

# Public Hearing

before

## ASSEMBLY ENERGY AND HAZARDOUS WASTE COMMITTEE

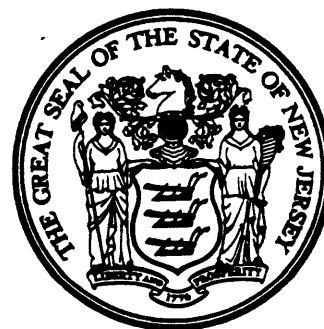
(Assembly Concurrent Resolution No. 62 proposes  
to amend the State Constitution to provide  
for environmental rights)

**LOCATION:** Tenakill High School  
275 High Street  
Closter, New Jersey

**DATE:** April 27, 1992  
7:00 p.m.

### MEMBERS OF COMMITTEE PRESENT:

Assemblyman John E. Rooney, Chairman  
Assemblyman Ernest L. Oros, Vice-Chairman  
Assemblywoman Barbara W. Wright



### ALSO PRESENT:

Kevil D. Duhon  
Office of Legislative Services  
Aide, Assembly Energy and Hazardous Waste Committee

New Jersey State Library

***Hearing Recorded and Transcribed by***

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JOHN E. ROONEY

*Chairman*

ERNEST L. OROS

*Vice-Chairman*

ARTHUR R. ALBOHN

DAVID C. RUSSO

BARBARA W. WRIGHT

ANTHONY IMPREVEDUTO

ROBERT G. SMITH

## **New Jersey State Legislature**

### **ASSEMBLY ENERGY AND HAZARDOUS WASTE COMMITTEE**

LEGISLATIVE OFFICE BUILDING, CN-068

TRENTON, NEW JERSEY 08625-0068

(609) 292-7676

## **NOTICE OF A PUBLIC HEARING**

The **Assembly Energy and Hazardous Waste Committee** will hold a public hearing on Assembly Concurrent Resolution No. 62, sponsored by Assemblyman Rooney. The resolution proposes to amend the State Constitution to provide for environmental rights.

The hearing will be held on **Monday, April 27, 1992 at 7:00 p.m.** in the **Tenakill School auditorium**, at 275 High Street in Closter, New Jersey.

*The public may address comments and questions to Kevil D. Duhon, Committee Aide, at (609) 292-7676. Anyone wishing to testify should contact Carol Hendryx, secretary, at (609) 292-7676. Those persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.*

### **Directions to Tenakill School:**

East on I-80 or north on the NJ Turnpike, toward the George Washington Bridge. Before the bridge, take Hwy 9W north. Go for about 10-15 miles to Closter Dock Road. Make a left (toward Closter) and go to the bottom of the hill. Make a right at the light on Piermont Road. Then make a quick left on High Street. Go about 1 1/2 miles to Tenakill School on the right.

Issued 4/14/92



# ASSEMBLY CONCURRENT RESOLUTION No. 62

## STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

INTRODUCED FEBRUARY 3, 1992

By Assemblyman ROONEY

1 A CONCURRENT RESOLUTION proposing to amend Article 1 of  
2 the Constitution of the State of New Jersey.

3  
4 BE IT RESOLVED *in the General Assembly of the State of New*  
5 *Jersey (the Senate concurring):*

6 1. The following amendment to the Constitution of the State  
7 of New Jersey:

8  
9 PROPOSED AMENDMENT

10  
11 Amend Article I by the addition of a new paragraph 22 to read  
12 as follows:

13 All persons have a natural and unalienable right to a clean and  
14 healthy environment necessary for the enjoyment of life and the  
15 pursuit of happiness, free from pollutants or contaminants in  
16 amounts capable of causing harm to human, animal, or plant life,  
17 or the biosphere. This right includes the right to air, water, and  
18 land free of pollutants or contaminants; the right to a reasonable  
19 amount of reasonably accessible undeveloped land sufficient for  
20 recreational and aesthetic needs; and the right to an education  
21 containing environmental courses in grades one through twelve.

22 2. When this proposed amendment to the Constitution is finally  
23 agreed to pursuant to Article IX, paragraph 1 of the Constitution,  
24 it shall be submitted to the people at the next general election  
25 occurring more than three months after the final agreement and  
26 shall be published at least once in at least one newspaper of each  
27 county designated by the President of the Senate, the Speaker of  
28 the General Assembly and the Secretary of State, not less than  
29 three months prior to the general election.

30 3. This proposed amendment to the Constitution shall be  
31 submitted to the people at that election in the following manner  
32 and form:

33 There shall be printed on each official ballot to be used at the  
34 general election, the following:

35 a. In every municipality in which voting machines are not used,  
36 a legend which shall immediately precede the question, as follows:

37 If you favor the proposition printed below make a cross (X),  
38 plus (+) or check (✓) in the square opposite the word "Yes." If you  
39 are opposed thereto make a cross (X), plus (+) or check (✓) in the  
40 square opposite the word "No."

41 b. In every municipality the following question:

## ESTABLISHES ENVIRONMENTAL RIGHTS

YES. Shall an amendment to Article I of the Constitution providing that all persons have a right to an environment free from contaminants and pollutants including a right to clean air, water, and land, a right to a certain amount of undeveloped land, and a right to an environmental education, be approved?

## INTERPRETIVE STATEMENT

NO. This constitutional amendment provides that all persons have a constitutional right to have an environment, including air, water, and land resources, that are free of contaminants or pollutants in amounts capable of causing harm to humans, animals, plants, or to the biosphere. The constitutional right includes the right to have a reasonable amount of reasonably accessible undeveloped land for recreational or aesthetic needs and to have an environmental education in grades one through twelve.

## STATEMENT

This proposed Constitutional amendment would establish as unalienable rights:

(1) a right to "air, water, and land free of pollutants or contaminants;"

(2) a right to a reasonable amount of reasonably accessible undeveloped land for recreational use and aesthetic enjoyment;

(3) a right to environmental courses in the educational curriculum of primary and secondary schools.

The resolution also contains a ballot question on the proposed constitutional amendment to be submitted to the State electorate at the next general election if the proposed constitutional amendment is approved by at least three-fifths of all of the members of both houses of the Legislature within a prescribed period of time.

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Amends State Constitution to provide for environmental rights.

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ASSEMBLYMAN JOHN E. ROONEY (Chairman): I'm going to start the meeting right now, and we'll hope that they aren't too badly lost coming up from Rutgers, down in New Brunswick. (referring to Committee members not present)

This is a public hearing, and as such, there will be testimony taken by--

Oh, here come the two Committee members right now. Perfect timing. We'll wait till they come on up.

At this time, I think we're going to have an introduction by an old friend. Richard, come on up. Introduce yourself, first.

R I C H A R D L U Z Z I: It all started in 1987, when Mr. Nick Byrne's fifth grade class formed a group named KAP. They later wrote an environmental bill of rights. Who would have thought five years later we would be proposing it to the New Jersey State Legislature to get it adopted to our State Constitution? Now, stop and think. Fifth graders wrote it, and it is now on its way to the State Constitution. Hopefully. Pretty impressive, in my opinion.

Now I'd like to introduce the people who can make this come true: Assemblyman Rooney, Chairman; Assemblyman Oros, Vice Chairman; Assemblywoman Wright; Assemblyman Russo; and Mr. Kevil Duhon, Committee Aide. I would also like to thank the people who came here tonight to support our cause. Amongst our audience we have Closter's Mayor Rogan, Councilman Pitofski, and Councilman Lenander. We thank you for finding time in your busy schedules to come tonight.

Assemblyman Rooney, it's all yours.

ASSEMBLYMAN ROONEY: Thank you very much. I appreciate that. It's always a pleasure to be here in Closter, not too far from home.

I really appreciate the appearance of my colleagues from the Assembly. We were down in the New Brunswick area earlier, and I know Assemblywoman Wright had a speaking engagement at one of Rutgers' campuses. I hope that went well.

ASSEMBLYWOMAN WRIGHT: Thank you. Yes.

ASSEMBLYMAN ROONEY: I've been involved with Kids Against Pollution for several years now, and I've always admired the work that you've done. I'm here to try to help you in your quest to try and get this question on the ballot.

Just as a matter of reference: Kevil Duhon is our Legislative Aide. He represents the Office of Legislative Services. That's the nonpartisan group down in Trenton that basically checks all the legislation before it's introduced.

