



Rational and Fair Regulation is Good for All Iowans

It goes without saying that environmentalists seek regulation to keep the air clean and breathable; to protect waters so that people can drink the water, swim in the water, and fish in the waters and later eat the fish they catch; to protect natural areas; and to keep toxic pollutants off the land.

The Iowa Chapter supports the following regulatory framework:

- Regulations need to be fair and rational
- Undeserved relief should not be granted
- The polluter should pay to clean up their messes
- Businesses and industries requesting permits to pollute should pay for the staff to evaluate the permit and monitor compliance, as well as to review expired permits, update permit levels, and re-issue revised permits.
- Businesses and industries that do not comply should be subjected to fines and penalties, large enough to discourage continued non-compliance and large enough to pay for the staff to enforce the compliance
- Regulation needs to be more than paper pushing; it needs to be action – actively monitoring and forcing compliance.
- Iowa should not have an open door that welcomes polluters to the state.



Photo credit: Gene Alexander, USDA NRCS

On the other hand, industries will seek regulatory relief to the point that they do not have to be regulated at all.

There must be a balance between the

- public interest
- industry and corporate interests, and
- the government regulatory agencies.

When any one of those interests gets out of balance, the system fails to work in the best interests for everyone.

Good regulation is:

- Clean beaches
- Clean water
- Abundant fish that are safe to eat
- Clean air

- An environment that is cared for
- Public lands that are for the benefit of the public
- Wetlands that function to protect water quality and provide wildlife habitat

Good regulation is not:

- Fouled beaches and beach closings
- Streams and lakes contaminated with human, animal, and industrial waste
- Tainted drinking water
- Chemical contamination entering water bodies leading to fish consumption advisories warning people not to eat the fish due to toxins such as mercury and PCBs
- Polluted chemical-laden air and haze
- Destroyed and filled wetlands
- Neglected environment
- Public lands that are given to or sold to developers

Self-serving regulations protecting polluters are not in the public interest.

We are in a period of time where the regulated community is trying every means possible to escape regulation or to create lax oversight. Lobbyists are working overtime to remove public protections and inconvenient regulations. Those means come in many forms:

- underfunding the regulatory agencies
- making the general public pay for the regulation, rather than the polluter
- gutting regulations and laws
- manipulating the language in laws for the benefit of the polluter
- regulatory capture, where the regulated community has positioned friendly staff in the regulatory agencies who carry out laws and regulations in a manner to protect the regulated community
- exempting whole industries from certain laws and regulations
- creating delays in implementation such that the laws are never put in effect, such as waiting for studies, grand-fathering old facilities, or granting long extensions of time for laws to be implemented
- allowing voluntary compliance, which, in essence, is non-compliance
- making fines for non-compliance so low that the fines are simply a cost of doing business as usual
- preventing further acquisition of natural areas, for parks, preserves, and recreation areas
- selling public lands or rolling-back the conservation work needed to protect public lands
- attempting to silence whistle-blowers
- eliminating boards and commissions that monitor, permit, or restrict polluters and developers; or interfering with the work of the board in such a way as to neuter its work
- developing schemes to privatize the profits and socialize the costs
- developing public-private partnerships where the public gives and the private takes.

These self-serving actions are not in the public interest. It is imperative that undeserved relief not be granted.

Companies can still do business when there is environmental regulation. Businesses can grow when they are regulated so that the environment is protected. The state can have economic development and environmental regulation; they are not mutually exclusive endeavors.

When regulation is fair and rational, all Iowans benefit.

No one wants to live around a stinky polluted area. Visitors do not want to recreate around a stinky polluted area. No one wants to live in an area where the environment endangers a person's health. No one wants to look at a cess pool. No one wants to drink polluted water. No one wants to live in a state where the businesses and industries are privatizing the profits and socializing the costs by making the taxpayers pay for the cleanup.

No business wants to pay excess costs to clean up after some other business that offloaded the expenses of preventing pollution. Likewise the taxpayers should not be responsible for paying the costs to clean the environment after a careless or lawless business or industry pollutes the environment.

When pollution causes or exacerbates health conditions, everyone is affected, from the people who become ill to the people who have to pay higher insurance premiums to cover the medical bills.

Being open for business does not mean having to sell your soul. Businesses can work and operate within a regulatory framework, if they choose to do so. We can have a clean environment and business activity.

Environmental standards ensure a level playing field for all businesses competing in the market. When one company chooses to ignore environmental protection, other companies watching the bad actor take notice and begin ignoring environmental protection and a downward spiral begins and the loser is the environment and the people of Iowa.

When representatives of industries pepper discussions about proposed regulations with phrases like "the rules need to be achievable, reasonable, affordable, and scientific-based", what they are really saying to the regulators is "we don't want to do it". As environmentalists, we need to retort with a loud "yes, you can" and "yes, you should".

Holding environmental scofflaws accountable

Some pollutants can have serious health and environmental consequences. Even very successful companies can choose to ignore or violate environmental laws.

Regulators need to be given adequate staff and tools so that they can monitor compliance with the regulations and so that they can gather information that would be needed to support civil and criminal actions against polluters. Regulation needs to be more than paper pushing; it needs to be action – actively monitoring and forcing compliance.

Violators of federal environmental laws are held accountable by the Environmental Protection Agency and the Department of Justice, through either civil or criminal processes. Violators of state environmental laws are held accountable by the Department of Natural Resources (DNR),

the Environmental Protection Commission (EPA), and the Attorney General who works through the state court system.

Penalties need to be large enough that they are not seen as a cost of doing business. The intent of assessing penalties is to encourage the company to comply with environmental laws from that point forward. Penalties also serve as an example to encourage others to following the environmental laws. Penalties can include a requirement to install appropriate environmental controls, fines and other monetary penalties, and even prison sentences. At the same time, the polluters should be required to clean up their messes.

The names of the businesses who are cited for failing to follow the environmental laws are posted on the DNR and EPA websites. Press releases are issued by agencies that issue the penalties. Newspapers around the state carry news about some of the businesses that are sited. However, unlike for street crime, there is no police blotter published in the local papers.

Many of the businesses that are cited are allowed to continue their businesses operations with relatively little public knowledge of their transgressions. Ideally those businesses learn from the experience, change their processes to prevent pollution discharges, and upgrade their equipment so that they can prevent further pollution. However some businesses are chronic flaunters of environmental laws and go back to business-as-usual once they are sited by the regulators.

Rational and fair regulations protects us all and keeps us safe.

