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**American Environmental Policy, 1990–2006**  
Beyond Gridlock

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## Preface

In early December 2006, as we were writing this preface, Senator James Inhofe (R-Oklahoma) conducted his last hearing as chair of the Senate Environment and Public Works Committee. The topic was climate change, and Inhofe, the leading climate-change skeptic in the Senate, criticized the media for “scientifically unfounded climate alarmism.” The hearings illuminate the legislative gridlock on environmental policy that has been so common in the U.S. Congress since 1990. Yet two other stories having to do with climate policy unfolded within a week of Inhofe’s hearing. Earlier, the Supreme Court considered a case in which twelve states sought to force the U.S. Environmental Protection Agency to regulate greenhouse gas emissions from new vehicles. At one point during the oral arguments, an exasperated Justice Antonin Scalia exclaimed: “. . . I’m not a scientist. That’s why I don’t want to have to deal with global warming, to tell you the truth.” Yet the gridlock in Congress led to policy action on other fronts—in this case, a lawsuit. Further to the north, New York became the first state in the northeastern Regional Greenhouse Gas Initiative to unveil its draft regulations to achieve CO<sub>2</sub> emissions cuts through a cap-and-trade program in the region. From the Northeast to the West Coast, states have acted while Washington has not. In sum, these three events illuminate the state of environmental policy in the United States today: gridlock in Congress, but action on a variety of other pathways.

Recent writing on U.S. environmental policy frequently focuses on two themes: the gridlock on environmental policy (noted above) and the development and adoption of “next generation” environmental policy based on collaboration and pragmatism. As we read and thought about this work, we concluded that while the general themes were correct, they

were also incomplete. As we thought about environmental policy more deeply, we wondered why there was legislative gridlock after 2000, with Republicans in control of the White House and Congress. Looking at policy more broadly, we saw President Clinton protecting millions of acres through the Antiquities Act, states taking the initiative on a variety of topics, and the courts issuing crucial decisions that deeply involved them in complex and chaotic disputes such as the struggles over endangered species in the Pacific Northwest. Gridlock in Congress on the environment perhaps, but certainly not policy gridlock. We also concluded that although collaborative, next generation policymaking is certainly part of the landscape, it is not the dominant policy pathway. Endangered Species Act lawsuits by the Center for Biological Diversity, for example, are just as significant in shaping policy as collaborative partnerships. In brief, environmental policymaking today is vibrant and complex, with a variety of opportunities for action. It is also full of pitfalls and ripe with uncertainty. We take you on a tour of that landscape in this book.