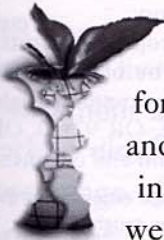


Amending Oregon's Constitution

by Bill Boyer



Instead of turning forests into tree farms and rivers and streams into drainage ditches, we still have a chance,

however fleeting, to leave a legacy of pristine nature. Now there are no environmental goals in our state Constitution, but the time has come to include them. Without such goals, economics has priority—costs and benefits are always treated merely in economic terms. But a sustainable, high quality of life gives priority to ecology—our planetary life support system—then to human needs—which includes human health.

Oregon's economy does not need to be based on 19th century-style exhaustion of resources—"fly now, pay later"—which left irreversible degradation and economic costs for following generations. Economics and environmental rights can be compatible. Quality of life—based largely on resources—has increasingly become the main basis for the Oregon economy, attracting both industry and retirees.

In 1973 Oregon passed its famous state land use law, Senate Bill 100, envied and copied since then by many other states. Legislators, however, have recently introduced bills that whittle away at this protection of basic resources. Because such statutes can be weakened, even repealed, after each election, future generations are in jeopardy.

A spring 1997 study by the Siuslaw National Forest found that 77 percent of the landslides were caused by clear-cuts or along logging roads. Landslides were 40 times more frequent in heavily logged watersheds than in intact forests. Our governor is more concerned about the environment than most previous governors. But even after two winters of high rainfall that have shown the effects of run-off from clear cut forests, Governor Kitzhaber is doing nothing to stop clear-cutting. He

has a program to mitigate logging effects on streams that have experienced drastic decline of coho salmon, but timber constituencies support him. So entire forests continue to be denuded, which accelerates run-off, increases floods, carries top-soil into streams, and silts spawning grounds.

Without a constitutional requirement for ecologically sustainable watersheds, the political system is only a band-aid, a

reactive instrument that is a part of the problem. Policy makers should engage in long-range planning that mandates sustainable natural systems.

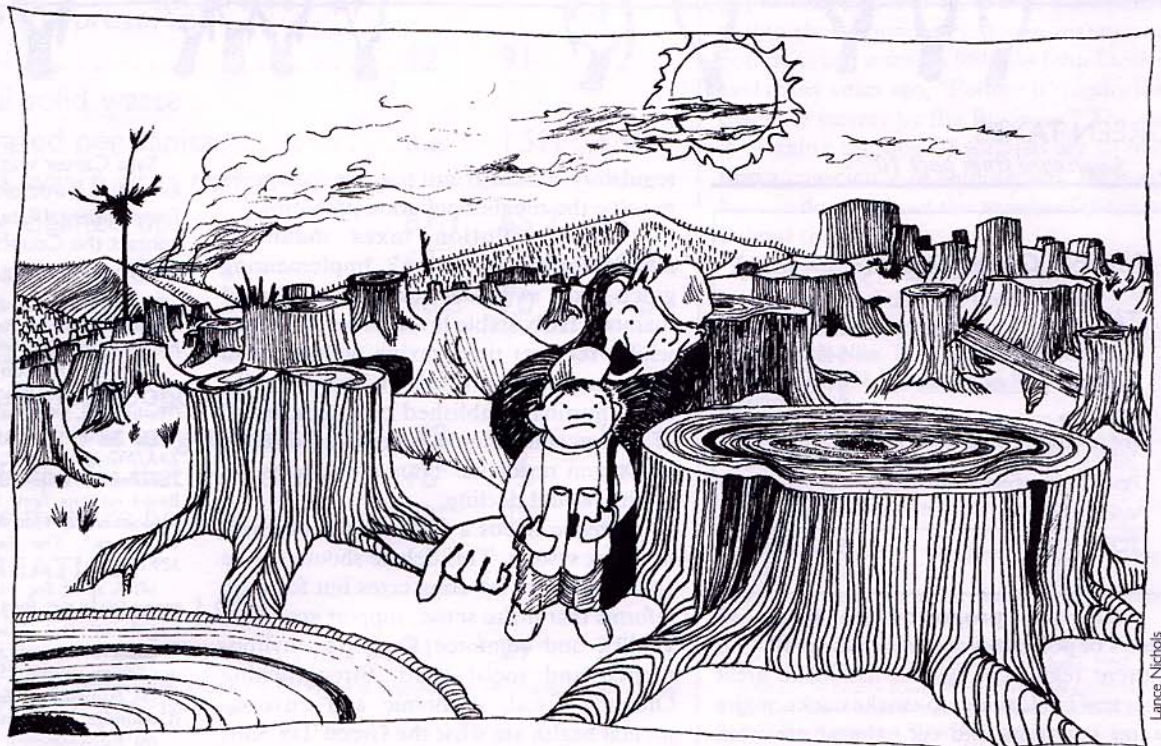
Oregon's constitution must be amended to recognize environmental rights. There are two kinds. The first reverses the burden of proof. Now we lack an overriding right to a healthy environ-

ment, so pollution in the workplace and outdoors puts the burden of proof on the victim. If polluters must show that

they are not jeopardizing human health, many forms of pollution will disappear. People's health will come first rather than economic profits.

The second kind of environmental right protects future generations. An international principle was established in the 1970s for people's right to the "common heritage". Oregon's natural heritage is rapidly being degraded. Forests, watersheds,

Economics and environmental rights can be compatible.



"Someday this will all be yours."

