

LEADING THE WAY OUT OF RECESSION

2/10/2010

2010 Illinois Environmental Policy Agenda

Published by the Illinois Environmental Council Education Fund, this report presents the Illinois environmental for community's policy agenda 2010. Our vision is for Illinois to emerge from the current recession as a leader in the new green economy.



The Illinois Environmental Council serves as the environmental community's eyes, ears and voice in Springfield, promoting sound environmental laws and policies that will ensure a more healthful environment for Illinois residents.

Leading the Way Out of Recession

2010 ILLINOIS ENVIRONMENTAL POLICY AGENDA

Contents

INTRODUCTION	2
GLOBAL WARMING AND ENERGY	2
Solar Solutions.....	3
Housing and Transportation.....	3
Recommendations	4
CLEAN WATER FOR ALL.....	4
Factory Farms	5
Nutrient Pollution	6
Invasive Species.....	6
Recommendations	6
TOXICS AND HUMAN HEALTH.....	7
Bisphenol-A	8
Mercury	8
Cadmium	8
Recommendations	8
OPEN SPACES AND NATURAL AREAS.....	9
Land Conservation Funding.....	9
Farmland Protection	10
Recreational Land Use Accessibility	10
Recommendations:	11
FOR MORE INFORMATION ON THE TOPICS PRESENTED	12

INTRODUCTION

Last year, as the slumping national economy began to taking its toll, the Illinois Environmental Council Education Fund published the 2009 Illinois Environmental Briefing Book. We recommended several state-level policies that were adopted by Illinois policymakers over the subsequent months. Now, as signs of an economic recovery are on the horizon, we present a way for Illinois to emerge from this recession as a national and regional leader in protecting our environment while creating green jobs and transitioning to a sustainable energy economy.

Our policy agenda, developed with input from the state's leading environmental experts, addresses critical environmental issues in Illinois, including global warming, protecting open spaces and natural areas, ensuring water quality, and protecting human health from toxics. The Illinois Environmental Council and its member organizations look forward to working with state policymakers to claim Illinois' position at the forefront of our nation's emerging green economy.

GLOBAL WARMING AND ENERGY

Global warming is the single most profound environmental challenge we face. If unchecked, it will impact Illinois' water supplies, farming, wildlife habitat, and human health. With Congress yet again dragging its feet on comprehensive climate legislation, tackling global warming through sound policies to curb carbon emissions here in Illinois will continue to be a top priority of the Illinois environmental community.

Progress in Illinois is meaningful on a global scale. Illinois spews out the 7th most global warming pollution of all 50 states, and would rank among the 30 most polluting countries were it a standalone nation. Regionally, Illinois and seven other Midwest states taken together are responsible for a staggering 5% of the world's total global warming pollution. We simply cannot clean up the planet without first cleaning up our own backyard.

The primary challenge to cleaning up Illinois is transitioning from dirty, unsustainable energy resources to a green economy built on the energy and transportation systems of tomorrow. The generation of electricity – especially from fossil fuels, such as coal – is the single largest contributor to Illinois' global warming pollution. Worse still, global warming pollution from the generation of electricity increased by 80% in Illinois from 1990 to 2005.

However, the tide is beginning to change. Illinois' renewable energy standard and energy efficiency portfolio standards rank among the most aggressive in the nation. Illinois' building energy codes meet the latest international standards for energy efficiency and conservation. Illinois has seen tremendous growth in the wind industry in recent years, with installed wind power capacity up from around 100 megawatts (MW) just five years ago to nearly 2000 MW at the start of 2010. We're seeking to ride that momentum to further progress this year.

Solar Solutions

While wind power has seen tremendous recent growth, Illinois has been slow in adopting solar power as an energy solution. At the start of 2010, Illinois had only 3.3 MW of online installed solar power capacity – less than 27 different cities across California alone. That's not for lack of potential. In fact, Illinois has greater solar intensity and more solar potential than Germany or Japan, two of the world's leaders in solar energy.

Going solar in Illinois is a top priority for the IEC and its member organizations in 2010. Through a portfolio of smart policies to break down industry barriers, we believe Illinois can become a regional leader in solar power and be well-positioned for the manufacturing and installation jobs that come along with it.

Housing and Transportation

While the concept of energy efficiency is a familiar term, many of us are not aware that locations and communities can be efficient. Compact neighborhoods with walkable streets, access to transit, and a wide variety of stores and services have high location efficiency – requiring less time, money, and greenhouse gas emissions for residents to meet their everyday needs.

With transportation accounting for over a quarter of Illinois' global warming pollution, improved location efficiency is vital to meeting Illinois' emission reduction goals. But when it comes to state allocations, decisions only reflect housing affordability and lack reference to transportation costs or location efficiency.

