

Restoring Habitat and Clean Air in the Grand Canyon

EDF staff in California and Colorado played a pivotal role in recent efforts to restore habitat in the Grand Canyon and safeguard visibility for the area's national parks.

The controlled release in April of floodwaters from Glen Canyon Dam into the Grand Canyon "worked brilliantly," according to Interior Secretary Bruce Babbitt. Floodwaters deposited up to 15 feet of sand on dwindling beaches, restored riparian ecosystems, and rejuvenated prime spawning areas for endangered fish.

Since 1988, EDF has worked with the Bureau of Reclamation, the Fish and Wildlife Service, and others to pioneer new water management methods that will balance the ecological health of the Grand Canyon with the energy needs of the surrounding region. Modifying the operation of major Federal dams is a key component of EDF's work to re-



Grand Canyon Trust

As the controlled floodwaters from Glen Canyon Dam recede, a Grand Canyon boating party admires a reborn sandbar.

store natural flow patterns and ecological values throughout the entire Colorado River Basin.

For decades, the dominant goal of Glen Canyon Dam's daily operations has been to provide cheap electricity to preferred customers, who today pay about half the national

average wholesale electric rate. Water releases scheduled to coincide with demand for electricity have resulted in large daily fluctuations, dramatically changing the flow patterns of the Colorado River, eroding its beaches, threatening archaeological sites, and destroying the habitat of native species downstream. April's controlled flood is part of a comprehensive management plan to restore and protect the river corridor in the Grand Canyon.

Computers Help Show the Way

Seeking a way to balance a healthy river environment with dependable electricity generation, EDF analysts Spreck Rosekrans and Dan Kirshner in EDF's California office built a computer model to forecast operations of Glen Canyon Dam under various alternative scenarios. Called the Peakshaving Model,

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US-Mexico Cooperation Benefits Border Environment

Two EDF initiatives are addressing environmental problems along the U.S.-Mexico border in ways that emphasize international cooperation and make economic sense for both countries.

U.S. and Mexican officials have approved an EDF proposal to cut air pollution in the Paso del Norte region—which includes El Paso, TX, Ciudad Juarez in the Mexican state of Chihuahua, and Sunland Park, NM—by creating a regionwide air quality management district, the first to straddle an international border. For the first time, this shared airshed—where geography and climate, rapid population growth, and poverty have created the worst air pollution on the border—will be managed as a single resource, regardless of state or national boundaries. (*More details on page 5*)

EDF is also working with managers of



Alan Pogue

Neighborhoods near industrial parks, like these residences (foreground) in Matamoros, Mexico, are particularly vulnerable to pollution and mismanaged waste.

manufacturing companies at an industrial park in Matamoros, Tamaulipas—across the border from Brownsville, TX—to reduce industrial waste and improve efficiency while cutting costs at the same time. Like the Paso del Norte

project, the Matamoros initiative seeks to produce results that can be replicated at other points along the U.S.-Mexico border.

Eco-Efficient Industry

In Matamoros, EDF scientist Dr. Ramon Alvarez and EDF attorney Jim Marston have been working with two companies: Summit Componentes, a supplier of plastic interior parts to the automotive industry, and Philips/Airpax de Mexico, an electronic components firm. Together they have identified 24 strategies that would both improve environmental performance and reduce costs. The strategies—a number of which have already been implemented—include pollution prevention, source reduction, and materials recycling. Among the best opportunities are: 1) optimizing proce-

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The Act is good for wildlife, but it could be made better.

We welcome member comments. Write to EDF Letter, c/o the New York office. Letters may be edited for brevity and clarity.

Dear EDF:

The front page of the EDF Letter makes the mistaken claim, "100% Recycled (75% Post-Consumer) Paper, Totally Chlorine Free." Virtually all recycled paper has been chlorine bleached in its first life, thus it cannot be totally chlorine free—even if processed without chlorine in its second life....Totally chlorine free paper can only be made from virgin fiber.

*Jack Weiss
Evanston, Illinois*

Biochemist Dr. Richard A. Denison replies:

The overly narrow definition of "totally chlorine free" that you propose is being advocated by producers of 100% virgin (100% non-recycled) TCF paper as a marketing ploy that allows them to claim that they produce the only "true" TCF paper. EDF certainly is concerned about chlorine compounds in paper mill effluents, but after used paper has been collected in a city or town recycling program, we believe there is no environmental gain in distinguishing whether it was or was not bleached with chlorine compounds when initially made.

