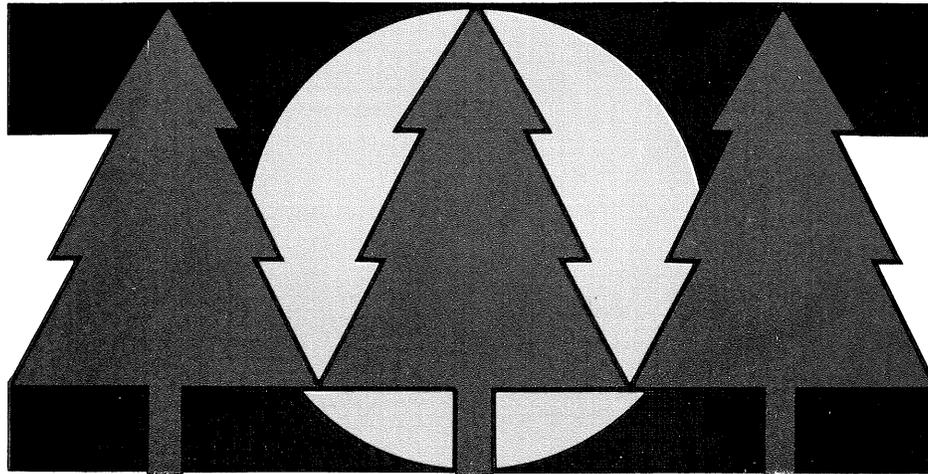




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SHARING THE RESPONSIBILITY FOR PROTECTING THE ENVIRONMENT



ENVIRONMENTAL AGENDA FOR THE 1990's

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APRIL 22, 1990

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

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**SUMMARY OF
ATTORNEY GENERAL HUMPHREY'S
ENVIRONMENTAL INITIATIVES
FOR 1990 AND 1991**

I. STRENGTHENING STATE AND LOCAL ENVIRONMENTAL ENFORCEMENT

A. Environmental Crimes Team

The Attorney General, together with the Pollution Control Agency and the Department of Transportation, recently established an Environmental Crimes Team. The Environmental Crimes Team will assist counties in investigating and prosecuting criminal violations of the state's environmental laws.

B. Criminal Penalties for Illegal Discharge of Air and Water Toxics and Unpermitted Disposal of Solid Waste

The Attorney General will seek legislation making it a felony for a person to knowingly discharge toxics into the air or water in violation of an emission limit. The Attorney General also will propose legislation to increase the penalty for knowingly creating an unpermitted solid waste disposal site to a gross misdemeanor.

C. Environmental Compliance Strategies

The Attorney General will work with the Pollution Control Agency and other state agencies to develop new environmental compliance strategies to enable government to respond more effectively to the growing number of environmental programs and regulated facilities.

D. Increased Coordination Between the State and the Federal Government

The Attorney General will work with Congress, federal agencies and national governmental organizations to improve enforcement of federal environmental laws and compliance by federal agencies with state environmental laws.

II. PREVENTING POLLUTION

A. Energy Efficiency

1. **Energy/environmental planning**

The Attorney General will work towards the implementation of an energy/environmental planning process which would promote the use of energy efficiency measures to meet increased demand for electricity.

2. **Energy assessments for state facilities**

The Attorney General will work with the state Energy Office and the Department of Administration to develop a program for identifying energy conservation measures for state facilities.

B. Toxics Use Reduction

The Attorney General supports legislation designed to promote reduction in the use and emissions of toxic chemicals.

C. Protect Natural Environmental Systems

The Attorney General will place increased emphasis on enforcing wetland protection laws.

D. Environmental Auditing for State Facilities

The Attorney General will assist in developing an auditing process for state facilities to periodically assess the facilities' compliance with environmental laws.

