

How can we significantly and measurably improve our environment and solve our most pressing ecological problems?

The Path to Washington is a 3-year research and dialogue process to produce a new set of commonly-understood, broadly-supported legal and policy tools which, when applied to our country's serious location-specific environmental problems, will improve ecological conditions, sustain communities, and improve the quality of life of all people.

Need: The founders of the Path are MSWG's diverse members and their partners who recognize that our understanding of environmental problems is very different today than at the time most national environmental laws were enacted. Therefore, addressing current threats to local, state, regional, national, and global ecosystems will require varied responses depending upon the sources, pollutants, impairments, geography, chemistry, and sociology involved.

Examples of evolving or languishing problems include greenhouse gases, regional air quality, community health, nutrient and bacteria contamination of watersheds and estuaries, invasive or depleted species, and the unknown consequences of new materials and technologies.

Barriers: Past dialogue has identified *law, politics and culture* as three overarching barriers to addressing the array of ecological challenges we face.

Law - Current U.S. environmental statutes are necessary to assure basic performance by facilities but not sufficient to reverse damage from diffuse pollution sources, to protect human health, and to address emerging technologies now and in the future. U.S. environmental law also tends to create adversaries and inhibit voluntary behavior, and often assumes that economic competitiveness and environmental investment are opposed.

Politics - While the U.S. environmental legal system evolved from bi-partisan consensus, it has become increasingly partisan and the dialogue more strident. Conflict between and among players is embedded. This situation has drowned out discussion at a time when inclusive and innovative dialogue on solutions to the new challenges is critical.

Culture - Regulating and regulated organizations have become risk-averse, ill-equipped to deal with complexity, and slow to adapt to change. These organizations and the individuals within them may make business or policy decisions without considering the full risk, economic cost, environmental trade-offs, or ecological impact of those decisions.

The Path makes no pretense of fully overcoming these barriers. Any tools, policies or approaches which emerge from the Path must demonstrate their ability to succeed even in the face of these barriers. In the course of dialogue, however, we hope to encourage law, politics and culture to differentiate good performers who exceed requirements; protect Good Samaritans who produce superior results; and reward good risks that demonstrate good governance in the free enterprise system.

Vision: The Path's vision is three-dimensional: ① sponsor a dialogue focused on significant ecological impairments and collaborative approaches to restoring ecological health; ② develop new knowledge and better understanding of how ecosystems function and interact with human communities; and ③ propose a new generation of national, state and local collaborations, practices, policies, and laws that lead to measurable environmental improvement.

Stakeholders: The Path strives to make the case to consumers, producers, transporters, builders, or resource users that we share responsibility for and self-interest in improving our environment and preserving its ecological systems.

Scope: *The Path will learn from the past.* We and our partners will look for lessons from the past 15 years of innovation and reinvention efforts which have focused primarily on facilities regulated by U.S. law. The Path to Washington recognizes the need for continuing and improving our underlying statutes, while at the same time resisting the urge to immediately apply their familiar tools to the new ecological challenges without careful consideration of alternatives.

The Path will seek the best of the best of current and developing efforts. The Path to Washington will search outside the U.S. for policy or legal frameworks that provide the authority and accountability for new parties to play important roles in achieving more sustainable environmental outcomes. The Path will identify successful alternatives at any level or combination of levels - local, state, ecoregional, national, or international - and consider how these levels of action can work together.

The Path will anticipate the future. We will look forward to collaborative, public/private, market-based, ecosystem oriented, outcome-focused tools to solve 21st Century problems which cannot be addressed only through regulation of facilities.