



School of Natural Resources  
University of Missouri



# Environmental Justice in the United States: Past, Present, and Future

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Environmental Law Institute Summer School

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**It's Nice to  
"Meet" You**



# Educational Background

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- Bachelor of Science – 2004
  - The University of the South, Sewanee, TN
  - Major: Geology
- Master of Science – 2006
  - The University of Oxford, England
  - Rhodes Scholar
  - Degree: Water Science, Policy, and Management
- Juris Doctor – 2009
  - Yale Law School, New Haven, CT
  - Focus on environmental law and environmental justice

# Professional Background

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- Missouri Department of Natural Resources
  - Special Assistant to the Director and Assistant General Counsel
  - Created Missouri Environmental Justice Working Group
- Van Ness Feldman LLP
  - Attorney focusing on energy, environmental, and natural resources law and policy
- Georgetown University
  - Adjunct Professor in Program on Science, Technology, and International Affairs



# University of Missouri School of Natural Resources

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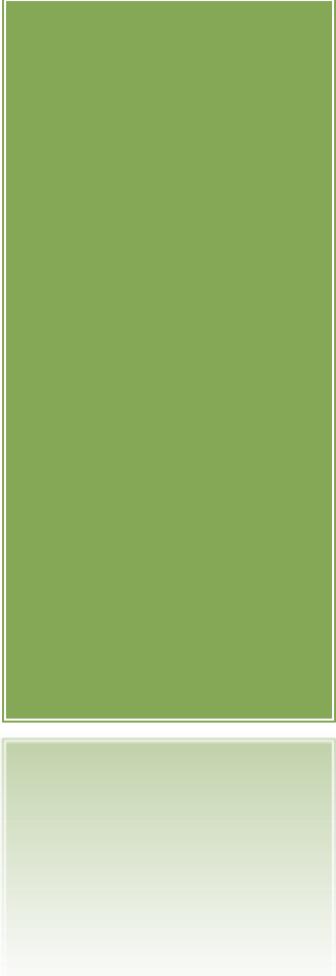
## ■ Courses taught

- Env Sci 4400W/7400: Environmental Law, Policy, and Justice
- Nat Res 4353/7353: Natural Resource Policy and Administration
- Nat Res 8001: Land Use and Land Transactions
- Nat Res 9087: Water Resources Graduate Seminar

## ■ Primary research interests

- Environmental justice
- Land use
- Water resources

## ■ Faculty Advisor to Minorities in Agriculture, Natural Resources, and Related Sciences (MANRRS) chapter



# **Environmental Justice in the United States: An Overview**

# What Is “Environmental Justice”?

## US EPA Definition

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- “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.”
- “EPA has this goal for all communities and persons across this nation. It 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.”

# Origins: Memphis Sanitation Strike (1968)

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- In February 1968, two garbage collectors were crushed by a truck while working
- 1,300 sanitation workers went on strike, demanding safer working conditions and a living wage
- Advocate in Rev. Dr. Martin Luther King, Jr.
- Environmental justice linkage to civil rights movement

# Origins: Northwood Manor, TX (1979)

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- African American residents sued waste management company that wanted to put a solid waste landfill in their neighborhood
- Residents alleged that siting decision was racially-motivated, in violation of the Civil Rights Act of 1964
- Residents claimed that landfill would irreparably harm the health, safety, aesthetics, and tax base of the community, and Court agreed
- But, Court found that residents could not prove intentional discrimination “with sufficiently particularized statistical data showing a pattern or practice of placing waste facilities in communities of color” → Court allowed landfill to be built
- Launched use of courts for environmental justice claims
- Emphasized importance of data collection and access to information by communities challenging environmental decisions

# Origins: Warren County, NC (1982)

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- Low-income, African American community selected for hazardous waste landfill
- PCB-laden soil (carcinogen)
- NAACP staged “the largest civil disobedience in the South since the time of Dr. Martin Luther King, Jr.” – six weeks, 550+ arrests
  - Rev. Dr. Benjamin Chavis, United Church of Christ
  - Rep. Walter Fauntroy (D-DC)
- Didn't stop landfill but helped boost momentum for environmental justice movement

