



Center for Justice & Democracy
90 Broad Street, Suite 401
New York, NY 10004
Tel: 212.267.2801
centerjd@centerjd.org
<http://centerjd.org>

**For Immediate Release
December 5, 2007**

**Contact: Joanne Doroshow or Amanda Melpolder
212-267-2801**

**CIVIL JUSTICE SYSTEM PROTECTING OUR ENVIRONMENTAL HEALTH:
NEW REPORT FROM THE CENTER FOR JUSTICE & DEMOCRACY**

New York, NY – For generations our government has been involved in controlling pollution and protecting the average person. According to the new report, *How the Civil Justice System Protects Environmental Health*, released today by the Center for Justice & Democracy (CJ&D) a nonprofit, nonpartisan consumer rights group – political forces can undermine the effectiveness of these laws or impair the regulatory system, which is why legal actions are so important.

“This report examines a variety of issues including why everyone should have the right to take action in court when the health and the welfare of their own communities are at stake, and polluters should be held accountable for the harm they cause to ordinary people,” said Joanne Doroshow, Executive Director of CJ&D. “It also addresses how minority communities disproportionately shoulder environmental burdens and often have very few remedies so laws that limit access to mass torts or class actions remedies erect yet another unfair barrier for these communities in their effort to achieve environmental justice.”

“The pollution that we have been creating is dramatically affecting our air, our water, our soil,” said Jesse Graham, Executive Director of Maine People’s Alliance, a grassroots organization fighting to prevent significant harm to human health and the environment. “Although there are regulations in place, standards are often not strict enough to prevent harm, and fines imposed for violations of laws in many instances are simply not high enough to force a company to stop harmful but financially lucrative conduct. And most of these laws do not provide a way for people to be compensated when they are harmed by pollution. Our civil justice system is critical to ensure a safe and clean environment.”

"Everyday private corporate interests violate environmental laws and government agencies fail to enforce those laws. This study shows the importance of defending the public's right to have access to the courts, both to protect the environment where government fails, and to help the ordinary people who are harmed by irresponsible

polluters," said Joan Mulhern, Senior Legislative Counsel at Earthjustice a national public-interest firm representing citizen groups, scientists, and others, in court to see that environmental laws are obeyed and enforced.

"Without the recourse of the court system, how many other options do communities, neighborhoods and families adversely impacted by harmful toxins and dangerous chemicals have when facing careless and less than cautious polluters?" said Lois Gibbs, founder of the Center for Health, Environment & Justice (CHEJ) and who fought successfully to organize and relocate over 900 families from the contaminated Love Canal, New York, which led to the federal Superfund Law. "As we approach the 30th anniversary of Love Canal in 2008, I am all the more reminded of the importance of not only community organizing and public education regarding human and environmental harm prevention, but I cannot envision an America that does not give our citizens the right to bring these issues before a court of law. To not have this option is un-American."

Report author Amy Widman said, "Courts provide a level playing field for those that are harmed by pollution and these cases are often well known and have far-reaching effects. Litigation forced asbestos companies to admit that they knew how harmful their product was to human health and stopped it from being used in ways that directly hurt people.

"However," said Widman, "certain corporations have lobbied government to limit or deny the right of ordinary people to take such action, and some rights under the civil justice system have already been impaired. Corporate efforts have forced limitations on mass torts and class actions, legal approaches especially suited to environmental harm. Corporations also lobby for immunity that simply lets them off the hook for environmental harm that they cause. Given how much is at stake, leaving environmental control solely in the hands of elected officials – who are too often affected by campaign contributions from powerful polluting industries – is unwise."

An example of how legal actions can provide protection when politically weakened regulations fail came last week when Maine's Attorney General G. Steven Rowe (D) joined 11 other Attorneys General in suing the Environmental Protection Agency for weakening regulations that required businesses to report the toxic chemicals they use, store and release.

A complete copy of *How the Civil Justice System Protects Environmental Health* can be found at the CJ&D website www.centerjd.org. Contact the Center for Justice & Democracy to request a hard copy or for additional information.

###

Center for Justice & Democracy is a tax-exempt, non-profit, non-partisan, public interest organization that works to educate the public about the importance of the civil justice system. CJ&D fights to protect the right to trial by jury and an independent judiciary for all. CJ&D is not tied to any business, political party, PAC or professional organization.