



## The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman

The 2001-2002 legislative session concluded on November 27<sup>th</sup> with a flurry of activity in the session's final days. Included in the legislation passed are a number of measures in which the Joint Conservation Committee has played a role.

The first is House Bill 2729. The measure creates the Pennsylvania Travel and Tourism Partnership within the Department of Community and Economic Development (DCED). The 35-member partnership is to make recommendations on

strategic tourism plans for Pennsylvania and offer advice to the department and the governor on tourism initiatives and infrastructure.

Of key interest here is the inclusion – at the joint committee's direct recommendation - of a representative of one of the state's 11 designated heritage parks on the partnership board. The committee staff, which has already done a great deal of work to aid and strengthen the heritage parks (and continues to do so), felt strongly that heritage tourism should be a top priority for Pennsylvania and that the state heritage park system should have a seat in formulating future development strategies, financing and policy. The General Assembly agreed.

HB 2190 would extend the \$2 per ton recycling fee first begun in 1988 as part of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act. The act established Pennsylvania's numerous and now successful municipal recycling programs, and the fee provides financial assistance to implement or expand recycling programs in many communities.

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# Notes From the Director

Craig D. Brooks, Director

What do Kentucky Knob, Jean Bonnet Tavern, Tioga Street Market and Wilderness Voyageurs Outfitters all have in common? Aside from being successful businesses located in former mining and manufacturing areas of southwestern Pennsylvania, all have received funding from an organization known as The Progress Fund.

Launched in 1997, The Progress Fund is a nonprofit group trying to move former mining and manufacturing towns of the southwest region to a tourist-based economy built on rivers, forests and mountains. The fund provides loans ranging from \$20,000 to \$350,000 to businesses that provide services to tourists. The money can be used to buy or restore buildings, purchase equipment or provide working capital. The fund prefers to help businesses that create jobs and are located in distressed parts of rural southwestern PA.



*Above: The Jean Bonnet Tavern in Bedford. Left: Kentucky Knob in Chalk Hill, Fayette County.*

*Photos courtesy of The Progress Fund.*

friendly, neighborhood eyesore, and contributes to the town's rustic character. While the owners provided the idea and the elbow grease, the fund provided \$66,000 in needed capital to help the project succeed.

Other fund successes include Hazelbaker's Recreational Services on the Youghiogheny River. Two years ago, The Progress Fund loaned buyers \$92,000 to purchase and expand the river's boat livery services and helped increase the volume of business from 8,800 customers last year to more than 10,000 this year.

With 300,000 visitors to Ohiopyle State Park in Fayette County each year, the fund also provided money to Wilderness Voyageurs Outfitters in the park for new whitewater rafts and startup capital for the town's first sit-down restaurant.

Most recently, the Windber Coal Museum received \$50,000 last summer to buy items from the Quecreek mining rescue.

The Progress Fund has recognized that tourism is an ever-growing part of Pennsylvania's regional economy, and visitors can improve the quality of life in local communities by offering things to see and do close to home. This, in turn, revitalizes communities and helps economic development efforts to attract new businesses to an area.

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**The Progress Fund's numbers tell a great story about tourism, quality of life and economic revitalization**

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The fund makes loans to businesses that banks typically won't touch and don't have the kind of collateral that banks require. The Progress Fund has loaned \$9 million to 99 enterprises and created or preserved 600 jobs. For every \$22,000 the fund lends, a job is created. Because it takes more than money to make money, the fund has also provided 5,200 hours of free technical assistance and helped reuse 54 historically significant buildings.

These numbers tell a great story. It includes the story about Shawnee & Co. Specialties in Shellsburg, a farmer's market and gift shop that serves travelers and residents of the Commonwealth. It employs 5 people, replaces an un-



# Research Briefs

Each month, the committee's staff researches and prepares a number of "briefs" on several topics relevant to the Joint Conservation Committee's mission. Very often, these briefs include references to reports and further research on the topics so that readers may pursue issues on their own.

## Voting on the Environment: 2002 Ballot Initiatives and Referendums

— Tony M. Guerrieri, Research Analyst

In addition to electing their political representatives on November 5, voters across the nation made important policy decisions regarding the future of their states. According to a report by the Initiative & Referendum Institute, voters in 40 states cast ballots on 202 statewide ballot measures, approving approximately 62 percent of them. Of the measures placed on the ballot by citizen initiatives (53), 47 percent were approved. Of the measures placed on the ballot by legislative fiat (149), 69 percent were approved.

