Maine Policy Review

Volume 5 | Issue 2

1996

Maine Implements the Clean Air Act: Federalism, Environmentalism and Interest Group Accountability

Jon Reisman

Maine Implements the Clean Air Act: Federalism, Environmentalism and Interest Group Accountability

Maine Policy Review (1996). Volume 5, Number 2

The implementation of environmental policy initiatives often brings about a complex interplay between science and policy, public opinion, interest groups, federal and state mandates, and political machination. Jon Reisman uses Maine's recent experience of compliance with the 1990 Clean Air Act to illustrate this complexity. In doing so, he addresses several important--but often ignored--issues, such as stakeholder participation in the policy making process, interest group accountability to implementation, and the long term consequences to the environment if these issues are avoided

Jon Reisman

Introduction

The 1990 Clean Air Act Amendments (CAAA) required states which exceeded federal ground level ozone standards to craft state implementation plans to clean the air. Maine began to implement an automobile inspection and maintenance emissions control program in the summer of 1994 (hereafter known as "car testing"). Despite a record and reputation of national environmental leadership and commitment, Mainers did not seem eager to embrace car testing. In fact, the effort faced strong public disapproval. The Maine Department of Environmental Protection (DEP) and the U.S. Environ-mental Protection Agency (EPA) soon found themselves in a firefight with citizen activists who questioned not only the need for, but also the scientific legitimacy of the entire ozone reduction effort. Implementing the CAAA in Maine would become a battle over environ-mental values, federalism, and the overall political sustainability of environmental policy. This article assesses that implementation process and its effects on and implications for Maine's regulatory policy.

Federalism

Federalism, the sharing of power and authority between central and state governments, is a fundamental element of our constitutional structure. Environmental policy in the United States has historically reflected that parsing of powers, although the balance between federal and state control has waxed and waned with time and for particular environmental problems. Federal responsibility and regulatory authority markedly increased with the passage of the National Environmental Policy Act in 1969, the Clean Air Act in 1970, the Federal Water Pollution Control Act in 1972, and the Endangered Species Act in 1973. While each of these laws expanded federal power at both the agency and judicial levels, they also provided for state administrative options and input, through state implementation plans, pass through funding and federal certification of state licensing.

Following the 1994 elections, Republican governors and the new Republican majorities in Congress called for a devolution of power and responsibility from the national government to the states. This "neo-federalism" reflects previous efforts by Presidents Nixon and Reagan, and is in fact not new at all. It remains to be seen whether the Republican revolution will be either successful or sustained, but its implications are already being felt in environmental policy. Indeed, state chafing at federally imposed environmental policy initiatives preceded the 1994 elections and may have contributed to Republican electoral gains.

Environmental problems are not necessarily respectful of political borders, and for that reason environmental advocates have generally worked and advocated for national and even international perspectives and implementation. Federal clean air and clean water laws were seen as at least partially necessary because of state policy failures.

On the other hand, federalism can create a diverse array of policy laboratories which serve as testing grounds for new approaches. For example, California's clean air initiatives are clearly reflected in the 1990 CAAA. And when environmentalists have objected to national policies, (e.g., high-level nuclear waste dumps), local control and state sovereignty have been dragged out of the back of the green advocacy closet.

Even when air and water policy have established national standards and federal regulatory control, state agencies have retained substantial implementation authority. State agencies can be granted licensing and permit authority upon demonstration of sufficient technical and financial capacity. The demonstration of such capacity is seen as indicative of political commitment as well. Even without formal federal approval and licensing investiture, state and federal agencies are likely to collaborate in implementation efforts. For example, state agencies rely on the EPA for funding and to back up technical assessments and regulatory interpretation. State and federal environmental agencies may play "good cop/bad cop" very effectively.

The regulated community will often prefer to deal with state agencies because they feel better equipped to influence decisions at the state level. However, businesses serving a national market (automobiles, petroleum products) have repeatedly stated a marked preference for national standards so as to avoid state by state idiosyncrasies.

