NR-1. ENLIBRA: A NEW SHARED DOCTRINE FOR ENVIRONMENTAL MANAGEMENT

1.1 Background

During the first half of the 1970s, the nation enacted strong statutes to protect air and water, regulate waste, ensure the safety of drinking water, and protect endangered species. Several years later, the Superfund statute was enacted to speed the cleanup of hazardous waste sites. In each case, a federal program was developed to address immediate and widespread threats to the nation's natural resources. The nature of pollution problems in that era seemed to justify the passage of strong, command-and-control laws that would protect the nation's environmental quality. Heavy-handedness was not seen as a problem, and risk-based, cost-effective decisionmaking was not seen as necessary because there were so many serious problems and cost-effective opportunities for environmental protection.

These laws enabled the nation to make enormous progress toward the protection of its resources. However, the nature of the pollution problems today is different. The problems the nation now faces involve a huge number of small and diverse sources, each contributing a minor amount of pollution. Many of these problems involve making difficult trade-offs and balancing costs and risks. These problems do not lend themselves to command-and-control regulation. Moreover, resources are more constrained today than they were twenty-five years ago. A new approach to environmental management is required to respond to the environmental challenges of the twenty-first century.

1.2 Principles

Based on extensive state and regional experience, the nation's Governors commit to a new doctrine to guide natural resource and environmental policy development and decisionmaking. That doctrine is based on the principles below, each of which is dependent on the others. The integration of these principles is critical to their interpretation and the success of the new doctrine.

1.2.1 National Standards, Neighborhood Solutions—Assign Responsibilities at the Right Level. There is full acknowledgment that there are environmental issues of national interest, ranging from management of public lands to air and water quality protection. Public processes are used to identify and protect the collective values of the nation's public. No existing laws or identified legal rights and responsibilities are rejected. The role of the federal government is supported in passing laws that protect these values as well as setting national standards and objectives that identify the appropriate uses and levels of protection to be achieved. As the federal government sets national standards, it should consult with the states, tribes, and local governments as well as other concerned stakeholders to access data and other important information. When environmental standards have not been historically within the federal jurisdiction, nonfederal governments retain their standard setting and enforcing functions to ensure consideration of unique, local-level circumstances and community involvement.

With standards and objectives identified, there should be flexibility for nonfederal governments to develop their own plans to achieve them and to provide accountability. Plans that consider

more localized ecological, economic, social, and political factors can have the advantage of having more public support and involvement and therefore can reach national standards more efficiently and effectively.

Governments should reward innovation and take responsibility for achieving environmental goals. They should support this type of empowerment for any level of government that can demonstrate its ability to meet or exceed standards and goals through locally or regionally tailored plans. The federal government should support nonfederal efforts in this regard with funds and technical assistance. In the event that no government or community is progressing toward specific place-based plans, the federal government should become more actively involved in meeting the standards.

1.2.2 Collaboration, Not Polarization—Use Collaborative Processes to Break Down Barriers and Find Solutions. The regulatory tools the nation has been relying on during the last quarter of a century are reaching the point of diminishing returns. In addition, environmental issues tend to be highly polarizing, leading to destructive battles that do not necessarily achieve environmental goals. Successful environmental policy implementation is best accomplished through balanced, open, and inclusive approaches at the ground level, where interested stakeholders work together to formulate critical issue statements and develop locally based solutions to those issues. Collaborative approaches often result in greater satisfaction with outcomes and broader public support, and they can increase the chances of involved parties staying committed over time to the solution and its implementation. Additionally, collaborative mechanisms may save costs when compared with traditional means of policy development. Given the often local nature of collaborative processes, it may be necessary for public and private interests to provide resources to ensure these processes are transparent, have broad participation, and are supported with good technical information.

1.2.3 Reward Results, Not Programs—Move to a Performance-Based System. A clean and safe environment will best be achieved when government actions are focused on outcomes, not programs, and when innovative approaches to achieving desired outcomes are rewarded. Federal, state, and local policies should encourage "outside-the-box" thinking in the development of strategies to achieve desired outcomes. Solving problems, rather than just complying with programs, should be rewarded.

