

## ENVIRONMENTAL JUSTICE FACT SHEET

Environmental justice can be thought of as a social movement seeking fairness in the distribution of environmental impacts. It has been largely a grass-roots movement, one in which communities have organized around locally undesirable land uses, such as waste facilities, railroad tracks, and industrial plants. Gradually, mainstream environmental groups have taken up the cause, and some policies and laws have been adopted at the federal and state levels. However, public responses to environmental justice concerns are still developing.

### Defining Environmental Justice

The U.S. Environmental Protection Agency (EPA) defines **environmental justice** as “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.” EPA’s environmental justice Web site (<http://www.epa.gov/compliance/environmentaljustice/>) goes on to say that “environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

Under federal policy, all federal agencies must make environmental justice part of their mission. The U.S. Department of Transportation, for example, has addressed environmental justice quite extensively and identifies three fundamental environmental justice principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### History of the Environmental Justice Movement

The origins of the movement seeking environmental justice have been variously traced to the planned siting of a PCB (Polychlorinated biphenyl, a toxic compound once used in electrical equipment) landfill in mostly African-American Warren County, North Carolina in the early 1980s; the siting of a municipal landfill in an African-American community in Houston, Texas in 1979; and the planned siting of a hazardous waste incinerator in a Latino and African-American community in Los Angeles, California in the mid-1980s. The sheer geographic reach of these cases underscores the national scope of this issue.

During the 1980s and early 1990s, this movement was associated with the terms “environmental equity” and “environmental racism” – terms that are still occasionally used today. In 1991, the First National People of Color Environmental Leadership Summit meeting was held in Washington, DC, and generated a set of 17 principles (see <http://ecojustice.net/document/principles.htm>) calling for greater equity in environmental health protection.

During the late 1980s and early 1990s, a number of books and studies were published that documented examples of apparent racial disparities in environmental impacts. Some of the most influential include:

- a 1987 study by the United Church of Christ Commission for Racial Justice, entitled “Toxic Wastes and Race,” that found a correlation between race and proximity to waste sites;
- *Dumping In Dixie* (1990) and other books by Robert Bullard, an academic currently with Clark Atlanta University; and
- a 1992 National Law Journal study that found evidence of lower levels of enforcement of environmental laws in communities with relatively elevated minority populations.

Even though some of the early environmental justice studies have been criticized on methodological grounds, the number of studies and claims, and the issue’s connection to broader social justice concerns, have combined to provide support for the growing movement.

### **The Environmental Justice Movement Matures**

In 1994, President Clinton issued Executive Order 12898 requiring every federal agency to make environmental justice part of its mission and setting forth general goals for environmental justice in federal programs. The federal Interagency Working Group on Environmental Justice and the National Environmental Justice Advisory Council (NEJAC) also were founded at this time to help further develop federal policy (see <http://www.epa.gov/compliance/environmentaljustice/>).

In the mid-1990s, stationary source permitting and siting issues were at the forefront of concern with respect to environmental justice. Business and industry sought certainty in the permitting process and clarity in the standards to which they would be held. Communities sought tools to stop the siting and permitting of what they saw as undesirable facilities. In response to requests from business and community leaders, EPA published a guidance memo in 2000 listing the statutory authorities for the major environmental laws that allowed environmental justice to be addressed in the permitting process (see <http://www.epa.gov/compliance/resources/policies/ej/index.html>).

Transportation system siting and service issues have also been of concern to environmental justice advocates. In southern California in the mid-1990s, community-based organizations objected to emissions trading programs that allowed old, high-polluting cars to be taken off of the road and scrapped while stationary source emissions continued with existing controls. At around the same time in Los Angeles, California, an organization called the Bus Riders’ Union sued a transit provider for devoting funds to rail systems instead of increasing bus service in minority and low-income neighborhoods. After the 1989 Bay Area earthquake, residents of multi-ethnic West Oakland, California, banded together and successfully convinced decision-makers to rebuild a freeway destroyed by the quake in a different location so that it would no longer divide their neighborhood.

The Internet has been a factor in the maturation of the environmental justice movement. It is a powerful information and organizing tool, allowing communities with common interests to find each other and collaborate effectively across great distances. Web sites like Environmental Defense’s “Scorecard” (see <http://www.scorecard.org>) provide geographical data on chemical hazards in any U.S. neighborhood with just a few clicks of a mouse. EPA offers an Environmental Justice Geographic Assessment Tool that displays the locations of regulated facilities along with selected demographic data (see <http://www.epa.gov/compliance/environmentaljustice/assessment.html>). While the accuracy of some of the data available through these sites has been challenged, its public availability remains a stimulus for citizen activity.

