As the Bush Administration settles into office and former New Jersey Governor Christine Todd Whitman takes the reins of the U.S. Environmental Protection Agency, many are wondering how the environment will fare under the new Republican administration. Based on Whitman’s recent testimony before the Senate and her record as governor, the author offers some insight into what to expect from a Whitman-led EPA.

by Brent A. Fewell
In his 1996 profile of her, biographer Art Weissman calls Christine Todd Whitman, the politician, part celebrity, part enigma.1 Never before, Weissman argues, has a governor risen as quickly to national prominence. Whitman’s national rise does not fit conventional political norms; she lacked a national backing, often alienated the powerful conservative wing of the GOP on controversial issues such as abortion, and made promises for sweeping tax cuts, which many within her own party viewed as fiscally irresponsible. Yet, according to Weissman, it was Whitman’s “frankness, her tax cuts, and her role as the nation’s only woman governor” that has made her into a celebrity of sorts. Her motivating objective, he says, is to make government less involved in people’s lives and to use government to “problem-solve at the level closest to the problem.”

Whitman, aged 55 and the youngest of four children, grew up on the Todd family farm in Oldwick, NJ. Her socially prominent and politically active family routinely dined with friends whose names included Dillon, Eisenhower, Nixon, Brady, Bush, and Forbes. At age five, Whitman, along with a young Steve Forbes, was handpicked during the 1952 presidential campaign to present dolls to the Nixon daughters, Tricia and Julie. Two of Whitman’s siblings have also held political posts; older sister Katherine Todd Beach served as U.S. Deputy Treasurer in G.H.W. Bush’s Administration, and brother Dan Todd held posts in the federal government and the New Jersey legislature. Whitman’s father, Web Todd, was chairman of New Jersey’s Republican Party and close personal friend and aide to President Dwight Eisenhower. Whitman’s mother, Eleanor Todd, was vice chairman of both the Republican National Committee and the State Commission on Higher Education. It is even reported that Eleanor, during the 1950s, was touted as a possible gubernatorial candidate.

The late Malcolm Forbes said of Whitman’s political potential, “[Christie] is on her way to becoming an American Margaret Thatcher.”2 Whitman has run for elective office only three times and has won twice. Her first successful campaign was in 1982 for a seat on Somerset County’s Board of Freeholders, the governing body of New Jersey county government. In 1990, after being appointed to New Jersey’s Board of Public Utilities by governor Tom Kean, she ran an unsuccessful bid against Bill Bradley for a U.S. Senate seat. Learning from her mistakes, in 1993 she unseated popular incumbent governor, Jim Florio, by 50,000 votes. And, in 1997, she narrowly won reelection by 20,000 votes.

“We are ready to enter a new era of environmental policy, an era that requires a new philosophy of public stewardship and personal responsibility. To discover what this new era will look like, I believe one only has to look to the states.”

Christine Todd Whitman, January 17, 2001
Between 1993 and 2000, Whitman governed New Jersey, a state with more than 8 million residents and a budget of $18 billion. Aside from her focus on tax cuts, much of her attention was given to overseeing management of New Jersey’s environment, which boasts 42 natural sites, 36 state parks, 11 state forests, 127 miles of coastline, more than 100 rivers, and 800 lakes and ponds.

Whitman’s environmental record as governor included several notable initiatives. For example, she

- signed into law in 1998 New Jersey’s Brownfields Revitalization and Remediation Act; supported legislation to provide $10 million for preserving the Sterling Forest and worked to protect 250,000 acres of open space;
- increased funding for coastal shore protection and adopted the nation’s first mandatory comprehensive beach monitoring system;
- increased funding for watershed protection and supported controls of nonpoint source discharges; and
- advocated other state governors to implement stronger Clean Air Act requirements.

In addition, in 1997 Whitman was awarded the American Planning Association’s Distinguished Leadership Award for establishing a sustainable development program aimed at controlling urban sprawl and protecting open space.

Many applauded President Bush’s choice of Whitman for the top job at EPA. Never before has the agency been led by a high-level elected official. Some would say that Whitman’s nomination provided an immediate boost to the stature of such a high-level elected official. Many of these officials are optimistic about the direction that Bush appears to be moving with some of his environmental appointments.”

