



The Path to Washington

March 2008 update: Origins, status and current conditions

This narrative reports on the origins of the Path to Washington (PtW), summarizes input so far and assesses conditions. PtW is a 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.

The Multi-State Working Group officially adopted PtW as its strategy in **Georgia** in fall of 2005, but in practice it has been in place since 2001. An early analysis produces three preliminary PtW consensus points:

1. A beyond-mitigation public policy, that uses modern, eco-system thinking, is needed to restore environmental damage, solve big problems and deal with unknown risks;
2. Solutions to the major challenges of the 21st century will not come from government working alone. Business, academia and civil society will need to contribute substantially to the needed intellectual and material capital;
3. Successfully reducing greenhouse gas emissions and adapting to the land, water and community impact of climate change require new approaches that use markets, innovative technologies and a mix of tools. This could open minds to innovative thinking in solving other problems of all types and produce the will to act.

Practical points that support acting on the theories: a. Enforce the basic standards but create a new place, in law for innovators, exceptional performers and those asked to tackle big problems; b. Citizens need policies that help them solve local problems; c. It must be easy to use all the tools in the toolbox; d. Innovators in government and business need protection or they are less likely to strive to do better.

PtW History

In 2001, PtW began in two places. One was **Arizona** that resulted in 13 letters asking federal government officials to hold grass roots discussions about unmet ecological needs, barriers to meeting them and innovations in the states. The second was **Pennsylvania** where two conceptual policy seeds were planted at a workshop. The first was by David J. Hayes, author of Cross-Pollination, in The Environmental Forum, who noted the gap between rigid, media-based approaches and the dynamic, complex ecological systems. The second was by J. David Bamberger, a **Texas** landowner whose ecological restoration achievements are documented in "Water from Stone."

In 2003, a summit with the JFK School in **Washington, DC** focused on the value of leveraging the private sector to achieve results rules alone could not achieve. This became a PtW principle. In 2005, at the JFK School in **Massachusetts**, a dialogue concluded that law, politics and culture were each barriers to innovation. A 2008 dialogue involving EPA, MSWG and the Environmental Council of States (ECOS) provided policy impetus for more innovative, collaborative and performance based environmental programs.

Input to Date

In 2001, MSWG began to shift from a total focus on environmental management systems to regulatory innovation, building a record for policy modernization that will be contained in a report to the nation in late 2009. Information will come from grass roots dialogues, projects, meetings and workshops. In no order of importance, here are snippets of what we have been hearing: **Arizona**: There is undocumented and untapped innovative capacity in the states and business. **Colorado**: Many regulatory policies are energy ambivalent and water policies based on abundance not scarcity. **Illinois**: Non-government players need assurances innovation does not mean backsliding. **Iowa**: Can't we find a holistic and result-driven way to connect upland land with down stream water? **Maine**: State legislators can play meaningful roles in innovation but are usually on the receiving end of federal rules and

"A small group of thoughtful people could change the world. Indeed, it's the only thing that ever has" -- Margaret Mead

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caught in permitting controversies. **Michigan:** Corporate governance, finance and fiscal policies are where real performance incentives can happen. **Nebraska:** The agricultural sector has not yet been invited into the mainstream of policy innovation. **New Hampshire:** An environmental NGO can step up to the plate and help bet a quality capital project, a gas-fired power plant, built. **New Mexico:** We need ways to connect issues like energy, water, forestry and animal agriculture at the local level. **New York:** An eco-system service approach can protect ecology and save money. **North Carolina:** State and federal regulators want to innovate but fear reprisals and need a safe place. **Ohio:** Environmental quality and public health policies and practices are too distant. **South Carolina:** Innovation should strive to reach greater results and not be satisfied with making the status quo more efficient. **Tennessee:** The system does not fully support those corporations that want to be superior performers. **Utah:** Some problems can only be solved through collaboration, which is not our present culture. **Virginia:** The perception is that innovation means less protection, participation and measurement. **West Virginia:** Sustainability is the future but the United States does not get it. **Wisconsin:** Top down and silo-driven regulatory policies are poorly serving citizens at the grass roots who want to solve problems important to them.

In February, 2008 in New Orleans, **Louisiana** a draft was produced entitled “beyond the zero sum game” with a call for a “Beyond Mitigation” policy philosophy. The premise is that it is not good enough to only limit environmental damage from a project. Project proposers must be given the chance to be Good Samaritans in ways like restoring damage they did not cause or helping others outside a facility fence-line. A call for examples will be issued and the result will inform a report that leads into at least one eco-system event in a fall event. Partners are being sought.

The Beyond Mitigation initiative was the result of a 2007 meeting in Glen Ellen, **California** that discussed how ecological thinking is important to protection, restoration and enhancement of the natural world and industrial world. A list of principles and projects was produced for future discussion about topics such as mainstreaming industrial ecology, eco-system services and ecological restoration concepts in policies from the community and facility on up.

The Glen Ellen meeting built on the **Utah**'s 2006 workshop that concluded we needed a nation “as good as we can ecologically be” and to get there needed we need to legally differentiate ecologically better businesses and to protect and support “Good Samaritans” that tackle big or intractable problems. **Wisconsin**'s 2007 workshop concluded that two factors are forcing policy change: a. Globalization of the economy; b. New and more information about environmental threats. This forces us to concede that government falls short in money and tools to get the job done and that this resource problem is especially acute at the local level. Summarizers DeWitt John and Lee Paddock said it was fine to issue a report to the nation but the real need is to “build a new consensus on the role of innovation in solving ecosystem problems while supporting a globally competitive economy in the United States.”

The MSWG-ECOS-EPA Connection

In 2005, in **Texas**, a MSWG vision statement asked for by the ECOS and EPA called for a “new way of thinking that looks beyond facilities, pollution permits and media issues toward sustainable environmental and economic performance” and called for a new, complementary system in law to produce “better and broader performance through environmental entrepreneurship.” Three principles would guide this new system: a. Create a new place, in law, for high performing environmental stewards; b. Embrace eco-system approaches in public health, energy, multi-media and landscape issues; c. Make transparency a protective shield for innovators and performers.

MSWG's limitations and a condition report

MSWG is limited because it is a volunteer network with few resources. Big ideas like NGO circuit riders listening to the grass roots, 36 dialogues, a new vocabulary and a NGO declaratory statement on innovation are still pending. Funding limits also forced downsizing the Adam Smith-Rachel Carson workshop in New York to a small dialogue with the financial sector and business. A serious or prolonged recession could result in backsliding or policy stagnation as people focus on economic issues first, climate excepted. At the same time, a recession could result in policy creativity that embraces ecosystems, sustainability and corporate responsibility. The 2008 JFK School performance-based dialogue and other discussions on policy innovation and change may be right for difficult economic times. So may the Path to Washington: www.mswg.org/Path to Washington

Prepared by Jeff Smoller March 29, 2008 based on records and attendance at PtW events

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