

School trains groups to protect environment

Citizens, activists learn how environmental regulations protect corporations, not communities

by Jon Clark

Named for a boy from rural Pennsylvania who died after being exposed to sewage sludge, the Daniel Pennock Democracy School has a central message for communities concerned about the environment and public health: environmental agencies are not designed to protect public health; they are designed to protect corporations from community control.

Illustrating this central theme with engaging stories drawn from almost 10 years of experience representing communities against polluting industries in rural Pennsylvania, the instructor of the school, Thomas Linzey, an attorney and executive director of the Community Environmental Legal Defense Fund (CELDF), argues that "environmental regulations regulate environmentalists."

Schools are often one weekend long, and are scheduled around the country. Upcoming schools are scheduled in Alaska,

Massachusetts and Washington state as well as Chambersburg, Pa., beginning Nov. 4.

Often put in place at the request of the very corporations they purport to regulate, environmental regulations channel concerned communities into dead-end permitting processes that deprive them of their right to say no to the regulated activity, Linzey said. In these permitting processes, corporations apply for permits to discharge pollutants at so-called acceptable levels, which are deemed officially safe but may not be actually safe.

Even before citizens show up at a hearing to speak their minds, the relevant issues have been defined in advance, restricting the debate to technical issues and dismissing citizen concerns as legally irrelevant emotions. Moreover, in most cases it is a foregone conclusion that the agency will issue the permit, even if the community objects. As Linzey puts it, "Our organizing is predictable because we are regulated."

When communities follow the regulatory script, Linzey teaches, they lose in predictable ways. For example, Linzey himself has been hired numerous times by local communities to search for flaws in corpora-

tions' permit applications in the hopes of stopping unwanted projects. But even when he has been successful, his victories have been temporary, because the corporations have simply submitted new applications with the mistakes corrected.

When a corporation's paperwork is in order, the agency issues the permit. This is because the regulatory system is designed to legalize the regulated activity, and perhaps make it a little less polluting—at least on paper. But saying no to the activity is not even on the table, even if that is precisely what the community wants.

"They don't call it permitting for nothing," Lindzey explained wryly.

Democracy School helps communities find a better way, one that is empowering rather than disempowering. Instead of fighting losing battles in a regulatory system that is rigged against them, communities are taught how to use local democratic ordinances to define the types of communities they want.

Unfortunately, when communities go this route, passing ordinances banning inherently unsustainable industrial practices, the corporations that profit from those practices

convince the state government to pass laws stripping those communities of their right to say no. The "corporate state," as Linzey calls it, is used to shield corporations from grassroots democratic control.

For example, agribusiness corporations in Pennsylvania have convinced the Pennsylvania General Assembly to pass laws stripping rural communities of their rights to ban factory farms and genetically modified organisms.

These latest legislative moves put corporate power and democracy on a collision course. Yet the lesson of Democracy School is ultimately a hopeful one. In acts of community-level civil disobedience, communities are resisting the corporate state's efforts to repress democracy, asserting their fundamental constitutional rights to govern themselves.

For more information, visit the Community Environmental Legal Defense Fund Web site at www.celdf.org.

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