



By Linda K. Breggin

Groups of Public Officials in Flux

The recent formation of a new splinter association for state and local air pollution control agencies raises questions about the future role of these types of organizations. The National Association of Clean Air Agencies and other associations of officials responsible for administering environmental laws have played a central role in the development and implementation of law and policy for decades. For example, NACAA provides a forum for information exchange and technical resources. It is best known, however, for representing its members' positions on national policy issues, frequently testifying on Capitol Hill and filing comments with the Environmental Protection Agency on a wide range of air-related issues. NACAA counterparts for other media include the National Association of Clean Water Administrators, the Association of State and Territorial Waste Management Officials, and others.

The influence of these associations is due in large part to the expertise they bring to the table. For example, Yale law professor Judith Resnick and her colleagues, who coined the term "translocal organizations of government actors" or TOGAs, explain that "these organizations may be especially attuned to practical concerns about developing and implementing innovative solutions."

It is also their ability to speak on behalf of their members that makes their input so powerful — Congress and EPA listen when state officials advance a uniform policy position. Yet if recent developments at NACAA are any indication, the ability of these associations to speak on some of the country's most critical environmental problems may be in jeopardy.

Seventeen states, led by Ohio, have formed a separate entity, the Association of Air Pollution Control Agencies. Six of the states — Florida, Indiana, Louisiana, North Dakota, Ohio, and Texas — are no longer members of NACAA. The remaining 11 — Alabama, Kentucky, Mississippi, Nebraska, New Mexico, Nevada, Pennsylvania, Tennessee, Virginia, West Virginia, and Wyoming — are members of both associations.

Although some attribute the establishment of AAPCA to personality conflicts among key NACAA staff and certain state officials, it is nevertheless clear that the drama playing out reflects the larger national divide on environmental protection. It is no coincidence that the defecting states are Republican, as are all but one of the states that are members of both associations.

The key concern expressed by those forming the new association was outlined in an October 2011 memo, which emphasized that NACAA policy positions should reflect a consensus or near consensus of its members — which in their view was not consistently the case. As the *Dallas Morning News* explained in reporting on the story, NACAA "strongly supports positions that Texas strongly opposes — from new clean-air limits on industries to regulating greenhouse gases."

There is no question that NACAA has taken positions on controversial issues or that it often supports regulation. In 2008, one of NACAA's key recommendations to President-

Elect Obama was to "tackle" global warming by crafting a proposal for legislative action and using existing authorities under the Clean Air Act. And *Scientific American* named NACAA Executive Director Bill Becker to its 2002 list of policy leaders for his work on reducing auto emissions by "coordinating efforts to create model air pollution regulations that were turned into law."

What then can associations of public officials do in an era of polarization on environmental issues — particularly if their influence lies in the ability to present a consensus position? One answer is to avoid policy and instead focus on technical issues, which is what AAPCA says it will do. Robert Martineau, commissioner of the Tennessee Department of Environment and Conservation, whose state belongs to both NACAA and AAPCA, says associations can still make an important contribution: "Even on issues such as coal ash or ozone transport, these associations

can provide valuable expertise related to scope, costs, feasibility, and practical implementation and enforcement issues."

Another approach is to avoid taking

policy positions on which there is no member consensus. NACWA Executive Director Alexandra Dunn says it is still possible for associations to take common positions "but you need to . . . be prepared to give voice to the minority view."

While it is undoubtedly the case that associations can still provide valuable technical expertise and find some common ground, it appears that at least for now the space in which they can operate in consensus has narrowed considerably — and that is unfortunate.

Linda K. Breggin is a Senior Attorney in ELI's Center for State and Local Environmental Programs. She can be reached at breggin@eli.org.

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