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## DEPUTIZE THE ENVIRONMENTALISTS

— by Stephen B. Lovejoy —

Environmental activists are by nature skeptical of government regulations to protect the environment. Doubters of such policies, for instance, insist that the U.S. Department of Agriculture—commonly perceived as an ardent promoter of high crop yields at any environmental costs—can't be serious about restrictions intended to preserve soil and protect water supplies.

I propose making environmental activists guardians of the environment in rural America. With a system of land-use rights, this approach could increase enforcement of environmental laws at very low cost and thereby help ensure adoption of anti-pollution practices without adding another layer of bureaucracy at the federal level. My proposed system could harness the zeal of the environmental activist, and reward the farmer for preserving precious topsoil and protecting water quality.

As the role of agricultural practices in polluting waterways through erosion and sedimentation has become clearer in recent years, USDA has moved to modify farmers' habits. These moves include promoting the use of cover crops, contour plowing and terracing on erodible hillsides, as well as the use of field borders and filter strips.

As with all rule making, effectiveness must be measured by rate of compliance. Good rules, such as those instituted to fight environmental degradation, are violated all the time, so the only way to ensure compliance is enforcement. One way to enforce these rules is to enlist a legion of conservation police to scour the countryside in search of idled land that has been planted, or terraced hillsides that have been allowed to crumble. Thousands of these enforcers would be needed to watch over the one billion acres of U.S. farmland.

Some might argue that county offices of the Soil Conservation Service and the Agricultural Stabilization and Conservation Service should enforce these rules. But many—most notably environmentalists—claim that these USDA agencies are poor enforcers. If this is true, the reason is that both agencies were set up to advise and assist farmers, not to ride herd on them.

With both agencies, producers sign a contract that says conservation practices will be maintained in exchange for the benefits of crop loans and income supports. However, when landowners violate the contract, the agencies rarely enforce the contractual obligations by demanding repayment of government subsidies.

In defense of the agencies, it's tough to offer technical advice and also be an enforcer. A system must be devised whereby the government can assist in setting up conservation systems, but not be responsible for enforcement.

Enter the environmentalists—committed individuals working at the local level to halt environmental degradation and to insti-

tute needed recycling and waste-reduction programs. In these groups are the potential enforcers of rules to counteract erosion, sedimentation and water pollution.

### Here is how the system would work:

- Using hydrologic models, identify land that is erodible and contributing most to water pollution. This assessment should cover an entire watershed, as opposed to a county-by-county assessment.
- The government, probably through one of USDA's two conservation agencies, would buy land use rights to parcels of erodible land that is contributing most to water quality degradation. These rights would be purchased from the landowner in much the same way the public sector buys development rights. The agreement on purchase should be voluntary and mutually beneficial to the public and the landowner.
- The government would assign the purchased rights to a local environmental group. These groups should be limited to local chapters of established national organizations, such as the Sierra Club, the Izaak Walton League, and the Audubon Society.

This would establish, between the environmental groups and the landowner, a contractual relationship that lays out the required conservation practices.

The landowner would be paid for the sale of land use rights and would institute the anti-pollution practices. As production technologies and environmental needs change, the environmentalists who hold these limited rights to the land would be free to renegotiate these land uses with current and future landowners, and to use proceeds from selling these rights for other projects. In other words, the environmental restrictions became transferrable property rights that can be traded, especially when technological change makes them outmoded and unproductive.

If landowners violate these contracts, the environmental groups could file suit for breach of contract. Obviously U.S. courts don't need additional caseloads, but the voluntary face-to-face nature of negotiating these contracts should keep litigation to a minimum.

Public concern about eliminating soil erosion and runoff of agricultural chemicals is certain to increase. New rules about conserving topsoil and protecting water quality also are a certainty. What has not been clarified is how rules will be enforced. This proposal to involve environmental groups in enforcement would eliminate the need for another layer of government bureaucracy.

While many farmers are skeptical of the motives of environmental groups, they are also skeptical of government agencies. Clearly, the farmers, the environmentalists and the government have different goals. However, all of us want abundant, safe, inexpensive food and a high quality environment.

This proposal forces the interested parties to discuss, negotiate, and decide upon the optimal approaches for protecting our environment and our food supplies. Hopefully, such locally based actions would promote greater understanding of the environmental, economic and local community problems and opportunities.

To ensure the provision of a high quality environment, abundant food supplies and a productive agricultural sector, we need a change in our programs. This proposal focuses upon creation of a quasi-market where local people solve local problems with the government in the role of facilitator.

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