

SUFFOLK CLOSEUP

An environmental pioneer

By Karl Grossman

A pioneer of environmental law—now a legal specialty globally—is a feisty, tough Suffolk County attorney named Victor J. Yannacone Jr. Nearly 40 years ago, it was Mr. Yannacone who mounted a court challenge to stop the spraying of DDT by the then Suffolk County Mosquito Control Commission.

The result was an end to DDT use here and ultimately across the United States, and the transformation of the group that brought the lawsuit into a national organization, the Environmental Defense Fund, now known as Environmental Defense.

"It was June 1966 in the New York State Supreme Court, Suffolk County, in Riverhead, when the first round of what later were to be called the DDT wars began," Mr. Yannacone recounted the other day. The suit was aimed at prohibiting the county commission—and the words still spill off his tongue—"from any further use of DDT, an action brought individually and on behalf of all those entitled to the full benefit and use of the unique natural resource treasures of Suffolk County, without degradation from the impact of broad spectrum persistent chemical biocides like DDT."

The judge in the case, Justice D. Ormonde Ritchie, "was asked by the attorney for the county, 'What's the basis for this lawsuit?'" Mr. Yannacone said. Then "the judge turned to me and asked, 'Where should your adversary look this up?'" recalled Mr.

Yannacone. "I said, 'Try environmental law.'"

In their accounts of the case, *The New York Times* and other newspapers described it as involving a new concept of environmental law. After handling other environmental cases, Mr. Yannacone was to write the first environmental law textbook in 1972. And he has given presentations through the years on environmental law around the world.

A key early event was at the 1968

the Legal Defense and Freedom Fund of the NAACP. I worked in the civil rights movement," and always considered "environmental justice, environmental law as ... a fundamental civil and human right."

The organizational meeting of the EDF was held in Suffolk County at Brookhaven National Laboratory in the office of Dr. George Woodwell, a biologist there who went on to head the Woods Hole Oceanographic Institution. Among those attending as

the campaign on the road, first going to Michigan, where he joined Dr. Batts in suing that state, and "we finished with DDT in Madison, Wisconsin, at a six-month trial" that left DDT banned in Wisconsin. With the creation of the U.S. Environmental Protection Agency, the ban "was confirmed nationally," Mr. Yannacone said.

Other lawsuits were pursued by Mr. Yannacone for EDF, which kept its national headquarters in Suffolk County until 1977. His last case for EDF was litigation in 1974 against a U.S. Army Corps of Engineers canal-building project that could have "wiped out the water supply of central Florida," he said.

Mr. Yannacone is critical of the environmental movement today. He says many major environmental organizations are more concerned with fund-raising than changing "public policy and public attitudes" to help people "realize that human beings ... are like canaries in the mines. As you sicken and die, there has to be a reason, and especially when you die in an untimely fashion."

He urges people to get involved: "Talk to a handful of neighbors and act locally. There is not a local area in the United States that does not have an environmental issue," he said. "Understand it. Think through the alternatives. Then do something." Push for government action, "and if all else fails, sue the bastards."

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convention of the National Audubon Society, at which Mr. Yannacone delivered what later became known as the "Sue the Bastards Speech."

"I called on National Audubon to follow in the footsteps of the civil rights movement and knock on courthouses across the land and seek justice for the environment: the air we breathe and the water we drink, and diverse populations of plants and animals on which human life and society depend," Mr. Yannacone said.

In the meantime, the Environmental Defense Fund was formed. Its name, said Mr. Yannacone, was "coined after

founders were Mr. Yannacone, his wife, Carol, Dr. Woodwell, and six others, according to EDF records, including Anthony Taormina, an official of the Long Island office of the New York State Department of Environmental Conservation; Dennis Puleston, director of technical information at BNL; Dr. Charles Wurster of the State University of New York at Stony Brook; and Dr. H. Lewis Batts Jr., a former professor of Mr. Yannacone's from Michigan.

With an injunction against DDT use in Suffolk County in hand, Mr. Yannacone, on behalf of the EDF, took