

# Environmental Defense Fund Incorporated

BROOKHAVEN, NEW YORK 11719

Environmental degradation is the way of our time. The steady erosion in the quality of our environment is clearly evidenced by the pollution of our waters, air, and land with a host of waste materials, increased noise levels, destruction of natural habitat, and the unbalancing of our wildlife communities. But diminished environmental quality is a little like the weather — everybody talks about it, but they feel that little can be done about it.

But something *must* be done about it. It is more profitable to dump wastes into a river, or noxious fumes into the air, or to saw down the tallest virgin timber — but only for the spoiler. It is most unprofitable, however, for the general public — the rest of us who pay the cost in the form of a degraded environment.

The offenders are not just a handful of fly-by-night operators. To the contrary, they are usually highly respected and include some of the largest private and public enterprises. They wield enormous economic and political power. The pressures they exert explain why it is so very difficult to take effective action through legislative or administrative channels. This works to the detriment of environmental quality, and adversely affects the quality of human life.

It need not be that way. The solutions for most man-made environmental problems are already known to modern science; the problem is to implement them. Where legislative and administrative remedies have failed, the third branch of our government — the Judicial — remains open, and generally unutilized for environmental problems. The courts offer a fair and impartial forum largely free of political and economic pressure from vested interests. Courts also have the power to enforce decisions reached after careful deliberation.

The ENVIRONMENTAL DEFENSE FUND (EDF) is a non-profit, public-benefit organization of scientists and other citizens dedicated to the protection of environmental quality. EDF will take whatever legal action is necessary to protect the environment where more conventional legislative or administrative approaches have failed. EDF intends to establish in the

courts a body of common law under which the general public can assert its constitutional right to a viable, clean and healthy environment.

EDF translates modern scientific knowledge into responsible public policy, serving as the legal action arm of environmental scientists. In resorting to the courts EDF is not without precedent. The courts offer rational men the opportunity to present both sides of a controversy through direct and cross-examination, with clearly defined rules of evidence equally applicable to both sides, for fair and impartial judgment. Today, Courts of Equity are not generally called upon to protect the environment, yet they represent the best hope for action where legislative and administrative procedures have failed.

EDF does not accept private damage suits of any kind. Rather its legal actions are brought on broad ecological grounds asserting the fundamental, constitutional rights of all the people to an environment undiminished in quality.

Contamination with chlorinated hydrocarbon insecticides has become one of the world's most serious pollution problems, and EDF's initial actions attacked this issue. Suit was brought in Michigan to prevent the application of dieldrin and DDT under circumstances where environmental damage was clearly indicated.

That litigation, and the events that followed it, resulted in substantial changes in pesticide policies within Michigan. The action clearly demonstrated the effectiveness of the EDF method. EDF is concerned with many diverse environmental problems, however, and does not restrict its activities to pesticides.

EDF was incorporated on 17 October 1967. Policy is set by a Board of Trustees composed of scientists, distinguished citizens and counsel. Its Scientists Advisory Committee evaluates the scientific merits of any legal action contemplated by EDF. Action is only taken where EDF finds broad support for its position within the scientific community. EDF also has a Legal Advisory Committee that considers the legal implications of any proposed action.

No EDF Trustee, including its legal counsel, receives any fees for services rendered, although EDF covers expenses incurred on official business. Finances are handled by an independent Certified Public Accounting firm, and tax exempt status is pending. All Trustees hold full time positions outside EDF. In order to expand its activities EDF must increase its staff, and funds are solicited for this purpose.

The ENVIRONMENTAL DEFENSE FUND is committed to use the courts for the protection of the environment by incorporating modern science into public policy. The courts offer a remedy where all else has failed. EDF needs your support.