

Rachel's Environment & Health News
#778 -- Corporate Campaign Against Precaution
September 18, 2003 (Published October 9, 2003)

The purpose of this week's newsletter is to identify (and make available to you) the best sources of information about the precautionary principle.

What is the Precautionary Principle?

The good news is that the precautionary principle is steadily replacing old-style risk assessment as a way of making environmental decisions. The risk-based approach asks, "How much damage is acceptable?" In other words, "How much damage can we get away with?" Then the system sets numerical limits to allow precisely that amount of damage to occur. As you might expect, the numerical limits are often wrong, so more than "acceptable" damage occurs. This is why the entire planet is now contaminated and chronic disease is increasing.[1]

The precaution-based decision-making system asks a different question. Under precaution, we examine all reasonable alternatives and ask, "How little damage is possible?" In the face of scientific uncertainty, the precautionary system urges a "better safe than sorry" approach to decisions, instead of the old approach, "I'm barging ahead until you can line up the dead bodies."

Corporate Attack on Precaution

The bad news is that the precautionary principle is now under sustained corporate attack. For example, with corporate funding, the Keystone Center in Keystone, Colorado and Washington, D.C., in September tried to pull off one of its "mediation" meetings where extreme corporate bad actors (like International Paper, Georgia Pacific, ExxonMobil, General Electric, DuPont, and Kodak, among others) hold a series of meetings with "big green" environmental groups like the Environmental Working Group, Environmental Defense, the World Wildlife Fund (WWF), and Defenders of Wildlife, hoping to reach a new "consensus" about the precautionary principle on behalf of the rest of us. (<http://www.keystone.org/>)

The Keystone method is to invite 20 or 30 carefully-chosen "experts" to sit together and bargain with each other, pretending that they democratically represent everyone in America. They then publish a "consensus" statement that the corporate polluters can claim they worked out with full participation from the environmental community. The statement circulates in Congress and sometimes influences federal policy. For example, Congress authorized the flawed Yucca Mountain nuclear waste dump in Nevada partly because of a Keystone mediation intended to "solve" the nuclear waste problem for the nuclear power industry.[2]

In September, a few principled environmentalists refused Keystone's invitation to sit with International Paper and Georgia Pacific to discuss precaution -- a subject entirely

foreign to the ethic of these particular corporations -- and Keystone had to cancel the meeting. But Keystone has promised to try again. Keystone's letter canceling the meeting suggested that they may use a "divide and conquer" strategy to try to force the environmental community to the table next time.

Environmentalists invited to participate in Keystone's next corporate-funded assault on precaution need to ask themselves, "Why would corporations spend tens of thousands of dollars on such an event?" They must think they have little to lose and perhaps something important to gain. And of course that's exactly right. The environmental community, on the other hand, has nothing to gain and runs the risk of undermining years of work spent patiently building the case for precaution world-wide.

Keystone's clumsy assault on precaution is not the only evidence of a coordinated corporate campaign against precaution.

Recently in California I heard four corporate speakers attack the precautionary principle using a remarkably consistent "party line." [3] The party line goes something like this:

1) What's the problem? We don't need precaution because the system is working just fine. There is no harm being done to humans or the environment.

2) OK, maybe there's a teensy bit of harm being done but adopting a precautionary approach won't help anything because the chemical industry (for example) is already fully precautionary. They have been behaving in a precautionary way for decades and couldn't do any better even if they wanted to.

3) OK, maybe corporations could do a little bit better, but risk assessment uses "conservative" assumptions and therefore is fully precautionary. What we need is more and better risk assessments. To fix risk assessments, we can always just plug in another "safety factor" of 3 or 6 or 10. Risk assessment IS precaution.

4) OK, risk assessment may never be able to protect workers, the environment or public health, but the risk-based regulatory system itself is basically sound and can be tweaked to remedy any problems after "sound science" proves beyond a doubt that harm is occurring.

