



**WORKING PAPER 03-02**

## **Environmental Justice: A New Social Movement**

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"Waterfront South" evokes images of a vacation destination, but this South Camden neighborhood of predominantly Black and Latino residents is home to triple the amount of environmental pollution of any other New Jersey community, and is the poorest community in the state. A county incinerator, trash-to-steam plant, cogeneration plant, two Superfund sites, 15 other known contaminated sites, an industrial medical laundry, industrial parks, and a regional sewage treatment plant are located here.

The New Brunswick-Rahway-Linden-Elizabeth-Newark areas of the state represent the vision most outsiders have of New Jersey--densely-populated cities enveloped by miles of a heavily- congested turnpike that is a backdrop to smelly oil refineries and tank farms, lingering, toxic plumes from incinerators and other industrial smokestacks, and numerous Superfund sites still awaiting clean-up.

This is what *environmental racism* and *injustice* look like, but it doesn't tell the whole story. Ever since a group of courageous residents in Warren County, North Carolina engaged in a prolonged campaign in 1982 to prevent the state from storing 6,000 truckloads of PCB contaminated soil in a landfill near their community, more people began to suspect that many communities with large populations of African-American, Latino and low-income residents of all races bear more environmental degradation and pollution than majority white, middle-class communities. Landmark studies by the Racial Justice Commission of the United Church of Christ and Clarke University's Dr. Robert Bullard confirmed these suspicions. Coordinated environmental justice work in the late-'80s helped spawn a true mass movement when the 1,000 attendees at the 1991 first *People of Color Environmental Leadership Summit* crafted the working document, "Principles of Environmental Justice."

With scientific research supporting their claims, people living in communities affected by environmental injustice, sometimes called "EJ communities," have provided the impetus for ongoing environmental justice struggles. For example, the residents of Waterfront South organized the *South Camden Citizens in Action (SCCIA)* some 10 years ago to tackle the ongoing pollution problems there. Their steadfast work gained

international and national attention over the past 18 months when they filed a Title VI civil rights lawsuit against the New Jersey Department of Environmental Protection (NJDEP) to block operation of a newly built cement processing plant in their neighborhood. Victories were won and lost in court on this lawsuit, deepening SCCIA members' resolve to continue working for a cleaner, healthier neighborhood.

Linden's Trembly Point residents have been waging a two-year battle to prevent the building of a waste transfer station for New York City garbage and a hazardous medical waste treatment plant in this residential portion of the city. With Trembly Point's proximity to the Bayway Oil Refinery and Chemical Plant, Merck Pharmaceutical Company, a huge co-generation plant, the Union County incinerator, and other industries, it's clear that people living here are exposed to large amounts of pollution.

Thanks to the efforts of the *Committee Against Toxics*, under the auspices of the Ironbound Community Corporation (ICC) a waste transfer station was not given permits to operate in the Ironbound section of Newark four years ago. ICC also launched an asthma awareness program a couple of years ago, educating the greater-Newark community about the environmental links to and prevention of this epidemic illness that disproportionately affects people of color and lower-income people.

This new aspect of environmental activism broadened the scope of the traditional Environmental Movement, in general, and redefined the term "environment" to include places where people live, work, pray, play, and go to school. The trend to turn urban areas into toxic wastelands and dumping grounds is being opposed now in an organized way. Native American "Indian" tribal lands and suburban neighborhoods with significant numbers of Blacks and Latinos also fall under the scope of the movement.

A significant federal response to ongoing advocacy and organizing efforts is former President Clinton's Executive Order 12898, issued in 1994. Because communities that have large populations of people of color are the ones most impacted by disproportionate environmental problems, the Executive Order aimed to prevent environmental racism under Title VI of the 1964 Civil Rights Act. Title VI prohibits discrimination on the basis of race, color or national origin. It also prohibits recipients of federal funds, including federal and state agencies, from discriminatory actions.

By 1998, the federal Environmental Protection Agency (EPA) became more proactively involved in environmental justice concerns. That year, EPA issued its *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits* to, according to the EPA, "provide a framework for processing Title VI complaints from communities alleging discrimination." Around the same time as this guidance document was issued, the NJDEP, created an *Environmental Equity Task Force* to develop an environmental justice policy and revise its pollution permit regulations. The Task Force was comprised of representatives from community-based and environmental groups, educational and medical institutions, municipalities, labor, and industry. In February 2000, then NJDEP Commissioner Robert Shinn signed Administrative Order 2000-01, which established the state's first environmental equity policy. Shinn later issued another administrative order to make the Environmental Equity Task Force permanent Advisory Council.