E. Solid Waste

The Attorney General will urge Congress to include waste minimization programs in legislation reauthorizing the Resource Conservation and Recovery Act. He also will support waste minimization initiatives through the Governor's Select Committee on Packaging and the Environment, and will support legislation requiring background checks for new owners and operators of solid waste facilities.

III. FOSTERING INDIVIDUAL RESPONSIBILITY FOR PROTECTING THE ENVIRONMENT

A. Environmental Advertising and Labeling

The Attorney General will carefully scrutinize product claims concerning the environment and pursue enforcement actions in cases where claims are determined to be false or deceptive. He also will push for the development of clear standards to guide industry in promoting environmentally-preferable products.

B. A Better Voice for Citizens in Governmental Decisionmaking

The Attorney General will designate a staff member to serve as an Environmental Advisor. The Advisor will provide information and advice to citizens about how they can participate in governmental decisions concerning the environment.

C. Radon Remediation Contractor Registration

The Attorney General will seek legislation requiring all radon remediation contractors to register with the state.

INTRODUCTION

The beginning of a new decade is a good time to assess the progress we have made in protecting the environment and the job that remains to be done. Today, 20 years after the first observation of Earth Day, many of the issues surrounding environmental protection have changed. We have made progress in cleaning up the most visible aspects of air and water pollution, and in managing hazardous wastes. We have also learned environmental problems are more widespread, and much more difficult to solve, than we had earlier imagined. These issues range from international (global warming, ozone depletion, acid rain) to very local in scope (recycling, groundwater contamination, disposal of household hazardous waste, even decisions on the purchase of everyday household products).

Citizens have demanded legislative action to respond to these new problems. The result has been a series of new laws and regulations over the past few years that have transformed the environmental enforcement agenda. Instead of concentrating on a few thousand larger facilities, governmental officials now must deal with tens of thousands of regulated facilities, many of which are very small. For example, environmental laws regulate how waste from neighborhood gas stations and dry cleaners is managed, the maintenance and replacement of thousands of underground storage tanks, the way every hospital and doctor's office must manage its infectious waste, the recycling of solid waste, the disposal of used oil and batteries and the maintenance of the pollution control equipment on private automobiles.

The increased concern for the environment presents unique challenges for enforcement officials. Techniques which worked well when environmental laws covered far fewer facilities are not as effective when a very large number of smaller facilities are subject to these laws. New enforcement methods, such as criminal prosecution, must be implemented to deter people from violating the law. Federal, state and local governments must find better ways of

working together to prevent duplicating efforts and intergovernmental conflicts. Enforcement officials must participate in developing pollution prevention programs to allow their limited enforcement resources to be used more effectively. Government, business and environmental groups must work together to identify mutually-acceptable solutions to pollution problems. Market forces, including economic incentives, must play a larger role in encouraging environmentally-sound behavior. And, each individual must assume greater responsibility for his or her day-to-day decisions affecting the environment. To achieve the state's environmental objectives, we must encourage a new spirit of shared responsibility for protecting our environment.

The Attorney General's Environmental Agenda for the 1990s is based on a recognition that everyone must share responsibility for resolving our environmental problems. It challenges government to improve enforcement and to be a model for compliance with environmental laws. It challenges businesses to work to prevent pollution rather than simply control pollution, and to participate in developing economic incentives that will promote environmental protection. It challenges individuals to think about the environmental impact of daily activities and purchases, and to become more actively involved in governmental decisions concerning the environment. It challenges all of us to work together to protect our environment.

The twentieth anniversary celebration of Earth Day is an appropriate time to recognize the progress made in environmental protection. But, it should also serve as the beginning of an even stronger commitment to resolve the many environmental problems which remain. The commitment of the Attorney General to environmental protection is reflected in the following agenda for the 1990s.

The three major themes of the agenda -- strengthening state and local enforcement, preventing pollution, and fostering individual responsibility -- will be the focal points for the work

of the Attorney General's Office for the next several years. The individual programs proposed under each theme are the initial steps in carrying out the agenda during 1990 and 1991. As we move forward in the next several years, the Agenda will incorporate new initiatives.