As you note, your definition of TCF—based on the entire history of all content of the paper—effectively limits the term to certain virgin papers. Yet barring use of recovered paper would in no way reduce the discharge of chlorinated compounds that originally arose in making it. That paper has already been made, so any discharges from its manufacture are literally "water under the bridge."

Your narrow definition of TCF would discourage recycling of used paper, however, thus increasing the amount sent to landfills or incinerators—and increasing the need for virgin fiber. The proposed definition is environmentally self-defeating. It sets up a false dichotomy, asserting an environmental tradeoff between paper recycling and paper bleaching, when in fact there is no tradeoff: We can and should maximize recycled content while at the same time preferring that any virgin fiber not be bleached using chlorine compounds.

The full 250-page Paper Task Force report (\$25) is available from EDF Publications, c/o the Washington office.

Book Could Undermine Environmental Protection

Mobil Oil recently took environmental protection to task in ads headlined, "The Sky is Not Falling" and "More Good News." Mobil's supposed good news comes in part from Gregg Easterbrook's book, *A Moment on the Earth*, which espouses the falsely optimistic view that many environmental problems have been overstated.

Unfortunately, Easterbrook's view does not match reality. Jack C. Schultz, professor of entomology at Pennsylvania State University, writes in *Natural History* magazine that *A Moment on the Earth* "contains some of the most egregious cases of misunderstood, misstated, misinterpreted, and plainly incorrect 'science' writing I've ever encountered."

In an effort to correct some of the misinformation contained in Easterbrook's book, EDF has published a two-part report entitled, *A Moment of Truth: Correcting the Errors in Gregg Easterbrook's "A Moment on the Earth."* Part I was made available immediately after the book's publication. The more extensive Part II, which has just been released, deals with Easterbrook's positions on the Exxon Valdez accident, Rachel Carson's *Silent Spring*, acid rain, forests, and the developing world, among other topics.

The two-part report is available from EDF Publications, c/o the Washington office. When ordering, please specify Part I (\$2), Part II (\$10), or both (\$12).

"Buy Recycled" Ads Now on Television and Radio



Kenneth Chen

Public service announcements featuring Joanne Woodward's catchy explanation of how to identify and buy recycled products are now being broadcast on TV and radio stations across the country. Print ads are also available. EDF members can help get the word out by asking broadcasters and publishers in their area to use the "Buy Recycled" ads, available to media outlets from the Ad Council (800-933-PSAS).

A GIFT TO EDF THAT ALSO BENEFITS YOU

How can you make a significant gift to EDF to protect the environment, enjoy a steady flow of income from your gift, and avoid the draining effects of taxes?

By making a Life Income gift to EDF, you will:

- receive a sizeable charitable deduction for your gift;
- eliminate capital gains tax on the transfer of your asset;
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And, the principal remaining after your lifetime will provide EDF with much-needed resources for continued protection of the environment.



For more information, or for a personal proposal exploring the tax and income benefits of a Life Income gift, please contact: Anne B. Doyle, Director of Planned Giving, EDF, Box 46, 257 Park Avenue South, New York, NY 10010. 212-505-2100 (or e-mail doyle@edf.org).

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21st Century Campaign Gift Will Help Rewrite Regulations

The Robert W. Wilson Foundation has made an extraordinary matching grant of \$450,000 to EDF's *21st Century Campaign* to support the Rewriting Environmental Regulations project. EDF has raised \$600,000 of the \$900,000 in matching funds needed to receive the full award.

The Foundation's gift comes at an opportune moment for EDF to pursue regulatory reforms that will increase environmental benefits while stimulating innovation and cutting cost. The theme of reduced regulatory burden was, of course, the rationale offered in Congress for last year's so-called regulatory "reform" bills, which actually would have crippled environmental safeguards instead of improving them.

That experience left the public justifiably skeptical of partisan regulatory "reforms." The potential for streamlining regulations remains large, however, and all sides may now be approaching the point where they find political merit in seeking genuine improvements: reforms that would reduce the red tape, inefficiency, and economic cost of the existing regulatory system while delivering stronger protection for the environment and human health.

