EDITORIAL

Recently, there has been almost daily newspaper coverage in the USA on the fate of the Environmental Protection Agency or the Department of the Interior. If all the criticism were coming from the opposition party, this would be understandable, but much of it is coming from the government side and two prominent republicans, both former chairmen of the President's Council on Environmental Quality — Russell Train, a former EPA administrator, and Russell Petersen, a former republican governor of Delaware, have added their fuel to the pile. The latter also welcomed the many fund-raising trips carried out of by James Watt, as this was one way "to get him off the job. He can do less harm raising money for Republicans than working in his office".

On April 13th, The New York Times reported that, according to the sworn testimony of six witnesses, Ms. Gorsuch "privately promised" that a small oil refinery would not be penalized if it violated Federal land standards. Environmentalists have repeatedly accused the Administrator of trying to weaken environmental protection laws, such as the Clean Air Act, and this was spectacular proof of the claim. The Agency is currently studying whether to lift, relax, or otherwise change the rules that limit lead content in petrol to 0.5 grammes per gallon for large refiners and 2.65 grammes for small refiners. (The company in question asked for a waiver to allow it to add 3.75 grammes per gallon.)

In connection with the possible changes to the Act, a new study by the Natural Resources Defense Council (NRDC) states that it has created 200,000 jobs and $ 21.4 billion worth of economic and health benefits annually, compared with annual compliance costs of $ 17 billion. The study, undertaken to refute claims by industry that compliance with the Act has hurt many companies, shows that, on the contrary, "the Clean Air Act has improved the American economy as well as the health of the American people".

Industry had also maintained that agreed standards would reduce output, but the study found that the reduction was only about 0.1 per cent per year. They also calculated that relaxing standards to allow a 30 per cent reduction in pollution control costs would have less than a 0.1 per cent impact on jobs, prices or output.

The Sierra Club and the NRDC have asked the US Court of Appeals to force EPA to rewrite recently issued regulations on tall smokestacks saying that the regulations are "inconsistent with the Clean Air Act". Critics charge that these stacks are a major cause of sulphur dioxide pollution — and the associated "acid rain" — in the East and Canada. (See also Environmental Policy and Law 8(1) (1982) pp. 28 and 29). In 1977 Congress prohibited stacks higher than "good engineering practice" and directed EPA to devise a formula to determine that.

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Events in the Falklands have focussed attention on the potential for conflict where mineral wealth is found on or under the sea-bed, in this case within the proposed economic zone, not to mention consequences on the Antarctic Continent itself.

In New York, extreme diplomacy is needed to prevent the Law of the Sea Conference from collapsing. The book of amendments presented by the Reagan administration (see Environmental Policy and Law 8(3) 1982 page 71), is still being rejected by Third World nations, in the face of the previous optimism shown by the US delegation. In order to bridge the gap between the five biggest industrial nations and the Third World countries, eleven smaller industrial nations have suggested a compromise solution, which while partly meeting the American wish to liberalize the planned sea-bed mining system, trys to avoid that Third World countries should feel jostled about.

Elliott Richardson — President Carter's chief negotiator in this field — has publicly suggested that some Reagan officials are less interested in getting a good treaty than in scuttling any treaty. However, even the mining companies now realize that they can gain more from the establishment of a legal and stable regime for the sea-bed — with its many faults — than from what one commentator has termed the "Klondike rush". The conference is due to end on the 30th April and at the moment of writing discussions are still underway. We plan to report on developments in the next issue. □

LETTER TO THE EDITOR

Dear Sir/Madam,

Re: **UNEP and the Progress of Environmental Law**

From October 28 to November 6 1981, at Montevideo, Uruguay, an Ad-Hoc Meeting of Senior Government Officials Expert in Environmental Law was organized by UNEP and hosted by the Uruguayan government. This was an inter-governmental meeting. Several NGO's were invited to attend as observers but only two were present – CIDAA, represented by myself, and ICEL.

Diplomatically speaking the meeting was a success, mainly due to the efforts, capacity of organization, and personal prestige of Ambassador Mateo Magariños de Mello, the "regisseur" of the host country's delegation. The Inter-American Commission on Environmental Law and Administration, CIDAA, I preside, detached me to said forum. The week before the Montevideo meeting, CIDAA organized in Buenos Aires, with UNEP's support, the first Inter-American Symposium on Environmental Law, to discuss the adoption of the "polluter-pays" principle in the Western Hemisphere. Some of the experts participants in the Montevideo encounter attended previously the Buenos Aires Symposium: Alexander Kiss, Jaro Mayda, M. Magariños de Mello, and myself. I presented to the Montevideo Meeting, without any echo, the conclusions of the Buenos Aires Symposium. In my speech in Montevideo I commented two main aspects of the meeting where I was speaking. I believe I am making a useful contribution to the progress of Environmental Law, giving wider diffusion through this letter to what I said then. My comments referred to two principal subjects:

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