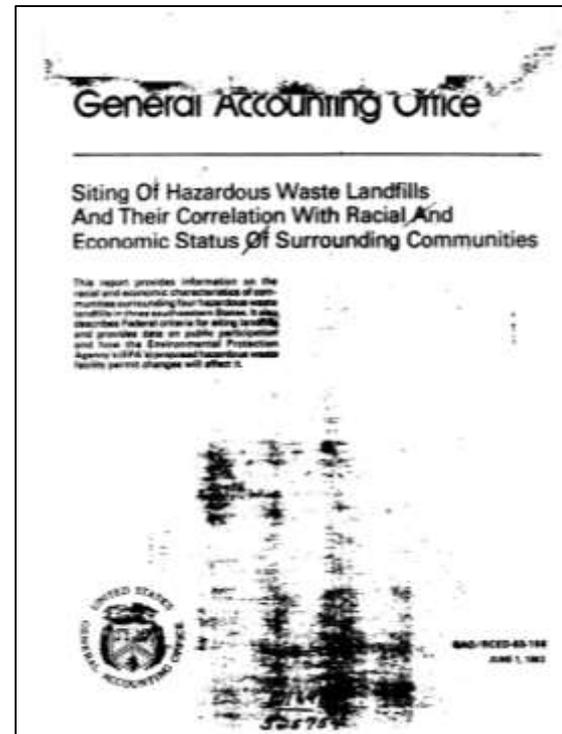




# Gathering Data: General Accounting Office Study (1983)

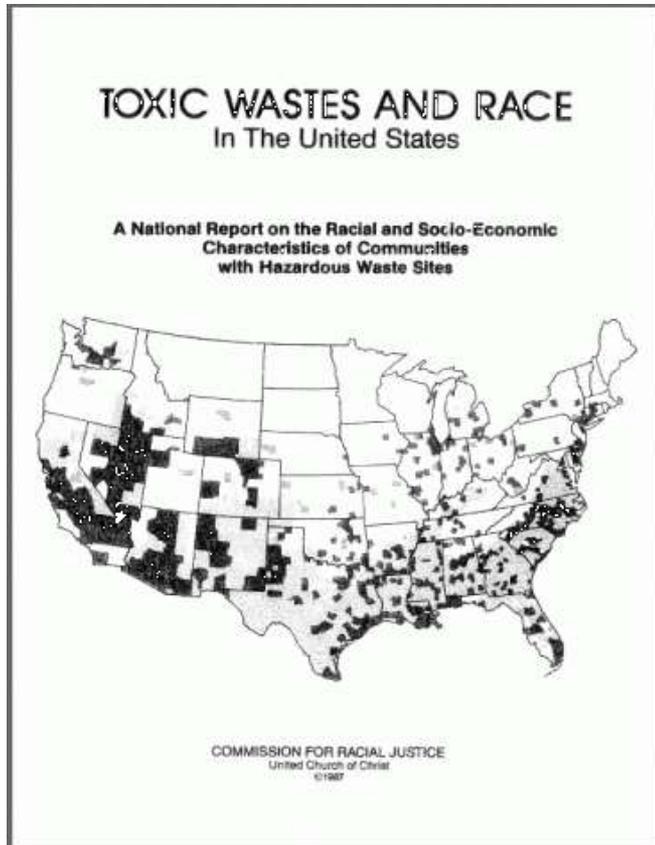
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- Ordered by Rep. Fauntroy (D-DC)
- Study: *Siting Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*
- All hazardous waste sites in southeastern US were located in low-income communities
- 75% of hazardous waste sites in southeastern US were located in predominantly African American communities



