



*"A sense of duty pursues  
us ever. In darkness as in  
light, our responsibilities  
are yet with us"*

- DANIEL WEBSTER



**Local Campaign  
Against Smog**

MISSOULA, MONTANA

# The Missoulian

The Missoulian 1968  
Founded May 1, 1873

Missoula, Montana,

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## The Air Pollution Lawsuit

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“The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.”

That, in its entirety, is the Ninth Amendment to the U.S. Constitution; in law a relatively obscure amendment compared to the uses others have been put to but, potentially, a very important amendment indeed.

What does the word “others” mean? A suit filed in federal court seeks to find out whether, among other rights, exists the right — the constitutional right — for every American citizen to have a clean environment.

Essentially that concerns a right to have clean air and clean water.

The importance of the suit transcends any specific importance which can be attached to the plaintiff — the Environmental Defense Fund (EDF), Inc. — or to the defendant — Hoerner Waldorf Corp. Almost nobody knows who Brown was or that the board of education he sued was that of Topeka, Kans.

Many people know that the Brown vs. Board of Education suit led to the 1954 and 1955 school desegregation decisions by the U.S. Supreme Court. The air pollution lawsuit here possibly could be as significant. It's a long shot, but the possibility is there.

Hoerner Waldorf is important in this suit

not as a whipping boy or an object of special spite, but because the plaintiffs believe that this kind of suit, in the pollution circumstances of this area, might just possibly achieve some successes. It could have happened somewhere else in America, but it is happening here.

The Missoulian believes the suit is worth doing. We believe this not through a specific antipathy toward Hoerner Waldorf or any general antipathy toward industry.

The Missoulian welcomes the suit because it believes that the air and water must be made clean and that such a suit, filed anywhere in the nation, potentially could establish a right which would be beneficial to every American.

Because it is happening here, The Missoulian feels a special responsibility to make sure that the suit is tried in an atmosphere as free as possible of feverish excitement or general irresponsibility. We will try hard to avoid printing material from either side which could contribute to such an atmosphere.

In its treatment of the suit The Missoulian will follow these guidelines:

1. We will background the story, as Denn Curran has done in recent days, trying to explain the suit's overall nature and importance to the public, and what paths it might follow through the courts.

2. We will give comprehensive coverage to the suit when it is in court.

3. We will print routine news coming from both sides. Such items might include fund drives by the EDF, installation of pollution abatement equipment by Hoerner Waldorf, and personnel announcements from both sides. Those are samples of routine news. Routine news will not, of course, be restricted to those samples.

4. We will not print on our own responsibility inflammatory accusations supporting EITHER SIDE of the lawsuit. If anybody has accusations to make, our advice will be: Take the accusations to court. If they appear in court, we will give the accusations fair news treatment. But let advocates of both sides of this question take their accusations to court first, and not come first to our news columns or to the Letters column on this Editorial Page. Letters may take sides on air pollution, but vituperation or accusations on this matter, unsupported by court documentation, will not be allowed into print.

The Missoulian hopes the suit achieves success on behalf of all America. A clean environment is a goal worth struggling for, and Missoula can be proud it is in the forefront of this struggle.

# The Missoulian

Missoula, Montana,

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## Clean Environment Community Goal

# CC Takes Firm Pollution Stand

A major policy statement backing firm measures to control air and water pollution was adopted unanimously Friday afternoon by the Missoula Chamber of Commerce Board of Directors.

Among other things, the chamber endorsed "efforts to establish the fundamental right of all American citizens to live in an environment cleansed of both air and water pollution insofar as is technologically and economically feasible."

The statement also backed enactment of federal air and water pollution control standards "to avoid discrimination on a nationwide basis between companies subject to strict state pollution controls and companies which are not subject to such rigid state controls."

It endorsed "enactment of strict state air and water pollution control standards" with the proviso that enforcement of all standards "must take into account technological feasibility and a given company's ability to finance installation of control equipment."

