

Rachel Carson's impact on environmental law

Bobbi Weaver (baw@cwsl.edu)
Foreign & Int'l Law Reference Librarian
Ca. Western School of Law, San Diego, CA

Overview

- Carson's direct impact on environmental legislation in the U.S.
- Carson's influence on U.S. lawmakers
- Carson's influence on global regulation of hazardous chemicals
- New developments

Direct impact

- In June 1963, Rachel Carson testified before the U.S. Congress on 2 occasions.
- On June 4, she testified at the Senate Hearing on "Interagency Coordination of Environmental Hazards." [U.S. Sen. Hrg., Comm. Govt. Operations, 88th Cong., 1st Sess.; see pages 206-248]
- On June 6, she testified at a Senate Hearing considering S. 1250 and S. 1251, legislation dealing with the controlled use of pesticides and the impact on fish and wildlife.

Direct Impact: June 4, 1963

- In the introduction to the hearing, Senator Abraham Ribicoff noted—
“Miss Carson, on behalf of the committee, we certainly welcome you here. **You are the lady who started all this.** There is no question in the mind of any American today that we are dealing with a very serious complicated problem. There is a great void in the information.” [emphasis added]

Direct Impact: June 4, 1963

- Carson presented a statement outlining the environmental impact of uncontrolled pesticide use, followed by additional testimony responding to the questions of the committee. [See, pp. 206-248 of the Hearing]

Direct Impact: June 6, 1963

- Although S. 1250 and S. 1251 do not appear to have passed during this session of Congress, there was subsequent legislation regarding pesticide control.
- Pesticide research was addressed during the development of the National Environmental Policy Act of 1969, Pub. L. 91-190, codified at 42 U.S. C. §§ 4321, et seq..
- The Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92-516; codified at 7 U.S.C. §§ 136-136y) provides for control in the use of pesticides. This Act gave the EPA the authority to cancel the registration of DDT in 1972.

Influence on U.S. lawmakers

- In Aug. 1962, President Kennedy made reference to Carson's work & requested study on the effects of pesticide usage.
- The President's Scientific Advisory Committee (PSAC) published a report in May 1963, which criticized the actions of the pesticide industry and the control of pesticides by the federal government.
- SOURCE: McCormick, John. ***Reclaiming Paradise: The Global Environmental Movement.*** Bloomington, IN: Indiana Univ. Press, 1991. [p. 56]

Influence on U.S. Lawmakers: EPA

- In his article, "Birth of the EPA" [EPA Journal; Nov. 1985, available at <http://www.epa.gov/history/topics/epa/15c.htm>], Jack Lewis wrote:

"The official birthday of EPA is December 2, 1970. Like any other birth, EPA's needed progenitors, and a family tree stretching back for years. Surely no factor was more pivotal in the birth of EPA than decades of rampant and highly visible pollution. But pollution alone does not an agency make. Ideas are needed--better yet a whole world view--and many environmental ideas first crystallized in 1962.

That year saw the publication of Rachel Carson's *Silent Spring*, first in serial form in the *New Yorker* and then as a Houghton Mifflin best seller. This exhaustively researched, carefully reasoned, and beautifully written attack on the indiscriminate use of pesticides was not exactly light reading. Yet it attracted immediate attention and wound up causing a revolution in public opinion."

Influence on U.S. Lawmakers: EPA

- *Silent Spring* informed the general public on the dangers of environmental pollution, which in turn, incited the U.S. legislature to pass a series of environmental laws in the late 1960s and early 1970s.
- In 1969, National Environmental Policy Act (NEPA) was passed, calling for an advisory Council on Environmental Quality.
- In April 1970, the President's Commission on Executive Reorganization issued a report recommending the establishment of an independent federal agency to deal with environmental initiatives. Plan was submitted to Congress in July, and later that year, the EPA was created.