For the sake of our communities and our planet, Illinois must begin allocating funds in a more targeted and strategic manner. The IEC and its member organizations believe a Housing and

Transportation Affordability Index provides an appropriate tool for guiding state allocation decisions and helping to build a smarter, more efficient Illinois.

Recommendations

- ~ Adjusting the existing solar carve out in Illinois' renewable energy standard to require utilities to purchase solar power as soon as 2011—and not 2015, as currently required;
- ~ Improved net metering rules, allowing larger users such as retail merchants and commercial and industrial facilities to attain full value for solar power fed back onto the grid;
- ~ A bill of rights regarding residential rooftop solar systems to prevent condo and homeowner associations from barring families from putting solar panels on their home;
- ~ Property assessed clean energy financing to spur clean energy projects paid through individual property taxes on a prorated basis, with little to no up-front cost.
- ~ A Housing and Transportation Affordability Index should guide the development of statewide plans, funding for key public priorities (such as transit, highways, economic development, and business incentives), and the siting of public facilities.

CLEAN WATER FOR ALL

More than six million Illinois residents depend on about two billion gallons of fresh water per day from Lake Michigan. The Lake also supports commercial and industrial activities such as shipping, manufacturing and sport fishing — all of which have long contributed to Illinois' economic health. Throughout Illinois, lakes, rivers and reservoirs supply fresh water for residents and support recreation and business. Clean water is essential to our quality of life, which includes our economy, our health, the health of the plants and animals around us, and the integrity of their habitats.

Some water users take clean water for granted. The infrastructure that delivers fresh drinking water to our homes and takes the waste water away is out of sight and performs very well most of the time. We leave it to our elected officials and local water agencies to ensure that clean water remains abundant and is delivered smoothly.

Unfortunately, our vital water resources are being degraded in very fundamental ways. More than three decades after the passage of the Clean Water Act, industrial facilities continue to pollute our waters with toxic chemicals, bacteria, and nutrients – leaving a legacy of contaminated drinking water supplies, fish advisories, and beach closings. Agencies charged with protecting clean water often fail to enforce existing clean water law. For some of the biggest threats to clean water, such as nutrient pollution, adequate laws to reduce pollution do not exist.

Certain agricultural practices, industries, and cities with aging water infrastructure continue to waste our water and, in many cases, disrupt the natural flow of waterways upon which fragile ecosystems depend. Many decisions affecting the quality and quantity of water are made without sufficient public scrutiny, and people often have too little say in how and how much water is used.

To reverse these conditions, Illinois must be guided by a set of core principles regarding water. Illinoisans have a right to clean water, polluters must be held accountable, and no one has a right to waste water or to endanger ecosystems through withdrawals of water. All Illinois citizens, businesses, farms, and municipalities must be good stewards of our water resources.

Fortunately, there are several concrete policy options to bring these ideals from principles into practice. During the 2010 legislative session, the IEC is focusing attention on some specific initiatives to protect water quality.

Factory Farms

Illinois has one of the highest concentrations of factory farms in the United States. Also called CAFOs (for “confined animal feeding operation”), factory farms and other agricultural operations are among our nation's top source of water pollution, responsible for impairing thousands of Illinois lakes and streams. Due to the large numbers of livestock they house, factories farms in the United States generate approximately three times as much waste as humans; a single CAFO can produce as much waste as a small city.

Unlike human waste, livestock waste is not treated. Factory farm waste contains many pollutants, including antibiotics, pathogens such as parasites, bacteria, and viruses, excess nutrients such as nitrogen and phosphorous, pesticides, hormones, and trace elements such as arsenic, copper

and heavy metals. Applications of manure to fields and overflows from lagoons and storage areas lead to waste discharges that contaminate surface and ground waters and harm human health. Illinois maintains the worst record among Great Lakes states for preventing factory farm pollution. Environmental violations have been uncovered at more than half of inspected facilities. More transparency and public participation are needed to prevent factory farms from reducing our quality of life.

Nutrient Pollution

Illinois' most widespread water quality problem is nutrient pollution. Excess nutrients, such as phosphorus and nitrogen, render water unsafe to drink and bad-tasting and fill lakes and streams with harmful algae and cyanobacteria. The vast majority of Illinois' waters are impaired by phosphorus from refineries, industrial agriculture, lawn fertilizer runoff, and sewage treatment plants.

Invasive Species

DNA evidence suggests the presence of voracious, invasive Asian carp at Lake Michigan's doorstep—well past the U.S. Army Corps of Engineers' electronic carp barrier, a virtual fish fence designed to stop them. In parts of the Illinois River, they already make up 90 percent of living biomass. Scientists fear potential ecological disaster and disruption of the Great Lakes' \$7 billion fishing industry if these giants colonize the Great Lakes.

