



Environmental Law & Environmental Justice: An Introduction

Legal Outreach

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Seyfarth Shaw LLP

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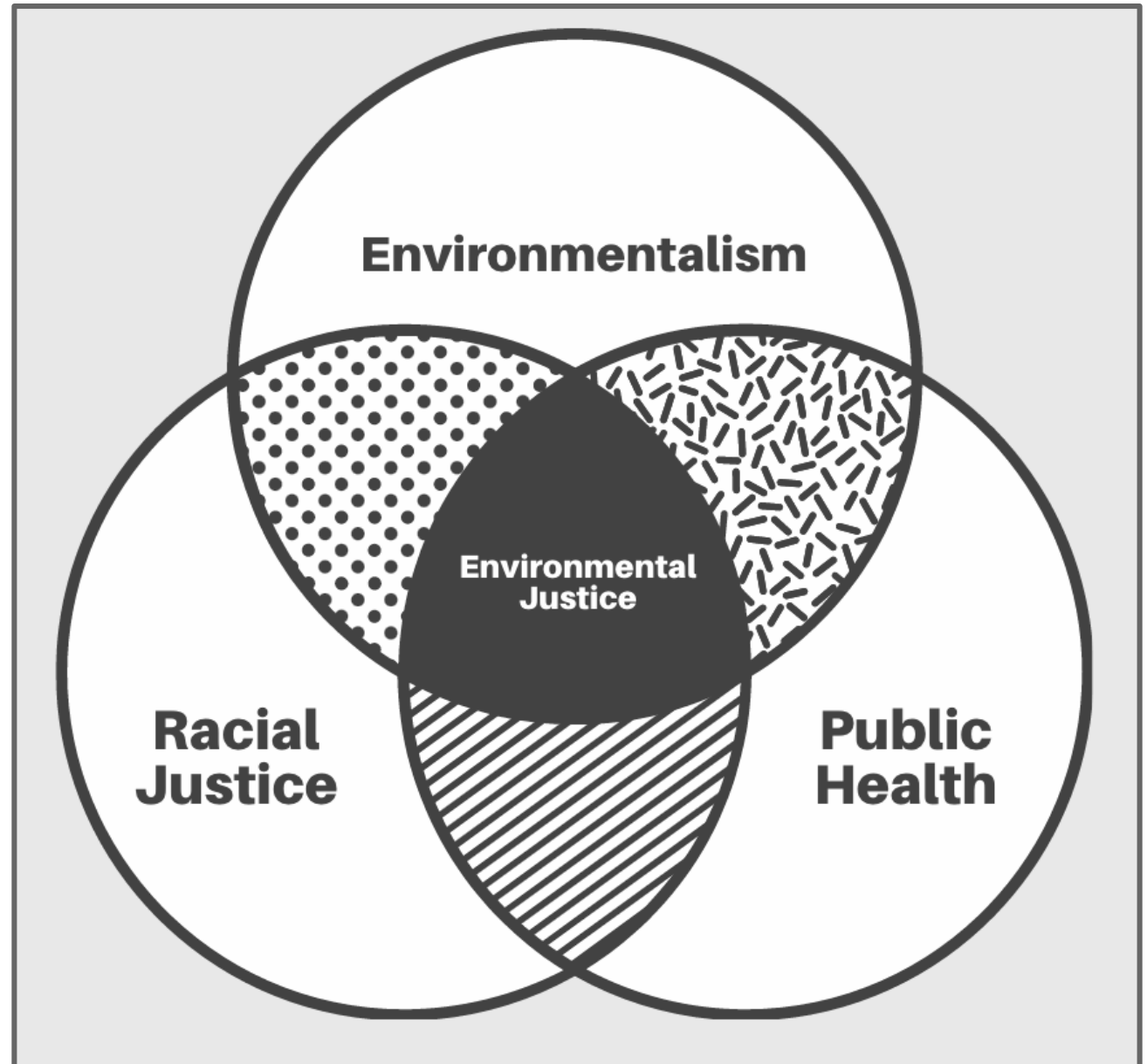
What is “Environmental Law”?

- Laws, regulations, government policy intended to protect the environment from harm
- The “environment” is extremely broad!
 - Air (indoor air; outdoor air)
 - Water (oceans; surface water; groundwater; drinking water)
 - Land (soil; mountains; natural spaces)
 - Living creatures (animals, plants and humans)
- Climate change is very important but it’s not the only thing
 - Will impact almost everything (1.5 degree Celcius) but not equally (concept: climate justice)

What is “Environmental Law”?

- Criminal Law vs. Civil Law vs. Policy/Advocacy
- Criminal Law
 - Jail time or \$\$ penalties for violating environmental laws
- Civil Law
 - Lawsuits (\$); transactional (buy/sell); other (permits, etc.)
- Policy/Advocacy
 - Regulations; non-profit; “think tank”; other

What is “Environmental Justice”?



What is “Environmental Justice”?

- Minority and low-income communities, individuals and populations should not be disproportionately exposed to environmental hazards, and they should be meaningfully involved in making decisions that affect their environment.