Building on past successes, EDF will undertake efforts in several different regulatory



settings, including a 37-state trading plan to reduce smog-producing nitrogen oxides; incentives for private landowners to protect endangered species; and innovative safeguards for genetically engineered crops. By demonstrating success in a wide range of regulatory contexts, EDF aims to show how large the potential is for genuinely effective regulatory reform, thereby laying the groundwork for further breakthroughs.

Besides rewriting environmental regulations, funds from the *21st Century Campaign* will support projects to safeguard oceans, engage businesses in pollution prevention, protect wildlife, and help China meet its energy needs without massive environmental damage. To date, EDF has received \$10 million in gifts and pledges toward the \$15 million Program

Fund goal, including a special challenge grant from the Kresge Foundation. If EDF reaches the \$15 million Program Fund goal, Kresge will award \$1 million toward upgrading computer facilities in EDF offices.

For more information about donating to



Kirk Condyles

The 1990 Clean Air Act pioneered a new style of regulation: telling power plants how much pollution to cut but letting each plant choose the most efficient reduction method. The result: 40% more SO₂ was cut than required—and at one-tenth the expected cost per ton.

the Rewriting Regulations project or any program areas supported by the *21st Century Campaign*, please call or write Paula Hayes, Director of Development, in EDF's New York office (212-505-2100).

Preserving the Scenic Vistas of the Grand Canyon and Other Western Parks

Continued from page 1.

it is part of EDF's larger Elfin program, which analyzes energy and conservation options. The model has been used to predict the movement of sediment as a result of dam operations and to estimate the economic impact on electricity users.

"EDF's Peakshaving Model is the best method we have for predicting actual dam operations," said Tim Randle, a Bureau of Reclamation hydraulic engineer. "It's been a key tool for us in evaluating effects of alternative dam operations."

Said Rosekrans, "We hope Secretary Babbitt will soon sign the agreement making these improved dam policies permanent. We look forward to working with all parties to ensure the continued health of the downstream habitat."

Preserving the Grand Views

The panoramic vistas of the Grand Canyon and other spectacularly scenic national parks on the Colorado Plateau are often veiled by pollution. Some of this pollution is also linked to human health problems. Continuing eco-



Isabella Conenna

EDF is working to restore the air of the Grand Canyon and other scenic parks to pristine clarity.

nomics and population growth threatens to worsen the situation.

Since 1992, EDF has been working with

numerous stakeholders throughout the West to forge consensus on a plan to restore and protect visibility in Grand Canyon, Bryce Canyon, and Zion National Parks and regional wilderness areas. Eight Western governors, leaders of the Hopi, Navajo, Acoma and Hualapai nations, and Federal land managers will adopt the resulting plan.

EDF was a primary architect of the plan, which is designed to achieve environmental objectives without resorting to Federal regulation. The plan includes an agreement to reduce all pollutants substantially by the year 2000 and then cap emissions of sulfur dioxide at a level that decreases over time. It relies on incentives to form a market-based clean air program that promotes early retirement of high-polluting facilities and construction of new industries that use clean fuels, pollution prevention, and state-of-the-art technology.

"As the West continues to grow," said EDF attorney Christine Shaver, who helped design the plan, "the path chosen for managing air pollution will determine whether we restore and preserve these jewels of our natural heritage."

Corporate Responsibility: Taking the High Road

By EDF Executive Director Fred Krupp

Nearly ten years ago, the head of Chevron Corporation baffled his fellow CEO's with a strange concept. In a 1987 address to the California Manufacturers Association, George Keller suggested that companies need to go "beyond compliance" to meet their responsibilities to protect the environment. Heads shook at the idea that corporate environmental citizenship might be something other than lawyers' business, that it might not end where the lawyers said it could. Weren't all those laws and regulations bad enough? What more could anyone want?



Fred Krupp

Mr. Keller retired a few months later, but lately his notion has become central to thinking about environmental issues. Some major corporations, like DuPont, have pledged much deeper pollution cuts than the law requires. Others, like Amoco, claim that "compliance" is actually holding them back from making greater environmental gains. Meanwhile, the President's Council for Sustainable Development has endorsed an ethic of stewardship that encourages both individuals and corporations "to take full responsibility for the economic, environmental, and social consequences of their actions."

What do these fine words mean in practice? At the very least, they should mean businesses will be more careful to foresee and prevent any negative environmental consequences of their own actions. Ignoring potential consequences and, in effect, challenging government and the public to "catch me if you can," is a game we should by now have outgrown.

