

IMPACT OF NEW FEDERALISM ON STATE ENVIRONMENTAL HEALTH ORGANIZATIONS

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There is no doubt that you will get as many viewpoints and opinions concerning the impact of "the new federalism" on state environmental health organizations as there are individuals involved. The different categories of reactions might be somewhat similar, however, depending on whether you are talking with someone in the traditional health area, someone in the political arena, or an involved citizen. In the end, the general attitude will reflect whose ox is getting gored. Each of us has been affected or gored in a slightly different manner, depending on the nature of our environmental philosophy or backgrounds, and the type of interest and/or organization which we may represent. I am not pretending that my appraisal of the situation is entirely accurate or objective, but it does indicate my own viewpoint and bias.

The "new federalism" is such an all-encompassing term that we probably have to deal with it in manageable pieces. A certain piece has been somewhat circumscribed for me by the title which someone selected for this presentation. Such a presentation as this cannot deal with the entire impact of the new federalism as it affects environmental health and, to a large extent, my discussion will deal more with the impact of the U.S. Environmental Protection Agency and its attendant philosophies, laws, and guidelines, than with other federal agencies affecting state environmental health programs.

It might be well to remind my listeners today that the concept of a high-level, unified federal environmental organization and program was

supported by the American Public Health Association. I was privileged to be the spokesman for the AHPA section on environment in a meeting with the Presidential Committee on Executive Reorganization, better known as the ASH Committee. However, supporting the organizational concept and supporting all of the actions and policies of EPA are two different matters.

From my personal viewpoint, the new federalism has offered many improvements and valuable concepts including the following:

1. It has given a multiple goal mission (i.e., broader than health only) to environmental programs and this had a desirable impact on state legislation, policies and organizations.
2. It has helped to utilize the sound ecological proposal that the human animal is a part of the environment, not something separate, distinct, and discrete from the environment.
3. It has provided (despite the White House and the Bureau of Management and Budget) vastly increased funding for certain environmental programs, particularly, air quality and water quality.
4. It has mandated many states to action in the program areas of water pollution and air pollution control.
5. It has implemented and proven the concept that regulatory actions are basic, necessary, and viable program methods.
6. It is beginning to force states to plan concerning the basic environmental issue of land-use.

7. It has prodded many state agencies into a role of environmental quality advocacy.
8. It has provided an impetus and a model (perhaps a questionable model) for states to give greater emphasis and visibility to environmental concerns.
9. It has initiated efforts to solve certain pollution problems such as those relating to transportation which are beyond the ability or authority of most states.
10. It has shown leadership and direction in solving environmental problems thereby enhancing environmental aggressiveness by state agencies.
11. Except for political interventions by the White House and the Bureau of Management and Budget, it has shown leadership in enforcing legal requirements and letting the courts balance the equities.
12. It has, in numerous ways, provided necessary backing and support for laggard state programs and enabled states to act on the basis that "the Feds will do it if we don't".

I will not pretend that the foregoing summary items are complete but they do represent some of the positive impacts of the new federalism on state environmental health organizations.

I will now turn my attention to enumerating some of the questionable and undesirable impacts of the new federalism on state environmental health organizations.

1. Previous to the present administration, I had never witnessed

nor dreamed of political infiltration in Washington and regional offices to such a depth. Now, environmental agencies and departments in Washington have political appointees several echelons deep, as do the regional offices. Many of these high level and high paid officials were appointed on the basis of little other than political merit.

2. Political affiliations have now become a prime consideration when being considered for appointment to the higher level advisory committees and councils in the new federalism establishment.
3. It has become difficult, frustrating, and frequently impossible to determine and pinpoint responsibility and accountability. Regional personnel innocently point to a conglomerate bureaucracy in the North Carolina area which, after being contacted, guides you on to Washington. Washington officials, equally innocently, tell you of decentralization and regional authority, and relate your inquiry back to the regional office.

I wish to quote briefly from a statement made by the Governor of Utah: " It has been most difficult for the State Bureau of Environmental Health to deal with the Environmental Protection Agency because of the manner in which the EPA uses its regional office in Denver. In the case of most governmental agencies, the regional offices have considerable decision making power and are able to cooperate with the state government on joint programs on a man-to-man basis. Such is not the case with the EPA. People from the Denver office appear to be no more than

conduits, transmitting ultimata from somewhere on high. In seeking cooperation on joint state-federal anti-pollution programs, the state officers are empowered to make final decisions. The regional people from Denver are not. The decision making power on the federal level is vested in individuals whose names we do not know, whom we have never seen, and with whom we are not even sure we are communicating."

