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## An Environmental Pioneer



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“So now we’re stuck here in paradise,” Victor J. Yannacone Jr., the colorful, feisty attorney from Suffolk County, was saying from the Hawaiian island of Maui the other day.

Mr. Yannacone and his wife, Carol, had gone to visit their son, Victor J. Yannacone III, for Thanksgiving 2019, “and then we were going to stay to April or May.”

And then COVID-19 hit, “and we were quarantined. We never got home.”

And, at 85, with serious arthritis, he said, “I don’t want to get on an airplane” with this underlying condition and fly back.

So, they remain in paradise.

Mr. Yannacone, with a long career in the law in Suffolk County, remains involved in legal matters. He said he’s been doing civil rights law from Hawaii, including working with attorney Cory H. Morris, whose practice is in Melville.

It was here, notes his website, that he “coined the phrase and created the field of environmental law during the litigation over DDT during the 1960s.” Pioneered by Mr. Yannacone, it is now a legal specialty globally.

Some five decades ago, Mr. Yannacone brought a lawsuit in the name of his wife, Carol — joined by a group of prominent Suffolk County environmentalists, including Art Cooley, Dennis Puleston, Dr. George Woodwell, Dr. Charles Wurster, Dr. Robert Smolker and Anthony Taormina — to stop the then-Suffolk County Mosquito Control Commission from spraying DDT.

The result was an end to DDT use in the county — and later it was banned across the United States. The Suffolk County group behind the lawsuit became a national organization, the Environmental Defense Fund.

“It was June 1966, in the New York State Supreme Court, Suffolk County, in Riverhead, when the first round of what later would be called the DDT wars began,” Mr. Yannacone has recounted to me. “The suit was aimed at prohibiting the County [Mosquito Control] Commission” — and the words years later still spilled 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, the late Justice D. Ormonde Ritchie of Brightwaters, “was asked by the attorney for the county, ‘What’s the basis for this lawsuit?’” Mr. Yannacone said. “The judge turned to me and asked, ‘Where should your adversary look this up?’ “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 law.

Mr. Yannacone was to go on and write the two-volume treatise “Environmental Rights & Remedies,” to establish the Environmental Law Section of the American Trial Association, and to give presentations through the years on environmental law around the U.S. and the world.

Among his presentations was what became known as his “Sue The Bastards Speech,” delivered in 1968 at a convention of the National Audubon Society.

“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,” said Mr. Yannacone.

In 1994, Mr. Yannacone, from Patchogue, where his law practice was based, was elected Patchogue Village justice. He remained on the bench through 2002 and “adjudicated more than 8,000 cases,” says his website.

Moreover, he was an attorney in litigation involving the Long Island Lighting Company’s Shoreham nuclear power plant — a failed project he challenged — and was an attorney in the lawsuit brought by veterans who were victims of Agent Orange, the toxic defoliant used by the U.S. military during the Vietnam War. The class action suit was settled in 1974 for \$180 million, the highest settlement in the history of U.S. jurisprudence at the time.

He established the Brookhaven Town Council on the Arts and also the Brookhaven Town Symphony Orchestra. And on top of everything else here, Mr. Yannacone was a musician, an active baritone saxophonist performing with the orchestra and other musical groups, among them the Symphonic Band of Suffolk and Big Band East.

Indeed, the “only thing I miss getting old,” commented Mr. Yannacone, is that “my arthritis has gotten so bad I can’t play any longer.”

As for his baritone saxophone: “I’ve passed it on to my grandson.”