

**Modern
Commentary**
דרש חדש

B. Rights of people to be healthy in relationship to economic interests:

An actual case of this sort came before Rabbi Yitzhak bar Sheshet ("Ribash"—one of the great halakhic authorities in Spain and later in North Africa in the early 14th century). This concerned a Jew in the city of Castile (let us call him Reuven) who complained that his neighbor (Shimon) engaged in weaving in such a manner that it caused the walls of Reuven's house to vibrate. In addition, Reuven submitted that his wife was ailing and the constant knocking gave her headaches. In his defense Shimon argued that for him to change his place of work would be prohibitively expensive and suggested instead that Reuven should buy his house. Rabbi Yitzhak decided in favor of Reuven: Whatever the cost, "a person is not permitted to save himself from injury by causing injury to his neighbor."
-Aryeh Carmell, *Challenge: Torah Views on Science and its Problems*, p. 503.

The damage caused to the townspeople by the vats used by the dyeing industry is extremely great and has to be considered as similar to that of smoke and bad odors. However, since the textile industry is the main basis for the livelihood of the people of this town, it is incumbent on the neighbors to suffer the damage. This is an enlargement of the principle that where a person is doing work that is essential to his livelihood and that is not possible to do elsewhere, the neighbors do not have the right to

Traditional Sources
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A. Who is responsible?

When someone opens a pit, or digs a pit and does not cover it, and an ox or an ass falls into it, the one responsible for the pit must make restitution, that person shall pay the price to the owner, but shall keep the dead animal.
-Exodus 21: 33-35

Children's Health and the Environment
בריאות ילדים והסביבה

Of the tens of thousands of chemicals¹ that have been released into the environment since World War II, most have never been screened to determine their ability to cause cancer,² to interfere with fetal development,³ or to harm the reproductive,⁴ immune, and nervous systems. Among those that have been tested, there is an appalling lack of data on the specific toxicity of chemicals on children.

Yet, as all pediatricians know, children are not just little adults. Youngsters differ from adults in ways that make them more vulnerable to environmental hazards.⁵

The average child eats more food, drinks more water,⁶ and breathes more air per pound of

לא תעמד על-דמם רעה -
Neither shall you stand idly by the blood of your neighbor.
- Lev. 19:16.

כי תבנה בית חדש ועשית מעקה לגגך ולא תחשים דמים בביתך כייפל הנפל ממנו
When you build a new house, you shall make a parapet for your roof, so that you do not bring blood-guilt on your house if anyone should fall from it.
-Deut.22:8

Science
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1 Tens of thousands of chemicals: Of the more than 70,000 synthetic chemicals in commercial use today, only a small fraction have been adequately examined for toxic effects in humans and other life forms. Despite limited scientific information, there is solid evidence of the toxicity of some substances in wide-spread commercial use including solvents, metals, and pesticides.

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5 More vulnerable: After years of effort by concerned scientists and citizen groups, policy makers have begun to address the array of environmental threats facing children and the inadequacy of current legal protections.

On April 21, 1997, President Clinton issued an Executive Order requiring that, "Each federal agency shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and...address disproportionate risks to children that result from environmental health risks or safety risks." The Environmental Protection Agency subsequently established an office of Children's Environmental Health to promote children's standards.

There is also a movement among some members of Congress to address these issues. A bill in the House of Representatives, the Community Right-to-Know and Children's Environmental Health Act of 1997, would ensure research in which toxins released by a factory may affect children's health. This Right-to-Know legislation would also require the dissemination of such information to the public.

6 Water: The Safe Drinking Water Act of 1996 sets safety standards based on the needs of vulnerable populations, such as children, the elderly, people with HIV/

- Questions שאלות**
- A. Who is responsible if people contract illness as a consequence of chemical exposure if the producer of the product or pollution did not know how toxic it was or how far reaching its effects?**
- B. How do we evaluate the rights of people to be healthy in relationship to the economic interests of individuals and of the community at large?**
- C. Should the government regulate chemicals that might cause serious illness and/or death, even though conclusive evidence is not available?**

2 Cancer - Environmental exposure to toxic chemicals is believed by many experts to be a major cause of cancer in children and adults. Approximately 6,500 new cases of cancer are diagnosed among children under the age of 15 in the U.S. each year, and rates are rising steadily. Rates for the two most common childhood cancers--acute lymphocytic leukemia and brain cancer--increased by 27.4% and 32.6% from 1973 to 1990. Suspected risks include

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prevent it.