1.2.4 Science for Facts, Process for Priorities—Separate Subjective Choices from Objective Data Gathering. Environmental science is complex and uncertainties exist in most scientific findings. In addressing scientific uncertainties that underlie most environmental issues and decisions, competing interests usually point to scientific conclusions supporting their view and ignore or attack conflicting or insufficient information. This situation allows interests to hold polarized positions and interferes with reconciling the problems at hand. It may also leave stakeholders in denial over readily perceived environmental problems. This, in turn, reduces public confidence and raises the stridency of debate. Critical, preventive steps may never be taken as a result, and this may lead to more costly environmental protection than would otherwise be required.

A better approach is to reach agreement on the underlying facts as well as the range of uncertainty surrounding the environmental question at hand before trying to frame the choices to be made. This approach should use a public, balanced, and inclusive collaborative process and a range of respected scientists and peer-reviewed science. Such a process promotes quality assurance and quality control mechanisms to evaluate the credibility of scientific conclusions. It can also help stakeholders and decisionmakers understand the underlying science and its limitations before decisions are made. If a collaborative process among the stakeholders does not resolve scientific disagreements, decisionmakers must evaluate the differing scientific information and make the difficult policy choices. Decisionmakers should use ongoing scientific monitoring information to adapt their management decisions, as necessary.

1.2.5 Markets Before Mandates—Replace Command and Control with Economic Incentives, Whenever Appropriate. Although most individuals, businesses, and institutions want to protect the environment and achieve desired environmental outcomes at the lowest cost to society, many environmental programs require the use of specific technologies and processes to achieve these outcomes. Reliance on the threat of enforcement action to force compliance with technology or process requirements may result in adequate environmental protection. However, market-based approaches and economic incentives often result in more efficient and cost-effective results and may lead to more rapid compliance. These approaches also reward environmental performance, promote economic health, encourage innovation, and increase trust among government, industry, and the public.

1.2.6 Change a Heart, Change a Nation—Ensure Environmental Understanding. Governments at all levels can develop policies, programs, and procedures for protecting the environment. Yet the success of these policies ultimately depends on the daily choices of citizens. Beginning with the nation's youth, people need to understand their relationship with the environment. They need to understand the importance of sustaining and enhancing their surroundings for themselves and future generations. If America is able to achieve a healthy environment, it will be because citizens understand that a healthy environment is critical to the social and economic health of the nation. Government has a role in educating people about stewardship of natural resources. One important way for government to promote individual responsibility is by rewarding those who meet their stewardship responsibilities.

1.2.7 Recognition of Benefits and Costs—Make Sure Environmental Decisions Are Fully Informed. The implementation of environmental policies and programs should be guided by an assessment of the costs and benefits of different options across the affected geographic range. To best understand opportunities for win-win solutions, cost and benefit assessments should look at life-cycle costs and economic externalities imposed on those who do not participate in key transactions. These assessments can illustrate the relative advantages of various methods of achieving common public goals. However, not all benefits and costs can be easily quantified or translated into dollars. There may be other non-economic factors, such as equity within and across generations, that should also be fully considered and integrated into every assessment of options. The assessment of options should consider all of the social, legal, economic, and political factors while ensuring that neither quantitative nor qualitative factors dominate.

1.2.8 Solutions Transcend Political Boundaries—Use Appropriate Geographic Boundaries for Environmental Problems. Many of the environmental challenges in the nation cross political and agency boundaries. For example, environmental management issues often fall within natural basins. These are often transboundary water or air sheds. Focusing on the natural boundaries of the problem helps identify the appropriate science, possible markets, cross-border issues, and the full range of affected interests and governments that should participate and facilitate solutions. Voluntary interstate strategies as well as other partnerships also are important tools.

The nation's Governors call on the leaders in the public and private sectors as well as Native American leaders, Congress, and the Administration to embrace these principles in their environmental policy and decisionmaking.

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