Early Days of Environmental Justice

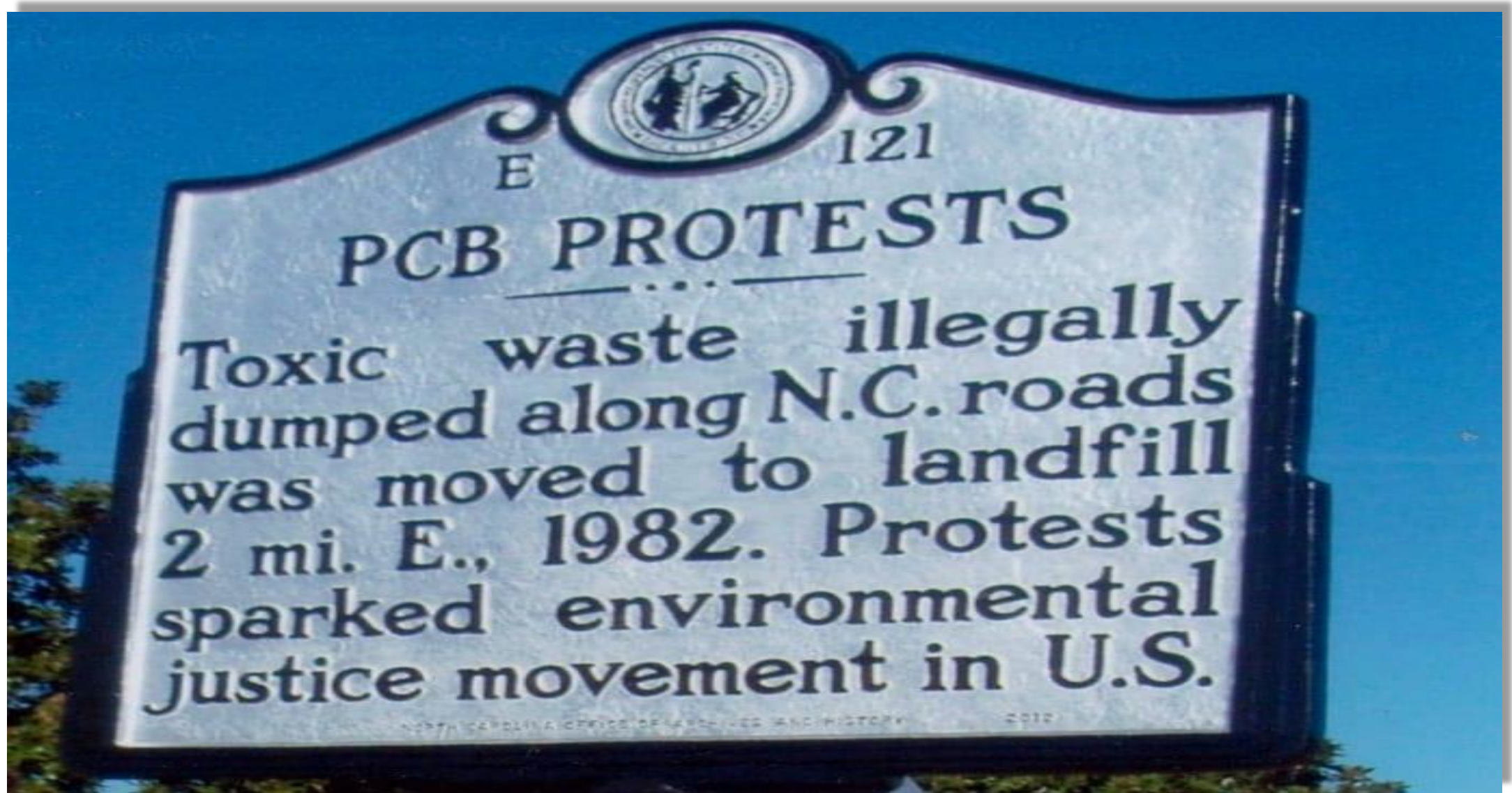
- 1970s: Discussions in legal community and Civil Right's activist groups
- 1982: Warren County, N.C. Protests







