

*Engaging Diverse
Stakeholders in EJ Work*
July 20, 2023



ELI Summer School: Environmental Justice Panel
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Introduction to EJ Lawyering

What is environmental justice?

“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.**”

U.S. Environmental Protection Agency
<https://www.epa.gov/environmentaljustice>



What is environmental justice?

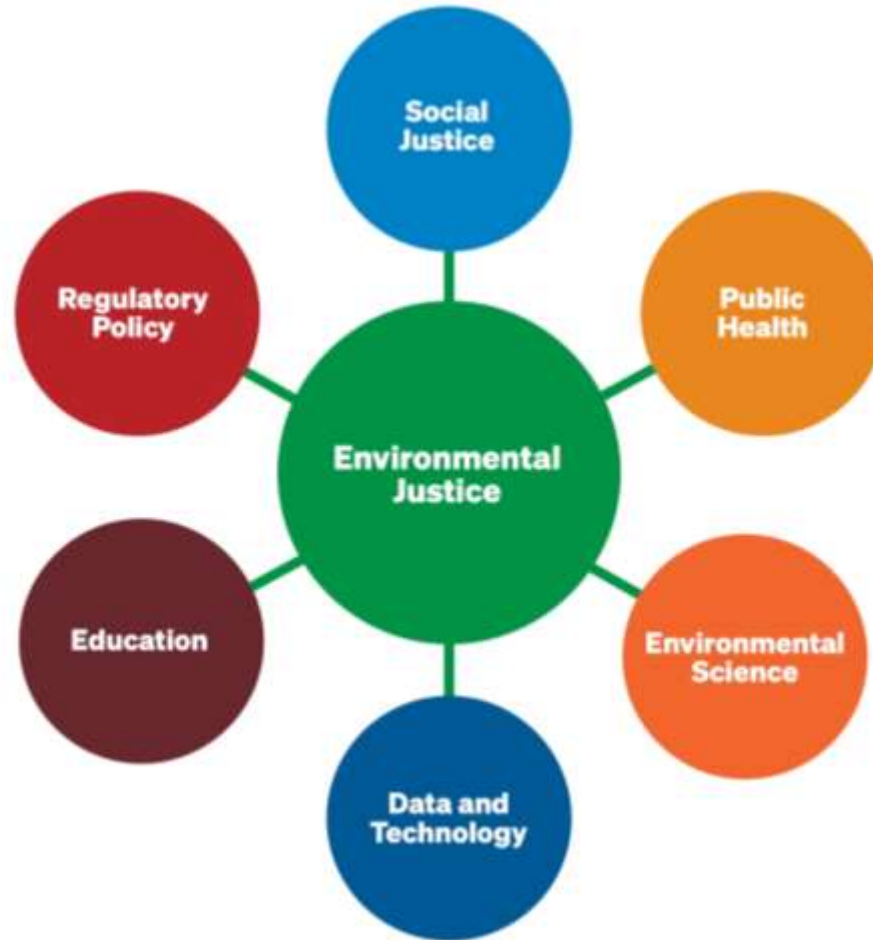
17 Principles of Environmental Justice were drafted at the First National People of Color Environmental Leadership Summit in 1991.

“Environmental Justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.”

Energy Justice Network / United Church of Christ
<https://www.ejnet.org/ej/principles.html>



Environmental justice is interdisciplinary.



EJ solutions require diverse stakeholders.

- EJ communities and community-based orgs
- Other nonprofit organizations
- Local, state, and federal policymakers
- Lawyers
- Scientists and academics
- Corporations and industry groups
- Media



EJ solutions require diverse stakeholders.



Harambee House / Citizens for Environmental Justice



EJ lawyers can leverage a wide range of tools.

Legal tools

- Title VI
- 14th Amendment
- State and federal **env't** statutes
- Local ordinances
- Permit challenges
- Tort litigation

