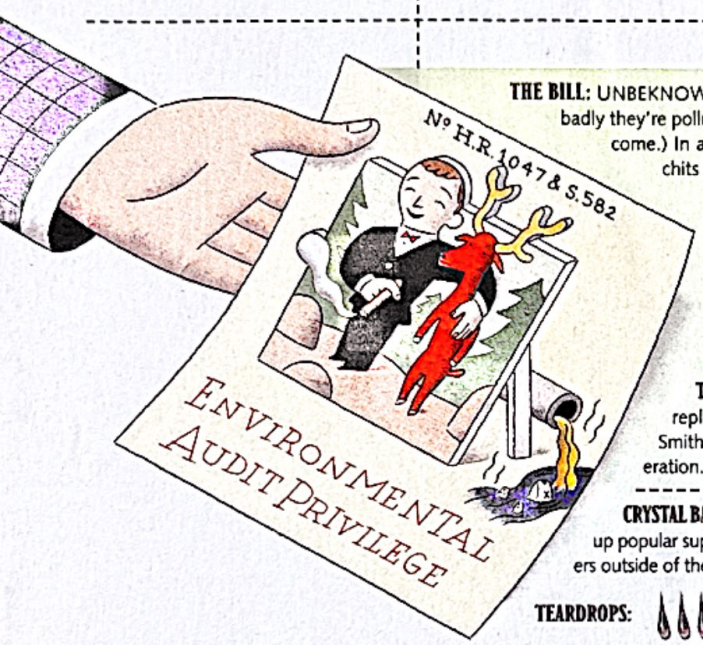
SOMETHING TOXIC THIS WAY COMES

A teardrop-by-teardrop look at how close Newt Gingrich's dream legislation is to becoming law. And who, if elected, might spoil his plans.



THE BILL: UNBEKNOWNST TO MOST PEOPLE, LARGE COMPANIES OFTEN AUDIT THEMSELVES TO SEE HOW badly they're polluting. (The EPA also conducts inspections, though randomly, like the IRS—and with a similar welcome.) In all but 19 states, these internal reports—which, among other uses, provide the companies with chits to trade in the air-pollution-rights market established by the Clean Air Act—qualify as public information, available to interested citizens, especially if they come equipped with a lawyer. But legislation introduced in the House by Joel Hefley (R-Colorado) and in the Senate by Mark Hatfield (R-Oregon), would allow firms nationwide to keep their audits private and "privileged." The bills would also grant companies immunity from prosecution for violations found during their audits—a tidy Catch-22. Business groups love the idea, saying it would decrease pollution by encouraging more companies to audit themselves. Environmentalists counter that it would be a smoke screen behind which polluters would hide.

THE PLAYERS: With Hatfield retiring, his seat becomes potentially pivotal in the EAP fight. Vying to replace him are moderate Democrat Tom Bruggere and Republican frozen-foods magnate Gordon Smith—whom the Sierra Club has accused of flouting pollution laws in his peas-and-carrots freezing operation. Smith is expected to take ownership of Hatfield's bill, should he win.

CRYSTAL BALL: Al Gore has lambasted the legislation, saying it threatens the public's right to know. If he whipped up popular support, flocks of the more craven representatives would scuttle to his side. But for now, since most voters outside of the Smokestacks-R-Us lobby groups have never even heard of EAP, a 'yes' vote is politically painless.

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THE BILL: DUBBED THE DIRTY WATER ACT BY GREENS, THE "REFORM" BILL OF REP. BUD SCHUSTER (R-Pennsylvania)—thoughtfully penned for him by lobbyists for the Chemical Manufacturers Association and companies such as International Paper—drastically overhauls the Clean Water Act, removing close to 70 percent of current wetlands from protection and allowing as many as 70,000 additional types of chemicals to be dumped into lakes and rivers. Schuster's bill has passed the House and now awaits passage of a comparable Senate bill.

THE PLAYERS: J. Bennett Johnston (D-Louisiana), sponsor of a Senate version of wetlands "reform," is retiring. The leading candidate to replace him, Mary Landrieu, is a moderate who if elected will likely scoot as far away as possible from Johnston's bill. But she faces strong opposition from, among others, State Rep. Woody Jenkins, whose deep pockets are lined by the state's ultra-conservative Christian Right.