We have some testimony that we're going to hear tonight. I'm sorry that a couple of our other members can't be here to join us, but you'll notice that we have two people on my left, your right, that are taking taped meeting notes. This will all be part of a transcript that will then be given to the other Committee members and the members of the Legislature. So, regardless of how many of us are here now, the important thing is how many people will read the testimony that you're about to give.

So, with that, what I'd like to do is also introduce my Committee members. I got a note from Barbara. I was intending to do that. I want to introduce my Vice-Chairman of the Committee, and for any welcoming words that he might like to have, Ernie Oros.

ASSEMBLYMAN OROS: Thank you, Mr. Chairman. It's a pleasure to be here. It was quite a ride here. It's the first time I've ever been up here, and I will say that it's beautiful. I have a deep-seated background in the environment myself, down our way. I live in a town called Woodbridge, and about three-and-a-half years ago, we started a project called the Woodbridge River Watch. Now we started this to clean up the area and let me tell you, this thing has grown and grown. This past Saturday we planted 130 seedlings and shrubs with the help of the Pioneer Club, Boy Scouts, and Cub Scouts. I'll tell you, it's all worthwhile when that happened. So I'm very,

very happy to see the youngsters interested in this, also. Thank you.

ASSEMBLYMAN ROONEY: I'd like to introduce, to my left, Assemblywoman Barbara Wright.

ASSEMBLYWOMAN WRIGHT: Thank you very much, Chairman Rooney, and thank you all for inviting us to your community. It is a very lovely community. I also live in a small community in Middlesex County. I represent District 14, which has towns -- where I live, Plainsboro, Cranbury, Monroe, South Brunswick, Helmetta, and Jamesburg. Also, in Mercer County where the State Capitol is located -- I do not represent Trenton -- but I represent the seventh largest city in New Jersey which is next door to Trenton, called Hamilton. Also, I represent East Windsor, Hightstown, and Washington Township.

I grew up in Cranbury, so I am representing the district where I went to grammar school, and also where I went to high school. And my mom lives in my district, so it's very exciting to me to represent my community, and I hope that as many of you grow into your careers, that you will become part of the Legislature.

I used to be the Mayor of my town, in Plainsboro. I am a nurse, and I'm the only nurse in the New Jersey Legislature, so I feel that sometimes my commitment to the environment is in a somewhat different way. But I do believe that people's health is heavily impacted by their environment. I think that people and their environment grow together and become healthy -- and sometimes they're not so healthy together. So I'm very concerned that our environment is a healthy place for us to live, work, and play. I'm very honored to share this opportunity to discuss this important issue with you tonight. Thank you.

ASSEMBLYMAN ROONEY: Thank you, Assemblywoman.

I believe Richard Luzzi is going to start off and tell us, basically, the history of the bill and the background of Kids Against Pollution.

Richard, why don't you come up?

MR. LUZZI: I would like to introduce to you the students from Tenakill and Hillside. As Mr. Rooney said, they will give to you a brief summary and a little background about the organization, Kids Against Pollution.

So, if you guys would come up now?

S H A R I R A V N E R: Let us tell you about KAP. KAP was founded four years ago. We are a group of fifth graders who are learning about the problems of pollution and their solutions to the United States Constitution and about making a real and significant difference in our community and in our nation.

We began here in Tenakill School in 1987, with the help, inspiration, and enthusiasm of our fifth grade teacher, Nick Byrne. It is he who made the study of the First Amendment, Right to Free Speech, come alive.

K I M W U S C H E R: We learned as much as we could about our pollution problems so that we could have an informed opinion. We learned as much as we could about our political system so that we could express our opinions. We worked with other students so that we could really make an impact. To date there over 2000 KAP chapters across the United States, as well as New Zealand, the Bahamas, Germany, the Netherlands, Mexico, Canada, Great Britain, Norway, and most recently, Guatemala.

KAP has been featured in a Soviet children's magazine called (indiscernible).

A M Y L E N A N D E R: We've used our First Amendment rights well. Thousands of letters have been sent to newspapers and magazine editors, and, of course, to public officials about environmental concerns: Beach pollution, recycling, sewage disposal, and air pollution are just a few of our interests.

The Closter Board of Education banned use of styrofoam products throughout the Closter School System after our presentation to them about its dangers. Presently, they are



working towards instituting the use of recycled paper throughout the Closter School System.

We've spoken at churches, synagogues, and schools, to our Mayor and Town Council, to New Jersey DEP, and to New York and New Jersey State Assemblies. We've testified at an EPA hearing in Washington, D.C.

**H E A T H E R M A N G A N O:** To cover expenses, we have held car washes, cake sales, popcorn sales, and volunteer service auctions. TV stations have taped us. Newspaper and magazine writers have interviewed us. KAP has been known to receive several awards. Among them are: Take Pride in America, President Bush's Thousand Points of Light contest, To Give and Learn, a program designed to identify and honor outstanding teacher/student community service in America, sponsored by IBM in association with "U.S. News and World Report."

Along with students from all over the world, and a dozen Nobel Prize winners, one of our students was selected to spend a week in Holland at the Peace/Child/Europe Conference. Our Environmental Bill of Rights was presented at the 1989 United Nations Youth Forum on the Environment. It has since been introduced as an amendment to both the New Jersey and the United States constitutions.

**D E V A N G D A V E:** We are all here because Kids Against Pollution wrote an amendment that we wanted to add to our State and national Constitution. The amendment came into being because we felt that our elected officials were not taking care of the environment. The Clean Water and Air Acts, although in some cases they were decades old, were not being used practically to protect the environment. Also, we saw a Superfund created that was supposed to clean up toxic waste sites in the early 1980s, and to date, less than 20 were cleaned completely of the 600 or so most toxic. Knowing this and after having read the Preamble to the Constitution, we noticed that it stated, "that it provides for the general

welfare." We questioned this. It was at this point that we knew that we had the power to try to improve the environment if we used our right of free speech.

The younger children wrote the original amendment. The middle school students refined and edited it into a one-page document so that people could read it quickly and understand it. It is written in everyday language. This is the amendment that you are about to hear:

**J E N F L I N C H U M:** Our legislators are mandated in the Preamble of our Constitution to provide for our general welfare. Because of this, we are entitled, by law, to clean air, land, and water. It does not appear that our right to a clean environment is being upheld. Therefore, we propose an amendment be made to our State and national constitutions which will mandate specific environmental rules. In this way, because all legislators have taken an oath to uphold the Constitution, they'll be compelled to enact and enforce the law.

**S A M A N T H A M E R Z:** Air. We have the right to clean air uncontaminated with the poisonous byproducts of industry. We have the right to an atmosphere free of chlorinated fluorocarbons and high levels of carbon monoxide which are both, today, contributing to a global warming -- also known as the "greenhouse effect." Every reasonable means should be taken to accomplish this task.

**MS. LENANDER:** Water. Water is the lifeblood of our planet. We have the right to uncontaminated drinking water, not water that is increasingly laden with toxins and industrial byproducts. We have the right to swim in our nation's waterways, to see its shores free of waste from ocean dumping, to catch fish that are not increasingly laden with mercury, PCBs, lead, dioxins, or other substances harmful to life.

**MS. MANGANO:** Land. Our land is a precious resource. We cannot continue to dump our waste on it without taking the strictest precautions. There must be tighter control of

dumping and the lining of landfills where landfills are necessary to prevent contamination of the water supply. Recycling must be made mandatory and recycled products should be encouraged through tax breaks and government purchasing. We must reduce the volume of waste by returning it to its manufacturers.

**V I C T O R S J O D I N:** Education. Finally, Environmental Education should be a subject taught as a separate course for at least one month each year starting at kindergarten and culminating in the twelfth grade. This should be a practical one which emphasizes how we can conserve our resources and how to eliminate all forms of pollution.

We have worked hard to make the public aware of our amendments. Some of our accomplishments are Bush's Thousand Points of Light contest, Take Pride in America.

**MS. FLINCHUM:** Book coverage, "Save the Earth."

**MS. MERZ:** We were also in "National Wildlife Federation."

**MS. LENANDER:** We've appeared on the NBC TV News with Connie Collins.

**MS. MANGANO:** We've also appeared on Good Morning, America.

**V A L E R I E M A T T H E W S:** We've spoken to the Bergen County Board of Chosen Freeholders and the New Jersey State Assembly.

**MS. WUSCHER:** New York Assembly Standing Committee on Environmental Conservation, Albany, New York. Sponsorship of Environmental Bill of Rights by Assemblyman John Rooney to the New Jersey State Constitution. Sponsorship of Environmental Bill of Rights by Congressman Frank Pallone, Jr. to the Constitution of the United States.