Non-legal tools

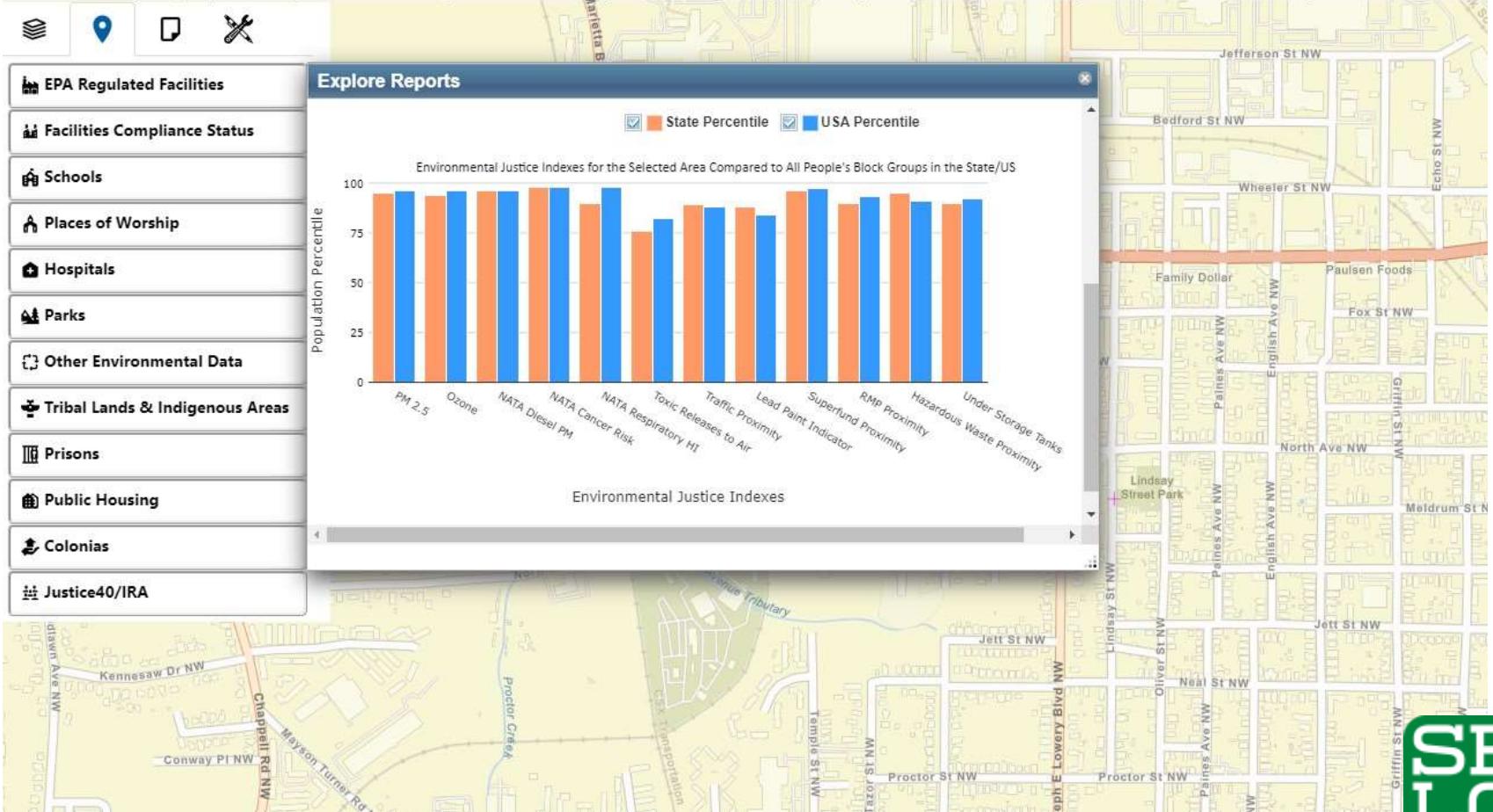
- Community outreach
- Coalition building
- Education
- Lobbying and advocacy
- Land use planning
- GIS Mapping



EJ lawyers can leverage a wide range of tools.

EPA EJScreen EPA's Environmental Justice Screening and Mapping Tool (Version 2.2)

Please note: Territory data (except Puerto Rico) is not available as comparable to the US. It is only comparable to the territory itself by using the 'Compare to State' functionality. Likewise, some of the indicators may not be available for territories.



The Biden administration has launched several EJ initiatives.

- Executive Order 14008
 - White House EJ Advisory Council (WHEJAC)
 - Justice40 Initiative
 - Climate & Economic Justice Screening Tool (CEJST)
- Bipartisan Infrastructure Law
- Inflation Reduction Act
- Thriving Communities Technical Assistance Centers (TCTACs)



The Biden administration has launched several EJ initiatives.

