

GREEN JUSTICE: A HOLISTIC APPROACH TO ENVIRONMENTAL INJUSTICE

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I. INTRODUCTION

Environmental injustice is a phenomena that occurs in the United States and around the world in which people of color and of lower socio-economic status are disproportionately affected by pollution, the siting of toxic waste dumps, and other Locally Unwanted Land Uses (LULUs). This paper addresses the historical and philosophical backgrounds of environmental injustice and reviews potential legal, practical, and philosophical solutions for achieving environmental justice.

Initially “environmental justice” was referred to as “environmental racism” because of the disproportionate impact on people of color; however, it is now clear that environmental health risks are foisted predominately on lower income groups of all racial and ethnic groups. In order to be inclusive, as well as to avoid the extra baggage that comes with calling an act “racist,” practitioners almost exclusively use the term “environmental justice” rather than “environmental racism.”¹ Though a discussion regarding nomenclature may seem superfluous, in the context of a discussion of the origins and strategies for achieving environmental justice it is actually integral. The way that a society assigns a connotation on

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1. Dr. Robert Bullard has said that “getting caught up in the term ‘racism’ is counterproductive” because that connotes intent, and regardless of whether intent is present, the result to the community is the same – a greater threat to their health from toxic sources. Steven Keeva, *A Breath of Justice: Along With Equal Employment Opportunity and Voting, Living Free From Pollution Is Emerging As A New Civil Right*, 80 A.B.A. J. 88 (Feb. 1994).

top of a word's denotation has an enormous impact on how a phrase will be interpreted by the general public. Use of the term "environmental justice" is a step in bringing the issue of a constitutional right to live in a healthy environment for all people – not just to those who are interested in racial equality.

II. WHAT IS ENVIRONMENTAL JUSTICE?

The United States Environmental Protection Agency defines "environmental justice" as 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.² Fair treatment means that no group - including racial, ethnic or socioeconomic groups - should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs.³

Many studies have shown that, over the past 20 years, minorities - African Americans in particular - are more likely to live in close proximity to an environmental hazard. Unfortunately, there are many examples to choose from to illustrate this observation. Colin Crawford, in his book, "Uproar at Dancing Creek," discusses in great detail the efforts of an entrepreneur to site a new hazardous waste facility in Noxubee County, Mississippi.⁴ Conspicuously, when Crawford compared Noxubee County with other counties in Mississippi, he found that it had the highest annual average unemployment rate from 1970 -1993, a high rate of functional illiteracy with only 51.34 percent of its adult population having high school diplomas, and by far the lowest per capita income in the region.⁵ In addition, of the 12,500 people who lived in Noxubee County, 70 percent were African American and poor.⁶ Crawford found that siting of a hazardous waste dump in this poor, largely minority county was not an accident, but a calculated campaign. It pitted the poor African American majority and whites against the minority, but politically powerful, white population in a false promise of economic development that would bring new jobs. As Crawford stated, "people who most often bear the dangers of living near the excreta of our acquisitive industrial society are the

2. U.S. EPA, THE EPA'S ENVIRONMENTAL JUSTICE STRATEGY (1995).

3. U.S. EPA, GUIDANCE FOR INCORPORATING ENVIRONMENTAL JUSTICE IN EPA'S NEPA COMPLIANCE ANALYSIS (1998).

4. COLIN CRAWFORD, UPROAR AT DANCING RABBIT CREEK: BATTLING OVER RACE, CLASS AND THE ENVIRONMENT (1996).

5. *Id.*

6. *Id.*

very same ones who have been most abused throughout our history.”⁷

III. BRIEF HISTORY OF THE ENVIRONMENTAL JUSTICE MOVEMENT

The official history of environmental justice is approximately 20 years old. In 1979, in Houston, Texas, residents formed a community action group to block a hazardous waste facility from being built in their middle-class African American Neighborhood.⁸ In 1982, environmental justice made news in Warren, North Carolina when a protest regarding the siting of a PCB landfill in a predominantly African American area resulted in over 500 arrests. The Warren protest was followed by a report by the General Accounting Office which found that three out of four landfills in EPA Region 4 were located in predominately African American areas, even though those areas comprised only 20 percent of the region’s population.⁹