CRYSTAL BALL: Newt's minions didn't let their constituents in on their plans for the CWA last year, which turned out to be bad politics: According to the GOP's own polls, voters like clean water. So look for suddenly unenthusiastic representatives to distance themselves from their earlier 'yes' votes. Meanwhile, conservatives may push to bring a Senate bill to a vote, but moderates will work to keep it firmly buried in committee.

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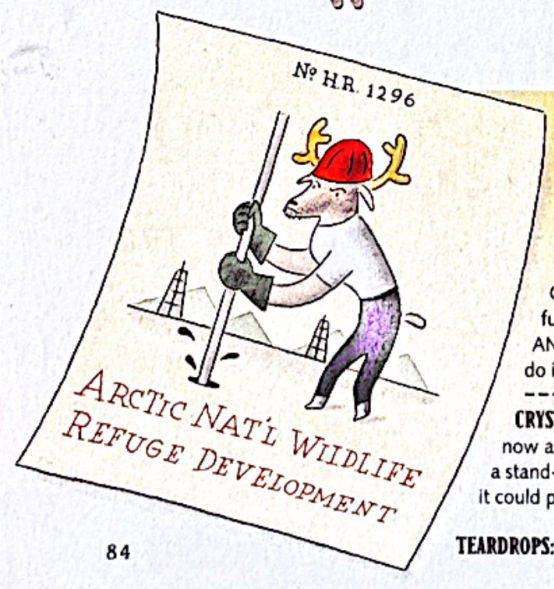

THE BILL: THE BRAINCHILD OF REP. DON YOUNG (R-ALASKA) AND HIS ALASKAN COLLEAGUES, SENS. TED Stevens and Frank Murkowski—known to opponents as the Three Stooges of the Apocalypse—the proposed changes to the Arctic National Wildlife Refuge would offer up more than three million acres for oil drilling. Though Young and a few of his House supporters have tried to pass this bill in several forms, the current incarnation is a "provision" tacked onto the popular Omnibus Parks Bill.

THE PLAYERS: Stevens, one of the nation's brownest legislators, will be named chair of the powerful Appropriations Committee if the Republicans hold their Senate majority—and if he's reelected. A good bet, given that his underfunded challenger, Theresa Obermeyer, recently completed a 29-day jail term for disorderly conduct. Still, the key to ANWR's future probably lies with the president. Clinton has vetoed one attempt to open the refuge and has said he'll do it again. Dole, on the other hand, has indicated he'd sign.

CRYSTAL BALL: The Omnibus Parks Bill, once a sure bet for passage, has been so gang-loaded with amendments that it's now a slouching, misshapen beast likely to die in committee. Young will probably then reintroduce his ANWR initiative as a stand-alone bill, provided the House holds or gains conservative seats. If not, he'll attach it to another fast-track bill, where it could pass the House virtually unnoticed—a tactic that allowed passage of the controversial salvage-logging rider.

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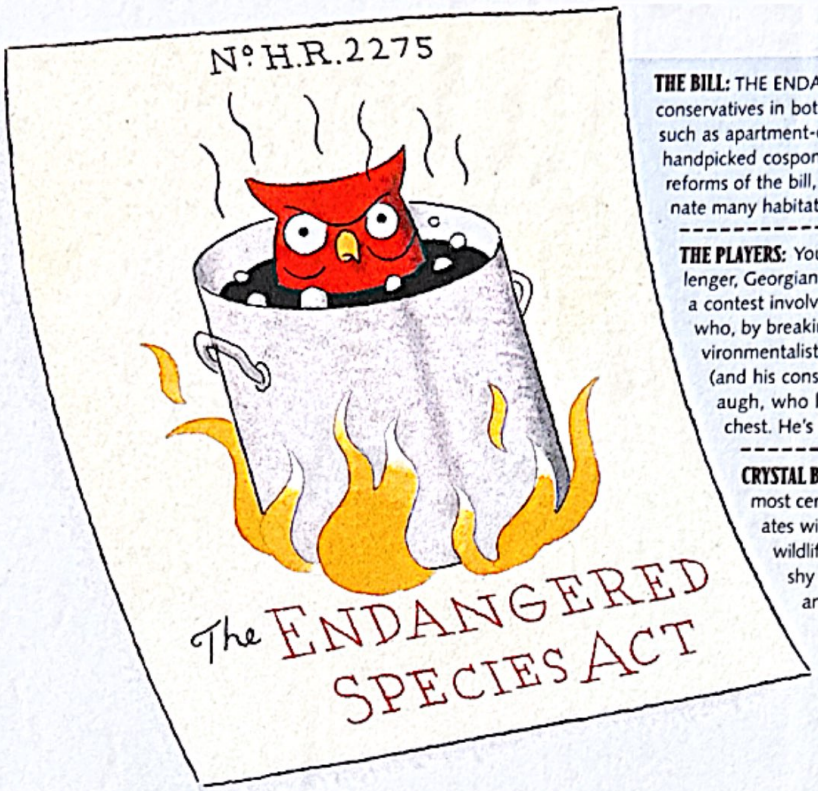

