

Lawyers Lag Behind Science

A crucial problem in the environmental crisis is the lack of communication between the sciences and the legal system, says a Michigan State University environmental law expert.

Dr. Leighton L. Leighty, assistant professor of resource development, says that scientists are far ahead of the law in finding answers to environmental problems.

"Some of the legal remedies for this sort of thing date back to William the Conqueror," he said. Dr. Leighty declared that Michigan's new environmental protection law, in a step forward, the Public Act 127 of the Public Act of 1970, allows citizens to sue those polluting the environment in Michigan. "Previously, to sue someone who was polluting a stream, you

had to show in court that you had personally suffered pecuniary damages from the pollution of that stream," said Dr. Leighty. "Now anyone can sue the polluter." But while he called Michigan's new environmental act "good legislation for the present," Dr. Leighty said, "this law only shifts the burden of decision from the Legislature to the courts."

Under the new law, he said, the courts will have to make the decision as to what actually constitutes impairment of natural resources.

If an individual sues a factory because it is dumping wastes in a stream, then a court must decide if in this particular incident of pollution a feasible alternative exists and if the factory's conduct is consistent

with the public health, safety and welfare.

The court might require the factory to install costly anti-pollution devices, close it down completely or take no action at all. "The courts aren't really equipped to do this," he said.

Dr. Leighty holds two law degrees and has recently been named to head a committee on forensics and environment.

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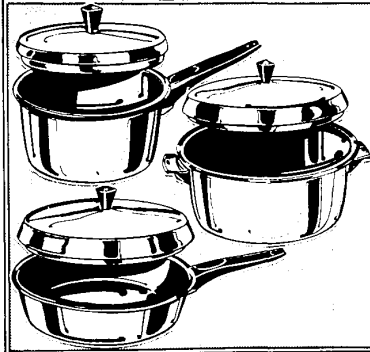
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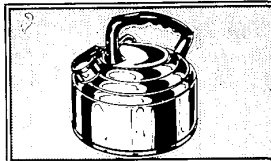
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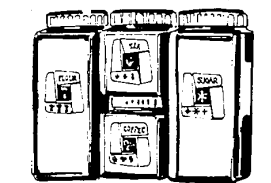


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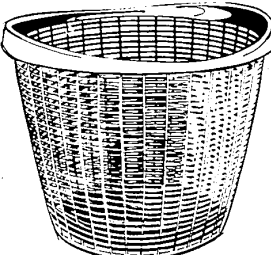


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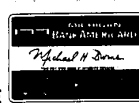
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