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FROM THE TRENCHES: WHAT HATH BUSH WROUGHT FOR THE ENVIRONMENTAL LAWYER IN PRIVATE PRACTICE? OR MUCH CAN-DO ABOUT NOTHING

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FROM THE TRENCHES:
WHAT HATH BUSH WROUGHT FOR
THE ENVIRONMENTAL LAWYER
IN PRIVATE PRACTICE?
OR MUCH CAN-DO ABOUT NOTHING

CHRIS MHYROM¹

President Bush has managed to undo most of the modest gains [the Clinton Administration] made with almost no effort. Within months of taking office, he had scuttled new standards for arsenic in drinking water, pulled out of the Kyoto treaty on global warming, and rejected stricter fuel-efficiency standards. Since then, his Administration has expedited the permit-granting process for power companies, enabled logging companies to build new roads in national forests, and sought to open the Alaskan wilderness to oil exploration.²

This comment exemplifies a popular opinion of the Bush Administration's environmental record. I will attempt to provide, though perhaps summarily, a perspective of the Administration's environmental performance from the viewpoint of an environmental attorney in private practice.³ For additional insight, I have spoken with friends and professional acquaintances in the environmental departments of megafirms, in the more generalized practice areas of small to medium sized firms, and in environmental boutique firms. The general consensus is that the Bush Administration has had little impact on their respective practices. Do they anticipate significant changes in practice over the remaining years of this Administration? Yes, no, and maybe. One would be hard pressed to come up with a murkier response, but that is what one hears.

1. I am a partner in a Springfield law firm. My practice is very enjoyable; I get to represent a wide yet comfortable panoply of interests in a broad range of environmental subject areas. I do not purport to be up on the latest trends in Washington, D.C.; indeed, I have three kids, and I would be glad to be up on their latest trends.

2. Elizabeth Kolbert, *Comment Bad Environments*, THE NEW YORKER, May 20, 2002, at 35, available at <http://www.Kingchuck.com/mining.streams4.html>.

3. Thank you, Professor Craig, for inviting me to participate in this environmental symposium.

When assessing an executive administration's affect on environmental policy, it is important to first survey the national political milieu. Consider the following questions: Can the most powerful man in the world, the President of the United States, substantially affect environmental policy and enforcement in the United States in the first year of his administration? What about in four years? Does recent experience teach that the statutory framework and regulatory structures of environmental law are now so securely ensconced as American icons that material revisions to our pantheon of environmental statutory gods defies even the most earnest efforts of reformers, whether liberal or conservative? Can the Chief Executive really hope to implement substantial change in environmental regulation effectively? If not, is it nonetheless true that President Bush's Administration has demonstrated in its first year an inability to manage details competently in this field?

One must accept the threshold premise that the President can, through appointments, policy announcements, or executive orders, attempt to set the stage for public debate on environmental issues during the remaining years of the administration. Obviously, the electoral process itself is a significant factor influencing the environmental arena. Some so-called natural resources lawyers representing mining, petroleum and natural gas drilling, and timber interests presumably have not stopped salivating since the Supreme Court put the Florida returns to bed.⁴ Conversely, considering the lack of electoral punch in New England, how much could the Bush Administration care about garnering environmental votes in the Northeast?

Recall how a few votes would have shifted New Hampshire's electoral victory to Vice President Gore, which would have rendered Florida's results irrelevant.⁵ Ironically, Robert Varney, New Hampshire's long time Commissioner of Environmental Protection, is now the Administrator of the EPA's New England Region.⁶ Re-

4. Mr. Meyer is much better positioned than I to afford a national perspective. See Dan Meyer, "W" For War and Wedge? *Environmental Enforcement and the Sacrifice of American Security—National and Environmental—to Complete the Emergence of a New, "Beltway" Governing Elite*, 25 W. NEW ENG. L. REV. 41 (2003).

5. See <http://www.leinsdorf.com/president2000.htm> (listing results from each state). President Bush had 273,559 votes, while Vice President Gore had 266,348 votes. If only 3,606 people had changed their mind between the two of them, or thirty-three percent of those who voted for Mr. Nader had voted for Vice President Gore, then Gore would have won New Hampshire's four electoral votes.