THE BILL: THE ENDANGERED SPECIES ACT HAS ITSELF BEEN ENDANGERED SINCE '92, WITH conservatives in both parties arguing that it champions insects over more-advanced life forms, such as apartment-complex developers. So it was with much support that Don Young and his handpicked cosponsor Rep. Richard Pombo (R-California) last year introduced their so-called reforms of the bill, which could remove dozens of species from the endangered list and eliminate many habitat protections.

THE PLAYERS: Young has ten times the campaign funds of his overmatched Democratic challenger, Georgianna Lincoln. He's not likely to lose. However, other races are closer, including a contest involving Rep. Wayne Gilchrest (R-Maryland), one of the moderate Republicans who, by breaking ranks with the Gingrich troops, helped forestall the reforms last year. Environmentalists who long to see an intact ESA fly are rooting for the return of Gilchrest (and his considerable clout). Opposing him is an inexperienced Democrat, Steven Eastaugh, who has no environmental-policy record but does have a large campaign war chest. He's lagging in the polls but could outspend Gilchrest down the stretch.

CRYSTAL BALL: With the ESA still a favorite whipping boy among conservatives, they'll almost certainly try to force a vote on Young's bill at some point next year. But moderates will likely flee the cause, since voters generally favor protections for big, fuzzy wildlife—and sometimes even the small, scaly kind. Look for the more controversy-shy reps to try fervently to get Young's bill to crawl into a dark committee corner and die. Look for the remaining Gingrichites to fight back, tooth and nail.

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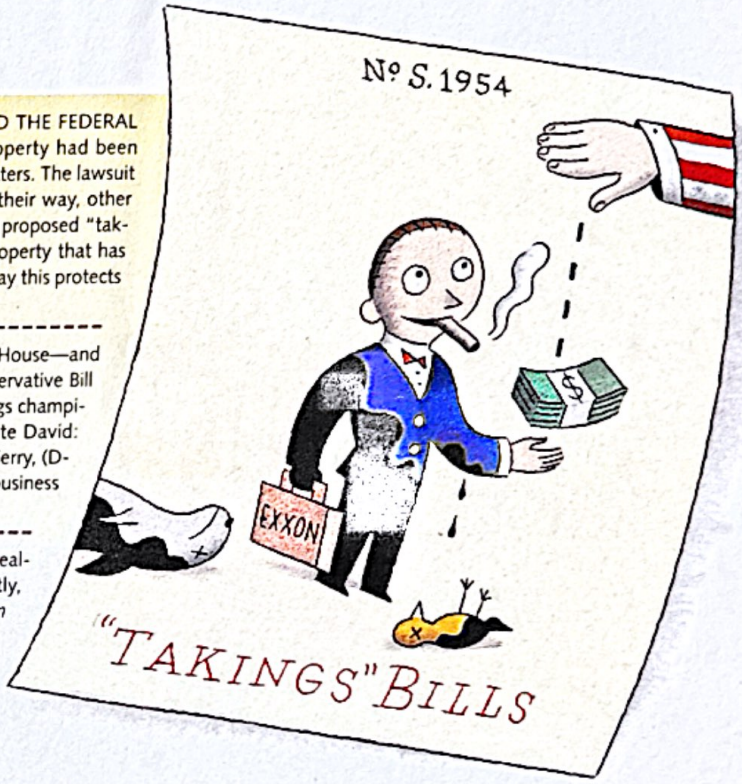

THE BILL: LAST YEAR THE UNBOWED OWNERS OF THE *EXXON VALDEZ* SUED THE FEDERAL government for $125 million, claiming with remarkable chutzpah that their property had been "taken" when Congress barred the oil-spewing tanker from returning to Alaskan waters. The lawsuit is pending, but if Sens. Orrin Hatch (R-Utah) and Trent Lott (R-Mississippi) have their way, other questionably victimized fat cats can save on their attorney fees: Under the senators' proposed "takings" bill, the federal government would be required to compensate citizens for property that has been taken or reduced in value because of environmental legislation. Conservatives say this protects embattled small businesses. Environmental lobbyists say it simply rewards polluters.