5) OK, the regulatory system does allow some major harms to occur and tens of thousands of real people get killed or maimed when risk assessments tell us that something dangerous (like the air in Los Angeles) is "safe." Nevertheless, precaution is bad for everyone because it will destroy jobs.

6) OK, if you must know, adopting precaution will not only destroy jobs, it will take down the entire economy of our state, and then our nation.

7) OK, if you insist, adopting precaution will undermine western civilization.

8) OK, everyone can now see that people who advocate precaution are extremists. In fact, precaution is an extremist doctrine INTENDED to destroy western civilization. Rejecting precaution is therefore the backbone of homeland security. God bless America!

One excellent response to this corporate campaign against precaution would be more people learning to think and speak in precautionary terms, until old-style risk-based thinking just fades away.

One way to do this would be to join Lois Gibbs's nationwide precaution campaign. Check it out at <http://www.besafenet.com/>. To learn how to get involved, send E-mail to AnneRabe@msn.com.

To inform yourself about precaution in depth -- so that you can begin to THINK and SPEAK precaution -- you might take a look at some of these resources:

Good Readings on Precaution

I. Overviews of the Precautionary Principle

1. Ted Schettler, Katherine Barrett, and Carolyn Raffensperger, "The Precautionary Principle: Protecting Public Health and the Environment." In my opinion, this is the best short summary of the precautionary principle. Available at: <http://www.rachel.org/library/getfile.cfm?ID=187>

2. Nancy Myers, "The Precautionary Principle Puts Values First." This paper describes how the precautionary principle invites decision-makers and citizens to bring their ethical values into matters of science and policy. Available at: <http://www.rachel.org/library/getfile.cfm?ID=188>

3. The Wingspread Statement on the Precautionary Principle. This is a consensus statement by participants in a conference on precaution convened by the Science and Environmental Health Network in 1998. The statement is named after the Wingspread Center in Racine, Wisconsin where the conference took place. Available at: <http://www.rachel.org/library/getfile.cfm?ID=189>. It is this statement of the precautionary principle that corporations are trying to label "extreme" and perhaps replace with a new "Keystone" version of precaution. Take a look for yourself.

4. Jared Blumenfeld, "New approaches to safeguarding the earth; An environmental version of the Hippocratic oath," San Francisco Chronicle August 4, 2003. Blumenfeld is director of the Department of the Environment for the City and County of San Francisco, California. He wrote this op-ed shortly after the City and County adopted precaution as basic policy in the summer of 2003. <http://www.rachel.org/library/getfile.cfm?ID=227>

5. Three good books: Carolyn Raffensperger and Joel Tickner, editors, Protecting Public Health & the Environment; Implementing the Precautionary Principle (Washington, D.C.: Island Press, 1999). ISBN 1-55963-688-2.

And: Joel Tickner, editor, Precaution, Environmental Science and Preventive Public Policy (Washington, D.C.: Island Press, 2002). Paperback: ISBN 1-55963-332-8.

To buy these two books from a unionized book store, go to <http://www.powellsunion.com/> and search the store for Joel Tickner.

A third good book: Mary O'Brien, Making Better Environmental Decisions; An Alternative to Risk Assessment (Cambridge, Mass.: MIT Press, 2000). ISBN 0-262-65053-3. Go to <http://www.powellsunion.com/> and search the store for ISBN # 0-262-65053-3.

II. Precaution and Government's Duty to Protect the Public Trust

6. The public trust doctrine dates back to ancient Rome and defines the role of government in protecting our common heritage (air, water, and more). As we learned in Rachel's Environment & Health News #775, the government's trust responsibility implies a precautionary approach to protect the trust property. http://www.rachel.org/bulletin/index.cfm?issue_ID=2375

Indeed, the Supreme Court of Hawaii has held that the public trust doctrine REQUIRES government to take a precautionary approach: <http://www.rachel.org/library/getfile.cfm?ID=225>

And see item 17, below.

