

Letter from Washington

Ethics vs. Law

The news these days provides an extraordinary lesson in law over ethics. Whether we are reading and talking about Wal-Mart's labor practices, the indictment of I. Lewis "Scooter" Libby, the recent study on children's pesticide poisoning at schools published in the *Journal of the American Medical Association* (JAMA), or the new amendments to the *Organic Foods Production Act*, we're faced with a discussion of ethics and law.

Playing By The Rules

Wal-Mart, said to be interested in expanding shelf-space for organic food and phasing out PVC plastic packaging, has been criticized for squeezing workers with low wages and limited benefits and undercutting community-based stores with cheap prices. Yet, Wal-Mart plays by the economic rules set out by our economic system. Robert Reich, former Clinton Administration Labor Secretary, was quoted in a *New York Times* article, *Our Love-Hate Relationship With Wal-Mart*, on November 5, 2005: "Wal-Mart has devised an extremely efficient way to deliver low prices to consumers and good returns to shareholders. That is American capitalism. That is what the system rewards." According to the piece, Mr. Reich "doesn't even blame Wal-Mart for the fact that its workers often need to rely on Medicaid for their health insurance. According to Mr. Reich, "Medicaid is designed for the working poor and the poor. If we are not happy about the results, then the real question we ought to be asking ourselves is whether we should be changing the rules. Wal-Mart is an invitation to have that debate."

According to a *New York Times* piece, *What is Organic? Powerful Players Want a Say*, "George Siemon, chief executive of Organic Valley, a cooperative of mostly small organic dairy farmers, wrestled with the high cost of organic production a little over a year ago when Wal-Mart asked for a 20 percent price cut. 'Wal-Mart allows you to really build market share,' Mr. Siemon said. 'But we're about our values and being able to sustain our farmers. If a customer wants to stretch us to the point where we're not able to deliver our mission, then we have to find different markets.' Mr. Siemon told Wal-Mart to get a new supplier."

Criminal Acts and Obstructing the Truth

A White House staff indictment for lying to a grand jury. Turning to Mr. Libby and questions of crimes in the White House around the stated basis for the war in Iraq—the so-called Weapons of Mass Destruction (WMDs). Administration supporters say Mr. Libby is vindicated by the fact that he was not indicted for the "real crime" that was being investigated—illegal disclosure of classified information. Yet, prosecutor Patrick Fitzgerald said, according to the *New York Times*, that "he could not make such a determination because his inquiry was obstructed by Libby's deceptions." The questions now lead to whether Vice-President Cheney is behind it all—the public disclosure of an undercover

CIA agent, putting an individual, an operation, and national security at risk—all in an effort to discredit critics of the WMD argument for war.

Public Health Deception

Deception by government officials has certainly led to the widespread use of pesticides and adverse public health impact, threatening our nation's health and therefore its security. As a result, people are not fully aware of pesticide products' potential harm, the inadequacy of safety testing, and the viability of non-toxic approaches. The JAMA-published study (discussed in more detail in this issue), *Acute Illnesses Associated with Pesticide Exposure at Schools*, which cites Beyond Pesticides' school study, finds immediate health effects in 7.4 cases per million children and 27.3 cases per million employees and concludes, "[T]hese results should be considered low estimates of the magnitude of the problem because many cases or pesticide poisoning are likely not reported to surveillance systems or poisoning control centers." The authors also say that the chronic long-term impacts of pesticides have not been comprehensively evaluated and should not be dismissed.

Overpowering Organic

The solution, of course, is an organic one. However, here too, we are moving away from truth in labeling, full disclosure, and democratic-based decision making. This issue of PAY includes a piece on the adoption of amendments to the *Organic Foods Production Act*, which reverse a court decision affirming the original law's prohibition of synthetic ingredients in the highest category of processed food labeled organic. At the behest of the Organic Trade Association and major food companies, and without an open debate, Republican Congressional staffers attached legislative language (a rider) to an appropriations bill. This process of using an appropriations bill that addresses money issues to change substantive law should not be used without consensus. Long-time supporters of organic in Congress are fuming, as are groups like Consumers Union.

And so, we have a new organic law—the rules have been changed from the original law—but does its passage violate the ethical standards and core values that both spawned and supported the astronomical growth of the organic marketplace. To paraphrase Mr. Reich, these developments are an invitation to have a serious debate about the rules that allow poisoning and support alternatives. That debate must include a discussion of ethics and values.



—Jay Feldman is executive director of Beyond Pesticides.