# Here, a summons; there, a conference

## Three Midwestern states—Illinois, Iowa and Missouri—are next-door neighbors, but they're poles apart in their approaches to control of industrial pollution

In Illinois this week, state and federal officials are teaming up to investigate and prosecute a number of industrial companies that are already carrying out waste-treatment measures.

But in Iowa, just across the Mississippi River, state officials have been resisting federal demands for a more stringent antipollution code.

In Missouri, the official pollution abatement policy is somewhat stricter than Iowa's but much less belligerent than that of Illinois.

The contrast in the pollution control programs of these three neighboring Midwestern states appears to support two generalizations:

(1) There's still a great diversity in state antipollution regulations, although some observers think they detect a gradual trend toward uniformity.

(2) States that are more heavily industrialized tend to have more rigorous pollution control laws.

So it is that in Illinois, which ranks fourth among the 50 states in industrial activity, the approved one-year limit on the atmosphere's sulfur dioxide content in air-quality regions is a geometric mean of 0.015 parts per million; Missouri, which ranks 14th in value added by manufacture, has proposed a slightly more tolerant one-year standard, an arithmetic mean of 0.020 ppm.; and Iowa, ranking only 24th in manufacturing operations and eager to attract more industrial plants, has not got around to proposing such a standard.

**Quick on the Trigger:** Even better illustrating the different attitudes toward industrial pollution in these three contiguous states are the procedures they have adopted to bring any wayward manufacturing plant into compliance with state regulations.

The Illinois legislature last year gave the state's attorney general—boyish-looking, soft-spoken William Scott—authority to prosecute suspected polluters in every county and municipality; and he has been applying this authority zealously. In the half-year since he was empowered to castigate polluters, he has filed about 30 lawsuits against steel companies, auto makers, chemical producers, petroleum refiners and other industrial concerns.

Scott's policy: sue first, negotiate later. "Conferences have dragged on for years without solving anything," he declares. "And if a polluter fails to comply with the conference recommendations, you have to take him to court anyway. Why not do it in the first place?"

**Seeking Agreement:** Conversely, in Iowa and Missouri, pollution control agencies are required to follow an enforcement policy of talk first, litigate later, if necessary.

Harvey Shell, acting director of Missouri's Air Conservation Commission, tells *CW* that when he receives a complaint about fumes from a factory, the first step is for the commission to send the plant manager a warning letter, asking that he correct the condition that gave rise to the complaint. If the plant manager feels that the action is not warranted, he has 30 days in which to appeal. The commission can then ask the state's attorney general to seek a temporary restraining order against the alleged polluter; and if the issue remains in dispute, the court can hold hearings on a request for an injunction.

"But," Shell emphasizes, "the commission has been very successful in solving pollution problems at the staff and commission levels without going to court. Most people and most industries are law-abiding, and therefore we have taken court action only as a last resort."

**Due Process, Plus:** Iowa's procedure seems to offer industry even greater opportunity to settle pollution hassles out of court. When the Iowa Water Pollution Control Commission receives a complaint (usually from a city or other local official), the commission asks the state department of health to conduct an investigation. If the plant is found to be causing pollution, the commission notifies the offender and enters into informal negotiations, according to R.J. Schleikelman, technical secretary to the commission.

Usually, Schleikelman says, the commission and the plant management agree on a schedule for construction or installation of suitable pollution control equipment, and they sign a consent order spelling out their agreement.

If the informal negotiations do not lead to an agreement—and Schleikelman says this has happened only three times in about 150 cases—the commission can hold a public hearing and then direct that certain measures be taken within a specified time. The company

Scott, of Illinois: 'A conference can drag on for years—why not take polluter to court?'

Shell, of Missouri: 'We handle pollution at the staff level, use court as a last resort.'

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would have 30 days in which to appeal that order to a state district court; and the commission would then ask the state's attorney general to try to persuade the court to enforce the order.

**Range of Reactions:** As might be expected, industry is distressed at Scott's slashing onslaught in Illinois, noncommittal about the even-handed approach in Missouri, tersely approving of Iowa's "Come, let us reason together" policy.