Global impact

- One year after its release, *Silent Spring* was published in 15 countries.
- By 1972, the book had been translated into 16 languages. [SOURCE: <http://www.nvas.org/snc/update.asp?UpdateID=27>]
- In addition to U.S. federal and state legislative response to the information in *Silent Spring*, foreign governments (eg. United Kingdom, Sweden, Denmark, and Hungary) also reacted by instituting pesticide registration procedures. [SOURCE: McCormick, *Reclaiming Paradise*, p. 56]

Global Impact: Stockholm Convention on Persistent Organic Pollutants [POP Convention]

- Text of the convention as well as ratification status (click on "Countries" tab) is available online at <http://chm.pops.int/>
- The U.S.A. has signed but not ratified the POP Convention. Canada and Mexico have both ratified the convention.
- Greenpeace, A guide and analysis to assist countries in implementing the Stockholm Convention on Persistent Organic Pollutants, <http://www.greenpeace.org/raw/content/international/press/reports/stockholm-convention-on-persis.pdf>

Global Impact

- In his analysis of the POP Convention when discussing the political setting of the development of the convention, Marco A. Olsen writes:
"With the increase of world trade in chemicals between the sixties and seventies, people in many countries were alerted by scientific reports being published about the risks of using hazardous pesticides. Popular awareness of this danger grew virtually overnight with the publication of Rachel Carson's *Silent Spring* in 1962, which helped to spark the postwar environmental movement."
--Marco A. Olsen, *Analysis of The Stockholm Convention on Persistent Organic Pollutants* (2003), at 43.

Global Impact

- Olsen cites to Rachel Carson's work in other parts of his analysis, including this comment in his concluding chapter:
"In 1962, Rachel Carson warned us of a spring that was falling silent as the birds disappeared, poisoned by the chemical substances used by farmers to control pests and fungal diseases."
--Marco A. Olsen, *Analysis of The Stockholm Convention on Persistent Organic Pollutants* (2003), at 121.

Global Impact


- The 2001 press kit for a POP conference stated—
"More than three decades ago, Rachel Carson's "Silent Spring" highlighted the risks of DDT and other pesticides by evoking the haunting image of a springtime without birds. The resulting media attention led to legal action by several countries to ban or severely restrict the use of DDT in the early 1970s. Governments moved to ban or restrict other chemical compounds as well in response to growing scientific evidence that they too were toxic to humans and animals."
(<http://www.pops.int/documents/press/infokit/en/Infokiten.htm>)

DDT and malaria

- In 2005, the World Health Organization (WHO) recommended the indoor spraying of DDT and other insecticides as a means of controlling malaria in affected countries (See, <http://www.who.int/malaria/docs/FAQonDDT.pdf>)
- Limited use of DDT for disease vector control is permitted under the POP Convention.
- At the time of Silent Spring, DDT was being used as an agricultural insecticide, being sprayed in large quantities outdoors where it could affect more wildlife.
- Rachel Carson never advocated for a ban of DDT, just regulated usage, and she cautioned about possible resistance to insecticides resulting from prolonged usage.


DDT and malaria

- According to a recent article in BNA's International Environment Daily (5/7/09), WHO has been researching alternatives to using DDT to combat malaria. Such alternatives, which have been shown to be successful in Mexico and Central America, include:
 - Eliminating potential breeding sites for mosquitoes
 - Fitting homes with mesh screens to prevent mosquito entry.
 - Planting trees that are mosquito-repellant
 - Breeding fish that eat mosquito larvae



Pesticides and Asthma

- Hoppin, et al. "Pesticides and Atopic and Nonatopic Asthma among Farm Women in the Agricultural Health Study," American Journal of Respiratory and Critical Care Medicine 177 (2008): 11-18 [abstract available at <http://ajrccm.atsjournals.org/cgi/content/abstract/177/1/11>]
- Lee, et al. "Asthma history, occupational exposure to pesticides and the risk of non-Hodgkin's lymphoma." Int'l J. Cancer 118 (June 15, 2008): 3174-3176, available at <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=1578637>
- A. Rajotie, "Asthma and pesticides in public schools: does the ADA provide a remedy where FIFRA fails to protect?" Boston College Environmental Affairs Law Review 31 (2004): 149-75 [draft available at http://www.bc.edu/schools/law/lawreviews/elements/journals/bcealr/31_1/05_TXT.htm]



Other new developments

- Robin Marantz Henig, "Scientists are closing in on an inescapable conclusion: pesticides may be a cause of Parkinson's Disease," On Earth 31 (Summer 2009): 48-53, available at <http://www.onearth.org/article/parkinsons-the-pesticide-link>--Article features interviews with a young victim of Parkinson's Disease who regularly handled agricultural chemicals as a teenager. Also discusses recent studies linking pesticide exposure and Parkinson-like symptoms.



