

# Current Comments

## The Natural Resources Defense Council, Inc.: Scientists and Lawyers Go to Court in Defense of the Environment

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My good friend Ted Benfey reminds us that scientists have a tradition of social responsibility that dates back to the Middle Ages.<sup>1</sup> And today, thousands of them participate in organizations concerned about the social ramifications of science and technology. Recently, I have discussed a few such organizations.<sup>2,3</sup> By publicizing these groups, I hope to demonstrate my own belief that science should not and cannot operate in a vacuum.

One of society's major concerns today is the environment. Ironically, though many scientists were among the first to call attention to the problems of "ecology," today the ever cyclical credibility of scientists is at a new low point, primarily because of the Three Mile Island accident. While that lack of credibility hurts the funding of basic research, the public nevertheless still turns to science for the solution to environmental problems. In seeking help, however, there is much confusion because of the multiplicity of environmental groups in existence today. There are so many of them that it is difficult to keep track of how they differ from one another.

But recently, my attention was drawn to a group called the Natural Resources Defense Council, Inc. (NRDC). As it happens, NRDC alone among environmental groups is incorporated as a non-profit, public interest law firm. The NRDC is devoted exclusively to using the legal process in defense of the en-

vironment. Other environmental groups do, of course, become involved in environmental litigation. But NRDC differs from most groups in that litigation and the monitoring of federal agencies in matters affecting the environment are its sole concerns.

The NRDC has its roots in the Storm King Mountain controversy. In 1962, the Consolidated Edison Company of New York announced plans to build a non-nuclear power plant at Storm King Mountain on the Hudson River, about 40 miles from New York City. The proposal met resistance from people who owned vacation homes in the area. They charged that the power plant, with its accompanying transmission lines, would spoil the natural beauty of the region. They formed the Scenic Hudson Preservation Conference and pleaded their case before a variety of governmental agencies and the courts. Through continuous litigation, the Scenic Hudson group managed to block construction of the plant for 15 years. Con Ed finally dropped the proposal. By the time the matter was settled, it had become a national issue.<sup>4</sup>

A group of ecology-minded lawyers from New York involved in the Storm King dispute were encouraged by their success. In 1969, they applied to the Ford Foundation for a grant to establish a public interest law firm concerned exclusively with environmental causes. This group included Stephen P. Duggan, who is now chairman of NRDC's

Board of Trustees. At about the same time the New York lawyers applied for their grant, the Ford Foundation received a similar request from a group of Yale law students. At the behest of the Foundation, the two groups merged, a grant was given, and in 1970 the NRDC was born.<sup>5</sup>

Today, the NRDC maintains a full-time, salaried staff of 23 attorneys, five scientists, and 14 professional ecologists called "resource specialists." The group has an office at 122 East 42nd Street, New York, NY 10017. NRDC also has offices in Washington and San Francisco. NRDC staff attorneys specialize in particular areas of environmental law. They are advised on technical matters by staff scientists and resource specialists. Thus, NRDC can bring considerable legal and technical expertise to bear in each of the cases it undertakes.<sup>5</sup>

NRDC policy is made by its 32-member Board of Trustees, which meets six times a year. Most of the Board members are attorneys or scientists. The legal committee of the Board makes the final decisions on which suits NRDC will bring to court. A six-member executive committee makes other decisions if the full Board is not in session.

The activities of NRDC are partially supported by contributions from its 46,000 members. Other support comes from foundations and a few private corporations, including ISI<sup>®</sup>. Contributing members receive the *NRDC Newsletter*. The *Newsletter*, published five times a year, presents brief accounts of the Council's activities. It also contains a full-length article on a particular topic. One issue, for example, was devoted to forestry practices in the US.<sup>6</sup> Other *Newsletters* have been concerned with such topics as fine-particle air pollution<sup>7</sup> and coastal ecology.<sup>8</sup> Members who contribute \$15 or more also receive a new quarterly magazine, *Amicus*. The first issue of *Amicus* appeared this past

summer. It contained a variety of features including book reviews, poetry, and articles such as Anthony Roisman's piece on nuclear power.<sup>9</sup>