An additional report addressing environmental injustice was published in 1987 by the United Church of Christ entitled ‘Toxic Waste and Race in the United States’ which “found that the racial composition of a community – more than socioeconomic status – was the most significant determinant of whether or not a commercial hazardous waste facility would be located there.”¹⁰ The People of Color Environmental Leadership Seminar was held in 1991 in Washington D.C. and was attended by 650 people from around the world.¹¹ The attendees adopted a set of “principles for environmental justice” that were circulated at the Earth Summit in 1992 in Rio de Janeiro.¹² In 1992, the EPA established an Environmental Equity Workgroup. On recommendation from this group, the EPA started an Office of Environmental Justice.¹³ In 1994, the Center for Policy Alternatives took another look at the United Church of Christ 1987 report.¹⁴ They found that minorities are 47 percent more likely than others to live near hazardous waste facilities.¹⁵

7. *Id.* at 367.

8. Robert D. Bullard & Glenn S. Johnson, *Environmental Justice: Grassroots Activism and Its Impact on Public Policy Decision Making*, 56 J. SOC. ISSUES 555 (2000).

9. U.S. EPA, THE HISTORY OF ENVIRONMENTAL JUSTICE, available at <http://www.epa.gov/envjustice/history.html> (last visited Mar. 4, 2001).

10. Keeva, *supra* note 1.

11. Bullard & Johnson, *supra* note 8.

12. *Id.*

13. U.S. EPA, *supra* note 9.

14. Bullard & Johnson, *supra* note 8.

15. *Id.*

The latest initiative in environmental justice occurred in 1994 when President Clinton issued Executive Order No. 12898¹⁶ which ordered federal agencies to comply with Title VI¹⁷ for all federally funded programs and activities that affect human health or the environment. Title VI states, "No person in the United States, shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."¹⁸ Though overdue by environmental justice activist standards, President Clinton's recognition of environmental justice increased government accountability, for which they were arguably already responsible, but now there was a clearly articulated standard.

IV. ORIGINS OF ENVIRONMENTAL INJUSTICE

The degradation of the environment is fundamentally tied to the disproportionate burden placed on the disenfranchised members of our society: minorities, women, and the poor. Several environmental philosophies have emerged – among them Deep Ecology, Ecological Feminism, and Bioregionalism – to attempt to explain how it became acceptable to exploit the environment while endangering the health of certain groups of humans in the name of economic development. In this section, a brief review of these ecological philosophies, as well as an examination of industrial risk analysis, are presented as possible explanations for the origins of environmental injustice.

Industries and governments use risk analysis to determine whether to allow projects to move forward. "When landscapes and ecosystems are regarded as commodities, then members of an ecosystem, including human beings, are treated as 'isolated and extractable units.'¹⁹ Industrial risk analysis determines how much exposure is acceptable in terms of "one-in-a-hundred-thousand or one-in-a-million additional 'acceptable' deaths for toxic chemical exposure."²⁰ While neutral on its face, risk analysis serves as a means for justifying disproportionate treatment for some "acceptable" percentage of an exposed human population. However, this method is fundamentally flawed because there is no set

16. Exec. Order No. 12,898, C.F.R. (1994)

17. 42 U.S.C. §§ 2000d-2000d-7 (2001).

18. *Id.*

19. WILLIAM CRONON, *CHANGES IN THE LAND: INDIANS, COLONISTS, AND THE ECOLOGY OF NEW ENGLAND* (1983).

20. Michael K. Heiman, *Waste Management and Risk Assessment: Environmental Discrimination Through Regulation*, at <http://www.penweb.org/ej/wmra.html> (last visited June 8, 2001).

standard for which tests to use in determining risks.²¹ Therefore, extremely different conclusions can be reached about the same risk depending on which tests are used.²² When a potentially hazardous project is being proposed, if it is a well-organized and economically well-off community, the community members will be able to come up with their own risk analysis numbers showing an unacceptable risk resulting in permit denial. However, if the negative impact is going to fall mainly on people who are not able to fight back, then the project will most likely go ahead with a risk analysis showing an acceptable risk by the permitting agency. There are alternatives to risk analysis that will be discussed *infra*, in the solutions for achieving environmental justice section.

