



OCEAN POLICY TASK FORCE REMARKS

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Good afternoon Chair Sutley and distinguished Task Force members, and thank you for the opportunity to speak before you today on water quality. We commend your work to implement the President's vision of "healthy, resilient, and sustainable oceans, coasts, and Great Lakes."

It is noteworthy that we are having this conversation on the fortieth anniversary of the two seminal coastal pollution events that prompted both the first Earth Day and the federal Clean Water Act. It was in 1969 that 200,000 gallons of crude oil spread over an 800 square mile slick off the coast of Santa Barbara. It was also in 1969 that the Cuyahoga River caught fire off Lake Erie and sent images around the country of firefighters trying to put out the water. From these events we created what - at the time - was a truly innovative suite of environmental laws reflecting our collective commitment to cleaning up pollution.

With forty years of experience behind us, we can begin to see our successes, and where we need to shift our approach. First and foremost, we need to implement and enforce our current laws fully. The *New York Times* reported this week that the Clean Water Act has been violated more than a half a million times since 2004, and the number of violations has been growing. These violations have real impacts on ecosystem and public health. Researchers have found that health care costs from beach-related illnesses in just Los Angeles and Orange counties total tens to hundreds of millions of dollars each year. So we strongly support the President's call for "accountability," particularly when it comes to enforcing our water quality laws.

But even more than implementing our existing laws fully, we also need to acknowledge that our regulatory structures are mismatched with the environment they are supposed to protect. We set up our current laws and regulatory agencies to keep water quality separate from water flows, and from air, and from wildlife... when of course in reality they are all connected. As Muir famously said, "[w]hen we try to pick out anything by itself, we find it hitched to everything else in the universe." The President has called repeatedly for ecosystem-based approaches in his ocean policies, and we applaud that direction. But this has to be more than simply increased coordination across siloed agency structures. We must forge a better way of regulating our relationship with the environment, just as our predecessors did forty years ago. We need to develop "institutional ecosystems" that better reflect the natural ecosystems being protected.

I would like to highlight a couple of examples of why such a new way of doing business is needed. Climate change is the classic example – our current, single-stressor laws simply did not envision that we could change whole ecosystems with pollution, let alone on a global scale. Ocean acidification is just one subset of these impacts – air pollution from power plants and other sources changes water quality in the ocean, which affects marine life at the base of the food chain, triggering a cascade of other potential impacts. Our air, water, and fish and wildlife laws are struggling to keep up.

Another example: a NOAA Fisheries Biological Opinion issued in June found that a lack of sufficient, clean water in California's Central Valley is jeopardizing the existence of Southern Resident killer whales, which rely on disappearing Chinook salmon runs for food. When we think about how to protect killer whales in the Pacific Northwest, how many of us think "restore clean water flows in California's Central Valley"? Our single-stressor laws constrain not only our actions, but in many cases our imagination. We need thoughtful, ecosystem-based oversight to protect marine and anadromous species *before* they are on the brink.

Even within a single regulatory agency, we need to change how business is done to reflect the integrated nature of our environment. Studies by NOAA, Washington State and others report that commonly used pesticides act synergistically in mixtures to kill salmon. In other words, *even if* current pesticide standards are implemented fully, they will fail to protect aquatic life because they are based on chemical-by-chemical analyses that do not reflect the actual, integrated environment.

Clean, abundant water is the lifeblood of our coast and ocean. Focusing on water quality is important, but looking at the environment holistically, and building regulatory and restoration programs that reflect natural ecosystems, is essential. So what do we need to do? We need to revisit our forty year-old, single-stressor environmental laws and create integrated regulatory systems that better reflect natural ecosystems. We also need to recognize explicitly in our laws the inherent rights of all of us to have a fighting chance to thrive and evolve – including ecosystems and their inhabitants, to which we are inextricably bound.

This is a tall order, but we can and must envision the natural endpoint of our work and take progressive action in that direction. There are tools we can use to move us toward ecosystem-based management, while we make the necessary foundational changes in our legal structures. These include cross-cut budgets, MOUs, consistency determinations, staff sharing, jointly administered grants, and other actions. And again, we must immediately increase enforcement of existing pollution laws, and expand them as needed to address new and underestimated threats.

In closing, climate change is *our* Santa Barbara oil spill and Cuyahoga River fire. I urge the Task Force to heed its warning, and commit to developing the seminal changes in law and policy needed to safeguard the natural world, and our place within it. Thank you.