State Capacity and Commitment

In attempting to analyze and assess state environmental policy innovation and implementation, two key factors are the state's capacity and commitment. Capacity reflects both institutional strengths and weak-nesses as well as fiscal ability to fund program research and enforcement. Commitment reflects the political culture and values of the state.

Maine has a reputation for strong environmental values, but a poor-to-moderate institutional and economic capacity. James Lester has termed such states "strugglers," faced with difficult tradeoffs between desired environmental protection and ability to pay.[1] However, Maine's reputation may be more myth than reality. Significantly, none of the senior political leaders in the state came to the defense of the CAAA implementation effort, including Senators Muskie, Mitchell, Cohen and (then Representative) Snowe. When the costs of environmental cleanup are concentrated on business and hidden, support for clean air and water is very high. But when the

costs are distributed on a wider and more open basis, as they were with Maine's initial plan, actual willingness to pay for a cleaner environment is markedly absent. Mainers have thrice rejected paying higher electric rates in order to shut down Maine Yankee. Although recycling has taken hold in most of Maine, a trip through backwoods roads reveals illegally dumped appliances and tires. It may well be that Maine's strong environmental ethic applies primarily when direct costs are low.

Environmental policy under a neo-federalism frame-work will bring both internal and external concerns to Maine. Maine will have greater autonomy and implementation flexibility, but there will also be less pass through money and less, or at least more expensive, technical assistance from the EPA. Internally, the state will struggle to find the resources necessary to match capacity to commitment. As in other policy areas like welfare and health care, whether greater flexibility will overcome resource constraints is the key policy question.

Maine's ability to influence other states via federal agency and/or court pressure will be reduced under neo-federalism. It is not very large now in any case. Given that most of Maine's air quality problems originate in upwind states, a diminution of federal power and resolve will be of concern.

Political Sustainability

Another key issue is the political sustainability of environmental policy, which involves the type of feed-back loops a policy produces in terms of increasing or decreasing popular and institutional support. A policy which is perceived as inequitable is likely to lose support over time and become unsustainable. Three factors which contribute to political sustainability are agency credibility, public credulity, and general public commitment. The CAAA implementation problems eroded all three. Environmental advocates will find that such reductions carry a high price in terms of future willingness to commit scarce resources to institutional capacity or new policy initiatives.

The CAAA and Maine: From Implementation Challenge to Political Issue

Implementing the CAAA involved navigating through a complex policy environment involving the interplay of science and policy, public opinion, interest groups, federalism, agencies and electoral and legislative politics. Maine's implementation experience is instructive. Interest group influence and participation (or lack thereof) were key factors in both the initial failure and ultimate success.

Title 1 of the CAAA contained two initiatives that would eventually lead to a major implementation crisis in Maine and the country as a whole. Section 7511 established ozone attainment standards and State Implementation Plan criteria and created an eastern seaboard regional ozone transport region stretching from Virginia to Maine. The transport region was created to address cross border ozone pollution issues. Of particular importance was a provision in Section 7511c which mandated car testing programs in transport region metropolitan statistical areas with populations over 100,000. In Maine, this mandate applied to the greater Portland area.

Seven southern Maine counties were designated as “moderate” ozone non-attainment areas and two midcoast counties as “marginal.” The moderate classification area encompassed over half the state’s population and included the greater Portland metropolitan area. Moderate non-attainment areas are required under Title 1 to reduce ozone precursor emissions by 15% from 1990 levels by 1996. This would be known as the “15% plan.” Given projected increases in emissions from increased vehicular traffic and economic activity, the 15% goal would require approximately a 40% reduction in precursor emissions from the 1990 levels.[2]

Maine’s initial response to the 15% plan require-ment was to design an implementation program that included car testing in the southern counties and the use of reformulated gasoline in the moderate and marginal non-attainment areas. This strategy reflected not only an unwillingness to impose additional and expensive regulatory controls on Maine industry, but also a consensus that car testing was the least expensive available control technology. Environmental advocates had long wanted to address post manufacture mobile emissions. The transport region based mandate, due to take effect in 1996, was a factor in adopting car testing as well. Finally, the state planned to use “excess” emissions control credits as “offsets” to license new or additional emissions sources as a means to foster industrial and economic expansion. This element of the plan was not discussed publicly or with key legislators and stakeholders, a mistake that would prove very costly.