6. See Press Release, EPA New England, Whitman Swears in Robert Varney as

cently I heard Mr. Varney describe himself publicly as a “Democrat on Sabbatical.”

Even from a charitable perspective, the Bush Administration’s first year foray into the battle of Beltway environmentalism was grossly inept. Opportunities presented by the favorably reviewed selection of Governor Whitman to head the EPA were dashed by the rather obtuse decision to declare publicly the “re-review” of the arsenic in drinking water regulation promulgated after lengthy debate.⁷

Assume, arguendo, that the arsenic rule is wrong and represents the triumph of politics over science. So what? It is incomprehensible why any rational issues manager for the White House would provide Administration critics the chance to open every public address with the query: Who here is in favor of more arsenic in their drinking water? Since this announced re-review resulted in the same standard being proposed, what was accomplished? The whole episode could be aptly dubbed “the Arsenic Fiasco.”

From the private practice perspective, I can tell you none of my industrial or commercial clients were impressed. Environmental organizations, on the other hand, loved this show. Struggling since the fund-raising glory days of the Reagan and “Bush the First” Administrations, the major environmental groups could not have asked for a better opening move from the current Bush Administration. Through appointments like the much-maligned Gale Norton and the sweeping regulatory reviews called for by Massachusetts-trained Andrew Card,⁸ which lead to the new Beltway expression of “getting Carded,”⁹ the Administration seemed eager to help these organizations replenish coffers depleted by the absence of good environmental alarm issues during the Clinton-Gore years.

Still, one can argue that this Administration’s first year performance will have to be evaluated towards the end of its second year. The first year of any administration must succumb to an inev-

EPA New England’s Regional Administrator (July 31, 2001), *available at* <http://www.epa.gov/NE/pr/2001/jul/010719.html>.

7. *See* National Primary Drinking Water Regulations, 66 Fed. Reg. 16, 134-35 (Mar. 23, 2001) (codified at 40 C.F.R. pt. 141) (delaying effective date by sixty days).

8. *See* Memorandum for the Heads and Acting Heads of Executive Departments and Agencies, 66 Fed. Reg. 7702 (Jan. 24, 2001). In this memorandum, Mr. Card delayed implementation of several regulations.

9. *See* Robert Perks & Gregory Westone, *The Bush Administration’s Assault on the Environment*, REWRITING THE RULES, YEAR-END REPORT 2002 (Nat’l Resources Def. Council, New York, N.Y.), Apr. 2002, *available at* <http://www.nrdc.org/legislation/rollbacks/rollbacksinx.asp>.

itable lethargy while new personnel are hired, or transferred into obscurity, and seasoned bureaucrats hunker down until the dust settles. However, the horrors of September 11 so affected this nation that virtually all issues went into a sort of suspense following that tragic day. Only since late January 2002 have we begun to see the sort of reporting and editorializing that will foster meaningful discussion of this Administration's environmental tilt (or spin, depending on your view of the vortex). September 11th has already caused and will continue to compel major reallocation of personnel and programmatic resources at all levels of government. Toxic Substances Control Act (TSCA) or Resource Conservation and Recovery Act (RCRA) inspections become impracticable when officials are tied up looking for anthrax at the headquarters of news organizations ranging from NBC to the National Enquirer.¹⁰

The single piece of environmental legislation born in Year One is the Small Business Liability Relief and Brownfields Revitalization Act.¹¹ This Administration could not possibly keep a straight face while trying to take credit for this legislation because it is merely old news with some new ribbons. For private companies, it does not offer much, though there will be more Brownfields funny money for the EPA to toss around. The EPA's wise expenditures of money under the Superfund are legendary.

At the signing of the bill in Pennsylvania, the President went off text in great excitement.¹² He may still have been in shock that this law escaped the black hole of congressional consideration in late December via a Senate vote at 4:00 a.m., most likely because Congress was just so sick of the issues presented that voting for the legislation ultimately seemed like the only way to get on to something else, like economic stimulus legislation—a subject which, like Superfund, almost no one can agree upon. Though the President was tremendously exited about the virtues of this bill at the signing, I am at a loss as to what is so virtuous about it. Perhaps the remarks were a sigh of relief over the Brownfield victory on the heels of the Arsenic Fiasco.

