

# Contract on the Environment

When Congress talks about eliminating "unfunded mandates," its talking about undoing laws like the Clean Air and Water Acts **By Hal Plotkin**

**W**HEN THE MARKETING aces at General Electric came up with "Energy Saver" light bulbs a few years back, it looked as if one of America's largest recipients of corporate welfare was finally getting the message. After the federal government pumped billions of dollars into G.E.'s coffers over the years in the name of high-tech research and development (anyone need a space-based nuclear reactor?), it seemed the public payoff was finally at hand, in the

wanted to sue. But my "damages" were only in the area of \$2.40 per package, and even I will only go so far to recoup two bucks and change.

Then I remembered my old friend, San Jose consumer rights attorney Richard Alexander, who took one look at the deceptive green boxes and almost immediately agreed to file a class-action suit with me as the lead plaintiff.

Nearly two years later, G.E. settled, ponying up \$3.5 million dollars in a combination of customer

ness by undermining quality standards. At a time when most businesspeople are fixated on the global marketplace, foreign buyers of American goods often point to the high quality and safety of American-made products as a key factor in their buying decisions, a situation created at least in part by strict U.S. product liability laws. There is, after all, a reason that a housewife in Taiwan will pay close to \$4 for a can of S&W peas. "She knows that she probably won't get ptomaine poisoning," says Bill Maratos, who peddles American peas overseas.

Environmental attorneys like Alexander point out that elements of the Republican Contract would make lawyers less willing to take on a case like the G.E. light-bulb scam. Although there are already laws on the books designed to curb unmeritorious and frivolous lawsuits, the Contract's "loser pays" rule could stick those who choose to sue big business with often astronomical legal bills. A proposed \$250,000 limit on punitive damages would mean wealthy, multi-national corporations have little to fear even if they lose in court.

"If these measures become law, they will put consumer lawyers like me out of business," Alexander warns. "It is as simple as that."

While Alexander acknowledges that few will grieve for displaced lawyers until they need one, the potential for environmental damage wrought by the current rage of anti-government fervor is not so easily dismissed.

"With the Republican takeover of the House and Senate, environmentalists are now outnumbered in Congress," says second-term Congresswoman Anna Eshoo of Atherton. "Continued funding of the Endangered Species Act is no longer assured and conservation laws may be made inoperable."

Her colleague, Congresswoman Zoe Lofgren of San Jose, agrees: "The problem with the Contract With America is that the wealthy are getting the benefits while working people and the environment are getting the shaft."

Democrats, however, are not blameless. For decades, when it came to the environment, the Democratic majority seemed more concerned with looking good rather than doing good, passing laws to protect the environment

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Ken Grant/Essex



form of a light bulb that would last longer than a standard toothbrush.

Packaged in a bright green cardboard box, the bulbs were proclaimed "replacements" for standard light bulbs, apparently offering the same amount of light while using less energy. The marketers, ever mindful of the public mood, figured we greenies would pay a premium for these politically correct bulbs, so they jacked the price up by nearly one dollar per package.

There was only one problem; it was just a trick.

The "100 watt replacement bulbs" were actually just cleverly disguised 87 watt bulbs. If you read the fine print, as I did after taking them home, you quickly realized you'd been duped. I was so angry I

refunds and donations to environmental groups. They also agreed to change their packages to more accurately reflect what was actually inside.

Tangling with big business over an environmental issue could get decidedly more difficult in the near future—whether it involves phony light-bulb packaging or wide-scale habitat destruction. The GOP's much-heralded Contract With America, along with several anti-lawyer state initiatives being prepared for the 1996 ballot, threaten to severely limit the enforcement of a wide variety of environmental laws and regulations by both public agencies and private-sector activists.

The changes may even affect America's business competitive-