

The History and Future of Environmentalism On The  
Hudson River:

The Anatomy of a Success Story

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## Abstract

This paper traces the history of environmentalism on the Hudson River from the beginning of the 19th century from the present, and discusses the ways in which the history of the river has contributed to more recent environmental successes. The paper focuses on two recent legal cases waged on the river. The first is the Consolidated Edison/Storm King controversy and the eventual (but much more broadly focused) Hudson River Settlement that resulted from it in 1980, and the second is the case against General Electric for its contamination of the river with PCBs, which was settled in 1976.

The symbolic issue that relates the two cases is the Hudson River striped bass fishery. The fate of the fish was applied to the Storm King case in an effort to broaden the scope of the environmental groups' case against the utilities and to enter scientific evidence into a case that had previously been based only on aesthetics and the intrinsic value of the Hudson. The striped bass population had reached an all-time low at that time, and its decline was thought to be the result of massive fish kills at Con Edison's Indian Point Nuclear Power Stations on the banks of the river. The case was settled despite uncertainty over the effects of plant operations on striped bass, and the result was the Hudson River Settlement.

The General Electric case was fought and won mainly over the issue of PCB levels found in the tissues of striped bass. GE lost the case, but, maybe more importantly, the commercial striped bass fishery was closed in an effort to protect human health. The striped bass population has since recovered.

It appears that the striper population has benefited more from the closure of the fishery than it did from the Hudson River Settlement. The Settlement is up for re-negotiation at this time, and I think that the agreements reached between environmental groups, the utilities, and the State government will be very different now that the striped bass is not available to use as a symbol of the destruction of the river. As a result, I conclude that the utilities will not be willing to make as generous environmental commitments as they were in the original settlement. Given the increased environmental regulation, a new sense of corporate responsibility, and improved communication between environmental groups and the utilities that has also come out of the original settlement, a less stringent re-negotiation of the Hudson River Settlement will not necessarily result in harm to the river.