Recommendations

- ~ Amend the Livestock Management Facilities Act to reduce pollution by increasing environmental protections and opportunities for public participation in the siting of factory farms
- ~ Phase out lawn treatments containing phosphorus
- ~ Take state-appropriate action to prevent Asian carp from colonizing the Great Lakes

TOXICS AND HUMAN HEALTH

Industrial chemicals and pollution contaminate our soil, food, air, water, and our bodies. Every day, Illinoisans are unwittingly exposed to hazardous air pollutants and untested toxic industrial chemicals in potentially exacerbating combinations. Toxic chemicals are our most insidious and perhaps least appreciated environmental challenge.

The Centers for Disease Control report that all Americans' bodies, regardless of age, race or geography, are contaminated with hundreds of industrial chemicals. Toxic chemicals also contaminate our environment and wildlife. For example, every Illinois river, lake and stream is polluted with mercury, and Illinois Department of Public Health advisories warn children and women of child-bearing age to limit their consumption of Illinois sport fish.

Increasingly, scientists are linking our nation's growing rates of chronic health problems – asthma, cancer, developmental disorders, premature birth, early puberty, childhood obesity and others – to the burning of fossil fuels and five decades of intensive chemical use in industrialized nations.

Our routine exposure to toxic and untested chemicals is a failure of our nation's chemical safety policies. In the 34 years since the United States enacted the Toxics Substance Control Act (TSCA), the primary federal law governing chemicals, the EPA has been able to require testing on just 200 of the more than 80,000 chemicals produced and used in the U.S., and just five chemicals have been regulated under this law. Environmental Protection Agency (EPA) Administrator Lisa Jackson has asked Congress to provide her agency with better chemical management tools for safeguarding our nation's health.

Clearly, we need a comprehensive overhaul of our nation's chemical safety policies to protect human health from toxics. Any effective reform of TSCA should: Take immediate action on the most dangerous chemicals, including persistent, bioaccumulative toxic chemicals, which should be phased out of commerce. It should also hold industry responsible for the safety of their chemicals and require chemicals should meet a standard of safety that protect the environment and are based health of our most vulnerable people including children, pregnant women, and workers.

Bisphenol-A

In the meantime, many state and local governments are taking action to end the use of known toxic chemicals. One such chemical is bisphenol-A, or BPA. Although toxic – it mimics the sex hormone estrogen – BPA is used in most food can linings and hard clear plastic containers, including baby bottles, from which it leaches into food. The U.S. National Toxicology Program has found that Americans are routinely exposed to BPA at levels that caused health harms in animal studies—linking BPA to a litany of chronic health problems, including infertility, obesity, diabetes, neuro- behavioral problems, and breast and prostate cancers. That’s why Chicago, Canada, and at least two states have already banned it.

Mercury

Mercury is a potent neurotoxin that can damage the developing brains of children and fetuses. The U.S. EPA announced in early 2004 that more than one in six American children could be at risk for developmental disorders due to mercury exposure in the mother’s womb. Illinois has enacted legislation to eliminate mercury from products in six of the seven most recent legislative sessions. The next phase of the fight against mercury is to ensure that systems are in place to collect and properly recycle other end-of-life mercury-containing products, especially old thermostats and compact fluorescent light bulbs.

Cadmium

Like lead, cadmium is a heavy metal that is found in a variety of children’s products. It is used as a stabilizer in PVC/vinyl products and in coatings and pigments used in plastics and paint. Cadmium a known carcinogen and is associated with developmental deficiencies, hormonal effects, and altered behavior. The European Union and some states restrict cadmium some products, but there is no U.S. law restricting cadmium in children's products.

Recommendations

- ~ Eliminate BPA from food packaging, focusing first on our most vulnerable citizens: children
- ~ Move beyond a “one-chemical-at-a-time” approach, toward a sensible, comprehensive chemical policy which encourages the use of safer alternatives, shifts the burden of

proving safety from taxpayers to manufacturers, and prevents chemicals known to be hazardous from being used in the first place.

OPEN SPACES AND NATURAL AREAS

Open land and natural areas form an interconnected network of green infrastructure in Illinois that provides wildlife habitat and recreational opportunities for our citizens. Protecting our forests, prairies, savannas, farmland soils and stream corridors can reduce global warming, support biodiversity, clean and absorb storm water and expand recreation opportunities. Investing in land acquisition, the preservation of open space and development of recreational areas can stimulate the economy and make our communities sustainable for generations to come.

