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Environmental Hazards and the Richmond Laotian American Community: A Case Study in Environmental Justice

Stephanie Tai†

Dry cleaning, subsistence fishing, textile manufacturing, and microelectronics assembling all share a common thread: large numbers of Asian Pacific Americans work in these occupations.1 Furthermore, many Asian Pacific Americans, especially newly arrived refugees, live in neighborhoods with a disproportionately high number of industrial facilities.2 "Facially-neutral"3 environmental and public health laws which do not recognize the disproportionate representation of Asian Pacific Americans in such occupations and living spaces may not adequately protect these communities from these hazards.

This paper will examine the impact of occupational and environmental hazards on the Laotian American community in the Richmond area of western Contra Costa County, California. This refugee community, with


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2. Around half of all Asian Pacific American communities are located in areas with uncontrolled toxic waste sites. See COMMISSION FOR RACIAL JUSTICE, UNITED CHURCH OF CHRIST, TOXIC WASTES AND RACE IN THE UNITED STATES, A NATIONAL REPORT ON RACIAL AND SOCIO-ECONOMIC CHARACTERISTICS OF COMMUNITIES WITH HAZARDOUS WASTE SITES at xiv (1987).

3. Griggs v. Duke Power Co., 401 U.S. 424, 430 (1971) (finding that a "facially neutral" policy was discriminatory when it "operate[d] to ‘freeze’ the status quo of prior discriminatory employment practices").

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around 40% living in poverty,\(^4\) is located in an area with over 350 industrial facilities: from toxic waste incinerators to oil refineries to chemical plants.\(^5\) Such disproportionate siting of industrial facilities in minority and low-income communities has been the major focus of the grassroots movement known as environmental justice.\(^6\) However, the movement has devoted little attention to how different cultural norms affect exposure to environmental hazards.\(^7\) This paper will discuss the importance of keeping a community’s cultural norms central in the analysis of the environmental injustice to adequately identify exposures to environmental hazards and to devise successful strategies of empowerment in addressing those concerns.

This paper will first examine environmental hazards faced by the Richmond Laotian community. Next, the paper will explore the environmental justice efforts of the Asian Pacific Environmental Network’s Laotian Organizing Project and the Laotian Community Council. From this examination, the paper will then characterize tactics particularly successful for Asian Pacific American communities, describe ideological tensions with such tactics, and evaluate the role that Asian Pacific American environmental justice activists can play in the environmental justice movement as a whole. Finally, this paper will suggest legal and grassroots directions for achieving environmental justice in Asian Pacific American communities.

I. INTRODUCTION:  
THE ROLE OF THE ENVIRONMENT IN LAOTIAN AMERICAN COMMUNITIES

Environmental justice activists recognize the environment as encompassing more than the traditional conservationist environment, more often associated with wildlife and parklands than cities and schoolyards.\(^8\) Early

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6. In 1982, over 500 nonviolent demonstrators were arrested when a polychlorinated biphenyl landfill was sited in the predominately African American community of Warren County, North Carolina. This well-publicized event led to the nationwide visibility of the environmental justice movement, which embraced the principle that all communities are entitled to equal protection from environmental laws and public health regulations. Ken Gieser & Gerry Waneck, PCBs and Warren County In Unequal Protection: Environmental Justice and Communities of Color (Robert D. Bullard, ed., 1994)

7. Instead, the focus has been on the lack of resources available to minority and low-income communities. See Luke W. Cole, Empowerment as the Key Environmental Protection: The Need for Environmental Poverty Law, 19 ECOLOGY L.Q. 619 (1992) (discussing environmental justice from perspective of disempowered communities).

American naturalists such as John Muir fought to preserve parks from humans. In contrast, environmental justice activists view the environment as human-centered, and incorporate the concerns of traditional labor and health activists into their efforts. The environment of the environmental justice movement is immediate rather than detached—the place where we "live, work, and play."

In this context, the meaning of environment will vary with each community. Physical surroundings play a smaller role in the environments of those who buy bottled water and drive to their workplaces than of those who either cannot or choose not to do so. For both cultural and economic reasons, a significant portion of Laotian food consists of homegrown vegetables and subsistence-fished seafood. The amount of fish eaten by the average community member is well over the advisory limit for Bay Area-caught fish—fish with high concentrations of mercury, dioxin, and polychlorinated biphenyls (PCBs). Because Laotian Americans depend on their immediate surroundings for food and work, the state of their physical environments play a critical role in their health and well-being.


