detractors, George W. Bush has made environmental issues a low priority, which leaves the cur-

rent CEQ an easy target for those who think it has become merely a political arm of the White House. "What we see in the CEQ is an apologist for retreats from major environmental statutes [for example, on air quality, water quality, and hazardous waste]," says John Walke, director of the Clean Air Project at the Natural Resources Defense Council in Washington, D.C.

Stakeholders generally agree that Connaughton presides over a CEQ whose activities are low on Bush's radar, especially in light of current economic and security challenges. Says one well-connected source, "Bush doesn't think about the environment a whole lot; his focus is elsewhere. He'd prefer to just let Connaughton handle things for him."

According to Connaughton, the CEQ's main agenda now is to advance the President's goals on a number of key initiatives. These initiatives are controversial and, for a variety of reasons, often rejected by environmental groups. They include Clear Skies, a proposed program to reduce air pollution from power plants; the Healthy Forests Initiative, an effort to reduce wildfire damage by improving forest management; and Climate Leaders, a voluntary industry program to reduce so-called greenhouse gas intensity—the ratio of emissions to changes

in gross domestic product—by 18% over the next decade.

Fulfilling Statutory Goals?

A central question is whether the CEQ's workload fulfills its environmental obligations under NEPA. Under the act, says McElfish, the CEQ is supposed to coordinate government policies that ensure that all Americans have a safe, healthful environment. Specifically, NEPA directs the government to comply with six mandates: to protect the environment for future generations; to ensure aesthetically pleasing and healthful surroundings; to attain maximal beneficial environmental uses while minimizing degradation; to preserve natural diversity; to achieve an optimal balance between population and resource uses; and to maximize the use of renewable resources and recycling of depletable resources.

Connaughton says, "CEQ is carrying forth the NEPA mandate to be sure that man and nature work together in productive harmony." But what may be missing from this equation, adds McElfish, is a process for analysis by CEQ to ensure that the Bush policies and the NEPA mandates are in fact consistent with each other. Critics who charge that the CEQ's efforts diverge from its NEPA mandate must ask an essential question: Do the administration's policies advance environmental protection as NEPA defines it? If the answer is yes, then the CEQ's efforts to promote the agenda are consistent with NEPA. If the answer is no, then they do not.

As a broader concern, one might ask whether any federal entity today is focused on a coherent environmental vision for the future. This task, once the purview of the CEQ, appears to have been abandoned by the federal government, says McElfish, who adds that no other federal entity has adequately filled that void.

Stakeholders ask whether the current environmental infrastructure works so well that the CEQ's deep thought is no longer needed. Or are the current environmental problems facing society as great, if not greater, than they were when NEPA was passed more than 30 years ago?

"CEQ should continually revisit the infrastructure and the mandate," Rejeski says. "Given the changes and rapid advances in areas ranging from genomics to information and manufacturing technologies, we have an incredible opportunity to rethink our environmental policies. CEQ's obligation to look ahead and consider the big picture did not end in 1980; it is ongoing, and will remain so into the future."

Charles W. Schmidt