A Tale of Two Companies

Two recent examples illustrate the point. Pioneer Hi-Bred International, a seed company experimenting with genetic engineering, developed a soybean with high commercial value as an animal feed, using a gene transplanted from the Brazil nut. Before selling the new product, however, Pioneer conducted tests and discovered that people allergic to Brazil nuts could also have allergic reactions to the new soybean. Since even soybeans intended as animal feed can make their way into the human diet, Pioneer recognized the risks and decided voluntarily not to release the new plant.

The Ethyl Corporation, which was built on sales of lead gasoline additives, also developed a new product, a manganese-based gas additive called MMT. Ethyl, however, instead of performing MMT toxicity tests that experts at EPA and the National Institutes of Health suggested five years ago, out-maneuvered EPA in court and now claims the right to sell MMT and let manganese be dispersed into the environment from tailpipes—as lead was for 70 years—without regard for the experts' health concerns. In contrast to Pioneer, Ethyl took a strictly "compliance" approach to environmental consequences and jumped through a loophole opened by its lawyers.

Now, the only ones with power to stop MMT sales until its effects can be studied are Ethyl's own customers: oil refiners, by refusing to use the additive, and consumers at the gas pump, by refusing to buy gasoline that is not certified as MMT-free. EDF is urging both actions. (See related story on page 5.)

What is the best response to these two different attitudes toward corporate environmental responsibility? How can we encourage the benefits of the former and avoid the risks of the latter? For environmentalists—and perhaps for

business, too—this is a key question. Rules that assume either that all companies will act as Pioneer did in this case or that all will act as Ethyl has so far done will not produce optimal solutions.

Increasingly, the public will try to judge which companies can be trusted. The next time Pioneer, after open study, makes a close call on a complex question involving food safety, its decision is likely to be respected. In the

"Catch me if you can" is a game we should have outgrown.

case of Ethyl, however—for which this *is* the next time—a 14-million-member coalition of environmental, medical, and consumer groups is urging more caution than the company considers enough.

The essence of the MMT issue, after all, is not certainty but uncertainty. What should we do about the plausible—though neither proven nor unproven—effects on human health of spewing manganese across America? The recommended studies could turn out either way. Ethyl has assumed that no evidence is the same as negative evidence. Unfortunately, instead of acknowledging uncertainty, Ethyl has staked its credibility on the belief that, in effect, "What you don't know won't hurt you."

The information revolution of the 90's is making corporate actions increasingly transparent: the facts can readily reach the public. A key index of corporate trustworthiness will be a company's willingness to make its environmental case in the open, with data accessible to all.

Few members of the public are likely to pick through all the science that is offered, but many will notice which companies regularly stand in the sunlight on environmental issues. The environmentalists' role, in part, will be to help the public make these distinctions, using consistent criteria and the increasingly accurate monitoring tools being developed.

Major corporations that accept the need for environmental transparency to improve public trust will find willing allies. As their planners anticipate environmental consequences and build preventive measures into basic design, these companies may well see their environmental—and economic—fortunes tending to converge. Over time, the long green view can reap the long green reward.



A good example of corporate responsibility has come to EDF's attention. Several years ago, when the Sinclair oil company ran a major ad campaign announcing its new nickel-based gasoline additive, Dr. F. William Sunderman, a physician and expert on the toxicity of nickel and other metals, alerted the company to the potential hazards of dispersing deadly nickel carbonyl from tailpipes across America. Sinclair promptly invited him to join an advisory committee and soon afterward discontinued the additive.

Opposition Grows Against Gasoline Additive MMT

The Canadian government has reintroduced legislation to ban MMT, Ethyl Corporation's manganese-based gasoline additive whose use is opposed by EDF and other groups until it is shown to be safe in further health tests. An earlier bill to ban MMT died at the end of the last Canadian legislative session in February. EDF, the Sierra Club of Canada, Pollution Probe, and Learning Disabilities Association of Canada met with staff of Canadian Environment Minister Sergio Marchi to urge the bill's reintroduction.

At high doses, airborne manganese is known to cause disabling neurological impairments in movement and speech, but the public health effects of the long-term, lower dose exposures resulting from MMT use are unknown. MMT has been used in Canada for 19 years, and Ethyl claims there have been no health risks associated with its use. But no studies on whether MMT causes any health effects have been conducted in Canada.