**J E N M A R T I N:** Award from Youth Environmental Society, award from Bergen County Board of Chosen Freeholders.

**J A C K I E K O L A C I A:** United Nations Youth Forum, 1990.

MS. RAVNER: We've appeared on CNN Business News.

JANE WOOD: We appeared in "U.S. News and World Report."

RAHELEH HATAMI: We have sponsored the first through third Environmental Rights Day and our fourth will be held on May 2.

MR. SJODIN: Jackie Kolacia will now give a summary of our presentation.

MS. KOLACIA: We are encouraging adults and children to support this amendment and to write to members of the Assembly and the Senate. We hope the people will endorse our efforts.

MR. LUZZI: I would now like to read to you the proposed statement to the bill: This proposed constitutional amendment would establish as an unalienable right:

1) "A right to air, water, and land, free of pollutants or contaminants.

2) "A right to a reasonable amount of reasonably accessible undeveloped land for recreational use and aesthetic enjoyment.

3) "A right to environmental courses in the educational curriculum of primary and secondary schools."

The resolution also contains a ballot question on the proposed constitutional amendment to be submitted to the State electorate at the next general election if the proposed constitutional amendment is approved by at least three-fifths of all the members of both Houses of the Legislature within a prescribed period of time.

ASSEMBLYMAN ROONEY: Thank you very much, Richard.

We have sign in sheets available, over here, to anyone who would like to testify on the bill. (to member of audience) I know, Jim, I've got your name down already.

Barry, are you going to testify at all on the bill or do you want to wait till the comments of the Business and Industry group? (negative response) Okay.

At this time-- I'm just wondering, were the young people that were up here, that signed in, was that their testimony?

UNIDENTIFIED SPEAKER IN AUDIENCE: No.

ASSEMBLYMAN ROONEY: No. Okay, so we'll start calling them as I receive them. The first one I have is Allen Ko.

A L L E N K O: Hello. My name is Allen Ko. I am here to inform you that our legislators have stated in the Preamble of the Constitution that we are entitled, by law, to clean air, land and water.

I'm going to talk to you about the land. I'm going to give you some of the facts. If we don't recycle, we're going to have landfills everywhere. Some of you might be going, "So what, it's not going to be in our lifetime." Well, think of your nieces, nephews, and your grandsons, etc., etc.

Don't they have a right to live in a pollution free environment? We cannot continue dumping waste on our beautiful earth. How much can it take? Already many lakes and rivers have been contaminated by the waste and landfills. We can make a difference. Have you ever heard, "One person can make a difference"? Well, there are lots of people, and we think we can make a difference.

It's hard, but think of the future. Think of the younger generations. Have you ever heard the famous words by Patrick Henry? "Give me liberty, or give me death"? It was during wartime, where the Constitution is liberty. We don't want to die, but preserving the earth is liberty.

Thank you.

ASSEMBLYMAN ROONEY: Thank you, Allen. Thank you very much.

The next one I have is Michael Vitalo.

M I C H A E L V I T A L O: Hello. My name is Michael Vitalo. The earth is a beautiful place. Mankind has enjoyed the earth for thousands of years. Keeping that in mind, some

of that beauty has started to vanish, due to our own carelessness. It is ghastly to look at some of the polluted regions around the world. People have a right to breathe clean air, drink unpolluted water, and have trees to recycle the air we breathe -- and still be able to make paper. This is a very important matter, and it is of great concern to everyone here tonight. KAP can't solve it by themselves. This is why we need your help to make this a better world to live in.

Thank you.

ASSEMBLYMAN ROONEY: Thank you.

Devang Dave.

MR. DEVANG: Our environment is something we will always have. We have to keep it clean and healthy. However, it is decaying. It needs help. If we are able to pass this amendment and establish it into our State Constitution, it will not only help us, but our posterity as well. Everyone should be able to learn about the environment. Education is a significant factor to life, and through education we learn to cope with and solve problems that we face every day.

Therefore, in our amendment, which we hope is passed into the Constitution, it says environmental education should be taught as a separate course for at least one month each year, starting at kindergarten and ending in twelfth grade. The course should be a practical one which emphasizes how we can conserve our resources and eliminate all forms of pollution. The environment and environmental education are a big matter. Please pass this amendment; not only for us, but for future generations as well.

Thank you.

ASSEMBLYMAN ROONEY: Thank you.

Next, I have Trestney Hung. And if you will, correct my pronunciation when you come up. If I pronounce it wrong, correct it so that it will go on the tape in the correct manner.

T R E S T N E Y   H U N G: "Life consists, not in holding good cards, but in playing those you do hold, well," a quote from Josh Billings. Well, we definitely have good cards. We have land, air, and water -- a pretty good hand, I'd say. We are accumulating all the chips, but are we playing our hand well? Our world is a pretty neat place, isn't it? But for all life forms including ourselves, it is more than that. We draw all the substances necessary for life from the earth. In the beginning, we were all crafted from the earth, and in the end, it is there that we shall return. Now, more than any other time in the past, have we needed an amendment to help protect the little we have not yet polluted.

Is it just coincidence that government studies show an increase in the cancer rate? Now almost every American carries detectable traces of carcinogens, a substance that tends to cause cancer. Today's statistics on cancer are more than mind-boggling; they're ghastly. One in four Americans is bound to get cancer, which means that 60 million Americans are expected to get this dreaded disease. The TSSC, (phonetic spelling) a research team that CEQ formed in 1977, after three years of study, confirmed a 10 percent increase of cancer rates between 1970 and 1976 -- a period in which all other causes of death declined. Cancer is the only major cause of death that rose continuously from 1900 to 1978. Incidentally, the production of chemicals greatly increased between 1950 and 1960. A dramatic surge in cancer rates showed up 20 to 25 years later -- the lag time what one might expect for the chemicals to show definite signs in their role of obliterating our environment.

In the June 1981 report by the National Cancer Institute, they calculate that from the time of birth to the age 74, one has an approximately 31 percent chance of obtaining cancer. The CEQ, the President's Council on Environmental Quality unequivocally states that most researchers agree that

70 percent to 90 percent of all cancers are caused by environmental influences; and hence, are theoretically preventable. Such figures in the future will rise, of course, unless we do something for ourselves and posterity.

There is, of course, the economic aspects of cancer. With numerous people having cancer, they will hypothetically spend money to help themselves medically. Therefore, the money that was reserved for entertainment, travel, comfort, and the dream house, Florida condo, or car, is now depleted. In fact, the only people I can see profiting from this are the undertakers, doctors, and those people who make and engrave tombstones.

The impact of cancer against so many Americans will surely slow and stop production of many items. The majority of the people will probably seek medical help. Of course, many companies have medical benefits, but with medical and hospital bills rising to new heights, many companies would have to cut back on things such as raises. With these new developments, the inflow of money to the economy would start to dwindle. Soon, it could, perhaps, be at a standstill, yet this is only one chocolate chip of the big cookie.

We have to start somewhere. As the most populated, urbanized, and industrial state, it is our responsibility to help better our State and to lead the United States in the fight against pollution. Much can be gained from having this amendment passed. Perhaps the gains will not be immediate, but the long-term effects will determine much of the future, including what the population of the world will be -- providing there is still life as we know it today. America must take the initiative and grab the bull by the horns before it succeeds in gouging our hearts out.

As Ernest Hemingway once said, "The world is a fine place, and worth fighting for."

ASSEMBLYMAN ROONEY: Thank you very much.



Next is Amit Dave'. Is that correct? (affirmative response)

A M I T D A V E': Where would we be without the First Amendment? Where could we be with this amendment? This amendment is the first step in ridding this world of pollution. In fact, this amendment also ensures that in the years to come, the world will be pollution free. Each day more and more pollution is caused, and each day more and more people lose jobs. This amendment would benefit us in two ways: 1) The cleaner environment would make it more pleasant to work and live, and in cleaning the earth, more jobs would be created. This amendment is just what the U.S. needs to help ensure the well-being of its residents.

The human race is the most highly developed, and yet we are the ones ruining this planet. They're as polluted, along with the land and water-- Even our minds are being corroded. We have to stop it. This amendment will ensure that the land is kept clean.