It urged financial measures, including tax writeoff and easy term loans, to help finance control equipment installation, and called for "massive federal support for research and development in the fields of air and water pollution control."

And in conclusion, the statement endorsed the belief "that the future economic prosperity of the Missoula community depends upon clean air and water, not the opposite."

Here is the text of the chamber board's policy statement:

The Missoula Chamber of Commerce, dedicated to furthering economic stability within Missoula and its environs, recognizes that Missoula has air and water pollution problems. While all the inhabitants in the area contribute to the problem, the Missoula Chamber of Commerce does not minimize the presence and effect of industry upon the air and water.

The air in the Missoula valley is polluted, as is the air above any community in varying degrees. That fact must be recognized. It must be recognized without making whipping boys

out of business and industry or of individuals or groups of individuals.

Air and water pollution must be controlled from whatever sources they emanate, including business and industry. Since the Missoula Chamber of Commerce represents business and industry, it must address itself realistically and responsibly to the problems of air and water pollution control.

The Missoula Chamber of Commerce supports a program which will make the air and water clean, not only in Missoula, but across the nation. To that end the Missoula Chamber of Commerce advocates the following measures:

1. Enactment of strict state air and water pollution control standards. These standards must be goals, not immediate absolutes which could close down industrial plants capriciously, without regard of the well-being of the families dependent upon the payrolls, without regard for technological feasibility, or without regard for a given company's ability to finance installation of controls.

2. Enactment of federal air and water pollution control standards. This is necessary to avoid discrimination on a nationwide basis between companies subject to strict state pollution controls and companies which are not subject to such rigid state controls.

3. Enforcement of all air and water pollution control standards must take into account technological feasibility and a given company's ability to finance installation of control equipment. In light of that, the Missoula Chamber of Commerce urges that a system of rapid tax writeoff or other financial measures be worked out for companies which install control equipment. If the chemicals recovered have a market value, the degree of tax writeoff or financial relief for equipment installation should be lessened. Easy-term loans should be made available for companies

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## CC Pollution Stand

(Continued From Page One)

with limited capital which are faced with installation of costly control equipment from which they can derive no appreciable return on their investment.

4. Massive federal support for research and development in the fields of air and water pollution control. This should include studies probing into the nature of the problems in all their complexities, the technology of control, and the feasibility of practical application of controls both from a technological and cost standpoint.

5. Recognition that the solution of these problems will cost money, locally and nationally, through increased prices and taxes. But this expenditure is worth making, particularly in light of the fact that polluted air and water already cost vast sums of money.

6. Support of efforts to establish the fundamental right of all American citizens to live in an environment cleansed of both air and water pollution insofar as is technologically and economically possible.

Industrial corporations are composed of intelligent, moral businessmen, dedicated to the preservation of the free and competitive enterprise system. We pledge that these businessmen will support effective actions to control air and water pollution.

The Missoula Chamber of Commerce believes that the future economic prosperity of the Missoula community depends upon clean air and water, not the opposite. In light of that, it endorses the above measures.

Directors attending Friday's meeting were: President Dr. C. P. Brooke, Drs. Brooke and Green; First Vice President Al-

lan Holms, Executive Pontiac; Second Vice President Lloyd G. Schermer, The Missoulian; Third Vice President Richard L. Chisholm, Community-Meadow Gold; Treasurer L. A. Colby, Dickson-Thomas Agency; Executive Vice President Norris E. Johnson, Missoula Chamber of Commerce.

Thomas J. Collins, University of Montana; Roy Countryman, Hoerner Waldorf Corp.; William J. Fox Jr., Fox, Ballas & Barrow; Walter Kelley, Montana Power Co.; George Lambros, Lambros Agency; Dale Mahlum, Coast to Coast Store; James E. Meyers, Missoula Mercantile; Chester M. Murphy KYSS Radio, and Jack Zimmerman, Missoula Drug.