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Described by some as an environmental centrist, Whitman’s nomination drew kudos from many within the business community. In an American Chemistry Council press release, President and Chief Executive Officer Fred Webber congratulated Whitman on her nomination, stating that her “common sense, centrist approach to economic development and environmental protection represents a balance that is much needed at the national level.” He added, “Her stewardship of the environment in New Jersey and her record of working with people of diverse points of view have yielded impressive results.”

William Reilly, former EPA Administrator during the Reagan Administration, said, “[Whitman] is a recognized, visible figure with a distinguished track record, and she’s well-positioned to carry out a centrist environmental policy.”

Not surprisingly, Whitman’s nomination also drew its share of criticism from environmental groups. The Sierra Club, for example, described Whitman as having a “mixed record on the environment” while serving as chief executive of New Jersey. The harshest criticism leveled against Whitman, however, came from a 1997 survey of New Jersey Department of Environmental Protection (NJDEP) employees conducted by the nonprofit group Public Employees for Environmental Protection (PEER).

According to PEER, some employees expressed concerns regarding not only the impact of 30% across-the-board budget cuts on NJDEP’s effectiveness, but also Whitman’s efforts to include business as a major stakeholder. One respondent, identified as a DEP Administrator, commented that “many decisions are based on Whitman’s politics rather than sound, scientific data. Budget cuts have further hindered DEP in protecting the environment, perhaps by political design.” Another employee criticized “Governor Whitman and her systemic weakening of virtually all DEP programs and policies. According to [Whitman], NJ is definitely ‘open for business.’ Housing, agriculture, and chemical industries now dictate environmental policy and enforcement at NJDEP.”

While some environmental groups have criticized Whitman’s record, others have given tacit approval of her appointment as EPA Administrator. Fred Krupp, Environmental Defense Fund Executive Director, called Whitman’s nomination “a very positive action from [President] Bush.” Other modest praise came from Gregory Whetstone, Natural Resources Defense Council Director of Programs, “We’re far more hopeful about Whitman than about any of the other names that had been floated for EPA.”

Even the League of Conservation Voters, who decried the Bush/Cheney team as a real threat to the environment, admitted that it was “cautiously optimistic about the direction that [Bush] appears to be moving with some of his environmental appointments.”

On specific programs, Whitman has been given credit by the Natural Resources Defense Council for her strong stance...
on clean air issues, support for EPA’s newly announced rule to reduce pollution from diesel fuel, and strong advocacy for open space preservation. She has often sided with environmental activists on other national issues as well, calling for stricter standards for dredging near New York Harbor, endorsing tougher National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter, and supporting efforts to regulate air emissions from grandfathered utilities.

**SENATE CONFIRMATION HEARING**

The U.S. Senate confirmed Whitman on January 30, 2001, by unanimous vote. Whitman’s confirmation hearing on January 17 before the Senate Environment and Public Works Committee was equally noncontroversial. The committee, whose 18 members include Chairman Bob Smith (R-NH), Ranking Member Harry Reid (D-NV), Ben Nighthorse Campbell (R-CO), Arlen Specter (R-PA), George Voinovich (R-OH), Jon Corzine (D-NJ), Joseph Lieberman (D-CT), Barbara Boxer (D-CA), and Hillary Clinton (D-NY), has direct oversight over EPA activities. Additional jurisdictional responsibilities include air pollution, environmental toxics, research and development, water resources, ocean dumping, fisheries, and wildlife.

Since it was anticipated that Whitman would receive strong bipartisan support, many committee members used the hearing as an opportunity to publicly pin Whitman down on environmental issues important to their constituents. Although senators from both parties spent the morning noting their own environmental concerns and bestowing praise on Whitman for her environmental record, the committee used the afternoon to grill the appointee on topics ranging from methyl tertiary butyl ether (MTBE) in groundwater to regulating the fuel efficiency of sport utility vehicles (SUVs).

**Five Guiding Principles**

Whitman jumped out of the starter’s block quickly, promising five guiding principles under which the EPA could be expected to operate over the next four years. First, Whitman promised “an era of cooperation” among all stakeholders in environmental protection. Second, while agreeing to maintain a strong federal role in environmental protection, Whitman vowed to provide the states with greater flexibility to create solutions to what she described as “local problems.” Third, after reassuring the Senate committee that EPA would maintain its commitment to high standards, Whitman asserted that she would not shy away from encouraging the use of market-based incentives as a vehicle to attain a cleaner environment. Fourth, she promised a change in the way in which science and policy would be employed, vowing to use “strong science” rather than politics as the driving force behind policy-making decisions. Finally, Whitman agreed to promote effective compliance without weakening federal enforcement. “We will work to promote effective compliance with environmental standards without...weakening our commitment to vigorous enforcement of tough laws and regulations,” Whitman said, adding, “We will offer the carrot first, but we will not retire the stick.”