Recently people who pollute the land have been given small penalties because of the relaxed laws. If this amendment were passed and admitted into the Constitution, strict and more intense penalties would be given. The companies would have to stop dumping. The farmers would be given clean and uncontaminated soil and would produce better crops. The air we breathe contains chemicals that is contaminated due to factories and other smaller factors. Factories would be regulated and gases given off to the air would be minimized. In the effort to decrease the amount of unwanted gas in the atmosphere, more jobs would be created. The water that we drink contains chemicals and harmful toxins. This prevents us from enjoying the thing that we need most. If the water is contaminated, then the food we eat is also affected. If all the things around us are contaminated, then the only thing left to contaminate is our minds. If this pollution is not stopped,

we will accept it as okay and soon neglect the environment. This neglect will seal our fate.

This amendment, then, is a prevention device. This amendment will stop us from neglecting the environment. In fact, it will make it nearly impossible for us to neglect it. It will help stop pollution. The land, air, and water will be clean, and educated generations will be sure that the earth remains clean.

The Constitution was established to ensure the well-being of the residents of the United States, and in turn, ensured the well-being of the world. We are now given a chance, a chance to return ourselves to environmental perfection. We've been waiting for a chance like this for a long time. There's been no point in time like the present to establish this perfection. Of course our amendment won't rid the world of pollution, but it's a giant step in getting there. ♀

ASSEMBLYMAN ROONEY: Thank you very much.

Katy Malmrose?

K A T Y M A L M R O S E: What a beautiful planet earth is. Yet with our constant polluting, the beauty of the earth is slowly diminishing. Surely when our Founding Fathers drafted our Constitution, they did not think an environmental protection amendment was necessary. Nevertheless, our earth is constantly changing; shouldn't our Constitution be modified to keep up with it? If we want to ensure that everyone will protect the environment, an added amendment is greatly needed. The environment is being wasted more and more each day. Isn't it time for this amendment? And who better written by than kids? We are the future generations. We are deeply concerned about the preservation of our earth, and I'm sure our Founding Fathers would be too.

ASSEMBLYMAN ROONEY: Thank you, Katy.

Victor Sjodin? Is that correct, Victor? I had some help. (laughter)

MR. SJODIN: We are losing more and more of our resources. Most people think there's an everlasting supply of water, oil, forests, and clean air. If we as a society are narrow-minded and think that we can leave our mistakes for the future generations, we are leaving it for our future family. If we keep pushing for a better environment such as passing this Environmental Bill of Rights, we should be thinking of the future slowly, but starting to push to a better environment now. We should also teach our communities that cleaning the environment will help create jobs. With the help from government through tax breaks and spending on recycled products, we'll make a clean environment a part of our economy.

For example, if an oil company used 10 percent of ethanol in their gas, a lot of environmentally conscious people would buy it, creating a market for it so other oil companies would also use it because they don't want their business to go bad.

I think that we are the "super power" and this is thinking bigger; that we should set the standards for the rest. My teacher always told me that with freedom comes responsibility, and if we look at this as a mistake, we've got to learn from it.

ASSEMBLYMAN ROONEY: Thank you, Victor.

ASSEMBLYWOMAN WRIGHT: We just observed that Victor recycles his paper and uses both sides of it. (laughter)

ASSEMBLYMAN ROONEY: Very good. That's an excellent example.

Next is Meg Chandler.

M E G C H A N D L E R: We feel that the problem of pollution must be solved with long-term solutions. A quick fix approach looks good for public relations, but our environment deserves attention for its own sake. Much of this could be accomplished through education. By teaching our children to respect their environment, we can ensure that it will be fit for them to

inherit when they are leading the world. Caring for the environment also has long-term benefits for business. Some business leaders are at first concerned the tighter regulations will strain their budgets. We understand that in the current economic climate that is a legitimate issue. However, I can't think of a wiser business move than investing in the future of the planet. Unfortunately, we can see the effects that abuse in the environment has on business.

In the former Soviet Union, production was prioritized above environmental protection. This has crippled the land, the young businesses, and the people. They didn't think it would happen to them, but it did. We have to act now. We've already seen the effects that abusing our environment has had on our State and our country. For example, I was given, this evening, a list that is given to commercial fishermen as they renew their license every year. (displays newspaper article) An entire list this long is devoted to fish that are restricted because they have accumulated numerous toxins in them including PCBs, dioxins, and chlordanes. Dioxins are one of the most potent carcinogens known to humankind, and they're being collected in the fish that we want to put on our dinner tables. Fish that we once didn't think anything of eating are now being restricted in sale and consumption. In general, New Jersey recommends that you don't eat fish caught in its waters more than once a month. This is scary. We really can't afford to have that get any worse than it already is.

KAP appreciates the efforts that have already been made to help protect the environment. We believe the addition of the Environmental Bill of Rights will encourage and facilitate these efforts. By working together we can better face the issue of pollution and preserve our environment, not just for us, but for future generations.

Thank you.

ASSEMBLYMAN ROONEY: Meg, could you leave a copy of that article so that they'll have it for the record?

MS. CHANDLER: Sure.

ASSEMBLYMAN ROONEY: Just bring it over to the ladies at the desk. Thank you very much. It's a little difficult when somebody is pointing to something and making reference to it, and we don't have it in the testimony. It's a lot easier if we can get a copy of that.

Last, but not least, from Kids Against Pollution, I have Richard Luzzi who started the program. We'll end with Kids Against Pollution at this point.

MR. LUZZI: Our Environmental Bill of Rights entitles the people to have something to protect their surroundings. There are many environmental laws, but they aren't upheld to protect the general welfare of the people. Since all legislators have taken an oath to uphold the Constitution they will have to enforce the law.

Many times I think to myself, will my children or even my grandchildren, be able to live on this planet Earth? I know many of you think this might be a little drastic, but working with KAP and researching the many environmental problems, I have learned that this could very well happen. We need a law that will stop polluters from ruining Mother Earth. I would like my grandchildren to know what a tree is, not by a photo, but as it stands today. If you stop and think for a moment how much money is spent to build weapons to destroy, suppose we directed that money towards saving the earth instead? Humans are the worst and most horrible weapons to the earth. The scientists believe the sun will be able to last for a couple of billion years. Everyone says, "Oh, good, life on earth will stay around for a long time," but if we don't start now conserving and cleaning up, life on earth will be gone before the sun runs out.

As much as I hate to talk about these depressing problems, please wake up. This could very well become a reality, one which I do not want to see come about. I can only hope and pray you agree with me. So for once, let's forget a while about profit and loss, and start now to ensure a better world for all of us so that there will be a future to enjoy spending those hard-earned profits.

Thank you very much.

ASSEMBLYMAN ROONEY: Thank you, Richard.

I believe that is the last testimony that we'll have from Kids Against Pollution. Now we'll go on to other people. Anyone else who arrived late and would like to sign up, there are sign up sheets right up on the desk here. Just come up, and we'll take that.

One thing: Just in this interim, I'd like to end the Kids Against Pollution portion by saying I'm extremely proud to be a legislator in this district, to have such a group, to represent such a group, because I remember when I first got involved with you. I was impressed then. I remember when Meg and Richard came down to Trenton for Earth Day ceremonies down there and you gave great presentations at that time. You haven't gotten older; you've gotten better. You're doing a lot of good, and I just want to compliment you on the professional way that you presented your program tonight.

We do have other people that will talk on the other side. Before I start that, we do have Mr. Olaf Hagen from Closter Environmental. Olaf, do you want to come up and testify at this time?

O L A F H A G E N: Thank you. Would it be possible for me to speak without the microphone?

ASSEMBLYMAN ROONEY: You have to get close enough to it so we can pick it up. It's being recorded; that's the problem.

MR. HAGEN: Very well. I'm very happy that you have seen fit to come from Trenton to give a hearing here. It's a great pleasure for all of us to have this.

One of the very good things about the proposed amendment is the Preamble -- two sentences -- and it says, "provide for the general welfare." That should be enough. Ideally, there should be no need for an amendment, because any right-minded person would understand that it means clean air, clean water, and all the rest of the things that are said further down. Unfortunately, our people -- at least the adults who are at the present time running the country -- are not always reasonable. Their desires conflict with what common sense would tell them, and they will not accept that everyone is entitled to this, that, and the other thing.

The case is similar to that of the Fourteenth Amendment. The Fourteenth Amendment should not have been necessary. It should have been obvious that people who had been slaves are people, and they are entitled to all the rights the Constitution has already enumerated. But in order to enforce this, in order to make it plain so that other people will see and will not stand up in court and give specious arguments and drag the thing on, and to bypass the twisted logic -- in order to prevent that, we had to have the Fourteenth Amendment spelling certain things out. And so, we have here in this proposed amendment a very good spelling out.