- Executive Order 14096

“**[E]very person must have clean air** to breathe; **clean water** to drink; **safe and healthy foods** to eat; and an environment that is healthy, sustainable, climate-resilient, and free from harmful pollution and chemical exposure. Restoring and protecting a healthy environment—**wherever people live, play, work, learn, grow, and worship**—**is a matter of justice**”



*Case Study: Spectrum Wood Pellet
Facility in Adel, Georgia*

The Problem



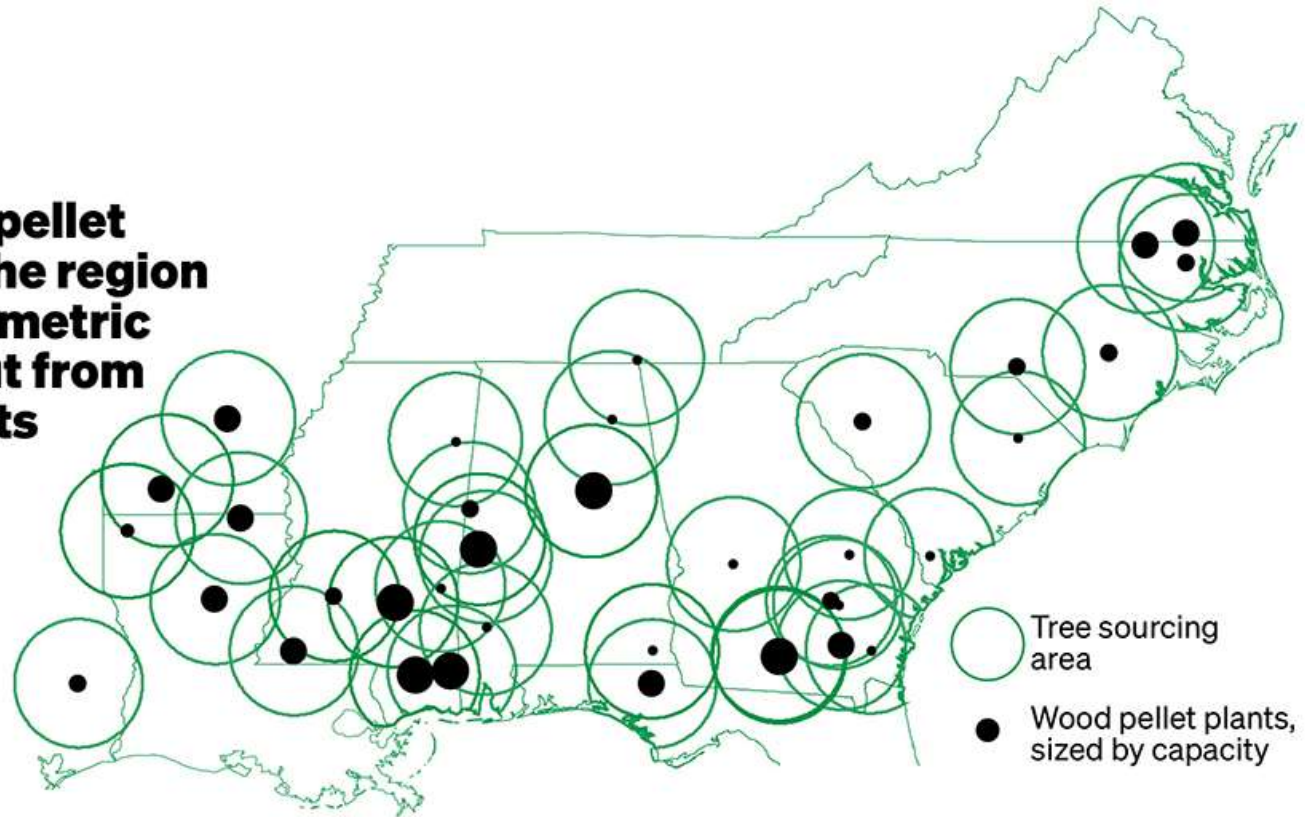
The Wood Pellet Industry

Although biomass fuel generates **more carbon emissions than coal**, the industry is considered renewable. In reality, the industry relies on clear cutting, which contributes to **loss of biodiversity and climate change**.



The Wood Pellet Industry

28 large-scale pellet plants across the region ship 9+ million metric tons of trees cut from Southern forests each year.



The Community



“Residents on the west side of Adel have lived alongside industries polluting our air and water for decades, and this has to stop. . . . We simply need to breathe.”

