

Rachel's Environment & Health News

#746 - The Environmental Movement -- Part 6: Changing The Climate Of Opinion

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The environmental justice movement (described briefly in REHN #744 and REHN #745) has produced many victories in its short lifetime, a few of which were listed in REHN #500 (available at www.rachel.org). But what does "victory" mean?

There are three kinds of victories:

(1) First there are local victories in which citizens tackle some problem, vanquish their adversaries, and thus improve or at least maintain the local environment: a "low level" radioactive waste dump is defeated, a community garden is created, an oil refinery reduces its poisonous emissions. Local victories have other benefits as well -- they give people real experience making democracy work, they create connections between strangers, and they can even plant the idea that the community should be planning ahead to take control of its own destiny.

After a series of local fights has highlighted a problem, government policy becomes ripe for change. The federal "right to know" law is a typical example. Congress did not invent the right to know law. Congress passed right to know only after a dozen locales across the country had passed their own municipal or state-wide right to know laws. So local fights are the basic engine for identifying problems, inventing solutions, and eventually changing government policies. Local fights "trickle up" to higher levels of government where they generate new policies. It has always been so.

(2) The second kind of victory is the policy victory itself, which occurs when government changes its normal way of doing business. Examples: the burning of hazardous waste by ocean-going incinerator ships is banned nationwide, or Congress declares that workers have a basic right to a safe, healthful workplace. Unfortunately, policy victories are rarely permanent and usually must be defended again and again.

Sometimes policies change not because local ideas have "trickled up" but merely because of a lobbying campaign (which I call "whispering in the king's ear"). In those cases, the resulting policies are especially fragile and likely to be short-lived because they can be reversed by someone whispering more loudly in the king's ear (for example, someone with more money). Thus policy victories, especially robust policy victories that have widespread support at the community level, are desirable but even fairly robust policies are not the ultimate goal of advocacy -- they are just important steps along the way toward the third kind of victory.

(3) The third kind of victory -- by far the most important kind -- is changing the "climate of opinion." Today slavery is not only illegal, it is unthinkable. The "climate of opinion" would not allow a serious proposal to bring back slavery. Likewise, the "climate of opinion" would not allow a public debate over the proposal, "Women should be prohibited from voting." Once a "climate of opinion" victory has been achieved, it is much more difficult to reverse than a policy victory. The "climate of opinion" determines what kind of behavior is unthinkable. "Climate of opinion" changes are so big that often we aren't even aware of them.

Now let's examine the victories of the environmental justice movement. The movement has had thousands of local victories and dozens of policy victories. A few of these victories have been described in books.[1] But what makes the environmental justice movement truly important is the changes it has begun to make in the "climate of opinion." I can think of two really big ones, so far.

(1) The common definition of "environment" used to be "wild places" NOT including the places where most humans live. I recall that as recently as 1968 the membership of the Sierra Club voted decisively NOT to focus the Club's attention on urban environments, where the majority of U.S. citizens spend their lives. However, during the 1980s, the environmental justice movement succeeded in redefining "environment" from "wild places" to "wild places plus all the places where we live, work, play, and learn." (Sierra Club has

slowly accepted the new definition.) This is a sea change and it's unlikely that we will ever go back to the old way of seeing things. Now "environmental" issues affect -- and can appeal to -- huge numbers of people.

(2) The second major "climate of opinion" change created by the environmental justice movement is reflected in its name: environmental JUSTICE. This needs some explanation.

About 1970, the emerging legal/scientific environmental movement lobbied successfully for new national laws intended to curb environmentally damaging behavior, the Clean Air Act, Clean Water Act, etc.

These laws focus almost exclusively on scientific information, and they require citizens to prove scientifically that harm is occurring to humans and/or to the environment before regulatory action can begin. I call this the "prove harm" system of environmental regulation. Initially corporate polluters complained bitterly that the new system was going to put them out of business, but this turned out to be just another "Brer Rabbit in the Briar Patch" story -- polluters LOVE the "prove harm" regulatory system. They thrive under the system.

With the benefit of 30 years of hindsight, we now know why the system can't protect the environment or humans. Here is a partial list of reasons:

(1) The "prove harm" system of regulation requires that harm must occur before action can be taken. This means that many millions of people had to become sick (with childhood cancers, lymphomas, reproductive cancers [breast, prostate], Parkinson's disease, chronic fatigue syndrome, diabetes, endometriosis, asthma, and a host of other environment-related diseases) before regulators could pay attention. Thus regulators were put in the futile and frustrating position of trying to close the barn door long after the horse had left.

As a result, the entire planet is now contaminated with potent, long-lived industrial poisons that were released (and, in most cases, are still being released) on the assumption that they are "safe" because no one has proven otherwise. By the time scientific proof of harm accumulates it is too late to prevent harm. Thus true prevention is generally not an option under the "prove harm" system.