The legislature reluctantly agreed to car testing and the DEP awarded a $42 million contract to Systems Control Inc. to build and operate car testing centers in southern Maine. The testing program commenced July 1, 1994 and almost immediately ran into strong public resistance. Less then three weeks after the program started, a special legislative committee was convened to reexamine the issue in light of public displeasure. A group known as Citizens for Sensible Emissions Laws was formed and began circulating referendum petitions to abolish the program.

The Natural Resources Council of Maine revealed that Governor McKernan’s administration planned to use car testing “offset” credits to allow Louisiana Pacific to build a new plant and bring 300 jobs to Northern Maine. This simply added fuel to the fire. Many environ-mentalists brought a great deal of hostility and suspicion to the market based initiative opportunities in the CAAA. The suspiciously quiet manner in which the administration attempted to implement the offsets only made it worse. Louisiana Pacific would quickly decide to take its investment elsewhere.

Public dissatisfaction with car testing began to escalate. The test involved putting the car on a dynamometer, a noisy rotating cylinder that allows the engine to be revved up to test emissions at different RPM’s over a several minute span. Some car owners were concerned that their cars were being damaged. Complaints about test center employees not explaining what they were doing and damaging vehicles also surfaced. In addition, owners of failed vehicles had to take them elsewhere for repairs and then bring them back for retesting, an inconvenience and unappreciated expense (about 20% of tested vehicles fail).

A basic fairness complaint quickly developed. Failed vehicle owners could be required to spend up to $450 to repair the car every other year (average repair was under $200). That was a major potential expense in a relatively poor state, and it was clear that older cars were more likely to fail than newer ones. Thus a concern that lower income households driving “clunkers” would be

unfairly impacted arose. The fact that only southern Maine vehicle owners were required to have their cars tested was also an issue.

But perhaps the most serious problem with car testing was a result of the anxiety and insecurity it produced in car owners. The modest expense and inconvenience of the test was exacerbated by the uncertainty of failing and paying an unknown but potentially large repair bill. This anxiety/insecurity was the heart of the problem. If your car failed a test that was difficult to understand, the State would not allow you to register it unless you paid a potentially large repair bill. When it became known that some cars simply could not be fixed, even for $450, and questions arose as to how necessary the whole program was anyway, anxiety turned into anger.

There are a number of reasons for the CAAA implementation problems. The level of public support and commitment for broadbased, open and costly compliance was overestimated. No major group or leader stepped forward to defend the program before the complaints had reached a critical level. In fact, environmental groups like Natural Resources Council had contributed to the problem because of their ideological dislike of the market based elements of the CAAA. No careful and detailed implementation planning and education outreach effort was conducted--problems were neither anticipated nor planned for. Most impor-tantly, environmental policy makers and advocates had ignored a basic truth of American culture: coming between Americans and their cars is a politically hazardous activity. The car testing program did exactly that, and more. Mainers didn't like car testing for a variety of reasons, and that dislike caused them to question whether the program was necessary or worth-while. "Federally mandated" was not an answer they found acceptable.

In late August 1994, the special legislative panel committee recommended that the program be suspended, which the legislature agreed to do for six months. Governor McKernan and legislative leaders recommended a number of adjustments (lower repair waiver limit, lower testing fee), but it quickly became apparent that this issue would have to be resolved by the next governor and legislature. It looked as if the referendum petitioners would be successful in collecting over 35,000 signatures to put the issue on the ballot. Environmental advocates and the EPA warned that abolishing car testing would put the state in noncompliance with the CAAA, and would result in economic sanctions.

