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Foreword

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FOREWORD

At the question and answer session following the Panel that examined the Kepone litigation twenty years later, Judge Merhige posed the “question that no one has asked . . . did [I do] the right thing?” The settlement that created the Virginia Environmental Endowment with the contribution from Allied Chemical remains both controversial and innovative today. This Symposium is a product of that settlement and it was created with the hope that we, as citizens and policy-makers, will continue to ask ourselves Judge Merhige’s question. We also hope that the State of the Chesapeake Bay Symposium and that the annual Robert R. Merhige, Jr. National Environmental Negotiation Competition will continue to be held.

Environmental policy is often formed in an adversarial context, but remains long after these disputes. The benefit or detriment of the individual interests become irrelevant when compared to the future value of the policy. If we lose sight of the future impact of our actions, then we will be guilty of the “self-deception” that Professor William Rodgers discusses herein.

My thanks to all the participants especially the members of the litigation panel that generously re-opened their actions to retrospective scrutiny; Jerry McCarthy, Director of the VEE, and the VEE for the generous donation; Professor William Rodgers who is responsible for the idea of a Symposium on the Bay, and Professor Zygmunt Plater who quickly became a driving force amongst participants. Finally, I am indebted to Dean Joseph Harbaugh, Professor Wade Berryhill, Professor Joel Eisen, and the Staff of the Law Review (particularly Glenice Coombs and Marie Diveley) who provided tireless support in addition to regular staff duties.

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Symposium Coordinator