

I am Rabbi Rick Brody, and I am here today representing Texas Interfaith Power and Light—one of 38 state networks in the U.S. that work with faith communities to promote environmental stewardship.

For over two millennia, Jewish legal and ethical writings have addressed the issue of environmental health and its impact on human well-being. Among these concerns are industrial projects and other economic choices that, because of the pollution that results, inevitably pose a significant threat to those living nearby.

I'd like to apply some ancient Jewish law and wisdom to examine the public response to *our* environmental threats from industry here in Texas as we seek to refine the effectiveness of TCEQ. I want to focus on a couple of the key issues currently under consideration in this Sunset process, namely permitting and enforcement.

In short, what I see emerging from the Jewish sources is a commitment to fair, pragmatic laws for the sake of upholding fundamental spiritual ideals of the sanctity of our earth and of our health. Jewish legal sources recognize the importance of economic opportunity for owners of plants and factories, but they are unflinching in setting limits on such activity in order to protect the rest of society. Such limits include:

- Zoning laws, regulating the proximity to the city of certain processes such as threshing floors, working with carcasses, tanneries, and furnaces;
- It is prohibited to introduce pollutants to public water sources or to allow one's private septic system to leach into a neighbor's well;
- To quote from one of our primary medieval law codes:

“Whoever established [anything] that kicks up dust or anything similar, must distance himself so that the dust not reach his neighbor and cause him harm.” Even if consent had initially been given, the offended neighbor can retract it. And the burden does not lie with the one who suffers if he remains silent on the matter: “Since a person cannot stand such harms, it is assumed that he does not waive [his right to mitigation] — for the harm is ongoing.”

Maimonides, the great medieval scholar, explains quite bluntly the earlier, Talmudic concept underlying these laws, comparing the situation to “one who stands in his own property and shoots arrows into his neighbor's yard and says: I'm doing it in my own property!”

This entire discussion has its roots in our most sacred text, the Torah itself, which in Exodus 21, verses 33-34, introduces the concept of liability for one who uncovered or dug a pit that leads to damages to his neighbor's possessions — resulting in mandatory restitution on the part of the responsible party.

The default understanding in all these cases is of the polluter as an intruder upon the public good — a value that extends beyond the stated whims of an individual neighbor. The bigger picture is the sacred trust that we human beings have with each other and with the natural resources that have been entrusted to our care.

While managing competing social aims, we must ensure justice for all innocent members of the society, to minimize or prevent the effect on them from the arrows shot from someone else's yard. This responsibility requires a firm system for issuing permits judiciously to potential polluters and guiding them towards proper and safe methods for carrying out their permitted projects. We also need a uniform enforcement procedure that holds all permit recipients accountable and that imposes penalties as a deterrent and as fair punishment for those who fail to uphold the public trust.

For the state to fail in these areas of responsible granting of permits and effective enforcement is to neglect its role as a steward of the land and protector of its people — roles that speak to our fundamental spiritual purpose, regardless of our particular faith traditions. I ask that the state make the necessary adaptations to the TCEQ to ensure that we fulfill our sacred responsibilities. Thank you.