

Environmental law protects us all



As the Senate moves toward approval of an EPA Administrator who has criticized all of the agency's proposed protections of the last few years, and there is continued talk from the Trump administration about how regulations can strangle business and economic development, it is important to reiterate the shared value that undergirds our environmental law: No person should be allowed to harm another person for profit or benefit.

This simple message often gets lost among the discussions over pipelines, HOV lanes, enforcement, and regulations, but it is the core of environmental law, common law, and society generally. We all know that one person can't run over another because he is late for work, or murder someone because it provides the murderer with a benefit. Though the technical causes may be more complex, we similarly know that we can't produce cheaper electricity at the expense of causing a child to have an asthma attack, or possibly die. As the new administration considers slashing regulations, This is what we need to stay focused on. Are we protecting each and every one of us from harm caused by another? If not, it should be obvious that we are on the wrong path.

Regulation alone does not solve every problem, and we should continually look for ways to provide environmental protection as efficiently and easily as possible. The Clinton administration admirably tried to consider how to make environmental regulations easier and more predictable. The George W. Bush EPA demonstrated how regulation to control air toxics would help energy companies make money because their pollution was wasted product.

Although attempts to lessen punishments for environmental violations have not shown success at protecting these core values, there has been some evidence that an agency, such as the EPA, working to help small business, can provide better protection than leaving that business to fend for itself. This makes sense. If you want an entity to follow a regulation, it is more likely to do so if you clearly explain the rule and help the business comply. New information and sensing technologies also suggest that environmental protection and enforcement can be made more user-friendly and efficient. But effectively helping business in their duty to protect our lives and introducing more efficient enforcement tools may take more personnel.

Asking the states to take over is neither sufficient nor desirable. Many states have professionalized environmental organizations and staffs, but study after study shows that they work best with support and back-up from the federal government. Otherwise, they can fall victim to corporate threats to shift economic development elsewhere.

Whether we need more federal workers or less is not the correct question. Neither is whether protecting our air and water quality is too expensive. The question to be asking is whether or not we are protecting each of us from harm caused by the environmental pollution of another. Whatever improves the effectiveness of that protection is needed; whatever lessens it is not acceptable. The core value of environmental law is to protect both

the least and the greatest among us. We are a poor country indeed if we sacrifice that value for the convenience of a few.

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