"Canada's action shows that, contrary to Ethyl's claims, there is deep concern in

Canada regarding the effects of MMT use," said EDF executive director Fred Krupp. "While the primary factor prompting Minister Marchi's action is apparently the effect of MMT on vehicle emission control systems, it continues to be EDF's view that available data

don't allow the human health effects of MMT use to be adequately evaluated."

The MMT ban bill must undergo Parliamentary review and approval before becoming law, but the support of the Minister makes final legislative approval more likely.

CONSUMERS UNION SAYS "NO" TO MMT

Consumers Union (CU) has joined EDF and others in questioning the use of MMT. A story in the May issue of *Consumer Reports*, headlined "MMT in Gasoline—Gambling with the Public's Health," discusses the issues and the opposition of "a leading environmental group" (EDF) and of automobile manufacturers, who say MMT may harm spark-plugs and affect emission controls.

"The more important question," says CU, "is how dangerous is MMT to people?" Summarizing the known effects of occupational and other high-dose exposure, the article asks, "Would exposure to manganese from auto exhaust produce subtler harmful

effects?" and answers, "No one knows for sure." CU writes that there are safer ways to produce high-octane gas, and that manganese in MMT remains in the environment indefinitely—unlike most other octane-boosters, which break down over time.

The article notes that Ethyl Corporation marketed a lead-based gasoline additive that is now banned in the United States. "To us," concludes CU, "it makes no sense to put MMT into widespread use. While Ethyl has a right to market its additives, it should not gamble—again—with the public's health."

"Consumer's Union Says 'No' to MMT" ©1996 Consumers Union of U. S., Inc., Yonkers, NY 10703-1057. By permission from CONSUMER REPORTS, May 1996.

Innovation Along the U.S.-Mexico Border

Continued from page 1.

dures to reduce waste plastic by 30%; 2) reusing 25,000 pounds of reground scrap plastic as a supplement for virgin material; 3) using optical sensors to reduce paint use by 20%; and 4) reusing and recycling paint cleaning solvents.

EDF is also examining ways that economic development strategies can lead to better environmental management within the region. One such approach is "industrial ecology," whereby companies benefit financially and reduce net consumption of raw materials by exchanging byproducts or waste streams with other companies. To this end, EDF has suggested five types of companies that the Brownsville Economic Development Council might target, including a solvents recycler, a manufacturer of recycled plastics products, and a distribution center for reusable shipping containers.

"Our work has shown that reducing waste and pollution can also be good for the bottom line," said EDF's Alvarez. "By convincing com-

panies at other industrial parks to replicate this model, we will be taking a big step toward making environmental excellence a standard business practice on the border."

Cross-Border Air Pollution

In the past, El Paso's dilemma has been that a large part of its air pollution comes from Juarez. El Paso has made many of the reductions it can on its side of the border, but pollutants from Juarez drift across the border and make it impossible for El Paso to comply with U.S. Clean Air Act requirements.

Both nations will benefit from the new binational Joint Committee on Air Quality Improvement. El Paso will be able to meet Clean Air Act requirements by investing in measures in Juarez that can achieve greater



Arnold Bombay

pollution reduction at lower cost than measures that remain to be taken in El Paso. Increased U.S. investment will bring both environmental and economic benefits to Juarez.

"This new agreement permits solutions based on cooperation, efficiency, and economic growth," said EDF economist Dr. Peter Emerson. "Finding complementary environmental and economic objectives of people on both sides of the border is the key to a sustainable future."

EDF attorney Christine Shaver noted that half the members of the air quality committee will come from local non-government groups such as business, academia, and environmental organizations and emphasized the international significance of the agreement. "It empowers regional business and government leaders to develop cooperative cross-border strategies and commits the two governments to implement these strategies through national law," she said.

CORRECTION

We regret an error that appeared in a page 1 caption in the May *EDF Letter*. Leaded gas was not banned in the 1970's. We should have said the leaded-gas phase out began in the 1970's.

The greatest reductions occurred at the beginning of the phase out; between 1975 and 1986, the amount of lead used in gasoline declined by almost 90%. But, as reported in the March *EDF Letter*, the sale of leaded gas for highway vehicles in the U.S. did not become illegal until December 31, 1995 (under a provision in the 1990 Clean Air Act amendments).



Joel Salcido

Located in a high basin, where the Rio Grande cuts through an arm of the Rocky Mountains, the cities of El Paso and Cd. Juárez share the worst air pollution on the U.S.-Mexico border.

