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,” according the U.S. Environmental Protection Agency’s (EPA) Web site. This month, EM presents four articles that address issues related to environmental justice and offer varied perspectives and opinions on this important and timely topic.

As referenced in the articles that follow, the Civil Rights Act of 1964 provides a legal basis for subsequent environmental justice actions; however, other activities corollary to developing environmental justice concerns including the civil rights movement of the 1960s and the general environmental movement of the 1960s and 1970s. In 1982, a demonstration in opposition to the siting of a polychlorinated biphenyl landfill in Warren County, NC, provided one of the motivations for a study conducted by the Commission for Racial Justice that examined the correlation between race and hazardous waste management facilities. The report, Toxic Wastes and Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities with Hazardous Waste Sites, was published in 1987 and cited “a striking relationship between the location of commercial hazardous waste facilities and race.” Twenty-five years on, environmental justice is descriptive of a multitude of environmental initiatives, ranging from siting and permitting facilities to compliance and enforcement actions.

The first article by Peter Gregg (page 10) provides both a historical perspective of the legal basis of environmental justice actions by EPA and details on specific programs emanating from major environmental statutes, including the U.S. Clean Air Act, the Resource Conservation and Recovery Act, and the Underground Injection Control Program (mandated by the Safe Drinking Water Act).

The second article by Michael Steinberg (page 14) delves into details of environmental justice claims that could be posed and thus must be addressed related to the issuance, renewal, or modification of facility permits. Specific legal hurdles must be cleared to move such claims forward, but similarly significant challenges exist to addressing these claims.

Two articles included in this issue are reprinted with the permission of the Environmental Law Institute (www.ELI.org), which advances innovative and practical solutions to environmental challenges. The first article by Deeohn Ferris (page 18) provides keen opinion on a recently released National Research Council report, “Sustainability and the U.S. EPA,” providing a perspective of environmental justice issues within the more global realm of sustainability of communities.

The second by Barry Hill (page 22) looks closely at the utilization of Title VI of the Civil Rights Act of 1964 within EPA’s comprehensive multiyear environmental justice plan.

Thanks to all of the authors for their time and effort in producing these knowledgeable and insightful articles and to the Environmental Law Institute for granting us permission to reprint the two articles from their publication. em