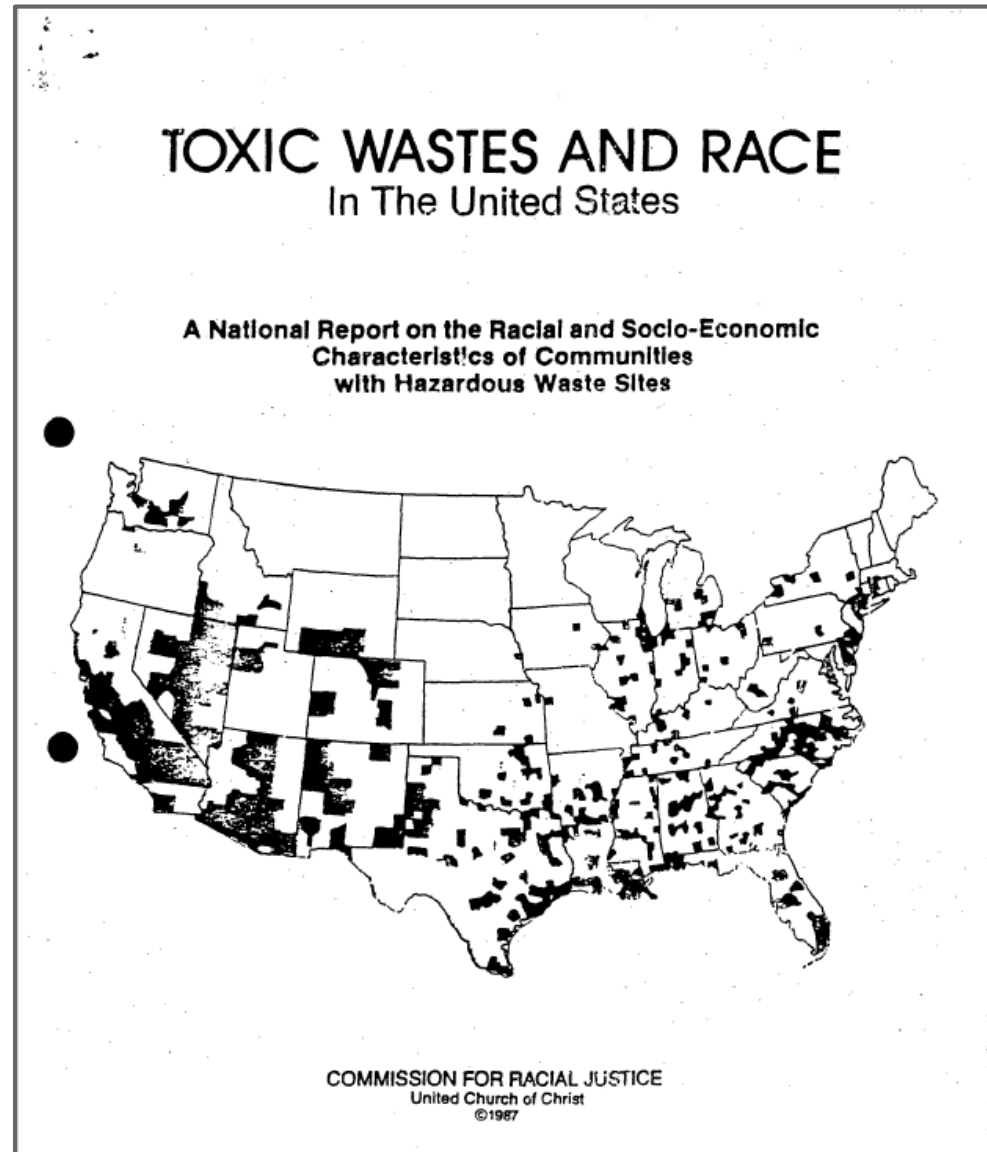




Early Days of Environmental Justice

- 1970s: early discussions in legal community and Civil Right's activist groups
- 1982: Warren Co., N.C. Protests
- 1987: “Toxic Wastes and Race in the United States” – Commission on Racial Justice of the United Church of Christ

Early Days of Environmental Justice



Early Days of Environmental Justice

Demographic Characteristics of Communities with Commercial Hazardous Waste Facilities

- Race proved to be the most significant among variables tested in association with the location of commercial hazardous waste facilities. This represented a consistent national pattern.
- Communities with the greatest number of commercial hazardous waste facilities had the highest composition of racial and ethnic residents. In communities with two or more facilities or one of the nation's five largest landfills, the average minority percentage of the population* was more than three times that of communities without facilities (38 percent vs. 12 percent).
- In communities with one commercial hazardous waste facility, the average minority percentage of the population was twice the average minority percentage of the population in communities without such facilities (24 percent vs. 12 percent).
- Although socio-economic status appeared to play an important role in the location of commercial hazardous waste facilities, race still proved to be more significant. This remained true after the study controlled for urbanization and regional differences. Incomes and home values were substantially lower when communities with commercial facilities were compared to communities in the surrounding counties without facilities.

Early Days of Environmental Justice

- 1970s: early discussions in legal community and Civil Right's activist groups
- 1982: Warren Co., N.C. Protests
- 1987: “Toxic Wastes and Race in the United States” – Commission on Racial Justice of the United Church of Christ
- 1991: First National People of Color Environmental Leadership Summit, Washington D.C.
- 1993: ABA adopts resolution endorsing EJ principles
- 1994: President Clinton issued Executive Order 12,898, “Federal Actions to Address Environmental Justice in Minority and Low-Income Populations”

Early Days of Environmental Justice

- **Clinton Executive Order 12,898 (1994)**
 - Make EJ part of federal agency missions
 - Develop EJ Strategy
 - Continually revise EJ Strategy
 - Consider economic and social implications of revisions to EJ Strategy

What does Environmental *Injustice* look like today?

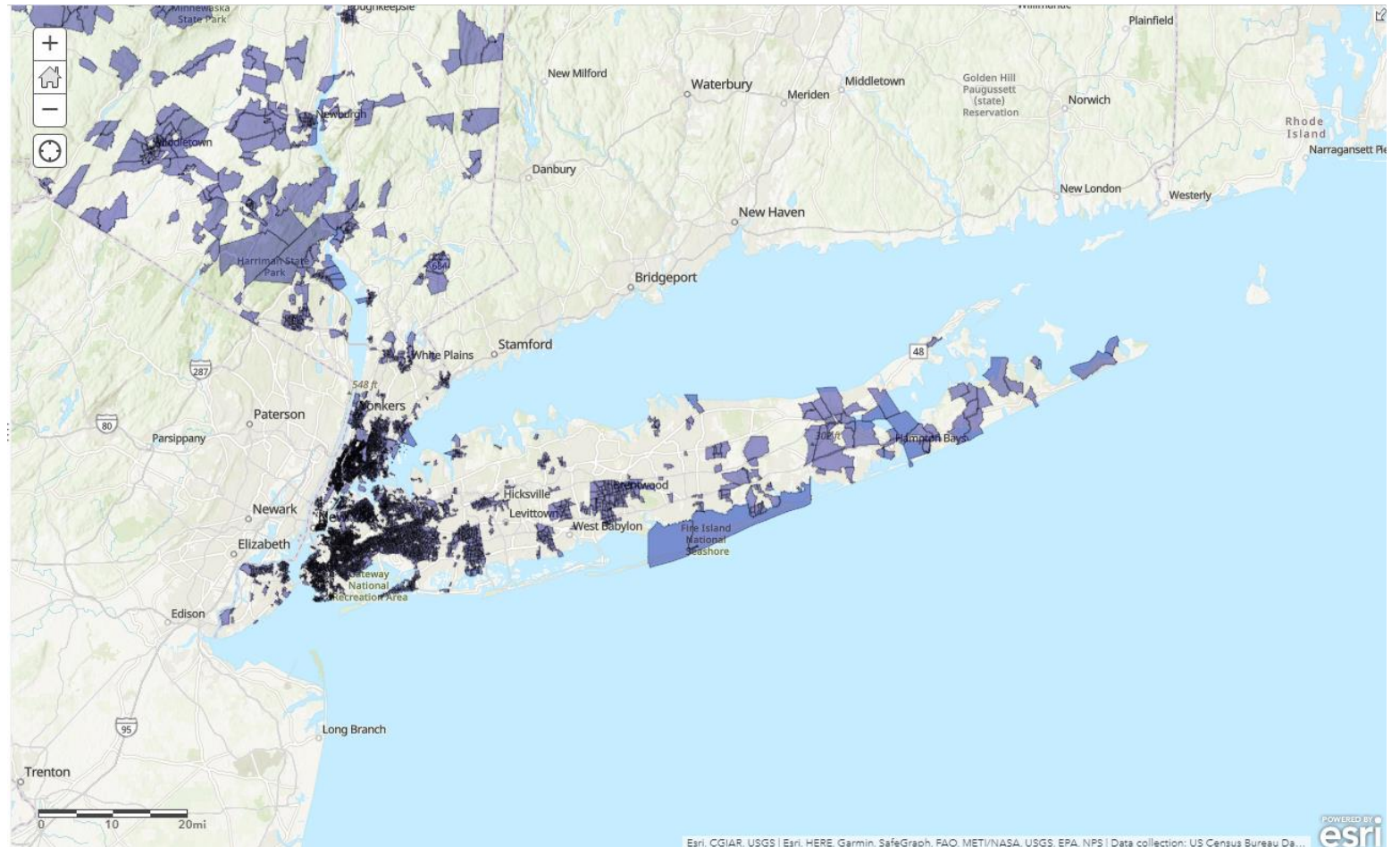
- **Environmental and human health consideration**
 - What are we breathing?
 - What are we eating?
 - What are we drinking?
 - What are living conditions?
 - What are working conditions?
 - What are conditions of children's schools?
 - Where are children playing?
 - Are we being (or going to be) exposed to contaminants?