10. See Cole, supra note 7 at 640-41 (citing Marjorie W. Moore, Environmental Health and Community Action, N.Y. St. B.A. Envtl. L.J., Feb.-May 1991 at 13) (discussing the entrance of people of color into the environmental movement as "changing the movement's language from one of pollution control to one of social justice").

11. See id. at 640 n. 66 (quoting Esperanza Maya of Kettleman City, a grassroots environmental justice activist: "It makes me want to cry that a big company like that can come in and take over your lives. It's not fair. They say we're emotional and not to listen to us. How can you not be emotional? This is our home. We live here." Carol D. Rugg, Residents Fight Proposed Incinerator, MOTT EXCHANGE, Fall 1991, at 7, 9).


13. We the Americans, supra note 4.


Furthermore, Laotian subsistence farmers and fishers, many of whom read only Laotian, are dangerously unaware of the toxicity of their food because pollution advisories are not always presented in this language. In one situation, two Laotian families grew vegetables in an abandoned battery factory for years without realizing the hazards. Warning signs in only English and Spanish were posted in the factory. The families discovered those dangers only after a public nurse noticed abnormally high levels of lead in their children’s blood.

Finally, this community has historically been politically disempowered. Not only are over half of Laotian Americans linguistically isolated, but a quarter of these residents live in severe poverty. This combination of economic impoverishment, low citizenship rates, and linguistic isolation have left the community politically disempowered. As of 1992, no Laotian American had ever run for political office in this country.

This conjunction of linguistic and cultural isolation, impoverishment, and political disempowerment sets the stage for where the Richmond Laotian Americans “live, work, and play.” This is their environment.

II. BACKGROUND:
WHEN THE INTERSECTIONS OF RACE, CULTURE, AND CLASS LEAD TO ENVIRONMENTAL INJUSTICE

A. Transition from Conflict: Laotian Refugees in Richmond

Attracted to relatively low housing prices, Laotian Americans have settled in Richmond and San Pablo, California, and have increased the Laotian community in size by over ten times from 1980 to 1990. Not
only had many Laotians been forced to flee their home country, but the area to which they have fled, West Contra Costa County, contains over 350 industrial facilities - from waste incinerators to chemical manufacturers. Richmond was the site of one of the largest chemical plant accidents of Northern California; in July 1993, the General Chemical plant in Richmond negligently released an estimated 9,500 gallons of concentrated sulphuric acid into the air, sending over twenty thousand residents to the hospital. Chevron, which has five plants in Richmond, has been the subject of continual community dispute; community leaders have repeatedly protested the expansion of Chevron’s refineries. Seeking a safe haven, these Laotian Americans have made this area their home, where their children attend school and develop. However, these Laotian refugees, many with previous exposure to chemicals such as DDT in Southeast Asia, are more susceptible to the hazards of the toxins surrounding their new home.

In 1990, over half of the Laotian households in the United States were estimated to be linguistically isolated. Poverty and lack of English skills contribute to this community’s political disempowerment and inability to address its toxic living conditions. A quarter of these residents live in severe poverty. In addition to the economic and linguistic challenges, the community faces a racist backlash from its perceived “take over” of existing neighborhoods. Laotian refugees have been shot and had their homes torched as a result of these racial tensions. Such backlash further marginalizes the community from the political process.


25. See BELLIVEAU ET AL., supra note 5.


27. Telephone Interview with Peggy Saika, APEN executive director (Nov. 30, 1998) (discussing concerns about toxic exposure effects on children, some of the more vulnerable in this already-vulnerable community).

28. Id. (discussing use of DDT during military exfoliation offensives in Laos).


30. ONG, supra note 19.

31. Reed, supra note 21 (discussing tensions between black residents of Richmond and Laotian residents of Richmond, and the little political power wielded by Laotian residents).

32. Id.
B. Changing Environmental Perspectives: The Appearance of Civil Rights Ethics within a Mainstream Conservationist Environmentalism

On February 11, 1994, President Clinton issued the Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, generally requiring all federal agencies, including EPA, to consider and address environmental justice concerns in the exercise of their statutory authorities. The Executive Order was intended to focus federal attention on environmental and human health conditions in minority and low-income communities.