III. Precaution and Religious Organizations

7. Dorothy Anderson, "A Religious Denomination [Methodist] Speaks on Precaution," The Networker, Summer, 2000. The Networker is the newsletter of the Science and Environmental Health Network. Available at: <http://www.rachel.org/library/getfile.cfm?ID=314>

8. In response to the trend toward genetic modification of living organisms, the North Dakota Conference of Churches in March, 2003 adopted a statement embracing the precautionary principle: "A Response To Issues And Values Related To Genetically Modified Organisms."

The statement was affirmed by the following organizations: American Baptist Churches of the Dakotas; Northern Plains District of the Church of the Brethren; North Dakota Mission of the Church Of God (Anderson); Episcopal Diocese of North Dakota; Eastern North Dakota Synod of the Evangelical Lutheran Church in America; Moravian Church (Northern Province, Western District); Northern Plains Presbytery of the Presbyterian Church, USA; Religious Society Of Friends (Quaker); Roman Catholic Diocese of Bismarck; Roman Catholic Diocese of Fargo; Northern Plains Conference of the United Church Of Christ; Dakotas

Area of the United Methodist Church. Available at: <http://www.rachel.org/library/getfile.cfm?ID=315>

IV. Precaution in the Workplace:

9. Eileen Senn, "Playing Industrial Hygiene to Win." This 2003 update of Senn's 1991 article in *New Solutions* describes the urgent need for precautionary action to protect workers. Eileen Senn has retired from the New Jersey Department of Health and now serves as a consultant to the New Jersey Work Environment Council. See <http://www.rachel.org/library/getfile.cfm?ID=198>

10. Frank Ackerman and Rachel Massey, "Prospering With Precaution." This short report, published during 2002 by the Global Development and Environment Institute at Tufts University, argues that precautionary policies promote industrial innovation and create jobs. <http://www.rachel.org/library/getfile.cfm?ID=218>

11. Resolution 9606, adopted by the American Public Health Association in 1996, recommended a precautionary approach to workplace safety. <http://www.rachel.org/library/getfile.cfm?ID=219>

12. Eileen Senn Tarlau, "Industrial Hygiene with No Limits," *American Industrial Hygiene Association Journal* Vol. 51 (January 1990), pgs. A9-A10. This pioneering paper argues that numerical exposure limits have failed to prevent death and injury on the job and recommends a precautionary approach (without using the term precautionary). See also item 9, above. <http://www.rachel.org/library/getfile.cfm?ID=221>

13. Anne Stijkel and Lucas Reijnders, "Implementation of the precautionary principle in standards for the workplace," *Occupational and Environmental Medicine* Vol. 52 (1995), pgs. 304-312. <http://www.rachel.org/library/getfile.cfm?ID=222>

V. Precaution and Environmental Justice

14. In June, 2003, the California Environmental Protection Agency (Cal/EPA) Advisory Committee on Environmental Justice issued its 45-page DRAFT report, recommending steps that Cal/EPA could take to ensure environmental justice in all its programs, policies, and regulations. <http://www.rachel.org/library/getfile.cfm?ID=186>

The Committee saw precaution as fundamental to environmental justice. The DRAFT document was subsequently strengthened and adopted in September, though the FINAL document has not yet been published. When it is published, the FINAL report will be available here: <http://www.rachel.org/library/getfile.cfm?ID=317>.

15. Rachel's Environment & Health News #770 summarized some of the recommendations of the Cal/EPA Advisory Committee on Environmental Justice. See item 14, above. http://www.rachel.org/bulletin/index.cfm?issue_ID=2359

16. Peter Montague, "Environmental Justice Requires Precautionary Action," testimony Jan. 28, 2003 before the

Cal/EPA Environmental Justice Advisory Committee. See also items 14 and 15, above. <http://www.rachel.org/library/getfile.cfm?ID=238>

17. Peter Montague, "Government has a Public Trust Responsibility to Take Precautionary Action to Achieve Environmental Justice." Paper presented Aug. 21, 2003 at a conference convened by the South Coast Air Quality Management District in Diamond Bar, California. See also item 6, above. <http://www.rachel.org/library/getfile.cfm?ID=240>