Most of the litigation pursued by NRDC concerns the application of the National Environmental Policy Act of 1969 (NEPA). This federal law requires the preparation of an environmental impact statement for all projects that receive federal funds.<sup>5</sup> Some federal agencies were at first reluctant to implement NEPA. For example, NRDC had to seek a court order requiring the Federal Maritime Administration to submit an environmental impact statement concerning its subsidy program for the construction of giant oil tankers.<sup>5</sup>

Of course, the government is itself concerned with controlling pollution. To this end, President Nixon in 1970 issued the directive that established the Environmental Protection Agency (EPA). The EPA sets limits on the amount of pollutants that may be released into the environment. It is authorized to bring legal action against those who violate EPA standards. Yet NRDC and other groups still find it necessary to intervene in the regulatory process. They recognize that the EPA comes under enormous pressures from various industries. The steel industry, for example, wants the EPA to soften some of its anti-pollution regulations.<sup>10</sup> The industry claims that compliance with those regulations would result in closed plants and lost jobs. The NRDC attempts to balance industry's input into the regulatory process by insuring that environmental concerns get a fair hearing before the EPA and other federal agencies.

In 1972, NRDC brought suit in what may be *the* landmark case regarding the legal interpretation of NEPA.<sup>11</sup> (p. 23) In *NRDC vs. Morton*, NRDC sought to block the leasing of Louisiana off-shore drilling sites to oil companies. NRDC charged that the environmental impact

statement prepared by the Department of the Interior was inadequate because it failed to consider all alternatives to off-shore drilling. The court ruled that impact statements must consider all alternatives to federal projects, even if those alternatives are not within the jurisdiction of the federal agency preparing the statement. The decision was a major victory for NRDC.<sup>12</sup>

Since its inception, NRDC has become involved in a wide variety of issues, including the question of genetic engineering research. The National Institutes of Health (NIH) has formulated guidelines for the conduct of such research. However, these guidelines are binding only on those institutions that receive grants from NIH. In 1976 NRDC, in cooperation with the Environmental Defense Fund, petitioned the Department of Health, Education, and Welfare (HEW) to make those guidelines binding on all parties pursuing genetic engineering research.<sup>11</sup> (p. 42) HEW, however, did not act on the petition.

NRDC is also active within the international community. The United Nations (UN) recognizes the group as a "non-governmental organization (NGO) with consultative status." This designation gives the NRDC access to the UN floor and allows it to participate on UN committees. Last August in Vienna, the UN held its Conference on Science and

Technology for World Development. An NRDC staff scientist, Kareem Ahmed, chaired a parallel NGO conference, also in Vienna. The NGO conference erected an ECO-village in the city's Prater Park to demonstrate low-cost development technologies using solar and wind energy.<sup>13</sup>

NRDC often teams up with other environmental groups on specific projects. For example, the Sierra Club and the Friends of the Earth were also represented at the NGO conference in Vienna. There are many different kinds of environmental groups. There are so many of them that only the largest, in terms of membership, can be mentioned here. Some are strictly professional or scientific in nature. Others exist solely to disseminate information to the public. One group which I recently described, the Scientists' Institute for Public Information,<sup>3</sup> although not strictly an environmental organization, publishes the magazine *Environment* in cooperation with the Helen Dwight Reed Educational Foundation. (*Environment* is covered in *Current Contents®/Agriculture, Biology & Environmental Sciences* and *Current Contents/Social & Behavioral Sciences*.) Figure 1 lists some important mass membership, professional, and information-oriented environmental groups. Groups with strictly local interests, such as those formed to protect a specific river, are omitted.

**Figure 1:** A list of selected environmental groups. Governmental bodies, quasi-governmental bodies, and groups with a narrow field of interest are omitted. Groups whose interests center on a specific locale are omitted unless mentioned in text. List is compiled from *Encyclopedia of Associations* (Yakes N & Akey D, eds.). Detroit, MI: Gale Research Co., 1979. 3 vols. and information provided by some of the groups.

**Part 1:** General membership groups. These organizations may ask for contributions from membership to support activities.

Organization Name and Address	Year Founded	Membership	Purpose and Programs
American Forestry Association 1319 18th Street, NW Washington, DC 20036	1875	79,000	Citizen conservation organization. Seeks to promote public appreciation of natural resources. Conducts wilderness outings for membership. Makes legislative recommendations to the Congress.

