

# Widener University Commonwealth Law School

---

From the Selected Works of John C. Dernbach

---

May, 1996

## Our Common Future, American Style (reviewing President's Council on Sustainable Development, Sustainable America (1996))

John C. Dernbach



Available at: [https://works.bepress.com/john\\_dernbach/59/](https://works.bepress.com/john_dernbach/59/)

## Our Common Future, American Style

*Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future.* President's Council on Sustainable Development, 1996, 186 pages (available at <http://www.whitehouse.gov/PCSD>; phone: 202 512-1800).

By John Dernbach

The subtitle of the report of the President's Council on Sustainable Development, three years in the making, conveys an essential message—a new consensus for a healthy environment, economic prosperity, and equal opportunity. Because the report is hopeful, identifies an important but limited role for government, and urges collaboration and consensus among interests that are often at odds, it flies in the face of an often cynical and partisan political process. But the report shows sustainable development to be a major source of new and effective ideas—and one that cuts across liberal/conservative and environmentalist/business lines.

When the *New York Times* broke the story about the report on February 12, it emphasized that the agreements had occurred among traditional adversaries. The council's 25 members were drawn from the leadership ranks of corporations, environmental groups, African American and Native American organizations, organized labor, and government agencies.

"We hardly knew each other when we started," wrote Jonathan Lash of the World Resources Institute, and David T. Buzzelli of Dow Chemical Company, co-chairs of the council, in the report's preface. But they built mutual trust and friendship over time. "We have sometimes lost track of which of us was the executive and which the environmentalist, and, indeed, after one speech to a Rotary Club even our audience was confused."

The report begins by restating the definition of sustainable develop-

ment from *Our Common Future*, the 1987 report of the U.N. Commission on Environment and Development that first brought the world's attention to the subject: "To meet the needs of the present without compromising the ability of future generations to meet their own needs."

The council starts by describing a vision of a life-sustaining earth: "We are committed to the achievement of a dignified, peaceful, and equitable existence. A sustainable United States will have a growing economy that provides equitable opportunities for satisfying livelihoods and a safe, healthy, high quality of life for current and future generations. Our nation will protect its environment, its natural resource base and the functions and viability of natural systems on which all life depends."

This vision is supported by certain beliefs that council members hold in common. "To achieve our vision of sustainable development, some things must grow—jobs, productivity, wages, capital and savings, profits, information, knowledge, and education—and others—pollution, waste, and poverty—must not."

The council also developed ten interdependent goals for the United States concerning health and the environment, economic prosperity, equity, conservation of nature, stewardship, sustainable communities, civic engagement, population growth, international responsibility, and education. These goals are stated in general terms. The first, for instance, concerning health and the environment, is to "ensure that every person enjoys the benefits of clean air, clean water, and a healthy environment at home, at work, and at play." The goals are accompanied by indicators for measuring progress in meeting them (e.g., fewer people living in areas where air quality standards are violated; reduced releases of toxic materials).

Most of the report is devoted to specific proposals in six areas—the regulatory and legal framework for sustainable development, information and education, communities, natural resources stewardship, U.S. population, and international leadership. Each of these sections includes

policy explanations of the recommendations, and current examples of recommended actions.

*Regulatory and legal.* The council proposes a legal framework that would be more cost-effective, more performance based, and more flexible. "The United States made great progress in protecting the environment in the last 25 years, and must continue to make progress in the next 25 years," the council says. The report posits "the ideal of a zero-waste society," and suggests that progress toward that goal be measured by increased efficiency in materials use, reduction in energy consumption per dollar of economic activity, and reduction in the generation and disposal of waste. The council recommends the development and adoption of a voluntary program of shared product responsibility among manufacturers, retailers, consumer groups, and others. To extend the tools available for sustainable development, the council also suggests a thorough review of national taxes and subsidies.

*Information and education.* The council calls on the federal government to develop indicators to measure progress toward national sustainability goals. These tools include changes in the GDP calculation method and business accounting practices to better account for environmental effects. The council also recommends improving education for sustainability, so that all students understand the relationships among environmental, economic, and social issues.

*Communities.* As the council recognizes, sustainability issues become concrete and recognizable at the community level. The report thus contains recommendations for strengthening communities by community-driven planning, managing growth, using environmental protection as a tool for creating jobs, and redeveloping brownfields sites. "Sustainable communities are cities and towns that prosper because people work together to produce a high quality of life that they want to sustain and constantly improve."

*Natural resources stewardship.* Stewardship, the council concludes, is particularly important for natural resources, including agriculture, fisher-

ies, forestry, and biodiversity. Collaborative problem solving among the many interested parties living or working in a particular place is essential if conflicts over the use of these resources are to be properly resolved. Limits on the diversion of water to Los Angeles from the Mono Lake watershed, for example, were established because contesting parties worked out methods for the city to conserve water.

