

A number of [other posts](#) on Legal Planet have noted various efforts by Republicans in Congress to stop or repeal EPA regulations. Those efforts are part of a broader movement by Tea Party organizations (organizations that are overwhelmingly Republican) to effectively eliminate environmental regulations in the United States. If there was any doubt about that point, a Tea Party activist in California recently got approval to circulate a ballot initiative that would [repeal all state environmental laws in California](#). The activist's goal is not just limited to state laws - [he believes that all federal and state environmental laws are unconstitutional](#) (*link requires subscription*)

A few interesting threads I'd like to draw out from this:

(1) It is just wrong that there is no difference between the two major parties on environmental issues. You might think the Democrats don't do enough (see, e.g., [Obama's decision to postpone revisions to the smog rule](#)), but there is a night and day difference between the two parties on environmental issues right now. If the Republican nominee (whoever he/she is) is elected, [there will be a fundamental change in perspective and policy at EPA](#). There will be no federal greenhouse gas regulation in the near future; efforts to eliminate interstate air pollution that kills thousands each year (efforts that would control pollution from coal-fired power plants, pollution for which leading economists have concluded that [the costs clearly exceed the benefits](#)) would be derailed; major industry sectors that emit significant toxics into the air will continue to be unregulated, and on and on. Of course, the Republican candidates [won't say that they don't care about the environment...](#)

(2) I'll be curious to see how this ballot initiative plays out. The proponents will either need a lot of grassroots activism or lots of money to get the necessary signatures (over 800,000). Getting signatures in California is often an expensive, millions of dollars operation because most campaigns used paid signature gatherers.

(3) The last ballot initiative to (effectively) repeal an environmental law in California was last fall, when Proposition 23 would have rolled back the state's global warming regulatory statute (AB 32). That initiative - which was voted on when state unemployment was over 12% and in a wave election for Republicans - [lost by over 20 points](#), including in some of the most conservative counties in the state. It's hard to see how this initiative does any better, since its targets are much more sweeping. The proponent seems to think that attacking all environmental laws will make the initiative more popular by gathering various disaffected groups together. But it is also likely to unite all the disparate groups that benefit from different kinds of environmental laws together as well. Indeed, if the initiative gets on the ballot, environmental groups might want to use it as a rallying call to get out the vote for

the election (and perhaps push for success on other initiatives they might have for the ballot that they care about too).

(4) The proponents of this initiative might not quite realize what they're getting themselves into. Many federal environmental laws (e.g., the Clean Air Act, Clean Water Act, and the Resource Conservation and Recovery Act (RCRA, which regulates hazardous waste)) are implemented in large part by state environmental agencies. If you repeal state environmental law (including the CalEPA) that means the US EPA will be directly enforcing all of these laws in California. That might not result in less environmental regulation overall, and it will certainly mean that any regulation will be less tailored to California's particular needs and preferences.