# United Church of Christ: “Toxic Wastes and Race” Report (1987)

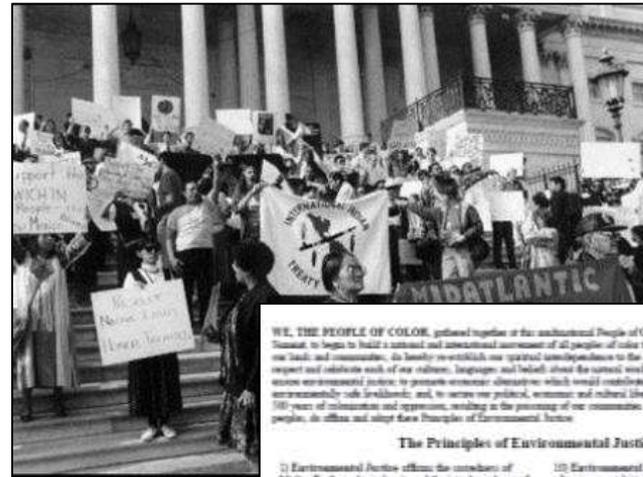
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- Rev. Dr. Benjamin Chavis
- Concluded that race was the most significant factor in siting hazardous waste facilities nationally
- 60% of African Americans and Hispanics lived in a community with a hazardous waste site
- Intentional result of local, state, and federal land-use policies
  - Race-based zoning
  - Difficult or impossible to obtain mortgage insurance if living in a mixed-race community

# Ties Are Forged: National People of Color Environmental Leadership Summit (1991)

- 300+ people of color from the US and abroad gathered in DC
- Environmental justice movement forged ties with environmental groups that had a predominantly white and affluent base (Natural Resources Defense Council, Sierra Club)
- Produced consensus document *The Principles of Environmental Justice*



WE, THE PEOPLE OF COLOR, gathered together at the National People of Color Environmental Leadership Summit to begin to build a national and international movement of all people of color to fight the destruction and taking of our land, and ourselves, as land is established and spiritual connections to the ancestors of our Mother Earth, to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves, to secure environmental justice, to promote economic alternatives which would contribute to the development of environmentally safe technology, and, to secure our political, economic and cultural liberties that has been denied for over 100 years of slavery and oppression, resulting in the promulgation of our constitution, and last, and the greatest of our people, to affirm and adopt these Principles of Environmental Justice:

## The Principles of Environmental Justice (EJ)

- Environmental Justice affirms the interconnectedness of all species, and the right to be free from ecological destruction.
- Environmental Justice demands that public policy be based on natural respect and justice for all people, free from any form of discrimination or bias.
- Environmental Justice demands the right to ethical, balanced and responsible use of land and resources according to the concept of a sustainable planet for humans and other living things.
- Environmental Justice calls for national protection from nuclear testing, nuclear production, and disposal of nuclear waste, and passive and nuclear testing that violates the fundamental right to clean air, land, water, and food.
- Environmental Justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all people.
- Environmental Justice demands the cessation of the production of all toxic, hazardous, waste, and radioactive materials, and that all past and current production be held strictly accountable to the people for destruction and the restoration of the point of production.
- Environmental Justice demands the right to participate in equal partners at every level of decision-making, including: needs assessment, planning, implementation, enforcement and evaluation.
- Environmental Justice affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work in toxic to be free from environmental hazards.
- Environmental Justice protects the right of victims of environmental injustice to ensure full exposure and reparation for damage to well, to quality health care.
- Environmental Justice demands governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
- Environmental Justice must recognize a special legal and natural relationship of Yellow People to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
- Environmental Justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing the access for all to the full range of resources.
- Environmental Justice calls for the strict enforcement of principles of cultural consent, and a halt to the testing of experimental reproductive and medical procedures and treatments on people of color.
- Environmental Justice opposes the destruction operations of multi-national corporations.
- Environmental Justice opposes military occupation, oppression and exploitation of land, people and cultures, and other UN laws.
- Environmental Justice calls for the abolition of present and future practices which exploit, oppress and environmental racism, based on our experiences and an appreciation of our diverse cultural perspectives.
- Environmental Justice requires that we, as individuals, make personal and corporate choices to minimize or eliminate our carbon footprint, and to produce as little waste as possible, and make the conscious decision to challenge and separate our lifestyles to secure the health of the natural world for present and future generations.

More info on environmental justice and environmental racism can be found online at [www.epjnet.org/](http://www.epjnet.org/)

Delivered to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington, DC and adopted there. The Principles of Environmental Justice have since been used as a defining document for the growing grassroots movement for environmental justice.

