Moving Towards Environmental Justice

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Definition of Environmental Justice

- The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

- Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local and tribal programs and policies (U.S. EPA, 1998).
Three main focus areas of environmental justice

- The distribution of the effect of environmental problems
- The environmental policy making process
- The administration of environmental protection programs
Who is Impacted?

- African Americans
- Asian Pacific Americans
- Children
- Hispanics
- Native Americans
- Low-income Individuals
- Farm Workers
1971 Council on Environmental Quality acknowledged racial discrimination impacts the urban poor and their environment.

1982 Warren County, NC protest

1983 GAO report found blacks disproportionately impacted by hazardous landfills in the South (EPA Region 4).

1987 United Church of Christ study found that race was the most significant variable tested in association with the location of commercial hazardous waste facilities.
- 1990 University of Michigan held *Conference on Race and the Incidence of Environmental Hazards*.
- 1992 U.S. EPA Office of Environmental Equity established
- 1993 U.S. EPA established Office of Environmental Justice
- 1993 National Environmental Justice Advisory Council (NEJAC)
National Environmental Justice Advisory Council

- Chartered by EPA in 1993
- Consists of 25 members appointed from stakeholder groups
  - Community-based
  - Academic
  - Business
  - Tribal governments
  - NGOs
  - State and local governments
- Provides independent advice to EPA on EJ
1994 Clinton signed Executive Order 12898: *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.*


1997 U.S.EPA Office of Environmental Justice released *Environmental Justice Implementation Plan*
Executive Order 12898

- Established Interagency Working Group
  - Chaired by EPA Administrator
  - Comprised of heads of 11 departments/ agencies such as; Office of Management and Budget, Office of Science and Technology, Dept. of Ag., Transportation, HHS, and Commerce.
  - Meets on a monthly basis to continue the collaborative projects
Compliance of EPA with National Environmental Policy Act (NEPA)

- Environmental justice goals must be incorporated into preparation of Environmental Impact Statements (EISs) and Environmental Assessments (EAs)
Supreme Court Weakens Title VI

- **2001 Alexander v. Sandoval**— U.S. Supreme Court decision gutted Title VI of the Civil Rights Act of 1964.

- The decision calls for intent rather than disparate impact to prove discrimination.

- Made EJ cases much more challenging to prove.
EPA Not Effectively Implementing EJ Ex. Order


2005 General Accountability Office–Criticized EPA for lack of implementation of Ex. Order 12898

Bullard et al. (2008) argued the Bush Administration tried to dismantle EJ. Northwest regional EJ office was closed.
EPA Makes EJ Top Priority

- January 2010 EPA Administrator Lisa Jackson made *Expanding the Conversation on Environmentalism and Working for Environmental Justice* one of EPA’s top priorities.
- March 2011 EPA issues implementation plan for Plan EJ 2014
Plan EJ 2014

- Three Main Parts of the Plan
  - Five Cross Agency Focus Areas
    - Rulemaking
    - Permitting
    - Compliance
    - Community-Based Action
    - Administration-Wide Action on EJ
  - Tools Development
    - Science, Law, Information, Resources
  - Program Initiatives—EPA seeks to integrate EJ into each EPA Program through the Implementation Plan
EJ Legislation

- **Federal**: At this time no federal law on environmental justice has been passed.

- **State**: Currently, more than 30 states have developed public policies to address environmental justice. (Robert, 2007)
  - 20 states have passed EJ legislation.
  - 29 states have introduced EJ legislation.
  - 21 states have conducted an EJ study.
  - 23 states have an EJ state board or agency.
Environmental Justice Research

- Bullard (1990) in *Dumping in Dixie*, (considered the first textbook on environmental justice) blamed government at all level for institutional racism and discriminatory land-use policies and practices.

- Coye & Lavelle (1992) in the *National Law Journal* illustrated racial divide in the way the U.S. government cleaned up toxic waste sites and punished polluters. White communities see faster action, better results, and stiffer penalties than minority communities.
Environmental Justice Research

- Boerner & Lambert (1997)
- Environmental studies have methodological errors.
- Industrial facilities are not necessarily harmful.
- Facilities may improve community’s health through economic opportunities for community residents.
Environmental Justice Research

- Over the last decade the academic research on EJ has expanded to include global issues.

- Walker (2009) The research on EJ must move beyond “first generation” focus on distribution and proximity.

- Call for a multi-dimensional approach.

- Includes three notions of justice:
  - Distribution
  - Recognition
  - Procedure
Future of EJ

- Literature on EJ will continue to grow and diversify both nationally and internationally.

- More universities will offer courses in EJ.

- EPA will continue to provide leadership on EJ
  - Plan EJ 2014
  - Community Assistance Grants
  - Public service announcement
Future of EJ

- EJ will become more mainstream
- With the lack of federal EJ legislation, states will continue to play a key role with more states taking legislative action.
- Climate change will continue to exacerbate the environmental health needs of populations of less developed countries. Greater attention must be given to these populations.