



*Improving Delaware's
environment and
economy through research
and education*

What is Environmental Justice?

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According to the U.S. EPA and HHS:

Environmental Justice is “**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.”

Fair treatment means that no group of people should bear a disproportionate share of the **negative environmental consequences** resulting from industrial, governmental and commercial operations or policies

<http://www.epa.gov/environmentaljustice/basics/index.html>

But what about a fair share of *positive environmental consequences* from operations or policies to mitigate, remediate and adapt?

That is, what will environmental justice require when we respond to sea-level rise and climate change?

In general, justice is a matter of distributions!

Plato: “treat like cases alike”

Aristotle: “treat equals equally, unequals unequally”

Rawls: “treat the worse-off (representative) people unequally but fairly”

Consider some possible distributions (D_n) of “goods” over a society of three representative individuals A, B, and C:

	D_1	D_2	D_3	D_4
A	5	6	100	10
B	5	5	49	9
C	5	5	1	8

We have a poor history in the U.S. of distributing negative consequences fairly

- **1964** - Civil Rights Act of 1964 passed. The law's "Title VI" -- prohibiting use of federal funds to discriminate based on race, color and national origin -- will become an important tool in environmental justice litigation.
- **1982** - Primarily African-American community in Warren County, North Carolina, rises against dumping of toxic PCB-laced soil; first nationally recognized environmental protest by people of color.
- **1983** - Congress's General Accounting Office finds that three-fourths of the hazardous waste disposal sites in eight southeastern states are in poor and African-American communities.
- **1993** - The EPA establishes 25-member National Environmental Justice Advisory Council (NEJAC), which provides recommendations to the EPA administrator on environmental justice issues.
- **1994** - President Bill Clinton signs Executive Order 12898.
- **2005** - Twenty-five Democrats in the Senate and House send a letter to the EPA for its failure to apply Executive Order 12898 in its flawed strategic plan for environmental justice.

(History from the Natural Resources Defenses Council <http://www.nrdc.org/ej/history/hej.asp>)

Stephen Gardiner's "Perfect Moral Storm" of Climate Change and Justice asks us to think about the "hard questions" in distributing aid

- The Global Problem
- The Intergenerational Problem
- The Philosophical Problem

A simple suggestion: if we think about treating equals equally and unequals unequally, what is the relevant factor(s) for distributing state & federal aid (positive consequences)—what is its "sphere of justice"?

Land value?

Vulnerability?

Wealth or political influence?