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REMARKS BY
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First, let me thank you for that introduction.

Second, Let me reintroduce myself. I'm Tom Kean, Governor of a highly successful, urbanized state that has had in the past more than its share of environmental and economic problems. I'm a Republican. And I'm a conservationist.

Not one of those contradicts the others.

Today, I'm here to share with you my own perspective as Governor of New Jersey -- ~~my~~ perspective on the environmental issues that you and I spend so much time unravelling.

Now, we Governors have an awful tendency to assume the rest of the world knows all about our own particular states. Frankly, I've learned the hard way that what most people think they know about New Jersey is wrong. Or seriously distorted.

So let me briefly introduce to you the New Jersey I know and love -- the Garden State -- and then let me tell you how New Jersey's experience applies directly to the nation.

New Jersey is heavily urbanized and the most densely populated state in the country. Our high density of population is concentrated, however, in several major cities and their surrounding suburbs. Two-thirds of our state is woods and farmland. We have huge farmlands; wetlands; hundreds of miles of shoreline, both sea and river. We also boast the largest single wilderness area in the northeast -- our pinelands, sitting on top of the east's major aquifer with all its groundwater.

New Jersey was one of the first states ever settled. It has seen every single phase of American history. I believe that its long history, with its incredible geographic and ethnic diversity, make my state a true microcosm of the nation.

In no other area is this more true than of the environment.

Many of this nation's current environmental concerns spring directly from industrial and economic developments. Many of those developments happened first in New Jersey. I believe that the solutions to those problems are also happening first in New Jersey --- ~~happening~~ happening even as we speak.

You see, I strongly believe that state government, as distinct from the federal structure, plays an essential role in protecting and repairing our environment. There is a powerful, public, grass-roots, national commitment to a clean environment. But a national commitment does not always -- and should not always -- mean a Washington solution.

Equally strongly -- I believe that environmental stewardship and economic growth are not antagonists, but two sides of the same coin. That coin is the healthy economy.

In my recent "State-of-the-State" message to the New Jersey legislature, I proclaimed that "1985 is -- and must be -- the year of the environment in New Jersey." I proposed a series of new and expanded programs to heal the state --- once and for all --- of the ravages of pollution. This fiscal year's centerpiece is a \$450 million program to clean up hazardous waste sites, phase out polluting landfills, and build modern, safe resource recovery facilities and sewage treatment plants: an environmental "Marshall Plan" for cleaning up New Jersey.

I believe equally that the 80's must be the decade of the environment for the entire nation. As we all must know -- a sound environment is basic to all our other goals and cannot be jettisoned, even in our fight to hold back the deficit. We might as well throw out the baby with the bathwater.

We in New Jersey now enjoy one of the most dynamic state economies in the union, by every economic indicator. We blazed the Northeast's trail out of recession, outperforming all our neighbors. At the same time -- we have embarked on the most aggressive environmental program of any state; and we get less federal help in return for our taxes than 45 of the 50 states. ✓

How this all ties together is that our booming economy, is pumping hundreds of millions of new dollars into state coffers. And those revenues are paying for regulation and enforcement in one of the few areas, where I believe government is justified -- indeed, duty-bound -- to intervene: that is, to safeguard our clean air, clean water and clean soil.

On these the health and continuing growth of our economy absolutely depend.

What then is the public telling us by twice within four years, overwhelmingly electing President Reagan, an avowed political conservative? What the public is telling us, I think, is that they want the individual freedom, private initiative and economic growth that President Reagan so eloquently promises and so faithfully delivers -- and the public sees nothing inconsistent with promoting a better environment at the same time.

Many of you may find this a hopeless inconsistency. I don't. But I do see it as a great challenge to find the right balance of diverse and compatible ways to reach the same results.

This then may well be the central challenge of the next 15 years: to reconcile a public hungry for less intrusive government but staunch in its commitment to environmental quality.

Clean air, water and soil require both independent and cooperative action by government at every single level. I've learned certain lessons in state government which I believe can be applied nationally.