Now, another thing: This proposed amendment is too long. An amendment should, ideally, be short and very general. But it is important when it is introduced that it be longer than necessary so the people down in Trenton when they go hammer and tongs and work it out, can generalize it and yet make it able to contain and to support the various detailed things that are said in it. So, I hope that the young people in the audience will not be disappointed if the amendment finally comes back to them in a somewhat different form. What

we need, and what I expect we will get, is a very good result of the cooperation between the young generation and the older generation. If we didn't have that, we would be in poor case.

Now, I'd like to make a confession. I was born, oh, over 70 years too soon. I should have been in the classes in Tenakill School these past few years. I would have enjoyed it very much, and I would have been growing up much faster than I grew up in the past. When I was growing up in the past, it never occurred to me that a young person could have any influence on what goes on in the general world; it's always someone who has more experience. And such a person grows up. When he's 20 or 30 he thinks, "Oh, there's always someone more experienced, with better judgment. We'll let them run the world." That's one of the troubles with this country. But things are changing now because of people like the teachers in Tenakill School and the children in Tenakill School. We are getting cooperation between the old people who know how to give suggestions and guidance, and the young people who have the fire in their hearts, who have hope, and want to get something good done. I want to thank them both.

ASSEMBLYMAN ROONEY: Thank you very much, Mr. Hagen.

MR. HAGEN: You're welcome. (applause)

ASSEMBLYMAN ROONEY: We know your environmental background, and that is quite a compliment to these young people here. You're right. I think all of us should have grown up with this type of responsibility and awareness of the environment. It is a tribute to the teachers; the staff here at Tenakill School. They are to be congratulated, especially Nick Byrne. He's done an excellent job. It's a model. We know that because we've seen it all over the country, all over the world, that this is a growing awareness of the environment, and it's a growing group.

We do have, on the negative side of it, we have to have the concerns of the business and industry community as to what this kind of legislation does.



Jim Sinclair represents New Jersey Business and Industry Association. I've spoken to him and the concerns of industry. We are trying to work out some of the compromises and some of the things that are of a problem to business and industry. Jim's got his box over here, and I think he's going to give us a bit of a presentation.

We must consider what the impact of this bill is, or any bill for that matter, on the other side of the coin.

So, Jim Sinclair. Thank you for coming. He's come a long way from Trenton to be up here today. He was here early. We've spoken on it. He's spoken with Barry Gagliardi as far it concerns the legal concerns, and we're interested in working together.

J A M E S    A .    S I N C L A I R, P.E.: Thank you, Mr. Chairman. It really was wonderful to sit here and listen to the young people and to see how articulate they are in their concerns. I'm really here today at your invitation, to tell you that in terms of the Business and Industry Association, last year when you introduced your bill -- it was before the, I believe, Assembly Environment Committee -- and was put forward, that we came forward and we opposed the bill. We looked at the bill again this time, and we still oppose it. I'm going to spend some time now going through the details of that opposition.

First of all, maybe we-- Young people are optimistic about the world, about what the world could be, and it is sort of sad when you hear the pessimism in their voice about their perception of what the world is and the pressures on them.

Engineers -- and I'm an engineer -- are basically optimistic people. They look at problems and figure out, "How are we going to solve that problem?" So I'm going to come here today and testify as a person who has been involved in the engineering and scientific community, as a person who has been an employee of the Department of Environmental Protection and

the Department of Community Affairs, as well as the business community, and bring that sort of perspective to this discussion.

But first, let me tell you about my experience at Carpenters' Hall in Philadelphia. That's right near where the Liberty Bell is, and it's a building that the carpenters' union built around the time that discussions were taking place on the Declaration of Independence and the U.S. Constitution. This is a facility that was used by our Founding Fathers for those deliberations. And in that building is a beautiful video tape program that talks about the times of our Founding Fathers. We like to look back and talk about the "good old days," about how good the environment was in the old days when our Founding Fathers were framing the Constitution, but the reality of the point is that at that time Philadelphia -- when they were framing the Constitution -- was the largest city in the United States, or what is the United States now.

It was a city that had tremendous urban problems. It was a city of dirt streets that were filled with filth from humans and from animals, because that was the means of transportation. That was before we had cars and public transportation. There were flies and rodents. You couldn't go out when it was cold out. It was difficult to breathe when you walked on the streets because of the fires in the people's fireplaces and the smoke that hung over the city. It was a city that was filled with pollution. It was a city that was plagued with typhoid, cholera, and other diseases.

Today we have different problems, but many of the problems that our Founding Fathers had we've dealt with as a society, and we've dealt with through technology, we've dealt with through drugs that were put together in our pharmaceutical factories, and many of the other industries that we have.

Industry has taken a rap as being, somehow, the evil focus, the polluters, and that's really far from the point.

Industry -- and I represent the Business and Industry Association -- we represent all of the employers in New Jersey, basically-- We have 13,500 companies that are members of the Association. They range from AT&T, to Exxon at the top, to very small firms, and other things such as Princeton University, hospitals, law firms, and environmental consulting firms. I mean we have the whole range of business in the State, and that's who I'm speaking for today in terms of this particular issue.

Approximately 10,000 of our members employ less than 50 people. We have an environmental quality committee that's made up of the best -- and I say this without qualification -- the best environmental and scientific engineers in the world. These are the people that deal with the problems of pollution and come up with solutions on how to make the environment better. These are real environmentalists, real hands-on environmentalists, just as the people in the Department of Environmental Protection are real hand-on environmentalists. They have to live with not only the laws and regulations, which I'll talk about in a little bit, but with the science and the engineering that sometimes underlies the laws and sometimes is contrary to it.

One of the things that we are very concerned about in New Jersey -- and one of the problems that we've had in the world -- is growing population and sustaining that population; of providing economic growth for a society that has a growing population. It's not an easy task. We've had a net loss of 200,000 manufacturing jobs in this State since 1979. That's one-quarter of our manufacturing base. We have been lucky to replace many of those jobs with service sector jobs, but if we lose much more of the manufacturing jobs in the State, the structure of our economy, the balance of our economy in this State, for the long run is in jeopardy. I think that was clear in the Governor's Economic Summit when people met with the

Governor during the last summer -- I guess it was spring and summer.

Just to sort of frame this particular issue, it isn't because of a shortage of concern for the environment by the Legislature. The question of whether or not there should be an acknowledgement or a realization on the part of the Legislature and on the people that the environment is a very important issue-- It's important for our members who own hotels and recreational facilities at the shore. It's an important part of our economy. Tourism is perhaps one of the greatest potential growth parts of our economy. So a healthy environment, a healthy ocean is clearly something that's important for the business community. The quality of life for our State is important for the people that run managed businesses.

I have here, two books that are filled with the environmental laws of the State of New Jersey. Most of them have been promulgated in the last 20 years. These two books form the framework for a lot of environmental regulatory action, both at the State level and at the municipal level. There are over 4000 employees in the Department of Environmental Protection that are enforcing our environmental laws. They're enforcing these which fill up a box. (displays books) These are the regulations that they enforce. (displays box) Fairly heavy.

The Legislature has not been remiss in taking on environmental issues. So, you might say to me, "Jim, so if the Legislature has written three books" -- and the Committee Aide tells me there is another book, another chapter; this is Chapter 13 -- "and we have five volumes of regulations, why shouldn't we have a constitutional amendment to the constitutional rights of the State, something similar to what we have here?" And I suppose I agree with the person that proceeded me, that in the Constitution, that constitutional

amendments shouldn't be long, especially in the rights section; that they should be short and concise and should be clearly understood by everybody that reads the Constitution. They should be sort of guidelines, and frameworks for where we're going. Tell us what it is--

Help judges. That's what the Constitution is all about. It's a guideline for the judges on the Supreme Court to give them direction on which way they should interpret a law, or a statute, or a regulation, or a case when making a decision about somebody and something. That's what it all boils down to -- people, and that's what my concern-- And as I said, I'm not an attorney. I'm only looking at this through the window of an engineer and a person who has been involved in the implementation of public programs for 25 years.

The first thing-- Let me address the question at the end of the constitutional amendment about the right to an education containing environmental courses in grades 1-12. This appears to me to be the thing that could be most easily dealt with in this particular statute. This is a specific guidance to the Education Department to establish some sort of core course criteria. At least that's what I assume the kids are saying. They're saying, "We have a right and we should have access to -- and not only us, but everybody should have access to environmental education in grades 1-12. It should be part of what we do."

