

Abstract of Environmental Justice Information, Links, Organizations and History

by Christopher J. Musser for Harry Lehmanm, Esq. July 1, 2017

Harry,

Environmental Justice is a big, sprawling subject defined 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. (from the EPA). Think Flint, Michigan, which is a classic example.

The EPA has awarded over \$3 million for environmental justice projects from 2014 to 2016.

You can report a **possible violation of environmental laws and regulations** here:

<https://www.epa.gov/enforcement/report-environmental-violations>

Learn about the [National Environmental Justice Advisory Council](#) (NEJAC) by clicking on this link.

Environmental justice emerged as a concept in the United States in the early 1980s. The term has two distinct uses: the first, and more common usage, describes a [social movement](#) while the other is an interdisciplinary body of social science literature that includes theories of the environment and justice, policy, planning and governance, and political ecology

Title VI of the [Civil Rights Act of 1964](#) is often used in lawsuits that claim environmental inequality. Section 601 prohibits discrimination based on race, color, or national origin by any government agency receiving federal assistance. *Seif v. Chester Residents Concerned for Quality Living* set the precedent that citizens can sue under section 601 without having to prove discriminatory intent.

The first case to use civil rights as a means to legally challenge the siting of a waste facility was in 1979. With the legal representation of Linda McKeever Bullard, the wife of Robert D. Bullard, residents of Houston's Northwood Manor opposed the decision of the city and Browning Ferris Industries to construct a solid waste facility near their mostly African-American neighborhood

The [Equal Protection Clause](#) of the [Fourteenth Amendment](#), has also been used in numerous environmental justice cases.

The Environmental Justice movement and the Civil Rights Movement have many commonalities. Many church leaders and civil rights activists, such as Reverend [Benjamin Chavis Muhammad](#), have spearheaded the Environmental Justice movement.

After the [Bhopal disaster](#), where a Union Carbide plant released forty tons of [methyl isocyanate](#) into the atmosphere in a village just south of Bhopal, India, the U.S. government passed the [Emergency Planning and Right to Know Act of 1986](#).^[97] Introduced by Henry Waxman,

In recent years environmental justice campaigns have also emerged in other parts of the world, such as India, South Africa, Israel, Nigeria, Mexico, Hungary, Uganda, and the United Kingdom

[Greenpeace International](#) was the first organization to assume the global name and identification of Environmental Justice.

African-Americans are affected by a variety of Environmental Justice issues. One notorious example is the "[Cancer Alley](#)" region of Louisiana. This 85-mile stretch of the Mississippi River between Baton Rouge and New Orleans is home to 125 companies that produce one quarter of the petrochemical products manufactured in the United States. The [United States Commission on Civil Rights](#) has concluded that the African-American community has been disproportionately affected by Cancer Alley as a result of Louisiana's current state and local permit system for hazardous facilities, as well as their low socio-economic status and limited political influence.

Indigenous groups are often the victims of environmental injustices. [Native Americans have suffered abuses related to uranium mining](#) in the American West.

The most common example of environmental injustice among Latinos is the exposure to pesticides faced by farm workers.

[Northern California's East Bay Refinery Corridor](#) is an example of the disparities associated with race and income and proximity to toxic facilities in California.

In 2011, Secretary of Agriculture Tom Vilsack emphasized the USDA's focus on EJ in rural communities around the United States.

In its 2012 environmental justice strategy documents, the [U.S. Department of Agriculture](#) (USDA) stated an ongoing desire to integrate environmental justice into its core mission, internal operations and programming.

In 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Executive Order 12898 requires that achieving EJ must be part of each federal agency's mission

Natural Resources and Environment Under Secretary Harris Sherman is the political appointee generally responsible for USDA's EJ strategy, with Patrick Holmes, a senior staffer to the Under Secretary, playing a coordinating role. Although USDA has no staff dedicated solely to EJ, its sub-agencies have many offices dedicated to civil rights compliance, outreach and communication and environmental review whose responsibilities incorporate EJ issues

A Movement Sparks

Several studies published in the 1980s and early 1990s gave charges of environmental racism new credibility. In 1982, Walter Fauntroy, District of Columbia Congressional Delegate and then-chair of the Congressional Black Caucus, took part in the Afton, North Carolina protests. Poor, rural and overwhelmingly black, Warren County, North Carolina, might seem an unlikely spot for the birth of a

political movement. But when the state government decided that the county would make a perfect home for 6,000 truckloads of soil laced with toxic PCBs, the county became the focus of national attention, and galvanized many protesters to sit down in the road blocking the dump trucks (although the protesters ultimately lost.)

More evidence of environmental racism came through the efforts of the United Church of Christ's Commission for Racial Justice (CRJ), under the leadership of Reverend Benjamin Chavis, who had also stood with the protesters at Afton. With Chavis serving as its director, the CRJ published *Toxic Wastes and Race in the United States*, a 1987 report that became an indispensable tool in galvanizing support for environmental justice action. The report, by the UCC's Director of Research Charles Lee, showed that race was ***the single most important factor*** in determining where toxic waste facilities were sited in the United States

National Recognition

By 1992, when Bill Clinton became president, it was clear that environmental justice was becoming important to leaders of a core constituency of the Democratic Party. Clinton appointed two environmental justice leaders, Reverend Benjamin Chavis and Dr. Robert Bullard, (see above) to his Natural Resources transition team.

Many grassroots environmental justice organizations have formed since Afton. including:

- Concerned Citizens of South Central (Los Angeles), a housing and community development corporation that helped to lead the fight against the now infamous ANSWERS incinerator in the late 1980s.
- West Harlem Environmental Action was created in 1998 to fight the siting of the North River Sewage Treatment Plant.
- The Louisiana Avatar project under the coordination of the Deep South Center for Environmental Justice.
- Mothers of East L.A., originally organized to stop the siting of a prison in the East Los Angeles community, turned its attention to opposing a hazardous waste incinerator and has subsequently taken on other local environmental and social issues.

In California:

http://www.energy.ca.gov/public_adviser/environmental_justice_faq.html

www.sierraclub.org/environmental-justice/

California Environmental Justice Coalition: <https://cejcoalition.org/>

California Environmental Justice Alliance: <http://caleja.org/> etc.

California Environmental Justice 2016 Legislative Agenda: http://caleja.org/2016/04/2016-environmental-justice-legislative-agenda/?utm_source=rss&utm_medium=rss

National Environmental Justice Case Studies: <http://umich.edu/~snre492/cases.html>

Definition of "Greenlining:" The business practice of investing energy, products and services in low-income, minority and disabled communities to increase profits and expand the economic pie.

The Greenlining Institute: <http://greenlining.org/>

I would have included more information on point people in California, however, I suspect everyone in State government you might consider contacting can be found in the *2016 Environmental Justice Legislative Agenda* link, and I assume you would already know much more about their contact information than I could find in hours of my time.

Sincerely,

Chris