CHICAGO, ILL.
SUBURBANITE
ECONOMIST
WEST EDITION
TW. 26,360

SEP 13 1978

# Time to clearly establish basic environment rights

In a suit seeking to halt contamination of Lake Michigan, Attorney General William Scott asks the court to uphold the principle that "people have a fundamental right to eat uncontaminated food."

In this instance the argument applies to action against the Outboard Marine Corp. over discharge of PCBs from its Waukegan facility into Lake Michigan.

Scott noted that Lake Michigan fish, including trout and salmon, have been found to contain high levels of PCBs, well over five parts per million, an amount considered unsafe for human consumption by the U. S. Food and Drug Administration.

We are glad to see Attorney General Scott make the argument that "people have a fundamental right to eat uncontaminated food."

It is a contention that can be put forward in almost every issue involving the environment.

Surely people have the right to breathe clean air (air pollution suits), the right to enjoy quiet in their own homes and yards (overpowering noise from airplanes), the right to have their property unmolested from damage from man-made explosions (shock waves from quarry dynamiting, for example), and, in general, the right to live peaceably in their homes without outside interference.

We say "surely people have these rights," and we believe the vast majority would agree — perhaps even consider the point so obvious that it hardly needs be raised. Yet that is not the case. Courts have not always seen the issue so clear cut.

If it were Attorney General Scott would not be undertaking expensive and lengthy litigation in the case cited here involving contamination of Lake Michigan fish. Airplane noise — and now the Concord controversy — would not be a continuing annoyance. Courts would not continue to entertain the argument that one who owns a quarry may continue to exploit the land, regardless of its effect on adjoining property, because the quarry "was there first."

We hope the courts will take note of Scott's "fundamental right" argument and address itself to this question. If so, it might make future cases a lot simpler and avoid many of the complications that now cause environmental issues to drag on for years to the detriment of the public.

Or do we need another "bill of rights," adopted as a constitutional amendment, to clearly establish these "fundamental rights?"

MONS 011138