VI. Precaution and Local Government

18. In June, 2003, the City and County of San Francisco, California, adopted the precautionary principle as basic policy. Note that the San Francisco policy begins with a statement about justice: "Every San Franciscan has a right to a healthy, safe environment." And the law says, "The City sees the Precautionary Principle approach as its policy framework to develop laws for a healthier and more just San Francisco." A more JUST San Francisco. <http://www.rachel.org/library/getfile.cfm?ID=195>

19. A short history of San Francisco's adoption of the precautionary principle can be found here: http://www.rachel.org/bulletin/index.cfm?issue_ID=2338.

20. As background for its adoption of the precautionary principle, the City and County of San Francisco published a White Paper on precaution in March, 2003. This is the best full discussion of the precautionary principle that I know of. <http://www.rachel.org/library/getfile.cfm?ID=197>

VII. Precaution and Environmental Science:

21. David Kriebel, Joel Tickner and others, "The Precautionary Principle in Environmental Science," *Environmental Health Perspectives* Vol. 109, No. 9 (Sept. 2001), pgs. 871-876. The authors describe the relationship between science and public policy and argue that a precautionary approach to public policy demands some new thinking by scientists. <http://www.rachel.org/library/getfile.cfm?ID=170>

VIII. Precaution and Children's Health:

22. In 2001, the American Public Health Association adopted resolution 200011, "The Precautionary Principle and Children's Health." <http://www.rachel.org/library/getfile.cfm?ID=220>

IX. Precaution and Public Health:

23. Joel A. Tickner and others, "A Compass for Health: Rethinking Precaution and Its Role in Science and Public Health," *International Journal of Epidemiology* Vol. 32 (2003) pgs. 489-492. Argues that the precautionary principle "becomes a compass to guide decisions under uncertainty rather than a hammer to force a specific action when a pre-specified level of evidence has been met. It encourages changes in the research agenda to support examination of broader hypotheses, expanded characterization of

uncertainties, the study of cumulative and interactive effects as well as risks to vulnerable sub-populations and preventive interventions."

<http://www.rachel.org/library/getfile.cfm?ID=225>

X. What Happens When Precaution is Not Used?

24. The European Environment Agency's report, Late Lessons from Early Warnings: The Precautionary Principle, 1896-2000 offers detailed case studies of major failures of the old risk-based approach. Available at <http://www.rachel.org/library/getfile.cfm?ID=301> but be aware that the file is 2 megabytes in size.

There are many other very useful documents on precaution available on the web site of the Science and Environmental Health Network, so take a look at <http://www.sehn.org>.

Finally, the Science and Environmental Health Network and Environmental Research Foundation may be planning a day-long workshop on precaution in your region of the country. To explore this possibility, send E-mail to raffensperger@cs.com.

Good reading! --Peter Montague

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[1] Americans are living longer but chronic diseases are increasing: <http://www.rachel.org/library/getfile.cfm?ID=316>. For 417 pages of details on health in the U.S., see: <http://www.cdc.gov/nchs/data/abus/abus03.pdf>. For even more details about the relationship of environment to health, go to <http://www.protectingourhealth.org/newest.htm> and look at the topics listed on the left side of the screen -- asthma, etc.

For case studies of the failure of the risk-based decision-making system, see the European Environment Agency's report, Late Lessons From Early Warnings, available at <http://www.rachel.org/library/getfile.cfm?ID=301> (but be aware that the file is 2 megabytes in size).

[2] See Luther J. Carter, Nuclear Imperatives and Public Trust: Dealing With Radioactive Waste (Washington, D.C.: Resources for the Future, 1989).

[3] At http://www.aqmd.gov/ej/Precautionary_Principle/Precautionary_Principle.htm, see the corporate attacks on precaution by Michael de Alessi, Jim Solyst, Henry Miller, and Cindy Tuck. The speeches of de Alessi and Miller, as delivered, were even more fanciful and rabid than their handouts and slides depict.

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