# ENVIRONMENTAL JUSTICE

# ROUNDTABLE REPORT

A Summary from the Duke Human Rights Center
at the Kenan Institute for Ethics at Duke University and the
State Policy Program at the Nicholas Institute for Environmental Policy Solutions

**March 19, 2015**

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## AUTHORED BY
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### Nicholas Institute for Environmental Policy Solutions

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# INTRODUCTION

On March 19, 2015, the Duke Human Rights Center at the Kenan Institute for Ethics and the State Policy Program at the Nicholas Institute for Environmental Policy Solutions co-hosted a roundtable discussion on environmental justice research. The roundtable included faculty from Duke University, the University of North Carolina at Chapel Hill, and North Carolina State University as well as research staff at the universities and Research Triangle Institute. The participants represented a variety of disciplines including geography, design, urban planning, economics, sociology, political science, philosophy, law, and environmental science.

We selected the topic of environmental justice research for this roundtable in response to feedback from faculty members who observed that there are a number of researchers in the area who work on environmental inequality but who are not actively engaged with one another. Our main goals for convening the roundtable were to facilitate an interdisciplinary conversation about environmental justice research, to provide an opportunity for the participants to share their work, to foster potential collaborations between those who teach, study, or otherwise engage in environmental justice issues, and to build community around environmental justice research at Duke and area universities.

Environmental inequalities arise from the inequitable distribution of environmental resources, burdens, externalities, and even benefits among social groups (Pellow 2000). The existence, persistence, and determinants of environmental inequities and injustices has been documented and debated by scholars of public health (e.g., Brunekref and Holgate 2002; Pastor et al. 2005), social science (e.g., Ash and Fetter 2004; Downey 2005, 2007), and law (e.g., Godsil 1991; Kaswan 1997; Bullard 2000). Research has shown that in the U.S., the unequal distribution of environmental amenities and dis-amenities falls along racial, ethnic, and socio-economic lines. (Downey and Hawkins 2008). Environmental hazards are more likely to be located near minority and low-income populations. Environmental amenities, like parks and greenways, are less accessible to these same populations (Brulle and Pellow 2006).

In order to push the local research community towards identifying new areas of inquiry for environmental justice research, we focused the discussion on how to build on this existing body of research. To that end, we asked participants to consider and provide a brief response to three prompts in advance of the roundtable discussion:

- What are the most important unanswered questions in empirical research on environmental justice?
- What are the prevailing policies and strategies for addressing/redressing environmental inequities and injustices? How should we assess their efficacy?
- What are the most effective means for creating research projects around environmental justice that will generate both new knowledge and investment in communities?

The responses to these questions provided a starting point for conversation. This report summarizes the main themes discussed during the roundtable. The summary is not intended to be a document endorsed by consensus of the group nor to be taken as reflecting the positions of individual participants.

— Kay Jowers and Suzanne Katzenstein, Editors

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# WORKSHOP SUMMARY

**EXPLORING MULTIPLE STARTING POINTS FOR ENVIRONMENTAL (IN)JUSTICE RESEARCH**

We began the roundtable by exploring how to extend existing empirical research on environmental justice. Participants expressed pragmatic and normative concerns in pursuing projects related to environmental justice, including how the issue is defined and understood and how to ethically do the work within environmental justice communities of concern.

Participants discussed how environmental injustice stems partly from unequal access to information, at both the community and individual level.  One group discussed how access to information also influences individual decision-making and how this relates to the causal mechanisms leading to environmental injustices: individuals in search of affordable housing may move to a new location without realizing they are moving into an area with environmental hazards nearby. One of the legal scholars in the group pointed out that this is sometimes considered "coming to the nuisance"— where the individual is assumed to "implicitly consent by [their] voluntary choice of establishing a residence or business in the neighborhood of a pre-existing producer of negative externalities" (Wittman 1980)—and may limit the individual's ability to seek remedies to address the environmental hazards in their new community. Another group member

responded that this "chicken and egg problem" regarding the timing someone moves to a community with environmental burdens should not matter. Participants discussed how the approach in U.S. law on "coming to the nuisance" combined with limitations in access to information serve to perpetuate environmental inequality and injustices. One participant pointed out that even when information about hazards is available, income constraints may force individuals into living near environmental hazards anyway. This led to discussion about the need for communities to be able to access information to clean up communities and that such access can determine who has a voice and power to influence environmental decision-making.

