

**Modern
Commentary**
דרש חדש

7 Whatever measures are necessary. Regarding all forms of pollution, whether water, air, or soil, there is a moral issue over and above the questions of prevention and compensation for any damage. A corporation may decide that it is financially wise not to take the more expensive steps necessary to avoid pollution, preferring instead to pay any future claims. Maimonides, however, rules that this is forbidden. Not only are we halakhically obligated to pay for the damage we do, we are morally enjoined against creating such damage.
-Meir Tamari, *In the Marketplace: Jewish Business Ethics*, p. 139

מעלה ושמים

מקלה הארץ

ברקים למטר

עשה מוצא

רוח מאולרותיו

"God makes clouds rise from the ends of the earth, makes lightning for the rain, releases the wind from the vaults."

-Psalms 135:7

Traditional Sources
מן המקורות

6 Pikuah Nefesh
לא תעמד עליכם בעצ
"Neither shall you stand idly by the blood of your neighbor."
-Lev. 19:16

By this prohibition we are forbidden to neglect to save the life of a person

we see in danger of death and destruction and whom it is in our power to save: as for instance if a person is drowning, and we are good swimmers and can save him; or if a heathen tries to kill someone, and we are in a position to thwart his intention.

-Maimonides, *Book of Commandments*, no. 297.

and industrial areas, leading to an estimated **premature mortality of over 60,000 Americans annually**; and

Whereas there may be attempts made in Congress to weaken the EPA proposals⁵; and the Jewish tradition enjoins humanity to be careful stewards of Creation for their own sake and for the sake of all Creatures of God; and *Pikuah Nefesh*⁴ (saving a life), the cautious protection of human health and life, is of paramount importance in Jewish law;

Therefore be it resolved that The Rabbinical Assembly call on the EPA, the Congress and Administration, in consideration of these proposed standards, to adopt **whatever measures are necessary⁷ to protect the public from harmful pollution.⁸** As all people deserve equal protection from

Science
מדע

2 Ground level ozone forms when other pollutants--nitrogen oxide and volatile organic compound gasses--react with sunlight. Sources for these pollutants include motor vehicles, power plants, factories, chemical solvents, combustion products from various fuels, and consumer products. Ozone can impair people's ability to breathe and cause shortness of breath, chest pain, wheezing, and coughing. Scientific studies indicate that the groups at particular risk for high ozone levels include children at play outdoors, healthy adults who exert themselves outdoors, people with existing lung disease, and urban poor and minorities who live in the areas of high-est smog concentration.

(Source: Environmental Protection Agency).

3 Fine particulates consist of the solid particles and liquid droplets in the air. Individually, these particles and droplets are invisible to the eye. Collectively, however, they can appear as clouds or a fog-like haze. Fine particles result from many different sources--including industrial and residential combustion and vehicle exhaust. Fine particles can cause persistent coughs, phlegm, wheezing, and physical discom-

5 Congress: Ordinarily, when EPA issues regulations, they automatically go into effect. However, the U.S. Congress may now strike down any new regulations under a provision passed as part of the Contract with America--the Small Business Flexibility Reform Act of 1995. These new clean air regulations will likely be the first time members of Congress attempt to use this new oversight power.

8 Protect the public: The Clean Air Act, passed in 1970, requires the EPA to issue standards based solely on public health, and to review the standards every five years based on the latest scientific evidence. The American Lung Association sued the EPA in 1994 for not adequately protecting public health because the review of air pollution standards was overdue. After reviewing ten years of scientific research, the EPA concluded that air at

Public Policy
מדיניות צבורית

1 Revisions for national air quality standards: The tighter air quality rules for ground level ozone and fine particulates would put dozens of counties "out of compliance" with the Clean Air Act, especially those around large cities. Those local governments would have to take steps to reduce pollution by reducing automobile usage and/or industrial emissions. Big businesses that would have to reduce the most air emissions are funding the largest ever lobbying effort against these regulations.

and physical discom-

Clean Air

אוויר נקי

Clean Air Standards

Adopted by The Rabbinical Assembly, April 1997

Whereas in the fall of 1996, the U.S. Environmental Protection Agency (EPA) released draft **revisions for national air quality standards¹** under the Clean Air Act which are in response to strong evidence that both **ground level ozone²** and **fine particulates³** cause or exacerbate a number of serious respiratory conditions, particularly among children, the elderly, and residents of congested

and industrial areas, leading to an estimated **premature mortality of over 60,000 Americans annually**; and

Whereas there may be attempts made in Congress to weaken the EPA proposals⁵; and the Jewish tradition enjoins humanity to be careful stewards of Creation for their own sake and for the sake of all Creatures of God; and *Pikuah Nefesh*⁴ (saving a life), the cautious protection of human health and life, is of paramount importance in Jewish law;

Therefore be it resolved that The Rabbinical Assembly call on the EPA, the Congress and Administration, in consideration of these proposed standards, to adopt **whatever measures are necessary⁷ to protect the public from harmful pollution.⁸** As all people deserve equal protection from

**Modern
Commentary**
דרש חדש

11 Err in favor of protecting human life and health: 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 halakhic 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.

The height of the parapet cannot be less than two feet so that [a potential] faller will not fall from it and each piece of the parapet has to be strong enough so that leaner can lean upon it and will not fall. Anybody who puts up his roof without a parapet has violated the positive commandment and transgressed a negative commandment -- "you shall not spill blood."
-Maimonides, *Mishneh Torah*, "Laws Regarding Murder and the Preservation of Life," chap. 11.3.

