VICTOR JUHASZ

MR. CLEAN'S AIR ACT

TO CONGRESSMAN HENRY WAXMAN, PRESIDENT BUSH'S "CLEAN AIR" PROPOSAL LOOKS MORE LIKE A POLITICAL SMOKESCREEN.

BY JOSH GETLIN

Some 40 years ago, Los Angeles residents still wondered why their eyes and lungs burned every time they took a breath. Al Waxman, the publisher of a small neighborhood newspaper, was sure he had the answer. As a member of a city commission investigating the growing air-pollution problem, he insisted that fumes from automobile exhaust were responsible, and he called for strict new controls. ● Waxman's message might have been visionary, but it didn't win him many friends in a city increasingly based on intensive use of the private car. Business leaders were incensed at his suggestions and had him tossed off the commission, saying more studies were needed. Meanwhile, air pollution in North America's smoggiest metropolis grew worse. ● This year, as Congress plunges into the task of revising the nation's Clean Air Act (first passed in 1970), another Waxman is raising hell over air pollution. But this time nobody is dismissing him so cavalierly. Indeed, Representative Henry A. Waxman (D) of Los Angeles, the publisher's nephew, is a pivotal player in the fight to pass a tough new law cracking down on automobile pollution as well as acid rain and airborne toxic chemicals. ● "I don't think there's anybody in the House who knows or cares more about air pollution than Henry," says Representative Leon Panetta, a California Democrat and staunch Waxman ally. "He has become the point man in Congress for all those people trying to get a new bill passed." ● Mr. Clean, as Waxman is known on the air-

pollution issue, also wins grudging praise from his critics. A lobbyist who has clashed with Waxman says few members of Congress are as intellectually equipped to grapple with such a complex subject. Fighting with Waxman, he says, "is like running into a brick wall. If you haven't done your homework, forget it. And even if you have, he's formidable. Nobody fights for what he wants so tenaciously."

Waxman has also become one of the leading congressional experts on health care and has helped pass legislation expanding medical care for senior citizens and low-income women and children. He is deeply involved in efforts to expand federal funding for AIDS treatment and is pushing landmark legislation this year to provide AIDS testing for thousands of potentially infected people.

Short, mustachioed, and nearly bald, the 50-year-old congressman at first seems to belie his tough reputation. In fact, Waxman is quiet, good-humored, and sometimes painfully shy. His serious, almost professorial demeanor seems out of place in the glib, fast-track world of Washington politics.

But when a political fight looms, a startling transformation takes place: Waxman reveals himself as a skilled legislative infighter, one who has been known to grill committee witnesses like an autocrat and pepper his colleagues with sharp-tongued retorts during debates on the House floor. "You don't want Henry as an enemy, let's put it that way," says an aide to one House leader. "The difference between him and a lot of other congressmen is that he really cares about the issues he's dealing with—he lives and breathes them."

Waxman is a native Angeleno, married with two children, and a devout Jew whose Russian grandparents fled Czarist pogroms. He attended UCLA, earned a law degree, and launched his career in the 1960s, when he was elected to the state assembly. Waxman was first elected to Congress in 1974. Over the years he and other Southern California Democrats have established a political "machine" that exerts influence from Los Angeles City Hall to the halls of Congress.

SIERRA: As you were growing up in Los Angeles, did you expect that you would become a public official?

WAXMAN: I don't think I wanted to be a public official at that point. My family was solidly liberal and Democratic, and I liked the issues—even in high school I remember working in local campaigns. But not until college did I get involved in the California Young Democrats and the civil-rights movement, and later on in the anti-war movement.

When you were first getting involved with local candidates in high school, what particular issues attracted you?

It was the 1956 presidential election. Mr. Adlai Stevenson. I was attracted when Stevenson talked about trying to do more for working people and poor people, trying to set up a more peaceful world by emphasizing international cooperation.

What about the influence of your family? To what extent would you say your Jewish upbringing, the experience of your grandparents, shaped your perspective?