The Advisory Council and NJDEP staff crafted the "Expanded Community Participation Process for Environmental Equity (EE Process)" in February 2002 as a new rule for pollution permits. The EE Process was intended to provide a mechanism that would allow for extensive community participation in permit decision-making, and mandate the NJDEP to comply with Title VI by using various new assessment and compliance procedures to determine if pollution permits for toxic facilities would have an adverse, disparate impact on the communities in which they're located and/or violate the civil rights of the residents.

This new rule was precedent setting among the states and motivated hundreds of people to engage in the three public hearings and written comment period sponsored by the NJDEP. The hearings were the first time that New Jersey residents participated in a statewide dialogue on environmental justice, which helped raise the level of awareness about this serious issue. While the rule received widespread general support, many people said that it needed to be enhanced to give NJDEP the authority to deny permits if the facilities would increase the environmental burden and/or violate the civil rights of community members. The screening tool required by the rule to determine if the permit would further harm already-burdened communities was also problematic. It was difficult to understand, so might not prove useful.

Brad Campbell, the new NJDEP commissioner, agreed. Based on this and some other considerations, he withdrew the proposed rule in May and proposed an "alternative approach" to working for environmental justice. Contributing inspiration for the idea to the New Jersey Work Environment Council (NJWEC), Campbell announced at the May 16<sup>th</sup> Advisory Council meeting that the department was working on a new initiative that would allow people to petition the NJDEP to hold public hearings to address their environmental justice concerns about a polluting facility. If the department concurred that the complaint was warranted, then it would develop an action plan to help alleviate the problem. The department would not only examine the facility in question, but also evaluate the other environmental burdens affecting the community. The new initiative would give a voice to affected communities that they currently lack and institute a more collaborative approach with the NJDEP to resolve environmental concerns.

New studies show the detrimental health problems from environmental exposures. Two such reports, released in 2000, demonstrate this link. "In Harm's Way: Toxic Threats to Child Development" concludes that a variety of chemical exposures contributed to an "epidemic of developmental, learning, and behavioral disabilities" among children. Greater Boston Physicians for Social Responsibility produced the report in conjunction with the Clean Water Fund. The second report, issued by NJWEC, is entitled "Children at Risk: Toxic Chemicals Near Schools in Paterson and Clifton, New Jersey." This report found that the majority of public schools in these cities are located less than a mile from facilities that store more than 10,000 pounds of toxic chemicals. Repeated accidental releases from such facilities in Paterson jeopardize the health and welfare of area school children, personnel and residents.

People of color and low-income residents bear the onus of such adverse health affects from environmental pollution. Asthma and other respiratory illnesses are at epidemic proportions in many of these communities. Poor air quality from toxic facilities is one of the triggers for these health problems.

The federal Environmental Protection Agency (EPA) states that environmental justice means "fair treatment." As defined by the EPA, "Fair treatment means that no groups of people, including racial, ethnic or socioeconomic groups, should bear a

disproportionate share of negative environmental consequences from industrial, municipal, and commercial operations, or the execution of federal, state, local, and tribal programs and policies."<sup>1</sup>

The Environmental Justice Movement, while growing, does not enjoy the same level of attention and commitment compared to other civil rights issues. This is unfortunate. All social movements need clear, compelling issues around which to organize. Environmental Justice is perhaps the successor to the fight for voting rights and equal opportunity waged in the mid-part of the last century.

If it is to succeed, the Environmental Justice Movement needs allies to help it achieve the goal of "fair treatment" and state and federal policies and programs that mandate "green" economic investment and development, the clean-up of our urban areas, and government commitments to non-discriminatory programs and policies. These allies must come from different communities, but support must begin to emerge from the mainstream within communities of color. Like poverty, bad schools, disparities in housing and health, Environmental Justice is part of the same larger problem of unequal treatment of communities of color. This is why the issue must receive the same attention as all the rest of the problems facing communities of color. The next phase of the struggle for civil rights and equality lies in the movement for environmental justice. People of color must put this issue squarely on the public agenda.

**\*As of this writing, the NJDEP has changed the name of the Advisory Council to the Environmental Justice Advisory Council to reflect its connection to the larger Environmental Justice Movement.**

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<sup>1</sup> Definition comes from the EPA's *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits*.