

Opinion: Make polluters, not taxpayers, responsible for the damage

By Steve Kubby

The first thing you and I have to do, if we really want to clean up our planet, is identify the biggest polluters. Who is the biggest polluter in our country today? Unfortunately, it is the U.S. government.

How, then, can our government claim to protect you and me from pollution when, in fact, they are the worst polluter?

For example, examine the environmental record of the military. In 1991, Pentagon spokesperson Kevin Doxey told the National Academy of Science, "We have found some 17,400 contaminated sites at 1,850 installations, not including formerly used sites."



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He was referring to toxic solvents used to de-ice military planes, byproducts from the manufacture of nerve gas and mustard gas, and radioactive waste. Back in 1988, the Energy Department estimated that it would take 50 years and \$100 billion to clean up just 17 of these sites.

You cannot expect the country's greatest polluter to protect you. Instead of guaranteeing your right to a hazard-free

environment, government sets acceptable standards for pollution. The time has come to embrace strict liability, private property, and the principle of trespass to protect you and me from polluters.

Liability is a key element of any policy to clean up our environment. It means that those who pollute our air, land or water will be held accountable for their damage. Unfortunately, politicians conspire in pork barrel dealings to waive liability for many polluters.

For example, in the late 1950s, private insurance companies would not insure nuclear power plants. The insurance companies felt that the huge risk of a possible nuclear accident was unacceptable. Without insurance, power companies refused to consider nuclear power. Leave it to the politicians and some well placed influence peeling to change that. Congress passed the Price Anderson Act.

That law limited the amount of money victims could claim in case of nuclear accident. The law also specified that 80 percent of the cash damages would come from taxpayers, not the people or companies that caused the damage. Once the law was passed, nuclear power proliferated, because they wouldn't have to be so careful with taxpayers assuming most of the risk. Instead of protecting your rights and mine, the government sided with special interests.

Private property rights are equally important in protecting the environment. A long time ago, the British learned how to prevent pollution of their rivers. Fishing rights in British streams and rivers are considered private property that can be bought and sold. During the last century, angry owners routinely hauled polluters into court and forced them to clean up any damage they caused. Every owner became an environmental protector because each can profit from nurturing the environment.

Before government intruded, shrimp fishermen in the Gulf of Mexico claimed parts of the gulf as their property. They used the time-honored practice of homesteading. They formed a voluntary association to keep the waters productive and to avoid over-fishing.

Private ownership also encourages preservation of endangered species. Compare the elephant herds in Zimbabwe and Kenya. In Zimbabwe, homesteading claims of natives to are respected and include elephants on their land. Elephants and their products are freely bought and sold. The people have a strong incentive to raise as many elephants as possible to improve their own lives. They have the incentive to report and convict unscrupulous poachers. As a result of this policy, the Zimbabwe elephant herd increased from 30,000 to 43,000 over the past ten years. On the other hand, the Kenyan government built their elephant protection plan along the lines of U.S. government policies. During the exact same period that elephants prospered in Zimbabwe, Kenya's herd shrank by 67 percent.

Here in America, we see huge tracts of federal forests clear cut and left desolate. Yet this doesn't happen to land owned by paper companies and lumber interests. They replant their land and tend it with care. Why? Barren land is a liability for a profit-oriented company. Yet when politics enter the picture, you and I see bidding wars as unscrupulous politicians and business interests go in and ravage public forests.

Private ownership does not mean it has to be corporate commercial land. Nonprofit groups like Ducks Unlimited and the Nature Conservancy are excellent examples of groups that acquire land to nurture delicate ecosystems. Whom would you trust more to protect our redwoods and coastal fauna, ecologists or politicians? We urgently need to encourage more private ownership by caring environmentalists, so that our precious resources are not subject to the whim of politicians

voting late in the night. It's sad to know that the top environmental lobbies spent more than \$1 billion on politics last year. Imagine how much land and water could have been protected if they had simply bought the resources and cared for them.

Trespass is a simple, age-old principle designed to protect your rights. If your neighbor does anything to pollute the air you breathe, the water you drink or the land you own, they have committed an act of aggression that must be stopped. Then they must be held liable to correct the damage they have done. Under current policy, if a simple majority says some pollution is acceptable, you have no say in the matter. Nobody should be allowed to trespass against you, even if all your other neighbors tolerate such a violation.

The bottom line is that we must make polluters pay for the damage they cause. Not you and me and other taxpayers. The polluter.

If somebody pollutes or destroys that piece of the earth owned by another, the polluter has to restore that property. In practice, this would be so expensive that a polluter could be bankrupted by his or her own carelessness. To make sure that this policy would work effectively, corporate officers have to be held personally responsible for deliberate acts of pollution. They cannot hide their bad acts behind a corporate curtain. When we make polluters, not taxpayers, responsible for the damage they do, the profit will be gone from pollution.

Steve Kubby is a resident of South Lake Tahoe.