Open space and natural areas are vital to Illinois' economic prosperity and overall health. Billions of dollars are spent annually on recreation and eco-tourism stimulating the economy of local communities and creating thousands of jobs. Like grey infrastructure projects, open space projects range from protection of large tracts of land to development of neighborhood parks. Land acquisition, new trails, recreation facilities and broad scale restoration stimulate economic development, create new jobs and assure a lasting legacy of protecting our natural heritage.

Land Conservation Funding

In 2007, IEC published a study with The Nature Conservancy and The Trust for Public Land that documented the state of conservation efforts in Illinois. We reported then that open space acquisition funding in Illinois was at the bottom third of states on a per capita basis. Today, we continue to call attention to the need for a significant and sustained investment to conserve land and water for future generations. By learning from other states, Illinois can adapt other states' best practices and reclaim its role as a national leader in natural resource protection.

While we learn from other states, we need take immediate steps to protect Illinois' existing land acquisition and preservation programs. The Natural Areas Acquisition Fund (NAAF) provides funds for acquiring and preserving natural areas. The Open Space Land Acquisition and Development Fund (OSLAD) matches money from local government units for purchase and development of outdoor recreation opportunities. Revenue for these funds is tied to the Real Estate Transfer Tax

(RETT) and has diminished as the real estate market has faltered. This has happened just as valuable land has become available for purchase at more affordable prices.

During budget crises, the fund balances have been raided or not fully allocated. NAAF and OSLAD should receive full funding and should be protected from fund sweeps.

Farmland Protection

Due to the confluence of prime farmland soils and excellent climate, the agricultural land in Illinois is some of the richest in the world. Well-managed agricultural land provides food, cover and natural corridors for wildlife, buffers high-quality natural areas, and provides groundwater recharge. The continued viability of family farms throughout Illinois is threatened. To support Illinois' agricultural economy and the growing local food economy, farmers need a way to protect their land and purchase acreage at reasonable prices.

Farmland protection programs are being designed in many Illinois counties. Paired with local land use planning, purchase and donation of agricultural conservation easements can be a valuable tool for protecting significant natural resources in Illinois. Counties need the authority from the State to go to referendum to ask the voters to support farmland protection.

Recreational Land Use Accessibility

For more than 40 years, landowners in Illinois who opened their land to the public for recreation and conservation received liability protection under the Recreational Use of Land and Water Areas Act. The Act encouraged individual landowners, land trusts, corporations and public agencies to allow public access to their land for hiking, biking, fishing, bird-watching and all other forms of conservation activities and outdoor recreation. In 2005, the Act was amended to eliminate this protection, except to provide public access for hunting and recreational shooting.

Liability protection should be restored for landowners who open their land to the public for all recreational and conservation activities, while maintaining the protections for hunting and recreational shooting.

Recommendations:

- ~ Fully fund OSLAD and NAAF and discontinue raiding these and other dedicated funds for other purposes.
- ~ Give counties the authority to ask voters through referendum to support farmland protection programs.
- ~ Restore liability protection for landowners who open their land to the public for outdoor recreation.

FOR MORE INFORMATION ON THE TOPICS PRESENTED

A coalition of environmental organizations worked in concert to develop the agenda and recommendations outlined here. Contributors include the following individuals.

Global Warming and Energy

Jack Darin, Sierra Club, Illinois Chapter, 312-251-1680 x7, jack.darin@sierraclub.org

Brian Granahan, Environment Illinois, 312-291-0696 x305, bgranahan@environmentillinois.org

Barry Matchett, Environmental Law and Policy Center, 312-795-3702 x213, bmatchett@elpc.org

Mike Mitchell, Illinois Recycling Association, 708-358-0050, mmitchell@illinoisrecycles.org

Rebecca Stanfield, National Resources Defense Council, 312-890-3984, rstanfield@nrdc.org

Anthony Star, CNT Energy, 773-269-4017, astar@cntenergy.org

Open Space

Lenore Beyer-Clow, Openlands, 312-863-6264, lbeyer-clow@openlands.org

Susan Donovan, The Nature Conservancy, 312-580-2160, sdonovan@tnc.org

Environmental Health

Max Muller, Environment Illinois, 312-291-0696 x211, max@environmentillinois.org

Brian Urbaszewski, Respiratory Health Association of Metropolitan Chicago, 312-628-0245, burbaszewski@lungchicago.org

Clean Water

Joel Brammeier, Alliance for the Great Lakes, 312-939-0838, jbrammeier@greatlakes.org

Hal Sprague, Center for Neighborhood Technology, 773-269-4046, hal@cnt.org

Lenore Beyer-Clow, Openlands, 312-863-6264, lbeyer-clow@openlands.org

Glynnis Collins, Prairie Rivers Network, 217-351-0927, gcollins@prairierivers.org

Transportation

Maria Choca-Urban, Center for Neighborhood Technology, 773-269-4033, maria@cnt.org