In all these years, have we really learned?: The issue of anti-coagulant rodenticides and secondary poisoning

- California Democratic Party Convention 2007, Environmental Caucus Meeting: Speaker presented resolution for the party to support a ban on the use of anti-coagulant rodenticides due to secondary poisonings of pets and wildlife
- These rodenticides cause a slow death where the animal dies from internal bleeding. Death can take a few days during which time the rodent may be consumed by cats, dogs, raptors, and other wildlife.
- A publication in 1981 indicated that birds at the Philadelphia Zoo died or became ill after eating insects. The pesticide being used was Talon, which contains the anti-coagulant, brodifacoum. The same publication cited studies from the U.S. Fish and Wildlife Service that indicated owl deaths from eating rodents exposed to this chemical. [See, p. 4 of <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1088&context=icwdmprobe>]

Anti-coagulant rodenticides

- In 2007, San Francisco banned the outdoor use of anti-coagulant rodenticides [See p. 4, <http://www.sfenvironment.org/downloads/library/dreducedriskpesticideslist.pdf>]
- In 2008, EPA issued a decision limiting the use of these types of rodenticides, <http://www.epa.gov/fedrgstr/EPA-PEST/2008/June/Day-04/p12493.htm>
- Brodifacoum, one of the stronger anti-coagulants, is restricted to indoor use in the UK [See, <http://www.incc.gov.uk/PDF/comm07D13.pdf>]

Reviews & translations of Silent Spring

- Español [Primavera Silenciosa]: <http://www.terra.org/articulos/art00398.html> [Available for purchase from ABE Books (www.abebooks.com)]
- Italiano: http://www.lifegate.it/ambiente/articolo.php?id_articolo=1007 [Ebook available on Google Books (<http://books.google.com>) — Search for “**Primavera silenziosa**”]
- Français [Printemps Silencieux]: <http://pagesperso-orange.fr/fourmis.lenoir/Doc/fourmis/Especes/carson.html> [Available for purchase from ABE Books (www.abebooks.com) and Amazon France (www.amazon.fr)]
- Deutsch: [Search for “Der stumme Frühling”] See review on www.amazon.de. Book available for purchase on this web site & ABE Books (www.abebooks.com)

Further Reading--Books

- Carson, Rachel. *Silent Spring*. Boston: Houghton Mifflin, 1962.
- Lazarus, Richard J. *The Making of Environmental Law*. Chicago: University of Chicago Press, 2004.
- McCormick, John. *Reclaiming Paradise: The Global Environmental Movement*. Bloomington, IN: Indiana Univ. Press, 1991.
- Olsen, Marco A. *Analysis of the Stockholm Convention on Persistent Organic Pollutants*. Dobbs Ferry, NY: Oceana Publications, 2003.
- Murphy, *What a Book Can Do: The Publication and Reception of Silent Spring* (2005). [ISBN: 1558494766]— Author analyzes the effect of *Silent Spring* on the general public and the role of the media in its promotion.

Further reading--Web

- *Rachel Carson Council, Inc.* Web site at <http://www.rachelcarsoncouncil.org/>.
- Lewis, Jack. "The Birth of the EPA." *EPA Journal* (Nov. 1985), available at <http://www.epa.gov/history/topics/epa/15c.htm>
- Moreno, Fred. *Art and Ecology Since Silent Spring: Rachel Carson and the Book that Launched a Movement*. (Nov. 4, 2005), available at <http://www.nyas.org/snc/update.asp?UpdateID=27>
- *Stockholm Convention on Persistent Organic Pollutants* [POP Convention], available at <http://chm.pops.int/>
- World Health Organization, *Frequently Asked Questions on DDT Use for Disease Vector Control* (2005), available at <http://www.who.int/malaria/docs/FAQonDDT.pdf>