**Population growth.** Echoing many of the themes of the 1994 International Conference on Population and Development in Cairo, the council recommends that the United States "move toward voluntary population stabilization." To prevent unintended pregnancies, reproductive health services as well as opportunities for women should be expanded. The council does not take a position on abortion or immigration (leaving the latter to a separate commission).

**International leadership.** Finally, the council recommends that the United States participate actively in international efforts to foster sustainable development. This should include greater financial support to the United Nations and other interna-

tional organizations, Senate ratification of the Biodiversity Convention, improved scientific research, and encouraging global trading systems to support sustainable development.

Apart from the consensus that it achieved, the report is an important synthesis of sustainable development ideas. That the council held public meetings in Chattanooga, Chicago, San Francisco, and Seattle, and reviewed proposed recommendations by more than 400 experts who worked in small task forces in specific subject areas, undoubtedly contributed to this result.

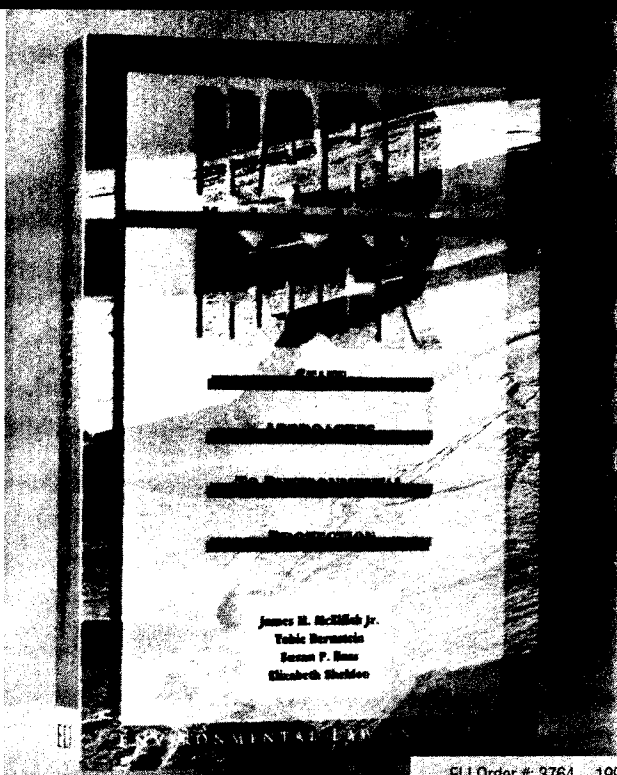
For all of its strengths, the report has two basic weaknesses. First, it contains no recommendations on certain issues that are essential to sustainable development, especially consumption of resources, and vague recommendations on others. As the report notes, the United States consumes a disproportionate share of the world's resources. It is highly unlikely that sustainability will ever be achieved if everyone consumes energy and materials at the same rate as Americans currently do. Such problems might be resolved over time if

the second weakness—the lack of a clear institutional commitment to sustainability at the national level—is addressed.

The report "will not sit on a shelf gathering dust," President Clinton said in a March 7 statement. The council is working with a small staff to implement the report, but whether that will suffice is an open question. Who will develop the sustainability indicators, for example? The Council on Environmental Quality already has the statutory authority to do so, but it won't unless directed by the president. Agenda 21, the Earth Summit blueprint, encourages countries to develop sustainable development plans. Part of international leadership is reflected in the sincerity of our domestic commitments, but the council could not and did not make those commitments. The president did the right thing by asking for the report, but we need a sustained commitment to sustainable development.

*John Dernbach is an associate professor at Widener University School of Law. He is the former director of the Advanced Science and Research Team, Pennsylvania Department of Environmental Resources.*

# JUST PUBLISHED



## Hard Rock Mining: State Approaches to Environmental Protection

James M. McElfish Jr.

Tobie Bernstein

Susan P. Bass

Elizabeth Sheldon

**Environmental Law Institute**

**M**ining is a critically important economic activity in the United States. But the legal framework controlling mining's environmental impacts is extremely complex. In large part, this is because regulation of hard rock mining is driven by state — rather than federal — laws. *Hard Rock Mining: State Approaches to Environmental Protection* examines environmental regulation of hard rock (metallic and industrial mineral) mining in seven key western states. This "case-study" approach provides the reader with a clear picture of the state of the art in environmental regulation of mining.

*Hard Rock Mining* also delineates what is and what is not regulated in each highlighted state, and describes the regulations' effects on the design, construction, and operation of mines; the monitoring and reclamation of mine sites; and the closure and post-closure care of mine-waste disposal areas. This book is an excellent reference for environmental attorneys, state and local officials, environmental advocates, or anyone involved in the permitting, regulation, or oversight of mining operations.

ELI Order # 3764 1996, Approx. 358pp., Softcover ISBN: 0-911937-64-1 \$29.95 (ELI Associates \$25.46)