

Environmental Justice: An Overview

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Environmental Justice (EJ)

- **Environmental justice** is 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. This goal will be achieved when everyone 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.***

*** Quoted from EPA website throughout

EJ: An Overview (1970-80's)

- *Bean v. Southwestern Waste Management, Inc.* (1979)
 - Residents formed the Northeast Community Action Group (NECAG). NECAG and their attorney Linda McKeever Bullard filed a class action lawsuit to block the Whispering Pines Sanitary Landfill from being placed within 1500 feet of a local public school (and within two miles of 6 schools).
 - First of its kind in the United States that charged environmental discrimination in waste facility siting under civil rights laws.

EJ: An Overview (1980's)

- *Solid Waste Sites and the Black Houston Community* - Published in 1983
 - The first comprehensive account of environmental racism in the United States.
 - Dr. Robert Bullard conducted a first-of-its-kind study documenting the location of municipal waste disposal facilities in Houston.

EJ: An Overview (1980's)

- First government study (published in 1983):
Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities
 - GAO found that three out of four hazardous waste landfills examined were in communities where African Americans made up at least twenty-six percent of the population, and whose family incomes were below the poverty level.
 - This study used 1980 Census data.

EJ: An Overview (1980's-90's)

- Grassroots organizations emerge
 - The United Church of Christ Commission on Racial Justice
 - West Harlem Environmental Action (WE ACT)
 - Indigenous Environmental Network (IEN)
 - Michigan Conference on Race and the Incidence of Environmental Hazards.
 - Southwest Network for Environmental and Economic Justice (SNEEJ)

EJ: An Overview (1990's)

- Congressional Black Caucus meets with EPA
 - The Congressional Black Caucus met with EPA officials to discuss their findings that environmental risk was higher for minority and low-income populations.
 - Alleged that EPA's inspections were not addressing their communities' needs.
- EPA Creates the Environmental Equity Workgroup
 - *Reducing Risk for All Communities*. This report made multiple new recommendations for addressing environmental inequity.
- University of Michigan's Environmental Justice Program for undergraduate and graduate students.
- EPA Creates the National Environmental Justice Advisory Council (NEJAC)

EJ: An Overview (Clinton Administration)

- 1994 Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
 - Goal of achieving environmental protection for all communities
- In 2000 EPA issued “EPA Statutory and Regulatory Authorities Under Which Environmental Justice Issues May Be Addressed in Permitting”
 - RCRA, CWA, SDWA, and CAA

EJ: An Overview (2000's)

- Warren County PCB Landfill is Remediated
- EPA offices develop and begin implementing EJ action plans
- EPA issued the “*EJ Toolkit for Assessing Potential Allegations of Environmental Injustice*” to assist staff in conducting environmental justice assessments.
- Office of EJ commissioned a treatise: *Opportunities for Advancing Environmental Justice: An Analysis of U.S EPA Statutory Authorities*.
- *Toxic Wastes and Race at Twenty 1987—2007* Findings: Although the current assessment uses newer methods that better match where people and hazardous waste facilities are located, the conclusions are very much the same as they were in 1987.

EJ: An Overview (2010's)

- EPA issued *Interim Guidance on Considering Environmental Justice During the Development of an Action*.
- *Plan EJ 2014*: A roadmap to assist EPA in integrating environmental justice into all the Agency's programs, policies, and activities. (released in 2011, not binding)
- EPA Policy on *Consultation and Coordination with Indian Tribes* (2011) & *Environmental Justice Policy for Working with Federally-Recognized Tribes and Indigenous Peoples* (2014)
- EPA developed numerous policies and guidance documents in furtherance of Plan EJ 2014 and EJ 2020 - some of which stalled out or are no longer available. Ex. Legal Tools (superseded), online training tool (EJ 101) and blog...

EJ: An Overview (2020-present)

- Executive Order 14008:
Tackling the Climate Crisis at Home and Abroad
 - Directed federal agencies to promote and work toward proactively achieving environmental justice.
 - National Climate Task Force: Securing Environmental Justice and Spurring Economic Opportunity
 - Establishes White House Environmental Justice Advisory Council (WHEJAC)
 - Executive Order 13985: **Advancing Racial Equity and Support for Underserved Communities Through the Federal Government**

EJ: An Overview (2020-present)

- **Justice40 Initiative**

- Goal: to deliver at least *40 percent of the overall benefits* from Federal investments in climate and clean energy to disadvantaged communities.
- Categories of investment are:
Climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure.
- Can include investments from: Inflation Reduction Act, Bipartisan Infrastructure Law, American Rescue Plan, if the investment is made in one of the listed categories above.