Camp Fire Club of America 230 Camp Fire Road Chappaqua, NY 10514	1897	5,000	Organization of outdoors people. Seeks to promote wise use of natural resources. Maintains library on wildlife and conservation.
Concern, Inc. 2233 Wisconsin Avenue, NW Washington, DC 20007	1970	2,100	Seeks to educate the public on how environmentalism can be put to work in the home, community, and marketplace.
Council on Environmental Alternatives 355 Lexington Avenue 16th Floor New York, NY 10017	1971	1,000	Seeks to educate public on matters of energy conservation, health, and nutrition.
The Cousteau Society 777 Third Avenue New York, NY 10017	1973	110,000	Contributions of members help to support the work of Jacques Cousteau. Seeks to influence governments worldwide against policies that threaten marine environments. Publishes numerous books about the sea. Produces educational films about marine ecology.
Defenders of Wildlife 1244 19th Street, NW Washington, DC 20036	1925	36,000	Education and research to promote humane treatment of wildlife. Seeks to eliminate painful trapping of animals.
Elsa Wild Animal Appeal 5000 Lankershim Blvd. Suite 10 North Hollywood, CA 91607	1969	7,000	Named after the lioness in <i>Born Free</i> . Seeks to educate the public on the natural environment and to assist in establishing wildlife preserves.
Environmental Defense Fund 475 Park Avenue, South New York, NY 10016	1967	45,000	Scientists and lawyers who litigate on behalf of environmental causes. Litigation deals with aspects of environmentalism. Maintains 700 member scientists' advisory committee.
Friends of the Earth 124 Spear Street San Francisco, CA 94105	1967	20,000	Dedicated to the preservation and rational use of natural resources. Maintains Foundation which is devoted to public education and litigation. The Foundation has financed research on endangered species and has published numerous books and teachers' guides.
Izaak Walton League of America 1800 North Kent Street Arlington, VA 22209	1922	50,000	Works to educate public on soil, forest, and water conservation. "Adopt-a-Stream" program. Sponsors seminars and workshops to inform public on how to affect policy decisions. Sponsors outdoor workshops, fishing clinics, and hunting safety classes.
National Audubon Society 950 Third Avenue New York, NY 10022	1905	395,000	Public education in conservation. Sponsors summer ecology camps for teachers and youth. Maintains a force of wardens to patrol wildlife sanctuaries.

National Wildlife Federation 1412 16th Street, NW Washington, DC 20036	1936	3,500,000	A federation of individuals and organizations to encourage conservation of natural resources. Gives financial help to local conservation projects. Maintains library of conservation publications.
Natural Resources Defense Council 122 East 42nd Street New York, NY 10017	1970	46,000	Public interest law firm that undertakes litigation on behalf of the environment. Monitors federal agencies to insure compliance with environmental regulations.
The Nature Conservancy 1800 North Kent Street Suite 800 Arlington, VA 22209	1917	49,162	Individuals and corporations dedicated to the preservation of ecological diversity. Maintains Conservancy-owned preserves and makes them available to educational groups.
North American Habitat Preservation Society 709 Wire Building Washington, DC 20005	1968	13,482	Encourages preservation of natural habitats. Consults with builders and architects to prevent the spoilage of land. Publishes research papers.
Ranger Rick's Nature Club 1412 16th Street, NW Washington, DC 20036	1967	750,000	Children's division of the National Wildlife Federation.
Scenic Hudson Preservation Conference 475 Park Avenue, South New York, NY 10016	1963	21,000	Formed in response to a proposal to build a power plant on the upper Hudson River, this group is dedicated to preserving the upper Hudson and the highlands of the Hudson River valley.
Sierra Club 530 Bush Street San Francisco, CA 94108	1892	183,000	Actively campaigns to save environmentally threatened areas. Sponsors wilderness outings nationwide for its membership. Conducts cleanup and trail-maintenance trips in wilderness areas. The Sierra Club Legal Defense Fund litigates on behalf of the environment. Numerous publications on environmental topics.
Wilderness Society 1901 Pennsylvania Avenue, NW Washington, DC 20006	1935	70,000	Public education on how the wilderness may be preserved in the public interest.