First, just as a good environment is indispensable to a healthy economy -- contrary to those who said "Pollution is the price of progress" -- a

growing economy is vital to environmental protection. (We saw this when the "Energy Crisis" and "Stagflation" slowed a decade of environmental progress and President Carter threatened to undo scores of environmental laws.)

Second, Bipartisanship -- Nothing can be accomplished without bipartisanship. I cannot repeat often enough that environmental protection is not a party issue.

Third, getting the right laws enacted is only the first step; getting them enforced is just as important.

Fourth, Creative financing in time of budget crisis -- We can no longer depend on federal funding to carry out these responsibilities.

Fifth, protecting fast-vanishing open space, farmlands, critical areas and just plain countryside cannot hope to succeed against the forces of "sprawl" unless we -- once and for all -- embark upon a coordinated venture to retrieve and recycle our cities.

And Finally, transboundary pollution is now such a growing and progressive menace that all levels of government and all sectors, public and private, must work together and perhaps share some of their autonomy. This is vital --- to both interstate and international interests -- if we are to protect public health and the environment from such ravages as "acid rain"; and to head off or alleviate critical international disturbances in the earth's ecology -- such as the "desertification" we have so tragically seen in Ethiopia.

This year, I have made the goal of a "clean New Jersey" the centerpiece of my yearly blueprint for the state.

I didn't run for office expecting to spend so much of my time on garbage, sewage and toxics -- no one does. Yet this year my budget includes a \$450 million program to address the problems of hazardous waste: solid waste disposal: resource recovery: and sewage treatment. We need to meet clean water goals. \$300 million of that is new money, from a combination of immediate appropriations and long-term bonding. All told, we hope to generate approximately \$850 million to one billion dollars from all sources this year to use for environment cleanup. I don't believe any state has made such a commitment.

In this era of federal retrenchment, state governments can and must play the leading role in many environmental concerns. State Government has talent, resources, authority and proximity. It is close to the people; close to its own unique problems; responsive to grass-roots, citizen action.

So many of the symptoms of a pollution crisis first appear at the local level. The level of a town landfill where illegal dumpers have thrown toxic wastes or of a neighborhood that first detects problems with its drinking water or the farmer who suddenly discovers drums containing chemicals dumped 40 years before. The town that discovers that the fish in its lake are dying.

Yet the causes of these symptoms have impact that is far from local. Pollution knows very few boundaries. It is in coming to terms with those boundaries or lack thereof that each level of government takes its part.

Wherever the ability arises to solve these urgent problems -- at whatever level -- we can't afford not to welcome it.

My own state came up with the prototype for the federal superfund. The idea for that fund did not simply spring, like Minerva, from Jupiter's head -- the idea came from New Jersey. We showed the way with our state spill fund -- now we're showing the way with other new ideas.

One is the **Environmental Cleanup Responsibility Act**, which I signed two years ago. It is an example of why sound environmental policy is good for business. This law requires that before an industrial property changes hands -- it must be certifiably safe and clean. This means that an honest business isn't going to be left holding the bag for clean-up costs or lawsuits if hazardous wastes turn up on the site. And the taxpayer won't be left holding it either.

Another groundbreaking state law is our **Worker and Community Right-To-Know Act**. I believe very strongly in individual freedom -- and that includes the freedom to choose whether or not you accept a known risk of living and working among certain substances. The individual can only make that choice when he or she knows what's in the neighborhood.

I'll add that the Right-To-Know Act is much more stringent than the recent OSHA standards in requiring detailed disclosure. We are now pressing a suit to prevent OSHA's lower standards from superseding ours.

J. Clarence Davies, of the Conservation Foundation, put New Jersey's case in a nutshell, in the latest release of Issues in Science and Technology: "Regarding exposure to toxic substances in the workplace, most of the standards incorporated into the **Occupational Safety and Health Act** were based on acute effects, or predate concerns about cancer and chronic effects. There has been little effort over the past few years to update the standards or to address newer problem chemicals."