The final straw was when car testing became an issue in the Gubernatorial race during the first televised debate in early September. Democrat Joseph Brennan, Republican Susan Collins and Green Jonathan Carterall defended the CAAA and car testing and argued that Maine could not and should not fight federal law.[3] Independent Angus King differed and vowed to "put a stake through the heart" of car testing. King argued that the federal mandates should be resisted because they didn't make sense. King's position assured that CAAA compliance would be a hot political issue and a critical challenge for the new administration.

Stakeholders and Stakes

Within a month of his January 1995 inauguration and at the recommendation of DEP Commissioner Designate Edward "Ned" Sullivan, Governor King decided to call a Clean Air Stakeholders Conference. The conference would become a major focus of the new

administration, consuming large chunks of Governor King's, Commissioner Sullivan's, and DEP staff and stakeholder time.

Governor King charged the stakeholders to recommend 15% plans which were cognizant of implementation costs and potential liability. The stakeholders included representatives of business and industry (Maine Chamber of Commerce and Industry, Maine Oil Dealers Association, Maine Petroleum Association, Paper Industry Information Office, Maine Auto Dealers Association, Central Maine Power), environmentalists (Natural Resources Council, Coalition for Sensible Energy, Maine Lung Association), Systems Control, Maine American Automobile Association, independent auto mechanics, Citizens for Sensible Emissions Laws, the EPA, and legislators (leadership and natural resource committee representatives). Commissioner Sullivan served as a facilitator, and Governor King was a frequent participant. For all the players, the stakes were high.

For the state, the future competitiveness of the economy was in the balance. Failure to comply with the CAAA would bring on economic sanctions in the form of $70 million in lost federal highway funds. Bad as that was, it was not the worst. EPA sanctions would include 2:1 emissions offsets which would require any new or expanded emissions sources to reduce existing emissions by twice as much. This would effectively stifle any manufacturing expansion in Maine and might well cripple the economy. Abandoning car testing also carried a potential $42 million breach of contract liability.

It was also a big pot for the various stakeholders. Business interests were united in opposing actions which could bring sanctions down on Maine. The retail oil dealers and paper companies feared costly regulatory alternatives to car testing. Maine Petroleum was concerned about defending the use of reformulated gas. Environmentalists were concerned about cleaning Maine's air, defending the integrity of the CAAA and stopping the erosion of credibility and commitment that was accompanying and complementing the revolt against car testing. Citizens for Sensible Emissions laws wanted to completely eradicate car testing and to challenge a perceived insular and arrogant culture of environmental policy making. Systems Control had more than $14 million invested in testing centers, mounting legal bills, creditors to pay off but no revenue.

Environmental regulators faced staggering pressures. The EPA had a growing revolt around the country to worry about. At the same time, Republicans in Washington were making no secret of their desire to rein in regulation in general and the EPA in particular. As a result, the EPA had conflicting imperatives: implementation concerns called for them to be resolute and demanding; political and budgetary pressures called for a more accommodating stance.

The Maine DEP was also in a tough position. Their credibility was under attack as a result of the car test revolt. The general erosion of environmental commitment that seemed to be accompanying the revolt did not bode well for future budgetary support. Commissioner Sullivan was gambling that he could wrest a satisfactory compromise out of these disparate interests.

Finally, the policymakers had a host of angry constituents and promises to keep. Legislators had voted for car testing the previous year on the advice of the DEP, and were not anxious to travel that road again. The governor had promised to abolish car testing, and this would be a test of both his leadership and his credibility.