Voters used their ballots to vote for a variety of environmental issues ranging from safe drinking water to wetlands protection and funding for open space. Among the largest measures were four statewide proposals for water protection that passed in California, Michigan, Nevada, and Maine.

The largest water bond in the history of California won a narrow victory. California voters, with 55 percent in favor, passed Proposition 50, a \$3.4 billion initiative that will finance clean water programs, conservation, and anti-terror safeguards, and will fund coastal wetland restoration projects near cities, improve water security, and water quality. However, a second California measure, Proposition 51, failed by a margin of 59 to 41 percent. This measure would have reallocated 30 percent of state revenues from motor vehicle sales and leases to transportation programs aimed at reducing traffic congestion, such as mass transit improvements.

Voters in Michigan approved a \$1 billion bond to improve the quality of water of the state by financing sewage treatment works projects. With over 60 percent of the vote, the Clean Water Bond Proposal 02-02 authorizes the state to sell \$1 billion in bonds over ten years to provide low-interest loans to municipal governments, to aid in repair and upgrading of their sewer systems.

With over 60 percent approval, voters in Maine approved a \$24.1 million bond issue that will dedicate over \$5 million to construct and upgrade water pollution control facilities, as well as continue the cleanup of the state's environment and other pollution control measures.

Nevada's Ballot Question 1 was a \$200 million bond for open space and recreation, and it passed with over 60 percent of the vote. Of that total, \$65.5 million will be earmarked to provide grants for state agencies and local or nonprofit organizations for various programs including recreational trails, urban parks, habitat conservation, open spaces, and general natural resources projects.

Voters also made important environmental decisions on a number of other issues. For example, 69 percent of Virginians voting approved Question 2, which will raise \$36.5 million for land protection and parks facilities. Georgia voters approved two measures allowing tax incentives to encourage redevelopment of brownfields and other blighted properties. Both constitutional amendments passed with 60 percent and 69 percent of the vote respectively.

Montanans exercised their power on two power questions. They said no to Initiative 145, which would have allowed the state to create a commission to oversee a study to determine if it's "in the public interest" for the state to buy a dozen privately owned hydroelectric dams, run them as a public power authority and sell nonprofit power back to Montana consumers. It failed, receiving only 40 percent of the vote. Montana voters also repealed a key law the 2001 legislature passed dealing with deregulation of the electricity industry.

In Utah, voters - by a two-to-one margin - defeated a proposal to place restrictions on radioactive waste. Citizen's State Initiative Number 1, also known as the Radioactive Waste Restrictions Act, would have raised taxes on the producers of Class A



radioactive waste that is transported to and disposed of in Utah and directed the extra revenue to schools and anti-poverty programs. The initiative was defeated by a 69-32 percent margin.

Oregon, traditionally a leader in placing citizen-backed initiatives on its ballot, had 12 this year, including one “first ever” question. Measure 27, which was rejected almost three-to-one, would have required special labels on foods “sold or distributed in or from Oregon” that contained genetically engineered material. It was the first time voters in the United States had an opportunity to cast ballots on labeling such foods.

Animals were another election day topic. Florida became the first state to order a halt to the confinement of animals on factory farms when voters approved a state constitutional amendment, Amendment 10, to prohibit commercial hog farmers from housing pigs in crates that severely restrict the animals’ movement. Florida voters supported the referendum, with 55 percent voting yes. Georgia joined 19 other states in creating a special license plate whose sales will subsidize low-cost pet sterilizations. Amendment 6 passed successfully by a vote of 71 percent to 29 percent.

For more information on these and other statewide measures from the 2002 election, please check out the Initiative and Referendum Institute’s “*Ballot Watch*” report at [www.ballotwatch.org/2002POSTReport.pdf](http://www.ballotwatch.org/2002POSTReport.pdf).

## Volunteer Efforts Produce Picture of Watersheds in Pennsylvania

—Jason H. Gross, Research Analyst

The Pennsylvania Department of Environmental Protection (DEP) has just released the report: “*Watershed Snapshot 2001 & 2002*”. The report is comprised of information from the Citizens’ Volunteer Monitoring Program for Pennsylvania Watersheds. According to the report, before the 1970’s there was little talk about land ethics and about how pesticides and other chemicals can harm the environment, but people have become increasingly environmentally aware and active. Through this awareness a better appreciation and understanding of the ecosystem has evolved. This has created an increasing sense of accountability and envi-

ronmental stewardship among the average citizen.