Accomplished Economist Grew Up on the Farm

With his big grin, booming voice, and hearty handshake, Pete Emerson confounds the stereotype of the ivory tower economist. Yet Emerson, who holds a Ph.D. from Purdue University in agricultural economics, is recognized around the world for his innovative environmental solutions. These days, his specialty—international trade and cross-border pollution—is anything but theoretical. Under the North American Free Trade Agreement (NAFTA), the United States and Mexico are crafting international solutions to environmental problems along their shared border, based on economic principles Emerson has long espoused.

Working in EDF's Austin, TX, office, Emerson leads the EDF team that helped create the international agreement to deal with air pollution in the cross-border airshed of El Paso and Ciudad Juarez, Mexico (*see page 1 story*). Having developed—along with EDF colleagues—many of the economic incentives now called for in the agreement, Emerson has spent the last three years selling the project to a wide variety of people from all walks of life on both sides of the border.

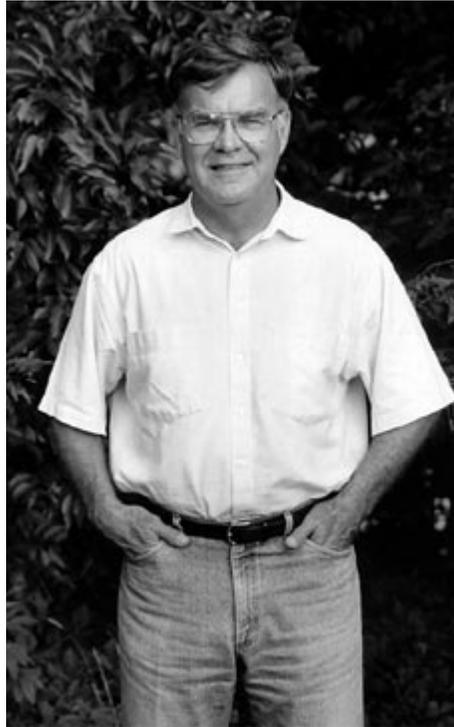
Rural Roots

Emerson's academic knowledge is grounded in a realistic understanding of the needs and realities of business people. Emerson grew up on his family's dairy farm in Alfred Station, New York. Like most farm kids, he had daily chores

In those days, few economists did ecology.

to do, but unlike some, he usually enjoyed them. He spent most of his free time outdoors—hiking, camping, hunting, and fishing. "In the Finger Lakes region you don't get too many indoor recreational opportunities," he jokes. "It was lucky I liked sunsets!"

Today Emerson retains his rural roots. He goes back regularly to western New York, where his brother still manages the farm—and runs a successful maple-syrup business—and joins in consultations about family land. In fact, as he was growing up, it was local land-use issues that first got Emerson interested in broader environmental questions, as his father helped local government make decisions about area streams, forests, and highways.



Molly Stevens

Comfortable in any setting, Pete Emerson seems most relaxed when he's spending time outdoors.

After earning degrees in agricultural economics at Cornell and Purdue, Emerson worked in a series of public policy jobs in Washington, DC, and taught at the University of Maryland. In 1980 he signed on to assemble a group of economists and scientists at the Wilderness Society to analyze forestry issues.

"There weren't many economists using their tools to look at the environment then," Emerson recalls. "Zach Willey at EDF in California was doing it. In fact, I had met Zach and Tom Graff a few years earlier and their approach became my model. I thought, 'Great, if they can do it, maybe I can do it too!'"

Emerson joined EDF's Austin staff in 1991 at the time of the first national debate over NAFTA. He led EDF's effort to win unprecedented provisions for environmental protection in NAFTA.

Future Challenges for Cross-Border Innovation

In the future, Emerson hopes to expand EDF's NAFTA-related work to include projects that treat cross-border water supplies as shared resources. He is also looking at an economic approach to managing resources in the Gulf of Mexico.

"As I gained experience, I realized that the most important environmental news was actually coming from sources like *The Wall Street Journal*," he says. "I came to believe, as does EDF, that to understand environmental challenges, you have to get into the business and economic side of life."

Emerson is very intense on this point. For a moment he sets aside his easy-going joviality to emphasize, "We're trying to get people to respect the scarcity of natural resources, exactly as they would respect a scarcity of other commodities. Clean air, water, and habitat are extremely valuable, and there is a cost to insuring that they are available. But if we are practical and smart, that cost does not have to be a hardship."