What does Environmental *Injustice* look like today?

- **Environmental and human health consideration (cont.)**
 - Contaminants in drinking water and recreational surface water
 - Inadequate “Green Space” in urban and suburban communities
 - Healthy homes and healthy schools
 - Waste equity and siting of transfer stations
 - Climate change-related issues
 - Energy and transportation justice
 - Food insecurity, quality and access
 - Consumer product safety
 - Zoning, permitting and local government decision-making

Environmental Justice Areas (Downstate NY)

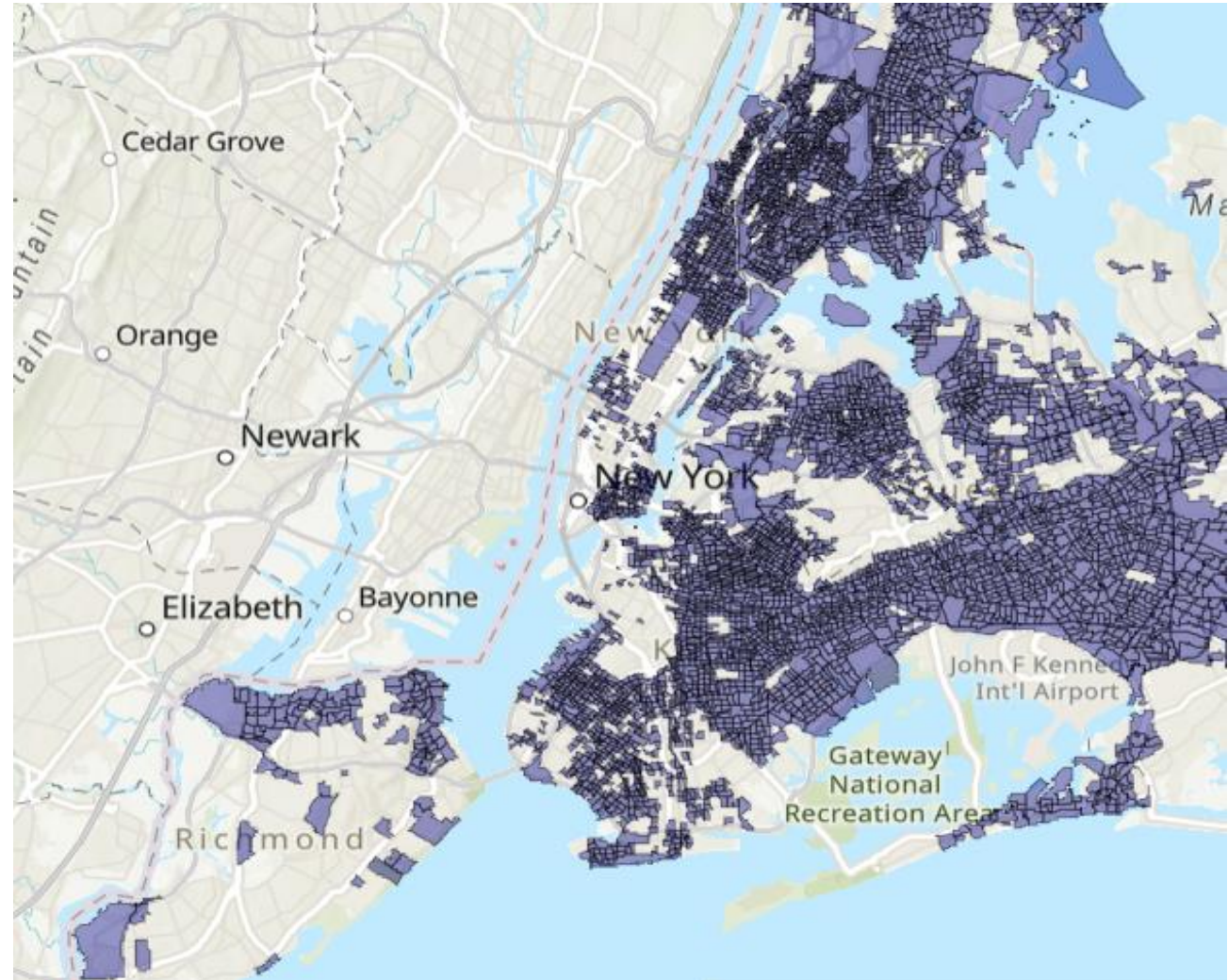
- **Potential EJ Areas**
 - Urban area > 52% “minority” OR
 - Rural area > 26% “minority” OR
 - Urban + Rural area > 22% income below federal poverty level



Source: NYSDEC ArcGIS Webmap via www.dec.ny.gov/public/911.html

Environmental Justice Areas (New York City)