Jewish religious tradition points us in the direction of trying to make a better world, trying to bring about social justice. I think it also requires us to stand up and fight for what we believe is right, even if it's not particularly popular at the moment—as Elie Wiesel once said, to speak truth to those who are powerful.

TERRY ASHE / GAMMA-LIAISON

Representative Henry A. Waxman

What were the issues that you worked on with the Young Democrats?

We were considered way-out radicals at the time. In the early '60s we came out with resolutions endorsing a test-ban treaty, recognition of Red China, and disbanding the House Un-American Activities Committee. Each one of those stands now seems quite mild.

So initally you had an outsider's perspective. You were not part of the mainstream.

We were ahead of our time.

Why did you decide to take on the issue of clean air?

I remember as a child the first early days of air pollution. People were shocked that the pristine air was being fouled. I remember walking to school in smog so irritating that my eyes burned.

Later, when you were in the state legislature, were you interested in air-pollution issues?

I was interested, but there wasn't a great deal going on. My interest was in health care in the state of California.

When I came to Washington I applied to go on the House Energy and Commerce Committee, which had a health subcommittee. When I joined that subcommittee in 1975, the first bill we addressed was the Clean Air Act. I was immediately given an opportunity to work on strengthening that legislation. So I've been involved in the Clean Air Act since I first came to the Congress. I've seen how these issues have evolved.

The whole nation knows by now that air pollution is a Los Angeles problem, but it's of great concern in other areas too.

It is not just a Los Angeles problem. There are around 150 million people in this country who live in areas that violate health standards. We keep finding more areas out of compliance, more and more Americans forced to breathe air that's not healthy.

All over the country.

All over the country. Los Angeles has the most severe problem, there's no doubt about that. That is why in Los

Waxman emerged as a national heavyweight in 1979, when he won an uphill battle for the chairmanship of the House Energy and Commerce Committee's powerful Health and the Environment Subcommittee. Ever since, he has been trying to win passage of tougher clean-air legislation. It has not been an easy fight: Democratic Representative John Dingell of Michigan, who chairs the full committee, has consistently defended the interests of the automobile industry against Waxman and others seeking to impose strong controls on auto emissions.

Now Waxman is spearheading the fight for a more rigorous clean-air law, and he has his work cut out for him once again. President Bush surprised many observers in July by proposing a package of new clean-air regulations—something Ronald Reagan never did—and his proposals are expected to dominate the clean-air debate in Congress this year and next. The Los Angeles congressman has bitterly criticized Bush's proposals as weak, especially on the subject of auto pollution, and predicts that Congress will ultimately pass a much more stringent law.

"The stakes are too high to let someone claim rhetorical credit for clean-air legislation, but in reality do nothing at all," he says. "I don't think people will stand for that."

Dingell and others disagree with that assessment, but none of them takes Waxman lightly. "When it comes to rounding up support for a position, nobody does it better around here than Henry Waxman," says Representative Bill Richardson (D-N.M.). "When he gets rolling, when he's really intent on reaching his goal, it's something to see."

Josh Getlin, a New York City–based reporter for the Los Angeles Times, *conducted this interview for* Sierra *in July, just after President Bush had unveiled detailed clean-air proposals. At press time in October the White House–backed clean-air bill was being debated in the House Energy and Commerce Committee and in the Senate Environment and Public Works Committee.*

Angeles we're going to have to be much more aggressive in our policies, looking for every possible pollution reduction, including some from very small sources. But in many areas of the country the air-pollution problem can be dealt with very effectively by reductions in the pollution from mobile sources alone. Los Angeles serves as a warning for the rest of the nation.

What I hear from people on both sides of the aisle, whether they praise or damn you, is that Henry Waxman is someone who managed to protect and in some ways advance the liberal agenda during the height of the Reagan years. How were you able to resist the administration's attacks on the Clean Air Act in 1982?