## Policy and Legislative Responses

The National Environmental Policy Act of 1969 (see <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>) provides a framework for assessing the environmental impacts of major federal projects through the preparation of Environmental Impact Statements. EPA and the White House Council on Environmental Quality have each developed a guidance document describing how environmental justice analyses should be incorporated in these assessments (see <http://www.epa.gov/compliance/resources/policies/ej/index.html>). These guidance documents suggest ways to collect demographic data and ways to identify disproportionate adverse impacts on minority or low-income populations. The methods are generally applicable to permitting and other situations requiring analysis.

A handful of states have taken official actions related to environmental justice. California, New York, New Jersey, Pennsylvania, and Massachusetts have been among the most active. Typical state actions include convening state-level environmental justice advisory committees, adopting policies, and in some cases passing legislation – as did California, Florida, Maryland, and Louisiana in the 1990s.

For example, since 1990, facilities in Ohio have had the option to perform pollution prevention, waste minimization, and environmental justice supplemental environmental projects in exchange for partial enforcement penalty mitigation. Pennsylvania's Department of Environmental Protection has appointed three regional environmental advocates to enhance community involvement in decision-making. California has placed its environmental justice program in the Governor's office, emphasizing the broad view of the issue taken by the legislature.

A few environmental justice cases have received attention in the courts. Generally, the decisions have narrowed the options open to communities to seek relief from environmental burdens. However, the issue is new enough that there is not yet an extensive authoritative body of case law related to environmental justice.

## Related Topics

A number of salient environmental issues are related to environmental justice:

- Children's health: Many allegations of environmental injustice focus on the health effects of pollution on low-income and minority children, often from land uses adjacent to schools. The prevalence of asthma among inner-city children is a related issue.
- Brownfields redevelopment and Superfund reform: Blighted properties are often located in low-income neighborhoods, but uncertain cleanup standards and tangled financial liability schemes are disincentives to reuse and redevelopment (and the economic growth that comes with them). One Oakland, California community adopted its own cleanup standards to hasten the process of redevelopment.
- Natural resource management: Resource decisions like water transfers, open space preservation, or nuclear waste repository siting can have impacts on low-income and minority residents or Native American tribes who may not traditionally have had a voice in the decision-making process.
- Toxic air contaminants: When minority communities or low-income communities are affected by concentrations of industrial or transportation facilities, specific pollutants, such as diesel exhaust particulates, can become a focal point of community health concerns.
- Sustainable development: Traditionally, sustainability rests on the three legs of economy, environment, and equity.

## **Dealing with Environmental Justice Concerns**

Each environmental justice situation is unique, however, the following guidelines may be helpful for industry and their consultants in dealing with potential environmental justice issues:

- Environmental justice is often about local residents and interested community-based organizations having a place at the table when decisions that affect them are made. Demonstrate your sensitivity to community concerns by maintaining regular dialogue with local leaders. Good community relations will not prevent problems, but can mitigate negative reactions to incidents or expansion plans.
- Evaluate your organization's approach to equity in hiring, promotion, and service provision. Often external practices mirror internal corporate practices.
- In case of an alleged impact to the surrounding community, involve credible third parties and collect data to support your analysis of environmental impacts. Respond to community concerns as quickly and extensively as possible.

The following may be helpful for community groups in the event of a potential environmental justice issue:

- Organize the local community and understand who is affected, and how. Do not hesitate to engage local regulatory agencies in helping to answer questions about health risks, the extent and nature of emissions, and what mitigations are possible. Discuss what outcomes the community wants. Then communicate your needs clearly and consistently to the project's proponent, local officials, and the regulatory agencies.
- Seek assistance from established environmental or social justice groups and also look beyond them to other potential sources of information and support. This will broaden your coalition and can bring other resources to bear on environmental concerns.
- Seek out local academics and medical professionals who may be able to help gather important health data from the community. Realize that you need to make a credible case that there is an undesirable impact to the surrounding community.
- Seek grant funding. With the rise in visibility of environmental justice issues, EPA and many states offer grants specifically designed to assist community-based organizations.

***Air & Waste Management Association  
Environmental Justice Fact Sheet***

This Environmental Fact Sheet is one of a series produced by the Air & Waste Management Association. A&WMA gratefully acknowledges Nancy Pfeffer, author of the fact sheet, and the following individuals for their contributions during the technical review of this fact sheet: La Ronda Bowen, Justine Block, Sandra Salazar-Thompson, Harry Klodowski, Hari Krishna, and Mark Shanahan. The Association also produces educational materials for schools and the general public. For more information, phone (412) 232-3444, or contact A&WMA by e-mail at [info@awma.org](mailto:info@awma.org).

Date of publication – February 2004