4. I have never previously encountered such poor communication as has existed between federal EPA officials and state officials. Prior organizational arrangements within the federal establishment were of such a nature that all environmental officials basically felt like they were related and belonged to the same "fraternity". This resulted in a high level of understanding, cooperation, and coordination. The present officials seem to have never heard of such arrangements and, for the most part, do not seem anxious to improve the situation.
5. I have found it impossible to communicate with our own regional EPA administrator personally or privately. He insists on having another of his personnel on the line when having telephone discussions or in his office when having personal visits. At one point, he even told me that he could no longer talk with me inasmuch as my agency had filed suit against the federal EPA and we were in litigation concerning the "no significant deterioration" hassle. I had to promptly advise the gentleman that we were prepared to file additional lawsuits and do

our communicating in front of the judge if he so insisted.

6. Not only is communication poor, but some of the highest officials seem to be almost "nameless" and "faceless". Last year I made repeated efforts to invite one of the highest EPA officials to participate as a panelist at a special session of the American Public Health Association. I found that I was totally unable, as a mere director of a state environmental agency, to make direct contact with the gentleman either in writing or through phone calls. I was repeatedly referred to some equally nameless, faceless, inconsequential subordinate.
7. By fiat of the White House, it has been determined that there is no shortage of professional and technical environmental and environmental engineering personnel inasmuch as this is the White House's method of solving the problem concerning the surplus of aeronautical engineers, and if the White House says so, an aeronautical engineer is an environmental engineer. Therefore, advanced graduate education and training courses have been abandoned by EPA and, on a broader and even more serious basis, the USPHS, by determination of the Office of Management and Budget, no longer supports graduate traineeships, project grants, and categorical grants for public health training. The effects of this error will not be apparent immediately but we will all become aware of an increasing deficit in the quality and quantity of available professional environmental management personnel.

8. The new federalism is seriously crippling the PHS Commissioned Corps which provided an excellent personnel system as well as an available reserve of professional personnel and a method of insuring outstanding professional communication.
9. Recent organizational occurrences at the federal level have caused a rather narrow and incomplete definition of "environmental health" or "environmental management" in accordance with the scope of environmental organization at the federal level. Not only has this been undesirable, but it has served as a pattern or model for many states to reorganize in accordance with federal air-water-wastes syndrome, while calling the agencies something misleading like Department of Environmental Protection, or Department of Ecology, or some similar misnomer.
10. Mostly because of the ultraconservative political dictates of the White House, all federal environmental and public health efforts have been hampered and curtailed in efforts to deal effectively with the national and international population problem.
11. Due to the type of state agencies being organized in response to the federal organizational patterns, most states have had to endure increasing fragmentation and splintering of environmental programs inasmuch as the new state EPAs are usually only air-water-wastes agencies and important environmental components also typically remain in most state health departments. This error has resulted in increased costs, ineffectiveness, inefficiency, and bickering between professional peers in each of these types of agencies.

12. The new federalism has continued to pursue single purpose and single answer alternatives in the energy field instead of making a massive effort to utilize viable clean energy alternatives and sources and prioritizing this new effort as highly as propelling a man into outer space.
13. The new federalism continues in its attempts to solve certain pollution problems by promoting the uniform layer of smog proposal, or pollution solution by national dilution.
14. The new federalism continues to place more emphasis on economic health than environmental health without understanding that the two are really inseparable, that "everything is connected to everything else", and that we should pursue solutions based on the proven ecological principle of "providing the greatest good for the largest number over the longest period of time". We are now witnessing a polluter's backlash against environmental standards which took years to develop, and such environmental standards are being improperly blamed for economic problems and even for the energy crisis. I have not been able to perceive that officials above the EPA and Council of Environmental Quality in the White House and Bureau of Management and Budget have any real commitment to environmental quality. I even felt that the transfer of William Ruckelshaus was really an opportunistic ruse to remove him from environmental responsibilities inasmuch as he was showing leadership and effectiveness.

15. The new federalism has really not recognized, authorized, or programmed solutions for the real environmental problems - - - the basic environmental issues - - - the only programs which are truly preventive rather than curative, dealing with population, land-use, energy, and transportation.

And, despite the rhetoric, the environment continues to deteriorate.