

Environmental Justice: *What Is It, the Advocacy Landscape, and a Path Forward*



Chandra T. Taylor-Sawyer

Senior Attorney & Environmental Justice Initiative Leader

Pollution and Climate Crisis Driven Weather Disasters affect everyone.

Poor people and people who have suffered from systemic inequity :

- 1) Are less able to move away from pollution
- 2) Are less able to protect themselves from the brunt of extreme weather events
- 3) Receive less aid from insurance and government sources after extreme weather events
- 4) Have less political power to influence the siting of polluting facilities
- 5) Have less access to acute and preventative healthcare
- 6) and are, overall, less able to recover.

Environmental Injustice/ Environmental Racism

Poor communities, especially communities of color disproportionately bear the burdens of pollution, including the immediate burdens of global climate change.

Federal Orders and Administrative Actions Related to Eliminating Explicit Environmental Justice Directive

- Policy Statement on the Treatment of Environmental Justice Matters in NRC Regulatory and Licensing Actions; Environmental Justice Strategy

4/30/2025

Policy statement announcing that NRC withdraws its EJ Policy Statement published on August 24, 2004, and its EJ Strategy.

- Restoring Equality of Opportunity and Meritocracy

EO 14281, 4/23/2025

Defines US policy to eliminate consideration of disparate impacts. Directs DOJ to appeal or amend Title VI regs and to identify similar rules at all other federal agencies and states. Directs all agencies to deprioritize enforcement of all statutes and regulations to the extent they account for disparate impacts.

- Protecting American Energy from State Overreach

EO 14260, 4/8/2025

Directs Attorney General (AG) to prioritize identification of state laws purporting to address climate change and EJ , and to take action to stop enforcement of state laws that the AG determines to be illegal. Report by AG, to the President, regarding enforcement actions is due within 60 days of the date of the EO.

Federal Orders and Administrative Actions Related to Eliminating Explicit Federal Environmental Justice Directive (cont.)

- Restoring America's Fighting Force

EO 14185, 1/27/2025

Directs DOD and DHS to abolish all DEI offices, including sub-offices, programs, elements, or initiatives related to race and gender.

- Ending Illegal Discrimination and Restoring Merit-Based Opportunity

EO 14173, 1/21/2025

Defines US policy to eliminate consideration of disparate impacts. Directs DOJ to appeal or amend Title VI regulations and to identify similar rules at all other federal agencies and states. Directs all agencies to deprioritize enforcement of all statutes and regulations to the extent they account for disparate impacts.

- Initial Rescissions of Harmful Executive Orders and Actions

Initial Rescissions of 60 Biden EOs concerning climate, equity, public health, etc., 1/20/2025

Major effects to climate, ongoing EJ litigation (Northern Alaska Environmental Center v. Trump)

Federal Orders and Administrative Actions Related to Eliminating Explicit Environmental Justice Directive (cont.)

- Ending Radical and Wasteful Government DEI Programs and Preferencing

EO 14151, 1/20/2025

OMB, DOJ, and OPM to coordinate termination of all DEIA mandates & preference and states intent to formulate new civil rights policies for executive branch. Individual agencies given 60 days to: Terminate all environmental justice offices, positions, plans, initiatives, equity-related grants and contracts, etc. "to the maximum extent possible," and send OMB a list of DEI, DEIA, and EJ positions, programs, expenditures, etc. as of 11/4/2024 that may have been relabeled. Major attacks on EJ programs. OPM has directed all agencies to put DEI positions on leave by EOD 1/22/2025.

- Unleashing American Energy

EO 14154, 1/20/2025

Directs agencies to “immediately pause” the disbursement of BIL/IRA funds. Revokes 1977 EO giving CEQ rulemaking authority and directs CEQ to rescind NEPA regulations, update guidance to expedite permitting, and convene interagency group to revise agency-specific NEPA provisions. Rescinds all documents related to social cost of GHG. States policy to end "EV mandate" and rescind California waiver.

Federal Orders and Administrative Actions Related to Eliminating Explicit Environmental Justice Directive (cont.)

- Restoring Names That Honor American Greatness

EO 14172, 1/20/2025

Creates US Board on Geographic Names. Directs DOI to rename Denali and other Alaskan landmarks. Directs DOI to rename Gulf of Mexico and provide other agencies with guidance on making corresponding changes to maps, contracts, etc. Permits DOI to seek "additional patriots to honor."

EPA Announcement

March 11, 2025

Administrator of the EPA, Lee Zeldin, ordered the closure of Office of Environmental Justice and External Civil Rights (OEJECR), the environmental justice divisions in the 10 EPA regions, and the Office of Inclusive Excellence. This action followed a February 2025 decision to place 171 employees on administrative leave who had been working on environmental justice or diversity, equity, inclusion, and accessibility (DEIA) initiatives. The agency stated that the decision was pursuant to President Trump's Executive Order, Ending Radical and Wasteful Government DEI Programs and Preferencing.