-Rabbi Shlomo Cohen, *T'shuvot Maharshakh*, cited in Meir Tamari, *With All Your Possessions*, p. 295.

These decisions [by Rabbi Cohen, above] would apply only where there is not alternative site, where no serious threat to health exists, and where all steps have been taken to keep the damage to a minimum. -Meir Tamari, *With All Your Possessions*: *Jewish Ethics and Economic Life*, p. 296.

We find in the Mishnah the following rabbinic ruling: "It is necessary to remove [from the confines of the village] the permanent threshing floors [because of the chaff], cemeteries, tanneries [because of the stench], and kilns [because of the smoke]" [Baba Batra 2:8-9]. Not only were the firms engaged in these industries to be removed from a residential area, but they were to be relocated so that natural factors like water and wind would not bring these harmful effects in the area concerned. In halakhic sources, such pollution was termed, "the damage of smoke and bad odors." These damages were regarded by the rabbis as being of special seriousness because they do harm to the body [Hidushei HaRamban, Baba Batra, p. 23, 59]... Although the halakhic sources accepted the idea that it is possible for the individual to set aside his opposition to a plant that is causing him damage in exchange for a monetary consideration, this did not apply when the damage was to one's health.

-Meir Tamari, *With All Your Possessions*: *Jewish Ethics and Economic Life*, p. 290.

Traditional Sources

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It is a positive commandment for a man to make a fence around his roof... He who does not make such a fence disregards this positive commandment and is also guilty of violating the negative commandment, "And you shall not spill blood in your house" [Deut. 22:8]. And so it

is with every obstacle [even in a public thoroughfare] that is liable to cause damage to the human body: It is a positive precept to remove it [stones, garbage, even seemingly harmless items] and to do so diligently. It is written in Torah, "And you shall surely pay heed and beware."

-Shulhan Arukh, Hoshen Mishpat, Hilhot Shmirat Hanefesh, section 427

"And will do that which is right in God's eyes" (*Exodus 15:26*) while engaged in the give-and-take of business. The verse implies that when a person gives and takes in business with integrity, and the spirit of the person's fellow creature delights in the person, it is accounted to him as if he had fulfilled the entire Torah, all of it.

-Nahmanides

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exposure to pesticide residues, radiation, asbestos, air pollution from incinerators, and solvents. In addition, exposure to second-hand tobacco smoke continues to put millions of children at increased risk for cancer.

3 Fetal development: Because fetuses

develop quickly, they are particularly vulnerable to chemicals that mimic hormones, alter genes, or inhibit growth.

4 Reproductive: A number of disorders in the human reproductive system are on the rise and are suspected of being caused, at least in part, by exposure to toxic chemicals that mimic hormones. The disorders include breast cancer, testicular cancer, undescended testes, reduced sperm counts, and endometriosis.

5 More vulnerable: In the last decades, a range of environmentally linked childhood illnesses has emerged. They include asthma from air pollution and second-hand smoke, delayed development caused by lead in paint and contaminated drinking water, and cancers caused by radiation, benzene and other toxins.

7 Breast milk: Because dioxins, PCBs and other organic toxics accumulate in fatty tissues, their concentrations are elevated in breast milk. Nursing infants are still exposed to DDT from their mothers' breast milk and may be

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AIDS, and others who are most at risk from unsafe drinking water. It was mostly people in these categories who died from drinking water in Milwaukee in 1994.

The Clean Water Act is overdue for reauthorization. Citizen groups are advocating more stringent standards to prevent the release of pollutants suspected of causing cancer, birth defects, fertility problems, and learning problems in children.

11 Pesticides: The Food Quality Protection Act of 1996, the first major revision of pesticide policy in many years, included three major improvements: stronger health-based standard to limit the risks of pesticide exposure, special protections for infants and children, and expanded right-to-know provisions. However, this compromise legislation also lowered the standards regarding the carcinogenicity of pesticides.

