

Editorial: Don't disarm governor in battle to keep the Great Lakes clean

How much regulatory initiative should a governor be able to take?

That question is at the heart of Senate bills designed to prevent administration officials from ever getting ahead of the Legislature. Gov. Rick Snyder would do best to quash the bills.

The legislative package prohibits state agencies from adopting rules that are more stringent than federal regulations unless the Legislature itself authorizes the stricter standards. It also requires state agencies to analyze the impact of any new rule on small businesses and to compare new rules to what is done in other Great Lakes states, and it creates more possibilities for legislative committee hearings on rules.

At first glance, these seem like sensible guidelines, although they could easily become cumbersome. Requiring more reports and simultaneously expecting state agencies to become more efficient are conflicting goals in this era of limited resources.

But the bigger question is whether constraining agencies such as the Department of Environmental Quality might someday backfire.

Environmental groups cite three occasions when governors went beyond federal rules and imposed standards that the Legislature chose not to deal with. In 1976, Gov. William Milliken restricted detergents containing phosphorus, a major contributor to algae growth in Lake Erie at the time the lake was being declared "dead." More recently, Gov. Jennifer Granholm's administration clamped down on mercury emissions from coal-fired power plants and on permit requirements for waste lagoons maintained by huge confined animal operations.

In all three cases, the rules pertained to water quality, a top priority for most Michiganders (the impact of mercury falling into lakes and rivers shows up in the form of tainted fish rather than in obviously polluted water). And if there's agreement of any sort on what to regulate in this politically divided state, it's that Michigan must maintain the type of leadership on Great Lakes issues that frequently translates into exceeding federal standards.

That kind of leadership sometimes requires a governor to step up before a legislative consensus can form. The governor can then be overruled by the Legislature or, if seeking re-election, be booted from office for overreaching. But it is far more likely that, in instances such as the ones to date, the governor will have plenty of support among voters.

Gov. Rick Snyder's style does not suggest he's the type to get ahead of either the federal government or the Legislature on regulatory issues. But the chief of the newly christened Department of Licensing and Regulatory Affairs, Steven Hilfinger, suggested in a recent discussion with the Free Press editorial board that some Great Lakes issues might require standards beyond those of the federal government; that may be reason enough for Snyder to threaten a veto.

More broadly, any governor might be loath to cede existing powers of any type back to the Legislature. No governor can predict what issues his successors might face; the general trend in governing has been toward increased agility and faster response times, both of which support more latitude, not less, for the executive branch.

The bills have passed the Senate and have gone to the House, where they might best be left to linger forever.