According to the report, people have also transformed their attitudes toward waterways. No longer do people regard the waterways as repositories for waste that will be magically taken away without any real effect. Many individuals and citizen groups have contributed toward making awareness grow and have worked actively toward improving the condition of waterways. This shift in attitude has helped create various volunteer watershed-monitoring groups and engaged thousands of Pennsylvanians in local watershed stewardship groups. These groups voluntarily check the vital signs of waterways to determine the environmental condition of a watershed. The DEP report was made possible through the efforts of these volunteers.

Snapshots such as this one are important because they give an understanding and a measurement of the current watershed condition. In order for us to develop a healthy environmental policy we must understand the trends in past watershed activity as well as understand the current condition. Volunteer groups compile the data to give us that understanding. Without their efforts, environmental policy and science would have less data to work with, resulting in uninformed environmental choices.

For purposes of the report a watershed is a land area that drains water into a stream, river or lake. Watersheds can vary in size from a small land area draining into a little run up to vast landmasses encompassing hundreds of miles.

The volunteer groups looked at many factors for the snapshot. One of the primary factors was the habitat in and around the watersheds. This effort was primarily concentrated on the stream, its banks, and the riparian area. Habitat factors that were most closely looked at included: stream cover, fine particle sediment, flow patterns, condition of banks and coverage, riparian vegetative zone, human land use, pollution, litter, and overall composition.

Among the major components of a watershed are its stream and river systems. The abundance of life in stream systems makes them very dependent on the surrounding land areas. Living and dead vegetation, animal bodies and other factors contribute to the food supply in the stream. However, although it is a natural process, the stream’s fragile ecosystem can be unbalanced by the same process of absorption of nutrients when pollutants, unnatural substances or agricultural wastes are

dumped into the stream. The Volunteer Monitoring Program helps to measure the existence and the amount of waste products that can harm a stream. Through the continuing efforts of the program we can find out when a stream is becoming endangered.

For further information on the environmental efforts of the Volunteer Monitoring Program and the full report, call the Bureau of Watershed Management at 717-772-5807 or go to [www.dep.state.pa.us](http://www.dep.state.pa.us) and enter DirectLINK "volunteer monitoring" (no quote marks needed).

## Next Wave of Electronic Toxic Waste: Obsolete Cell Phones

— Tony M. Guerrieri, Research Analyst

The first commercial cell phone services were introduced in the United States in 1983, and since that time the use of cell phones has skyrocketed. Cell phone users grew from 340,000 in 1985 to more than 128 million in 2002 and the industry claims one new customer every two seconds. At the end of 2001, more than a billion mobile phones were in use worldwide.

As cell phone use continues to climb, with users discarding outdated models for newer versions that offer Internet browsing, roaming e-mail access, and other perks, the number of cell phones entering the waste stream is creating an environmental hazard. It is estimated that Americans will throw away about 130 million cell phones annually over the next three years. This will result in about 65,000 tons of trash that include toxic metals and chemicals, according to the environmental research organization INFORM. The impact of disposing of cell phones may appear to be negligible because of their small size. But, according to the INFORM report "*Waste in the Wireless World: The Challenge of Cell Phones*", by 2005, there will be at least 200 million cell phones in use across the country and another 500 million obsolete phones may be stockpiled, waiting to be thrown away.

On average, a cellular telephone is kept only 18 months and in many cases thrown into a closet or drawer and finally discarded with the household trash. One in four customers changes carriers every year, a phenomenon known as "churn".

The report analyzes the environmental impacts created by cell phones and wireless devices such as personal

digital assistants, pagers, and MP3 music players. It recommends that cell phone manufacturers develop standards so that cell phones are not thrown away after a consumer switches to a new service. It also recommends that the cell phone industry look for new ways to reduce the toxic chemicals used in cell phones, and urges U.S. manufacturers to implement effective "take-back" programs for cell phones, as well as financial incentives, like the deposit and refund programs employed in some states for recyclable containers, for consumers to keep their discarded cell phones out of the landfill.

The INFORM report points out that cellular phone systems in Europe operate using a single standard. That standard has been adopted by more than 130 nations around the world, but not by the United States. This has allowed European companies to dominate global trade in cellular technology. The report suggests that the number of cell phones reaching landfills would be dramatically reduced if the United States were to settle on a single standard and if cell phone carriers would allow customers to purchase service independently of their cell phone, just as people choose long-distance providers without buying new telephones.