Now many people could argue that there are other things that should be part of it, too, but as a person who works in the environment and works with environmentalists, I have no argument with that; that perhaps we should have something that makes it a core requirement in our educational process. Now having it a month out of the semester, or a month out of the year, as one of the students stated, may be a little bit extreme in terms of that, but I think environmental education is an important thing. We need to be environmentally

aware about not only what our rights are as citizens, but what our responsibilities are as citizens.

I'm sure that the people on the Committee know that most of the pollution in the State, the great quantity of pollution in the State, the overwhelming amount of pollution in the State, in the air and in the water, comes from individuals -- comes from individuals in their lifestyles, in how they drive their cars. It comes from individuals in how they take care of their lawns; comes from individuals in how they dispose of their garbage -- what things they purchased to dispose of; comes from individuals in terms of them using the sewer system. So that part of having a greater understanding of our own responsibility -- individual responsibility, individual choice in areas of environmental matters -- I think is an important thing that needs to be-- We all need to learn that and look at what we do.

I would suggest that this could easily be handled as a bill, requiring that the Department of Education mandate this -- set it up. I think it's probably going to be a little more complex than that because you need to look at what is-- It's logistically fitting it in to a curriculum, how you pay for it, if this is another State mandate kind of thing. But as I told the Chairman before the meeting, I think this is something the Business and Industry Association wouldn't oppose and may, in fact, support wholeheartedly. That I think, is the easy issue that we're dealing with here.

Second issue: All persons have a natural and unalienable right to a clean and healthy environment necessary for the enjoyment of life and the pursuit of happiness. This seems to be fairly duplicative of the Environmental Rights Act in, I think it's Section 2A, which deals and gives citizens the power-- It sort of states that citizens have the power to attack any sources of pollution in society, and take people to court. I think it's fairly well linked to that, and I bring that to your attention.

My third point: Right after that section, where it says all persons have this natural right for an unalienable right to a clean and healthy environment necessary for the enjoyment of life and the pursuit of happiness, we say free from pollutants or contaminants in an amount capable of causing harm to human, animal, or plant, or the biosphere.

On face value, how could you disagree with that? Yet, when we start to look at it, what do we mean by "harm"? Do we mean killing, maiming, damaging, bruising? You can see from this definition that harm is a vague term. Does it mean that we cannot kill viruses? Does it mean that we cannot cut the grass? Does it mean that we can't kill weeds? Then, of course, to human, animal or plant life, or the biosphere: That's so broad, what does that mean, too? Does it mean that we can't drive our car because we put nitrous oxides and carbon monoxide into the air? This definition would preclude that.

Project Clean Air was a project that was put together in the waning days of the Kean Administration, made up of environmental, business, academic, and governmental officials. They had a very simple task. Their task was to look at the mobile sources of pollution and to report back on how we could reduce the amount of pollution in the air from automobiles; a simple, but complex task. This study was uniquely funded by the Dodge Foundation and other sources of funding, so it had money to do the studies. The studies came up and showed that citizens -- us -- we want to have clean air as long as it doesn't infringe on us driving our cars. So we have-- Just in this simple little thing on mobile sources, we have a dichotomy here. We have citizens on one hand wanting clean air; citizens on the other hand not being willing to do the steps that might reduce the amount of pollution. I think that this is a problem that we see in many cases. That's why we have legislative bodies: to take a look and come up with what turn out to be political solutions to scientific issues, because we have to

accommodate people in society and people's real needs, real desires.

Two more points: The right to a reasonable amount of reasonably accessible, undeveloped land, sufficient for recreational and aesthetic needs. Once again, wonderful. But once again, what do we mean? What is a reasonable amount? And whose undeveloped land are we talking about? Are we talking about undeveloped land that we, as society, own and have bought the rights to, or are we talking about some farmer's field that's farming this land? Tough, tough policy issues that we've been wrestling with in this State for a long time, in the State Development Plan, and prior to that the State Development Guide Plan -- very tough public policy issues. And then, what is reasonably accessible? Reasonably accessible to me, who lives in Pemberton and is surrounded by the Pine Barrens, or reasonably accessible to the children in this school right here? And what is "reasonably accessible"? Does that mean being able to drive down to the Pine Barrens or does that mean being able to walk to the facility? I mean these are not-- And what is undeveloped land? Does that mean nonfarmed? Does that mean vacant land? Does that mean parkland? What do we mean? In the Green Acres Program we develop land all the time for use by people.

And then: Sufficient for recreational and aesthetic needs. Recreational I understand. I think we probably could define that, but aesthetic is also a very open-ended term. What's aesthetic for me may not be aesthetic for other people in the room here.

My last point, and this also loops back-- No, actually it isn't my last point; my second last point. My second last point is a wonderful book; boring, but wonderful. The name of this book is called, "The Dose Makes the Poison: A Plain Language Guide to Toxicology," which sounds very difficult. But this really is a wonderful book because it



talks about chemicals and it talks about we're all made of chemicals and it talks about what, in fact, is a toxic level, and how do we define that, or how do we think we define it? What is the thinking now? What I'd like to do, Assemblyman, is leave this book here for you to leave with the students and the teachers to look at. I think that this really is a helpful book to look at, trying to define better the terms in shaping the debate on where they're going and where they want to go; something we salute them in doing.

My last item is that I think this is a wonderful public hearing, and I'm absolutely glad that I came here tonight and listened to the children. I'm glad that you invited me up to talk about this bill because this is a process -- this is the legislative process at work, and I'm glad we're doing it right here in front of the children. Because they're talking about what their concerns are on a piece of legislation, to you: you as judges actually, you protecting the Legislature, you being the front guard of deciding what piece of legislation goes before the entire Legislature which, in this case, will go before the voters. You're the filtering mechanism.

We're making our case. We're saying -- some of us are saying, as the gentleman who preceded me -- you know, what you'd really need to do-- This goes through a process, and the final bill might not look like how it started out. It rarely does because there are a lot of considerations in the process. This is how the legislative process works. This is why I, myself, am opposed to I&R as it's being proposed, in many cases: because it would take this step out of the way. It would remove you from deciding what is good and what makes sense from a political standpoint.

So thank you very much, sir, and I'd be glad to answer any questions of the Committee.

ASSEMBLYMAN ROONEY: I have some questions, of course. It's my bill. (laughter)

MR. SINCLAIR: Yes, sir.

ASSEMBLYMAN ROONEY: Yeah, I think they can hear me. I've never had a problem being heard in my years in politics, even without a microphone.

I think the concerns of Business and Industry are valid to some extent. They're valid to the point that what happens when we pass a constitutional amendment and somebody comes and says, "You violated my constitutional right to have a clean environment." I think that's what Industry is saying -- and to that we have checked in those states that have constitutional amendments, and I'd like you to take this information back. Perhaps Business and Industry can now come on board because, I guess Justice Pollard (sic): "This is a promise unfulfilled, environmental provisions in State constitutions in the self-execution question," meaning that since it's in the Constitution, doesn't mean that that is the law that says you can't do any pollution, or any pollution is unreasonable or whatever that interpretation is. They were directing this at the states of Alaska, Florida, Georgia, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, Montana, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, Texas, and Virginia. These states already have this provision. What Justice Pollard says in here is that you must enact laws to enforce your pollution statutes; you can't rely on the constitutional provision.

So although it sounds good to put it in here, and I think it's a concern, and putting in the education part of it in the Constitution mandates that as a given, they must comply, but I don't think it goes as far-- This constitutional amendment doesn't go as far as Business and Industry thinks it goes. I'd really like to have your legal people take a look at this opinion and reassess, based on this opinion, what this constitutional amendment would do.

MR. SINCLAIR: I'd be happy to take that back to our Legal Affairs. As I said, I'm not an attorney, and I'm looking at it in terms of those people that will have to comply with it. But yes, I'll take that back, and I'd be happy to have them analyze that. I'd also, if we had done-- If the staff has done any consolidation of what the environmental rights-- If there's a similar kind of provision in other state constitutions, if they could share that with us too. That would be very helpful to our legal committee to look at that. Like you say, maybe this is the kind of thing that doesn't get interpreted, and, quite frankly, this is the first time that I, myself, have looked at the 20 provisions that are, rights in our Constitution in New Jersey. It was an eye-opening experience for me.

