SLIDES: Environmental Justice: Comprehensive Approach

Nicholas Targ

Follow this and additional works at: https://scholar.law.colorado.edu/climate-of-environmental-justice

Part of the Civil Rights and Discrimination Commons, Climate Commons, Dispute Resolution and Arbitration Commons, Energy Policy Commons, Environmental Health and Protection Commons, Environmental Law Commons, Environmental Monitoring Commons, Environmental Policy Commons, Human Rights Law Commons, Land Use Law Commons, Law and Politics Commons, Law and Race Commons, Law and Society Commons, Legal Ethics and Professional Responsibility Commons, Legislation Commons, Litigation Commons, Natural Resources Law Commons, Natural Resources Management and Policy Commons, State and Local Government Law Commons, and the Urban Studies and Planning Commons

Citation Information
https://scholar.law.colorado.edu/climate-of-environmental-justice/2

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.
Environmental Justice

Comprehensive Approach

Nicholas Targ

March 16, 2006
Comprehensive Approach

I. Comprehensive Approach
II. Promise and Limitations
III. Strategic Planning as a Partial Response by Government
IV. Implications
• 38 States have Environmental Justice Statutes, Policies, Executive Orders ("EJ Authorities").

• 9 states and the Federal Government use a “Comprehensive Approach to address EJ issues (CA, CT, IN, MA, MD, NJ, NY, NM, RI, TN).

• Balance of the States address particular issue of aspects of environmental justice (e.g., siting of facilities; brownfields redevelopment; Environmental Impact Assessment).
Background: Comprehensive Approach

**Definition:** A policy that broadly integrates environmental justice into the work of a government or government agency, rather than focusing on an issue area that may give rise to or is associated with environmental justice concerns.
Comprehensive Approach: Advantages

- All concerns can be addressed
- Agency can apply the right “tool” or law to the concern raised (avoids stovepipe mentality)
- Allows for holistic, integrated (agency-wide) response (e.g., leveraging resources and expertise, and coordination of actions).
Comprehensive Approach: Limitations

- Lack of clear-cut standards
- Response is largely discretionary (e.g., non-adjudicatory in nature)
- Measurement and accountability may be challenging
- Lack of express legal authority
- Responsibility-accountability disconnected
- Difficult for a grassroots (“we speak for ourselves”) movement to participate in ongoing agency-wide policy issues
Elements of the Comprehensive Approach

- Mandate
- Capacity Building
  - Internal
  - External
- Integration
- Coordination/Communication
- Accountability/Transparency

Typical Elements of a “Comprehensive Environmental Approach” EJ Program
### Elements of the Comprehensive Approach

<table>
<thead>
<tr>
<th><strong>Integration</strong></th>
<th><strong>Accountability</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Memorandum establishing legal basis for actions</td>
<td>Established commitment to taking specific action</td>
</tr>
<tr>
<td>Protocol for case-by-case environmental justice analysis</td>
<td>Measurable/Quantifiable results</td>
</tr>
<tr>
<td>Protocol for media specific and programmatic</td>
<td>Advisory Committee (cross-over role)</td>
</tr>
<tr>
<td>Strategic Plan incorporating environmental justice</td>
<td>Reporting Mechanism</td>
</tr>
</tbody>
</table>
Response to Limitations: Strategic Planning

Administrator Stephen L. Johnson, Memorandum “Reaffirming The U.S. Environmental Protection Agency’s Commitment to Environmental Justice,” (Nov. 4, 2005)

- Established 8 National EJ Priorities
- Directed the Agency to incorporate these priorities into the Agency’s planning and budgeting process
EPA STRATEGIC PLAN (5 year)

EPA will do X by Y in N number places in the following ways

Environmental Justice Priorities

8 Environmental Justice Priorities:
Reduction in number of asthma attacks; Safe fish/shellfish; Reduce exposure to air toxics; Clean and safe drinking water; Compliance assurance; Revitalization of brownfields and contaminated sites; Reduction in elevated blood lead level; Collaborative Problem-Solving

EJ ACTION PLAN (2 year)

Implementation of EJ Priorities
National/Regional Program
Results & Accountability
Example: Enforcement Targeting

EPA will use a set of nationally consistent environmental justice indicators of health, environment, compliance, and demographics to identify “Areas with Potential Environmental Concerns.” We will then emphasize activities in these areas. This effort will better protect all communities, including minority and/or low-income communities. We will report on the impact of our compliance efforts on these areas, including minority and/or low-income communities. Based on our experience with the indicators, we will develop specific environmental justice measures.
Targeting Resources & Assessing Results

Operational Definition of Environmental Justice

Targeting
Prioritization
Screening
Assessing potential affects

• Target based on race neutral factors
• Assess results base on demographic (race & income) data
Implications

• Defining areas “EJ Concern”
  - validity of methodology
  - consideration of race
  - transparency

• Community involvement

• Ensuring that local/Regional issues are addressed

• Potential stovepipe issues

• Development of a suite of EJ measures
## Coordination/Communication

**Agency**
- Interagency Working Group
- Executive Steering Committee
- Task Force

**Public**
- EJ Advisory Committee (General Purpose)
- EJ Advisory Committee (Special Purpose)
- Listening Sessions
Capacity Building

**Agency**
- GIS/Mapping Tools
- Training
- Human Capital
- Protocols
- Research

**Public**
- GIS Tool
- Translation
- Training
- Grants
- Public Private Programs
- Human Capital
- Protocols

Back
Mandate

**California:** Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state. SB 115

**Federal:** To the greatest extent practicable and permitted by law... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...