Lance Nichols

streams, estuaries, riparian areas, and species of birds and fish are all declining. We are selling the natural heritage of future

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generations for short-term profits. Since the legislative arena protects constituencies, and future generations are not here to protect their interests, they can be fleeced. However our state Constitution can be used to give "standing" to others to represent future generations in the courts.

Agencies such as the departments of Fish and Wildlife and of Forestry would be mandated by the Constitution to forbid the destruction of ecosystems. Clear-cutting would become an unauthorized use of ecosystems. Timber industries try to convince the public that all forests are renewable because trees are. Yet, most old growth evolved over so many years that it is virtually irreplaceable as an ecosystem. Forest policy should not be based merely on economics, nor should it subsidize logging at the expense of future generations.

We have been selling the capital of nature, instead of living off of the interest. Trees are sold at less than replacement cost.

Yet if it costs one dollar to plant a tree and it takes two hundred years to reestablish an old growth forest, with compound interest at eight percent, each tree will be worth over \$4.8 million. Since this replacement cost of old growth trees is far greater than the market value of lumber, under

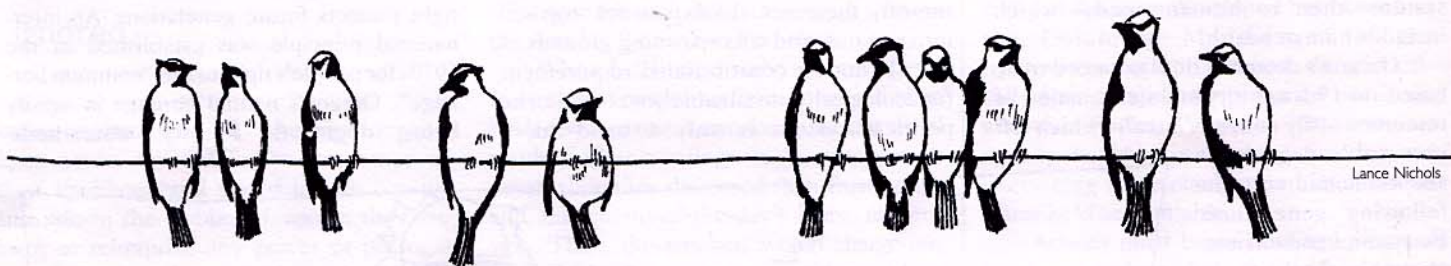
An international principle was established in the 1970s for people's right to the 'common heritage'.

conventional business principles virtually none would be sold. By felling ancient trees and selling them at market value instead of replacement costs, we have given away billions—the world's most massive subsidy.

In those states which have enshrined environmental rights in their constitutions, lack of self-execution has been a major problem. A constitutional provision is self-executing when it can be used in a court without implementing legislation. Oregonians for Environmental Rights, a citizens organization, has researched this problem extensively and has crafted a self-executing state constitutional amendment. Once passed, it will guide Oregon's quality of life into the 21st century.

Copies of this proposed constitutional amendment can be obtained from Oregonians for Environmental Rights, P.O. Box 12252, Eugene, OR 97440. OER invites public participation and comment.

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Lance Nichols

GREEN TAXES

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Possible Green Taxes (Estimates)

TAX	REVENUE
Carbon Tax	\$450 million
Industrial Particulate Matter	\$440 million
Smog Fee on Cars	\$290 million
Water Pollution Taxes	\$500 million
Pesticides and Fertilizers	\$40 million
Water Excise Tax	\$60 million
TOTAL / YR	\$1.78 billion

Are you proposing we scrap 35 years of pollution control? Not at all. Our current regulatory system has made great progress in cleaning up smokestacks, major water pollution, and car exhaust emission standards. We need both minimum

regulatory standards and positive incentives to solve the tougher pollution problems.

Won't pollution taxes make us dependent on pollution? Implementing green taxes as broadly as possible should maintain fairly stable levels of revenue for a while. Yet over time, taxing pollution will decrease pollution levels and revenue. To avoid hurting established programs, much of the revenue should be rebated directly to Oregon residents. Thus the rebates are all that would decline.

Oregon needs a fundamental overhaul of its tax system. This debate should not be about raising or lowering taxes but focus on reforms that make sense, support economic vitality, and reinforce Oregon's environmental and social goals. Strengthening Oregon's fiscal, economic and environmental health are what the Green Tax Shift could do.

Sara Carter was an intern, and Jeff Allen is Executive Director, with the Oregon Environmental Council. For more information, contact the Council at (503) 222-1963 or jeff@orcouncil.org.

(1) ECONorthwest, *Implementing Emissions-Aware Automobile Fees: A Report to the Oregon Department of Environmental Quality* (Portland, OR: 1994).

(2) Robert Repetto et al., *Green Fees: How a Tax Shift Can Work for the Environment and the Economy* (Washington, DC: World Resources Institute, 1992).

(3) Natural Resources Defense Council, *BREATH-TAKING: Premature Mortality Due to Particulate Air Pollution in 239 American Cities* (New York, NY: May 1997). Based on data from Douglas W. Dockery et al., "An Association between Air Pollution and Mortality in Six US Cities.", *New England Journal of Medicine*, 1993; 329:1753-9.

(4) A smog fee was recommended by a Governor's Task Force in 1991, but rejected by the Oregon Legislature. See *Governor's Task Force on Motor Vehicle Emission Reductions in the Portland Area, Volume 1: Findings and Recommendations* (Salem, OR: 1992).

(5) *Intergovernmental Panel on Climate Change, Report* (Cambridge, UK: Cambridge University Press, 1995).

(6) Environmental Protection Agency, *Toxics Release Inventory* (Washington, DC: 1994).