Environmental Justice

Air & Waste Management Association
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HISTORY OF ENVIRONMENTAL JUSTICE

OFFICE OF COMMUNITY ENGAGEMENT

Purpose

Explore the significant historical activities that led to populations being disproportionately located in communities where environmental risks exist.

Look at the activities implemented at MDEQ to address environmental justice concerns.

Environmental justice addresses a statistical fact: people who live, work and play in America's most polluted environments are commonly people of color and low income.

After the Civil War

- Black Codes (1865)
  - African Americans
- Jim Crow Laws (1877)
  - African Americans
  - Hispanic Americans
- General Allotment Act (Dawes Act of 1887)
  - Native Americans
- Alien Land Laws (1913)
  - Asian Americans

Impacts of the Laws

1. All of these laws forced certain races of people to live in certain areas.
2. These laws limited the types of jobs available; thereby limiting the sources of income for these races.
3. These laws allowed for land to be sold to whites and Indian owners to be foreclosed upon if they failed to pay taxes or debts; in subsequent decades whites acquired almost half of all Indian lands in the U.S.
4. This law forbade those who were not American citizens and were not eligible for citizenship from owning agricultural land.

Limitations By Laws

- Political Limitations
- Land Ownership Limitations
- Occupational Limitations
- Educational Limitation
- Limitations on Sources of Income

J. M. Brewer's 1934 Map

Zoning and Land Use Laws

Local zoning laws that have consistently permitted developments and uses that disrupt and reduce the quality of life and/or economic and social stability of certain ethnic neighborhoods. In the U.S., expulsive zoning has traditionally occurred in primarily nonwhite neighborhoods.

REDLINING Practices

- Redlining is the practice of denying, or charging more for, services such as banking, insurance, access to health care, or even supermarkets or denying access to jobs to residents in particular, often racially determined areas
- Redlined areas lacked the capital essential for investment and redevelopment

Mississippi Department of Environmental Quality's

Comprehensive Approach to Environmental Justice

OFFICE OF COMMUNITY ENGAGEMENT

Internal Approach

1997 MDEQ published the *Comparative Environmental Risks in Mississippi*

- Over 200 pages examining 23 environmentally related issues and their impact on Mississippi.
- Included a specific chapter on **environmental justice**, resulting in a list of action items including the following:
  - Involve all segments of a community with an opportunity to participate in public comment process.
  - Identify a staff person responsible for responding to environmental justice issues.
  - Collect GIS data to aid in locating potential environmental justice areas.
  - Integrate environmental justice activities into community-industry relations.

Internal Approach

2001 First pre-permitting checklist developed addressing EJ considerations

Project Awareness Checklist

Review demographic maps and per capita income information.

Does the area around the site appear to be a low-income or minority area?

Is there a significant amount of industrial activity?

Are there indications that there is a significant population of non-English-speaking people near the site?

Are we aware of any variances or violations in local zoning?

Are there quality of life issues?

Contact the EJ coordinator if there appear to be EJ concerns.

Determine what kind of additional public information activities need to be done.

Project Awareness Checklist cont.

Project Awareness Checklist

Has it been determined that there is public interest in this project?

Is there organized public opposition?

Who is the opposition?

Has there been media coverage or the possibility of media coverage?

Are there regulation changes on the horizon that would result in more stringent requirements for the project?

Are there actual, potential, or alleged human health or environmental impacts?

Are there cumulative impact issues?

Internal Approach

2002 Assigned first EJ Coordinator

2004 Creation of a small business assistance point-of-contact to help facilities with the permitting process

2008 EPA Region 4 train staff from the permitting, compliance and enforcement, field services, and groundwater assessment and remediation divisions.

Internal Approach

2010 Office of Community Engagement created

2012 Agency wide EJ Training

2014 Small Business Environmental Assistance Program becomes a part of the Office of Community Engagement

2015 Agency wide EJ Training

Environmental Justice Perspective

Lack of Communication

Communication between the impacted community and the regulatory agency is not always effective.

"The community has information the agency needs and the agency has information the community needs but it is not effectively exchanged."