**Part 2: Professional, scientific, and technical environmental organizations.**

<b>Organization Name and Address</b>	<b>Year Founded</b>	<b>Purpose and Programs</b>
Air Pollution Control Association P.O. Box 2861 Pittsburgh, PA 15230	1907	6,600 engineers, scientists, educators, and technicians in the field of air pollution control. Holds professional meetings, publishes a membership directory which includes a product guide and list of manufacturers in the air pollution control industry. Also publishes a directory of government pollution control agencies.
American Academy of Environmental Engineers P.O. Box 1278 Rockville, MD 20850	1955	1,500 environmentally oriented engineers. Academy certifies those with special knowledge of environmental engineering. Works with civic organizations on environmental projects. Affiliated with several groups including Air Pollution Control Association.

Association for Rational Environmental Alternatives 1023 East Shaw Pasadena, TX 77506	1975	103 environmentally oriented planners, engineers, architects, and attorneys concerned with non-governmental, alternative planning for urban and rural environments.
Association of Conservation Engineers c/o Aaron J. Lane Kansas Fish and Game Commission RR2, Box 54A Pratt, KS 67124	1961	Persons employed by, or retired from, government agencies concerned with conservation. Encourages practices which preserve wildlife and develops outdoor recreation facilities.
Ecological Society of America Library 3131 Evergreen State College Olympia, WA 98505	1915	5,700 scientists, educators, and professional ecologists work to stimulate and publish research on the interrelations of organisms and their environments. Conducts symposia. Publishes the journal <i>Ecology</i> covered in <i>Current Contents* Agriculture, Biology &amp; Environmental Sciences</i> .
Ecology Action Educational Institute P.O. Box 3895 Modesto, CA 95352	1969	Conducts ecological research. Plans elementary and secondary school programs. Published the textbook <i>What's Ecology?</i> and other educational materials.
Environmental Research Institute P.O. Box 156 Moose, WY 83012	1955	Scientists exploring the relationships between man and his environment. Among the Institute's activities is the satellite tracking of animal herds.
Environmental Studies Board National Academy of Science 2101 Constitution Avenue Washington, DC 20418	1969	Oversees National Academy of Science and National Academy of Engineering environmental quality studies.
The Institute of Ecology Holcomb Research Institute Butler University Indianapolis, IN 46208	1971	A federation of 35 university and research organizations headed by Thomas F. Malone. Concentrates on multi-disciplinary research that cannot be accomplished by individual groups. Not an advocacy organization.
International Association for the Advancement of Earth and Environmental Sciences Northeastern Illinois University Bryn Mawr at St. Louis Chicago, IL 60625	1972	Promotes interdisciplinary environmental studies. Encourages science education at all scholastic levels. Conducts symposia.
International Association on Water Pollution Research Chichester House 278 High Holborn London WC1, England	1965	National organizations, municipal authorities, government departments, and research institutes to promote the advancement of research into water pollution. Organizes international meetings and conferences.
Renewable Natural Resources Foundation 5400 Grosvenor Lane Washington, DC 20014	1972	Composed of professional organizations specializing in renewable natural resources. Promotes interdisciplinary research. Maintains 35-acre Renewable Natural Resources Center which demonstrates designs for a natural, working environment.
Resources for the Future 1755 Massachusetts Avenue, NW Washington, DC 20036	1952	Concerned with research and public education. Organization has three divisions: Center for Energy Policy Research, Quality of the Environment, Renewable Resources.

Scientific Committee on Problems of the Environment 51, Blvd. de Montmorency F-750 16 Paris, France	1969	Established to bring together scientists from all over the world to investigate man-made environmental changes.
US Environment and Resources Council 12415 Shelter Lane Bowie, MD 20715	1972	Nine professional organizations united to provide interdisciplinary exchange of environmental information.
Wildlife Society 7101 Wisconsin Avenue Suite 611 Washington, DC 20014	1936	Professional society of wildlife biologists and other ecologists interested in sound management of wildlife.

