Course Learning Outcomes for Unit II

Upon completion of this unit, students should be able to:

1. Outline important environmental problems and debates.
   1.1 Describe the purposes of and controversies surrounding the Endangered Species Act and the Wild Lands Policy.
   1.2 Discuss solutions to using the Endangered Species Act and the Wild Lands Policy to balance environmental protection with the interests of the public and landowners.

4. Analyze the viability and marketability of environmentally preferable (green) products.
   4.1 Analyze the research of three green labeling programs for their adherence to the Federal Trade Commission's "Green Guides."

Reading Assignment

Unit 2:
Principles versus Politics, pp. 59–85

Unit Lesson

Wild Lands Policy

The Bureau of Land Management (BLM) is tasked with managing public lands. In the western half of the United States, 47% of the land is owned by the United States government and managed by the BLM (Bui & Sanger-Katz, 2016). The history of public land management in the U.S. is complex and fraught with controversy. The Wilderness Act of 1964 gave Congress the power to designate wilderness areas for preservation (Blumm & Erickson, 2014). In 1976, the provisions of the Wilderness Act were extended to BLM lands, which meant that the BLM had to inventory its lands and designate wilderness areas where appropriate. However, there were so many laws and policies governing public lands, that the authority of the BLM to do so was in question. Therefore, in 1976, Congress passed the Federal Land Policy and Management Act (FLPMA), which repealed many of the existing public land management laws and established a multiple-use policy for BLM lands. The multiple-use mandate required the BLM to protect the lands while also allowing use of the land for resource extraction, roads, recreation, and human occupancy (Blumm & Erickson, 2014). Under the FLPMA, the BLM did inventory its lands and identified potential wilderness areas. However, Congress has designated only 8.7 million acres of the 253 million acres managed by the BLM as wilderness (Blumm & Erickson, 2014). There is controversy over how to manage the remainder of potential wilderness areas until Congress decides their status.

In 1979, the BLM's initial inventory of its land holdings in Utah identified 3.2 million acres as having wilderness characteristics. These lands were designated as wilderness study areas (WSAs). Between 1979 and 1996, there was controversy over how many acres of the BLM land in Utah should carry the wilderness designation. Wilderness advocates wanted it to be closer to six million acres, and some Utah state representatives introduced bills to Congress that would put the number at 1.8 million acres (Blumm & Erickson, 2014). Therefore, in 1996, the Secretary of the Interior directed a re-inventory of the BLM land in Utah. After a lawsuit by the state, the re-inventory was ultimately completed, and the BLM reached a conclusion that over 5.8 million acres of Utah's land should be designated as WSAs. Designation as a WSA means that there are restrictions placed on land use. These restrictions prohibit road-building, development, and new resource extraction (Blumm & Erickson, 2014). In 2003, Utah challenged the re-inventory of BLM land and won a settlement with the Interior Department. In the settlement statement, the Interior Department agreed that the

BLM did not have the authority to designate WSAs after 1993, making the re-inventory invalid and preventing the BLM from designating any additional lands in any state as wilderness (The Wilderness Society, n.d.).

Despite this settlement, in 2010, the Secretary of the Interior (Ken Salazar) announced the BLM's Wild Lands Policy (WLP). The WLP required the BLM inventory all BLM lands that had wilderness characteristics not already wilderness study areas or designated wilderness. These lands would be *wild lands*, and impairment of the land would be prohibited unless there was a justified reason and mitigation measures were put into place (Blumm & Erickson, 2014). The WLP debate presented in Easton (2016) centers around the application of the WLP in Utah. In his testimony, Mike McKee, a county commissioner from Utah, claims that the WLP is illegal because it violates the 2003 settlement agreement that prevents the BLM from designating additional WSAs. He argues that wild lands are the equivalent of WSAs, and are therefore illegal, according to the settlement agreement. He also argues that the economic consequences to his county and Utah are severe (2011/2016). On the other hand, Robert Abbey, the director of the BLM, argues in his testimony that *Wild Lands* are not the same as WSAs because they are designated through a public planning process, the designation can be changed as the need arises through addition public processes, and motorized and mechanical travel can be allowed on *Wild Lands*. He states that this makes the WLP legal, and that the economic concerns with the policy are unfounded. He cites a resource extraction proposal that was approved through the Wild Lands Policy process (Abbey, 2011/2016).

As of April 2011, the Wild Lands Policy was stalled because a rider prohibiting the implementation of the policy was attached to the Defense Appropriations Act. However, in 2012, the BLM's field guidelines manuals included many of the requirements of the WLP, including the implementation of new inventories of land and the requirement that field staff consider wilderness characteristics in planning (Blumm & Erickson, 2014). When a new administration takes office, there will likely be further controversy, legal action, and legislation over the management of public lands.