The EPA has worked with the Food and Drug Administration and the USDA to reduce pesticide use by encouraging integrated pest management and by getting safer pesticides on the market faster.

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body weight than an adult. An infant who receives formula reconstituted in boiled tap water consumes the amount equivalent, for the average adult male, to drinking 35 cans of soda a day.

The typical diet of infants and young children is also different and less diverse than that of adults, including more milk, fruits, and vegetables. Many newborns consume only a single food – **breast milk**,⁷ which is known to contain **dioxins**,⁸ **PCBs**,⁹ and **lead**.¹⁰

The young differ in their ability to metabolize, detoxify, and excrete toxic chemicals. During infancy and childhood, organ systems are still developing. There are windows of time when the young are particularly vulnerable to chemical influences. And because children are growing and many of their tissues have rapidly dividing cells, they may also be more sensitive to some carcinogens.

Some exposures occur before birth. A wide variety of **pesticides**¹¹ and other toxic chemicals can **mimic or interfere with sex hormones**.¹² These endocrine-disrupting chemicals

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C. Should the government regulate?
An example: However were the industry to be one which damaged human health, as distinct from being unpleasant, no rabbinic authority would uphold its establishment, even where society derived an acknowledged economic benefit.... It may well be that in those cases where technological protection of life is not possible, an industry may not be allowed to exist within a halakic system. For example, if coal mining could not be conducted without a definite high risk of black lung disease, a Jewish economy may have to get along with an alternative source of fuel.
-Rabbi Meir Tamari, *In the Marketplace: Jewish Business Ethics*, p. 141.

הנה זחלת ה'
בנים שכר פרי
הבטן כחצים
ביד גבור כן
בני העלורים

"Children are the heritage of the Eternal and the fruit of the womb is a reward. Like arrows in the hand of the mighty, so are the children of one's youth."
-Psalm 127:3,4

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B. Rights of people to be healthy
One may not dig...a water channel nor a launderer's pool unless one distances them [two feet] from the other's wall and plasters it with lime... One must distance olive refuse, manure, salt, lime and stones... One must distance seeds, a plow and urine [two feet]... One may not open a bakery or a dye shop under the storehouse of another, nor a cattle shed... One must distance a dove-cote [100 feet] from a town ... One must distance a fixed threshing floor... One must distance carcasses, graves, and a tannery... One must distance a flax pool from vegetables.
-Baba Batra 2, Mishnahot 1, 3, 5, 8, 9, 10

A store in a courtyard — one can block the store by claiming, "I cannot sleep due to the noise of those entering and leaving." ... But one cannot block ... the noise of the grain mill or the noise of children.
-Baba Batra 2, Mishnah 3

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exposed to 10 to 20 times more dioxin and other chemicals than adults.
However, most environmental health experts believe that the benefits of breast-feeding, including the passage of immunity from mother to infant, nutrition, and emotional bonding, outweigh the risks. However, if a mother believes she has been exposed to high doses of bioaccumulative toxins, such as through a diet high in Great Lakes fish or living near an incinerator, she should consult her physician about breast feeding.

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pose a special hazard to embryos and fetuses, whose development depends on a finely regulated balance of hormones. Sex hormones direct the embryonic and fetal development of the reproductive system and greatly influence the emerging immune and nervous systems. A disturbance in the normal hormone balance in the womb could lead to life-long defects in any or all of these systems.

Normal childhood behaviors may add to risks. Crawling infants may come into direct contact with pesticides on lawns of carpets. Vigorous outdoor play may expose kids to greater levels of air pollution.¹³ And the tendency of young children to put objects and fingers in their mouths may expose them to a wide variety of toxic chemicals.

Physicians for Social Responsibility (PSR)

to the EPA, the average American already carries 600 times the amount of dioxin considered safe in their bodies.

9 PCBs - Poly-chlorinated biphenyls are no longer used in the U.S., but the legacy of past use has resulted in the contamination of many waterways and landfills, including the Hudson River and the Great Lakes.
-Landrigan and Needleman

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13 Air pollution: Over the last several years, the EPA's air pollution control efforts have taken children's health into account. In July 1997, the EPA proposed stronger air quality standards under the Clean Air Act for soot and smog with the explicit goal of protecting children's health and reducing the now skyrocketing incidences of asthma.

