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The latest report from the International Joint Commission (IJC) reveals that industry and government officials have a new strategy for rolling back environmental protection in the 1990s.[1]

Created in 1909 by treaty between the U.S. and Canada, the IJC has responsibility for water quality in the Great Lakes. Every two years, the IJC issues a formal report on its progress against pollution in the Great Lakes. The eighth such report was published last month. (See REHW #505.)

The new report makes clear that environmental protection programs in the Great Lakes are being eroded. About a third of the new report is spent explaining how existing programs are being threatened and why they should be maintained.

Although couched in non-political language, the report makes it clear that a combination of libertarians in Congress (and in state governments), funded by corporate polluters, have hit upon a formula for crippling environmental protections in the Great Lakes (and elsewhere). The formula has two parts: require scientific standards of proof for all decision-making, and at the same time cut funding for scientific research.

Because the mass media do not regularly (if ever) report on science funding, or on the uses of science in decision-making, these assaults on environmental protection are invisible to the general public.

The IJC does not say so, but this coordinated effort by libertarians and corporate polluters serves two purposes: for the libertarians, it diminishes the size of government (which is the main ideological goal of libertarians), and for the corporate polluters it provides increased independence because it diminishes government's ability to monitor their activities, identify environmental harms, and enforce the law.

The new-found formula for crippling environmental protection is being used successfully everywhere. But let's look at how it is working in the Great Lakes:

The IJC reports that it surveyed all of the major scientific research institutions responsible for conducting programs related to water quality in the Great Lakes. Responses came back from 31 organizations with combined budgets totaling \$88 million, which represents 80% of all scientific funding for Great Lakes research.

Those 31 organizations reported that they expect their total operating budgets to be cut anywhere from 23% to 53% this next year. Salaries within those organizations are expected to be cut anywhere from 31% to 45%. The number of researchers in the 31 organizations is expected to decline by anywhere from 47% to 62%. In other words, in round numbers, scientific research in the Great Lakes is slated to be cut roughly by half. (pg. 5)

While science funding is being cut at the federal and state levels, polluters and libertarians are simultaneously insisting that scientific certainty must be established before chemicals can be banned or even regulated. They are working hard to substitute a scientific standard for decision-making in place of the "reasonable person" standard.

Science is a very conservative enterprise. Before scientists will change their minds about the nature of reality and agree that something new is happening, they require 95% probability or in some cases 99% probability. For example, scientists must be 95% (or 99%) sure that a chemical is causing harm before they will say, "Harm is occurring." Until they become 95% sure, they will only say, "I'm not sure. We need more studies to give us more data."

In contrast, a jury in a civil trial makes a decision based on "the preponderance of the evidence" or "the weight of the evidence." This is the normal, "reasonable person" standard for decision-making in our society. If most of us had to wait for 95%

certainty before we could make a decision about anything, most of us would be paralyzed most of the time.

Therefore, the incessant pressure to make decisions based only on "good science" is really an attempt to paralyze decision-making. How does this help the polluters?

Corporate polluters and their representatives in government have made a national policy (unwritten, but real policy all the same) that says the burden of proof is on the public to prove harm, and not on the polluters to prove safety. Therefore, new chemicals can be put into commercial use without any safety testing. And chemicals can remain in use until it can be shown that they have caused substantial harm --a process that can take decades or longer. (The burden of proof is reversed in the case of pharmaceutical drugs at the Food and Drug Administration, but ONLY in the case of pharmaceutical drugs. Drugs must be proven safe and effective before they can be marketed. Now, however, the libertarians and corporate polluters have developed a concerted campaign to reverse even this FDA standard.[2])

Given the national policy that puts the burden of proof on the public, a scientific standard of proof helps keep chemicals on the market. A "reasonable person" might conclude that a chemical was causing harm after learning that several people or animals had been harmed, but a scientist insists on the 95% level of certainty. By substituting scientific certainty for the "reasonable person" standard in decisions, science is pressed into the service of the polluters.

The use of a scientific standard of proof also greatly increases the importance of doubt. A reasonable person reading 3 scientific studies showing harm is probably ready to make a decision. When a fourth study comes in showing a different conclusion, the reasonable person weighs the evidence --three studies show one thing, one study shows another -- and probably comes down on the side of the three studies. However, a scientist faced with conflicting studies is justified in being very cautious about drawing ANY conclusion. "The data are conflicting. We need more study," is the likely response from a scientist. Meanwhile harm continues.