Deep Ecology is an ecological philosophy that places humans within the context of ecological systems rather than outside or central to the system.²³ In addition, humans are considered to be equal, not superior or more important, in value to other components of an ecological system. It is a science based philosophy in that it is based on the connections of an ecological system, but it is also a true philosophy in that it encourages humans to delve “deep” into their fundamental values.²⁴ Arne Naess, considered the father of Deep Ecology, has developed a set of seven tenets which, when considered together, would form a type of ecological consciousness. The fourth tenet focuses on anti-class posture. “Diversity of human ways of life is, in part, due to (intended or unintended) exploitation and suppression on the part of certain groups. The exploiter lives differently from the exploited, but both are adversely affected in their potentialities of self-realization.”²⁵ Naess and supporters of Deep Ecology believe that if we could focus on the impact of all of our actions on everything in the system (and importantly place humans within the system) that we could achieve social justice and live in harmony with the environment. Another one of the tenets is to fight against pollution and resource depletion. Taken together, these two tenets describe environmental justice: to treat all people equally while reducing pollution. Naess believes that when one of the tenets is considered independently problems will arise, and

21. Peter Montague, *The Waning Days of Risk Assessment*, at http://www.rachel.org/bulletin/bulletin.cfm?Issue_ID=1479 (last visited June 8, 2001).

22. *Id.*

23. GREAT RIVER EARTH INSTITUTE, DEEP ECOLOGY: ENVIRONMENTALISM AS IF ALL BEINGS MATTERED, available at <http://www.geocities.com/RainForest/1624/de.htm#Deep> (last visited May 30, 2001).

24. Alan Drengson, *An Ecophilosophy Approach, the Deep Ecology Movement, and Diverse Ecosophies*, available at <http://www.deep-ecology.org/drengson.html> (last visited May 20, 2001).

25. Arne Naess, *The Shallow and The Deep, Long Range Ecology Movements*, available at http://www.alamut.com/subj/ideologies/pessimism/Naess_deepEcology.html (last visited June 8, 2001).

either the environment or a class of people will suffer. Therefore, Deep Ecology requires inclusive, open thinking rather than the current industrial risk analysis focus that we now predominately use when determining whether to allow a polluting industry to develop or continue, or when determining where they can dump their hazardous waste.

There is a small but growing section in the ecological philosophy movement called "bioregionalism" that envisions a redrawing of political boundaries to follow the contours of local ecosystems.²⁶ "The globalization of modern culture has contributed to the spread of institutional values which threaten cultural and ecological diversity."²⁷ This movement believes that it will be necessary for people to begin functioning on a regional level in order to preserve the environment and protect ourselves from the affects of polluting industry. Bioregionalists call this 'living in place.' Bioregionalism means that "you are aware of the ecology, economy, and culture of the place where you live, and are committed to making choices that enhance them."²⁸ More radically they believe that people need to live in a sustainable way that involves living in regional units that provide for its inhabitants while co-existing with the natural ecosystem. Environmental injustice occurs because the emphasis for development is often not based on local needs or the preservation of cultural or biological diversity. When the emphasis is on the industrial needs, rather than cultural or ecological needs, environmental injustice is destined to occur.

Some ecofeminist theorists have stated that the feminization of nature is what started the ability to degrade the earth and people without regret. Popular environmental slogans state "love your mother." However, equating the earth and nature to a woman can have negative consequences in a patriarchal society that does not respect women. A recent Earth First! slogan illustrates the problem: "The Earth is a witch, and the men still burn her." As an environmental movement we definitely do not want to encourage the idea that mother earth will absorb everything we lob at her without asking anything in return. "Mother in patriarchal culture is she who provides all of our sustenance and who makes disappear all of our waste products, she who satisfies all of our wants and needs endlessly without any cost to us. Mother is she who loves us and will take care of us no matter what."²⁹

26. Bron Taylor, *Bioregionalism: An Ethics of Loyalty to Place*, LANDSCAPE J. (Spring 2000).

27. Chet A. Bowers, *Toward a Bioregional Future*, in *BIOREGIONALISM* (Michael Vincent McGinnis ed., 1999).

28. GREAT RIVER EARTH INSTITUTE, *BIOREGIONALISM*, available at <http://www.geocities.com/RainForest/1624/bioregionalism.htm> (last visited May 30, 2001).