# The Missoulian

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## Local Clean Air Case May Have National Import

**Editor's Note:** This is the first in a series of stories explaining the background and possibilities of an anti-pollution suit filed in federal court last week in Butte and set for action in federal court here Feb. 13.

By DENN CURRAN  
Missoulian Staff Writer

A lawsuit pertaining to air pollution in Missoula, Mont., could lead to a landmark decision by the U.S. Supreme Court.

It would be not just an ordinary ruling by the high court, but a decision which could alter the scope of the U.S. Constitution and have great national significance.

If the suit is successful, it could establish the constitutional right to a clean environment.

To many people the suit filed in U.S. District Court concerns only a small group of people who are seeking to halt alleged air pollution by Hoerner Waldorf Corp. of Montana, which operates a kraft pulp mill west of Missoula.

Environmental Defense Fund, Inc. (EDF), a Brookhaven, N.Y., group with the professed goal of protecting man's environment, has filed suit for an injunction against the pulp mill firm in cooperation with a group of Missoula area residents calling themselves the Environmental Defenders of Western Montana.

The court action seemingly involves, therefore, only a relatively small number of persons against only one corporation in a relatively small town in a

sparsely populated, nonindustrial state.

But the potential import of the suit is vastly more far-reaching. What is involved is the basic question of whether or not the people of the United States have a right — a constitutional right — to clean air and clean water.

### A Missoulian News Analysis

Victor J. Vannacone Jr. of Patchogue, N.Y., attorney for the EDF, is bringing the suit on the grounds of the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the Constitution.

But the suit really hinges on the interpretation of the little-used Ninth Amendment, which states in full: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Put more simply, this means that rights cannot be denied just because they are not listed in the Constitution. The question is what these other rights are.

One of these "other" rights is the right to privacy — a right first phrased by Justice Louis D. Brandeis before he was appointed to the high court. You don't find anything about privacy in the Bill of Rights, but the Supreme Court used it as recently as 1965 when it declared unconstitutional a Connecticut anti-birth control law.

The key question in the Hoerner Waldorf suit will be whether or not the right to a clean environment is one of the unnamed rights guaranteed by the Ninth Amendment.

A right to a clean environment? If the Supreme Court rules that this is a definable right, the entire approach to air pollution control would be changed across the country.

And even if the Missoula lawsuit never reaches the Supreme Court, it might have national impact and open a few doors toward a later decision by the high court.

While this case, admittedly the first to test the question of the right to a clean environment, might not settle the question, it is highly probable that other test cases, perhaps

even from Montana, will follow.

"It's tremendously important nationally," said Dr. Paul Alexander, a University of Montana geography professor, speaking for members of the Environmental Defenders of Western Montana.

Predicting what the U.S. Supreme Court will do if it gets the case is next to impossible, especially at this stage. Dr. Gardner Cromwell, UM law professor, noted that the court has a tendency to decide cases on non-constitutional grounds whenever possible and that it often shies from major constitutional questions until the time is ripe.

But if Environmental Defense Fund, Inc., versus Hoerner Waldorf Corp. reaches the

Supreme Court and if the court acts on the key question of a right to a clean environment, the decision could be potentially as important as Brown versus the Board of Education of Topeka, the famed desegregation case.

# The Missoulian

Missoula, Montana,

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## Clean Air Suit Could Take Many Years in Court

By DENN CURRAN  
Missoulian Staff Writer

**Editor's Note:** This is the second in a series of articles explaining the possibilities in an anti-pollution suit filed in district court in Butte and set for first action in federal court here Feb. 13.

To expect a rapid decision on the anti-pollution suit against Hoerner Waldorf Corp. might be more wishful thinking than anything else.

The legal mechanics of any lawsuit are lengthy, especially when appeals are probable, and according to Dr. Gardner Cromwell, a University of Montana law professor, it might take years for the pollution suit to be resolved.

