

## **Transition to Sustainability: The path forward for US policy, law and regulation**

### **Next generation law and policy informed by sustainability management.**

Ira Feldman

PhD candidate, University of Waterloo

Supervisor: Marie-Claire Cordonier Segger

The next generation of law and policy has been the “holy grail” for the US environmental law and policy community for the last 20+ years, but change has been elusive. Many building blocks for the next system already exist. The breakthrough will be a functional synthesis of frameworks, pilot projects and tools.

#### **Proposed overall structure:**

- I. Relevant policy and regulatory threads from 1998 – 2018
- II. Identified and ongoing obstacles to the sustainability transition
- III. Constructing a new sustainability landscape

Part I will address the “Golden Years” of US environmental regulatory leadership and the “Air-Water-Waste” statutory framework established in the 1970’s, as well as initial “next generation” efforts at the policy and pilot project levels since the mid 90s. These include:

- The President’s Council on Sustainable Development (PCSD)
- Project XL and the Common Sense Initiative
- Environmental Leadership Program
- National Environmental Policy Act (NEPA) as “sustainability statute”
- “Reg-Neg”
- Performance Track and its demise
- Sustainability Executive Orders

This part will also explore what the US could have learned from contemporaneous national experiences in other countries, including:

- The UK Sustainability Commission
- The “Dutch Covenant” model
- Other National-level sustainability councils

Part II will identify the ongoing obstacles to the sustainability transition in the US from the political, economic and socio-cultural perspective. In US professional circles additional challenges abound due to lack of consensus on sustainability lexicon; the lack of standards for sustainability in higher education; and a pervasive failure by mainstream media to acknowledge the distinction between “going green” and “sustainability.” Among other factors, the US regulatory system is especially poor at convening multi-stakeholder processes and mainstream US environmental NGOs cling to the Air-Water-Waste model instead of embracing sustainability approaches.

Part III will propose constructing a new sustainability landscape in the US. This includes identifying important existing “puzzle pieces” and/or viable components of the new regime. Key questions will include redefining the US EPA mission; establishing sustainability metrics at local, regional and national levels; an appropriate infrastructure and governance model to link across levels of scale; utilizing public-private partnerships and collaborative governance; and operationalizing the circular economy.