Not All Work

Asked how he can get so much done, Emerson answers with characteristic enthusiasm. "The reason is simple—I totally enjoy what I do. Since starting full-time on the environment, I've never had a day when I didn't want to go to work."

Yet he brings his trademark gusto to a host of other interests. An avid hiker, he has explored the back country all over the U.S. and is currently hiking Texas and northern Mexico, including the Gulf Coast, which, he says, "has everything—fishing, birding, scenery—it's terrific." He is also a fervent sports fan—a regular spectator at University of Texas baseball games—and a participant in pickup softball, basketball and racquetball games.

"It was lucky I liked sunsets."

Emerson shares many of these activities with his 16-year-old daughter, Lochie. He sounds slightly exasperated when he talks about her new driver's license: "I'd rather have her hiking than driving, but what are you going to do?" Like his daughter, who plays clarinet in a high school band that recently marched at the Rose Bowl, Emerson has an active interest in music.

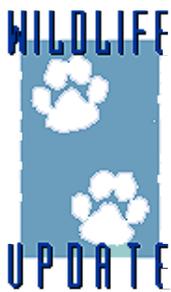
"Austin has a world-class music scene," he reports. "And not only country music, which I love, but all kinds of music." Asked if he wears cowboy boots when he goes out, Emerson laughs, ever the adaptable economist: "Sometimes," he says. "Some places you wear them or you don't go at all."

By Tim Connor

Moratorium Ends, but Wildlife Needs a Better Law

By Michael J. Bean, who heads EDF's wildlife program and defense of the Endangered Species Act.

The Congressionally imposed moratorium on the addition of any more species to the endangered species list has finally ended. The budget compromise reached in early May ended a 15-month hiatus during which species in need of legal protection could not get it. This breakthrough came only weeks after Senator Harry Reid (D-NV) waged a heroic effort that failed by a single vote to overturn the moratorium in the Senate.



The ink on the agreement ending the moratorium had hardly dried when House Speaker Newt Gingrich revealed

that he does not intend to allow the Young-Pombo Endangered Species Act amendments to come to the House floor in this Congress. The Speaker's statement is very welcome. The Young-Pombo bill, which sailed through the House Resources Committee last fall, would cripple the effectiveness of the Act, which—though in need of improvement—has been responsible for many significant conservation successes over the years.

While EDF applauds both of these developments, the prospect that Congress may again fail to reauthorize the Endangered Species Act is a source of profound concern. Failure to reauthorize the Act leaves it exposed to budget cuts and indirect attacks (such as the moratorium) that take the form of amendments to unrelated legislation.

Problems Weaken Current Act

Reauthorization is also sorely needed to address real problems that undermine the Act's effectiveness, particularly on private lands.

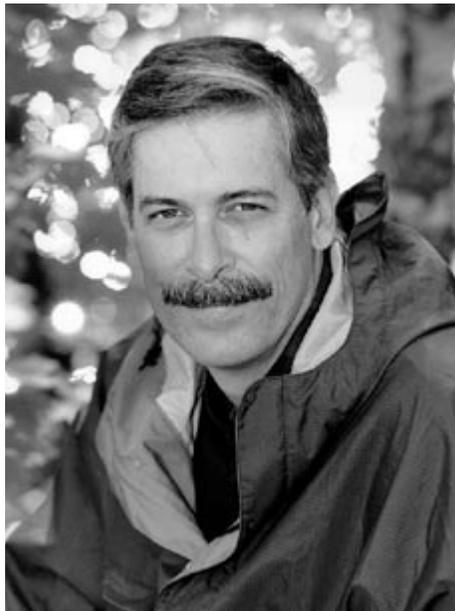
Among the most acute problems needing attention are:

(1) By the time species are listed, many have been allowed to decline to the brink of extinction.

(2) Under the current Act, private landowners have no incentive to protect species.

(3) The current Act creates perverse incentives that harm species. Some landowners have deliberately eliminated species from their property before those species are listed, or have eliminated suitable, but unoccupied, habitat from their land before endangered species move onto it.

(4) No rigorous standards govern the development and approval of broad conserva-



Michael Bean

tion plans that encompass large areas, multiple species, and multiple landowners.