I. STRENGTHENING STATE AND LOCAL ENVIRONMENTAL ENFORCEMENT

The demands on environmental enforcement officials have rapidly increased over the past few years through expansion of existing programs and new environmental laws. Today, enforcement officials must oversee tens of thousands of regulated facilities throughout the state. For example, there are nearly 20,000 hazardous waste generators in Minnesota; some 33,000 regulated underground storage tanks; more than 10,000 facilities covered by the hazardous materials right-to-know reporting requirements; over 6,000 infectious waste generators; and many more facilities that will be affected by the new groundwater legislation.

Enforcement resources have not grown proportionate to the growth in the number of regulated entities. These resources must be increased to ensure regulated facilities comply with environmental requirements. Still, even if enforcement resources are increased, it is unlikely that increases will match the rapid growth of new programs. Clearly, creative methods of maximizing the use of limited enforcement resources are needed. The following initiatives to improve the state's environmental compliance programs will be pursued in the next two years.

A. Environmental Crimes Team

In 1987, the Legislature adopted the Attorney General's proposals for comprehensive criminal penalties for illegal disposal and handling of hazardous waste. Following the enactment of the penalties, the Attorney General assigned a criminal investigator to environmental cases, and began working with the Pollution Control Agency and county attorneys to investigate instances of possible criminal conduct. Over the past three years, our investigations have shown that, while most individuals and businesses try in good faith to comply with environmental laws, some people have knowingly disposed of hazardous wastes. Others have forged hazardous waste shipping documents and allegedly falsified reports on discharges of pollutants into state waters. These violations can cause serious environmental and public health problems and are appropriate subjects for criminal prosecution.

Based on the level of criminal activity identified over the past three years, there was a clear need for a more formal environmental crimes investigative effort in the state. To effectively deal with criminal violations of our environmental laws, the Attorney General's Office, together with the Pollution Control Agency and the Minnesota Department of Transportation, recently formed an Environmental Crimes Team. The Team includes environmental inspectors assigned from the Pollution Control Agency, an inspector from the Department of Transportation, a representative of the Department of Natural Resources and a criminal investigator, civil attorney and criminal attorney assigned from the Attorney General's Office. In addition, the Attorney General has formed an Environmental Crimes Coordinating Committee to help ensure the effective use of local, state and federal resources for environmental crimes. Besides the members of the Crimes Team, the County Attorney's Association, the Bureau of Criminal Apprehension, the Department of Agriculture, the Metropolitan Waste Control Commission, the Federal Bureau of Investigation and the United States Attorney's Office, have been asked to participate on the Coordinating Committee.

SCHEDULE: The Environmental Crimes Team and the Environmental Crimes Coordinating Committee were established on December 14, 1989. The investigative work of the Environmental Crimes Team is ongoing.

B. Criminal Penalties for Illegal Discharge of Air and Water Toxics and for Disposal of Solid Waste

While Minnesota has strong criminal penalties for unauthorized disposal of hazardous waste, the penalties for illegal discharge of toxic substances into the air and water are much weaker. Concern about toxic air and water emissions has grown as new reporting requirements have revealed the large quantities of toxics that are being discharged in the state. Under federal law, it is a felony for anyone to knowingly discharge toxics into surface water in violation of a permit or an emission limit. Legislation pending in Congress would extend felony penalties to illegal discharge of toxics into the air. The Attorney General will propose upgrading to a felony the penalties for knowingly discharging air and water toxics in violation of an emission limit.

Stronger penalties for unpermitted disposal of solid waste are also needed. As disposal of solid waste has become more expensive, the number of incidents of illegal disposal have increased. In addition, the interstate transportation of solid waste has become more common. In some states, this imported waste has been disposed of in unpermitted open dumps. To help prevent the creation of unpermitted solid waste disposal sites in Minnesota, the Attorney General will propose increasing the penalty for unpermitted solid waste disposal to a gross misdemeanor.

