

The background features a collection of 3D geometric shapes, including squares and rectangles, in various shades of gray and white. Some of these shapes are slightly offset from the others, creating a sense of depth. Interspersed among these shapes are several plus signs (+) in different colors: a prominent red one on the left, a black one in the upper right, and a large magenta one in the lower right. The overall composition is clean and modern.

Environmental Justice

A MOVEMENT DRIVES CHANGE

E.O. 12898

THE FIRST
APPROXIMATION:
WHAT IT MISSED



Federal agencies must:


“identify and address, as appropriate, the disproportionately high and Adverse environmental and human health effects of its programs on minority populations and low-income populations.”

THE BASIC
CHARGE



Plan EJ 2014

USING CIVIL RIGHTS AND ENVIRONMENTAL REGULATION TO
IMPLEMENT EO12898




Executive Order 12898 calls on federal agencies, including EPA, to make environmental justice part of their mission “[t]o the greatest extent practicable and permitted by law.”

FROM THE INTRODUCTION TO PLAN EJ 2014




Making EJ more intelligible

THE BIDEN ADMINISTRATION WHEJAC PLANNING DOCUMENT



b) The term “environmental justice” means the just treatment and meaningful involvement of all people regardless of race, color, national origin, or income, or ability, with respect to the development, implementation, enforcement, and evaluation of laws, regulations, programs, policies, practices, and activities, that affect human health and the environment

A PROPOSED REVISION TO EO 12898



The basic definition In 12898 only required 1) fair treatment; and 2)
meaningful involvement in policymaking

EJ ACTIVISTS WANTED TO MAKE JUSTICE THE CORE IDEA



Critiques from the Movement and the Academy

THE EMERGING TENSION BETWEEN EQUALITY AND EQUITY



Defining Justice

MORE THAN EQUALLY DISTRIBUTING THE HARM

Other Definitions of Justice: More than Distributive Justice

Compensatory

What is the obligation to directly address the harms that communities have suffered?

Who pays?

For What?

Procedural

Examples of Process Failure must be addressed.

Why does process breakdown?

Why does it exclude certain voices?

Recognitional

Groups and individuals must be acknowledged for who they are and where they are.

As Kyle Whyte says: “fairly representing and considering the cultures, values, and situations of all affected parties.”

Equity/ Equality

Full interrogation of these ideas and the tension between them leads to a fundamental critique of structural injustice and highlights the limitations of just distribution. It asks: distribution of what?

The meaning of these emerging concepts for practice

- ▶ How do lawyers or policymakers take into account the critique? Do the proposed changes to the original Executive Order and the attendant legal tools promise to achieve the goals advocated by EJ activists?