

Straight TALK

by **John A. Arway**

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The Common Man

The common man is usually regarded as the average man or as more appropriately defined here as one of the common people. The term usually applies to the larger portion of our society, the commons, who are typically concerned about personal or family issues and don't have the time to worry about other things that don't concern their everyday lives. In my training as an expert witness, I learned that an expert is a person who has special knowledge or skills about a particular subject beyond that of the average person. I was actually summoned to court one day in a case involving the tainting of fish by oil that was discharged from an oil refinery into the Allegheny River. My testimony was not to use my education or training as a fisheries biologist since I was asked to testify about my experience as an angler and, in this case, consumer of fish. The federal judge in the case questioned my experience with the culinary arts, but the attorney who subpoenaed me convinced him that I had prepared and eaten enough fish in my lifetime that he could trust my judgment about this subject. So, I appeared in court, was sworn to tell the truth and proceeded to answer questions about my experiences of eating fish downstream of discharges that contained oil.

This story actually began many years before my court appearance when I decided to catch a few trout below a brine discharge from an oil well that we were studying in the Allegheny National Forest. My staff and I had sampled the discharge and determined that it contained petroleum hydrocarbons (oil) and other assorted chemicals commonly associated with the discharge of brine (salty water) from oil and gas wells. At the time, these wastewaters were being discharged virtually untreated, except for one small step of oil/water separation, into our streams and rivers. We were also concerned that the materials we were finding in the water may be affecting the fish and possibly the people who chose to eat them. Accordingly, we decided to sample fish tissue, which confirmed what the local anglers already knew. The fish in the stream below these discharges contained high levels of the same aliphatic and aromatic petroleum

hydrocarbons that were in the water. We used this evidence to eventually get the polluter to plead guilty to summary charges of littering since the local district attorney wasn't interested in pursuing more appropriate pollution charges and eventually worked with the Pennsylvania Department of Environmental Resources (now Pennsylvania Department of Environmental Protection) to restrict the discharge of untreated brine to streams and rivers.

So, how does an expert suddenly become a lay witness in federal court? Well, I decided to conduct a personal experiment on my own one day. I went to the same stream, below the same discharge and caught a few of the wild Brown Trout at that location. I took them back to camp, filleted them, cooked them and did a personal taste test. I discovered that they did indeed smell like oil when they were cooking (probably the aromatic hydrocarbons volatilizing) and tasted like oil when I tried eating them (most likely the aliphatic hydrocarbons left behind after cooking). Well, the judge became so interested in my lay testimony that he allowed me to talk about all of my other work as an expert. The defense attorney representing the oil refinery was so upset that he objected and accused me of being a stealth expert. Needless to say, the judge ruled against the refinery, which was then required to construct redundant oil/water separators so that if one failed, they would have backup treatment to prevent the continued discharge of oil into the Allegheny River.

I believe that we are all specialists in some things and are common men when it comes to others. Just as I functioned as both a lay and expert witness on the witness stand that day in federal court, you can also perform those dual roles when it comes to helping us make decisions about conservation and recreation in Pennsylvania. I would say with some degree of certainty that by virtue of you reading this article, you are sufficiently interested in fishing and boating issues and are the uncommon man. Based on recent estimates, we have over 1.1 million anglers in our Commonwealth, and over 850,000 of us bought fishing



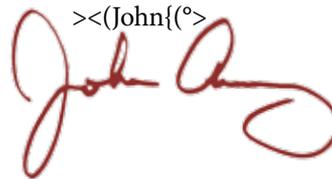
Photo: Ken Hunter

licenses last year. We have over 3 million total boaters, and over 400,000 of us registered our boats last year. However, we only have about 16,000 subscribers to this magazine and furthermore as shown in Table 1, we only have about 366,000 members of conservation and sportsmen organizations in our Commonwealth. Considering that I, and many of you, belong to multiple groups, I believe that this probably overestimates the total membership in these organizations. Since we have over 12 million people in our Commonwealth, I submit that we are collectively the uncommon men by being part of the organized minority. However, we are typically the ones who speak out whenever a voice is needed to educate our legislature about the importance of rare species and wild trout, debate the idea of raising (or how about lowering) the cost of a fishing license or trout stamp, make a decision about using bait or flies on a wild or even stocked trout water, determine how many or where boat accesses are needed on a particular water and many other issues. Given the numbers of us involved as professional career employees or as part of an organized volunteer group, I can unequivocally say that we are the uncommon men.

I need your help to reach out to the common men who are not represented in these discussions; the ones who are too busy with other demands for their time. We need their help to protect, conserve and enhance our aquatic resources and improve fishing and boating recreation in Pennsylvania. We all have those common friends like George, Butch, Dick, Dan, Keith, Ronny, Jimmy and Big Ed at my camp. We sit around the campfire or kitchen table and talk about how we can do better but return home to normal life and never seem to have the time to follow through. My challenge to you is to reach out to your friends and colleagues who are also common men and convince them to join the ranks of the uncommon, since we need help if our sportsmen's voice will stay relevant in the discussions that will determine the fate of conservation and recreation in Pennsylvania.

Your Director,

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"When we are sick, we want an uncommon doctor; when we have a construction job to do, we want an uncommon engineer, and when we are at war, we want an uncommon general. It is only when we get into politics that we are satisfied with the common man."

Herbert Clark Hoover
(American President,
1874-1964)

Table 1: Membership numbers for major sportsmen and conservation groups in Pennsylvania.

Organization	Members
Pennsylvania Federation of Sportsmen's Clubs	73,000
Unified Sportsmen of Pennsylvania	70,000
Pennsylvania Council of Trout Unlimited	13,000+
PennFuture	1,000
Pennsylvania Audubon	25,000
Pennsylvania Sierra Club	25,000
Pennsylvania Environmental Council	2,000+
Western Pennsylvania Conservancy	10,617
Pennsylvania Land Trust Association	75 organizational members
Clean Water Action	120,000+
Chesapeake Bay Foundation	25,000 reside in Pennsylvania
American Fisheries Society (Pennsylvania Chapter)	136
Pennsylvania Forestry Association	915
Pennsylvania Biological Survey	150
Pennsylvania Academy of Science	278
Total	366,171+



The mission of the Pennsylvania Fish & Boat Commission is to protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

*Get questions answered.
Share your ideas.*