SCHEDULE: Legislation will be proposed in the 1991 legislative session.

C. Environmental Compliance Strategies

Many of the enforcement techniques now used by environmental officials were developed several years ago at a time when environmental programs were quite different than today's programs. As noted earlier, both the number of environmental programs and the number of facilities regulated under these programs have dramatically increased in the past few years. This expansion has raised a number of significant questions about several key compliance issues including:

1. What should the State's environmental enforcement priorities be?
2. Are there adequate resources to enforce the laws?
3. What enforcement tools are the most effective?
4. Are additional enforcement tools needed?
5. What is the appropriate role of local government in environmental enforcement?
6. What is the appropriate role of incentives in achieving compliance with environmental laws?

To respond to these and other environmental compliance issues, the Attorney General's Office will work with the Minnesota Pollution Control Agency and other state agencies to develop new environmental compliance strategies. Two examples of these new strategies are the Environmental Crimes Team and an interagency asbestos enforcement workgroup currently under development.

SCHEDULE: This work is ongoing.

D. Increased Coordination Between the State and the Federal Government

Federal law and federal policies strongly influence state environmental programs. Thus, to ensure state programs are able to effectively respond to environmental problems, it is important for Minnesota to help set the direction for the development of federal laws and policies.

As vice-chair of the National Association of Attorneys General Environment Committee, Attorney General Humphrey worked closely with other attorneys general in developing a series of proposals for changes in federal policy. The report entitled "Environmental Protection in the 1990's: Recommendations of the National Association of Attorneys General to the New Federal Administration," addresses a number of key environmental issues including the federal superfund program, hazardous waste enforcement, air pollution control, pesticides, groundwater, criminal enforcement and community right-to-know laws. The Attorney General will continue to press for the implementation of the recommendations contained in this report.

The Attorney General also has actively participated in the development of federal legislation. Attorney General Humphrey has testified before Congressional committees on several occasions. Members of his staff serve on the National Association of Attorneys General Environment Legislative Subcommittee. His office has helped lead efforts to strengthen the Clean Air Act, to improve the regulation of hazardous and solid waste, and to subject federal agencies to state enforcement actions. The Attorneys General will continue to work with Congress to improve federal environmental laws.

The Attorney General has also worked with the U.S. Environmental Protection Agency (EPA) to strengthen national environmental enforcement programs. In 1989 Attorney

General Humphrey proposed to the U.S. EPA the convening of a National Symposium on the Federal and State Roles in Environmental Enforcement. The purpose of the Symposium is to better define the state and federal roles in environmental enforcement to help improve the effectiveness of enforcement of national environmental laws. The U.S. EPA has agreed to fund the program which will be held in the fall of 1990. A member of Attorney General Humphrey's staff also has served on U.S. EPA Administrator William Reilly's team that made recommendations on improving the federal Superfund program and is working with the U.S. EPA, Office of Enforcement on its *Enforcement in the 1990's* project. The Attorney General will continue to work closely with the U.S. EPA in helping to make enforcement programs more effective and more efficient.

Environmental compliance by federal agencies has been a major problem nationally. In Minnesota, cleanup by federal agencies of hazardous waste disposal sites has been a particularly important issue. For example, disposal of solvents at the Twin Cities Army Ammunition Plant has contaminated more than 20 square miles of the principal aquifer underlying the Twin Cities. Attorney General Humphrey and the Pollution Control Agency negotiated a first of its kind settlement with the U.S. Army in 1987 that will require cleanup of the contamination caused by the disposal activities at the plant. With this experience, the Attorney General has assisted in developing model settlement language that is now used nationally in settlement negotiations involving state and federal agencies. Attorney General Humphrey also served with three other attorneys general and four governors on a task force that made detailed recommendations on improving federal agency compliance with state and federal environmental laws. The Task Force report entitled "*From Crisis to Commitment: Environmental Cleanup and Compliance at Federal Facilities*" provides a comprehensive road map for correcting the serious environmental problems at federally-owned facilities.