As EPA Administrator, Whitman will oversee a bureaucracy one-third the size of New Jersey’s state government. When asked how her experience as governor would help her as EPA Administrator, she responded, “I [know] what it’s like to be on the receiving end of mandates from Washington” and, she added, “I have never underestimated the importance of environmental protection, just as I have never overestimated the ease in achieving it. That perspective will help me work with our states as we meet the challenges ahead of us.” Whitman made clear what her short-term priorities would be: brownfields legislation, clean air reauthorization, and addressing water pollution caused by unregulated nonpoint sources.

**Environmental Enforcement**

Probably the most contentious moments during Whitman’s confirmation hearing came when senators questioned her about the perception that she was soft on environmental criminals and lacked the necessary commitment to environmental enforcement. Specifically, Whitman was asked to explain her decisions to cut NJDEP’s budget by 30% and eliminate a significant number of enforcement positions, and the reason for an 80% reduction in fines and penalties collected across all environmental enforcement programs in New Jersey. Whitman emphatically denied that a 30% cut had been targeted specifically at NJDEP and environmental enforcement, but acknowledged that across-the-board cuts were required to alleviate a $2 billion state deficit. She further defended her budget reductions by asserting that New Jersey’s environment is cleaner today than when she took office in 1993. She also defended her enforcement record by noting that NJDEP inspections had remained relatively stable before and after her tenure, at more than 20,000 per year.

One issue that was not addressed during the hearing was Whitman’s support for immunity laws to encourage companies to voluntarily disclose environmental violations. Under Carol Browner’s leadership, EPA objected to such statutes on the grounds that they conflicted with federal enforcement objectives. Whitman, however, was one of the chief proponents of New Jersey’s environmental immunity law passed in 1995. Although New Jersey’s immunity law grants protection only against civil prosecution and limited to minor violations, the law itself is at odds with EPA’s position on this matter. Whether Whitman will continue to promote states’ efforts to encourage compliance through self-audit and immunity laws remains to be seen. But her promise to use the “carrot” approach to compliance, as well as her vow to give states added flexibility for achieving compliance, suggests that EPA’s position on this matter may change.
Brownfields

As the governor of a state with the nation’s highest number of federal Superfund sites (111) and even more state Superfund sites, Whitman has been critical of the slow pace and high costs of the federal cleanup program and understands the impact on the environment and local communities. For this reason, she has committed to making federal brownfields legislation a key priority. With both Bush and Whitman hailing from states with successful brownfields programs, Whitman promises greater collaboration between regulators and lawmakers to encourage states to move forward with brownfields programs. Whitman hinted during the confirmation hearing that she would push to have a federal brownfields initiative included in comprehensive Superfund reform and reauthorization.17

To gain support for her views on brownfields, Whitman explained to the Senate Environment and Public Works Committee that redevelopment of abandoned industrial sites, many of which are located in the inner cities, was an important tool for addressing the larger social issues and needs reflected in the concerns of environmental justice. Whitman said it was her goal to “encourage nonpolluting parties to come in and in good faith clean up those sites so we can at least contain the pollution that’s going into the environment and render those as good economic development sites.”17 Such collaborative effort, Whitman added, constitutes a positive step toward addressing the disproportionate impacts of environmental policies and decisions on low-income, minority communities.

Air Pollution

It might surprise some people to learn that New Jersey has the nation’s most stringent laws regulating air pollution, thanks in large measure to Whitman’s commitment to cleaner air. Despite these laws, New Jersey still does not meet current NAAQS. Whitman believes that New Jersey’s air pollution problems are not strictly homegrown, but are exacerbated by coal-fired power plants and industrial smokestacks in other states. According to Whitman, the regional transport of air pollutants, such as nitrogen oxides (NOx) and sulfur oxides (SOx), is a serious problem in parts of the country. This was a key topic of discussion during the confirmation hearing. Senator Clinton, who attributes New York’s acid rain problem to grandfathered utilities located in the Midwest and Canada, asked Whitman about her commitment to finding solutions to regional air problems.17 In response, Whitman promised to expand on the success of the Clean Air Act’s cap and trade system, further negotiate with international trading partners, and consider legislation to phase out grandfathered sources.17