An Improved Act is Needed Now

Legislative impasse over the Endangered Species Act is now in its fifth year. That impasse is likely to continue indefinitely unless some creative new ideas are offered that make the Act more effective in protecting imperiled species while simultaneously addressing some of the concerns of landowners and other regulated interests.

In an effort to find such ideas, EDF has initiated candid, face-to-face dialogues with landowners and others. Since early this year, these dialogues—in which EDF has been joined by other environmental organizations—have tried to determine if enough common ground can be established to go forward with the Act's reauthorization.

As a result of those discussions, we have identified a number of achievable changes to the Act that would:

- provide important protection to declining species before they have reached the point where they need to be listed;

- provide financial incentives that reward private landowners for actions that benefit species;

- make it easier for landowners to do more than the law requires, without fear of incurring new legal obligations;

- provide a rigorous mechanism for developing plans to protect natural communities, habitat types, and ecosystems upon which

many imperiled species depend;

- speed progress in implementing recovery plans for listed species;

- clarify that the Act applies to Federal agency actions not only at home but abroad.

We are hopeful that Congressman James Saxton (R-NJ) will make these ideas the basis for legislation he is expected to introduce in the House in the near future.

EDF's efforts to break the legislative im-

The status quo is not enough.

asse over the Endangered Species Act have not been without controversy. Some in the environmental community would apparently prefer that Congress again take no action this year rather than risk embracing novel and untested measures.

In EDF's view, the risk of again postponing reauthorization is not simply that the next Congress may be no more enlightened on the environment than this one, but that the status quo is not effectively protecting a great many of the species that the Act aims to protect. Perpetuating the status quo implicit-



Jack Wilburn/Animals, Animals

The California red-legged frog, said to have inspired Mark Twain's story, "The Celebrated Jumping Frog of Calaveras County," was the first species to be protected since the moratorium ended.

ly accepts the considerable risk that these species already face.

Senator Reid, long one of the Act's champions, hailed EDF's efforts in a statement from the Senate floor. The Senator described EDF's undertaking as "a Herculean effort" that he hoped would be "a model for dialogue and communication to build the consensus necessary to build even stronger support for an effective endangered species conservation effort."

New Farm Bill Is Important Victory For the Environment

Major conservation programs administered by the U.S. Department of Agriculture (USDA) were slated for repeal last year, but the recently enacted Farm Bill will insure continuation of these valuable programs through the year 2002.

When negotiations on the new bill began last year, major conservation programs that were included in two previous five-year farm bills (in 1985 and 1990) came under attack. House Agriculture Committee Chairman Pat Roberts (R-KS) mounted a powerful Congressional campaign to repeal the conservation and wetlands reserve programs and a number of smaller initiatives that together have improved wildlife habitat, restored wetlands, and helped farmers limit polluted runoff from farm fields and animal feedlots.

EDF attorneys Timothy D. Searchinger, Lisa Moore, and Cheryl Desiena, working with Sen. Patrick Leahy (D-VT), Rep. Sherwood Boehlert (R-NY), other environmental groups, and the Clinton Administration, successfully countered that effort. "In a legislative climate dominated by the effort to roll back environmental laws," said Moore, "the Federal Agriculture Improvement and Reform Act is a particularly exciting environmental victory."

The new law not only reauthorizes existing conservation programs, but also makes better use of Federal funds. "In the past," Searchinger explained, "conservation funds were generally used to reduce surplus farm products by retiring whole farm fields from production. Under the new law, USDA can use the funds to meet more critical environmental needs." For example, funds can be used to establish stream buffers to clean up polluted agricultural runoff that contaminates major estuaries such as the Chesapeake Bay. The law also contains several new conservation features,



Under the new law, farmers would have incentives to shift to more flood-resistant crops in areas that regularly face rampages like this one on the Missouri River in 1973.

including over \$200 million to acquire land in the Florida Everglades.

Better Planning for Floods

Another new provision, based on an EDF proposal, begins to remove the incentives in Federal farm policy for farmers to grow flood-sensitive crops in the most flood-prone areas. In the 1993 Midwest Flood, for example, over half of all property damage was to crops planted in areas that had suffered repeated flood damage in the past. The new law gives farmers an incentive to shift from growing crops such as corn on floodplain land to growing hay, trees, and other crops that are less damaged by floods.

"EDF's goal in the next year is to work with USDA to fund environmental restoration plans developed by states and communities across the country," said Moore. "We want to ensure that these funds bring real environmental gains."

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