The problem extends to mobile phone accessories as well. According to the report, they create as much waste as the cell phones themselves. Design standardization would allow adapters and other accessories to be used with a wide variety of phone models.

The INFORM report also suggests that the United States follow Europe's example in designing cell phones for easy disassembly, reuse, and recycling. In the European Union, for example, researchers have developed a phone that can be broken down into its component parts in 1.5 seconds in anticipation of an extensive reuse and recycling effort.

## News to Use in the *Environmental Synopsis*... share it with a friend

The *Environmental Synopsis* is issued monthly.

The newsletter examines timely issues concerning environmental protection and natural resources.

If you or someone you know would like to receive a copy of the *Synopsis* each month, please contact the committee office at 717-787-7570.



Cell phones contain the same toxic chemicals as other so-called e-waste. The batteries and printed circuits contain arsenic, beryllium, cadmium, copper, lead, nickel, and zinc.

Manufacturers in Europe and Japan have already eliminated lead and flame retardant chemicals from electronic products or have announced plans to do so. In the United States, some companies are moving to detoxify their phones as much as possible. One Texas-based company is developing a new battery pack – the sources of some of the worst toxins – that uses phosphate, which is relatively harmless.

A number of states, including California, Massachusetts and Minnesota, are considering legislation that would make manufacturers pay the cost of managing the waste from electronic products, including cell phones.

Internationally, Australia has implemented a nationwide cell phone recycling program and the European Union is considering actions to make manufacturers responsible for electronic product wastes.

For more information or a copy of the report please go to INFORM's website at <http://www.informinc.org/wirelesswaste.php>.

## Commission Investigates Ocean Policy and Health

—Jason H. Gross, Research Analyst

With the recent sinking of a single-hulled ocean tanker off of the coast of Spain, ocean health moves up in the pecking order of strategic – and coherent – environmental policy. The U.S. Commission on Ocean Policy is charged with developing a national ocean policy that accounts for all environmental factors and it recently released its mid-term report.

The commission is continuing to gather information about oceans in its national policy-making effort. The first meeting was held in September 2001, and as of yet no formal decisions have been made. Since the first meeting, the commission has visited marine facilities, taken testimony from expert presenters, and held public meetings.

There are several observations that the report does make regarding its findings thus far. The report states that dramatic increases in population and pollution along the shoreline indicate that the nation's capability to manage coastal pollution is inadequate. And, the Coastal

Zone Management Act has been insufficient in creating a healthy coastal system. The report continues that coastal pollution, along with over-fishing and poor fishery management, has caused a serious depletion in fishable areas and overall catches.

According to the report, ocean pollution is a growing problem caused mostly by non-point sources that do not have a clearly definable origin. Sources such as urban runoff, farming practices, and air pollution deposition are believed to be among the worst influences on ocean health. Unfortunately, the sources are numerous and dispersed over large areas, making solutions to their problems necessarily more wide and diverse in response. In order to solve these problems, the report espouses a holistic approach that integrates a multitude of environmental rejuvenation efforts.

Ocean health is also closely tied to commerce, in the report's estimation. Over 95 percent of the cargo volume moving into and out of the United States is by ship. This amount is expected to double in total volume by the year 2020. According to the report, U.S. ports must have the capacity and the infrastructure to meet the increasing demand while also maintaining the most healthy environmental balance possible.

Recreation is another economic factor in which the ocean plays a significant role. Recreation is a multibillion-dollar revenue generator in this country. For both commercial and recreation requirements it is in the best interests of the United States to develop a comprehensive ocean policy that accounts for these issues.

The commission is also investigating legal and jurisdictional issues. The report concludes that ambiguous and conflicting coastal laws have helped to create regulatory confusion and uncoordinated ocean policy. Balancing the economic and ecological health of the oceans is made even more difficult when legal confusion is added to the mix. The commission continues to work with different legal jurisdictions and authorities to develop a more cohesive and clear legal framework for the ocean.

As the commission develops ocean policy over time, it will tie together economic, environmental, legal, and recreation issues to create a more holistic ocean policy that will contribute to better ocean health. For more information and a copy of the entire report please follow the link below on the World Wide Web: [http://www.oceancommission.gov/documents/midterm\\_report/ReportCovREV10\\_01\\_02.pdf](http://www.oceancommission.gov/documents/midterm_report/ReportCovREV10_01_02.pdf).