The success of the Executive Order has been debated. Although regional EPA offices have developed informal strategies to enhance public participation and reevaluate permitting, agencies have been criticized for overemphasizing studies rather than providing actual mitigation. Environmental justice activists, who come often from community groups engaging in local action, rather than from mainstream environmental groups, are skeptical of attempts to address racial and low-income inequities through public participation processes in our legal system. Indeed, these processes have often been blamed for enabling high-income majority communities to exert their political will over poor communities of power.

Because of its association with the civil rights movement and its origin in grassroots action, the environmental justice movement emphasizes extra-legal community participation and direct protest such as demonstrations, petition drives, and picketing. Many major environmental justice studies examine the concentration of toxic land uses in low-income and minority communities, rather than the enhancement of risks from certain cultural

41. U.S. GEN. ACCOUNTING OFFICE, SITING OF HAZARDOUS WASTE LANDFILLS AND THEIR CORRELATION WITH RACIAL AND ECONOMIC STATUS OF SURROUNDING COMMUNITIES, GAO/RCED83-168 (1983) (studying EPA Region IV hazardous waste sites with respect to race and income distributions); COMMISSION FOR RACIAL JUSTICE, supra note 2; 1 ENVIRONMENTAL EQUITY
land uses. But to address the particular environmental needs of a community, its culture must be understood. In this respect, some of the most powerful progress towards environmental justice comes from within affected communities themselves.

C. The Laotian Organizing Project in Richmond, California: An Environmental Justice Effort that goes beyond Traditional Conservationist Methods

The Laotian Organizing Project (LOP) is an independent grassroots project led for and by Laotians that developed after the Asian Pacific Environmental Network (APEN) found a large population of "invisible" Asian communities in Northern California located near high concentrations of Superfund and other toxic land-use sites. Instead of attempting to "solve" the community's problems, the steering committee of APEN decided to empower the community itself, rather than attempt to speak on its behalf. As a result, the LOP is led by members of the Laotian community themselves, rather than by members of APEN from outside the Laotian community. APEN has taken a route distinct from that of traditional environmentalists by founding LOP, an organization separate from APEN and dedicated to serving the community's general needs, not only its environmental needs.

The stated goals of LOP are:

To develop a core of Laotian community advocates who are knowledgeable and skilled in educating other community members about environmental hazards and risks;

WORKGROUP, U.S. ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL EQUITY: REDUCING RISK FOR ALL COMMUNITIES (1992); Lazarus, supra note 39.

42. But see ENVIRONMENTAL EQUITY WORKGROUP, supra note 41 at 15-16 (1992) (describing how fish are eaten in disproportionate amounts by Native Americans and blacks, and are also prepared with more skin and more fat, thereby exposing them to more toxins that concentrate in fat).

43. The environmental role of culture has been most often examined with respect to Native American communities. See Sheila Foster, Justice from the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice Movement, 86 CAL. L. REV. 775 at 802 (1998) (discussing that the traditional distributive paradigm to eliminate inequality does not work to cure environmental injustice). In particular, Foster describes other activists as stating that "[c]onceptualizing social harm only in distributive terms leaves different measures of injustice unnoticed and unheeded." Id. at 803 (citing LAURA PULIDO, ENVIRONMENTALISM AND ECONOMIC JUSTICE: TWO CHICANO STRUGGLES IN THE SOUTHWEST 152 (1996)). See also Dean B. Suagee, Turtle's War Party: An Indian Allegory on Environmental Justice, 9 J. ENVTL. L. & LITIG. 461 (1994).

44. The Asian Pacific Environmental Network (APEN) was founded in 1993 to address environmental issues of concern to Asian American and Pacific Islander communities. Its overall mission is to "unify and empower the Asian-American and Pacific Islander communities to achieve multicultural environmental justice." DAVID E. NEWTON, ENVIRONMENTAL JUSTICE: A REFERENCE HANDBOOK 175 (1996).