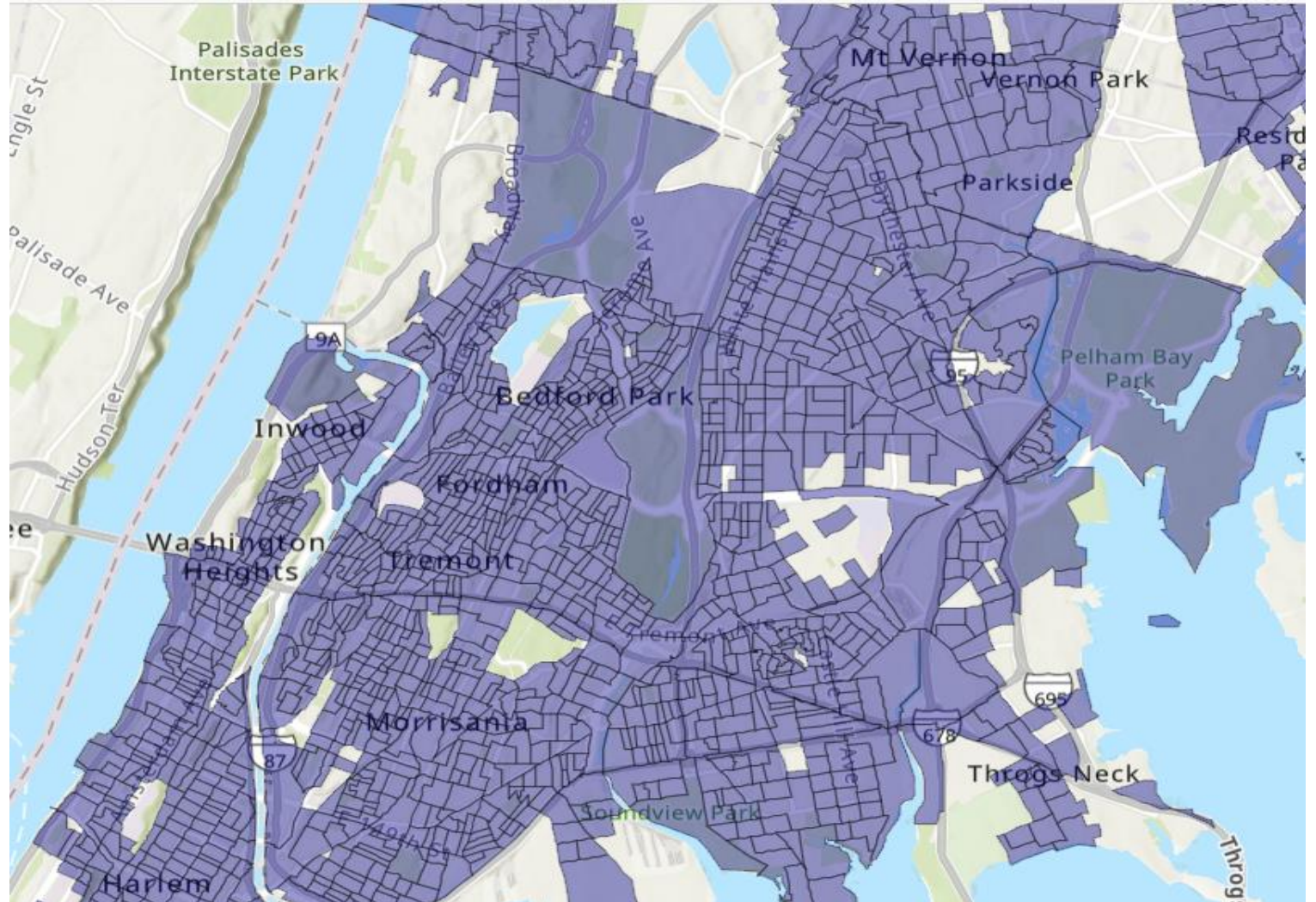
- **Potential EJ Areas**
 - Manhattan
 - Bronx
 - Queens
 - Brooklyn
 - Staten Island



Source: NYSDEC ArcGIS Webmap via www.dec.ny.gov/public/911.html

Environmental Justice Areas (Uptown & Bronx)

- **EJ Areas**
 - Most of the Bronx;
 - Most of W.Heights;
 - Most of Harlem
- **Not EJ Areas**
 - Riverdale (Bx);
 - West of B'Way (Heights)



Source: NYSDEC ArcGIS Webmap via www.dec.ny.gov/public/911.html

What does Environmental *Injustice* look like today?



Newark and New Jersey officials reach settlement in yearslong lawsuit over lead contamination of city drinking water

By Lauren del Valle, CNN
Updated 6:52 PM ET, Tue January 26, 2021

Eminent Domain Lets Pipeline Developers Take Land, Pay Little, Say Black Property Owners

Byhalia Connection offered this Southwest Memphis resident what he said were “pennies and peanuts” for an easement, then sued him when he said no.

By Carrington J. Tatum, MLK50
January 25, 2021

Past Racist “Redlining” Practices Increased Climate Burden on Minority Neighborhoods

Such areas face a disproportionate risk of heat-related impacts and exposure to air pollution
By Daniel Cusick, E&E News on January 21, 2020

California cap and trade faces growing claims of environmental racism

By Alex Brown Stateline.org Dec 27, 2020 Updated Dec 27, 2020

The world’s top environmental organizations are still predominantly White, a new report finds

By Scottie Andrew, CNN The movement for a cleaner, greener world has grown increasingly popular as the climate crisis has worsened, and organizations such as Greenpeace and World Wildlife Fund, now household names, have...
Friday, January 15th 2021, 7:58 AM EST
Updated: Tuesday, January 19th 2021, 10:44 AM EST