Environmental Justice Perspective

Barriers to Information

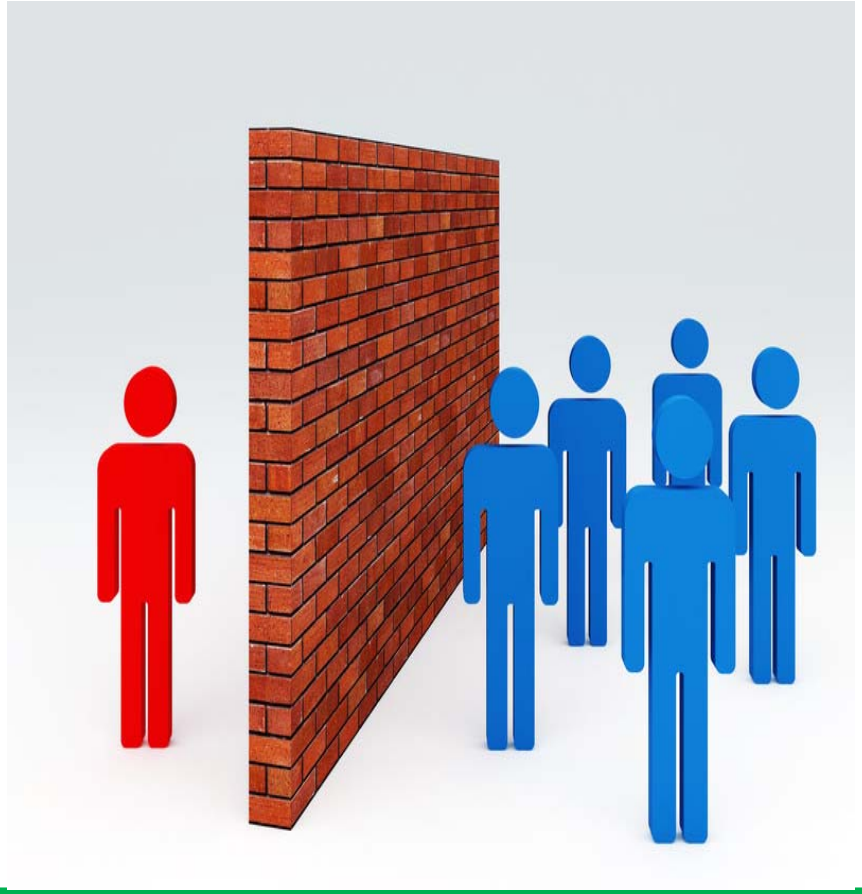
"Just because you put information on the Internet does not mean I was able to access it."

"Just because you put the public notice in the newspaper, does not mean I saw it."

"Just because you have a FOIA process, does not mean I have the resources to produce copies of your files."

Environmental Justice Perspective

Lack of Transparency



"…lack of hidden agendas or conditions, accompanied by the availability of full information required for collaboration, cooperation, and collective decision making."

"By the time you meet with the community, you've already made your decision."

External Agency Approach

- **Citizens Training**
  - **Training on Permitting process**
  - **Training/updates through industry associations**
  - **Training on Writing Comments for draft permits**

- **Citizens Updates**
  - **Questions about specific facilities**
  - **Progress on permitting actions**
  - **Information available on various websites**
  - **Public notice improvements**

Environmental Justice Perspective

Correspondence Type	Air[1]			Air Title V				Synthetic Minor			NPDES			Pretreatment[2]			SOP[2]			Animal Waste			Solid Waste			Controversial Projects		
	Documents Necessary for Public Notice Issuance																											
	Public Notice	Permit	Permit Review Summary	Public Notice	Permit	Information Relative	Permit Application Summary Form	Public Notice	Permit	Permit Review Summary	Public Notice	Permit	Rationale	Public Notice	Permit	Rationale	Public Notice	Permit	Rationale	Public Notice	Permit	Rationale	Public Notice	Permit	Rationale	Public Notice	Permit	Rationale
Company	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Courthouse	X			X				X			X			X			X			X						X		
EPA	X	X	X	X	X	X	X	X	[3]		X	[3]															X		
File	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Library[4]	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X		X	X		X	X	X	X			
Newspaper[5]	X			X				X			X			X			X			X			X			X		
Postmaster	X			X				X			X			X			X			X						X		
POTW (cc Company Letter)														X	X	X													
Mayor & County Board of Supervisors	X			X				X			X			X			X			X			X			X		
Mass Mail	X			X				X			X			X			X			X			X			X		

QUESTIONS?

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