Quebedeaux airs pollution legal problems

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Last Thursday night Dr. Walter A. Quebedeaux, head of the Harris County Pollution Control Board, analyzed the legal problems of pollution control. He is the inventor of the "Polluter of the Month" award.

Quebedeaux stated that he invented the award "as a means to get something done when you can't get it done in the courthouse." In Texas, unlike most other states, a corporation cannot be held criminally liable for its action.

Quebedeaux gave instances of some of the results: aluminum and zinc window frames deteriorate from the acids and alkalies in the air; house paint "mildews" or turns black overnight from sulfur; in one case porcelain even turned black.

Recourses

At present, there are two possible ways to end pollution by corporations. The first is through the state charter issued to every corporation. In that document, the company agrees to abide by the statutes of the state.

The second legal recourse is based on common law, which states that industry cannot interfere with the "comfortable use" of property. This means that a citizen has a case against a company if it interferes with him in his house. The precedents go back to England, where smoke from soft coal offended the Queen in 1273.

Although a civil procedure exists for suing corporations, the process is very slow. He points out that some of the people who complain to his board won't live long enough for their cases to come up in civil court.

Bills and Boards

Several bills now before the Texas Legislature deal with problems of pollution. The most important of these would set up a procedure by which a corporation can be forced to answer criminal charges. Quebedeaux termed this bill "the prime one I need."

Quebedeaux feels that the state water and air pollution boards are useful in setting minimum standards, but they should not have sole authority to set such standards, as stated in a bill now before the Legislature to revise these boards.

Quebedeaux also pointed out that most such boards have several state officers as ex officio members. These officials lend a quality of inertia to the boards' reactions to complaints. In addition, some of the members from the industrial community who sit on the state air pollution control board have a conflict of interests.

Locals best

Quebedeaux pointed out that, if the criminal procedure bill is passed, he won't have to worry about the state board. He feels the problem of pollution can best be handled on a local level.

Quebedeaux asserted that, technically, there is no pollution that cannot be controlled, though some kinds are harder and costlier to control than others. Though some pollution control devices cost millions, the cost is frequently offset by profits, derived from the salvaged by-products.

He cited the case of a precipitator for Shell which amortized itself in three months.