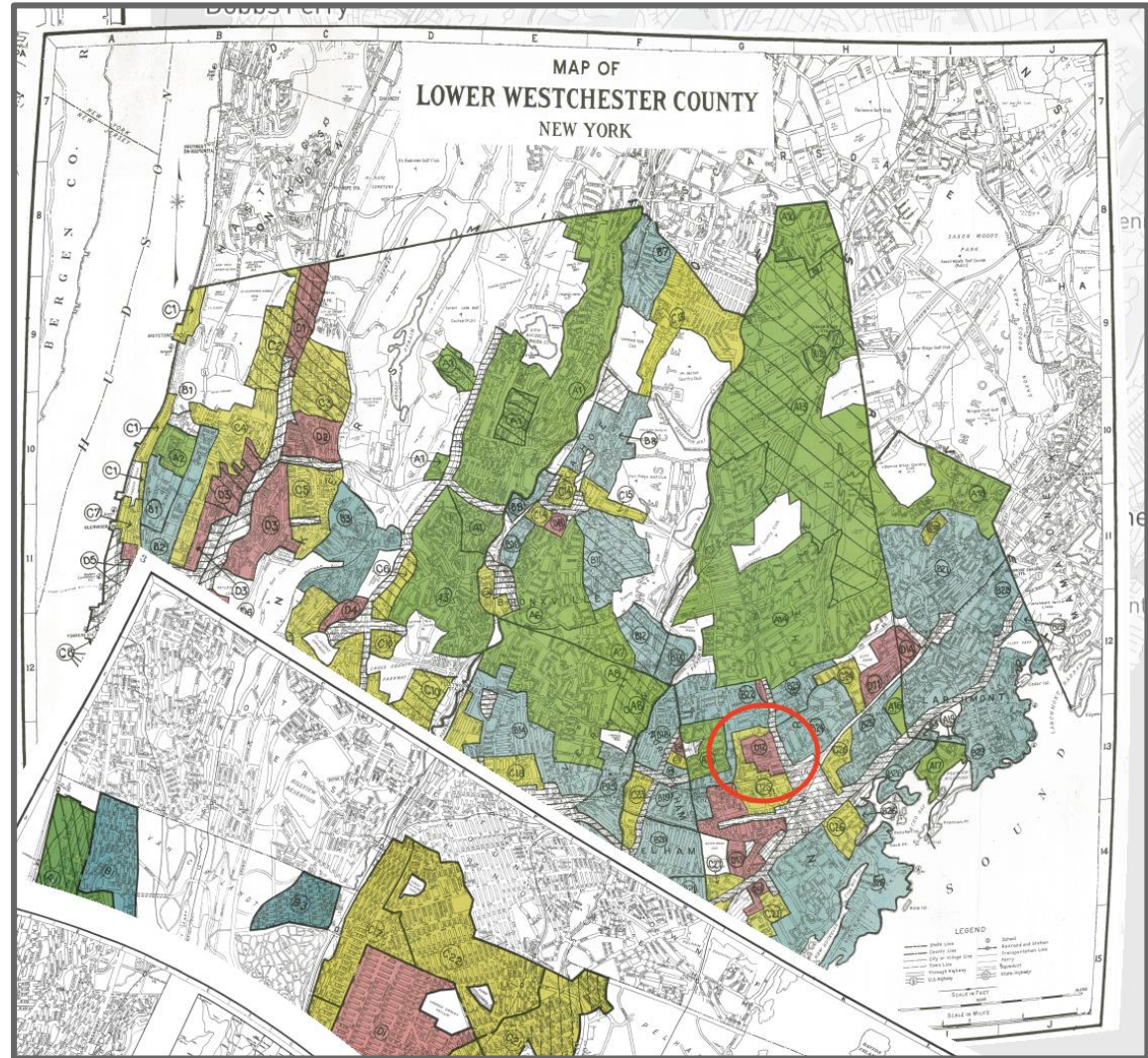


What does Environmental *Injustice* look like today?

- **Redlining**
 - “Jim Crow” mortgage lending practices
 - Neighborhoods labeled “hazardous”
 - “Hazardous” = African Americans & Immigrants

What does Environmental *Injustice* look like today?

- Redlining



AREA DESCRIPTION
(For Instructions see Reverse Side)

1. NAME OF CITY NEW ROCHELLE, N. Y. SECURITY GRADE FOURTH AREA NO. D-12

2. DESCRIPTION OF TERRAIN. High land sloping to the east. An old section of the city now given over to Negroes. Nearly all the dwellings have been converted into small units.

3. FAVORABLE INFLUENCES. Conveniently located.

4. DETRIMENTAL INFLUENCES. Type of inhabitant.

5. INHABITANTS: Laborers & domestics
 a. Type _____; b. Estimated annual family income \$ 1,000
 c. Foreign-born Italians, 10%; d. Negro Yes; 90%;
 (Nationality) (Yes or No)
 e. Infiltration of Negroes; f. Relief families Great many;
 g. Population is increasing; decreasing; static.

6. BUILDINGS:
 a. Type or types Converted singles; b. Type of construction Frame;
 c. Average age 35 years; d. Repair Poor

7. HISTORY:

YEAR	SALE VALUES			RENTAL VALUES		
	RANGE	PREDOM- INATING	%	RANGE	PREDOM- INATING	%
1929 level	<u>\$4-\$9,000</u>	<u>\$6,000</u>	<u>100%</u>	<u>\$25-\$50</u>	<u>\$35</u>	<u>100%</u>
<u>1932</u> low	<u>4- 9,000</u>	<u>6,000</u>	<u>100%</u>	<u>20- 40</u>	<u>27½</u>	<u>80%</u>
<u>1937</u> current	<u>4- 9,000</u>	<u>6,000</u>	<u>100%</u>	<u>22½-45</u>	<u>32½</u>	<u>90%</u>

Peak sale values occurred in 1924 and were 100% of the 1929 level.

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Peak sale values occurred in 1924 and were 100% of the 1929 level.

Peak rental values occurred in 1929 and were 100% of the 1929 level.

8. OCCUPANCY: a. Land 95%; b. Dwelling units 97%; c. Home owners 60%

9. SALES DEMAND: a. Good; b. Sgls \$5-\$7,500; c. Activity is Good

10. RENTAL DEMAND: a. Good; b. Units \$20-\$30; c. Activity is Good

11. NEW CONSTRUCTION: a. Types _____; b. Amount last year None

12. AVAILABILITY OF MORTGAGE FUNDS: a. Home purchase None; b. Home building None

13. TREND OF DESIRABILITY NEXT 10-15 YEARS Downward

14. CLARIFYING REMARKS: _____

Demand has never ceased and there is a waiting list for vacant units. It seems a particularly desirable spot for Negroes who desire to move from Harlem.