Governor King and Commissioner Sullivan wanted to avoid the kind of implementation problems that had plagued environmental policy in the state in the past. Interest groups which participated in policy formulation seemed to feel perfectly free to abandon the implementation process. The Natural Resources Council, in addition to attacking the offset initiative, had previously walked away from a state mandated dump siting process they had helped to create. The new administration wanted to impress on the stake-holders that "if they wanted to be in on the takeoff, they had to be in on the landing." The determination to get implementation buy-in would prove to be crucial.

Precision vs. Accuracy: The Numbers Game

The crafting of 15% plans is a demanding technical exercise, and the technical analysis of various emissions control options ate up vast amounts of staff, stakeholder and computer time. The goal of coming up with valid, reliable and firm numbers for the 15% plan proved to be elusive. Emissions and emissions control assessment is a combination of art and science. A relatively small cadre of practitioners prepare, analyze, and "tweak" these figures. A small change in these figures can save or cost millions of dollars, and a competent consultant can easily justify changes in whatever direction their client desires.

What is often not appreciated by the lay observer of these numbers is the difference between precision and accuracy. The emissions control figures are extremely precise, down to tenths of ton per day. What they are not, however, is truly accurate, since they are estimates based on models and assumptions which can and do change frequently. The figures are certainly accurate within an order of magnitude, but they are not accurate to the tenth of a ton as their precision would suggest. Unfortunately, implementation policy is designed and proceeds as if these figures are indeed accurate to that level, with millions of dollars in compliance costs and entire strategic packages in the balance. Indeed, at one point late in the process the governor had decided to commit to a particular 15% plan strategy, only to have the numbers change in such a manner so as to make the plan fall just short of a 15% reduction. That mishap extended the conference by at least a week.

The Options

The stakeholders worked from early March through mid-April trying to comply with the governor's charge. During that period, public displeasure with another piece of CAAA implementation strategy, reformulated gas, began to increase. Like car testing, reformulated gas was only required in the southern counties, and gas station owners in border areas complained bitterly of lost sales and traffic. State and EPA fleet studies suggested that reformulated gas reduced mileage by 3-5% ,[4] but anecdotal reports of 20% reductions and serious performance problems fed the erosion of credibility and credulity. In addition, public concerns about possible deleterious health and small engine performance effects were raised, and contributed to the general anti CAAA/ federal mandate cacophony. Governor King appointed special task forces to

address these issues, and they reported no significant effects, but public credulity was not exactly at an all time high on these matters. A bill to ban the sale of reformulated gas was in the hopper, and it had powerful supporters on the natural resources committee.

The conference developed two options for the governor's consideration. These were:

- Modified Status Quo: Retain reformulated gas and a more consumer friendly car testing program;
- Car Testing Without Reformulated Gas: Retain a more consumer friendly car testing, drop reformulated gas and replace it with several minor control strategies.

In a straw vote at the final conference meeting, the stakeholders overwhelmingly endorsed the modified status quo option. The general consensus among the legislators (who chose not to vote in the straw poll) and the governor's staff was that the modified status quo option was not politically feasible. It would have required the governor to renege on his promise and assumed that the public would not simply vote car testing out in the referendum.

Given Governor King's charge to consider liability issues, both the developed option list and the straw vote are not surprising. Two other alternatives were developed and considered by the administration:

- Fort Sumter: Refuse to comply with the CAAA and challenge the Federal Government;
- Modified Compliance: Retain reformulated gas, drop (mandated) car testing and replace it with Stage II vapor recovery (gasoline pump sleeve systems) and other minor control strategies.

The non-compliance option was absolutely opposed by both the business community and environmentalists. However, a surprising number of legislators, faced with a choice among very rank alternatives, wanted the governor to directly challenge the EPA. In a late March meeting with legislative leadership from both parties, the governor was asked to lead a revolt against federal CAAA implementation mandates.[5]

Governor King chose the second option, which retained reformulated gas despite its unpopularity, abolished car testing, and imposed costly regulatory requirements on gas stations in southern Maine. He also proposed to withdraw most of Maine from the ozone transport region, which would free business and manufacturing from some costly future regulation. The governor would propose federalism and greater state autonomy, but not revolt. Maine would meet the requirements of the CAAA, but on its own terms, not necessarily by federally mandated means.