Background

In Sept. 2022, EPA launched a new OEJECR, led by a Senate-confirmed Assistant Administrator. The new office elevated environmental justice and civil rights enforcement to the same level as EPA's other major offices for the first time. EPA merged the Office of Environmental Justice (OEJ), the External Civil Rights Compliance Office (ECRCO), and the Conflict Prevention and Resolution Center to create the new office. One of the Office's first tasks was allocate \$3 billion in the Inflation Reduction Act (IRA) in climate and environmental justice block grants.

Source: <https://eelp.law.harvard.edu/tracker/epa-launched-new-office-of-environmental-justice-and-external-civil-rights-oejecr/>

Louisiana v. Callais and Environmental Injustice

- On April 29th, 2026 the Supreme Court issued a 6-3 decision in the case.
- Opinion strikes down Louisiana's enacted congressional map as an unconstitutional racial gerrymander.
- The majority ruled that the map, which created a second majority Black district, violated the 14th amendment.
- Decision significantly narrows the scope of section 2 of the Voting Rights Act.
- Section 2 has long served as the primary nationwide protection against discriminatory voting systems.
- The denial of, subversion of, and lack of political power are primary drivers of environmental injustice.
- When communities do not have representation that takes their concerns to the halls of legislatures, planning boards, and other decision-making bodies, they become invisible, or worse, targets for harm.
- This decision will make it harder for vulnerable communities, Black communities in particular, to have their voice in government. The work that anyone does to prevent, alleviate, and stop pollution in the nation's most vulnerable communities is always significant, and is even more so now.
- The opinion is here: [SCOTUS decision in Callais](#)
- [updated messaging guidance based on the Court's decision](#), from LDF and ACLU, the organizations who litigated Callais.
- This five-minute video explains how the decision can impact voting rights.
https://youtu.be/nGJ7H49w6x8?si=1zmuQ_WvJZVdnm-8

WHAT FEDERAL TOOLS REMAIN?

Some Federal EJ Legal Protections

Title VI of Civil Rights Act

Mapping and Data Tools

Information Access - FOIA

NEPA

Litigation

Organizing and Storytelling

Title VI of Civil Rights Act

Protects Against Discrimination

Applies to: Any program receiving federal funds

Two Pathways:

Section 601 - Court Lawsuits

- Sue anyone receiving federal funds
-  Must prove intentional discrimination
- Hard to win

Section 602 - Administrative Complaints

- File complaint with federal agency (including but not limited to EPA)
-  Historically allowed "disparate impact" claims
-  Now severely limited (2025)

Title VI - 2025 Changes

Executive Order 14281 (April 2025)

"Restoring Equality of Opportunity and Meritocracy"

✗ What it seeks to do (EOs don't have the force of law, but can encourage or chill action):

Eliminate disparate impact enforcement

Attorney General directed to repeal disparate impact regulations

What this means:

Harder to prove discrimination

Better chance of success with allegation of intentional racism (not just unequal results)

Blow to EJ enforcement

Bottom line: Title VI enforcement severely weakened but not eliminated

Mapping & Data Tools

KNOWLEDGE IS POWER

Why Mapping Matters

Maps Provide Evidence

- ✓ **Visualize** disproportionate impacts
- ✓ **Document** cumulative burdens
- ✓ **Prove** proximity to pollution sources
- ✓ **Show** demographic patterns
- ✓ **Support** permit challenges and comments

The Power of Data

- "A picture is worth a thousand words"
- Maps make invisible injustices visible

Social Vulnerability Index

Social Vulnerability Index exercise

Social vulnerability refers to the demographic and socioeconomic factors (such as poverty, lack of access to transportation, and crowded housing) that adversely affect communities that encounter hazards and other community-level stressors. These stressors can include natural or human-caused disasters (such as tornadoes or chemical spills) or disease outbreaks (such as COVID-19).

- Google CDC SVI tool
- Select the CDC page for the Social Vulnerability Index
- Scroll down to “check out the SVI Interactive Map”
- Click on “SVI Interactive Map”
- In the address field, enter an address of interest to you – where you live now or one of your childhood addresses, or another address that you are interested in.
- In the field near the top left of the page, named “SVI themes and indicators” click through different areas of interest. The categories include
 - Overall SVI
 - Socioeconomic status
 - Household characteristics
 - Racial ethnic and minority status
 - Housing type and transportation
- Consider the scores for the locations you searched. Were you surprised? Do you believe it is accurate? If not, why not?