This would be especially true if the lawsuit reaches the U.S.

Supreme Court—a distinct possibility according to Missoula residents who are involved in the Environmental Defense Fund, Inc., suit against the pulp mill firm.

The first action in the case isn't scheduled until Feb. 13, and that will only be a hearing in U.S. District Court on whether or not a temporary injunction should be issued pending final hearing.

The court's decision on the temporary injunction will have no effect on the ultimate bearing of the case but could serve to delay the action for months, Dr. Cromwell said in explaining some of the pitfalls facing the case.

Dr. Cromwell told The Missoulian that he is a theoretician, not a trial lawyer, and he

emphasized that in his account of what could happen he would not make predictions. Here's what he said could happen:

The court might not decide the issue of the temporary injunction on Feb. 13. Oral and written argument on the question might be requested by the court, and the court might take the entire question under advisement for weeks.

It is possible that sometime early in the proceedings the defendant, Hoerner Waldorf, would ask that the court dismiss the case. This is common in lawsuits.

Grounds for such a motion for dismissal could be that there is no substance for the suit or that the plaintiff, Environmental Defense Fund, Inc., has no right to sue or various

other points that Hoerner Waldorf might want to raise. The court would have to decide this question.

If the court denied a motion for dismissal, the case would be set for trial. But the court could dismiss the case and then allow the EDF to amend the complaint, or it could dismiss the case subject to appeal.

If this happened, the EDF, if it wanted, could appeal the case to the Ninth Judicial Circuit, U.S. Court of Appeals in San Francisco.

The appellate court would only consider whether the federal district court was right in dismissing the case. If it decided the lower court should not have dismissed the case, it would be returned to the lower court for trial. No evidence

would be heard in the appellate court.

If the case were returned to federal district court, trial would be scheduled and all of the witnesses would be heard.

### A Missoulian News Analysis

After completion of the trial the district judge could either refuse to issue an injunction against Hoerner Waldorf or could issue an injunction which could close the plant down. Or an injunction could be somewhere in between the two extremes in terms of severity.

The suit against Hoerner Waldorf is what is known as a suit of equity—that is, a suit where the plaintiffs allege that there is no remedy for the wrong under present law.

However, the district court could find that there is a remedy under the law, that the plaintiff could bring action against Hoerner Waldorf in state courts.

Following the district court ruling the case could probably be appealed to the appellate court in San Francisco, depending on what happens during the trial. And depending on what happens in San Francisco the case could then go to the Supreme Court.

There is no guarantee that the Supreme Court would accept the case. It could go to the

higher court as a result of a direct appeal or it could go on a petition for a writ of certiorari—meaning that the high court would like to hear the case.

The approval of four of the nine justices is necessary for a writ of certiorari, but the granting of the writ in no way insures that the court will act favorably for the petitioner when the case is heard.

Even if the Supreme Court agrees to hear the case, there is still a time element involved, and it would be conceivable that the case could be set over the Supreme Court term.

To determine the amount of time the Missoula lawsuit will be in the courts is almost impossible now, but Cromwell noted that the average Supreme

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### Clear Air

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Court case usually takes two and one half years to be resolved.

For example, he said, the Supreme Court decision June 17, 1968, upholding an 1866 civil rights law was actually filed in federal district court in St. Louis Sept. 2, 1965—for a total time of almost 2 years, 10 months in court. And that case moved directly from district to appellate to Supreme Court, he added.

# The Missoulian

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## Two Groups Combine to Press Anti-Pollution Suit

**Editor's note:** This is the third in a series of articles explaining the background and purposes of an anti-pollution suit filed in federal court in Butte and to be heard in federal court in Missoula Feb. 13.

By DENN CURRAN  
Missoulian Staff Writer

Two groups, one a national nonprofit corporation and the other a group of concerned local citizens, have combined efforts to bring a lawsuit against a Missoula pulp mill.