46. Telephone Interview with Sharon Bailey, APEN staff (Nov. 5, 1998). APEN also felt that this project could be used as a model for other environmental organizing efforts within Asian Pacific American communities. Id.
To develop a model of research, outreach, education, and communication that will address the immediate environmental health needs of this population, and that can be replicated in other communities in the U.S.;

To develop survey methods to access hard-to-reach sectors of a new community and to build the community's capacity for understanding and taking action on environmental health issues;

To determine obstacles to communication and to develop appropriate communicated tools and vehicles to reach this limited-English speaking population.47

The Project has assembled representatives from Laotian tribal groups, churches, temples, senior centers, youth groups, and school boards into a Laotian Community Council.48 APEN reasoned that environmental problems could be best addressed by strengthening the community's ability to represent its own interests, and by building its long-term capacity to do so. LOP pays particular attention to community members most affected by the physical environment—women, children, and seniors—and particularizes its organizational and educational efforts to fit the needs of a tightly-knit, linguistically-isolated refugee community.

1. Empowering Women and Children within the Laotian American Community

The Council emphasizes "incorporating into [its public participation] process Laotian women, who are most closely connected to the daily realities of life, and youth, who can help bridge the linguistic gap, and who provide the ongoing leadership that will be required as we move into the next century."49 Laotian women often tend the family gardens and prepare food for the entire household. There is also evidence that women are more susceptible to PCBs and dioxins,50 chemicals which concentrate in fatty tissue and are prevalent in the Richmond area. These facts underscore the importance Laotian women play in the process and the stake they have in the results.

The youth of the Laotian community also play an integral part in LOP. The Asian Pacific Islander youth are sometimes the only members of households who can convey health and environmental dangers to their families.51 Family profiles where older members are monolingual in Asian

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49. Asian Pacific Environmental Network, Laotian Organizing Project, supra note 47.

50. Samara F. Swanston, Race, Gender, Age, and Disproportionate Impact: What Can We Do About the Failure to Protect the Most Vulnerable? 21 FORDHAM URB. L.J. 577, 592 (1994) (noting that the higher percentage of body fat in women often leads to a higher accumulation of fat-soluble toxins).

51. Professor Andrew Leong has noted that a large barrier to clinical legal work in Asian American communities is the lack of community lawyers who can speak the primary languages used in those
languages and where younger members act as bilingual liaisons are not un-
common to Asian Pacific Islander communities.  

One of LOP's cornerstone projects, the Laotian Youth Project, was
created to address the community's linguistic isolation and to empower
households through the empowerment of Laotian girls. This Project pro-
vides ten-to-twelve week leadership training to Laotian girls so that they
can better voice health and environmental concerns to decision-makers out-
side the community as well as to their own community. Even with this
training, the Youth Advocates, have encountered barriers in communica-
tion. For instance, the Youth Advocates had difficulty explaining to their
parents the word "toxin," which lacks any analogous word in their parents' 
native languages.

The Youth Advocates are involved in hands-on explorations of their
environment. Rather than receive pre-written pamphlets on environmental
risks, these youth participants have embarked on "toxic tours," discovering
for themselves polluted estuaries and levies, fertilizer incinerators, and
former community gardens abandoned after the growers learned about dan-
gerous levels of lead and cadmium in the soil. But they did not stop with
exploring chemical dangers. The Youth Advocates explored environmental
safety in its full, examining the social contexts of their environment, map-
ing their neighborhoods for "environmental dangers" from drug and gang
activity—dangers that made them afraid to play outside. The environ-
mental maps produced by the Youth Advocates played a key role in the
fight to close down the Chevron Chemical fertilizer incinerator, which had
been emitting methylene chloride, a suspected carcinogen.

LOP's concern with youth—a concern which resonates strongly with
the Laotian American community—extends beyond the Youth Project.
LOP organized the community around neighborhood park and playground
safety; made sure school nurses had knowledge of neighborhood toxics

52. U.S. Department of Commerce, Bureau of the Census, Census Related Behavior of Southeast
53. In an interview, Sipfou Seachao, a 16-year-old Southeast Asian girl, described problems, in-
cluding drugs, violence, and racism, that she saw in school: "It's... hard because the guys get more
opportunities, and the girls often get put down by guys that say we are not smart enough or we're not
strong enough... When I'm with APEN I feel like, 'I could do anything.'" She attributed that partly to
the program's mostly-female staff. Peggy Saika, And Do You Feel Like This Is Your Country? SOC.
JUST., Fall 1997, at 221.
54. Sandra Meucci & Jim Redmon, Safe Spaces: California Children Enter a Policy Debate,
SOC. JUST., Fall 1997, at 139, 143.
55. Id. at 144.
56. Associated Press, Chevron Plans More Bay-Area Streamlining, THE ORANGE COUNTY REG.,
August 10, 1996, at C02 (describing Chevron's plans to shut down an incinerator "that has been a
source of concern for neighbors and environmental groups"). See also Janet Dang, Festival Promotes a
(identifying the Youth Project as a successful part of APEN).
concerns; and created parental liaisons with the local school system. LOP also urges local political candidates to adopt these issues in their platforms. 57