Governor King announced his choice in a statewide televised address in April, and began to prepare for a legislative fight to retain reformulated gas and impose Stage II controls. The legislature almost unanimously voted to approve the petition abolishing car testing, which negated the need for a referendum. Winning approval for the "governor's plan" would be much harder. The decision to press for implementation buy-in was about to pay off.

Acceptance

There would not be an up or down vote on the governor's plan *per se*. Acceptance hinged on the legislature rejecting the proposed ban of reformulated gas and on the Stage II vapor recovery rules being approved by the Board of Environmental Protection. As a practical matter, this required the consensus and support of key legislators and stakeholders.

Maine Petroleum, the Chamber of Commerce and the paper companies led a coalition of stakeholders in support of the governor's plan. National energy companies also became involved, providing resources and expertise as they sought to protect reformulated gas and their investment in it. The principal opposition to the governor's plan included the oil dealers (because of the cost of Stage II vapor controls), Systems Control, and a bipartisan coalition of southern and central Maine legislators who could not abide reformulated gas. Included amongst them were some who thought that challenging the CAAA was the best course.

Environmentalists were split. The Natural Resources Council was very unhappy with the retreat from both regulating mobile emissions and the multi-state approach of the transport region. On the other hand, they recognized that the governor's plan was better than non-compliance. Clean air advocates were very concerned about the perceived erosion of environmental commitment that the implementation process had created. The Natural Resources Council's support for the governor's plan required some overt sign that it was not the first step in a general environmental retreat in the name of federalism. Finally, the Green Party opposed the plan, attacking the entire CAAA structure as misguided and overly influenced by corporate interests.

Commissioner Sullivan brought forward an idea to petition the EPA under either Section 110 or 126 of the CAAA to force Midwestern states to reduce their ozone precursor emissions. New meteorological data clearly showed that these precursor emissions were being transported to Maine. The proposal was an innovative use of the CAAA which would demonstrate its value and justify its cost. The Natural Resources Council strongly supported the initiative, and worked with a legal team involving business and the DEP to put together the petition. In early June, as the debate intensified, the governor agreed, and the Natural Resources Council was on board.

On the first floor vote in both the House and Senate, the bill to ban reformulated gas received unexpectedly strong support. Almost every Republican and many reformulated gas area Democrats voted to ban it. This coalition did not hold together for the second vote. This initial vote was in all likelihood a message from the legislature that they were not happy about having to endorse any compliance plan. The Republican leadership in particular would have preferred a direct challenge to the EPA. Legislators representing paper mill districts and non-reformulated gas areas were targeted by the governor's supporters, and enough switched to eventually defeat the abolition bill.

The promulgation of Stage II vapor recovery rules was almost anticlimactic after the reformulated gas theatrics. The state submitted the implementation plan to the EPA in July and it was provisionally accepted, thereby averting sanctions.

Conclusions: Federalism, Sustainability and Environmental Policy

The aftermath of CAAA implementation in Maine is a decidedly mixed picture. Injecting neo-federalism into environmental policy did not result in a "race to the bottom." On the contrary, Maine complied with the CAAA with a home grown solution that better fit the needs of the state. But the price of that compliance is and will be heavy, both in financial terms and in the political sustainability of environmental policy.

The overall compliance cost of the governor's plan is higher than the abandoned alternative, although the distribution of those costs is perceived as somewhat fairer and is thus more politically viable. The oil dealers took most of the incremental hit, although most of that will probably be passed on to consumers in the form of higher gas prices. Maine has won the first round of the $42 million breach of contract suit, but it is difficult to see how the state can really win. Even if the state ultimately prevails, there will be a long term cost as private contractors hedge their bets when bidding for contracts.