Without the efforts of each group the anti-pollution suit against Hoerner Waldorf Corp. of Montana might never have been filed.

Environmental Defense Fund, Inc., a group of scientists and citizens dedicated to the protec-

### Two Groups

(Continued From Page One) marriage was in the making.

Then, in early July, Dr. Charles Wurster, a State University of New York biology professor and member of the EDF, gave a speech on DDT here and expressed interest in the air pollution problem.

The next step came this fall when Yannacone flew to Missoula to survey the situation. He found it to his liking and agreed that a suit could be filed—if the local community could raise enough money to support it.

tion of man's environment, actually filed the anti-pollution suit in federal court, but it probably would not have done so without local aid.

In little more than one year of existence the EDF, headquartered in Brookhaven, Long Island, N.Y., has made quite a name for itself by instituting suits in New York and Michigan—and now Montana.

Unlike many other conservation groups and ecologists, who for years have relied on public education and lobbying for results, the EDF has taken to the courts in the belief that the judicial system can right what the EDF sees as wrongs to the environment.

The EDF hopes to prod the courts into asserting a basic constitutional right of all people

to a clean, healthy environment. Response from the community was swift, and enough money was raised to justify filing the suit, Alexander said.

Following approval of the EDF trustees and indications of support from the EDF Scientists Advisory Committee, the suit was filed in U.S. District Court Nov. 13.

to a clean, healthy environment.

Therefore, the EDF's presence in Missoula is not entirely altruistic. The fund has found popular support in Missoula, and it feels that it has a case which could possibly reach the U.S. Supreme Court and establish a constitutional right to a clean environment.

It does not accept private damage suits. Rather, it seeks court actions which could prove that the environment and human existence are being harmed by unnatural forces.

But equally important to the pulp mill suit is the work of the Environmental Defenders of Western Montana.

The western Montana group has goals similar to the EDF, and even the name is similar.

Members of the local group recognize that the lawsuit could have profound national significance.

Still, the Environmental Defenders of Western Montana realize they have the most

### A Missoulian News Analysis

pronounced stake in the court action because their community is involved.

Although local ideas and research are reflected in the lawsuit complaint, the legal work is primarily in the hands of Victor J. Yannacone Jr., the

EDF attorney. (The local law firm of Boone and Karlberg is assisting).

The major effort of the local group has been to enlist public support and raise money for the costs of the suit. So far, outstanding success has been claimed in these areas by Dr. Paul Alexander, a University of Montana geography professor who is serving as chairman of the fund-raising committee.

A total of \$15,000 or more is necessary to finance the costs of the suit, according to Alexander, and more than \$9,000 has been raised.

Yannacone and the EDF will be reimbursed for only their expenses, and a big portion of the \$15,000 is expected to be spent for travel expenses of the experts the EDF plans to bring in

as witnesses in the suit.

Almost all of the money has come from local sources, Alexander said.

A number of University of Montana faculty members have been identified as the leaders of the group, but Alexander stated that this is because faculty members can afford to be more visible.

"Faculty members represent the visible leadership only because they are economically free to do so," he asserted. "There's no doubt that the major strength comes from the business community and community as a whole."

To substantiate this, Alexander says that approximately \$6,000 of the total has come from individual businessmen and citizens, many of whom

wish to remain anonymous. Professors have contributed only \$1,000, and various organizations have added approximately \$3,000, he said.

Fund raising is only one of the current pursuits of the Environmental Defenders of Western Montana—a number of members are actively working with the EDF on the suit.

Actually, the courtship of the EDF began last spring, long before the lawsuit was prepared and long before anybody dreamed up the somewhat cumbersome title of Environmental Defenders of Western Montana.

The EDF was contacted last spring for possible aid in blocking the use of insecticides in the Kalispell area, and although nothing came of it directly, the

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# The Missoulian

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## Anti-Pollution Suit Presents Four Main Requests

**Editor's note:** This is the fourth in a series of articles on the background and possibilities involved in an anti-pollution suit filed in federal court in Butte and scheduled for a hearing in federal court in Missoula Feb. 13.