# On The Horizon...

a look at upcoming committee events



Have a safe and happy holiday!



## Committee Chronicles...

a review of some memorable committee events

The committee's November Environmental Issues Forum focused on the relationship between heritage development and economic development and featured Randy Cooley, president of the Westsylvania Heritage Corporation and executive director of the Southwestern Pennsylvania Heritage Preservation Commission.

Cooley (shown speaking during his presentation) described heritage development's role as part of a key strategy for economic development.

In the second photo, Cooley (2<sup>nd</sup> from right) discusses the issue of the day with Joint Conservation Committee chairman Rep. Scott Hutchinson (right), committee member Rep. Tom Petrone (2<sup>nd</sup> from left) and Forestry Task Force member Rep. Gary Haluska.

Contact the office if you would like a copy of information provided by Cooley during the forum.



Remember "AMD & Art", the unique acid mine drainage remediation project in Vintondale, PA that combines landscape art with reclamation? The project founder, Dr. T. Allan Comp, spoke on the project at the committee's October 2001 Environmental Issues Forum. The Vintondale project has come a long way in the last 13 months and was featured recently on Greenworks.tv. Check out [www.greenworks.tv/special/TrailMix/amd\\_art.html](http://www.greenworks.tv/special/TrailMix/amd_art.html) for an update. Or visit AMD& Art's website at [www.amdandart.org](http://www.amdandart.org).

Without action on HB 2190, the recycling fee, which generates about \$50 million a year, would have expired in 2004. The legislation extends it until January 1, 2009. The joint committee had held a hearing on renewal of the recycling fee and found nearly universal agreement that the fee should be continued. Just over 71 percent of Pennsylvanians responding to a committee-sponsored question in the statewide 2002 "The Public Mind" telephone survey conducted by Mansfield University also favored renewal of the recycling fee.

The committee's Forestry Task Force had recommended the introduction of the legislation that became HB 1696 after extensive research on long-term forestry research needs. It was the task force's view that a dedicated source of forestry research funding was needed. HB 1696 would set aside funds for forestry research by requiring the Department of Conservation and Natural Resources (DCNR) to use up to five percent of the funds it receives from forestry stumpage sales each year to enter into forestry research contracts. Given that the Forestry Stumpage Sales Restricted Receipts Account generates about \$30 million annually, this would provide about \$1.5 million annually in research funding, helping to improve the health and productivity of the state's forest resources.

The General Assembly also passed HB 2302, the Water Resources Planning Act. The proposal contains a number of provisions that were recommended in 1992 by the joint committee. The legislation will be a valuable water inventory and planning tool, and, on a more personal note, I'm pleased that supporters of homeowner rights, like myself, were able to place in the bill specific language to protect the rights of well owners. Section 3118, Number 5

of the legislation reads, "Nothing in this section shall be construed to authorize the department or the Environmental Quality Board to require metering of homeowner wells."

The need for the bill is most evident when one considers that the state's water plan has not been updated in nearly 25 years, and given our recent history of drought and increased water consumption. This legislation provides that an updated plan be completed within five years and then updated each five years thereafter. The measure can be used to help Pennsylvania find out where its water supplies are and in what quantity, and also allow for assessment and projection of future needs while identifying critical areas of need.

The bill was crafted only after significant local input through a series of watershed forums and meetings conducted by the Department of Environmental Protection (DEP). That local, collaborative, watershed-based approach will continue with the establishment of diverse regional water resources committees in each of the state's six watersheds to work with the department and a statewide board on regional plan components.

Two other pieces of legislation, while not bearing the imprint of the joint committee, are of interest. HB 401 would help to better identify areas in the state that are at risk for mine subsidence, and make subsidence insurance available through independent insurance agents for those homeowners in mining areas who may be at risk. SB 1528 would add \$16.5 million to the Agricultural Conservation Easement Purchase Fund to make up a funding shortfall.

All of these pieces of legislation were on Gov. Mark Schweiker's desk as of the publication of the December issue of the *Environmental Synopsis*.

## How to Contact The Joint Conservation Committee

**Phone:** 717-787-7570

**Fax:** 717-772-3836

**Location:** Rm. 408, Finance Bldg.

**Internet Website:** <http://jcc.legis.state.pa.us>

**Mail:** Joint Conservation Committee/PA House of Representatives/House Box 202254/Harrisburg, PA 17120-2254