

# **SECTION 1.0 BACKGROUND AND DEVELOPMENT OF ENVIRONMENTAL JUSTICE IN MARYLAND**

## **1.1 Brief History of Environmental Justice**

The stimulus for the Environmental Justice/Equity Movement had its beginnings in a small, low-income, predominately African-American community in the South. And while there had always been an awareness of the disproportionate burden borne by minorities and low-income communities, events did not give rise to a "movement" until 1982 in Warren County, North Carolina. A landfill was created on specific lands occupied by low-income minority populations within Warren County to be used for the disposal of PCB contaminated soil. The contaminated soil was removed from 14 jurisdiction/counties throughout the state. Many civil and states-rights activists collaborated to stage numerous demonstrations, which resulted not only in the arrest of more than 600 people, but in the creation of a rallying point for those eager to focus on the prejudiced usage of community lands.

At the request of Congressman Walter Fauntroy, the U.S. General Accounting Office conducted a study of eight southern states to determine the correlation between the location of hazardous waste landfills and the racial and economic status of the surrounding communities. The disheartening results showed obvious bias in the placement of the landfills: three out of every four landfills were located near predominantly minority communities. Unfortunately, several additional studies have identified similar trends, concerning landfills and other potential hazards, on a national basis.

Another milestone commission on racial justice showed that race was in fact the most significant factor in determining the siting of hazardous waste facilities (1987). This study found that three out of every five African-Americans and Hispanics live in a community housing unregulated toxic waste sites. The commission also noted that African-Americans were heavily over represented in areas with the greatest number of toxic waste sites. While race plays a great part in determining the location of hazardous waste landfills, economic status is also important. Often, poor communities are intentionally chosen to house such sites. Why? There is no expectation of resistance from community residents and/or leaders, as there simply may not be enough money to fuel confrontations. Thus, acts of environmental injustice continue to proliferate in low-income and disenfranchised communities.

Closely following this commission was a study by the National Law Journal (1989). It found that the Environmental Protection Agency (EPA) took 20% longer to cite abandoned sites in minority communities as a priority, as compared to the time it took the EPA to prioritize sites in white communities. It also noted that polluters of such communities paid fines 54% lower than polluters of mid to higher income communities.

## **1.2 Historical and Contemporary Conceptions of Environmental Justice Considered by MACEJ**

The field of environmental decision-making is riddled with conflicts over the proper definition of the scope, nature and seriousness of environmental problems. Multiple discourses exist with which to represent, characterize and analyze such problems; technical and scientific, popular and political, ideological and pragmatic styles of argument all vie with each other, making it harder and harder (and more and more expensive) to arrive at consensual decisions (if such are possible at all). Add to this the simple fact that different interest groups – federal/state/local/etc., (defined by economic, political, ideological or aesthetic concerns) pursue quite different objectives and agendas, and the confusions that attach to environmental decisions get multiplied many times over. The public is, as a

consequence, in a state of considerable confusion as to what perspective to take and what sorts of decisions and causes are worthy of support. Without some sort of common language (or set of languages), environmental issues will likely remain intractable to systematic definition or treatment. "Muddling through" will then remain the only viable policy option. MACEJ considered a variety of ideas and options to move beyond "muddling" through environmental justice in Maryland. The summaries below include various ideas and perspectives considered that assisted MACEJ to arrive at a more systematic and thoughtful environmental justice process and program in the state of Maryland.

**Environmental Equity** - An ideal of equal treatment and protection for various racial, ethnic, and income groups under environmental statutes, regulations, and practices applied in a manner that yields no substantial differential impacts relative to the dominant group--and the conditions so-created. Although environmental equity implies elements of "fairness" and "rights", it does not necessarily address past inequities or view the environment broadly, nor does it incorporate an understanding of the underlying causes and processes.

**Environmental Justice** - The right to a safe, healthy, productive, and sustainable environment for all, where "environment" is considered in its totality to include the ecological (biological), physical (natural and built), social, political, aesthetic, and economic environments. Environmental justice refers to the conditions in which such a right can be freely exercised, whereby individual and group identities, needs, and dignities are preserved, fulfilled, and respected in a way that provides for self-actualization and personal and community empowerment. This term acknowledges environmental "injustice" as the past and present state of affairs and expresses the socio-political objectives needed to address them.

**Environmental Racism** - "Racial discrimination in environmental policy-making, enforcement of regulations and laws, and targeting of communities of color for toxic waste disposal and siting of polluting industries," according to Reverend Benjamin E. Chavis, Jr., Ex-Chairman of the NAACP. Racial discrimination can be intentional or unintentional and is often a manifestation of "institutional racism." This term acknowledges the political reality that created and continues to perpetuate environmental inequity and injustice.

**Environmental Classism** - The results of and the process by which implementation of environmental policy creates intended or unintended consequences which have disproportionate impacts (adverse or beneficial) on lower income persons, populations, or communities. These disparate effects occur through various decision-making processes, program administrations (e.g. Superfund clean-up schedules), and the issuance of regulatory/enforcement actions such as compliance inspections, penalties, and administrative and judicial orders. Flawed policies coupled with agency norms; priorities, traditions, and professional biases often make implementation subject to these disproportionate consequences.

**Environmental Justice Community of Concern (EJCOC)** - A neighborhood or community, composed predominantly of persons of color or a substantial proportion of persons below the poverty line, that is subjected to a disproportionate burden of environmental hazards and/or experiences a significantly reduced quality of life relative to surrounding or comparative communities. EJCOCs provide valuable opportunities to better understand environmental justice problems. EJCOCs should be targeted by policy-makers for environmental reparations or remedies to compensate or restore environmental quality to comparable levels and should be afforded special protection from additional adverse impacts.