By DENN CURRAN  
Missoulian Staff Writer

Environmental Defense Fund Inc. (EDF), which has filed an anti-air pollution suit against Hoerner Waldorf Corp. in federal court, is asking the court to grant four main re-

### Anti-Pollution

(Continued From Page One)

against Hoerner Waldorf is also a suit of equity, according to the complaint.

A suit of equity provides recourse for people who feel they have been wronged but cannot cite a specific law to right the wrong. Such a suit can establish a common law right.

The EDF maintains that there is no adequate remedy under existing law and that emissions by the defendant are inflicting irreparable damage on the environment. Yannacone alleged that the damage cannot be adequately compensated in a damage suit.

quests:

1. A judgment declaring the rights of the plaintiff (EDF) to the "full benefit, use and enjoyment" of the natural resources in Missoula's environment without degradation.

2. A temporary injunction restraining Hoerner Waldorf from "continuing the emission of noxious sulfur compounds" while the lawsuit is being tried.

3. A permanent injunction restraining the pulp mill company from "continuing" the sulfur compound emissions.

4. Other relief deemed "just and proper" by the court.

In the final analysis, the burden of proof in the lawsuit will be on the EDF, the plaintiff.

The EDF must prove that emissions from the pulp mill contain sulfur compounds and that the emissions are noxious, as has been alleged. The plaintiff must prove that emissions from the pulp mill are more extensive than the firm says they are.

The EDF must also prove that the environment is degraded by emissions from the pulp mill and that people are harmed by the emissions and by a degraded environment.

There is no request for monetary damages, and nowhere in the complaint does the EDF ask the court to close down the pulp mill west of Missoula, although this could be possible under a strict injunction.

In the complaint, drafted by EDF attorney Victor J. Yannacone Jr., the EDF makes the allegation that Hoerner Waldorf emits sulfur compounds into the air during operation of the pulping process and that these chemical compounds are harmful to man and the Missoula environment.

Dr. Harold A. Braun alleged

in a sworn affidavit that contamination of the air with "noxious sulfur compounds and particulate matter will impair the health of residents of the area."

Another affidavit, from Dr. C. C. Gordon, a University of Montana botany professor, alleged that sulfur emissions have been and will continue to be harmful to Missoula area plant-life.

The complaint further alleges that Hoerner Waldorf Corp. has not used all of the available modern technological methods of controlling sulfur compounds in emissions and that the firm,

unless restrained, "will continue to emit such noxious sulfur compounds in amounts greater than achievable by application of modern technology."

The EDF lawsuit is called a "class suit." A class suit is one in which the plaintiff, in this case the EDF, seeks to represent a class of people so numerous that to bring them all into court would be impracticable.

The EDF is pushing the suit "on behalf of all those entitled to the full benefit, use and enjoyment of the national natural resource" of the Mis-

soula environment. According to the complaint, the EDF represents a large class of people in a case with common questions of law and fact and in which common relief is sought.

The suit arises under the EDF's interpretation of the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution and the entire Ninth Amendment.

The Ninth Amendment provides that "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others re-

tained by the people."

The EDF hopes to establish "a body of common law under which the general public can assert its constitutional right to a viable, clean and healthy environment."

It contends that rights guaranteed under the Fifth, Ninth and Fourteenth Amendments are being violated by the Hoerner Waldorf's emissions.

Besides being a class suit on behalf of the people of the United States and a constitutional test case, the lawsuit filed

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(Editor's Note: Hoerner Waldorf officials have been approached for their comments and will reply soon.)

# The Missoulian

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## Firm Says Emissions Not Harmful to Environment

**Editor's Note:** This is the fifth in a series of articles explaining the background of an anti-pollution lawsuit pending in U.S. District Court and set for first action Feb. 13. Today's article includes a statement by Hoerner Waldorf Corp., the defendant in the suit.

