Nature of Congressional Process

- **Attitude**
  -- If it is not prohibited, it is permitted
- **Local unhappiness affecting "critical mass" of constituencies**
- **Action in individual states**
- **Congressional action**
  (with or without executive leadership)
  (Congressional politics)
- **"Riders"**
- **Resulting Federal law affects implementation .......... slowly**
  (Administrative politics)
- **Citizen action to enforce and implement law; industry lobby to not enforce the law**
  (Administrative politics; courts)
- **Possible extrapolation to state imitative actions**
- **Issues of Federal pre-emption, US State initiative**
- **Possibility of Congressional clarification of law**
- **Local grass-roots advocacy is the essential building block**
- **Science; education; media; power of producers**
1956 - Interstate
1966 - 4f
1969 - NEPA
1970 - CAA
NEPA "balances"

1) define the problem; "scope"
2) consider alternatives
3) predict outcomes, including environmental impact
4) identify mitigation of impacts
5) citizen right of action
6) no ex-post enforcement by EPA
Difference Between NEPA and 4f; CAA (cont'd)

Section 4(f) is outcome-oriented

- if a Federally-funded transportation facility "uses" a park in such a way as to diminish its value
- if a "feasible and prudent" alternative exists
- you must choose the alternative
- court ruling that no-build is feasible and prudent
- citizen right of action
- opinion of owner of the park is important
Clean Air Act, 1970-1990

- Outcome-oriented (public health)
- Context
  - lead, CO  Local
  - HC, NO$_x$  Metropolitan
  - CO$_2$  Global
- Regional approach vs non-degradation
- Decentralize to states, but Federal enforcement
Pollution =

Pollution \cdot \text{Fuel} \cdot \text{VMT} \cdot \text{VEH}

\text{Unit of Fuel} \quad \text{VMT} \quad \text{VEH}

Tailpipe
Cafe
Fuel Tax

Demand Restraint
(Fuel Tax?)
Technology Change

Big firm/Small firm
US vs International
Labor and Industry
California car
CO₂ as pollutant
Tax as "price"
  pay to pollute
Tax to raise money
  constituency for pollution