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The 'public interest' in public regulation

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The public interest as stewardship of natural resources

by Todd Burrowes, Director of Public Policy and Advocacy, Maine Audubon Society

Last year Maine Audubon recognized that the grim reports on the state's budget and the state's economy might result in public discussion on the rationale that underlie our commitment to environmental protection. We were correct. We were also not alone in that concern. We worked together with labor, public health and environmental groups to identify common goals and to articulate our common values. That core group included the Maine AFL-CIO, the Maine Lung Association, the Maine People's Alliance and the Natural Resources Council of Maine. Together we established a network of about 30 public health, labor and environmental groups to develop a set of six basic principles, which we agreed succinctly express the values that should underlie environmental policy.

At the core of these principles are environmental stewardship, informed individual choice, sustainable economic development, shaping our industries and economic priorities to environmental needs, and recognizing the true cost of development and the true benefits of environmental protection. With these goals in mind, I believe that we can, in time and with hard work, move towards workable strategies for sustainable economic development and sustainable environmental protection, terms that I believe encompass the public's interest in environmental protection. The public's interest is in creating what we term an environment for success. Creating an environment for success means planning for the health of our workers, our communities and our environment. Protection of people and natural resources are not extras that we can afford only in times of plenty, but rather they are core values that are essential to our quality of life. Protecting them does not cause economic decline.

Underlying a number of proposals put forward by the organized business community is a premise that the environmental regulation system in Maine has contributed substantially to the economic decline and stalled recovery. No facts or economic studies support either proposition and I would urge you to take that to heart. As the state faces this recession, the economics of renewal will be founded, and must be founded, on human health, environmental quality and sustainable industries.

When you talk about defining the public interest, I think it is very interesting to hear what the public has to say. The coalition effort I described earlier is basically the work of the representatives of thousands of Maine families, so I would like to share those six principles.

First, Maine's quality of life is our richest asset. Healthy workplaces and community access to a clean natural environment are essential elements of the quality of life that is unique to Maine. To protect this asset, Maine may properly adopt environmental standards that are more stringent than those elsewhere. Our quality of life is what separates living from merely surviving. Maine people have chosen to place a premium on this precious resource. Maine's quality of life is an

asset that attracts new industry and new opportunity. For example, a large insurance company in Maine has stated that the quality of life in this state has made it very easy for them to attract executives. Maine's laws and regulations must protect the natural resources and values that form Maine's unique identity, even if these laws are stronger than those elsewhere.

Second, a strong resource base in public health is the foundation of a dynamic economy in Maine. Comprehensive environmental protection leads to worker and community health, improved productivity and economic opportunity. Worker, community, and environmental health are essential to a sustainable resource-based economy. Environmental regulations prevent the destruction and liquidation of resources that form the foundation of Maine's valuable fishery, wildlife, agriculture, forestry, aquaculture and recreation industries. Maine's resource-based economy cannot afford to deplete human health and natural resources. Sustainable industries that place Maine's people and heritage as a priority will, in the long run, make for a strong economy.

Third, pollution is more expensive than prevention. Avoiding the cost in human health and environmental degradation that result from pollution and ecological destruction is pivotal to long-term economic prosperity in Maine. Pollution translates into human suffering, lost productivity, excessive health care and insurance costs and countless forgone economic opportunities. Economic opportunity flows from a clean environment. Environmental controls encourage new business and manufacturing practices through "technology forcing" in business and infrastructure development. Environmental regulations can result in significant savings for business and industry by encouraging source reduction and more efficient use of costly materials. A number of Maine businesses have expressed interest in cooperating to develop a toxic use reduction program in Maine that has significant potential, not just for the environment, but also for Maine business.

The fourth principle is that human health and the environment are too valuable to waste. Decisions that affect human health and ecological health must rely on economic analysis that fully accounts for the benefits of healthy people and natural systems and the full cost of activities that degrade them. These resources must be protected, even if it costs money and even if the benefits are hard to quantify. Many traditional analytical economic techniques fail to measure the full benefits of robust natural ecosystems and consequently the full cost of activities that degrade them. A number of legislative proposals would require balancing of costs and benefits. There recently has been a lot of focus on the costs and a pretty slim focus on the benefits. There is a widely acknowledged inability to account for benefits properly, in part because the business community has backed away from the proposals to do the necessary types of cost-benefit analysis.

Fifth, public access is an essential ingredient to credible decision making. Administration of environmental and health protection laws must be effective and consistent, and regulators must be accountable to the public. Access to the regulatory system by the public is an essential element of an open society. Public involvement is essential if people are to accept the results, and very often that input will be extremely valuable to the process.

Last principle number six, we have the responsibility for human and ecological health and for cooperation to create an environment for success. Our obligation to ourselves and to the future

generations means that government, industry and individuals must act together to protect human, ecological, and economic health.

In conclusion, these principles will guide development of law and policy that is truly in the public interest. The public interest requires sound stewardship of natural resources, sustainable economic development, and shaping of our industries and businesses to suit basic

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