29. Catherine Roach, *Loving Your Mother: On the Woman-Nature*, in *ECOLOGICAL*

Ecofeminist theorists contend that it is this feminism of nature that leads us to ignore that there will be a cost to constantly barraging the earth with our waste products no matter what we choose to call her.³⁰ Oppression of minorities has a separate starting point, other than feminization, for justifying their disenfranchisement, but the result is the same for them as for the planet -- continual dumping without any cost by the majority.

The Ecofeminist philosophy believes that all systems of oppression are intertwined together underneath "a logic of domination" that is perpetuated by a patriarchal system.³¹ Thus, oppression of women, minorities, and the environment are all based on the dominant force in our culture that, at present, is driven by economic and patriarchal forces. If the same force drives all these oppressive systems, it seems that if we can figure out how to get out from beneath that dominant force, we will be able to create environmental justice and also equality of all of the many different ways to categorize people. Ecofeminists believe that they are addressing heterogeneous interests because they represent women who are obviously extremely varied between economic and racial classes.³²

The origins of environmental injustice are intertwined with the degradation of the earth and other oppressive regimes. They can be linked to the dominant force of global economic development over all else, including the health of the earth and its inhabitants. Ecofeminists connect environmental injustice to a patriarchal-based society. Remedies for environmental injustice will have legal elements, but to really attempt to solve the problem, a culturally based remedy of education, empowerment, and a new ethic of care for each other and the earth will be necessary.

V. SOLUTIONS FOR ACHIEVING ENVIRONMENTAL JUSTICE

In light of the roots of environmental injustice, it is apparent that the solutions for addressing environmental injustice must include, while at the same time reach beyond, legal remedies. In this section, a discussion of legal remedies for environmental injustice will be followed by extra-legal solutions, both philosophical and practical, for moving towards environmental justice.

FEMINIST PHIL. (Karen J. Warren ed., 1996).

30. *Id.*

31. Karen Warren, *The Power and the Promise of Ecological Feminism*, in ECOLOGICAL FEMINIST PHIL. (Karen J. Warren ed., 1996).

32. Deane Curtin, *Toward an Ecological Ethic of Care*, in ECOLOGICAL FEMINIST PHIL. (Karen J. Warren ed., 1996).

A. Legal Solutions

According to Barry E. Hill, one of the problems in this area is that "Environmental lawyers are not conversant in civil rights approaches to litigation... On the other hand, civil rights lawyers are not very familiar with environmental law."³³ In order to successfully litigate for environmental justice, lawyers must be able to merge civil rights law and environmental law into one coherent area. Environmental justice lawyers must be well versed in multiple statutory areas both on federal and state levels. Cases have been successful when utilizing a barrage of legal theories in the same suit, including the 13th³⁴ and 14th³⁵ amendments, Title VI of the Civil Rights Act,³⁶ NEPA,³⁷ and a variety of local zoning and historic preservation acts.

Title VI prohibits *intentional discrimination*, but the Supreme Court has ruled that Title VI authorizes federal agencies to adopt implementing regulations that prohibit discriminatory *effects*.³⁸ Therefore, a facially neutral policy that has a discriminatory effect will violate the EPA's Title VI regulations unless the EPA proves that there is no less discriminatory alternative and so they are justified. Individuals have a private cause of action to enforce the non-discrimination requirements in Title VI or EPA's regulative procedures without exhausting administrative remedies.³⁹

Some local governments and developers have asserted that Title VI hinders redevelopment, and the Mayor's Forum in 1998 actually passed a resolution to that effect. In response, the EPA produced a report on Brownfields to see if Title VI had an impact on delaying their redevelopment.⁴⁰ The report found that no Title VI complaints had been filed at any of the pilot study sites. The cited reasons for this were: "1. Early and meaningful community involvement, and 2. Redevelopment that creates a benefit for the local community."⁴¹ In general, the study stated that if the community is involved Title VI actions won't be necessary; but in cases where a developer or local government essentially acts in isolation, Title VI challenges are likely.