SCHEDULE: Work on implementing the Agenda for the New Federal Administration, the reauthorization of the Resource Conservation and Recovery Act and with the U.S. EPA is ongoing. The Federal Facilities Report was published in February of 1990.

II. PREVENTING POLLUTION

Most regulatory efforts over the past 20 years have focused on controlling pollution once it has been created. The State has required control equipment on air and water discharges, regulated the management of hazardous waste and mandated the cleanup of releases of petroleum and hazardous substances. While these pollution control efforts have helped improve the environment in many cases, pollution has proven to be very difficult to control. We often have simply shifted problems from one part of the environment to another.

There is a growing recognition by government, environmental organizations and businesses that more attention should be given to pollution prevention. By minimizing the production of pollutants and preserving natural systems, government's limited enforcement resources can be directed to a smaller set of problems.

The Attorney General will actively support pollution prevention efforts over the next several years. The office initially will focus on energy efficiency, toxics use reduction, the protection of natural environmental systems, environmental auditing and minimization of solid waste.

A. Energy Efficiency

Energy generation and energy use contribute to a variety of environmental problems including acid precipitation, the discharge of atmospheric pollutants and carbon dioxide emissions that may cause global warming. Efficient energy use can, therefore, significantly

contribute to the protection of the environment. Over the next two years, the Attorney General will work on an energy conservation effort known as "least cost planning" or "energy/environmental planning" for electric utilities and on developing an energy assessment process for state facilities.

1. Energy/Environmental Planning for Electric Utilities

The demand for electric energy is expected to increase by as much as 40 percent by the end of this decade. Unless electrical energy is used more efficiently, new power plants and transmission lines will be needed to meet this increased demand. Recent studies indicate that if all the currently available energy efficiency technology was utilized, electric demand could be cut by as much as 50 percent. Minnesota has recently taken several steps to promote environmental protection in decisions on energy-generating facilities.

The Department of Public Service and the Public Utilities Commission have been developing proposals that would require environmental considerations play a more important role in decisions on how to meet energy demand. "Energy/environmental planning" or "least cost planning," recognizes the environmental effects of electric use and uses conservation and renewable resources to reduce these effects. Thus, energy/environmental planning tries to achieve a better balance between energy conservation and construction of power plants in meeting the future demands for electricity services.

The objective of energy/environmental planning is to make certain that energy decisions made by utilities on behalf of Minnesota's ratepayers are consistent with the overall energy and environmental goals of the state. It allows for examining alternatives to power plant construction with sufficient lead time to make decisions that might forestall or eliminate the need for a plant. Since selling electricity is how utilities make money, the program provides

financial incentives for conservation. The goal is at least to make utilities financially indifferent to whether demand is met through conservation or new construction.

The Attorney General supports the efforts of the Department of Public Service and the Public Utilities Commission to implement energy/environmental planning in Minnesota.

SCHEDULE: Legislation that would provide the state with authority to implement a comprehensive energy/environmental planning process has been drafted and will be considered in the 1991 legislative session.

2. Energy Assessments for State Facilities

The Minnesota Environmental Policy Act provides that:

it is the continuing responsibility of state government to use all practicable means consistent with other essential considerations of state policy, to improve and coordinate state plans, functions, programs and resources to the end that the state may:

...

(i) practice thrift in the use of energy and maximize the use of energy efficient systems for the utilization of energy, and minimize the environmental impact from energy production and use

The state manages over 29,000,000 square feet of space. To help the state meet the obligations of the Minnesota Environmental Policy Act, the Attorney General has initiated work on an energy assessment process to be used for state facilities. The assessment process would include a program to analyze existing building for energy-saving opportunities, a design assistance program that would help ensure new state building and major rehabilitation projects utilize the latest energy efficiency methods and materials, the review of

lease agreements to incorporate energy efficiency measures wherever possible and the creation of an energy efficiency account for energy efficiency refunds or rebates received by the state. Funds from the account would be used to fund other energy-saving projects.

