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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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January 28, 2014

The Honorable Jonathan B. Jarvis  
Director  
National Park Service  
1849 C Street, NW  
Washington, DC 20240

Dear Director Jarvis,

It has come to my attention that the National Park Service (NPS) is planning to conduct a willingness-to-pay survey in an attempt to assign a nominal value to increased “visibility” at national parks and wilderness areas.<sup>1</sup> While all Americans treasure the innate beauty of our national landmarks, I am concerned about this particular attempt to quantify such an elusive value. As you are aware, willingness-to-pay surveys are extremely controversial and often yield inaccurate results.<sup>2</sup> Moreover, visibility improvements are often not perceptible by the human eye.<sup>3</sup> Accordingly, any attempt to use the results of such a dubious approach in an effort to support additional red tape is cause for concern. Therefore, I request that the NPS abandon this flawed effort and instead focus its energies and expertise on more immediate concerns.

On November 13, 2013, NPS announced that it will seek approval from the Office of Management and Budget (OMB) to conduct a willingness-to-pay survey “to estimate the value of visibility changes in national parks and wilderness areas.”<sup>4</sup> NPS plans to survey approximately 6,400 people on what they would pay for improved visibility in national parks and wilderness areas.<sup>5</sup> The apparent justification for this study is for the Service to determine the value of visibility changes so that they may be “represented in cost-benefit analyses performed regarding state and federal efforts that may affect visibility,” including the regional haze rule.<sup>6</sup> NPS also stated that this survey “will provide updated information to support strong air quality controls at the federal and state levels.”<sup>7</sup> However, given the controversial nature and unreliability of these surveys, they should have no weight in public decision-making.

As you know, willingness-to-pay surveys are one of the most controversial methods for assessing regulatory benefits because they are based on what people say they would do, as opposed to what they actually do in practice.<sup>8</sup> As a result, these surveys typically yield inflated and inaccurate values. Willingness-to-pay surveys also tend to measure an individual’s support for ideological causes, rather

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<sup>1</sup> Phil Taylor, *National Parks: Would You Pay More for Clear Skies? NPS Wants to Know*, GREENWIRE, Nov. 13, 2013, available at <http://www.eenews.net/greenwire/stories/1059990381/search>.

<sup>2</sup> See Jerry Hausman, *Contingent Valuation: From Dubious to Hopeless*, 26(4) J. ECON. PERSPECTIVES 43 (2012).

<sup>3</sup> U.S. CHAMBER OF COMMERCE, EPA’S NEW REGULATORY FRONT: REGIONAL HAZE AND THE TAKEOVER OF STATE PROGRAMS 7 (2012).

<sup>4</sup> Proposed Information Collection; Visibility Valuation Survey, 78 Fed. Reg. 68,089, 68,090 (Nov. 13, 2013).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Taylor, *supra* note 1

<sup>8</sup> Hausman, *supra* note 2, at 44 (2012).

than real world economic value.<sup>9</sup> As a result, when agencies use willingness-to-pay surveys in policymaking they risk relying on unscientific and unreliable data. While it is obvious why an agency seeking to expand its regulatory footprint would favor using willingness-to-pay surveys, such justification in and of itself is a questionable practice. Rather, agencies should instead base their regulations and policy decisions on sound scientific practices. Yet it seems the sole purpose behind this survey is to justify a costly power grab by the Environmental Protection Agency (EPA).

Under the Clean Air Act, Congress created the regional haze program to improve visibility at national parks and wilderness areas. It is a program designed to improve aesthetics, and as such takes into account economic considerations, unlike other CAA public health standards. Under the regional haze program, states develop regional haze state implementation plans (SIPs), which EPA may only object to where the process used in developing the SIP was inadequate. If EPA rejects a state's SIP, it may then move forward with a federal implementation plan (FIP). These constraints on EPA's authority were intentional so that states served leading roles in determining appropriate regulatory requirements. However, through sue and settle rulemaking, EPA has found a way to circumvent the statute's state primacy requirements. Through five consent decrees, negotiated behind closed doors with environmental groups, EPA moved to block state SIPs and is in the process of issuing dramatically more expensive FIPs.<sup>10</sup> This expansive federal action is being challenged in court by several of the affected states.<sup>11</sup> I am concerned that one of the purposes behind the Service's survey is to provide EPA cover for increasing costs on affected ratepayers.

In light of these concerns, I respectfully request that NPS refrain from conducting this unnecessary and costly survey. In addition, I request that the Service provide my staff with a full briefing on its efforts to conduct this survey no later than February 11, 2014. If you have any questions regarding this letter, please feel free to contact the Senate Committee on Environment and Public Works Staff at (202) 224-6176.

Sincerely,



David Vitter  
Ranking Member  
Environment and Public Works Committee

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<sup>9</sup> See J. Andreoni, *Impulse Altruism and Donations to Public Goods: A Theory of Warm-Glow Giving*, 100(401) THE ECON. J. 464 (1990).

<sup>10</sup> See Proposed Consent Decree, Nat'l Parks Conservation Assoc. v. Jackson, No. 11-cv-01548 (D.D.C. Nov. 9, 2011); Lodged Consent Decree, Sierra Club v. Jackson, No. 10-cv-02112 (D.D.C. Aug. 3, 2011); Consent Decree, WildEarth Guardians v. Jackson, No. 09-cv-02453 (N.D. Cal. Nov. 10, 2009); Proposed Consent Decree, WildEarth Guardians v. Jackson, No. 11-cv-00001 (11-cv-00743) (D. Col. June 6, 2011); Proposed Consent Decree, WildEarth Guardians v. Jackson, No. 10-cv-01218 (D. Col. Oct. 28, 2010).

<sup>11</sup> See *North Dakota v. EPA*, No. 12-1844 (8<sup>th</sup> Cir., Sept. 23, 2013); *Oklahoma v. EPA*, Nos. 12-9526, 129527 (10<sup>th</sup> Cir., July 19, 2013).