33. Keeva, *supra* note 1.

34. U.S. CONST. amend. XIII.

35. U.S. CONST. amend. XIV.

36. 42 U.S.C. §§ 2000d-2000d-7 (2001).

37. National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347 (1969).

38. U.S. EPA, INTERIM GUIDANCE FOR INVESTIGATION TITLE VI ADMINISTRATIVE COMPLAINTS CHALLENGING PERMITS (1998).

39. *Id.*

40. U.S. EPA, BROWNFIELD TITLE VI CASE STUDIES: SUMMARY REPORT (1999).

41. *Id.* at 13.

In addition to litigation using equal protection or Title VI,⁴² it is also possible that a new civil right could be developed, based not on color, economic status, or gender, but based on the right of all people to live free from environmental health risks. Carol Browner, the EPA Administrator during the Clinton Administration, stated in her introduction to the EPA's Environmental Justice Strategy, "President Clinton and I believe that all Americans deserve to be protected from pollution – not just those who can afford to live in the cleanest, safest communities. All Americans deserve clean air, pure water, land that is safe to live on, and food that is safe to eat."⁴³ An impetus was arguably present, at the very highest level of our government, for creating this independent civil right; perhaps it can still become a reality.

The State of Montana has recognized a fundamental constitutional right to a "clean and healthy" environment.⁴⁴ The Supreme Court of Montana recently upheld the validity of the right when the Montana Department of Environmental Quality attempted to pass a water quality statute that would exempt some discharges from review.⁴⁵ Therefore, it is possible, at least on a state level, to recognize a fundamental right to a healthy environment. Unfortunately, further development at a federal level is unlikely during the current political environment. However, the groundwork has already been laid for this new right to be given further recognition. In order to have a successful campaign to give all people the right to a healthy environment, it must be both legal and philosophical.

In the meantime, environmental justice advocates should continue to pursue Title VI and equal protection challenges in court, while simultaneously working politically to develop a new right to live in an environmentally safe place, no matter what the economic or racial status may be. This is obviously a long-term goal, but in order to have a chance to realize it, people must continue to work for the right to a safe environment, so when the time is right, it can be recognized. One way for environmental justice advocates to accelerate the process of recognition of a federal right to a healthy environment is by determining a philosophical route to follow which will aid in achieving the necessary paradigm shift. Some possible philosophical options are outlined in the next section of this paper.

42. 42 U.S.C. §§ 2000d-2000d-7 (2001).

43. U.S. EPA, *supra* note 2, at 2.

44. MONT. CONST. art. II, § 3, and the Nondegradation Policy est. by MONT. CONST. art. IX, § 1.

45. *Mont. Env'tl. Info. Ctr. v. Dept. of Env'tl. Quality*, 988 P.2d 1236 (Mont. 1999).

B. Philosophical Solutions: A Cultural Paradigm Shift

The most obvious way to stop environmental injustice is to stop putting people at risk by allowing industry and the government to continue to utilize risk analysis as a method for determining whether pollution should be allowed. There are alternative methods of determining whether a project should proceed. The precautionary principle has been defined as "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof."⁴⁶ This method focuses on how to avoid exposure rather than measuring the amount of acceptable risk. In order to encourage alternative methods, such as the precautionary principle, we will have to encourage the government to move away from risk analysis and place the burden on the potential polluter rather than the potentially ill-affected public. A shift such as this will take nothing less than a cultural paradigm shift in which permitting processes are completely open to the public, especially the potentially affected people, and a full range of options are discussed, including no action at all.⁴⁷

Ecofeminists have stated that to begin working towards breaking down the oppression systems that perpetuate the degradation of both the earth and disenfranchised people, we must shift to an ethic "that makes a central place for values of care, love, friendship, trust, and appropriate reciprocity-values that presuppose that our relationships to others are central to our understanding of who we are."⁴⁸ This ideal is something that can also be included in environmental education programs, but to really work it has to be implemented on a much larger scale, on the level of a paradigm shift.

Even more fundamental than education or community empowerment is the question of how we, as Americans, choose to live. We are a disposable society. As long as we continue to live in this manner we will need to dispose of all of our dirty, dangerous waste. It is going to have to go somewhere. The question is where? We can choose to focus on trying to minimize disparate impact of where we place our waste, and especially our hazardous waste, or we can choose to individually shift our focus to how to live a less-

46. Carolyn Raffensperger & Joel Tickner, *Implementing the Precautionary Principle*, available at <http://www.islandpress.com/ecocompass/prevent/> (last visited May 20, 2001).

