

## Closing Statement

## Who Is the Enemy of Environmental Protection?

Over the years, our field has often been marked by blame and assignment of fault, with the perceived nobility of our work as environmental professionals turning on which “side” we represent. Through my work over the years, I have had a chance to see this “fault line,” so to speak, from a number of different vantage points. Given that experience, I’d like to reflect for a few moments on the blame-game as practiced in today’s Washington, D.C.

Much of the attribution for environmental degradation has historically been aimed at the largest overall source of pollution over time — our industrial sector. We don’t have to look too far for the reasons for this.

Because our environmental problems as a nation emerged from a period of rapid industrialization without sufficient attention to environmental and public health protections, it was natural at the beginning to see industry as a key source of the problem. I must confess that as a young environmental prosecutor at the Justice Department in the early 1980s, this did not seem like an incorrect framing of the dynamic. Noncompliance was common, and the costs of neglect, especially in some neighborhoods, could be seen, breathed, and even tasted.

Government has of course also often been painted as the enemy of environmental protection, owing either to government’s history as a polluter in its own right, or to concerns that the government has failed to act with needed alacrity or seriousness of purpose in addressing important environmental and public health issues.

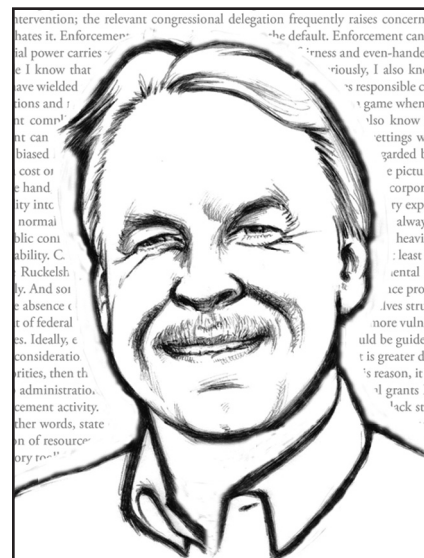
Even civil society has at times been seen as an enemy of sorts, unable to kick consumption and disposal habits that are in tension with sustainability goals, with not-in-my-back-yard

activism at times frustrating rational decisions about where to put infrastructure needed to properly address environmental needs.

Looking through the lens of 2017, the blame-game has become considerably more nuanced. For example, on the question of industry’s role, how should we consider that many in the businesses community have now emerged as environmental leaders, running cutting-edge compliance programs and demanding top environmental performance in their own operations and those of their suppliers and business affiliates? These businesses are increasingly much more part of the solution than they are of the problem. And the pendulum of public opinion is always swinging, producing ever-changing and widely varying perceptions about whether or not We the People are in the right place when it comes to the environment.

So, who is the enemy of the environment? To my mind, the enemy is not a particular sector, not a “who.” At this juncture, best practices for navigating the human-environment interface are well understood, such that the vast majority of what we do can be carried out in an environmentally responsible manner. Good decisions by environmental decisionmakers allow this to occur, and all sectors are capable of making good decisions. The enemy then? Bad decisions, pure and simple, wherever they are made. The obvious question then becomes how best to avoid bad decisions in the environmental sphere.

We know that good decisions are grounded in law and science and are rational in their construction and thrust. But there is of course more to them than that. Good decisions turn on processes that help ensure that they are well-informed, benefitting from the



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best available body of thought regarding science, law, and alternatives, and transparent in outcome, allowing stakeholders to understand the basis of the decisions. These elements carry the important collateral advantage of facilitating acceptance by those affected by the decisions, which in turn enables a compliant, compatible response.

These hard-earned lessons continue to provide a valuable roadmap for environmental decisionmaking, and, when honored, can produce decisions that are sound and good in any context, in any sector. There will always be arguments about what constitutes the best view of science, what the law should be, how the law should be interpreted, what permit conditions should be imposed, and the like. But let’s not argue about the importance of the roadmap for good decisions that has emerged over the years — almost half a century at this point — and the processes that guarantee the roadmap’s sanctity.

If we hew to this path in the work that we do, then regardless of the sector that we represent, we will have stood against the common enemy of bad decisions on environmental protection. That is an inherently noble pursuit.