

Pollution. MINORITY REPORT.

Inasmuch as the introduction of poisonous or otherwise destructive substances or forms of energy into an individual's person or property, in sufficient amounts to cause physical damage or discomfort, is a violation of his rights, we advocate legislation against any such action. We advocate the development of objective, scientifically-based legal standards defining the amount of a particular kind of such substance or energy which, when released beyond the boundaries of their property or persons, would constitute a violation by persons or groups so doing. We further advocate implementation of a clear legal framework for defining individual property rights in the use of air and water, since ambiguities concerning these rights (e.g. such concepts as "public property") are a primary cause of the present environmental deterioration now facing us.

We stress, however, that persons and groups who would be required by such standards and legislation to significantly alter their actions or enterprises in this respect, should be given a sufficient warning and date before the imposition of such laws and standards, which should be commensurate with the decontrol of investment resources and operations necessary to cover the costs and adjustments required. We thus strenuously oppose all attempts to transform protection against pollution into restrictions of the rights of liberty and property in spheres of production, advancement of technology and industry, etc. We also stress that, as in the case of most other criminal charges, it is up to the injured party or parties to bring court action against the accused. We therefore oppose administrative enforcement agencies in this area, such as the Environmental Protection Agency.

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