15. Information for this form was obtained from See Explanations

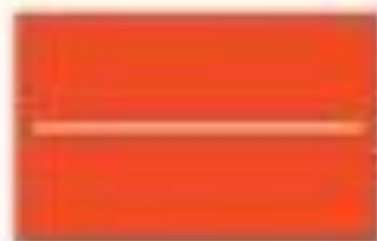
Date September 1st 1937

(Over)

What does Environmental *Injustice* look like today?

- **Redlining**

- “Jim Crow” mortgage lending practices
- Neighborhoods labeled “hazardous”
- “Hazardous” = African Americans, Immigrants, poor, etc.
- Effects:
 - concentrating poverty / repressing home ownership rates / suppressing property values / increased industrial activity / increased pollution / less municipal investment / hotter climate



Campaign for
**EQUAL
DIGNITY**

Redlining's Impact on
ENVIRONMENTAL JUSTICE

EqualDignity.org

FRIDAY, DECEMBER 4 @12 PM EST



HEALTH SECURITY



JUSTICE FOR ALL



ECONOMIC STABILITY



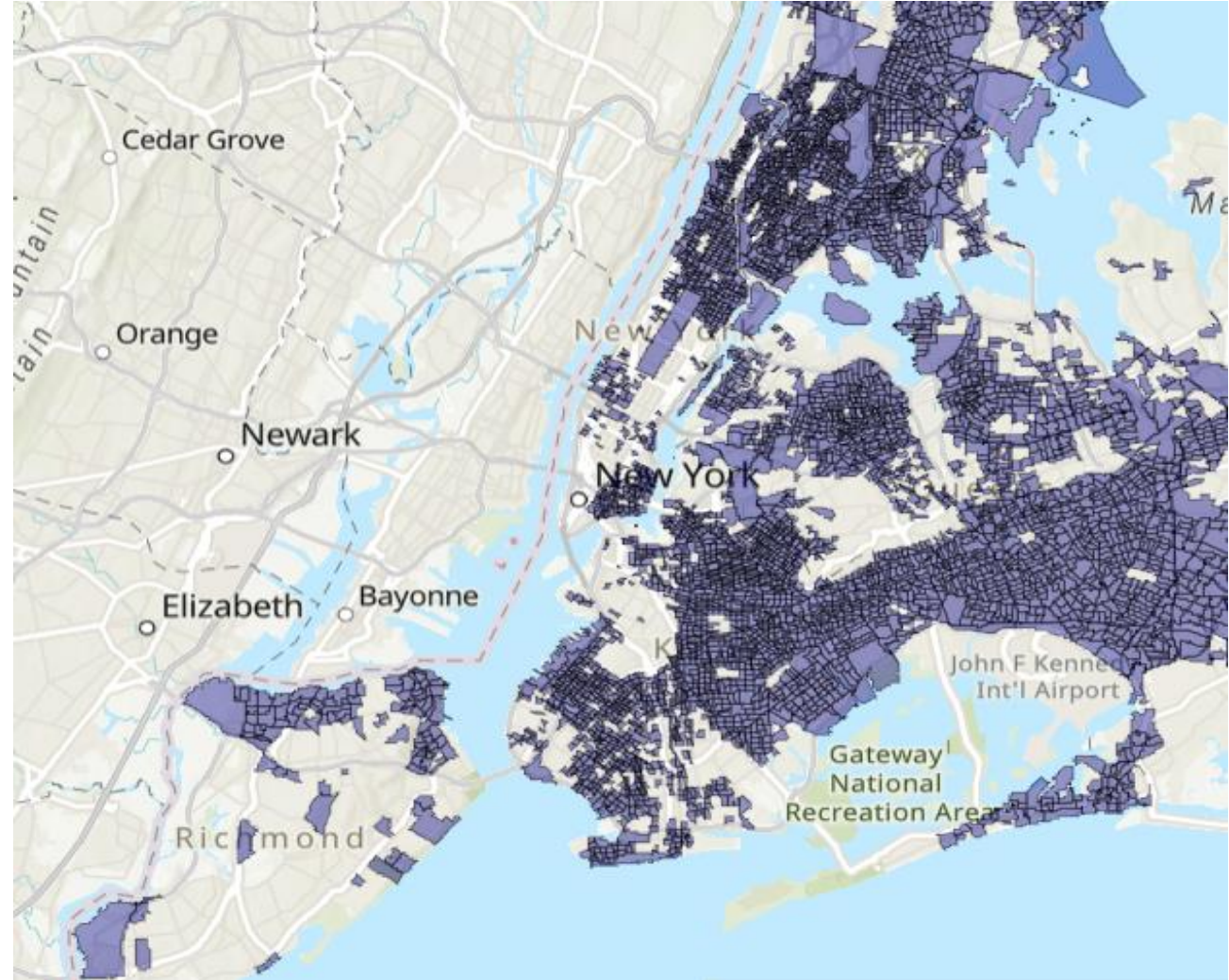
VOTING RIGHTS



QUALITY EDUCATION

Environmental Justice Areas (New York City)