I have believed since I wrote the bill that created our Department of Environmental Protection that New Jersey's continued economic growth depends on our ability to protect our environment.

In New Jersey, we felt and saw both acute and chronic effects from pollution before most other states. We went to work identifying hundreds of sites and sources before most other states were aware of the problem. Each site was prioritized in a four year plan with sources of funds and a timetable for cleanup.

Through hard work, New Jersey now has secured 95 sites on the **Superfund** national priorities list -- more than any other state in the nation. Under our current schedule, by the end of this year, we will have initiated action on two-thirds of these sites and on hundreds of the smaller sites not eligible for superfund.

(Dept. of Environmental Protection)

By the end of 1985, DEP plans to have a total of 84 feasibility studies, 35 designs, 63 removals, and 17 construction projects in progress or completed.

Our ambitious master plan for site cleanup has served as a model for the nation. In the three years we've had the plan in place, we have met or exceeded every target. This groundbreaking program allows us to handle the large and most complex cleanups effectively and efficiently -- even if they are extraordinarily expensive and span several fiscal years.

The Superfund is essential to New Jersey's work to clean up her act. The fund will be, and should be a vital force in cleaning up states that follow our lead. But in recent months, the states have watched more and more delays in reauthorizing the fund.

I've said it before, and I will say it again: if it fails to reauthorize not just the Superfund -- but a bigger and better superfund, this Congress will be branded for decades as irresponsible and grossly negligent.

At this point, let me mention our next problem. Recently we cleaned up a Superfund site in Middlesex County, but the final disposal site in Ohio was closed to us. At present, there is only one site in the country which will accept radon-contaminated waste. We have approximately 15 homes in New Jersey, affected by radon and it will cost us \$7 - \$8 million to clean them up.

This is the next problem which will face all the states but with which we are already coping in New Jersey. We have created a Hazardous Waste Siting Commission to help us in this process.

As you can gather, I believe New Jersey has good environmental laws on the books. Every one of those laws was put there through bi-partisan cooperation. For the environment must belong to no one person or party or philosophy. It has at times been jeopardized by leaders of both parties as at other times it has been protected by leaders of both parties. I have found the leadership from both political parties has been necessary for important legislative progress in environmental programs.

Often citizens work to pass a law to protect the air or the water and then, ~~are~~ convinced the job is done. Enacting laws is no guarantee they will ever be put to use, regardless of who is in power or which party controls the White House or the state houses.

This is one reason I have always supported the right of the public to go to court and get their laws enforced. When regulators either won't or can't do the job, it is up to citizens to prod them into doing it. And the best form of "self-help" I know is the right of a citizen to go to court.

I would also like to see more citizens' participation in agency proceedings where policies are made -- thereby, lessening the need to litigate later.

We also need regulation that encourages and rewards creative compliance with environmental standards. We don't want regulation that requires the same "regulatory fix" from everyone; we want "designer regulations" because one size most assuredly does not fit all.

We want regulation that minimizes the heavy hand of distant and unaccountable bureaucrats and maximizes opportunities for local communities

and citizens to have a voice in their own fate. We need more of the openness of a William Ruckelshaus going to Tacoma, Washington to meet with all segments of the community before acting on pollution complaints at a nearby smelter -- where many faced a tradeoff between their health and their jobs.

We want swift enforcement of laws and standards, but we don't want industry harassed or stifled. What we want instead is a system of incentives and penalties, carrots and sticks that encourages voluntary compliance. It's hard enough to put a policeman on every street corner; how can we post a scientist at the property line of every factory?

Perhaps, most fundamental to better enforcement, our laws should be self-enforcing as possible. We can do this by giving industries the flexibility they need to comply in the fastest and most cost-effective ways they can devise. More important still, we have to make polluting the environment more expensive than not polluting -- so that companies won't have to decide between shareholders and the public interest. For instance, as system of emission fees would redress the competitive balance of responsible industries. It would also promote faster compliance -- as polluters will get no "free ride" until or unless they are caught and forced to clean up.