The EPA, the DEP and environmental advocates lost a great deal of credibility during the process. The DEP made a partial recovery as a result of their efforts supporting the conference and due to Commissioner Sullivan's successful gamble on that process. However, questions as to whether federal environmental mandates make sense linger, especially as both ozone transport region mandated car testing and legislative and popular discontent with reformulated gas remain. Efforts to implement and enforce the Safe Drinking Water Act and the Endangered Species Act in Maine will likely exacerbate the problem.

Environmentalists wanted to regulate post-manufacture car emissions. Regardless of the scientific and economic arguments for that approach, it is politically perilous. Tying centralized emissions testing to registration is clearly unacceptable to the people of Maine, and to many across the country as well. The statutory mandate for car testing in transport region metropolitan areas should be dropped in favor of allowing states to achieve required reductions as they see fit.

Governor King's choice not to "start a second American revolution" and to meet the requirements of the CAAA with a "Made in Maine" solution rather than challenge the federal government outright also set a precedent. In another environmental policy case involving similar issues of federalism, environmental values and political sustainability, the King administration has opted for a similar course: meet federal standards and objectives, but in a manner fitting Maine. In response to a proposed Endangered Species Act listing of the Atlantic salmon, the King administration is preparing a state conservation plan. The hope is that the state plan will be accepted in lieu of listing. Early indications are that the plan will not challenge the legitimacy of federal environ-mental policy making, but will instead try to meet those goals with (again) "Made in Maine" solutions. Given the backlash against perceived Republican efforts to weaken environmental standards and enforcement, the King administration's approach is certainly a politically prudent middle ground.

The King administration's emphasis on interest group accountability helped during the acceptance and implementation phase. There is little or no institutional framework supporting interest group accountability; in fact, interest groups often have powerful incentives to avoid accountability in the implementation phase. Accountability incentives will necessarily be ad hoc

and idiosyncratic, but at a minimum they must include the following at least tacit understanding: access to the policy process brings with it implementation responsibilities. Obviously a group which wholeheartedly opposes a particular policy cannot be expected to help implement it. However, groups cannot be allowed to work the policy process successfully and then walk away from implementation. The executive branch can impose this rough accountability on interest groups: implementation assistance brings continued and improved access to the policy table; implementation default brings future exclusion and public criticism.

Maine's CAAA implementation experience has long-term implications for the political sustainability of environmental policy. Policy makers and environmental advocates must address both their own credibility and the equity-based concerns deriving from the distribution of environmental compliance costs. A great deal of the anti-environmental backlash identified with the "takings" and "wise use" movements is directly attributable to a refusal to address these issues. The result is a growing opposition movement and an unsustainable environmental policy. A politically unsustainable environmental policy is surely a contradiction in terms that environmental advocates and policy makers should seek to avoid.

Jon Reisman is an associate professor of Economics and Public Policy at the University of Maine at Machias. He served in the King administration as project manager for the Clean Air Stakeholders Conference.

Endnotes:

1. Lester, James P. "A New Federalism? Environmental Policy in the States," in Environmental Policy in the 1990s: Toward a New Agenda. 1990. Norman J. Vig and Michael E. Kraft, eds. Washington, D.C.: CQ
2. Maine DEP. Regulatory Impact of the Clean Air Program on Attainment Areas. Report of the Attainment Area Committee to the Joint Standing Committee on Energy and Natural Resources, March 1994.
3. Carter and the Greens reversed their position and opposed CarTest after the election.
4. The State Police compared the gas mileage of similar fleets based on both traditional and reformulated gas areas of the state. The EPA studied differential gas mileage in Wisconsin.
5. This meeting was related to the author by DEP Commissioner Sullivan and confirmed by two other sources.

Full cite: Reisman, Jon. 1996. ***Maine implements the Clean Air Act: Federalism, environmentalism and interest group accountability.*** Vol. 5(2): 51-59.