Another group also discussed how access to information can determine whether communities are able to influence policy and decision-making that affects them.  Under-resourced communities may not have access to information about existing environmental conditions in their community, including contamination from abandoned industrial sites. This group applied their discussion of information access to food justice issues. Specifically, they discussed how the limited information access of minority and low-income people exposed to environmental injustices can affect their access to healthy foods.  For example, in response to the lack of healthy food sources, many communities are

coming together to create community gardens in empty lots. But these communities wanting to install community gardens or even have their own gardens may not know whether the soil is contaminated and appropriate for growing food. So even when communities try to address the problem of accessible and affordable healthy food, residents may not be aware of the environmental hazards they are being exposed to in the process. In other cases, communities may have sufficient knowledge/information, but are too under-resourced to take appropriate measures. Participants noted that this is where researchers can come in to provide support to communities and policymakers to analyze and contextualize the information to make it policy-relevant. This led to discussions of how to ethically engage in this translation function. One participant expressed concern that researchers come in with a goal of collecting data, publishing it for the researchers' own benefit, and moving on with no follow up to ensure that the analysis benefited the community. As a result, community members are increasingly wary of working with university researchers. Participants agreed that researchers need to be actively and consciously engaging in community-based participatory research as much as possible.

The final group of participants discussed the problems of timing and coordination of response as factors contributing to environmental injustices. Participants noted these issues, for example, in the context of climate change and the use of non-renewable resources. More often than not, environmental injustices result from many decisions and several actors over the course of a significant amount of time, rather than from one actor and one poor decision. This makes it more difficult to challenge and remedy environmental injustices because the source may not always be clear. Allowing environmental injustices to accumulate across time may have significant impacts on vulnerable communities. Therefore, when working with communities to address environmental justice problems, it is important to consider the cumulative, historical hazards and how they may have varied impacts on neighboring communities.

Participants also discussed the methodological approaches to environmental justice researching, including how to make environmental justice salient to policymakers. Some participants observed a bias towards valuing quantitative research over qualitative because of the normative value society places on statistical methods. Participants acknowledged the importance of quantitative research and also discussed the value of qualitative research, particularly when the challenges are better captured through fieldwork, interviews, and other qualitative methods. But participants noted the difficulty of using qualitative research findings with policymakers. Participants noted that in their experience policymakers typically ask vague questions and do not use qualitative measures to answer these questions. By not considering the qualitative-based research, policymakers may have inadequate information when generating rules. Participants discussed ways to use public decision-making processes to give policymakers more robust forms of information.

## Influencing Policy and Empowering Communities to Address Environmental (In) Justice

The roundtable participants next discussed more specifically existing policy approaches and strategies for ameliorating environmental injustices as well as ways researchers can assess their efficacy. One such strategy is to ensure full public engagement in environmental decision-making processes, and participants generally agreed on the importance of engaging local communities in these processes. Much of the policy discussion focused on two dimensions of community participation: mechanisms for achieving participation, and the implications and importance of timing. The discussion covered a range of potential mechanisms:

- Whether public participation requirements have been effective and whether governments could build meaningful community participation into environmental policy.
- Aligning corporate incentives with social justice interests using human rights discourse and invoking corporate responsibility.
- Using advocacy and interest group litigation to engage the community in environmental justice.
- Deploying political pressure or administrative complaints for the community to advocate for environmental justice.
- Holding workshops and community walks to bring involvement and engagement to a community.

- Collaborating with local organizing partners to take advantage of existing events that are already taking place in communities as venues for raising awareness about environmental justice.
- Working with city planning on architectural and urban design to encourage and promote more environmentally friendly ways of living.

Some participants pointed out the importance of timing in influencing the nature of community participation. Decision-making processes could become more inclusive and achieve meaningful participation by including the community early on. Community members might be surveyed with broad questions, such as "what do you care about?", "what is important to you?" and "what does the community care about?" Early participation has its advantages, including ensuring that the project responds to community preference and reducing the potential emergence of legal hurdles. Later in the process, community participation might take the form of more specific requests for feedback and input about the proposed project or decision, such as how community members feel about the design of new infrastructure in their neighborhoods. For example, in a Dallas-based environmental justice project that initially aimed to build a landfill, the local community was more concerned with food desert issues and the need for grocery stores in their community. Consequently, those running the project re-designed it to match the needs and preferences of the community. Though promoting development may seem counter-intuitive for environmental projects, some

development may be warranted if the community is lacking access to essential amenities, such as sources of healthy food.