# Federal Government Actions (mid-1990s)

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- 1993: National Environmental Justice Advisory Council
  - Representatives from government (federal, state, tribal, and local), academia, industry, non-profit organizations, and community groups
  - Accepts comments from the public at large
  - Provides advice and suggestions to EPA
- 1994: President Clinton issued Executive Order 12898 – “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”
  - Directed federal agencies to identify and mitigate any disproportionately high adverse human health or environmental effects of their actions on minority and low-income populations
  - Ordered federal agencies to provide minorities and low-income communities access to information and opportunities to participate in environmental decision-making

# Disparities Continue: United Church of Christ: “Toxic Wastes and Race at Twenty” (2007)

Appendix 4.3 – People of Color Percentages by EPA Region and State<sup>1</sup>

EPA Region/State	Sites <sup>2</sup>	Majority People of Color Sites <sup>3</sup>	Host Neighborhoods	Non-Host Areas	Difference <sup>4</sup>	Ratio
<b>Region 1</b>						
Connecticut	4	1	49.0%	21.3%	27.7%	2.30
Maine	2	0	7.8%	3.4%	4.4%	2.31
Massachusetts	12	1	33.5%	17.2%	16.3%	1.95
Rhode Island	3	1	39.6%	14.6%	25.0%	2.71
Vermont	2	0	4.4%	3.9%	0.5%	1.13
<b>Region 2</b>						
New Jersey	14	3	54.8%	33.0%	21.9%	1.66
New York	18	2	50.3%	37.3%	13.0%	1.35
<b>Region 3</b>						
Maryland	3	1	44.8%	37.8%	7.0%	1.19
Pennsylvania	23	0	16.5%	15.9%	0.6%	1.04
Virginia	9	0	36.1%	29.8%	6.3%	1.21
West Virginia	2	0	10.2%	5.4%	4.8%	1.89
<b>Region 4</b>						
Alabama	8	3	66.3%	29.3%	36.9%	2.26
Florida	13	5	52.7%	34.3%	18.4%	1.54
Georgia	12	7	55.6%	37.0%	18.6%	1.50
Kentucky	9	1	51.5%	10.0%	41.5%	5.14
Mississippi	3	2	50.6%	39.1%	11.5%	1.29
North Carolina	10	4	55.9%	29.4%	26.5%	1.90
South Carolina	4	3	43.9%	33.8%	10.2%	1.30
Tennessee	6	3	53.8%	20.4%	33.4%	2.64
<b>Region 5</b>						
Illinois	16	10	67.9%	30.8%	37.1%	2.19
Indiana	16	4	41.2%	13.1%	28.1%	3.33
Michigan	19	8	65.7%	19.2%	46.5%	3.33
Minnesota	10	2	34.4%	10.3%	24.1%	3.33
Ohio	21	4	39.0%	15.3%	23.7%	2.24
Wisconsin	3	0	35.6%	12.4%	23.2%	2.24
<b>Region 6</b>						
Arkansas	5	2	51.6%	21.3%	30.4%	2.24
Louisiana	12	5	52.7%	37.3%	15.4%	1.19
New Mexico	3	1	52.5%	55.4%	-2.9%	0.10
Oklahoma	8	0	28.1%	25.9%	2.2%	1.19
Texas	33	20	66.4%	47.1%	19.4%	1.19
<b>Region 7</b>						
Iowa	3	0	21.0%	7.0%	13.9%	2.24
Kansas	9	3	47.2%	15.9%	31.3%	2.24
Missouri	15	2	28.3%	15.9%	12.4%	1.19
Nebraska	5	0	11.2%	12.7%	-1.4%	0.10