Thus, substituting a scientific standard for decisions, in place of a reasonable person standard, increases the importance of doubt and makes it easier for a determined group of scientists to prevent decisions from being made. Since paralyzing government is an ideological goal for both the libertarian AND the corporate polluter, substituting a scientific standard of proof serves both these interest-groups.

"It is... ironic," says the IJC's Eighth Report, "that statements about a lack of 'sound science' in current policy discussions about toxic chemicals are heard concurrently with calls for financial cutbacks to the very programs that could provide additional, credible scientific information and contribute to responsible public policy in such areas as human health and persistent toxic substances." (pg. 17)

The same dynamic can be seen in the debate over global warming. Some 250 scientists worldwide concluded last December that humans are changing the earth's climate. (See REHW #467 and #471.) But half a dozen industry-sponsored scientists are disputing the finding. These critics are focusing on the uncertainties, trying to prevent decisive action to curb global warming. The NEW YORK TIMES recently described a "systematic campaign of disinformation" by the "Global Climate Coalition, an industry lobbying group" and by others. The TIMES also reported that, in Congress, "conservative Republican allies" of these critics are threatening to cut funding for scientific research on global climate change.[3] Naturally, this is all being done in the name of "sound science."

Unfortunately, we observe, traditional environmentalists have almost no way to combat this new initiative for 3 reasons:

** Whether they recognize it or not, most environmentalists are ideologically committed to REGULATING the behavior of polluters around the edges, rather than tackling the core issue of DEFINING what corporations can and cannot do. The regulatory arena was created by corporate polluters; it is a place where they control the terms of the debate and strictly limit the possible outcomes. In sum, regulation cannot solve environmental problems, yet it is the framework that we all grew up within, and it is the only way most environmentalists have so far been able to think.

** Many environmentalists believe that better science is the answer to pollution problems. They do not yet see that science CAN DESCRIBE BUT CANNOT REMEDY environmental crises brought on by the withering of democratic commitments and institutions. Pollution is caused by powerful polluters. It is their power that makes their pollution possible. The only feasible counterweight to their power is more democratic decision-making, yet many traditional environmentalists are not committed to democracy in this way. Rather they are committed to a traditional hierarchy in which they get invited to the White House periodically to sue and supplicate while the pollution continues.

** Many environmentalists are not committed to getting private money out of politics, which is the only way to break the stranglehold of polluters on Congress. (See REHW #426 and #427.) (Some environmentalists have endorsed limits on campaign contributions, but, perversely, such limits end up consolidating the power of corporations in the electoral process. Thus environmentalists who do not favor full public financing of elections end up protecting the status quo.) Because current laws and practices encourage private money in elections, corporations dump mountains of cash into campaigns to elect representatives who then minister to corporate needs while pursuing their own libertarian goals. It is a closed-loop system: "You scratch my back with a campaign contribution, and I'll scratch yours with legislation guaranteed not to make any difference in the way you do business." Environmentalists who remain indifferent to this distortion of the democratic electoral process (or who advocate the half-way reform of spending limits instead of full public financing) play directly into the hands of the libertarian/corporate-polluter axis that is rolling back environmental protections, using "good science" as its cover.

--Peter Montague (National Writers Union, UAW Local 1981/AFL-CIO)

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[1] International Joint Commission, EIGHTH BIENNIAL REPORT ON GREAT LAKES WATER QUALITY (Ottawa, Canada, and Washington, DC: International Joint Commission, July, 1996). Available free from the IJC. Telephone (in Detroit, Michigan): (313) 226-2170. In Canada, phone (519) 257- 6700; fax: (519) 257-6740.

[2] Eight libertarian think tanks have received millions of dollars to study ways to discredit the Food and Drug Administration and change its policies. See "Report Finds That Drug, Medical Device, Biotech and Tobacco Companies gave at Least \$3.5 Million for Anti-FDA Campaign," CORPORATE CRIME REPORTER July 29, 1996, pgs. 5-6. And see Jeffrey Goldberg, "Next Target: Nicotine," NEW YORK TIMES August 4, 1996, pg. 23. And see Marian Burros, "F.D.A. Chief Questions Safety of Proposals," NEW YORK TIMES, May 2, 1996, pg. 21.

[3] William K. Stevens, "At Hot Center of Debate on Global Warming," NEW YORK TIMES August 6, 1996, pgs. C1, C10.

Descriptor terms: ijc; science; libertarianism; corporations; burden of proof; global warming; global climate coalition;