**Part 3: Organizations whose purpose is primarily the dissemination of environmental information.**

Ecology Center 2701 College Avenue Berkeley, CA 94705	1969	International Institute for Environment and Development 1302 18th Street, NW Suite 501 Washington, DC 20036	1971
Committee for Environmental Information 6267 Delmar Blvd. St. Louis, MO 63130	1958	Rachel Carson Trust for the Living Environment 8940 Jones Mill Road Washington, DC 20015	1965
Inform 25 Broad Street New York, NY 10004	1973		

**Part 4: Other environmental groups.**

Organization Name and Address	Year Founded	Purpose and Programs
Alliance for Environmental Education 1619 Massachusetts Avenue, NW Washington, DC 20036	1972	Umbrella organization for 31 national organizations with a combined membership of over 15 million. Purpose is to promote environmental education and to coordinate educational activities among member organizations.
America the Beautiful Fund 219 Shoreham Bldg. Washington, DC 20005	1965	Gives technical support and grants to community groups initiating local projects to improve the quality of the environment.
Coast Alliance 1346 Connecticut Avenue, NW Room 723 Washington, DC 20036	1979	A coalition of environmental groups who have proclaimed 1980 as the Year of the Coast. Plans for 1980 include an education and mobilization campaign to save America's coasts, a review of federal policies as they apply to coastal environment, litigation to prevent coastal degradation, proposals for legislation.
Conservation Foundation 1717 Massachusetts Avenue, NW Washington, DC 20036	1948	Communicates with opinion leaders in the US and abroad to encourage wise management of the earth's resources. Conducts research into urban growth, energy conservation, coastal zone management, and toxic substances control.
Conservation and Research Foundation Box 1445 Connecticut College New London, CT 06320	1953	Makes grants to promote biological research and to promote conservation.

Environic Foundation International P.O. Box 88 Notre Dame, IN 46556	1970	International membership includes persons from the US, Cuba, Canada, England, and Japan. Main purpose of the foundation is to develop educational programs and conduct research into practical designs (architecture, planning, etc.).
Environmental Policy Center 317 Pennsylvania Avenue, SE Washington, DC 20003	1972	Public interest lobbyists. Lobbys on all environmental issues, including energy, air pollution, water pollution, and strip mining.
International Association for Pollution Control 1625 I Street, NW Suite 906 Washington, DC 20006	1970	Individuals, institutions, and corporations interested in pollution control. Goal is control of pollution through coordination of a concerned public, business community, and government.
International Union for Conservation of Nature and Natural Resources CH-1110 Morges, Switzerland	1948	A conservation group composed of 398 national and international organizations in 98 countries. Cooperates with such political bodies as the UN, Organization of African Unity, Organization of American States, etc.
North American Wildlife Foundation 709 Wire Building Washington, DC 20005	1911	Provides financial support for systematic investigations into conservation techniques. Owns the Delta Waterfowl Research Station in Manitoba, Canada.
Wildlife Preservation Trust International 34th & Girard Avenues Philadelphia, PA 19103	1971	Provides support for the capture and breeding of rare species to save them from extinction. Breeding projects have involved animals from North America, Asia, and Africa.

Many people feel that the Storm King Mountain controversy was the starting point for the environmental movement.<sup>4</sup> They would be surprised to know that the Ecological Society of America has been publishing the journal *Ecology* since 1920. (*Ecology* is covered in *Current Contents/Agriculture, Biology & Environmental Sciences*.) The Ecological Society was formed in 1915, and some environmental groups are even older. The 183,000 member Sierra Club, for example, was founded by John Muir in 1892. Today, the Sierra Club sponsors wilderness outings for its members, publishes educational material, and holds a biennial Wilderness Conference. The affiliated Sierra Club Foundation lobbies on behalf of environmental causes.

Another environmental group that has been around for a long while is the Izaak Walton League of America. The League was founded in 1922 by sportsmen concerned about the effects of water pollution upon the population of

the nation's sport fish. Today, the League numbers 50,000 members and engages in activities similar to those of the Sierra Club. One novel program offered by the Izaak Walton League allows people to "adopt" a stream, or a portion of a stream. It is then their personal responsibility to clean up and maintain the banks of their respective streams.

These older environmental groups were joined by a host of new ones after Storm King Mountain. The Friends of the Earth, for example, was formed in 1967 and now has about 20,000 members. Friends of the Earth is primarily involved in publishing books and pamphlets on nature. The group, which calls itself a "special interest foundation," also maintains a staff in Washington that lobbies for environmental causes. Many show business personalities have become involved with Friends of the Earth. Its advisory staff includes John Denver, Paul Newman, Robert Redford, and Candice Bergen.

