
RESOURCES & ENVIRONMENT

Regulatory Chaos

"Electricity and the Environment: In Search of Regulatory Authority" by Peter Huber, in *Harvard Law Review* (Mar. 1987), Gannett House, Cambridge, Mass. 02138.

By now, electric power regulation has become extremely fragmented. Three competing federal agencies control their respective portions of the electric power industry in "regal isolation" from bureaucratic competitors. State agencies and federal courts also act as regulators determining where and when new plants can be built.

"The abundance of regulators," says Huber, senior associate at Science Concepts, a Washington consulting firm, "has created a dearth of real regulatory authority." Each government agency has enough authority to delay change, but not enough to make needed reforms.

Utilities counter governmental inertia by following "the path of least regulatory resistance." Instead of proposing new plants, which would require environmental impact statements, utilities either prolong the life of existing plants or import power from Canada.

Yet each new plant "removes risk" from the environment. Two new coal-fired plants equipped with scrubbers emit less than one-fifth of the pollution of one unscrubbed older plant. The power provided by new plants reduces the incentive to pursue extreme energy conservation measures that make buildings so airtight that occupants are exposed to dangerous accumulations of pollutants such as asbestos, radon, and formaldehyde.

Canadian power imports, which increased sixteenfold between 1970 and 1984, also endanger the environment. For example, electricity that would have been produced by the Dickey-Lincoln Dam in northern Maine (postponed because of threats to the endangered furbish lousewort) will be provided with power from the James Bay in Quebec, a project that will flood over 30 times as much land. New transmission lines built to carry Canadian power often cut through previously unspoiled wilderness.

Huber argues that consolidating federal electric power regulation into a single agency—an electric power safety administration—would provide the "affirmative regulatory leadership" needed to ensure safe, environmentally sound, and cost-effective electric power production.

Safe Nuclear Power?

"Inherently Safe Reactors: They'd Work if We'd Let Them" by Mark A. Fischetti, in *IEEE Spectrum* (Apr. 1987), 345 East 47th St., New York, N.Y. 10017.

Nuclear power plant accidents can be prevented—by creating nuclear power reactors that cannot melt or explode.

Yet these plants, says Fischetti, associate managing editor of *IEEE Spectrum*, will probably not be built for generations because of market forces and bureaucratic inertia.

"Inherently safe" nuclear reactors are built so that the substance cool-