Other participants noted that community participation does not always further environmental justice aims and cautioned against strategies and policies focused solely on public participation. Structural and systematic problems can interfere with community participation. For example, communities typically have only a few representatives actively engaged in a project, and they do not always reflect the entire community's views. Women are more likely to be excluded from decision-making, leading to potentially systematic distortion in the community's preferences. One participant noted that communities may suffer from participation fatigue and have neither the time nor energy to engage with an environmental justice problem. The lack of true representation relates to questions of access to information a community has and the incentives that cause information to be kept separate and privileged.

Lastly, participants recognized that community participation also does not necessarily address the deeper structural problems that drive environmental justice issues, such as income inequality and race-based inequality. Several participants pointed out that effective environmental justice strategies need to address these structural issues as well. One participant discussed as an example county-level economic development projects that are inclusive of a variety of stakeholders to try to get at these structural inequalities.

Participants then discussed potential ways to promote meaningful participation and ameliorate environmental injustice. At a theoretical level, one participant suggested that governments need to look at — and find measurements for — levels of happiness and quality of life in a community. Others noted the importance of working with multiple stakeholders (community, government, and corporate) when implementing projects. One participant mentioned Detroit as a model for this approach. In many communities people are testing a community-driven model as an alternative to the top-down model widely used today. Though top-down models have been known to be successful, as was the case in Curitiba, Brazil[1], most participants agreed that decision-making processes that are more inclusive of communities are more likely to address environmental justice concerns.

### Creating a Supportive and Collaborative Environment for Environmental Justice Research

The final discussion at the roundtable focused on effective means for creating environmental justice research projects that will generate both new knowledge and investment in communities. The discussion began with concerns

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1   A participant described how the city implemented a strategy that emerged from a top down approach in which the mayor made quick decisions without discussing them with the community or other officials. The quality of life improved tremendously for the people in the community. This participant pointed out that changes would not have been made if the mayor had consulted anyone. Others responded that while this approach worked in favor of environmental justice in this instance, in most cases it probably would not work.

about academic barriers to community-based research. Grants usually have strict time limits that can usually only be accommodated with certain types of data and methods (e.g., quantitative analysis of existing or publicly available data). Another concern was the need for academic papers in order to keep productivity levels high. Community-based research can take longer to conduct and thus reduce a researcher's overall publication rate. Another participant mentioned some of the systemic issues with academia, including the need to be an expert in one's field, department silos, and the power dynamics within a university. These pressures are not conducive to community-based research.

In exploring ways to overcome these barriers, one participant suggested creating interdisciplinary teams with quantitative, qualitative, and spatial expertise who can co-author work that takes place on both shorter and longer timelines. Another participant noted that these teams need to be partnered with an NGO or community group that can help with community engagement. These groups would act as community liaisons to build necessary relationships outside of these academic boundaries. In support of this idea, participants noted that models exist—and are rewarded if not encouraged—for academic entities to work with corporations and businesses. Similar models need to be produced for small communities, NGOs, and local organizations. Another participant noted that getting students involved with service learning and community research can provide additional avenues for funding, such as through DukeImmerse, while

also providing resources for collecting data and building relationships in the communities.

Another resource that was noted is the EPA Environmental Justice Small Grants program through which the EPA gives grant money to communities, and communities then contract a firm or university to assist with their problem. This bypasses some of the academic barriers previously mentioned. Another resource to develop may be shared data that is open to communities in the form of online data banks. UNC and Duke have similar systems in which data is shared, but allowing data between communities and researchers may be beneficial.

In order to prepare for community-based research, many participants suggested the use of workshops and training to educate academic professionals on how to best do research in a community. Others agreed that the Triangle is a great place for these training sessions as the area has access to several research universities. Some also suggested using conference-style training to connect researchers, academics, community members, government officials, and business leaders.

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