10. See Darren Samuelsohn, *EPA Shifts Enforcement Staff to Anthrax, Hijackings*, GREENWIRE, Dec. 5, 2001. The TSCA provides for EPA tracking of toxic substances, and the RCRA establishes national protocol for the management of hazardous waste.

11. Small Business Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118, 115 Stat. 2356 (2002).

12. President George W. Bush, *Remarks by the President in Signing of H.R. 2869, The Small Business Liability Relief and Brownfields Revitalization Act*, (Jan. 11, 2002) at <http://www.whitehouse.gov/news/releases/2002/0112002.111-3.html>.

According to the pragmatist point of view, two factors drive politics: public perception (image) and money. A cynic would condense these two factors into one, but for the moment let us assume two independent but interrelated factors.

Almost uniformly, the public demands from its government certain putative societal needs: safe streets, good jobs, and strong schools. Also included in this domain is environmental protection, because generally, the public wants a clean environment. However, people with money to invest in politics run businesses, and businesses feel constrained by any laws, especially environmental laws.

Consequently, we confront the dilemma that environmental laws present to politicians. No politician will support any action where the advance in public perception is outweighed by the drop in monetary support, or vice versa. The trick (or perhaps better, the skill or craft) for all politicians is to focus on action that will result in an increase in public perception and monetary support. At worst, politicians can accept the increase in one factor in tandem with a negligible effect on the other.

Obviously, most environmentalists do not approach environmental laws in this fashion. Instead, they are willing to contribute financially to a politician who adopts and, hopefully, maintains a pro-environmentalist stance on an issue. The reality is that the financial support mustered by five hundred grassroots organizations can be blown away by a trade organization representing, for example, paper converters. This is not cynicism; it is foolhardy to believe otherwise. Accordingly, our President's first year environmental efforts should be analyzed in view of this reality.

Though I posited earlier that no rational issues manager for the White House would have allowed the arsenic fiasco to occur, my thought was incomplete. No rational issues manager would have allowed the arsenic fiasco to occur *unless it was part of a plan*. And since *irrational* issues managers are a threatened, if not endangered, species, and probably have been extinct at this level of politics since the Carter Administration, ought we not at least suspect that the arsenic fiasco was indeed a masterful stroke in an ingenious strategy designed to distract the American public from the real environmental story? It could also be that the arsenic fiasco was just that: a fiasco that, by sheer luck, the Administration was able to capitalize on. In private law practice, one learns quickly that it is usually better to be lucky than good. Perhaps Bush was just lucky.

But, this approach may trivialize the behind-the-scenes efforts

at hand. Let's look at the timeline: On January 20, 2001, George Bush is inaugurated. Next, on January 22, 2001, the EPA adopted a new standard for arsenic in drinking water at 10 µg/L.¹³ This standard had been shepherded along during the Clinton Administration and was purported to be one of the last environmental regulations in which he had a hand. However, on March 23, 2001, the EPA announces in the Federal Register that implementation of the arsenic standard would be delayed.¹⁴ EPA Administrator Christine Whitman announced the delay earlier that week, and almost immediately began to spin the issue. For example, in a speech to a Western Governors Association meeting, Whitman said the current drinking water standard of 50 parts per billion of arsenic is too weak,¹⁵ adding that the scientific review process will help determine how strict a new standard should be. She also pointed out that, even without delaying the implementation, the EPA would not have fully implemented the Clinton regulations until 2006.¹⁶

Immediately, a massive public outcry ensued. The opening to a *PR Newswire* story read: “[R]ealizing—perhaps for the first time—that America is a large country with a huge environment to destroy, George W. Bush is now releasing new anti-environmental initiatives at the alarming rate of almost one per day.”¹⁷ Senator Joseph Lieberman noted that “the decisions this week to try to rescind the arsenic rule . . . threaten[s] to roll us right back to the Stone Age.”¹⁸ Democrat Barbara Boxer of California explained that “we believe that George W. Bush has declared war on the environment. . . . We will fight him in that war—regulation by regulation, legislation by legislation, standard by standard, confrontation by confrontation.”¹⁹ It is curious that the public outcry focused on

13. See National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants, 66 Fed. Reg. 6976 (Jan. 22, 2001) (to be codified at 40 C.F.R. pts. 9, 141 & 142).