47. Montague, *supra* note 21.

48. Curtin, *supra* note 32, at 66.

consumptive lifestyle, and to make a commitment to make our industries safer and cleaner for all of us.

There seems to be a prevailing idea, at least on a national level as evidenced by current administration, that America cannot afford to force or even encourage its industry to clean up its operations. Yet, it seems that the better question is how can we afford not to encourage industry to minimize its environmental impacts? The United States may maintain its level of economic productivity by allowing dirty industry to continue virtually unchecked. However, most American people will not see an increase in wealth from allowing dirty industry to persist, but they will suffer environmental health problems, illustrating a textbook example of disparate impact – the corporations get wealthier, while the population gets sicker.

Of course, most people don't believe there is a real problem, or that technology will save us. Perhaps the more frequent instances of rolling blackouts, potable water shortages, polluted waterways and increased particulate matter in the air causing increased pulmonary disease, such as asthma, will help convince the public that the corporate bottom line is not the best method of determining which political agendas to push.

Bioregionalists posit that if political power is regionally defined by landscape boundaries, and people learn how to respect and communicate with each other, there will not be the basic social inequity that there is today. They believe that living sustainably on a regional level will eliminate much of the need for the types of super-polluting industry and the accompanying waste disposal problem. They believe in causing a radical shift in our educational system from an "emphasis in liberal education and ideology to a context-driven, system based orientation."⁴⁹ Bioregionalists also understand that they alone cannot create the necessary paradigm shift needed to protect all inhabitants of the earth. "No single movement can succeed in inspiring transformation of the 'consumer-producer society' on its own."⁵⁰ So the movement attempts to remain open and inclusive, providing a basis for approaching the diverse needs of the various classes of people that are adversely affected by pollution. Functioning on a regional level, as suggested by bioregionalists, may be an ultimate long-term solution to both environmental injustice and degradation of the earth in that decision-making would be open, inclusive, and based on the best interests of the local people and environment.

49. Michael Vincent McGinnis, *A Rehearsal to Bioregionalism*, in *BIOREGIONALISM* (Michael Vincent McGinnis ed., 1999).

50. Doug Aberley, *Interpreting Bioregionalism*, in *BIOREGIONALISM* (Michael Vincent McGinnis ed., 1999).

One way that bioregionalism is occurring today in some areas is through community supported agriculture.⁵¹ In Gainesville, Florida, there is a program called Plowshares where community members buy shares in a farmer's yearly crop. Preferences for crops are tallied and then during the producing season, members collect their share of the crop on a weekly basis. By supporting local farms, shareholders are supporting the local economy, as well as ecology, by preserving open space. In addition, shareholders have the advantage of knowing exactly where their produce is coming from, as well as what the soil conditions are, and whether pesticides and fertilizers have been used. This type of project can contribute to achieving environmental justice by allowing community members to have access to healthy, organic food, and on a larger scale, by protecting local water sources from contamination by fertilizer and pesticide run-off.

Deep Ecologists also believe that WWe must make fundamental changes in basic values and practices or we will destroy the diversity and beauty of the world, and its ability to support diverse human cultures.⁵² Like bioregionalists, supporters of Deep Ecology believe that we must shift our focus from a global economy to a local economy. We must do this to preserve not only biological diversity, but also cultural diversity. If we continue to follow the risk-analysis industrial model then we will be unable to protect the diversity of human cultures, let alone biological diversity. Deep Ecology, therefore, like bioregionalism and ecofeminism, calls for a rejection of the industrial model in favor of adopting ecocentric values: place-specific, ecological wisdom, and vernacular technology practices. These will vary by place due to the variance in culture, resources, and topography.

Suggestions for cultural remedies to achieve environmental injustice include community participation and empowerment, individual environmental education, and reduction of our consumptive lifestyles, which will minimize the need for polluting industry and its accompaniment of waste. Bioregionalists, Deep Ecologists, and eco-feminists envision a method of incorporating a new paradigm that will focus on living on an eco-system based scale rather than a global scale, which will enable us to live more sustainably and harmoniously on the earth and also allow for more complete social equity. In addition to philosophical solutions, a review of practical solutions to environmental injustice that are currently on-going may give environmental justice advocates some ideas for how to proceed.