We went through a difficult time during the eight Reagan years trying to deal with health and environmental issues. So many government efforts were set back. I do pride myself on making some progress and keeping some of the damage to a minimum.

We faced a serious attempt to gut the Clean Air Act in 1981 and 1982. A coalition of all the industry groups that pollute lined up with the Reagan administration and with the chairman of the House Energy and Commerce Committee, John Dingell. Their legislation was based on the premise that every industry could get a break and pollute a little more. The only problem with their plan was that the public was going to have to pay for it with poor health and increased environmental damage.

We were able to stop that bill mainly because voters supported stronger, not weaker, environmental protection. When the legislation came to the full committee, the coalition fell apart. It was a coalition built on greed. When we were able to take away the benefits that the chemical companies and some of the utilities wanted, the whole thing collapsed. The industries that weren't going to get theirs didn't want other industries getting something. So they ended up joining us in pulling the plug on the legislation.

After 1982 we were the ones trying to advance legislation. We felt it was important to adopt bills on airborne toxic chemicals and acid rain. We've been frustrated, but we've been painting the picture and setting the agenda.

Some observers say that the politics of clean air has become snarled, at least at the committee level, partly because of the well-known and strong disagreements between you and Dingell. Is that true?

I've read in a couple of places that this issue is a personality problem between John Dingell and Henry Waxman. I resent that, because there are clear substantive issues. He sees his constituents as the automobile manufacturers rather than the people in Detroit who are suffering from air pollution. I'm not only representing what I think is my constituents' interest, but a broader national interest—the health consequences of air pollution. I've never seen any movement on the part of Chairman Dingell that would give me hope that a compromise could be worked out. So we have staked our positions and are now advancing them.

Ironically, we're together on most other issues that are before the committee, but on environmental issues we have been at odds with each other and continue to be.

I hear people saying that there really is a chance for legislation this year. What makes things different now? What has changed?

The reason I'm convinced we're going to pass clean-air legislation this year or this Congress is that we have an administration that's come forward with a proposal. It's not a proposal that meets the tests that I would impose. But the fact that the President has put this high on the agenda, as has the Speaker of the House, the President Pro Tem, and the Majority Leader of the Senate, means that we're going to move forward.

You've already begun to answer this, but let's go into more detail. What do you think of the Bush proposals?

As much as I was heartened by the President's original statement of objectives, I'm disappointed by the details of the bill. The Bush administration gave up a lot of ground, especially to the auto-

IT'S CLOUDY IN CONGRESS, WITH A CHANCE OF CLEARER SKIES

At *Sierra's* press time in early October, Representative Henry Waxman's Health and Environment Subcommittee had not yet emerged from a haze of highly controversial debates on the Clean Air Act.

Waxman had asked the subcommittee to use President Bush's bill as the starting point for an overhaul of the 19-year-old legislation. Though he considered the bill a weak one, he hoped to strengthen it with amendments from the three alternative bills he is supporting.

By the end of September, House Energy and Commerce Committee Chair John Dingell (D-Mich.) and Representative Norman Lent (R-N.Y.) had changed the starting point by introducing a modified version of the President's bill that addressed some environmentalist concerns: It eliminated one Bush provision that would have allowed the use of tall smokestacks to evade pollution controls, and another one that would have allowed the EPA to be less vigilant in protecting visibility in national parks.

But despite the concessions, environmentalists generally viewed the Dingell-Lent bill as far from acceptable. "Most of the other changes in the substitute bill are cosmetic," said Sierra Club lobbyist Melanie Griffin, "and some of the new provisions actually weaken the EPA's authority."

With this new bill on the table, the markup process began. Waxman won an important early victory when, by unanimous vote, the subcommittee squashed the administration's plan to allow "emissions averaging" for auto manufacturers. (See column three below.) Then, traditional foes Waxman and Dingell surprised observers by emerging from behind closed doors with standards for auto-tailpipe emissions that, while not as stringent as Waxman's original proposal, represented a big environmental step forward from the Bush bill.

mobile industry, in working out legislation that just won't get the President what he says he wants: clean air for every American.

