

## Environmental justice (EJ)

Environmental justice is the fair treatment and meaningful involvement of all people in environmental risks and benefits, regardless of race, color, national origin, and income. This minimal definition is often expanded to include more robust conceptions of the sacredness of Mother Earth, ecological integrity, rights to participate in all relevant settings, local knowledge and street science, and other normative and policy goals.

A distinct environmental justice movement cohered in the U.S. in the early 1990s and its aims were registered in national policy early in the Clinton administration through an executive order, an interagency working group on environmental justice, and a federal advisory committee to help guide further policymaking and administration. Results have been far from optimal, for reasons that have received extensive scholarly analysis, yet new attention has focused on a range of ways to strengthen the mix of policy tools. Environmental justice has helped frame the even broader challenges of climate justice today.

Among the key ways of engaging communities have been EJ Collaborative Problem Solving (EJCPS) grants and Community Action for a Renewed Environment (CARE) grants, both of which have received further support in recent climate and environmental justice congressional bills, as well as in strategies among activists and agency staff.

### Brief history

Over many decades, working class people, racial minorities, and Indigenous peoples have struggled over environmental harms and ecological degradation in communities, as well as workplaces. Yet mainstream environmental organizations of the postwar period were largely blind to environmental racism and injustice, and major environmental laws, such as the Clean Air Act of 1970 and the Clean Water Act of 1972, did not register injustice in the distribution of risk and harm. The National Environmental Policy Act (NEPA) of 1970 also did not include disproportionate burdens in required environmental impact statements (EIS), nor did the participatory norms in environmental policymaking recognize the need to rightfully engage communities that were typically marginalized in decision making.

Several developments began to shift the terrain during ensuing decades. Intense grassroots protests over toxics, as at Love Canal in the late 1970s, and in the determination of Superfund (1980) sites and remediation, led to greater focus on public participation in decision making, as did the campaign for right-to-know legislation in the 1980s by the National Toxics Campaign and other groups. The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1987 included ambitious transparency requirements.

Most important, however, were a series of struggles in low-income communities of color that were especially burdened, beginning most visibly with the protests in Warren County, North Carolina, in 1982. Following these were important reports issued by the U.S. General Accountability Office (1983), at the behest of the Congressional Black Caucus, and especially by

the Commission on Racial Justice of the United Church of Christ in its 1987 study, *Toxic Wastes and Race in the United States*. University of Michigan researchers also helped generate support.

The first EJ summit convened in 1991, which developed core [Principles of Environmental Justice](#) for the movement. The Environmental Protection Agency (EPA) under William Reilly, during the administration of George H.W. Bush (1989-1993), began to acknowledge and research “environmental equity,” and the more robust frame of “environmental justice” was adopted early in the Clinton administration (1993-2001).

Several innovations were introduced:

- *NEJAC*: the National Environmental Justice Advisory Council ([NEJAC](#)) was established as a federal advisory committee in October 1993. As a multi-stakeholder body constituted under the Federal Advisory Committee Act (FACA) of 1972, NEJAC represents leaders from EJ organizations and tribal groups, as well as representatives from other institutions (business, academia, state, local, and tribal governments, and other environmental groups). FACA requires “balance” in advisory committee configuration.
- *Executive Order 12898*: President Clinton issues [Executive Order 12898](#) in February 1994, which mandates that each executive agency make environmental justice part of its mission, to the extent practicable and permissible.
- *Interagency Working Group*: the Environmental Justice Interagency Working Group ([EJ IWG](#)) was also established to help generate coherent and coordinated strategies across eleven major federal agencies (later expanded).
- *Office of Environmental Justice*: this was set up at EPA to develop various strategies, as well as an [EJ Small Grants Program](#) that began to fund hundreds of local EJ and other community groups.

References:

Benjamin F. Chavis, ed. [Toxic Waste and Race in the United States: A National Report of the Racial and Socio-Economic Characteristics of Communities with Hazardous Sites](#) (United Church of Christ, 1987). Principal author: Charles Lee.

Charles Lee, ed., [Proceedings](#) of the First National People of Color Environmental Leadership Summit - Washington, DC, October 24-27, 1991 (United Church of Christ, Commission on Racial Justice, 1991).

Robert Bullard, Paul Mohai, Robin Saha, and Beverly Wright, [Toxic Wastes and Race at Twenty: 1987-2007](#) (United Church of Christ, Commission on Racial Justice, 2007).

National Environmental Justice Advisory Council, [20-Year Retrospective Report \(1994-2014\)](#) (Washington, DC, 2016).

Dorcetta E. Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (New York: NYU Press, 2014).

Dorceta E. Taylor, *The Environment and the People in American Cities, 1600s-1900s: Disorder, Inequality, and Social Change* (Durham, NC: Duke University Press, 2009).

Julie Sze, *Noxious New York: The Racial Politics of Urban Health and Environmental Justice* (Cambridge, MA: MIT Press, 2006).

Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Taylor & Francis, 1990, since updated).

## Environmental justice framing

As with other social movements, the EJ movement frames issues to resonate with community concerns and to strengthen strategic capacities. Framing is never a straightforward process, but involves “framing contests” among movement actors, as well as across a broader range of other institutional actors, including government agencies. Framing consists of various components, among the more important of which are the following:

- *diagnostic framing*: of the causes of environmental injustice. EJ highlights race, class, and other inequalities in the production of environmental harm, as these are manifest in a broad array of institutional systems and policies, such as siting of hazardous waste facilities, neighborhood exposures to other noxious facilities and transportation routes, housing inequalities that exacerbate lead exposure and asthma vulnerability, and much more.

In an age of climate disruption, there is also substantial evidence of disproportionate impacts linked to disasters and recovery, as well as to longer term impacts.

- *prognostic framing*: of the potential solutions. EJ focuses largely on legal and regulatory remedies, consistent with the EJ frame’s roots in civil rights organizing. Many within the movement, as well as in various public agencies, combine legal and regulatory strategies with community development and collaborative governance strategies, which seek to generate power and relationships for problem solving to achieve near-term improvements, as well as longer term institutional changes.

The movement has always placed stress on direct engagement by communities themselves: in protesting injustice and claiming a right to participate, in generating local knowledge that scientists and regulators might often miss, and in developing remedies that respond to the needs and priorities of local actors.

Radical critics within the movement, however, stress fundamental changes to global capitalist systems and thus reject collaborative, community-based approaches.

References:

Dorcetta Taylor, “The Rise of the Environmental Justice Paradigm: Injustice Framing and the Social Construction of Environmental Discourses,” *American Behavioral Scientist* 43 (2000): 508-80.

David Naguid Pellow and Robert J. Brulle, eds., *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge, MA: MIT Press, 2005).

David Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (New York: Oxford University Press, 2009).

## Environmental justice collaborative problem solving model

Because community participation has always been a central component of the EJ frame, some sectors of the movement, along with EPA and other federal and state agencies, have come to promote collaborative community problem-solving as an important tool in the larger EJ toolkit, even as the agency has sought to expand and better align its full suite of tools, as in its strategic [Plan EJ 2014](#) and [Plan EJ 2020](#).

Many of the projects funded by the EJ small grants program led to collaborative problem solving.

Prompting this shift have been the following factors:

- *Limits of administrative and legal remedies:* For citizen groups, legal action can take many years, consume inordinate organizational resources, and demobilize constituents, often only to lead to disappointment in final outcomes.

Courts have systematically refused to apply Title VI of the 1964 Civic Rights Act against polluters without direct evidence of discriminatory intent, which is notoriously difficult to prove. EPA has had little more success with such discriminatory intent claims than have community groups and activist lawyers. The political barriers to changes in statutes have been substantial, as have the bureaucratic barriers within agencies.

There are, to be sure, important proposals to strengthen regulatory and legal strategies, as recent studies by Jill Lindsay Harrison and David Konisky argue.

For the latest versions of several bills currently before Congress, see [Hearing on CLEAN Future and EJ bills, April 15, 2021](#) (which also provides links to the text of the bills).

References:

David Konisky, ed., *Failed Promises: Evaluating the Federal Government’s Response to Environmental Justice* (Cambridge, MA: MIT Press, 2015).

Jill Lindsey Harrison, *From the Inside Out: The Fight for Environmental Justice within Government Agencies* (Cambridge, MA: MIT Press, 2019).

H.R. 5986, “[Environmental Justice for All Act](#),” 116<sup>th</sup> Congress (2019-2020).

“[Climate Equity Act of 2020](#),” 116<sup>th</sup> Congress, 2<sup>nd</sup> session, sponsored by Senator Kamala Harris, with Representative Alexandria Ocasio-Cortez.

Holly D. Gordon and Keith I. Harley, “Environmental Justice and the Legal System,” in David Naguid Pellow and Robert J. Brulle, eds., *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge, MA: MIT Press, 2005), 153-170.

Luke W. Cole and Sheila R. Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (New York: New York University Press, 2000).

Christopher Foreman Jr., *The Promise and Peril of Environmental Justice* (Washington, DC: Brookings, 1998).

- *Promise of collaborative approaches for cumulative risk reduction and pollution prevention.* Two NEJAC reports stressed this, and an Environmental Justice Collaborative Problem Solving Cooperative Agreement (grant) program institutionalized it:

- NEJAC, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* (Washington, DC, 2004).

Where there are multiple physical, chemical, biological, social, and cultural factors, which cumulatively and in the aggregate contribute to distinct vulnerabilities for low-income and minority communities, a multi-media, place-based approach can provide the most effective way to generate a “bias for action” that engages various stakeholders in making quick and tangible improvements.