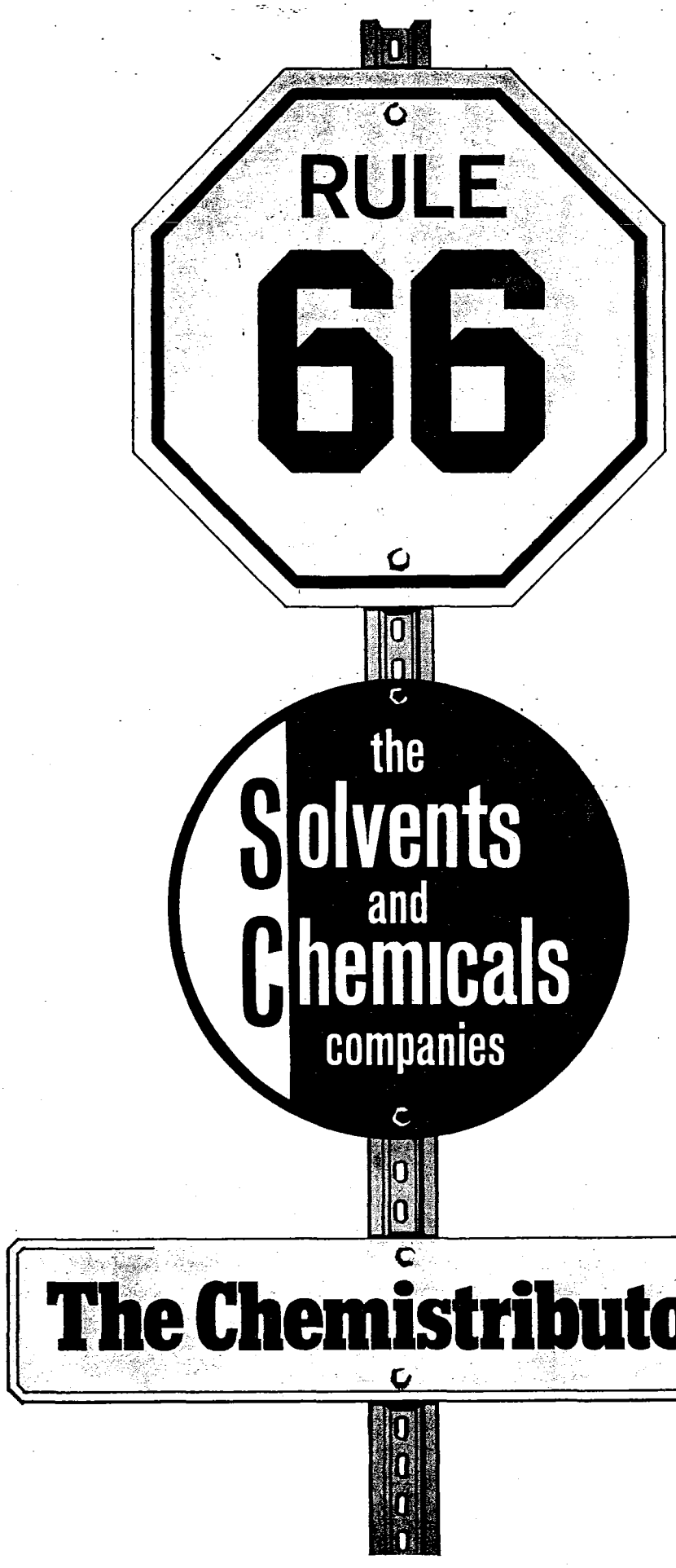
At the start of Scott's crusade, some industrialists shared the hopefulness felt by the Illinois press and public that at last something would be done to alleviate pollution in the Prairie State. In recent months, however, there have been rumblings of discontent from industry leaders.

"We don't question Scott's sincerity in this matter," says Orville Bergren, secretary of the Illinois Manufacturers Assn. "All we question is his method."

Particularly irate is Edward Logelin, Midwest vice-president of U.S. Steel Co., whose big plant on Chicago's South Side has been under an order to install certain pollution abatement equipment. After one suit against U.S. Steel had been filed by Chicago's Metropolitan Sanitary District, Scott filed another. Logelin says the plant actually is ahead of schedule with a $17-million water control program slated for completion in Dec. '70; and he asserts that the company is the victim of harassment, conflicting interpretations and irresponsible statements by governmental agencies.

In Iowa, a completely different reaction is expressed by Charles Thurman, manager of Monsanto's ammonia and herbicides plant at Muscatine. Says he: "The Iowa Pollution Control Commission has always been very reasonable on pollution abatement problems. We have worked with them for many years and trust their judgment on these problems."

Many people feel that the calm and reasonable approach is more effective than the aggressive tactics being tried in Illinois; but Scott feels that negotiating is too often used simply to cover up foot-dragging. His forceful methods have attracted the attention of militant conservationists in other states, and they can be expected to beat the drum for the idea that the way to improve the environment quickly and cheaply is to "get pollution out of the conference room and into the court room" END

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