The private and public sectors must work together. An example of how government and industry can join in a creative clean-up partnership is the **Solid Waste Privatization Act** I signed early this year. This creates a structure of incentives and opportunities for towns and private operators to reach swift and productive agreements on handling waste.

Another in-state example is the mandating ^{of} recycling law I just proposed to our legislature. I want to see a full 25 percent of the state's total municipal waste stream recycled. This is possible and we are going to make it happen.

I also believe that an integral part of saving our environment is to save our cities.

We have been trying to save our cities for a long time. The usual prescriptions haven't worked. Huge federally-funded "urban renewal" projects levelled vast stretches of the urban landscape and displaced thousands of people.

Interstate highways chewed up neighborhoods and added to the human displacement. Suburban sprawl and the growth of "exurbia" have replaced farms -- with their annual bounty of fresh fruits and produce -- with a patchwork of subdivisions and "strip development." No wonder Americans by the millions travel to Europe to visit real cities!

In truth, the only answer to saving rural and surrounding open space and older, urban America is to save them both by reviving cities as places to live -- not just work in and depart at 5:00 p.m.

This renewal is already happening at a quickening pace. Capitol Hill has become a lively, attractive place to live. New Jersey "Yuppies" have discovered New Jersey's towns once scared by "urban blight" --- Hoboken, Weehauken, Secaucus, Jersey City and even Newark. Camden is not far behind.

We can and should re-invest in the "infrastructure" of urban areas so that the private sector -- meaning simply, people and businesses -- will keep coming back. The federal spigot, however, has about dried up. Even if UDAG is saved in this, next deficit-ridden budget, we have to find alternatives. Again, this is a leading role tailor-made for state government and innovative Governors.

In New Jersey, I proposed and drafted a state infrastructure bank. Its purpose? To finance much-needed repairs and rebuilding -- of bridges, sewers and roads -- with low interest loans. Because the loans must be repaid into a "revolving fund," borrowers will use funds more wisely than if they received "free money." We simply cannot afford any more environmental "porkbarrel."

That bill was stifled by the legislature. But we didn't give up. Half of its provisions are now part of our new transportation trust fund -- the most significant capital investment in infrastructure New Jersey has seen. The rest should pass with our environmental trust this year.

New Jersey is also staying ahead of the game by passing our own urban enterprise zone laws -- in the absence of action by Congress. "Urban Enterprise Zones" are now reality in two New Jersey cities -- with two new ones soon to be announced.

Again within our own state borders -- I have proposed a "transfer of development credits" to rehabilitate urban housing with private capital.

Creative zoning, magnet developments, property tax relief -- all can help make cities the human and cultural centers they used to be -- and are becoming once again -- with benefits in many other areas, such as energy conservation and lower taxes. I believe we all must take an interest because better cities preserve more of the countryside and small towns that have inspired Americans from Whitman to Sandburg. I have often attended environmental meetings and heard people bemoan the lack of interest of urban America in the environmental movement. Perhaps we ought to turn that around and ask how many environmental organizations have an interest in the cities?

Now -- I've spoken so far in terms of New Jersey as a separate state, but as we all know -- even solid waste doesn't necessarily stay within its original borders. Air and water pollution knows no boundaries. To solve these problems states must turn to the federal government. There must be a strong national commitment to clean air and clean water and to regulating dumping in our oceans. How particularly is this true of the bane that combines both air and water pollution: acid rain?

Acid Rain is but the latest --- and by now best known and perhaps most controversial --- example of the seamless web that is our environment. The pervasive destruction of water, crops, forests, and buildings, wrought by acid rain, shows us anew the folly of now heeding his warning. Today, when it rains -- it burns.

Acid rain is not simply a matter of concern to New England and Mid-Atlantic states, such as New Jersey. It is a matter of national and international tension on a level that few of us would have dared guess only a few short years ago.

