Governor James J. Florio
A Fighter for Environmental Issues

WHEN JAMES J. FLORIO, former governor of New Jersey, entered the political arena in the late 1960s, environmental issues were just emerging in the American consciousness. It was an era where a confluence of high-profile environmental disasters was drawing increasing public, media, and political attention to the impact of pollution.

“I became of political age in the late 1960s and was elected to my first office in 1969. Rachel Carson’s book [Silent Spring] was in vogue at that point, the Cuyahoga River was burning, [President] Richard Nixon had created some of the basic environmental laws of the time,” said Florio. “Even as a young boy in the Boy Scouts, I’ve always seen myself as a conservationist. Those things just lifted the level of awareness that I had, just as the nation was becoming more sensitive to the consequences of industrialization.”

Silent Spring, published in 1962 by writer, scientist, and ecologist Carson, warned “against the reckless and irresponsible poisoning of the world that man shares with all other creatures.” Its publication is considered today to have been a catalyst to the development of the environmental movement, “a shaft of light that for the first time illuminated what is arguably the most important issue of our era,” wrote Vice President Al Gore in the introduction to the book when it was republished in 1994.

In June of 1969, images of the heavily polluted Cuyahoga River ablaze in northern Ohio shocked the nation into recognition of the dangers from dumping toxic chemicals and other refuse into our nation’s water supply. That fire and other hazardous waste sites in US waterways helped spur the creation in 1970 of the US Environmental Protection Agency (EPA) and the passage of the Clean Water Act of 1972.

“Thirty years ago, people didn’t have a sense that if you dug a hole and dumped something in it, it would affect the water. Now we know that the problem doesn’t go away,” Florio said. “When we put something in the ground, it doesn’t disappear. . . . We need to preserve the purity of the water systems we have, particularly groundwater systems.”

Florio is considered an authority on topics such as the environment, health care, energy, international trade, and transportation. He is currently founding partner of the law firm Florio, Perrucci, Steinhardt, and Fader LLC, based in Phillipsburg, New Jersey, where he serves as chair of the firm’s Environmental Group as well as the Government and Regulatory Affairs Group.

He is a former member of the Trade and Environment Policy Advisory Committee to the US Trade Representative.

He served in Congress from 1974 to 1990, representing the 1st District of New Jersey in the US House of Representatives. During that time, he authored the Comprehensive Environmental Response, Compensation, and Liability Act, also known as the Superfund Program. The Superfund Program, established in 1980, is administered by the EPA. It was designed to locate, investigate, and clean up the nation’s most hazardous waste sites.

The law gives the EPA authority to clean up toxic waste sites and to compel responsible parties to clean up sites or reimburse the government for such clean up.

Additionally, as chairman of the House subcommittee with jurisdiction over environmental matters, Florio played a role in drafting or passage of much of the federal environmental legislation during the 16-year period he worked there. He also helped create the New Jersey Pinelands National Reserve in 1978, a 1.1-million-acre region that was the nation’s first national reserve. The Pinelands National Reserve land mass lies atop aquifers.
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Florio’s background seems to have made him particularly well-suited for taking on such tough issues and seeing them through. Born in Brooklyn, New York, in 1937, Florio grew up in an Italian immigrant neighborhood and was an amateur boxer. He dropped out of high school to join the US Navy, where he served from 1955 to 1958. He remained in the US Naval Reserve until 1975, when he retired with the rank of lieutenant commander. He graduated magna cum laude with a Bachelor of Arts degree from Trenton State College in New Jersey in 1963, and did graduate work at Columbia University in New York from 1962 to 1963, where he received the Woodrow Wilson Fellowship. In 1967, he graduated from Rutgers University Law School.

He was admitted to the New Jersey Bar in 1967 and was assistant city attorney for the Camden City Legal Department from 1967 to 1971. He served as solicitor for the New Jersey towns of Runnemede, Woodlynne, and Somerdale from 1969 to 1974. His political career began when he was elected assemblyman for the New Jersey State Legislature, where he served from 1970 to 1974. A Democrat, he was elected to the US House of Representatives in 1974, where he remained until his resignation in 1990 to serve as New Jersey governor. Florio says that the timing of his political career naturally led him to assume a leadership role in regards to environmental concerns. His congressional district was home to major industrial companies including electronics company RCA (defunct since 1986), chemical manufacturer DuPont, and the agricultural biotechnology company Monsanto.

“New Jersey at that time was the major industrial state as far as chemicals were concerned. We subsequently found out that there were more Superfund sites in New Jersey than any other state in the nation,” he said. “We had serious problems and by virtue of being a member of the state legislature and then a member of congress, it was part of my mandate to take a leadership role.”

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“We took on the petrochemical companies and they were not happy about it,” he said. Despite high-visibility hazardous waste incidents in locations such as the now infamous Love Canal in New York, it took months of contentious hearings and negotiations before lawmakers were able to agree on the Superfund Program. It was signed into law by President Carter on December 11, 1980.

Florio describes it as a “very effective piece of legislation.”

“It provides the funding and the authority for cleaning up the numerous toxic waste sites we have across the nation. It provides the tools to go after polluters and makes them reimburse the fund.”

The Superfund legislation is designed around the principle that the polluter should pay to
clean up pollution—a concept that was not initially accepted, Florio says. He recalled that opponents to the program argued that because society as a whole benefited from the manufacture of these products, that society should bear the burden of cleanup. Florio and other Superfund advocates insisted that the companies had benefited from disposing inappropriately of these wastes and, therefore, should bear the cleanup costs.