2. Raising Awareness and Empowering a Tightly-Knit, Linguistically-Isolated Refugee Community

The Laotian Organizing Project has taken a bottom-up approach to environmental organizing, believing that inequities can be best addressed if disempowered, "silent" communities are able to voice their own concerns. Therefore, many of LOP's activities reach beyond direct health and environmental outreach. "Ultimately," says Torm Nompraseurt, Laotian Community Council Organizer, "the environmental justice movement is a movement for social change." 58 LOP sponsors citizenship drives to increase the political base of the community. 59 Because the linguistic isolation 60 of the Laotian community is a major obstacle to outreach efforts and political empowerment, LOP translates documents into Laotian and encourages government health and environmental agencies to do so as well.

Laotian Community Council meetings, open to all community members, operate in keeping with the LOP's focus on community participation; individual participants break into small groups and discuss community needs, and regroup as a whole to relay the needs voiced in the small groups. 61 The intent is to make every member comfortable with voicing his or her concerns. 62 Every meeting is documented in detail to record the effectiveness of different methods for increasing community participation. 63 In addition, council meetings provide a successful forum for communicating environmental information to the community; in the past, the Council has invited community members to discuss effective ways to educate the Laotian community about seafood health advisories, lead in Asian dishware, and nearby toxic waste sites. 64 Recently, LOP sponsored a West Contra Costa County Environmental Health Festival, and presented information about energy conservation, fish safety, and reproductive rights and breast cancer in several Laotian languages to about a hundred attendees. 65

57. Such political issues include establishing parent liaisons with the local school board, urging the water board to prioritize industrial contamination, and organizing against Proposition 227, the California proposition requiring English learners in school to be taught in English. Telephone Interview with Torm Nompraseurt, supra note 48.

58. Id.

59. Id.

60. WE THE AMERICANS, supra note 4 at 5.

61. Telephone Interview with Torm Nompraseurt, supra note 48.

62. Id.

63. Id.

64. Meadows, supra note 15.

65. Dang, supra note 56 at 19. This festival was partly organized through the efforts of the Youth Advocates in the Laotian Youth Project. Telephone Interview with Sharon Bailey, supra note 46.
LOP attributes much of its success to its emphasis on community participation and empowerment. Indeed, Peggy Saika, the executive director of APEN, stressed that the main concern in environmental justice is participation: “Who makes these decisions? The whole issue is of impacted communities being able to participate more in the decision-making process.”

III. ANALYSIS AND PRESCRIPTION: THE CONJUNCTION OF CLASS, LANGUAGE, AND CULTURE IN ORGANIZING THE LAOTIAN COMMUNITY

The Laotian community, like other urban Asian Pacific American communities, faces triple barriers to political and legal organizing: low economic strength, and linguistic and cultural isolation. Each of these factors alone can lead to the disproportionate exposure of this community to environmental risks. The negative effect of poverty on political strength has been thoroughly examined. However, the seldom discussed linguistic and cultural isolation pose unique barriers to community organizing that warrant a separate, though related, analysis.

A. How Cultural and Linguistic Isolation Compound and Disproportionately Impact the Laotian Community

As a community whose members mostly do not speak English as a primary language, and whose culture is distinct from mainstream American culture, Laotian Americans face environmental hazards unique to their community. Rather than placing such communities in situations of higher risk, the cultural and linguistic barriers faced by Laotians expose these communities to different risks. These different risks manifest into increased risks when laws and public policy neglect the needs and interests of these isolated communities.