NC Community Mapping System

<https://www.deq.nc.gov/outreach-education/community-engagement/deq-north-carolina-community-mapping-system>

North Carolina DEQ Mapping Tool:

Demographics + Health + Environment

Pollution source locations

Well water contamination risks

Updated regularly

What You Can See:

Environmental burdens by area

Demographic characteristics

Health data by community

Cumulative impacts



[deq.nc.gov/environmental-justice/mapping-system](https://www.deq.nc.gov/environmental-justice/mapping-system)

National Mapping Resources

Available Tools

1. FEMA National Risk Index (now available on the Resilience Analysis and Planning Tool)

 hazards.fema.gov/nri/

- Identifies disaster-vulnerable communities
- Used for resilience zone designation

2. Historical Redlining Maps

 <https://www.wake.gov/departments-government/register-deeds/racially-restrictive-covenants-project>

- Correlates with Redlining and current EJ issues

3. Environmental Justice State by State

 State-by-state EJ laws and tools

- Searchable database

Information Access

Freedom of Information Act (FOIA) and state public records acts

What FOIA Does:

Requires federal agencies to provide records on request

Applies to all federal agencies

What You Can Request:

Permit applications and decisions

Inspection reports

Email correspondence

Studies and assessments

Enforcement records

Exemptions:

National security

Trade secrets

Privacy information

 [foia.gov](https://www.foia.gov)

NEPA

National Environmental Policy Act (1970)

Requires federal agencies to:

Assess environmental impacts of major actions

Consider alternatives

Allow public comment

Important:

 Procedural rights (process must be followed)

 No substantive rights (agency can still approve project)

Opportunity:

Comment on Environmental Impact Statements (EIS)

Raise concerns during scoping process

Put issues "on the record"

NEPA - Recent Changes

2025 Developments Weakening NEPA

1. Council for Environmental Quality “CEQ” Guidelines on EJ no longer considered

Council on Environmental Quality regulations rescinded by Interim Final Rule in February 2025

2. Seven County Decision (May 2025)

Supreme Court: Courts must give agencies "substantial deference" –

3. Limits on Scope

No longer must consider "upstream/downstream" impacts:

Holding will limit environmental justice claims under NEPA to those impacts immediately caused by the disputed project, excluding those caused by developments that the project might encourage

Narrower review of alternatives

What Still Works

✓ Legal Tools:

- Citizen suits (all still available)
- NEPA public comment (still required)
- FOIA/public records (still enforceable)
- Title VI (weakened but not gone)

✓ Data & Mapping:

- Archived federal data (saved!)
- State mapping tools
- Community-based monitoring
- Historical data preserved

✓ State & Local:

- Some states have their own EJ tools
- State environmental laws
- Local ordinances
- State public records

Organizing and Storytelling

Plantations to Pollution

<https://plantationstopollution.selc.org/>

Many Black communities across the South, include areas where southerners migrated, are inextricably linked to plantation slavery.

The P2P multimedia storytelling project profiles four communities that grew up in the shadow of former plantations.

If the history behind systemic racism and current disproportionate burdens of environmental harm isn't understood, it will continue to be repeated.

Many Black communities are not only dealing with new threats of pollution, and land loss, they are dealing with multiple existing sources of pollution and health challenges associated with them.

Plantation	Community	Environmental Threats
Stagville	Hayti, Durham, North Carolina	Highway 147 construction aftermath
Ensley Bottoms	Southwest Memphis, TN	Data Centers, Gas, Highway emissions, persistent air quality issues, coal ash
Tip Top	Bucksport, SC	Highway Expansion
Buckroe	VA Tidewater Region	Disinvestment, Flooding

Buckroe Plantation, Black Land Loss, and a Resiliency Planning win in VA Tidewater Region



Federal Funding Freeze Litigation

Sustainability Institute v. Trump, Filed March 2025

13 non-profit/6 municipal plaintiffs

Sustainability Institute funding at risk: 11.4 million, for:

- Energy efficient affordable homes for people in the Union Heights neighborhood, a former plantation site from after the civil war, where 99 percent of the community is Black;
- Reduction of greenhouse gas emissions by weatherizing and retrofitting homes;
- Reconnecting the community that was fragmented by construction of Interstate 26

APA Claims

Separation of Power Claims

- Favorable ruling declaring program cancellation illegal on June 12th, 2026
- Motion to enforce judgment and clarify relief on Plaintiff's claims filed on July 17, 2026

EJ Legal, Regulatory, Policy and Organizing Tools are still available!

Despite Federal Rollbacks:

- ✓ Data is accessible (live and archived)
- ✓ Plaintiffs can still file lawsuits (citizen suits, or otherwise)
- ✓ Communities can comment (NEPA)
- ✓ Neighborhoods can continue to monitor (community science)
- ✓ Communities can organize



**SOUTHERN
ENVIRONMENTAL
LAW
CENTER**

southernenvironment.org