

Under the Federal Clean Air Act, private businesses and governmental agencies that succeed in keeping their emissions below the permissible limits dictated by the Environmental Protection Agency can earn pollution credits. Holders of these credits can sell them to other organizations that have trouble keeping their emissions within the limits, or can retire them permanently, thus reducing the potential of further pollution. State agencies in New York have amassed millions of dollars in pollution credits. Recently the state has sought to lure businesses to New York by offering the credits for free. That is, if a company agrees to set up a plant or office in New York then the state will give them some of the pollution credits that it (the state) has earned. This new approach for attracting business into the State of New York is highly controversial. Widespread protests forced the state of Maine to back away from a similar approach.

You are a state legislator in a state in which legislation has recently been proposed that would adopt the New York approach. Do you vote in favor of it or against it, and why?

MODERATOR'S ANSWER: The government of your state has responsibilities both to reduce pollution and to promote business activity within its borders. To the extent these responsibilities come into conflict the state must seek a reasonable accommodation. In the case of New York, thousands of businesses have left the state over the past twenty years, so state officials must view reversing this trend as a high priority. To the extent your state has similar problems it would be unreasonable of you as a legislator not even to consider the proposal at issue. On the other hand, it likewise would be unreasonable to support the proposal if it appeared likely to create an expectation on the part of new businesses that they have no responsibilities to undertake pollution reducing efforts on their own. The moral justifiability of the policy at issue thus depends to a large extent upon its details, and upon how it is likely to be implemented. As a legislator you should study the proposal carefully and support it only if, after due consideration, you conclude that it strikes a reasonable balance between protecting the environment and promoting business activity in the state.

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