No action will be complete without joining into a meaningful partnership with our neighbors -- Mexico and Canada. Our power plants, smelters, and automobiles are polluting their air and water and wiping out their lakes and forests as surely as their efforts to compete with us lead to pollution on our side of the border. International cooperation is here a critical necessity -- as is interstate consensus.

In my role as Governor of New Jersey -- and as Chairman of the Coalition of Northeastern Governors -- I placed control of acid rain at the top of our collective agendas.

I submitted a plan to reduce sulphur dioxide ("SO₂") --- a key "Precursor" to acid rain -- by at least 10 million tons nationwide by 1995. Each state should have the freedom to choose how to comply, but each state must contribute its fair share to a national SO₂ reduction program.

Many worthwhile proposals are being considered and debated in the Congress and state houses of the nation -- but the time for endless debate and interminable research has passed. We cannot afford the luxurious delay of a definitive academic study before taking the steps to we know are needed.

I call upon Congress to make acid rain control the benchmark of its success in the next year. Along with the expansion and reauthorization of "Superfund," I can think of few issues that so urgently require their time and energy.

What, then, is your role in this great drama of the 20th century? For make no mistake -- this is one of the greatest undertakings America has attempted; and we simply must succeed. There is no victory for independence, no manifest destiny, no preservation of the union, no world safe for democracy -- if we enslave ourselves and despoil our homeland with our own garbage and wastes.

I am convinced that no state can resolve these problems unless you who forge and wield the tools of our legal system do so with a clear awareness of -- and an unserving commitment to -- the public interest in the protection of the environment.

Those who represent industrial clients, I encourage as responsible counsel to consider the advantages to the client of assuring a speedier cleanup, and perhaps a better corporate image as well. Of foresaking any opportunities for delay. Of getting the job done now, before the environmental problem worsens and before the public's trust -- and your client's good name -- are lost for good.

To those of you in public service -- there is often a clear need for lawyers to advocate innovative solutions and for courts to carve out bold, new environmental policy. There is a time and a place for bold, new judicially sponsored environmental policy -- but I place my greatest confidence and hopes in balanced, comprehensive approaches fashioned by elected legislators. Forcing the courts to innovate in areas where the public's expectations are as well defined risks many things. By its very nature of judicial remedy, it is limited by existing law -- which may or may not properly encompass a given environmental problem.

A court-ordered solution necessarily also arises from , and is often limited by, the narrow goals of individual litigants. Rarely, may it be said that a court-fashioned ruling is based on a broad spectrum of representation from all facets of society.

I deeply believe that environmental protection per se is in the public interest. But it is equally clear that the public interest is a two-edged sword. The ends must not excuse the means. The environmental lobbyist who evokes unjustified fears to win support for a favorite program cannot claim to be acting in the public interest any more than the corporate attorney who stalls an expensive cleanup while the damage spreads and the costs run even higher.

The regulatory attorney who values legal novelty over environmental effectiveness... the public official whose depth of understanding of environmental issues is limited to finding a seat on the political bandwagon...the government enforcement attorney who values publicity or winnability or one-up-manship over preventing and remediating environmental harm...the agency manager who resists dismantling a program whose job is clearly done...can any say he or she honestly serves the public interest?

The point I most want to make today is that caring for our homeland is not a partisan issue. It has been embraced and betrayed by members of both parties. It is an issue that calls on the patriotism of every American. And frankly, I believe that protection of the soil, air and water that Americans use is more truly "national defense" than most major weapons systems.

I remember the words of John Kennedy, so many years ago, when the cold war was seen with greater fear by most Americans than almost anything else -- and when few people knew or thought much about ecology: the science of life.

Kennedy said: "If the self-discipline of the free cannot match the iron discipline of the mailed fist, in economic, political, scientific and all the other kinds of struggles as well as the military, then the peril to freedom will continue to rise."

There you have in a nutshell my philosophy of environmental defense.