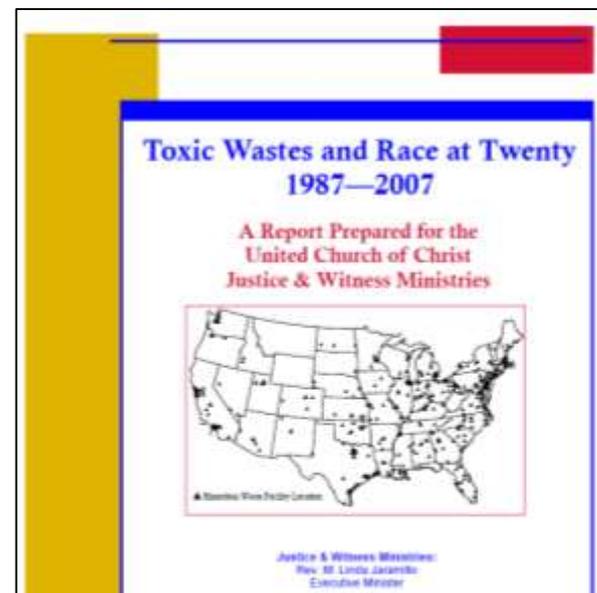
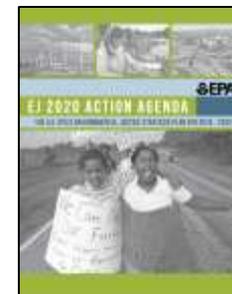


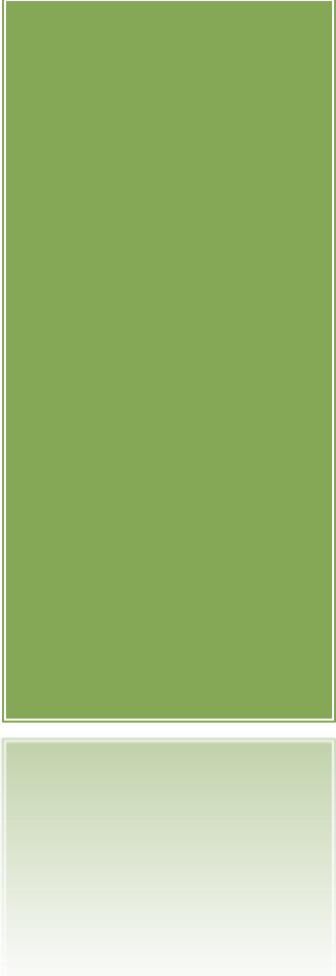
Table 3.1 – Racial and Socioeconomic Characteristics of People Living Near Hazardous Waste Facilities

	Within 1 km.	Between 1 km. and 3 km.	Between 3 km. and 5 km.	Beyond 5 km.
<b>Population</b>				
Total Population (1000s)	945	7,028	14,101	225,936
Population Density (persons per square kilometer)	690	640	810	24
<b>Race/Ethnicity</b>				
Percent People of Color	47.7%	46.1%	35.7%	22.2%
Percent African American	20.6%	20.4%	20.6%	11.2%
Percent Hispanic	23.1%	20.4%	18.1%	7.8%
Percent Asian/Pacific Islander	4.4%	5.4%	5.3%	2.7%
Percent Native American	0.6%	0.6%	0.5%	0.8%
<b>Socioeconomic Characteristics</b>				
Poverty Rate	20.1%	18.3%	16.9%	12.7%
Mean Household Income	\$31,192	\$33,318	\$36,920	\$38,745
Mean Housing Value	\$93,985	\$102,594	\$111,915	\$111,956

# Today: EJ 2020 Action Agenda



Vision: “By 2020, we envision an EPA that integrates environmental justice into everything we do, cultivates strong partnerships to improve on-the-ground results, and charts a path forward for achieving better environmental outcomes and reducing disparities in the nation’s most overburdened communities.”