THE PLAYERS: Rep. Elizabeth Furse (D-Oregon), a staunch opponent of takings in the House—and a sure obstacle to any House/Senate conference bill—is in a tight race against conservative Bill Witt in her state's first district. But two Senate races could prove more pivotal. Takings champion Sen. Phil Gramm (R-Texas) is not completely out of reach of the Dems' favorite David: truck-driving, Goliath-hunting civics teacher Victor Morales. Meanwhile, Sen. John Kerry, (D-Massachusetts), an active opponent of the bill, could be unseated by moderate, pro-business Gov. William Weld, a takings supporter.

CRYSTAL BALL: Once a hobbyhorse of neo-moderates who rode it to show that they really, *really* care about property owners, the takings momentum has slowed recently, thanks to its billion-dollar cost and the threat of additional embarrassing *Exxon Valdez*–style incidents. Still, a similar bill did pass the House during the first 100 days of the Gingrich reign; and if conservatives gain seats in the Senate, the bill will come to a vote there next year—and likely pass.

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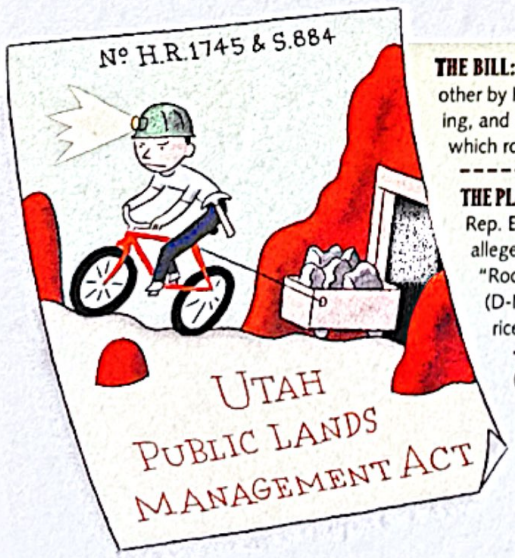

THE BILL: SEPARATE BILLS BY COMPATRIOT LEGISLATORS, ONE SPONSORED BY REP. JAMES HANSEN (R-UTAH), THE other by Hatch, would open 20 of the 22 million acres of BLM land in southern Utah's red rock country to mining, drilling, grazing, and road construction. The remaining two million acres would be set aside as "wilderness," but a redefined wilderness in which roads, power lines, grazing, and motorized vehicles would be allowed.

THE PLAYERS: Hansen faces little opposition in Utah, a state that enjoys a good conservative politician. However, unlucky spouse Rep. Enid Green, the Salt Lake City congresswoman who was a force behind Hansen's bill, is retiring following her husband's alleged check-kiting scheme. Merrill Cook, an explosives manufacturer, is set to replace her, but he first must defeat Ross "Rocky" Anderson, a pro-environment ACLU attorney running for the Democrats. In the Senate, retiring Sen. Bill Bradley (D-New Jersey) passionately opposed developing the red rock lands. The Democratic candidate for his seat, Rep. Bob Torricelli, has pledged to continue this opposition. But he's in a tight race with Rep. Dick Zimmer, a hard-nosed conservative.

CRYSTAL BALL: Both bills will probably hit the floor for a vote next year. A related Senate provision introduced by Alaska's Frank Murkowski, which allows states to plow right-of-way roads through public land, easily passed out of committee this session. But with nonwestern senators ditching their cowboy colleagues of late, the fate of Utah's lands probably depends on how much the controversy plays east of the Mississippi—which, so far, has been hardly at all.

TEARDROPS:

—LOLLY MERRELL

ILLUSTRATIONS BY **GREG CLARKE**