Action
מעשה

Advocate for Stronger Health and Environmental Laws: The *Children's Environmental Protection and Right to Know Act of 1997* was introduced by Representatives Henry Waxman (D-CA) and Jim Saxton (R-NJ) in the spring of 1997. This bill would expand the public's right to know through the following provisions:

1. Toxics use reporting which tells the public about toxic chemicals transported through their neighborhoods; produced, used and stored in the workplace and contained in consumer products.
2. More complete data on toxic emissions including information from all major sources of toxic pollution and data on extremely hazardous substances like dioxins and mercury (which are currently not collected under the law.)
3. "Children's right to know" which will give the public and the Consumer Product Safety

10 Lead: The Centers for Disease Control and Prevention estimates that nearly two million American youngsters suffer from lead poisoning through old paint, dust, tap water, some canned foods, some ceramic tableware, and factories that smelt or recycle lead.

-PSR

11 Pesticides: Many pesticides are highly toxic to the environment, to humans, and particularly to children. They can cause cancer, and can damage the nervous system, lungs, and the reproductive, immune, and endocrine systems. The National Academy of Sciences has reported that there exists serious potential for the overexposure of American children to pesticide residue in their diets. Because children eat significantly more than adults pound for pound, they are more exposed to pesticide residues on food.

-Landrigan and Needleman; PSR

12 Mimic or interfere with sex hormones: Small amounts of chemicals that mimic hormones--including numerous pesticides, dioxin, mercury, lead, and "super-strength" cleaning products--can devastate growth and reproduction. Abnormalities have been found in wildlife species exposed to these chemicals, including: Florida panthers with almost no testosterone; deformed and infertile bald eagles; male alligators with small, dysfunctional sexual organs; and evidence of enlarged thyroid glands in Great Lakes salmon.

-World Wildlife Fund - Canada

13 Air pollution: Air pollution is implicated as a major cause of illness and even death. Ground-level ozone is implicated in childhood asthma, which increased 40% from 1982 to 1990. A 1995 study found a 17% increase in mortality risk in areas with high concentrations of microscopic soot, or "particulates."

Commission data on toxic chemicals in consumer products.

Encourage your U.S. Representative to cosponsor this important legislation.

Protecting Your Children: While protecting children from environmental pollution will require substantial changes in regulation of food, consumer products, vehicle emissions, industrial emissions, and other sources, there are steps that you can take to reduce children's exposure to harmful chemicals and other pollutants:

- **Reducing meat and dairy consumption** to minimize intake of toxins.
- **Avoid fatty freshwater fish.** Choose ocean fish, remove fat from fish before cooking, and do not eat fish more than three times per week.
- **Do not use pesticides** (inside, outside, or on pets and kids). Find alternatives. Use natural lawn and garden maintenance methods.
- **Have your water tested.** Bottled water is not a good solution as skin contact and inhalation of chemicals may be a more important source of exposure than ingestion.
- **If you smoke, stop.**
- **Avoid "super-strength" specialty cleaners.** Keep it simple by using non-toxic cleaning products like baking soda, borax and vinegar.
- **Peel fruits and vegetables or wash them** with a mild solution of dish detergent or diluted vinegar
- **Where possible, buy organically grown foods.** The 12 most pesticide-contaminated fruits and vegetables are: strawberries, bell, red and green peppers, spinach, cherries, peaches, Mexican cantaloupe, celery, apples, apricots, green beans, Chilean grapes and cucumbers.
- **Avoid lindane based head lice and scabies shampoo** for humans and flea shampoos for pets. Instead, use a fine-toothed comb with petroleum or plant-based jelly and an antibacterial, non-toxic shampoo.
- **Employ a "least-toxic" pest control company** for serious pest problems.
- **Avoid areas freshly sprayed with pesticides.** Ask neighbors for warning of pesticide applications, and inquire about spraying in parks, recreation grounds and golf courses.
- **Step away quickly if a mercury thermometer or fluorescent bulb breaks.** Open a window and use a wet mop for clean up.



Coalition on the Environment & Jewish Life

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