ASSEMBLYMAN ROONEY: See, we did accomplish something -- in education anyway. But, I believe it. And Kevil has done research on this -- has done some excellent research as a matter of fact. It may be something that we're afraid of a bogeyman who may not be there, and the constitutional language may be just that this is something that our people can say-- I think a constitution is written for the people of that state to express their attitudes, and what they see for themselves. I think this is an excellent example: These children have shown us the way -- out of the mouths of babes. Let's have a clean environment. Why isn't every constitution, including the Federal Constitution-- Why doesn't the Federal Constitution have this provision in it?

I hope Congressman Pallone is more successful in his plight on this issue than he has been in his redistricting plight. But that's another question.

I would like to work with Business and Industry, and I'm sure everyone here wants to work with Business and Industry. Earlier, you suggested that perhaps we look at something like this, tying together a lot of the loose ends

that come out of all this other legislation, and I, as Chairman of this Committee -- and Hazardous Waste -- am very much amenable to working with Industry to try and get these regulations down to a workable arrangement.

MR. SINCLAIR: We have recognized that what we need is a better coordinated environmental policy in the State, one that is clearly identifiable to the citizens. What we have now in these two or three books of statutes and these regulations, is a hodgepodge. And in many cases it doesn't work. We're seeing that because we're supporting pollution prevention as a concept of reducing the amount of pollution that gets to the environment in the first place by looking at processes. This is a very important step forward in our whole process of environmental control. But what we're discovering in the pilot cases at DEP, is DEP doesn't have the power to make a decision to trade off things between mediums, and that's really something we need to address. We need to figure out how to make these environmental laws work together to get us to the goals we want to achieve.

ASSEMBLYMAN ROONEY: Jim, thank you. Anyone else have questions for Jim? (negative response) Jim, thank you very much.

I've been working with Jim for the last year. I don't want anybody to think that he's here in a negative form. He's here to point out any possible problems that Industry has with this bill, and we've got to know that up front. If we don't know it up front, then we're going to have problems later.

Meg, did you want to ask a question of Jim?

MS. CHANDLER: First of all, we'd like to thank you for your time.

MR. LUZZI: Thank you.

ASSEMBLYMAN ROONEY: Let me just find out if there's anyone else that wants to testify at this time before we do a wrap up. (no response) Okay, it's yours.

MR. LUZZI: We would just like to make note that there are two sides to this bill: There are the people who are for it, and the people who are against it, and we do not want to fight against each other -- you know, to always be arguing against each other. We would like to work together to be able to form something that we can both agree on so that it isn't always antagonistic, so that one side is saying, "This is this," and the other side is saying, "No, no, you can't do that because there's that." We don't want to have any enemies with this because after all, it does affect everyone. We would like for us to work together so if there's any way-- I believe Meg had some thoughts on it.

MS. CHANDLER: Mr. Rooney, you did bring this up, but we understand. As he said, a constitutional amendment is meant as a guideline. It isn't so much a law in itself as a bill that is used to create other laws, and it's used as a guideline. We understand that the wording in this bill is a little bit open-ended as most of the other constitutional amendments are in order to allow for the individual states to write laws that would uphold this constitutional amendment. We do feel that it would have to be looked at. In other words, some of the words would possibly have to be defined in different laws. We feel, however, that the message behind this amendment that we have, needs to be presented in this form in order to bring it up to the spotlight -- in order the have the politicians in the State look at it as when they're sworn in. They are sworn in to uphold the Constitution. We feel that in that way, that's why it is useful.

ASSEMBLYMAN ROONEY: One thing that Jim had offered a while back was to run seminars or information workshops for your chapter, Kids Against Pollution, and to sit down with you.

Jim, I think that offer is still open?

MR. SINCLAIR: Yes.

ASSEMBLYMAN ROONEY: And maybe you should appoint some junior chapter of the New Jersey Business and Industry Association, because I know it's not going to be too long in the very near future you're going to see these people as the leaders in this State. I see their talent here has got to be recognized. So, I would say that Mr. Sinclair would be the contact person, and we'll try and work together.

I like that idea of the guideline because that's what a constitution is. You need laws to enact--

MS. CHANDLER: (speaking from audience) Mr. Sinclair, just for your information, we are having an Environmental Rights Day this Saturday and if you'd like to attend that we can give you more information or--(inaudible) We'd certainly welcome you.

MR. LUZZI: We would also like to know if you'd like to give a workshop at the Environmental Rights Day?

MR. SINCLAIR: The time frame is too close on that. I could come back at some other time.

MS. CHANDLER: Okay, even if you have any literature for us--

MR. LUZZI: Or if you would like to attend one of our workshops?

ASSEMBLYMAN ROONEY: Why don't we try and arrange something with NJBIA at your headquarters in Trenton? Perhaps we can have someone down to mingle with your members at a meeting and to get an idea of what Business and Industry are doing to preserve the environment, to help the environment. Don't get the mistaken impression that all businesses and industry in the State of New Jersey are bad. These people have done an excellent job.

I had a bill up called, "The Burning Right to Know," and basically, when you have a right to know bill -- or the right to know bill that was in-- Basically, you had to go in and read the label on something. What does a fireman do when

he goes into a fire? The last thing he wants to do is read a label. So my bill said, tell the fire department ahead of time what's in your building and what happens to that material when it burns, because it could be totally safe in its normal state and when it burns, it becomes toxic. Things like urethane foam give off cyanide gas when they burn. So these are the kinds of things we need to know, and the firemen need to know. Business and Industry worked with me on that bill and made it a much better bill. In fact, they were the ones that came up and said, "Why don't you mandate that a fireman, before he goes into a fire, must have his breathing apparatus on?"

MS. CHANDLER: My father was in the fire department, so I am aware of that regulation.

ASSEMBLYMAN ROONEY: So, you tell him it was my bill, by the way -- A-666. Jim Sinclair was one of the people who helped tremendously on that. It was a totally negative bill, when it first came out, they were opposed to it, but we worked together, and I think it's something that we're starting here; the dialogue between us and them, and it will all be us by the time it's over.

MS. CHANDLER: Kids Against Pollution never want to be antagonistic to a group, because we feel that we are all working towards the same cause. The environment, probably more than any other issue today, affects all of us and we feel that working together we can accomplish more than working apart. We feel that the Business Association from New Jersey have a lot to offer to us, and we feel we can help each other out.

ASSEMBLYMAN ROONEY: Okay. Want to get one more comment in?

MR. SJODIN: Mr. Sinclair made a point that we as a people have to want to use the car. As I said, people want better fuel efficiency, and ethanol -- made out of corn, 10 percent in the fuel-- More people that are environmentally conscious will buy it. In Los Angeles the air is very bad and

there's a demand for electric cars, so GM made an electric car. My Dad works for a Ship-a-Car, and because there's a demand for it -- the people want it -- is taking it to Los Angeles. That's because that is going to make a group stand in the economy for cars, because people want it. That shows that they are working to help the environment.

ASSEMBLYMAN ROONEY: And natural gas is another. We had a demonstration -- our Committee had a demonstration down in Trenton a few weeks back on the natural gas vehicle, available through Public Service. If you contact them, they will bring it up, and they will do a demonstration on that particular vehicle. It's totally clean. So, there are ways of cleaning up the air as far as automobile emissions are concerned.

MS. CHANDLER: Well, we feel that the Business and Industry would be able to help us in a matter like this.

ASSEMBLYMAN ROONEY: They've got the big bucks, too, Meg. They might be able to make some contributions. Just a little hint. (laughter)

MS. CHANDLER: Citizens' groups and student groups like Kids Against Pollution can bring the issue up, but we really do need the help of the entire community to really get something like this, including companies, including Business of New Jersey. We feel if we have everybody's support, we're going to find a solution that's feasible for everybody faster than if we were antagonistic to each other.

MR. LUZZI: Just like they say: "Two brains are better than one."

ASSEMBLYMAN ROONEY: Absolutely.

I believe that finishes the testimony for this hearing, so I'd like to, before we close, thank Nick Byrne.

Nick, thank you very much for producing such a very talented group and thank you for your fathering of Kids Against Pollution. We acknowledge you and your work. We think it's excellent. They've done an excellent job.



N I C H O L A S    B Y R N E:    (speaking from audience;  
inaudible)

ASSEMBLYMAN ROONEY:    Nick, they can't pick you up on  
the tape.

MR. BYRNE:    Just today, they're trying to show their  
ability to cooperate. That's what we try to emphasize all the  
time: cooperation, because animosity gets you no place. And to  
obliterate that animosity after it starts, it takes years. So  
it's much easier to cooperate in a constructive vein so we  
could really do something for our State and our country.  
That's basically what it's all about.