SCHEDULE: A draft proposal for the energy assessment program is currently being reviewed by several state agencies.

B. Toxics Use Reduction

Data gathered under the Federal Emergency Planning and Community Right-to-Know Act have shown substantial quantities of toxic chemicals are being discharged into the air, water and sewers in Minnesota. In 1988, nearly 57 million tons of listed toxic chemicals were emitted into the air and water. Approximately 19 million tons of the chemicals also were discharged into sewers or hauled to off-site locations. Government, industry and environmental groups all recognize that the level of emissions should be reduced.

To help develop a toxics use reduction program for the state, the Attorney General's Office, the Office of Waste Management, the Pollution Control Agency and the State Emergency Response Commission organized a dialogue on toxics use reduction that included representatives of government, industry and environmental organizations. The result of the dialogue was a Toxics Use Reduction bill. The Attorney General supports the passage of the Toxic Pollution Prevention Act. The Act would:

1. Require companies that discharge substantial quantities of waste into the air or water to prepare waste reduction plans;

2. Expand technical assistance programs to help generators reduce toxic chemical use and emissions;
3. Impose a fee on the discharge of toxic chemicals that would provide a financial incentive to reduce emissions.

SCHEDULE: The Toxic Pollution Prevention Act is currently under consideration by the state legislature.

C. Protecting Natural Environmental Systems

Natural resources are not merely important to Minnesota. In many respects, both historically and today, natural resources define Minnesota.

Twenty years ago we saw that pollution from human activities was seriously threatening our natural resources. Since that time we have created, both nationally and here in Minnesota, a system of laws and policies to restrict and diminish the discharge of pollution into our environment.

Today we are beginning to realize that the resources themselves are finite. Not only must we live on this planet and in this state without irreversibly damaging our resources from pollution, we must also take care not to use them up. If we expect our natural resources to sustain us in the future as they have in the past, our state's natural resources must be conserved, managed and used intelligently. Forests, lakes and wetlands must be kept clean and -- even more importantly -- intact. The integrity of ecosystems must be preserved and biodiversity maintained. In the 1990s, we must focus much more of our attention on preserving our natural environmental systems.

In the next two years, the Attorney General will concentrate on wetlands issues. Pollution problems often can be mitigated by maintaining natural environmental systems such as wetlands. Wetland areas function as "biological filters" to remove sediment and contaminants from runoff before they enter surface water. Additionally, wetlands provide flood storage services, help recharge groundwater and help maintain necessary stream flows during times of drought. Whether in an urban or rural setting, wetlands are far more than natural habitat areas for wildlife.

The Attorney General will place increased emphasis on enforcing wetland protection laws, and seek new ways to promote local, state and federal cooperation preserving these valuable areas. Additionally, office staff will be directed to be alert for any governmental actions which could result in the destruction or diminution of wetland resources.

SCHEDULE: The increased emphasis on wetlands enforcement will begin in mid-1990.

D. Environmental Auditing of State Facilities

In 1986, the U.S. Environmental Protection Agency adopted a policy encouraging environmental audits by businesses and federal agencies as a way to assure compliance with environmental laws. The EPA's 1986 policy statement described environmental auditing as follows:

Environmental auditing is a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements. Audits can be designed to accomplish any or all of the following: verify compliance with environmental requirements; evaluate the effectiveness of environmental management systems

already in place; or assess risks from regulated and unregulated materials and practices.

Auditing serves as a quality assurance check to help improve the effectiveness of basic environmental management by verifying that management practices are in place, functioning and adequate.