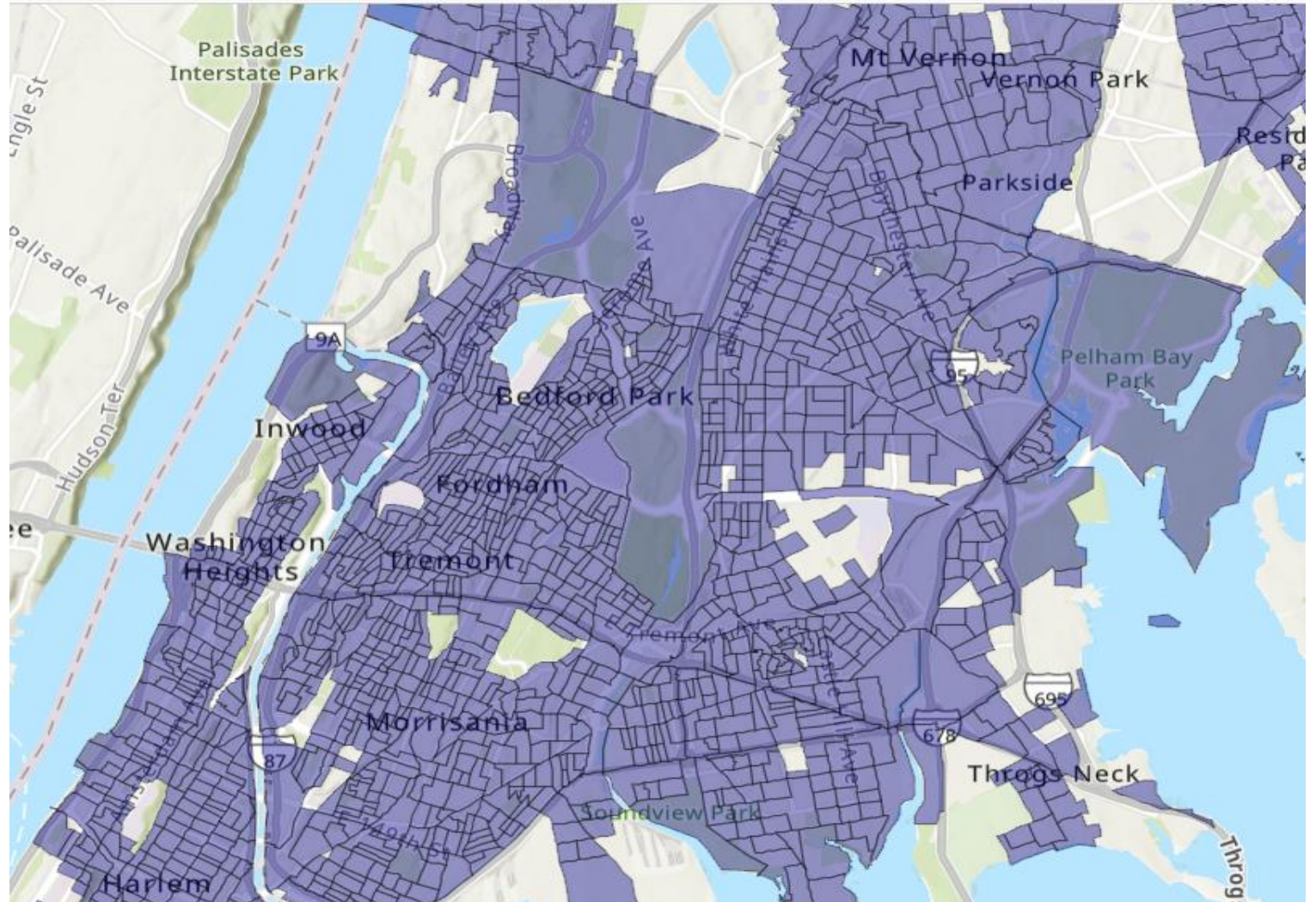
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Biden/Harris Administration

- **Executive Order: “Tackling the Climate Crisis at Home and Abroad”**
 - Signed Wednesday Jan. 27, 2021 (1 week after taking Oath!)
 - Establishes WH Office of Domestic Climate Policy and National Climate Task Force
 - Directs agencies to address disproportionate health, environmental, economic and climate impacts on **disadvantaged communities**
 - Establishes WH EJ Interagency Council and WH EJ Advisory Council
 - Demands EJ enforcement from Department of Justice (DOJ)
 - **Justice40 Initiative** (40% of federal investments to EJ communities)
 - Updates Clinton Executive Order 12,898

Recent EJ Victories

The Ambitious Plan to Turn a Massive Jail Island Into a Green Oasis

Rikers Island is being reimagined as a solar farm and a water treatment hub for local communities of color



Drew Costley Jan 21 · 5 min read ★

New Jersey Passes Landmark Environmental Justice Legislation

Tuesday, September 1, 2020

NYC passes its own 'Green New Deal' in landmark vote

"You cannot overstate how big a deal this is," said one advocate

By [Caroline Spivack](#) | Updated Apr 22, 2019, 4:32pm EDT

SUNSET PARK

Meet the Green Agitators Who Planted Seeds for Brooklyn's Coming Wind Turbine Assembly Hub

BY [GABRIEL SANDOVAL](#) | [@GLUISSANDOVAL](#) | [GSANDOVAL@THECITY.NYC](#) | JAN 17, 2021, 6:24PM EST



New York's "Climate Leadership and Community Protection Act" (2019)

New York's Nation-Leading Climate Targets

85% Reduction in GHG Emissions by 2050

100% Zero-emission Electricity by 2040

70% Renewable Energy by 2030

9,000 MW of Offshore Wind by 2035

3,000 MW of Energy Storage by 2030

6,000 MW of Solar by 2025

22 Million Tons of Carbon Reduction through Energy Efficiency and Electrification

- Climate Action Council
- Climate Justice Work Group
- EJ Advisory Group
- Interagency Coordinating Council

EJ Organizations

- New York City Environmental Justice Alliance
 - <https://www.nyc-eja.org/>
- WE ACT for Environmental Justice
 - <https://www.weact.org/>
- New York Lawyers for the Public Interest
 - <https://nylpi.org/our-work/environmental-justice/>
- Groundwork USA
 - <https://groundworkusa.org/>
- National Black Environmental Justice Advocates
 - <https://www.nbejn.com/>

Final remarks...

- Power struggle between **SYSTEMIC INEQUITY** and **JUSTICE**
- Systems in place must be changed by YOU and your community members
 - You must intervene and interrupt!
- Looks for allies – don't reinvent the wheel
 - Non-profits, local media, activists, other motivated people, etc.
- Seek and promote elected officials that share **EJ VALUES**
- Take care of your neighbors and yourself
- The Earth is more than just the “environment” – we are the Earth
 - we are not “in the environment”; we are “***with the environment***”

thank
you

For more information please contact:

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