Endangered Species Act

The Endangered Species Act (ESA) was passed in 1973 with the goal to protect species whose populations are in danger of extinction. There have been successful recoveries of species populations under the ESA, but opponents of the Act claim that the cost to landowners and local economies has been severe. In his testimony before the House Committee on Natural Resources, Brandon Middleton asserts that the ESA is flawed because it protects endangered species without regard to adverse effects on humans. In a 1978 ruling in the *Tennessee Valley Authority* (TVA) vs. *Hill* case, the Supreme Court ruled that the Tellico Dam could not be completed, despite the fact that the dam had cost 100 million dollars and was nearly complete. The ruling protected the habitat of the nearly extinct snail darter, a species of fish. Chef Justice Burger (as cited in Middleton's testimony) stated that Congress's intent in the ESA was to "halt and reverse the trend toward species extinction, whatever the cost" (Middleton, 2011/2016, p. 75). The term *whatever the cost* has set a precedent by which human interests and hardships are not considered when ESA cases are decided.

The ESA has also resulted in what the U.S. Fish and Wildlife Service has referred to as a *cycle of litigation*. Due to the fact that the ESA allows *any person* to bring a lawsuit under the act, there have been many lawsuits brought against the U.S. Fish and Wildlife Service for failure to designate critical habitat and challenges to those designations once they are made (Middleton. 2011/2016). In his testimony before the House Committee on Natural Resources, James Tutchton (2011/2016) asserts that litigation itself is not the problem. Litigation is simply the way the ESA is enforced. Therefore, he argues if the House Committee does not believe that species recovery is occurring, the problem is with the ESA, not the litigation He claims that the ESA is needed to protect our natural resources, the public supports it, and it is effective. Litigation brought by environmental groups under the ESA serves to compel federal agencies to make listing decisions that would otherwise remain undecided for decades in some cases. The sooner an endangered species is on the list, the more options there are to allow a proposed project to proceed while still saving the species (Tutchton, 2011/2016). Tutchton sees litigation as a way to provide for a quicker recovery of species, which reduces the economic impacts of habitat protection.

Green Marketing

It seems that the "green" or "eco" label is everywhere from the food we eat to the cars we drive. Do these labels have any value? Are we really having a positive impact on the environment when we purchase the eco-friendly yoga mat or the biodegradable trash bags? Some companies genuinely want to run their businesses so that they have as little environmental impact as possible, and some just want to appear as though they do.

For consumers who care about the environmental impact of the products they buy and the services they use, it is difficult to tell the difference between a truly eco-friendly product and one that is only labeled as such.

In this unit's reading, Jessica Tsai (2010/ 2016) asserts that there is nothing wrong with companies using their efforts to be environmentally-friendly as a way to market themselves. She claims that most companies did not start their green marketing campaigns with a goal of selling their product or service (Tsai, 2010/2016). Most companies were out to make more money or save money, and those goals can often align with sustainability goals. For example, Tsai points out that, in addition to improving brand image, going green also cuts a company's energy costs (Tsai, 2010/2016). Companies can pursue sustainability goals, use them to market their products and services, and still have a positive impact on the environment.

Although there is validity to some industry claims of going green, Ronald Dahl asserts that many of these claims are "vague and dubious" (Dahl, 2010/2016, p. 93). Dahl cites a case where the Federal Trade Commission (FTC), the agency tasked with protecting the public from false or misleading advertising, charged four textile companies with deceptive advertising and labeling (Dahl, 2010/2016). Four textile sellers were charged with labeling their products as biodegradable, sustainably-grown bamboo, when the fabric was actually rayon, which is made using toxic chemicals (Federal Trade Commission, 2009). The rayon manufacturing process also causes the release of air pollutants, such as hydrogen sulfide gas (How Products are Made, n.d.). Such false claims have become known as *greenwashing*.

Greenwashing could undermine any green marketing if consumers become so skeptical that they do not believe any green claims. Scott Case, vice-president of the environmental marketing consultancy, TerraChoice, proposes a system whereby the EPA combines existing green certifications and provides environmental labels under a single brand, similar to the way the U.S. Department of Agriculture certifies organic food (Dahl, 2010/2016).

While Tsai points out the benefits of green marketing, Dahl points out the dangers. Since there are many different green labels and certifications available with varying degrees of authenticity, there is definitely room for improvement on both the green manufacturing and green marketing front.

References

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