

Foreword

Edmund S. Muskie

Follow this and additional works at: <http://scholarship.law.cornell.edu/clr>

 Part of the [Law Commons](#)

Recommended Citation

Edmund S. Muskie, *Foreword*, 55 Cornell L. Rev. 663 (1970)

Available at: <http://scholarship.law.cornell.edu/clr/vol55/iss5/1>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Review by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

CORNELL LAW REVIEW

Volume 55

May 1970

Number 5

FOREWORD

Edmund S. Muskie†

The great industrial cities of this nation grew by the forces of nature and economics long before anyone heard of municipal planning, and it was no accident that the best residential areas were located in the northern and northwestern parts of our cities. The prevailing winds blew from those directions, and citizens who could afford to live in those areas could be assured that their exposure to industrial smoke and soot would be minimal.

As long as the discomforts of smoke and soot and dirty water were not shared by the more affluent members of the community, air and water pollution were only two more burdens that the poor had to bear. However, as the nation grew and as the uses of our air and water increased to take care of an expanding population and an expanding industrial capacity, more of our air became black and more of our rivers were fouled. Pollution became a universal complaint, a national problem.

We have discovered in the past few years that tolerating pollution costs more than it saves, and that pollution is an immediate threat to the human and natural environment. We have discovered that, quite literally, the quality of life for all Americans is at stake.

Enhancement of environmental quality must assume a priority equal to that of our other basic goals: peace and dignity for all. Americans have concluded that postponement is impossible, and an unprecedented number of citizens support the immediate expenditure of whatever money it takes to stop pollution and restore the quality of our air and water resources. Our policy decisions reflect the realiza-

† United States Senator from Maine. Chairman, Subcommittee on Air and Water Pollution of the Senate Public Works Committee. B.A. 1936, Bates College; LL.B. 1939, Cornell University.

tions that our air and water resources are not limitless, that the prohibition against their waste must be absolute, and that we must undertake whatever measures are necessary to ensure their continued availability. The Water Quality Act and the Air Quality Act are both based on the conviction that public decisions regarding the needed levels of air and water quality should govern the uses of those resources.

This basic philosophy is the only one that can guarantee that our air and water resources will remain clean enough to support a desirable quality of life. Any economic incentives to achieve environmental quality must operate within that basic policy. We cannot afford to gamble with our air and water by placing public bets on the effectiveness of penalties as a means of enforcing compliance with air and water quality standards.

Once we have affirmed our commitment to the preservation of necessary levels of air and water quality, we must determine the most effective means of achieving air and water quality and the most efficient allocation of our resources to accomplish that task.

As far as air pollution is concerned, the responsibility is clear: we must control emissions to a point where they meet the air quality standards in the region in question. There is no way to collect emissions from different sources for the purpose of more efficient treatment. Each source must fulfill its own responsibilities in meeting the standards.

Water pollution presents a more complicated picture. Since it is possible to collect effluent from several different sources and efficient to treat as much effluent as possible in one place, the joint treatment of municipal and industrial wastes should be required wherever it is physically possible. The costs allocated to industries for their participation in these systems should be based on the amount of final treatment necessary to meet applicable water quality standards. At the same time, ways must be found to increase the amount of money available for the construction of these facilities. If the task is too urgent and too massive to be financed through direct appropriations alone, as it appears it might be, new ways of allocating our resources in these directions must be developed. For industries to move now to meet water quality standards will both reduce their future share of the costs of joint treatment facilities and serve the best interests of the public.

There are other sources of pollution requiring legislative initiatives. Moving sources, such as cars, planes, buses, trucks, and boats, must be made responsive to public will. Noise pollution and the befouling of the earth and its fertility must be controlled sanely.

A healthy environment will require a majority of Americans to adopt new attitudes. Concern is universal, but the costs and inconveniences of abatement are not fully appreciated. For instance, some communities will have to ban leaf burning in the fall and backyard incineration year round. Some communities already do. More significant perhaps is the need to understand that controlling pollution from manufacturing will raise the prices of many products.

Planning by businesses and regions, states and communities must give more attention to environmental considerations, such as the impact of a mill or a new road on the neighborhood. Fortunately, the Congress is showing unprecedented concern with this and other questions concerning the quality of our environment.

If we are not to find ourselves in a wasteland, the law must provide protection for the environment. If we fail to reverse the forces of pollution, all other legitimate efforts of government and private organizations to improve society will become irrelevant. A clean environment does not mean a healthy society, but it is an important beginning. We cannot achieve the latter without first achieving the former.