If we ourselves lay waste to our country -- ravage the land, the earth, that is our home -- what will there be left for "Star Wars" to defend?

It's long past time to redirect our nation's money where it belongs -- to the environmental defense of ourselves and our homeland. 1985 stands midway between Earth Day in 1970 when young and old put aside the political inadequacies to dedicate themselves to a new environmental beginning. And the start of a new millennium. It is time to take stock of what we have done, where we are -- and, most important, where we are going.

Our parents and grandparents had the excuse of not fully knowing what great harm they did. Many suspected the awful truth. A few lone voices cried out in the wilderness, warning of the even more deadly wilderness to come -- the wilderness that men themselves were creating. Too often they were ignored, by a public that knew little better.

But today, you and I represent and are members of a public that knows much more about its vital stake in the environment. We are fully aware of the tainted legacy our forebears left us. We are fully aware that a clean environment is essential to our progress and our survival. I believe that this century must mark a shift in our fundamental view of the economy. This country and its frontiers were developed by conquest. But conquest is not the whole story, nor the end of the story. The step that has always followed in successful economies is stewardship.

The days are long gone when we could simply use up and foul thousands of acres -- and move on to ~~to~~ thousands more. The new frontiers that await us are within our own borders. They are internal challenges -- the challenges posed by the advance of knowledge instead of the advance of wagon trains, railroads, or even space shuttles. The new frontiers -- the new challenges -- will provide just as much growth and opportunity as the old "manifest destiny." They will generate jobs; they will attract investment; they will make the best and most of the huge abundance we enjoy.

I believe in private initiative. I believe in individual freedom. I believe in economic growth; but there is no more insidious way to undermine economic growth than to poison it from within. I remember a paper presented nineteen years ago next month, by an economist named Kenneth Boulding. This was three years before Apollo's photographs showed us so eloquently how our earth floats, a delicate enclosed sphere, in the vacuum of space.

Mr. Boulding pointed out that, as a race, the human species had ^{seen lately,} only in the blink of history's eye, ~~seen~~ that we do not live in a limitless world. We live in an enclosed system. We may be able to send voyagers out-- but they have to take their little reserves of earth with them and they have to come back.

He called our earlier, ignorant view of the world "the cowboy economy." The cowboy economy looks to ever limitless plains. It seeks ever greener pastures, once the herds have denuded the old ones. It engenders "reckless, exploitative, romantic, and violent behavior" -- because the cowboy never stays around to repair the damage. He's off into the sunset, looking for new conquests.

Well, as Mr. Boulding pointed out -- what we really have is a "spaceman economy." We depend for our lives on certain reserves of air, soil and water on earth. And no matter how many space shuttles we send out -- we're only going to find these here on earth. The cowboy economy looks for every more consumption. Movement and change. It assumes endless reserves of raw material, and endless repositories for waste. We know that these do not exist. The spaceman economy-- which we might also call the "gardener economy" -- is based, in contrast, on total capital stock. It concerns itself with the quality, extent maintenance and constant renewal of finite resources. In the new economy -- that I've already seen take hold in New Jersey -- that stock includes the investment we make in human beings. In their vigor, their ability to learn, and their ability to build on what they've learned.

The cowboy and his economy are picturesque figments of nostalgia and the past. Don't we know that the reality of the astronaut is much more exciting -- much more of a challenge? Haven't we learned that the ethic of the gardener is eternal? -- with its roots in the dawn of time, and its fruits handed on from one generation to the next.

I believe we do know these truths. We have no excuse not to. And we have even less excuse not to act on them in our lives and professions. Pollution is not the price of progress. It is the dead, stinking albatross around the neck of human progress. A New Jersey Governor once said, "There is no assurance in the increase of our material resources ... mere growth doesn't mean progress. It all depends on the use that is made of these things." That was said 75 years ago, by Governor Woodrow Wilson. Today another New Jersey Governor asks you to take his words to heart. ✓

Thank you.