Environmental auditing is not widely used by state facilities even though audits can help avoid serious and, often, costly compliance problems.

State government should assume a leadership role in periodically reviewing its own compliance with environmental regulations. To help the state assume this leadership position, the Attorney General has proposed that the state initiate a two-year environmental auditing pilot project. The pilot study would look at the type of audits that should be conducted, the facilities that should be audited, the nature of the problems identified and technical assistance needs of the audited facilities. A report to the legislature would then recommend the structure of a permanent environmental auditing program for the state.

SCHEDULE: Funding for the pilot environmental auditing program will be sought in the 1991 legislative session.

E. Solid Waste

America is burying itself in its own garbage. We generate over 160 million tons of municipal solid waste each year; more than one-half ton per person. Landfill capacity rapidly is being used up. Controversy swirls around the use of incinerators as an alternative disposal method. Many eastern states are shipping garbage hundreds of miles to the Midwest for disposal causing increasing concern in importing states.

All of these problems are finally forcing Minnesota and the rest of the country to face up to the need for minimizing the generation of solid waste. The recycling legislation passed in the special legislative session in the fall of 1989 was a major step forward in reducing the quantities of waste that will need to be landfilled or incinerated in Minnesota. But, more remains to be done.

The Attorney General will work with Congress to promote solid waste minimization programs as part of the reauthorization of the Resource Conservation and Recovery Act. A staff member for the office also serves on the Governor's Select Committee on Packaging and the Environment (SCOPE). Packaging comprises over 30 percent of the municipal solid waste stream. Therefore, changes in packaging present a good opportunity to minimize solid waste. The Attorney General actively will seek ways of minimizing solid waste as a participant in the SCOPE process.

Because of the shortage of landfills in many areas of the country, landfills in several states are being acquired by out-of-state owners. Experience in these states has indicated that some persons in the solid waste disposal business may not be reliable. To assure proper management of Minnesota landfills, the Attorney General will support legislation requiring background checks of new owners and operators of landfills.

SCHEDULE: The RCRA and SCOPE work is ongoing. The background check legislation will be considered in the 1991 legislature.

III. FOSTERING INDIVIDUAL RESPONSIBILITY FOR PROTECTING THE ENVIRONMENT

State regulation of pollution sources is important for protecting the environment but, in the end, it is the collective actions of individuals that will assure a sustainable future for Minnesota's environment. Recycling, purchasing energy efficient products, separating

hazardous wastes from household garbage, returning used oil and batteries, purchasing less environmentally-damaging products, limiting the use of pesticides, properly maintaining the pollution control systems on automobiles and many other individual actions can significantly improve the state's environment. The Attorney General will work with other state agencies and environmental organizations to help provide information to individuals on steps they can take to better protect the environment.

Consumers must have accurate information about products and services in order to make appropriate decisions about how to protect the environment. One principle way people get information about products and services is from product manufacturers and service providers. Responding to increased consumer interest in environmental protection, product and service labeling and advertising increasingly have featured environmental themes. Unfortunately, there are some people who will exploit this trend through the use of false, misleading or even fraudulent practices. Consumers are being barraged with quick and easy cures for radon problems, devices that clean the air or water of all pollutants and the marketing of all types of products as "environmentally friendly." To help make certain consumers get accurate information on the environmental aspects of products and services, the Attorney General will focus increased attention on protecting consumers from false and deceptive practices related to the environment.

In addition, individuals can help protect the environment by participating in governmental decisions affecting the environment. Citizens need information about when decisions will be made, and must understand how to participate in governmental decisionmaking. The Attorney General will assist individuals in this process by designating a staff member to advise citizens on how to participate in governmental decisions related to the environment.