Nonpoint Source Pollution

One of three priorities specified by Whitman during her confirmation hearing was the need to address nonpoint source pollution. Whitman appears poised to further EPA’s plans to tackle the issue of nonpoint sources, a highly contentious issue, especially in light of EPA’s recent final rule for Total Maximum Daily Loadings (TMDL) that seeks to regulate nonpoint sources such as forestry and agricultural practices.19 Pointing to pollution problems confronting New Jersey, Whitman contended that aging infrastructure, including combined sewer overflow, presents a big challenge to cash-strapped states and local municipalities. However, she vowed to forge new partnerships between EPA and state and local governments, including funding assistance to help states address the problem. Senator Voinovich pressed Whitman to consider additional funding sources to address storm-flow overflow problems, which he estimated would cost about $57 billion.17

Sediment/Coastal Resource Management

Under Whitman’s leadership, New Jersey was the first state to adopt a statewide mandatory beach protection program that includes a bacteria standard, testing requirements, and mandatory closures if the standard is exceeded. During the confirmation hearing, Whitman reiterated her commitment to protect coastal resources, including support for a ban on ocean dumping of sediment and dredge spoil. This is a subject with which Whitman is familiar, having put an end to ocean dumping in Sandy Hook, a small New Jersey coastal town overlooking New York Harbor. Whitman was one of the chief proponents of a 1996 agreement by the U.S. Army Corps of Engineers to discontinue its practice of dumping contaminated sediments at a location known as the “mud dump” near Sandy Hook.20 Whitman acknowledges that the health risks of dredging spoil are still inconclusive and that many gaps remain in the underlying science. In light of the scientific uncertainty and inherent risks, Whitman supports adopting new approaches that build in additional margins of safety.21

Whitman declined to comment on EPA’s recent decision to require cleanup of 1.1 million pounds of polychlorinated

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**Five Guiding Principles for a Whitman EPA**

1. Cooperation among ALL stakeholders
2. STRONG federal role in environment
3. Commitment to HIGH standards
4. Science as DRIVING FORCE for policy
5. Promote EFFECTIVE standards compliance

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biphenyl (PCB)-impacted sediment from the Hudson River, citing the open comment period and a potential conflict. Nevertheless, she expressed her support for programs designed to protect the Hudson River, citing her efforts to establish boat landings along its shores and her joint backing with New York Governor George Pataki of an estuary agreement with EPA.

**Wetlands Regulations**

Whitman was asked by Senator Clinton to comment on her view of the recent Supreme Court decision in *Solid Waste Agency of Northern Cook County (SWANCC) vs. U.S. Army Corps of Engineers*, in which the Court held that the federal government lacked jurisdiction over isolated wetlands based on the presence of a migratory bird habitat. Whitman gave no indication that, under her leadership, EPA would seek to minimize the scope of that decision. “The [SWANCC] decision stands now as case law, and [EPA] will have to operate within that framework,” Whitman said. “To the extent that the regulatory authority of the agency is restricted by the decision, we can’t stop trying to protect watersheds,” she added. Whitman promised to act swiftly to bring state and local officials together to identify and act upon watershed problems.

Senator Corzine questioned Whitman about her views on a commercial development in the Hackensack Meadowland area of New Jersey, where 206 acres of wetlands were being filled. EPA has opposed the project. Whitman stated that as governor she had been a strong supporter of the project and, if asked to take further action as EPA Administrator, may be forced to recuse herself because of past involvement. Regarding wetlands protection in general, she asserted that she is “very sensitive to the need to protect wetlands.... That’s one of the reasons why we have such an aggressive program in New Jersey to set aside those wetlands permanently and forever so that they cannot be degraded.”

**CONCLUSION**

Politics aside, Whitman is in for the challenge of her political career. Whether her centrist environmental views, her reputation for bringing all stakeholders to the negotiating table, or her goal of returning problem-solving responsibilities to the states will translate into a new-look EPA remains to be seen. Many onlookers ponder whether Whitman will exert herself in a Bush Administration to fight for the things that she believes in and whether President Bush will give her the freedom to be an advocate for environmental protection. Regardless, Whitman seems ready and able to meet these challenges head on. “Everyone on the farm pitches in to do their share and then some,” she said. “I intend to do my share and then some to meet the challenge. I know that this great country of ours has the ability and the will to build a more prosperous America while meeting our environmental obligation to those who follow us.”

**REFERENCES**