14. See National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants: Delay of Effective Date, 66 Fed. Reg. 16134 (Mar. 23, 2001) (to be codified at 40 C.F.R. pts. 9, 141, 142).

15. John Sarche, *Govs. Applaud EPA Arsenic Change*, ASSOC. PRESS, Mar. 22, 2001, available at <http://www.nmagriculture.org/govs.htm>.

16. *Id.*

17. David Orr, Jr., *DNC: So Much Environment to Destroy, So Little Time; Bush on an Almost One-A-Day Anti-Environment Campaign*, PR NEWSWIRE, Mar. 23, 2001, <http://www.counterpunch.org/pipermail/counterpunch-list/2001-March1007513.html>.

18. Julie Vorman, *Democrats Seek Answers on Bush Environmental Moves*, REUTERS NEWS SERV., Mar. 26, 2001, <http://www.planetark.org/dailynewsstory.cfm/newsid/10257/newsDate/26-Mar-2001/story.htm>.

19. *Id.*

the result and not the process. Even the EPA website will tell you why the standard was delayed and under further review. "In accordance with the January 20, 2001, memorandum from Andrew Card, Assistant to the President and Chief of Staff, entitled '*Regulatory Review Plan*,' EPA temporarily delayed the effective date for this rule for 60 days, from March 23, 2001 until May 22, 2001."²⁰

As a side note, apparently not everyone in the EPA got the memo about the Regulatory Review Plan, or understood its effect on the Arsenic Fiasco. In a Federal Register notice on June 8, 2001, seeking nominations to the EPA Science Advisory Board's newly formed Arsenic Rule Benefits Review Panel,²¹ the EPA explained the decision to delay the arsenic rule as follows:

Following the January 22, 2001 Federal Register promulgation of the arsenic rule, a number of issues were raised to EPA by States, public water systems, and others regarding the adequacy of science and the basis for national economic analyses informing decisions about the rule. Because of the importance of the arsenic rule and the national debate surrounding it related to the science and economic analyses that inform the decision, EPA's Administrator publicly announced on March 20, 2001, that the Agency would take additional steps to reassess the scientific and economic issues associated with this rule, to gather more information, and to seek further public input on each of these important issues.²²

It was late October when the EPA finally announced that it would set the standard for arsenic in drinking water at 10 ppb.²³ The intervening months were filled with additional public comment periods and cost-benefit analyses. Even the EPA SAB ARB-RP got in on the act with a public meeting in July and a public teleconference in August. The EPA employed a thorough, thoughtful approach and even considered lowering the arsenic standard to less than 10 ppb.

How did the Arsenic Fiasco affect public perception? Initially,

20. EPA, Arsenic in Drinking Water, *available at* <http://www.epa.gov/safewater/arsenic.html>.

21. For those who enjoy environmental law just for the acronyms, this would be the EPA SAB ARB-RP.

22. National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance And New Source Monitoring: Delay of Effective Date, 40 C.F.R. pts. 9, 141, 142 (Mar. 23, 2001), *available at* <http://www.epa.gov/safewater/ars/march23fr.pdf>.

23. National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance And New Source Contaminants Monitoring, 66 Fed. Reg. 50961-01 (Oct. 5, 2001), *available at* <http://www.epa.gov/safewater/ars/66fr50961.pdf>.

the response is evident. Who wants more arsenic in their drinking water? Even the most scientifically illiterate American has some understanding that arsenic is not really good for you and having it in your drinking water is probably not desirable. But the initial public reaction has now been displaced by the sense that the EPA, and, by extension, George W. Bush, will thoughtfully protect our environment by taking hard stances only after a critical analyses. Regulations or standards will not be implemented without scientific backing.

Corroborating this contention of public psychology is a recent *Time* magazine article that asked the public: "How would you grade the job George W. Bush has done on each of the [current] issues?"²⁴ On the topic of "The Environment," the public responded: 13% A, 29% B, 28% C, 12% D, and 12% F.²⁵ Seventy percent (70%) have him at C or above. The results are not as good, but still on par with those to the question: How would you grade the job George W. Bush has done as President so far? The public responded: 28% A, 37% B, 22% C, 7% D, and 4% F.²⁶ Only 11% had him at D or below.