(2) Science often cannot define "harm" very clearly, much less prove that it has occurred. Take the case of the toxic metal, lead. In 1975, 39 micrograms of lead in a 10th of a liter of human blood was declared harmless (40 was the "action level"). We now know that 39 can cause severe brain damage in children. As science improved, 29 micrograms was declared harmless, then 14 micrograms, and now 9. Today -- 30 years and tens of millions of brain-damaged children later -- many scientists acknowledge that ANY amount of lead in your blood can damage your central nervous system and reduce your IQ. However scientists hired by the lead industry dispute these conclusions, pointing to uncertainties in some of the data, and so the scientific debate continues while the "safe" level of lead remains at 9 micrograms, which most knowledgeable scientists consider damaging to children.[2]

(3) As in the case of harm from lead, there is always some uncertainty in any scientific conclusion. Under the "prove harm" regulatory system, scientific uncertainty provides a green light for business as usual. Under the "prove harm" system, when you're flying blind, it's full speed ahead until science proves harm. If you don't know what you're doing, just do it.

When scientific uncertainty is allowed to create a green light for business as usual, scientists can always be found who will cast doubt on any study, any set of data, thus creating scientific uncertainty for the purpose of allowing their employers to proceed with business as usual. Some members of the oldest profession in the world (male

and female) now dress up in white lab coats.

(4) The "prove harm" system focuses its attention on the "most exposed individual" and sets regulations intended to protect that hypothetical person. If "risk assessment" concludes that the "most exposed individual" will probably not be harmed by the industrial discharge of chemical X, Y, or Z, that discharge is approved. What the system fails to take into account -- because science has no means for doing so -- is the cumulative effects of thousands upon thousands of "safe" discharges, which add up to contaminated neighborhoods and a contaminated planet. By focusing on individuals and by requiring science to "prove harm," the system has sacrificed ecosystems and communities.

(5) The "prove harm" system has no way to account for the fact that all people (and these days, all plants and animals as well) are subject to multiple exposures -- from the soot from power plants and garbage incinerators; from pharmaceutical drugs; from diesel exhausts; from excessive ultraviolet light streaming in through the Earth's damaged ozone layer; from pesticides in air, rain, fog, food and water; from industrial poisons discharged into sewage treatment plants and then into rivers; from radioactive fallout left over from the era of A-bomb tests, from artificial growth hormones widely used in agriculture, etc. etc.

Scientists have no agreed-upon methods for evaluating the combined effects of multiple exposures to toxicants, and so they ignore multiple exposures, pretending that the world is much simpler than it really is. As a consequence, none of the regulatory system's "scientific" determinations of "safety" actually have any scientific validity. They represent seat of the pants estimates, gut feelings, best professional judgments, and plain guesses, all laced with a strong measure of hope that everything will turn out OK. Two scientists analyzing the same data can draw vastly different conclusions.

(6) The "prove harm" regulatory system bases its determinations only upon science, thus omitting many essential human values. For example, many people today want to protect the environment simply because it is God's creation. The "prove harm" system provides no place for such unscientific ideas to be expressed, much less acted upon. Many women want their breast milk free of industrial poisons just because their maternal instinct tells them that their babies will be better off. Until science can "prove" that they are right or wrong, their instincts have no place in the scientific debate over industrial discharges. (Indeed, such women are likely to be told that they should go home and leave these matters to the experts.)

Now the environmental justice movement is forcing a change in the climate of opinion, making the "prove harm" system unthinkable. Having confronted the "prove harm" system in thousands of local fights, grass-roots activists have now invented a new approach based on real prevention. Call it "precautionary action." Under the new system, scientific uncertainty creates a yellow light or even a red light -- if you're flying blind, slow down. If you don't know what you're doing, don't do it. Better safe than sorry.

Under "precautionary action" the government has a duty to prevent harm whenever there is credible evidence that harm is occurring or is likely to occur, even when the exact nature and magnitude of the harm is not proven.

Under "precautionary action" manufacturers have a responsibility to show that they are using the least harmful alternative to meet a specific need. With "precautionary action" the potential for harm is thoroughly studied before a new chemical or technology is used, instead of assuming it is harmless until proven otherwise. In addition to using all the available scientific data, precautionary decision-making will also respect and use other kinds of knowledge -- ethics, morals, humility, the human sense of what's right and good

and just. This major change in the "climate of opinion" is well along. Thanks to the environmental justice movement, "prove harm" is becoming unthinkable and is slowly being replaced by "precautionary action." This is big. REALLY big.

--Peter Montague

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[1] Robert D. Bullard, *DUMPING IN DIXIE* (Boulder, Co.: Westview Press, 1990; ISBN 0-8133-7954-7); Bunyan Bryant and Paul Mohai, editors, *RACE AND THE INCIDENCE OF ENVIRONMENTAL HAZARDS* (Boulder, Co.: Westview Press, 1992; ISBN 0-8133-8513-X); Robert D. Bullard, editor, *CONFRONTING ENVIRONMENTAL RACISM; VOICES FROM THE GRASSROOTS* (Boston: South End Press, 1993; ISBN 0-89608-446-9); Jim Schwab, *DEEPER SHADES OF GREEN* (San Francisco: Sierra Club Books, 1994; ISBN 0-87156-462-9); Robert D. Bullard, editor, *UNEQUAL PROTECTION* (San Francisco: Sierra Club Books, 1994; ISBN 0-87156-450-5); David E. Newton, *ENVIRONMENTAL JUSTICE* (Santa Barbara, Cal.: ABC-CLIO, 1996; ISBN 0-87436-848-0).

[2] Bruce R. Fowler and others, *MEASURING LEAD EXPOSURE IN INFANTS, CHILDREN AND OTHER SENSITIVE POPULATIONS* (Washington, D.C.: National Academy Press, 1993; ISBN 0-309-04927-X)