EJ: An Overview (2020-present)

- **Justice40 Initiative**

- White House publishes list of Justice40 covered programs by agency. (Last updated August 2022)
- The **Climate and Economic Justice Screening Tool (CEJST)** is a geospatial mapping tool to identify disadvantaged communities that are marginalized, underserved, and overburdened by pollution.
- EPA has 73 covered programs.
- Interim Guidance with lists of examples:
 - Climate Change = Increased flood mitigation Benefits = Hectares of floodplain restored
 - Clean Transportation = Access to affordable electric vehicles, charging stations, and purchase programs
 - Remediation and Reduction of Legacy Pollution = Reclamation of abandoned mine lands and capping of orphan oil and gas wells

EJ: An Overview (2020-present)

- **EJ Screen**

- mapping and screening tool
- users choose a geographic area
- (7) demographic and (12) environmental information for the area combined into EJ indexes
 - Demographic indicators include:
 - People of color; income level; education; age
 - Environmental indicators include:
 - Air toxics cancer risk, lead paint, Superfund proximity

EJ An Overview: (Colorado EnviroScreen)

- Colorado's 2021 Environmental Justice Act (HB21-1266)
 - Launched version 1.0 in June 2022
 - Identifies areas with current and past environmental inequities
 - Help users advocate for funding, interventions, and policy changes to avoid, lessen, and mitigate environmental health risks.
 - Colorado EnviroScreen team conducted stakeholder interviews, focus groups, and large community meetings, and has used that input to shape functionality and user experience.
 - Can be amended by users* Open source?

Recent developments...

- Journey to Justice Tour – emphasis on EPA enforcement in Mississippi, Louisiana, and Texas (Fall 2021)
- Graphic Packaging International in Kalamazoo Michigan (Feb 2022)
- EPA Objection to Suncor Energy, Inc. Plant 2 Title V Operating Permit (Spring 2022) Discussion of EJ, though not basis of objection.
- Formosa Plastics Case (Sept 2022) – Louisiana’s 19th DC reversed LDEQ decision on issuance of 2020 air permits to Formosa Plastics
- South Louisiana Methanol petrochemical complex in St. James Parish – application withdrawn (Sept 2022)

EJ: An Overview (DEQ Policy)

- All people should be protected from the impacts of environmental pollution regardless of race, national origin, or income. DEQ is committed to ensuring such protection through the development, implementation, and consistent enforcement of environmental laws and regulations.

EJ: An Overview (DEQ Policy)

- If a permitting action is determined to *potentially impact a community with EJ concerns*, then DEQ also determines whether the proposed action is a “*significant action*” for EJ purposes. As an example, Tier 3 permits are presumably significant, whereas others are determined by a balance of factors.
- Appropriate Division will implement a meaningful public participation plan for the permitting process, which shall include enhanced notice to and opportunity for comment by the potentially impacted community.
- The content of the plan will be determined by the Division and should depend on the community and the proposed activity/environmental consequences at issue.

Oklahoma Successes

- Brownfields
 - Guthrie Green & Tulsa Arts District
 - Devon Tower
 - The Collective
 - OMNI Complex
 - Mayo & Skirvin Hotels
 - First Americans Museum
- Northeast Homeland and surrounding development

Resources

- EPA website: <https://www.epa.gov/environmentaljustice>
- Interim Environmental Justice and Civil Rights in Permitting Frequently Asked Questions
<https://www.epa.gov/system/files/documents/2022-08/EJ%20and%20CR%20in%20PERMITTING%20FAQs%20508%20compliant.pdf>
- E.O. 13985: Equity Action Plan (April 2022)
https://www.epa.gov/system/files/documents/2022-04/epa_equityactionplan_april2022_508.pdf

Resources

- Proposed 2022 CWA Financial Capability Assessment Guidance
https://www.epa.gov/system/files/documents/2022-02/2022-proposed-fca_feb-2022.pdf
- EPA Legal Tools to Advance Environmental Justice (Legal Tools)
<https://www.epa.gov/system/files/documents/2022-05/EJ%20Legal%20Tools%20May%202022%20FINAL.pdf>

Resources/Contacts

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Thank you!