Hoerner Waldorf Corp. maintains that its emissions, although sometimes annoying, are not harmful to the environment, as alleged by the Environmental Defense Fund Inc., the non-profit corporation which is bringing the suit.

In a statement authorized by Roy Countryman, resident manager of the plant west of Missoula, the pulp mill firm contends that its emissions are not toxic and that Hoerner Waldorf will continue "to spearhead

needed improvement" in pollution abatement.

Here is the Hoerner Waldorf statement:

No self-respecting business enterprise enjoys being cast in the public eye as an irresponsible opportunist—placing its own self-interests above the safety and security of the environment in which it operates. In effect, we have been accused of operating our mill with a flagrant disregard for the natural and human resources of this area.

As a responsible member of the Missoula business community, we obviously are anxious to demonstrate to the satisfaction of all the citizens of the Missoula Valley, the Hoerner Waldorf mill is not detrimental to the plant, animal, or human life of this area. Further, we believe that our past record in pollution

abatement serves notice that we have maintained—and will continue—a positive, progressive program for environmental improvement.

Here, then, is how we view the several aspects of the current situation.

### Implications

Although the local group of Environmental Defenders has indicated it is not their intent to close down the plant and eliminate the jobs now held by our 438 employees, we wonder seriously what other conclusion can be drawn. Specifically, the suit requests the court to issue a permanent injunction restraining us from emitting ANY noxious sulfur compounds. As a matter of practical reality, it is not now possible to operate a kraft mill and comply with the drastic terms of the injunction

being sought in this suit.

Although we are not the largest single contributor to the economy of the Missoula Valley, there are several compelling economic reasons why a complete shutdown would work a severe hardship on a great many people in this area:

1. Our annual payroll of over \$4 million contributes directly to every retail business and service enterprise in the valley.

2. Beyond the 438 employees of our own operation, we indirectly support hundreds of other employees of those firms which supply our basic wood products raw materials.

3. Our purchases of goods, services, and raw materials amount to about \$17 million annually, including everything from wood chips to electric power.

We do not suggest that these

economic factors alone justify our continued existence and operation. But combined with our belief that our operation is not harmful to health, our proven past record in pollution control, and our pledge to make further improvements, perhaps the economic implications help put the whole issue into better perspective.

### Pollution Controversy

In our opinion, there are two distinct aspects to the current pollution controversy in the Missoula Valley.

One is what might be described as an "annoyance factor"—to the extent that the smoke and odor being emitted by our mill are perhaps annoying to the people of this area.

The other aspect is the suggestion that the emissions from our operation constitute a threat to plant, animal, and hu-

man life in the valley. In essence, this is the basis of the suit against us.

As to the position of Hoerner Waldorf on these two aspects, we believe it is important to separate one from the other—to draw a distinction between the health issue and the matter of "annoyance."

### Health Issue

As we have stated publicly, we continue to maintain that the atmospheric emissions of the mill do not constitute a threat to plant, animal, or human life in the Missoula Valley. We vigorously disagree with those who have made this suggestion and, now that the charge has been formally filed, we are taking all possible steps to disprove it. The results of our efforts will be made available to the Missoula community during the course of the court

hearings.

As noted earlier, it has never been demonstrated anywhere in the country that the fumes emitted by a mill operation like ours are toxic—which would seem to offer at least circumstantial evidence that these charges have no basis in fact.

### Annoyance Issue

As opposed to our position with respect to the matter of health, we of Hoerner Waldorf do acknowledge that the so called plume from our operations may be a source of annoyance to some, and perhaps many, people in this valley. Because of the peculiar inversion problem in the Missoula Valley, visibility is sometimes reduced by the accumulation of emissions from vehicles, teepee burners, our mill, and other

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# H-W Says Emissions Not Harmful

(Continued From Page One)

sources.