“Strict liability and joint several liability are two crucial legal concepts that embody tort law. Those two concepts are included in the [Superfund] legislation. [The EPA] has the ability to go after people with strict liability, which means that you don’t have to prove liability [that the defendant was negligent or acted in bad faith]. Joint several means when you have several property owners [involved in disposal of toxic waste at a site], then all of them are jointly liable for the cleanup costs,” Florio said.

In reality, these concepts have not always worked as intended with regard to hazardous waste cleanup. The legislation was passed at the end of President Carter’s administration and the incoming administration was “overly hostile,” according to Florio.

Under the 1980 legislation, a trust fund, or “super fund” was established that is financed from taxes and court awards. The trust fund is intended to be used to pay for hazardous waste cleanup. Originally set at $1.6 billion, the fund was increased by $8.5 billion in 1986.7 “[The incoming administration] didn’t believe in it and they weren’t going to use the money [the $10.1 billion] to go clean up waste sites,” he said.

Florio said other key pieces of legislation that were passed at about the same time illustrated the nation’s increasing concern about water quality, such as the Safe Drinking Water Act of 1974, and the Federal Resource Conservation and Recovery Act of 1976.

The Safe Drinking Water Act is the main federal law that ensures the quality of Americans’ drinking water. Under the Safe Drinking Water Act, the EPA established national standards for drinking water quality, including maximum contaminant levels for certain substances, and it oversees the states, localities, and water suppliers who implement those standards.

“People take for granted now that we should have clean air and clean water, but it wasn’t always so,” said Lawler. “These were difficult laws to get passed.”

The Safe Drinking Water Act was also designed to protect underground water sources by prohibiting wastewater disposal in areas that rely on aquifers for drinking water. It was amended in 1986 and 1996 to include additional contaminants and acceptable treatments for those contaminants.8

Passed in 1976, the Resource Conservation and Recovery Act was created to address the safe disposal of wastes that threaten human health or the environment, requiring that they be managed from generation to disposal.9

Florio says these laws work hand-in-hand with the Superfund to ensure both the clean up of existing hazards and the prevention of future hazards. “It’s very coherent,” he said. “[The Resource Conservation and Recovery Act] was intended to say we’re going to manage these wastes, cradle to the grave. You’re going to have to account for these toxic wastes . . . and there should be no more toxic waste dump sites being created. As we clean them all up and no new ones are created, the combination of these legislative systems will take care of these problems. The Safe Drinking Water Act was designed to spell out treatment techniques for the treatment of drinking water, and it’s been ratcheted up over periods of time. It’s been a very useful piece of legislation.”

As governor of New Jersey, Florio was responsible for signing the Clean Water Enforcement Act of 1990, one of the nation’s strongest environmental laws of its type. The policy also served as a prototype for present legislation to reauthorize the federal Clean Water Act, he said.
“We don’t get to choose the times in which we live, but we do get the chance to determine how we respond to those times.”

Foremost among today’s environmental challenges is commercial development that fails to account for the impact on a community’s water supply.

“I’m not sure we’ve put into place [yet] all the things we can use to monitor and manage pollution,” he said. For example, he said, “We have these chicken farms adjacent to the Chesapeake [Bay] and this chicken waste washes into the Chesapeake. So there’s a need for better management.”

With a new administration in the White House, Florio hopes that attention will again return to the environmental issues that threaten the quality of our nation’s drinking water and, by extension, our quality of life.

“The problems haven’t gone away. All of these toxic waste dump sites are threats to water supply,” he said. He said he hopes President Obama’s administration will take a critical look at issues such as improved land management, climate change, agricultural legislation, and open space preservation.

“In New Jersey, we have two large sections of the state that are protected in large measure because of the sensitivity we have about water recharge areas. Open space preservation provides the opportunity for the aquifers to recharge. If you concrete over a section of land, the water isn’t able to filter down and recharge the aquifers.”

An aquifer is a water-bearing layer of rock, sand, or gravel from which groundwater can be extracted. Natural recharge of groundwater can occur through precipitation and infiltration into the ground, but may be inadequate in areas with heavy use and commercial disruption.

Florio’s political career has included other battles that tested his resolve. In 1993, Florio received the Profile in Courage Award from the John F. Kennedy Foundation for his successful efforts to pass stricter gun control legislation in New Jersey, efforts that garnered popular support but raised the ire of powerful gun lobbyists. In presenting the award to Florio in ceremonies on May 24, 1993, Sen Edward M. Kennedy (D, Massachusetts) said that he first came to know Florio in the House of Representatives and commended him for his work on environmental legislation.

“He earned a well-deserved reputation there for his ability, his hard work, his vision of the future, and his willingness to take on even the most difficult challenges. He made his mark on many issues, particularly the environment. In all likelihood, Congress would not have passed the landmark Superfund law without the brilliant leadership of Congressman Jim Florio,” according to Kennedy’s remarks.

In remarks made during the 1993 Profile in Courage Award ceremony, Florio emphasized his personal political philosophy of doing what he believes is right over political expedience.

“We don’t get to choose the times in which we live, but we do get the chance to determine how we respond to those times,” he said. “You know, the first thing I learned as governor is that you can’t please everybody. The second thing I learned is, some days, you can’t please anybody.”

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