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Don't give in to polluters

THE LAWS TO protect environmental quality are not being enforced. The laws are there to guarantee livability for all, yet they are being ignored by government administrators and industry alike.

As exemplified by the Exxon Valdez oil spill and the consistent polluting of San Francisco Bay by Union Oil of California, the government enforcement problem is intertwined with corporate influence, which undermines the integrity of the law and our democratic system.

Don't think the government isn't capable of enforcing laws. We see how tenacious it is in collecting income taxes. As in the recent case against billionaire hotel owner Leona Helmsley, the citizen who is caught cheating royally on his taxes goes to jail.

YET, THERE is no similar consequence for a corporate leader whose company pollutes the earth, or a government official who doesn't take seriously his legal responsibility to prevent damage.

A study by scientists and experts for the state of Alaska concluded that the Exxon Valdez "accident" happened because of the collapse of regulations that should have prevented it. The Coast Guard in particular ignored its responsibility.

There are even worse examples of corporate malfeasance and government negligence.

One of the most outrageous involves the recent federal case against Union Oil of California. The court identified over 2,300 UNOCAL incidents of direct dumping of pollutants into San Francisco Bay over a period of years. UNOCAL ultimately settled out of court for \$5.5 million.

UNOCAL should have paid \$250 million, and there's plenty of blame to go around. According to Steve Volker of the Sierra Club Legal Defense Fund, who filed a suit against UNOCAL, a dozen enforcement agencies looked the other way for a long time, then refused to act when an honest UNOCAL employee blew the whistle.

The whistle blower went to the EPA and was ignored. Then he was spurned by the Regional Water Quality Control Board, the FBI, the Coast Guard, the Toxic Control Center and the Public Health Department.

Finally, he ran across another honest man in the water board who took him aside and advised him to go to the Sierra Club Legal Defense Fund. The bureaucrat told the whistle blower that he himself *wouldn't be allowed to enforce the law* and that the nonprofit organization was the whistle blower's only hope. And so it was.

How can we make sure the existing laws to protect our environment are enforced?

TWO THINGS need to happen.

First, criminal charges with possible jail sentences should be real consequences for top corporate executives of the guilty corporations, as well as for regional executives of the watchdog agencies.

Second, flagrant violators of pollution control, as well as other, laws should pay fines heavy enough to get their attention and compliance. Fines should make cleaning

'Enforce the laws,' the Dow Chemical chairman said. 'Don't give in.'

up and improving technology more profitable than polluting.

Such strong measures are not only fair but, like tax laws, necessary. Most individuals and companies don't cheat. But for those who do, the punishment should equal the severity of the crime.

When I was in state government, I often heard appeals to go easy on the regulations. But I always remember a conversation with the former chairman of Dow Chemical Corporation, Carl Gerstacher.

Essentially he said, "Look, I worry about the environment, about the future of my grandkids. So don't be lax. Enforce the laws and regulations. I only ask one thing — treat all companies the same across the board. Don't do favors for any of them. I will see that Dow is well managed and profitable, regardless of the requirements. Officially, Dow and the trade associations may complain, but don't give in."

Until the laws are enforced fairly, we citizens will bear the unfair burden of the threat to our health and future survival.