51. GREAT RIVER EARTH INSTITUTE, *supra* note 28.

52. Drengson, *supra* note 24.

C. Practical Solutions

As foreshadowed above by the EPA's Summary Report on Brownfields and Title VI, the key to movement towards environmental justice is to have free-flowing information and community participation.⁵³ However, it is important that the real picture is given to community members to avoid the situation that occurred in Noxubee County,⁵⁴ where the majority of the community was willing to risk the environmental health of all for a few jobs. Strategies for environmental justice must focus on the roots of the problems not just band-aid the wound.

Using Noxubee County again as an example, what kinds of economic development are likely in that area? In a largely uneducated population, development is going to be geared towards low-paying, unskilled labor. Crawford suggests, "If Noxubee County and places like it do not get hazardous waste dumps and incinerators. They will get the next worse thing."⁵⁵ In Noxubee, there is now a prison work center, and chicken-processing plant, which arguably is better than a toxic waste dump, but not much better. In order to escape from a dismal future, focus must be placed on empowerment of the community and people, raising educational levels of the population and generally giving hope for something better. Clean industry will be unlikely to invest until there is a more qualified workforce. Empowerment is possible. One activist said, "We are not saying 'not in my backyard' we are saying 'my backyard is full' now it is our turn for clean jobs."⁵⁶

The EPA has funded EPA Challenge Grants that try to encourage empowerment of local communities and increase participation in decision making strategies and planning. The Gainesville, Florida "Depot Avenue Eco-Development Project" is an EPA funded project, which is attempting to meet these goals centered on the redevelopment of a local Brownfield site.⁵⁷ The project leaders have been holding planning meetings with community members for two years to try to determine what type of use will meet community needs, while attempting to avoid disenfranchisement of community members, and also while respecting historical neighborhood values. This is not a large-scale project, but it has demonstrated what can be done when there is a real commitment to community participation. Unfortunately,

53. U.S. EPA, *supra* note 40.

54. CRAWFORD, *supra* note 4.

55. *Id.* at 353.

56. U.S. EPA, *supra* note 38, at 11.

57. Brad Guy, *Depot Avenue Eco-Development Project*, available at <http://www.cce.ufl.edu/current/depot/index.html> (last visited April 5, 2001).

projects like this are few and far between, and often developers do not want to spend the time and energy in trying to preserve a neighborhood or delve into community needs. Projects that have real public participation are mostly government funded. Therefore, we need to encourage the private sector to involve the community so that equitable decisions can be made.

Another way that we can start addressing the problem of environmental justice at its roots is to begin mandating that meaningful environmental education programs be implemented in public schools. An ideal environmental education program should include the goal of giving our youth a basic understanding of how the environment works, how our actions as humans impact the natural system, and how inequity works in making disenfranchised members of our society bear a disproportionate amount of the harm from our disposable culture. The beauty of environmental education is that it allows the integration of many different subject areas: science, social science, and history. In addition, a good program would be multi-layered, could begin in primary schools and continue on into secondary schools, building on information previously learned, while integrating service learning whenever possible with community based environmental projects.

VI. CONCLUSION

Today there are still a plethora of instances of environmental injustices at work in our society. In order to start really solving this problem, we have to examine the available solutions and also the origins of environmental injustice to ensure that we are not just "band-aiding" the problem. The origins of environmental injustice are in the fundamental disrespect that our culture has had for both the oppressed and the earth. In order to remedy this fundamental disrespect, we need to recognize that to respect all people and their right to live in a safe and healthy environment, is to also recognize that we need to live more harmoniously with nature. Borrowing from another Earth First! slogan, "This is not about getting back to nature, it is about understanding that we never left." Solutions include litigation using equal protection strategies, but also examining ways to create cultural change (for example, environmental education and adoption of new paradigms of respect for equality of all people and for the earth) that will cause environmental justice to become a reality and the ultimate recognition of a fundamental right to a healthy environment.