ASSEMBLYMAN ROONEY:    Thank you very much.

Before we close, I'd like to open it to any comments  
from my Committee members. I'd just like to say it's been a  
pleasure to be here, and I just might add the country's going  
to be in good hands. You can see that.

ASSEMBLYWOMAN WRIGHT:    I'd just like to say, as part  
of the minority in the Legislature -- in New Jersey there are  
only 15 women of the 120 legislators -- I was impressed to see  
so many young women involved, and I think when you're in the  
Legislature it will probably be 50 percent women. (laughter)

ASSEMBLYMAN ROONEY:    I just want to thank you all for  
coming tonight and giving us this opportunity to open the floor  
to discussion. We hope that we'll get together with the  
opposition, and it's the loyal opposition. They've been very  
cooperative in the past. I'm sure that we're going to come up  
with something to do what we want to do.

Thank you, again.

MR. HAGEN:    (speaking from audience)    Mr. Speaker, Mr.  
Sinclair is not a member of the opposition. He's advancing the  
dialogue.

ASSEMBLYMAN ROONEY:    It's only on this particular bill  
that he's a member of the opposition. (laughter) But he has  
to write down whether he's opposed or in favor of the bill. We  
have no problem with that. We've worked together in the past.

Yes, Richard?

MR. LUZZI: I'd like to thank a few people that are members of Kids Against Pollution and have helped us. First of all, I would like to thank Dr. Muller. He's new to our faculty here in Closter, and he's really helped out a lot with the kids at Hillside, working hard with them, and it showed today. And I'd like to thank Mrs. O'Hanlon who is in Tenakill, and she's worked hard. I would like to thank Mr. Byrne for making this all possible and starting it with the kids. And my mom, for working late--

ASSEMBLYMAN ROONEY: And producing you. (laughter)

MR. LUZZI: Yeah, working nights-- Mrs. Luzzi, for working with us. And last, but not least, I'd like to thank Mr. Pevny who gave the okay to Mr. Byrne to make this all possible.

ASSEMBLYMAN ROONEY: The forgotten Mr. Pevny. (laughter)

MR. LUZZI: And I'd like to thank you for coming.

ASSEMBLYMAN ROONEY: Thank you very much. We really appreciate it.

So with that, I'm going to close this meeting and close the testimony until we open, perhaps in Trenton. Thank you very much.

(HEARING CONCLUDED)

## APPENDIX



## Environmental Bill of Rights

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Our legislators are mandated in the Preamble of our Constitution to provide for our general welfare. Because of this, we believe we are entitled, by law, to clean air, land and water.

It does not appear that our right to a clean environment is being upheld. Therefore, we propose that an amendment be made to our State and National Constitutions which will mandate specific environmental rules. In this way, because all legislators have taken an oath to uphold the constitution, they will be compelled to enact and enforce the law.

### AIR

We have a right to clean air uncontaminated with the poisonous byproducts of industry. We have the right to an atmosphere free of chlorinated fluourocabons and high levels of carbon monoxide both of which are, today, contributing to a global warming (also known as the "greenhouse effect.") Every reasonable means should be taken to promptly accomplish this task.

### WATER

Water is the life blood of our planet. We have the right to uncontaminated drinking water, not water that is increasingly laden with toxins and industrial byproducts. We have the right to swim in our Nation's waterways, to see its shores free of waste from ocean dumping, to catch fish that are not laden with mercury, PCB's, lead, dioxin, or other substances harmful to life.

### LAND

Our land is a precious resource. We cannot continue to dump our waste on it without taking the strictest precautions. There must be tighter control of dumping and the lining of landfills where landfills are necessary to prevent contamination of the water supply. Recycling must be made mandatory and recycled products should be encouraged through tax breaks and government purchasing. We must reduce the volume of waste by returning it to its manufacturers.

### EDUCATION

Finally, Environmental Education should be a subject taught as a separate course for at least one month each year starting at kindergarten and culminating in the 12th grade. This course should be a practical one which emphasizes how we can conserve our resources and how to eliminate all forms of pollution.

# HOW TO REDUCE CONSUMER EXPOSURE TO FISH CONTAMINATED WITH TOXIC CHEMICALS (PCB's, DIOXINS, CHLORDANE, ETC.)

## STATEWIDE ADVISORY and/or PROHIBITION:

Striped Bass—all sales prohibited. Advised limited consumption.

American Eels—advised limited consumption (especially the Northeast region).

Bluefish—advised limited consumption of large bluefish (over six pounds or 24 inches).

### A. NEWARK BAY COMPLEX

Prohibited—Sale or consumption of all fish from the Tidal Passaic River; sale or consumption of striped bass and blue crabs and sale of American eels from the entire complex. Advised—limited consumption of bluefish, white catfish and white perch.

Newark Bay Complex includes Newark Bay, Passaic River (up to Dundee Dam), Hackensack River (up to Oradell Dam), Arthur Kill and Kill van Kull and all tributaries.\*

### B. HUDSON RIVER (NJ waters)

Advised—very limited consumption of striped bass and limited consumption of white perch, white catfish and bluefish. Prohibited—sale of American eels.

Hudson River includes the River up to the NJ-NY border, approximately four miles above Alpine, N.J., and Upper New York Bay.\*

### C. LOWER NEW YORK BAY

Lower New York Bay is not in New Jersey State waters. Fishermen in NY waters, including Lower New York Bay and the NY part of the Upper New York Bay and Hudson River are advised to adhere to New York State advisory guidelines, which are similar to New Jersey's.\*

### D. RARITAN BAY COMPLEX

Advised—limited consumption of striped bass, white catfish and white perch.

Raritan Bay Complex includes the NJ portion of Sandy Hook and Raritan Bays and the tidal portion of the Raritan River upstream to the Rt. 1 bridge and New Brunswick.\*

### E. CAMDEN AREA

Prohibited—sale and consumption of all fish, crustaceans and shellfish.

Camden Area includes Strawbridge Lake, Pennsauken Creek (N and S branches), Cooper River and its drainage, Cooper River Lake, Stewart Lake, and Newton Lake.\*

### F. DELAWARE RIVER

Advised—against consumption of channel catfish. Prohibited—sale of channel catfish.

Delaware River refers to that area of the River between Interstate 276 bridge, Burlington Township, Burl-

ington County, and Birch Creek, Logan Township, Gloucester County.\*

\*Detailed delineations of areas are for purposes of these guidelines only (under N.J.A.C. 7:25-18A, etc.).

## DEFINITIONS

Limited Consumption means any person should consume not more than one meal per week of such fish and persons of high risk such as pregnant women, nursing mothers, women of child bearing age and young children should not eat any such fish taken from the designated regions.

Very Limited Consumption is the same as above except to further restrict consumption to no more than one meal per month.

## PREPARATION AND COOKING RECOMMENDATIONS

By following the outlined advisories and prohibitions concerning fish and crab, it is possible to reduce exposure to contaminants in fish and shellfish. Further reduction may be obtained by following the preparation guidelines below.

## CHEMICAL CONTAMINANTS COLLECT IN FAT TISSUE

In fish, the fatty belly flaps, backstrap and lateral-line tissue (dark meat) is where most man-made contaminants concentrate. To reduce exposure, these should be removed before cooking.

After filleting, make a thin slice to remove red or dark lateral-line tissue. Also remove the portion of belly flaps below the base of the ribs. Use your fingers to separate the backstrap from the flesh on top of the fillet. When you steak or chunk fish, similar efforts should be made.

Cooking methods that allow the removal of fats from the fish will generally reduce the level of contaminants. These include broiling on an elevated rack, boiling in water, and canning fish without skins. In all cases, do not use the liquid that contains the oils and fats as a food item. In addition, coatings which hold in oils or fats should be avoided.

## BLUE CRABS

With blue crabs, chemical contaminants are usually found in much lower concentrations in the meat (claw and body muscle) than in the internal organs. Highest levels are found in the hepatopancreas, commonly known as the tomalley, green gland or mustard. This should not be eaten and it is best to remove it before cooking so as not to contaminate the meat during the cooking process.

The hepatopancreas is the yellowish green portion of the digestive system under the gills and can be removed with the gills prior to cooking.

If the crab is cooked whole, be certain to discard the cooking water and not to use the water or hepatopancreas (mustard) in any juices or sauces to be eaten.

This article draws from previously published information developed by the Division of Science and Research. For more detailed data on history, health effects, etc. write to Paul Hague, CN409, Trenton, NJ 08625.