— Dr. Treva Gear, Concerned Citizens of Cook County



The Community

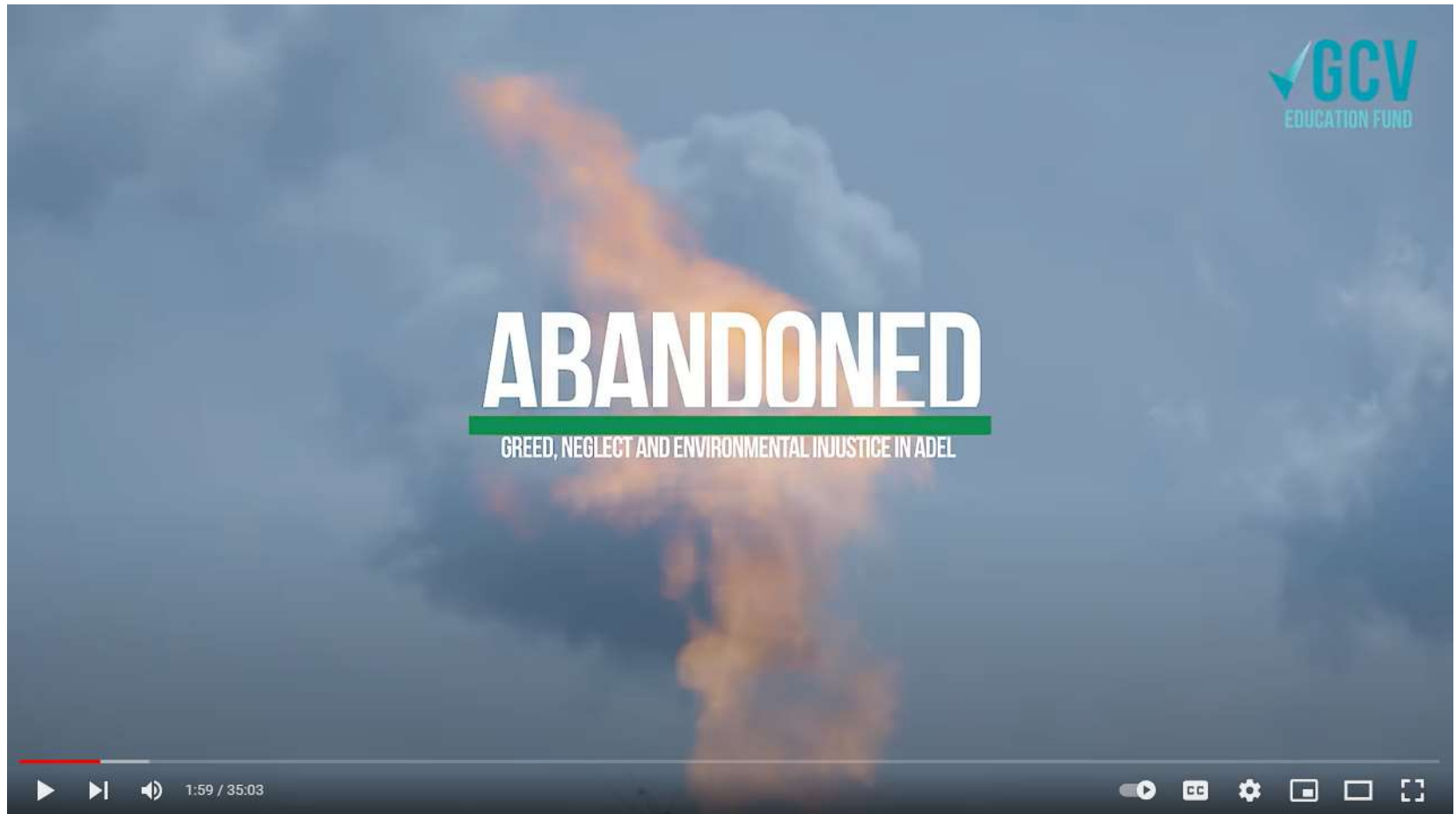


The Stakeholders

- Concerned Citizens of Cook County (4C)
- Spectrum Energy
- EPD
- Dogwood Alliance
- Environmental Integrity Project
- ... and many others



The Stakeholders



Georgia Conservation Voters
<https://www.youtube.com/watch?v=uJKuTDVIqKc>



The Legal Claims

“A recipient shall not use criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their **race, color, national origin, or sex**” 40 C.F.R. § 7.35(b).

- **Procedural claim:**
EPD violated its obligation to ensure its permitting process is not discriminatory
- **Substantive claim:**
EPD’s issuance of this permit discriminated against Black and Hispanic residents in Adel



The Result

AP



U.S. WORLD POLITICS VIDEO SPOTLIGHT ENTERTAINMENT SPORTS BUSINESS SCIENCE FACT CHECK CLIMATE HEALTH PHOTOGRAPHY ODDITIES ...

Agreement Signed Between Spectrum Energy and Concerned Citizens of Cook County

- More public health protections
- Stronger enforceability provisions
- Greater transparency
- Meaningful community participation
- Installation of air monitors and filters



Next Steps

- Enforcement of settlement agreement terms and ongoing advisory relationship with Adel community
- Title VI complaint filed with EPA
- Continued advocacy against wood pellet industry



Thank you



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southernenvironment.org