Tackling immediate risks and ones broadly recognized as real problems can enable local actors and institutions, including polluters, to build trust for addressing more difficult and contentious issues down the line. Residents can directly contribute to local health diagnoses and practical solutions through participatory action research and community health education campaigns, for which there are robust models and much experience in local health departments and universities.

- NEJAC, *Advancing Environmental Justice through Pollution Prevention* (Washington, DC: U.S. EPA, 2003).

Pollution prevention (P2) strategies have advanced significantly through a broad range of initiatives in cleaner technologies and materials, energy efficiency and green building, transportation and land-use planning, and management and work systems. The Pollution Prevention Act of 1990 and a host of voluntary programs have encouraged this.

To get the full benefit of P2 approaches at the community level, especially for those most vulnerable, however, would require far more intentional collaboration among civic organizations, environmental groups, small and large businesses, health departments and other local government agencies. Building the capacity of local groups for multi-stakeholder collaboration, as well as broad public education to make P2 an everyday habit, would require significant financial, technical, and programmatic support from public agencies, as well as private sources.

The collaborative approach became part of the Environmental Justice Collaborative Problem Solving grants, which in turn shaped the design of the Community Action for a Renewed Environment (CARE) program, both of which have been prominent in recent EJ and climate justice proposals before Congress.

#### References:

Carmen Sirianni, "[Environmental Justice Collaborative Problem Solving \(EJCPS\) and Community Action for a Renewed Environment \(CARE\)](#): Two Models at EPA," February 2021, [CivicGreen Policy](#), for a detailed analysis of two grant programs that design for community engagement and collaboration.

Carmen Sirianni, "Bringing the State Back In Through Collaborative Governance: Emergent Mission and Practice at the U.S. Environmental Protection Agency," in Jennifer Girouard and Carmen Sirianni, eds., *Varieties of Civic Innovation: Deliberative, Collaborative, Network, and Narrative Approaches* (Nashville: Vanderbilt UP, 2014), 203-238.

Charles Lee, "Collaborative Models to Achieve Environmental Justice and Healthy Communities," in David Naguid Pellow and Robert J. Brulle, eds., *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge, MA: MIT Press, 2005), 219-249.

William H. Hansell, Elizabeth Hollander, and Dewitt John, *Putting Community First: A Promising Approach to Federal Collaboration for Environmental Improvement – An Evaluation of the Community Action for a Renewed Environment (CARE) Demonstration Program* (Washington, DC: National Academy of Public Administration, 2009). CARE builds upon the EJ Collaborative Problem Solving Cooperative Agreement model.

Dorothy M. Daley and Tony G. Reames, "Public Participation and Environmental Justice: Access to Federal Decision Making," in David Konisky, ed.,

[Promises](#): *Evaluating the Federal Government's Response to Environmental Justice* (Cambridge, MA: MIT Press, 2015), 143-171.

Jason Corburn, [Street Science](#): *Community Knowledge and Environmental Health Justice* (Cambridge, MA: MIT Press, 2005).

Michael Mendéz, [Climate Change from the Streets](#): *How Conflict and Collaboration Strengthen the Environmental Justice Movement* (New Haven: Yale University Press, 2020). [Full review](#) in the [\*\*CivicGreen Bookshelf\*\*](#).

NEJAC, [Youth Perspectives on Climate Change](#): *Best Practices for Youth Engagement and Health Impacts of Climate Change* (Washington, DC: July 2018), which includes various capacity building proposals to enhance environmental and sustainability education, youth development and leadership, community-university partnerships, and significant youth participation in grantee organizations and federal advisory bodies.

*Further reading.* EJ scholarship as well as perspectives within the movement are rich and varied and do not share a uniform analysis of problems or solutions. For a further sampling, see:

Benjamin J. Pauli, [Flint Fights Back](#): *Environmental Justice and Democracy in the Flint Water Crisis* (Cambridge, MA: MIT Press, 2019). [Full review](#) in the [\*\*CivicGreen Bookshelf\*\*](#).

Julian Agyeman, [Introducing Just Sustainabilities](#): *Policy, Planning, and Practice* (London, UK: Zed Books, 2013).

David Naguib Pellow, [What is Critical Environmental Justice?](#) (Medford, MA: Polity Press, 2017).

Julie Sze, ed. [Sustainability](#): *Approaches to Environmental Justice and Social Power* (New York: NYU Press, 2018).

Demos, [Frontlines Climate Justice Executive Action Platform](#): *Policy Memorandum* (New York: Demos, May 2020).

Sheila R. Foster, "[Environmental Justice in an Era of Devolved Collaboration](#)," *Harvard Environmental Law Review* 26 (2002): 459-498.

Phil Brown, Rachel Morello-Frosch, and Stephen Zavestoski, eds. [Contested Illnesses](#): *Citizens, Science, and Health Social Movements* (Berkeley: University of California Press, 2011).

Scott Frickel and James R. Elliott, [Sites Unseen](#): *Uncovering Hidden Hazards in American Cities* (New York: Russell Sage, 2018).

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