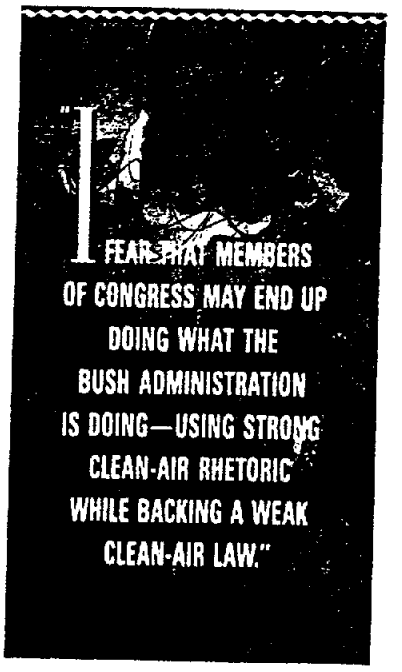
What would your legislation accomplish that his would not?

When EPA Administrator Bill Reilly came before our committee, I went through a litany of things the agency could have done but chose not to do. They could have tightened up the tailpipe standards, at least to what California requires, both for hydrocarbons and nitrogen oxides. They could have done more in the area of light-duty trucks. They could have done more in the area of heavy-duty trucks and urban buses. They could have done more to make sure that the pollution standards met by the automobile would be for the full life of the car or 100,000 miles in ten years—not just for five years and 50,000 miles. They could have had an on-board canister to pick up gasoline evaporation, which in warm weather can produce as much air pollution as tailpipes emit. They could have made a lot of things mandatory that they made discretionary. They passed up all these opportunities to reduce smog.

Some of the discretionary strategies were mandatory in the earlier drafts. I'm convinced that between the time of the June draft of the President's proposal and the July legislation, the automobile industry got concessions from the Bush administration.

Why was there this retreat from the promise of the June statement?

I don't know the full reason for it. I do know that the automobile-industry executives, including the head of General Motors, met with [White House Chief of Staff] John Sununu a couple of days before the bill was introduced. They might have gotten these additional concessions at the time, although the administration denies that.



What other differences do you see between your proposal and Bush's?

Not only have Bush officials failed to take advantage of many opportunities to reduce air pollution, they have proposed changing the law in a way that I think could produce even more pollution than we now have. They would allow motor-vehicle standards to be met through what they describe as a more flexible system of [emissions] averaging, which would allow some cars [in a manufacturer's fleet] to pollute above the standard because others are polluting below it. Now *every* car must meet the standard—so the average is way below the standard for a whole fleet of cars.

The legislation could also undermine the air quality in our national parks. It would repeal requirements that the EPA promulgate standards protecting national parks from degradation of air quality. It would repeal the existing law discouraging the use of tall smokestacks [as a means of pollution control]. It would weaken the sanctions imposed for failing to meet clean-air standards. It would scrap the provision in current law that requires the EPA to set health standards for emissions of airborne toxic chemicals. Even the centerpiece, the clean-fuels requirement, in which Bush

Sweet as those wins must have been for Waxman, many difficult questions remained in the areas of urban smog, airborne toxic chemicals, and acid rain. At press time the subcommittee was expected to finish its job before mid-October. Then the bill was to go to the full House Energy and Commerce Committee, and finally to the House floor. If Waxman succeeds in delivering a strong bill to the House, the clean-air battle will be more than half won: The Senate is expected to deliver a bill much stronger than Bush's.

Daniel Weiss, Washington, D.C., director of the Sierra Club's pollution program, says that readers interested in clean air should write to their representatives asking them to support the principles embodied in Waxman's three bills when the Dingell-Lent bill reaches the House floor.

On the issue of urban smog, that means backing the provisions of H.R.2323, a bill introduced by Waxman and Jerry Lewis (R-Calif.) with a much more aggressive approach than the Dingell-Lent bill proposes for cleaning up the urban areas now in violation of federal air standards.