Although these emissions do not comprise a health hazard, we nonetheless recognize our continuing responsibility to further reduce all such emissions from the mill. We are not now satisfied with the extent to which we currently can control these discharges—and we are pledged to pursue all opportunities that promise further improvement in this regard.

#### Pollution Abatement

In an industry like ours, air pollution abatement is a never-ending proposition. All technological advancements in pollution control equipment come about through an evolutionary process—in much the same sense that the jet engine evolved from the piston-driven engine as a source of power for aircraft.

Just as surely as one new air pollution control device is developed, perfected, and installed, another newer, more efficient unit will be following close behind—often as an outgrowth of its predecessor. And the leaders in the field of pollution control systems are continually making technological inroads that promise even greater effectiveness and efficiency in controlling air pollution.

As a responsible business neighbor of the Missoula community, we often have been at the forefront in our own industry through the early installation of these advanced new concepts for pollution control.

#### Our Past Record

As a case in point, some 12 years ago the most efficient scrubbing equipment then available was incorporated into our lime kiln operations. Less than five years ago, we became one of the first mills in the industry to completely replace this original equipment with a much more advanced scrubbing system that had just reached successful development. And this more efficient unit was incorporated into our mill expansion in 1966 as well.

As a further example, we are one of only six or eight mills in the country that have perfected a system to collect and burn non-condensable gases. This

technique provides a substantial reduction in the amount of odor being emitted by our mill—and is the reason we compare so very favorably with all other mills in odor control.

In a further effort to reduce the odor emitted by our mill, we spent a substantial amount on equipment to oxidize the black liquor going to our recovery furnaces. The direct cost to

us just to operate this equipment runs to some \$18 to \$20 thousand annually.

At the time this investment was made, it was anticipated that there would be absolutely no return to us from this investment in terms of recovering something that could be later utilized in the pulp making process. The sole purpose: to reduce the amount of odor emitted by our mill.

#### Monitoring Device

We are continuing our efforts to improve our ability to control odor emissions. Currently, we are investing in a device developed only recently, known as a Barton Titrator, that will substantially improve our ability to monitor the content of odorous emissions. It is our hope that this effort will increase the effectiveness of our operating people in their effort to reduce odor.

As we have stated publicly, there are several other recent equipment developments now under serious consideration. These new developments are so revolutionary that they have not yet been incorporated into a single operating pulp mill. We are exploring these developments carefully with equipment suppliers, and it is our sincere hope that this new equipment may allow a substantial reduc-

tion in solid discharges, vapor, and odor from our recovery furnaces.

#### Pollution in Missoula

We have less air pollution in the Missoula Valley than in many metropolitan areas. This is a precious advantage that must be preserved. To this end, we endorse and support the need for more rigid pollution controls and standards for all individuals and businesses in the Missoula Valley.

Our situation is of course aggravated by the climatology of the valley. But temperature inversions and fog are an historic reality, dating back far beyond the 12 years in which we've been operating here.

Is there a relationship between the emissions from our mill and the incidence of fog in the valley? The fact that the number of hours per year with visibility of six miles or less has decreased during the past two years—a period in which we have substantially increased our plant capacity—clearly demonstrates that no such relationship exists.

Also since Hoerner Waldorf utilizes over 4,000 tons of waste wood products per day, including wood chips, sawdust, and "hog fuel," that would otherwise be burned, our mill helps make a positive contribution to

a cleaner environment.

We of Hoerner Waldorf can state with assurance that ours has been a good, progressive record in pollution abatement. That we can do better—or that the total environment in our valley can be made cleaner—we do not dispute. It remains our pledge to help spearhead the needed improvement.

We again point out, however, that the suit against us is based not on what we've described as an "annoyance factor"—but on the alleged toxicity of the emissions from our mill. We continue to believe that this aspect of the situation has no basis in fact.