Another factor is how the arsenic fiasco has affected monetary contributions. I have nothing concrete to which I can cite, but I think it is a safe bet that the GOP and President Bush are not hurting for money because of drinking water rules. Query: Would a dampening effect on contributions from environmental organizations even be noticed by the Republican Party? Was the Arsenic Fiasco a masterful stroke in an ingenious strategy? The polls indicate President Bush is now perceived as a thoughtful conservator of the environment.²⁷

What message did he communicate to his campaign contributors who may be pressuring him to weaken or relax some environmental standards? The message is this: You can't ram bad environmental decisions down the American people's throats, but you can distract them long enough to get them to swallow a great deal if you use a little subtlety. In short: Trust me, I know what I'm doing, and I'm going to be in office for a while, so be patient.

And what did Bush do beneath the surface of public perception to relax or weaken environmental standards? The recently-

24. Andrew Goldstein & Matthew Cooper, *How Green Is The White House?*, *TIME*, Apr. 29, 2002, at 30-31.

25. *Id.*

26. *Id.*

27. *Id.*

published NRDC report assessing Bush's first year lays out a number of these efforts.²⁸

First, New Source Review:²⁹ this arena is very much the focus of attention in the private sector. When the Clean Air Act ("CAA")³⁰ was first passed, Congress had to build in a legislative mechanism to accommodate sources of air pollutant emissions existing when the law went into effect. Rather than retroactively apply the CAA to these facilities, potentially requiring massive and very expensive retrofitting, Congress allowed existing facilities to operate and required upgrading only during expansion or modernization.³¹ During the Clinton years, the EPA initiated litigation against a number of power plants that had expanded or modernized but had failed to comply with the CAA. While a few of these cases settled in the early days of the Bush Administration on terms less than favorable to the power plants, Bush appeared anxious to conclude the litigation, calling for a review by the Justice Department as to whether the EPA was justified in pursuing the matters.³² Eight months after this directive was issued, and five months after the initial deadline to issue the results of this review, the Justice Department announced that indeed the EPA was justified in pursuing the matter.³³

Hmmm . . . Announcing a review of a pro-environmental stance, withstanding the onslaught of negative publicity from pro-environmental groups who assume that "review" means "kill," letting the dust settle, and then announcing that you are going to stay the course because it is the right thing to do? Does this have a familiar ring?

The reality of the New Source Review Re-review is perhaps even more insidious. Justice officials admit that potential settlements of the new-source-review cases will reflect the Bush Admin-

28. Robert Perks & Gregory Wetstone, *Rewriting the Rules, The Bush Administration's Assault on the Environment*, NAT. RESOURCES DEF. COUNCIL, Apr. 2002 [hereinafter NRDC Report], <http://www.nrdc.org/legislation/rollbacks/rr2002.pdf>.

29. *Id.* at 6. New Source Review refers to the requirement of the Clean Air Act that companies comply with emission standards when undergoing expansion or modernization.

30. Clean Air Act, 42 U.S.C. § 7401 (1970).

31. See NRDC Report, *supra* note 28, at 6.

32. This directive was included in the National Energy Policy as prepared by the National Energy Policy Development Group in May 2001. The Group was chaired by Vice President Cheney. The full text of the Policy is available at <http://www.whitehouse.gov/energy/>.

33. See NRDC Report, *supra* note 28, at 7.

istration's changes to the program.³⁴ The inference is that there are better deals out there for power plant owners who did not rush to settle. Do power plant owners contribute to the Republican National Committee? Is the public inclined to ignore a story that requires an appreciation of history, legislative process, regulatory authority, and the separation of powers doctrine to understand the shenanigans? Or is the electric ratepayer likely to think the government should leave the power plants alone?

With these high level political maneuverings, President Bush is able to continue to polish his image as a thoughtful protector, and a compassionate conservative. Remember when he was labeled Texas's Compassionate Killer? Times change. But what impact is Bush having at the regional EPA level? Is the emperor's grip loosened as you move away from Washington?