On the issue of airborne toxic chemicals, Waxman and the Sierra Club recommend H.R.2585, a bill introduced by the late Mickey Leland (D-Texas) and by Guy Molinari (R-N.Y.). The bill distinguishes itself from Bush's by, among other things, greatly increasing the number of regulated sources of toxic chemicals and by requiring industry to install the best pollution-control technology currently in use (not just the "maximum achievable" technology based on considerations of cost and feasibility).

On acid rain, defining the environmental high ground is more complicated. Environmentalists support the Dingell-Lent bill's proposed cap on sulfur dioxide emissions, which would prevent new plants from increasing overall pollution levels. But on most other matters—deadlines and the size of reductions in nitrogen oxide emissions, for instance—they prefer the stipulations of H.R.1470, a bill introduced by Gerry Sikorski (D-Minn.) and Silvio Conte (R-Mass.).

"The biggest bone of contention—auto pollution—has been resolved," Weiss says. But further drama could lie ahead when the issues of polluted cities, airborne toxics, and acid rain reach the House floor. ***—Joan Hamilton***

originally proposed mandating sale of 1 million clean-fuel vehicles by 1997, has been delayed by two years in the proposed legislation. In fact the requirement can be thrown out the window if the administrator of the EPA thinks it's appropriate to do so.

The bill in its details is filled with relaxations and loopholes and opportunities for the auto industry and others to avoid or fight pollution restrictions—should the EPA have the will to impose them. In other words, this bill just doesn't work.

Given all the things you have just explained, what can Sierra Club members do to try to see that a strong Clean Air Act is passed?

It's so important that people who care about this law make their voices heard. They must write to their representatives and senators. They must try to let them know that they're being watched.

Members of Congress know that 80 to 90 percent of the American people want stronger environmental protection, even if that means they're going to have to pay more money for it. But in Washington, special interests have a lot more power because they are watching things very carefully and have campaign contributions that they will either give or withhold depending on how people vote on specific provisions.

I fear that members of Congress may end up doing what the Bush administration is doing—using strong clean-air rhetoric while backing a weak clean-air law. So members of the Sierra Club should write to their representatives and tell them to vote for and against some of these specific provisions.

It's not enough to write a letter saying we want you to support the Clean Air Act? It has to be more specific?

I think just saying you're for clean air is not enough. You've got to come in and say you're against the weakening provisions of the Bush reauthorization bill and that you endorse the Sierra Club–backed legislation: H.R.2323 on smog, H.R.1470 on acid rain, and H.R.2585 on toxic air pollutants.

Do you think that grassroots activity can act as a counterweight to the impact of special interests?

I think it's the most important counterweight we have. We don't reauthorize the Clean Air Act very often. So the decisions we make this Congress are going to be in place for the next several decades.

If legislation approximating yours is endorsed by the House, do you think that Bush would veto it?

No. I can't see the President vetoing a clean-air bill because the automobile industry isn't happy. I think he would be too embarrassed.

I would hope that he would veto a bill if it *wouldn't* achieve clean air, however. I would hope we have a President who would veto the bill that was sent to us by this one.

How do you rate the performance of EPA Administrator Bill Reilly so far?

I think Bill Reilly is very well-meaning. I think he brings a pro-environmental approach to the EPA. Unfortunately, he's lost a lot of fights within the administration on clean air and is acting as a good team player backing the bill.

Then you understand the situation, but you're disappointed—is that how you would put it?

I'm disappointed that he hasn't been more successful in the internal fights.

Clean air is one of the first broad opportunities Bush has had to show his environmental credentials. What do you think about his commitment, based on his recent clean-air proposals?

I think what we have is a President who wants to look like an environmental President, but who is not coming forward with a strong environmental proposal. I get a sense that President Bush is more interested in how he appears than in what he will in fact accomplish. ■