Both the roof and any other object of potential danger, by which it is likely that a person could be fatally injured, require that the owner take action... just as the Torah commands us to make a fence on the roof. ... and so, too, regarding any obstacle which could cause mortal danger, one [not just the owner] has a positive commandment to remove it... if one does not remove it but leaves those obstacles constituting potential danger, one transgresses a positive commandment and negates a negative commandment "Thou shall not spill blood."
-Ibid, chap. 11.4.

Traditional Sources
מן המקורות

10 Significant uncertainty: *There are many threats to human life that are neither certain nor imminent. For this reason, Jewish thinkers have devised ways of evaluating risks and deciding upon how much prevention (or precaution) to mandate in the face of predictable or unpredictable risks. Consider the following texts:*

כִּי תִבְנֶה בַּיִת הַנֶּשֶׁה וְעָשִׂיתָ מִצְעָה לְגַגְךָ וְלֹא-תִשָּׂים רִמּוּם בְּבֵיתְךָ כִּי-יִפֹּל הַנֶּפֶל מִמֶּנּוּ
"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

Clean Air אויר זָקִי

environmental pollution, any regulations should protect those who are particularly vulnerable to pollution related illness." In the formulation of these standards, sound science should always apply, not political partisanship. If there is significant uncertainty,¹⁰ or disagreement among scientific bodies, regulations should err in favor of protecting human life and health;¹¹ and

Therefore be it further resolved that The Rabbinical Assembly call on the EPA, and the Congress, to strengthen air standards,¹² and increase funding for alternative, low pollution energy production and mass transit¹³ in order to reduce rates of serious respiratory illness¹⁴ in urban and other polluted areas.

14 Reduce rates of serious respiratory illness: Asthma is now the number one childhood illness in the United States, rising 61 percent from 1982 to 1994. Asthma accounts for one in six of all pediatric emergency room visits in the U.S. More than 5,100 Americans died from asthma in 1993--almost twice as many as in 1979. One hundred million days of restricted activity each year in the U.S. are attributed to asthma. A study of 552,138 people in 151 cities found that people in the most polluted city had a 17 percent greater risk of death than people in the cleanest city. (Source: *Physicians for Social Responsibility and the National Environmental Law Center*.)

Science
מדע

fort. Significant respiratory and cardiovascular-related problems are associated with exposure to particle levels well below the existing standards -- including premature death, hospital admissions from respiratory causes, and increased respiratory symptoms. Children, the elderly, urban poor and individuals with cardiovascular disease or

lung diseases such as emphysema and asthma are particularly vulnerable. (Source: Environmental Protection Agency).

4 Premature mortality of over 60,000 Americans: The Environmental Protection Agency, The Harvard School of Public Health, and the Natural Resource Defense Council estimate that more than 60,000 people die an average of one to two years prematurely each year in the U.S. from cardio-pulmonary disease exacerbated by particulate air pollution (more than the total deaths attributed to breast cancer and homicides combined).

Public Policy
מדיניות צבורית

current levels remains harmful to the public health.

The EPA is considering implementing the standards by allowing the controversial practice of trading "pollution credits" whereby a company which pollutes a lot can "buy" the reductions credited to a cleaner company. Though this policy can be effective in reducing the overall level of pollution in some areas, there are significant ethical issues raised by the practice.

9 Protect those who are particularly vulnerable: See comments under ground level ozone and fine particulates.

Action
מעשה

12 Call on the EPA, and the Congress, to strengthen air standards: The debate over the clean air standards has been the most contentious environmental debate of the decade. Industry groups and their congressional allies launched a multi-million dollar offensive to kill the regulations. Half a dozen committees have held hearings to study the proposed clean air standards. After much debate within the Administration, President Clinton announced his support for the new standards in June, 1997. Upon formal introduction of the standards in July, Congress immediately intro-



Coalition on the Environment & Jewish Life

For education, program and action materials, contact the Coalition on the Environment and Jewish Life (COEJL), 443 Park Avenue South, 11th Floor, New York, NY 10016-7322, 212.684.6950 ext. 210, fax 212.686.1353, coejl@aol.com, www.jtsa.edu/org/coejl

Action

מעשה

duced legislation to delay implementation of the standards for at least five years. It is critical for the Jewish community to make its voice heard on this issue which affects the health of millions of Americans. Contact COEJL regarding the state of legislation: 202-357-2800; coejlindc@aol.com.

Letters to representatives and senators should emphasize the points made in the resolution and urge that the standards issued by the EPA should be implemented to fulfill our moral obligations to protect the health of all people. Join the COEJL Legislative Advocacy Network to receive action alerts on this and other important environmental issues. Non-U.S. citizens should urge the appropriate government officials and agencies to develop and enforce strong clean air protections.

14 Alternative, low pollution energy production and mass transit: Numerous alternative energy sources have been developed and could be adopted with sufficient governmental and private sector support, including solar, wind, and geothermal power.

Combined with energy conservation measures, alternative energy development could cut U.S. energy use by 70 percent in 40 years.

In addition to writing letters in support of strong clean air standards, you can help protect the health of your community by:

- **Conducting an energy audit of your home, synagogue, and/or school.** You can save money by turning off unnecessary lights, insulating well, purchasing energy-efficient appliances, and installing compact fluorescent light bulbs.
- **Driving less, carpooling, walking, biking, and utilizing mass transportation.** This saves gas, reduces pollution, and cuts down on traffic.
- **Purchasing energy-efficient vehicles.**
- **Recycling, especially aluminum.** The production of aluminum requires a tremendous amount of energy. Advocate for city and county-wide recycling programs if your area does not yet have them.