A still newer group is the Cousteau Society, which was formed in 1973. The Society today numbers 110,000 members. These members support the research of Jacques Cousteau and his famous ship, the *Calypso*. The Society involves itself in environmental issues worldwide. For example, the group claims direct responsibility for pressuring the Italian government into removing poisonous chemicals from a ship that had sunk in the Mediterranean.<sup>14</sup> The Society also publishes numerous books about the sea.

The UN is also involved in environmental affairs, particularly in third world countries. The United Nations Environmental Programme (UNEP), headquartered in Nairobi, Kenya, organizes international conferences to discuss large-scale environmental problems. These problems include pollution in the Persian Gulf, where oil wells and tanker traffic threaten the ecology. Another problem that concerns UNEP is the expansion of deserts into inhabited areas of the world. The recommendations of UNEP conferences are submitted to the UN General Assembly for consideration. UNEP also seeks to promote research into the impact of individual nations' development programs on the environment.<sup>15</sup>

There is one environmental group that closely resembles NRDC. The non-profit Environmental Defense Fund, founded in 1967, also employs a team of scientists and lawyers to wage environmental battles in the courts. The only real difference between the two groups appears to be one of emphasis. The Environmental Defense Fund has more scientists than lawyers on its staff and tends to stress scientific arguments in its cases. NRDC is more concerned with the legal end of things and is careful to select cases that will set precedents for the future.

An illustration of this subtle difference in emphasis is provided by the

recent controversy over the Tellico Dam project that threatened the habitat of the snail darter. NRDC became involved in the case because it felt that the Endangered Species Act was being undermined, a legal concern. The Environmental Defense Fund, on the other hand, entered the dispute because it felt that the dam would eradicate forever a certain species of fish, a scientific concern. However, the two groups only occasionally become involved in the same case. To avoid duplication of services, environmental issues are informally divided between them. Thus, NRDC is involved in the area of nuclear power, while the Environmental Defense Fund is not. The Environmental Defense Fund, on the other hand, litigates over the pesticide issue, an area that NRDC never entered.

Recently, NRDC has allied itself with several other groups in declaring 1980 as the Year of the Coast. Included among these other groups are the Sierra Club, the Izaak Walton League, and Friends of the Earth. The goal of the Coast Alliance, as this coalition is known, is to "achieve a...clearly defined and consistent national coast policy and to establish...a national coastal preservation system."<sup>16</sup> Legal and administrative action of the type NRDC has pursued so successfully will certainly be a part of the coming year's program to save the coast.

Some observers suggest that, on occasion, environmentalists do more harm than good. One author, writing in *Harper's*, argued that the failure to build the power plant at Storm King Mountain resulted directly in the series of blackouts that plagued New York in the summer of 1970.<sup>4</sup> More recently, an article in *Fortune* stated that in the area of noise pollution, environmentalists and their supporters in the government are engaging in expensive overkill. For example, many manufacturers of industrial machinery are being forced to make

costly design changes to reduce noise. But, argues the author, the same effect could be achieved by simply requiring operators of the machinery to wear inexpensive ear protection.<sup>17</sup> Although there does not seem to be an organized "anti-environmental" movement, manufacturers, industrialists, and others have at times banded together to fight environmentalists in the courts and in legislatures.

But despite criticisms of the environmental movement, America's ecological problems are very real. One tires of pointing to the accident at Three Mile Island, yet the damage to human life and property that might have resulted is staggering to contemplate. Off-shore oil spills do happen and they do threaten marine life. Toxic chemicals, illegally

disposed of, do find their way into human water supplies. The public interest must be represented against such dangers. In the great issues that pit "progress" against nature and human health, NRDC ensures that the natural environment will receive a fair hearing.

I suspect that most people who read *Current Contents* are sympathetic to the environmental movement. But there are many places in the world where starvation and other pressing human concerns do not allow one the "luxury" of environmental concern. But we can all hope that one day the problems of even third world countries will be solved—and it would be sad indeed if environmental issues were completely pushed aside only to haunt future generations for decades.

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