

# Nature of Congressional Process

- Attitude
  - If it is not prohibited, it is permitted
- Local unhappiness affecting "critical mass" of constituencies
- Action in individual states
- Congressional action
  - (with or without executive leadership)
  - (Congressional politics)
- "Riders"
- Resulting Federal law affects implementation ..... slowly
  - (Administrative politics)
- Citizen action to enforce and implement law; industry lobby to not enforce the law
  - (Administrative politics; courts)
- Possible extrapolation to state imitative actions
- Issues of Federal pre-emption, US State initiative
- Possibility of Congressional clarification of law
- Local grass-roots advocacy is the essential building block
- Science; education; media; power of producers

1956 - Interstate

1966 - 4f

1969 - NEPA

1970 - CAA

# Difference Between NEPA and 4f; CAA

## NEPA "balances"

- 1) define the problem; "scope"
- 2) consider alternatives
- 3) predict outcomes, including environmental impact
- 4) identify mitigation of impacts
- 5) citizen right of action
- 6) no ex-post enforcement by EPA

# Difference Between NEPA and 4f; CAA (cont'd)

## Section 4(f) is outcome-oriented

- if a Federally-funded transportation facility "uses" a park in such a way as to diminish its value
- if a "feasible and prudent" alternative exists
- you must choose the alternative
- court ruling that no-build is feasible and prudent
- citizen right of action
- opinion of owner of the park is important

# Clean Air Act, 1970-1990

- Outcome-oriented (public health)
- Context
  - lead, CO                      Local
  - HC, NO<sub>x</sub>                      Metropolitan
  - CO<sub>2</sub>                              Global
- Regional approach vs non-degradation
- Decentralize to states, but Federal enforcement

# Pollution

Pollution =

$$\frac{\text{Pollution}}{\text{Unit of Fuel}} \cdot \frac{\text{Fuel}}{\text{VMT}} \cdot \frac{\text{VMT}}{\text{VEH}} \cdot \text{VEH}$$

Tailpipe

Demand Restraint

Cafe

Fuel Tax

(Fuel Tax?)

# Technology Change

Big firm/Small firm

US vs International

Labor and Industry

California car

CO<sub>2</sub> as pollutant

Tax as "price"  
pay to pollute

Tax to raise money  
constituency for pollution