Consider the Environmental Justice Program.³⁵ As Christine Todd Whitman concisely states: "The Agency defines environmental justice to mean the *fair treatment* of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws and policies, and their *meaningful involvement* in the decisionmaking process of the government."³⁶

However, it appears that in the EPA's New England Region, formerly known as Region 1, the program is going ahead full tilt, although just where it is going and what legislative basis fuels the mission is rather vague. A look at the EPA New England Enforcement Annual Report for Fiscal Year 2001 reveals that enforcement in the region is not decreasing.³⁷ Settlements are still being driven home, some with substantial fines and penalties. For example the Westvaco plant in West Springfield, Massachusetts settled a number of emissions violations for \$118,000.³⁸

Furthermore, the New England Region has uncovered the lat-

34. *Id.*

35. See U.S. Environmental Protection Agency, Environmental Justice, *available at*, <http://www.epa.gov/compliance/environmentaljustice/index/html>.

36. See Memorandum from Christine Todd Whitman, EPA's Commitment to Environmental Justice (Aug. 9, 2001), *available at* http://www.epa.gov/Compliance/resources/policies/ej/admin_ej_commit_letter_081401.pdf.

37. See Press Release, EPA New England, Enforcement Annual Report, Fiscal Year 2001, *available at* <http://www.epa.gov/region01/compliance/FY01EnfReportComplete.pdf>.

38. See Press Release, EPA New England, Westvaco Corp. Pays \$118,000 for Air Pollution Violations at Springfield Plant, *available at* <http://www.epa.gov/region1/pr/2002/jan/020106.html>.

est breed of environmental scofflaws: New England Colleges and Universities. An EPA press release in October stated: "As part of a focused effort to bring New England colleges and universities into compliance with federal environmental laws, the U.S. Environmental Protection Agency has proposed a monetary penalty of up to \$262,700 against the University of Massachusetts at Amherst for violating the federal Clean Air Act."³⁹ Except for the focus on New England colleges and universities, the enforcement actions of EPA's New England Region seem not to be affected by the change at the helm. Regional Administrator Bob Varney discourages any notion that enforcement will lighten up. In fact, he promises to toughen it up.

Bush's Year One did not affect state enforcement actions under Massachusetts Governor Jane Swift's Administration. The number of Massachusetts Department of Environmental Protection enforcement actions dwarfs those undertaken by the EPA. This is, of course, as it should be. However, for state level enforcement targets it is irrelevant who occupies the White House. This is especially true when a state has laws as strong or stronger than federal counterparts, and has staff willing to enforce laws aggressively to accomplish policy and political agendas.

The Supreme Court may follow the election returns, but, interestingly, the components of bureaucracies and the personnel that maintain and direct them really do not. Indisputably, a Bush presidency means something different for the environment than would a Gore presidency, but at the end of the day, just what difference it makes may be too opaque to fathom. Commissions and Blue Ribbon Panels can be created to study any number of things. Laws can be proposed and die in committee; notices of proposed rulemakings can gather mold in the EPA's back rooms, and field enforcement can suffer due to reallocation of resources to combat terrorist threats. The differences are at the margins. We cannot turn back the clock to undo Eisenhower's decision favoring the Interstate Highway System over railroads. No President can reasonably expect to affect the most significant source of air pollution in the United States—the private passenger automobile. Attempting to do so would likely destroy the prospects of a potential second term.

I will close by reference to a process that continues to en-

39. See Press Release, EPA New England, EPA Proposes Penalty for Environmental Violations at UMass Amherst, *available at* <http://www.epa.gov/region01/pr/2001/oct/011028.html>.

courage me notwithstanding the sort of cynicism today's eco-politics might inspire. When the potential impact of CFC's upon the Earth's protective ozone layer was first posited, global scientific reaction was profound in its consensus and clarion call for action. The world proceeded, from hypothesis, to probability, to economic evaluation and imposition of a legislative and regulatory regime, about as swiftly as one could imagine. Yes, the deflation of the Kyoto Protocols is discouraging. Currently, our polity is not prone to yield sovereign decision making to unknown international regulators and, realistically, it will not likely be prepared to do so any time soon.

Returning to the political factors and Bush's inexplicable environmental approval rating: The challenge to environmentalists is to be vigilant and to educate. Do not assume that people understand the impact of the new source review rules. Get them to understand the basic concepts: arsenic in drinking water is bad, particulates in the air increase the risk of asthma, and environmental technologies are usually cost-effective and have a good return on investment. In this age of contagious Enron-itis, people will appreciate the attempt to give them too much information rather than too little.