A. Environmental Advertising and Labeling

Public opinion polls show widespread concern about the quality of the environment. A 1988 Gallup poll found 84 percent of the public was very concerned about pollution of fresh water, 73 percent were very concerned about air pollution and 60 percent were very concerned about solid waste disposal. A poll conducted in 1989 indicated 89 percent of those polled were concerned about the impact on the environment of the products they purchase. As a result of this high level of concern, people are beginning to take personal responsibility for the environmental consequences of their actions.

Advertisers, manufacturers and retailers have identified this trend, and are tapping into the consumer demand for new environmentally-responsible products. Some companies are repositioning existing products; others are developing new products. Some companies are creating image advertising to capitalize on this trend.

The name of the marketing game today is, be "environmentally friendly." This is a desirable trend if it means that we are developing products that are truly friendly to the environment and if consumers are given enough information to make informed choices. The problem is terms like "recyclable", "degradable" and "environmentally friendly" have no fixed meaning. They mean everything and nothing. Some of these claims about the environmental effects of products may be exploited and distorted the same way that health claims are being abused today. What does it mean to say that a garbage bag is "degradable," if it is made of plastic that only breaks down in sunlight? Most garbage bags today are disposed of in landfills where they are not exposed to sunlight.

Because of the importance of individual decisions in protecting the environment, the Attorney General will carefully scrutinize environmental protectiveness claims for products to

ensure these claims are not deceiving or misleading consumers. Information requests have been sent to several companies asking for substantiation of their environmental claims.

In addition, the Attorney General convened an Environmental Marketing Forum March 14-15, 1990 to gather information on environmental claims. Representatives from several environmental groups and a number of national companies presented their ideas on environmental marketing. One result of the Forum was a resolution passed by the National Association of Attorneys General urging the Federal Trade Commission to work with the states to develop a set of guidelines for environmental marketing.

SCHEDULE: This activity is ongoing.

B. A Better Voice for Citizens in Governmental Decisionmaking

The importance of citizen involvement in governmental decisionmaking has long been recognized in Minnesota. The general principles embodied in the State Open Meeting Law have been expanded in the environmental area by laws such as the Minnesota Environmental Rights Act, which provides a basis for citizens' lawsuits, and the Minnesota Environmental Policy Act, which gives citizens an opportunity to participate in assessing the environmental impacts of a project.

To respond to the rapidly-increasing concern of citizens about the environment, the state Legislature has enacted a wide range of new environmental programs. The rules adopted under these statutes are often complex. If citizens don't understand how to participate in decisionmaking, their contributions may never reach decisionmakers. Without all the facts, the most appropriate decision may not be made by the government. In addition, citizens who feel

unable to participate in governmental decisionmaking may choose to use other, more expensive and disruptive methods, such as litigation to challenge a project.

To improve citizens' ability to participate in governmental decisionmaking concerning the environment, the Attorney General will assign a staff member to act as a citizens' Environmental Advisor. The advisor will provide information and advice about how citizens can best participate in governmental decisions. The availability of the Environmental Advisor will be publicized through environmental organizations and information distributed by the Attorney General.

SCHEDULE: An environmental advisor position will be created in July of 1990 unless budget considerations do not permit the position to be created this year. If the position cannot be established in 1990, the Attorney General will seek funding for the position in the 1991 legislative session.

C. Radon Remediation Contractor Registration

More than 40 percent of homes tested in Minnesota have radon levels that exceed maximum long-term exposure recommendations. This finding indicates a significant number of homes should have repairs to lower the levels of radon entering the homes. Unfortunately, radon remediation presents an almost perfect area for consumer fraud. Radon may cause serious health problems. It can't be seen or smelled, and must be detected using special equipment. In early 1989, the Attorney General concluded the prosecution of a radon remediation company that, among other things, used a decibel meter as a radon detection device and installed a completely ineffective, but expensive, duct system to remove radon from homes. To provide a more effective enforcement mechanism to deal with radon remediation

fraud, the Attorney General is seeking legislation requiring radon remediation contractors to register with the state.

SCHEDULE: Legislation requiring registration is pending in the legislature.