

EDITORIAL

We have been hearing much about the lax enforcement of environmental legislation — the “implementation gap”. Some national administrations simply refuse to acknowledge it. Others, while recognizing the seriousness of the problem, do little more than pay lip service to strict compliance. The economic situation, following the energy crisis, has surely been a convenient excuse, but no more, for the easing of enforcement. With the recession winding down and with a brighter economic outlook generally, we should be able to look ahead to more stringent enforcement in the environmental field. The growth versus environment issue should not become institutionalized — the conflict is not an inherent one. In this regard, we ask our readers to let us have their views and comments on the existing enforcement situation in their respective countries. Our pages will be very much open to such contributions and we will assign special priority to coverage of this important matter.

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Somewhat related developments in the United States give cause for concern. The 1300-kilometer-long Alaska pipeline, which upon completion, will carry daily 95,000,000 litres of crude across America's largest state, has been touted by its promoters as very nearly the next wonder of the world. The recent discovery of 3200 leakage points prompted the federal government to make on-site investigations. Blame is inevitably being shifted about from contractors to subcontractors and vice-versa. We hope the authorities approach their work resolutely.

Science and technology have made our world increasingly more complex. Recently, public opinion surveys as well as referenda have attempted to measure general thinking on environmental risk taking. But ordinary citizens, indeed legislators, are hard put to make decisions often involving a puzzling array of risk/benefit equations. Debate on such issues tends often to be emotionally charged and clear thinking is frequently shrouded by rhetoric and conflicting data. Recently, voters in California unequivocally rejected a controversial proposal that would have all but banned construction of nuclear power facilities in that state. It was perhaps the first referendum on so complex a technological/environmental question. Both sides seemed to have been involved in a battle which amounted to bluff calling. All concerned were perhaps too extreme in their presentation of the issues. It was a case of oversimplification, the environmentalists insisting on no-growth, the utilities emphasizing “no alternative” but significantly increased atomic energy. As sobering as the proposition's 2-1 defeat was, it shouldn't give carte blanche to the utilities — 2 million people did say “no” to atomic power and a new constituency has emerged. A more moderate, reasoned analysis by both sides might yet lead to an accommodation.

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This issue particularly emphasizes what we believe are especially newsworthy events. There was some conflict in our editorial rooms over the question of postponing less time-dependent material. We reached a middle ground by expanding our page length for this number and contracting the next two numbers somewhat. Additionally, we were obliged to split some pieces and continue them in our following numbers. We trust our readers will find the compromise satisfactory.

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LETTERS TO THE EDITOR

California Dreamer

[Excerpt from letter to the Editor, re: D. Zalob, “The California Coastal Plan: A Summary Report”, EPL 2:1, at 23]

I enjoyed reading your article and I think it should interest a lot of people. My only criticism is your concession to yellow journalism in your second sentence about the California coast “rapidly being sealed off from public access”. It's not as bad as all that. After all, you can drive along Highway 1 almost the entire length of the coast, and if you can't always clamber down to the coast it's mainly because the cliffs are too steep. Aside from this quibble...

M. A. Mattes, Attorney
San Francisco, California, USA.

Waste Oil

(Re: R. Tanguay, “Canada: Harmless Use of Waste Oil?”, EPL 2:1 at 15)

I noted with interest your piece about Canadian use of waste oil. Permit me to ask some questions:

1. Isn't it so that the EEC Directive does not prohibit “any processing of waste oil causing air pollution which exceeds the level prescribed by existing provisions”, it only requires that member nations take measures to ensure such a prohibition?
2. I understand that German law has recently been amended to increase the fees paid to support the fund and that further amendments are in the offing. What is the nature of these further amendments?

Will. A. Irwin, Environmental Law Institute, Washington, DC, USA.

1. Right. It requires that member countries prohibit this activity by laws in their respective countries. EEC directives are no way supranational legislation. Your point is well taken.
2. Right. The 1968 Waste Oil Law created the fund which was supported by a compensation tax of 7.50 DM per 100 kilograms of fresh oil paid by importers and producers. An amendment of 4 May 1976 hiked the compensation tax to 9 DM per 100 kilograms. A further amendment, aimed at preventing the adulteration of recycled oil, is in the works. [Ed.] □