# Current Topics

# Environmental Justice in Native American Communities

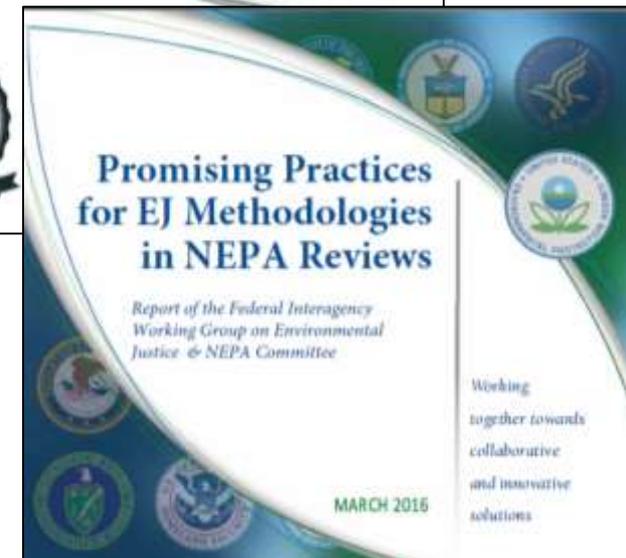
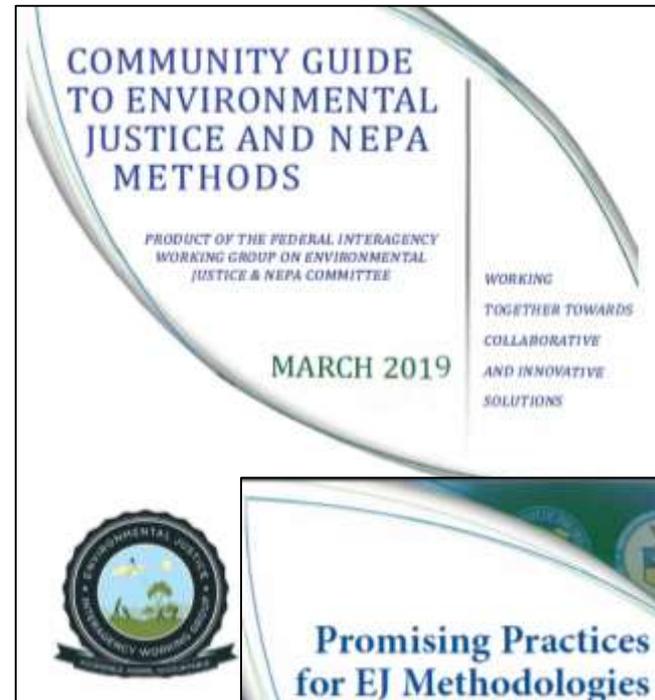
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- A matter of sovereignty and self-determination
- Siting without meaningful consultation
- Bureau of Indian Affairs has fiduciary duty to advocate tribe's best interests when federal government is involved
- Extraction and sale of natural resources can, if done right, promote economic self-sufficiency
- Climate justice



# Environmental Justice and NEPA

- Identifying low-income and minority populations
- Engaging low-income and minority individuals throughout the NEPA process
- Analyzing impacts, including disproportionately high and adverse impacts on certain populations
- Seeking public comment on possible alternatives
- Mitigation and monitoring
- (PS: Allowing fewer opportunities for public participation in the NEPA process means...less public participation in the NEPA process)



# COVID-19: Indoor Environmental Quality and Access to Outdoor Recreation

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- Indoor environmental quality concerns are often overlooked: mold, lead paint, smoke, (and before Flint, drinking water)
- Outdoor recreation promotes physical and mental health during COVID-19
- Some states offer free fishing and hunting licenses; some cities allow free access to pools and other amenities



# Environmental Justice Resources

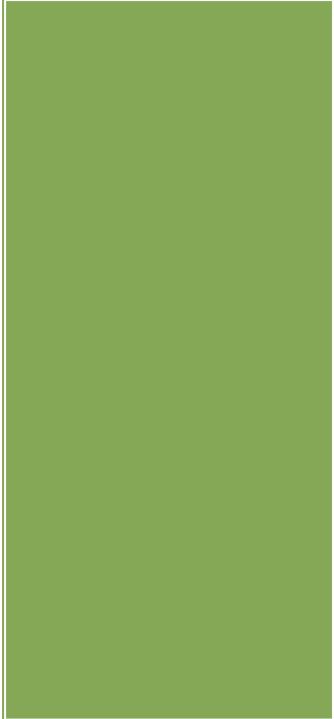
## ■ EJ Screen

- Produced by US EPA; open access / free of charge
- Online mapping tool that allows the user to view the US under various demographic and environmental indicator layers



## ■ US EPA Funding Sources

- Small Grants: up to \$30,000 to local and tribal governments and community-based organizations
- Grants to state governments for addressing COVID-19 in EJ communities
- Collaboration Agreements: up to \$120,000 to academia and others for solutions-focused research



**Thank you!**

**Email: [rotmanr@missouri.edu](mailto:rotmanr@missouri.edu) or [rmr@vnf.com](mailto:rmr@vnf.com)**

