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EDITORIAL

Unfunded Federal Environmental Mandates

The Congress and executive agencies have promulgated legislation and related regulations that require substantial expenditures by states, cities, counties, towns, and townships. The federal mandates have tight deadlines and enormous—often confusing—detail. Some include large fines and even imprisonment for noncompliance. The unfunded federal mandates take precedence over local needs at a time of strained budgets.

Two recent events indicate that a revolt mentioned in an earlier editorial (*Science*, 8 January 1993) has grown greatly in strength. On 27 October, more than 1000 mayors or city managers and county commissioners participated in a National Unfunded Federal Mandates Day 1993. They held simultaneous press conferences throughout the nation, pointing out damage that unfunded federal mandates are doing to local governments.

On 3 November, a hearing before the U.S. Senate Committee on Governmental Affairs brought forth a large stream of denunciation. Four senators not part of the committee saw fit to testify, providing examples of costs and harm occasioned by federal mandates. Other witnesses included representatives of the National Conference of State Legislatures, the National Association of Counties, and the National Association of Towns and Townships. Mayors from Columbus, Ohio, and Philadelphia, Pennsylvania, also testified. There are about 172 mandates with which local governments feel obliged to comply. Senator Mosley-Braun (D-IL) pointed out that the city of Chicago spends over \$160 million per year to comply with just 50 of them and spends \$27 million annually on paperwork associated with federal mandates and regulations.

Senator Gregg (R-NH) told of experiences in his state. The town of Lancaster (population 3486) collects \$1.4 million in revenues each year. Complying with the new Safe Drinking Water Act alone will cost \$2 million. The town manager said, "...there is no way the town can keep up." Another senator told of a small town where new safe drinking water regulations would cost each user \$6000 per year. A local official said, "We will have the cleanest water in the country and the dumbest kids." Senator Gregg also testified that:

Many of the mandates that most upset New Hampshire towns and cities...are environmental regulations. EPA [Environmental Protection Agency] just continues to churn out new requirements. EPA does so, I believe, because of the types of statutes it is administering; namely, basic command and control regulatory regimes that provide the implementing agency with broad discretion and that allow the agency to never believe its job is done.

The mayor of Philadelphia, Edgar G. Rendell, provided for the record a large body of evidence that included a vigorous denunciation of EPA regulations and management. He cited five instances in which the EPA has made substantial errors in estimating costs to local governments of its regulations. The EPA estimated that the costs of preparing storm water permits for Philadelphia would be \$76,681. Actual costs were \$916,950. Four other examples involved erroneous estimates of a total of tens of billions of dollars nationwide.

Rendell mentioned examples of costs for Philadelphia including a proposed \$500-million tertiary water treatment plant. He said that he would go to jail before agreeing to the requirements. He also touched on specific problems of other localities. "Tucson, Arizona, a desert community in which waterways are dry most of the year, must spend millions to monitor pollutants in nonexistent water in dry stream beds." Under the Safe Drinking Water Act, cities must monitor at least 133 specified pollutants. One of them is a pesticide that was used only on pineapples in Hawaii and has been banned for 15 years. He also cited a 1990 statement by the Office of Management and Budget that regulation of atrazine in drinking water would cost \$93 billion per life prolonged. His remarks included, "Some 'unfunded federal mandates,' though having laudable goals, have been given unrealistic implementation schedules, and others are just plain ludicrous and silly."

Witnesses at the Senate hearing repeatedly decried inflexible command and control federal legislation and regulations. They pointed out that circumstances in the many regions and communities in this country differ greatly and elected officials there are better attuned to local needs than unelected federal bureaucrats.

Examples of ridiculous results of federal mandates are proliferating. Scores will be publicized, causing major damage to the credibility of the federal government.

Philip H. Abelson