Environmental protection, to the extent that the environment encompasses the place where communities “live, work, and play,” must also incorporate the vantage points of all members of the community. LOP and other Asian Pacific American environmental justice organizers have

66. Telephone Interview with Torm Nompraseurt, supra note 48.
67. Telephone Interview with Peggy Saika, supra note 27 (discussing how “so much of [LOP’s] struggle is around place,” rather than a single issue).
68. ROBERT DAHL, DEMOCRACY AND ITS CRITICS 333 (1989) (discussing how for most of history, “virtually all thoughtful advocates of democratic and republican government have strongly emphasized how democracy is threatened by inequalities in economic resources.”).
70. Andrew Leong, The Struggle over Parcel C: How Boston’s Chinatown Won a Victory in the Fight Against Institutional Expansion and Environmental Racism, 21 AMERASIA JOURNAL 99 at 100
found it critical to de-emphasize the traditionally-powerful role of middle-men—the organizers and the lawyers—and to focus on giving subordinated communities the voice to speak for themselves. Professor Gerald Lopez has asserted that the separation of “progressive” lawyers from their clients, as seen in much of community organizing, leads to the submersion of the clients’ needs. Angelo Ancheta applies Lopez’s analysis to the Asian Pacific American community and not only stresses empowerment of personal and community narratives, but also directs Asian Pacific American community lawyers to “remind themselves that they are part of the community for which they work.”

Critics of Lopez’s “rebellious lawyering” model often point to successful community lawyering efforts that have emphasized traditional transactional client-oriented litigation rather than community empowerment. However, even lawyers of the traditional model attend community meetings and local protests, serve on community boards, and are reminded that “they are part of their communities.” What is crucial may not be the lawyer’s method of operation, but rather, their ability to share their clients’ vantage points.

Environmental lawyers may be more at risk of distancing themselves from their clients than other “progressive” lawyers, as traditional environmentalism focused mainly on issues beyond human health and welfare. The difficulties faced by environmental lawyers in establishing standing may be symptomatic of the ongoing tension between the concerns of causes and the concerns of clients. On the one hand, many environmental organizations endorse a standard that allows standing to sue without a demonstration of individual injury, on the other hand, such a loose standard would further allow environmentalists to pursue causes in absence of direct human effects. In addition, affected communities may regard environmentalists with as much suspicion as they do regulators and industry

(Winter 1995/1996). As in Richmond, the Boston Chinatown struggle emphasized the voice of the community, not those of outside activists. Telephone Interview with Andrew Leong, supra note 51.


73. Id. at 224.

74. Janine Sisak, If the Shoe Doesn’t Fit ... Reformulating Rebellious Lawyering to Encompass Community Group Representation, 25 FORDHAM URB. L.J. 873, at 886-87 (1998) (finding that Brooklyn A, a legal clinic which serves low-income residents of Brooklyn and which is used as an example of successful rebellious lawyering, does not fit the paradigm of rebellious lawyering. The lawyers of Brooklyn A attend community meetings as members of the communities, not as lawyers for the communities.).

75. Id. at 891.


77. Lopez, supra note 45.

groups because "the environmentalists, the regulators, and the developers all seem to use the same language, wear the same clothing, and employ the same decision-making process."\(^7\)

Furthermore, traditional environmentalism may invoke community suspicion as the movement tends to espouse causes that do not seem to directly affect humans.\(^8\) Professor Christopher Stone, who has advocated that legal rights should be extended to non-humans, notes that their voices are not necessarily ambiguous: "I am sure I can judge with more certainty and meaningfulness whether and when my lawn wants (needs) water, than the Attorney General can judge whether and when the United States wants (needs) to take an appeal from an adverse judgement by a lower court."\(^8\) But the representation of oppressed and inarticulate groups has historically occurred through "deletion from representation of the very fact of representation."\(^8\) For instance, the absence of payment within the context of pro bono representation is taken to constitute a "more genuine form of representation,"\(^8\) by making less conspicuous the separate roles of lawyer and client. In contrast, environmental lawyers who represent non-human interests will always be visibly separated from their clients.

Although the environmental justice movement has not resolved the issue of how to voice non-human interests, it may as a society based movement ground the environmental movement and better connect it to underrepresented communities. The voices of the affected community may inform as well as strengthen traditional environmental litigation strategies. In the case of California Department of Transportation's (CalTrans) pollution of Santa Monica Bay, Ann Carlson has advocated a "human-centered approach" towards litigation.\(^8\) An emphasis on individual stories, especially those of a variety of ethnic and racial groups,\(^8\) may be more persuasive to "many audiences by clarifying why protection of an environmental

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\(^7\) Jordan, supra note 8, at 90 (stating that "in the policy arena, the mainstream and [environmental justice] environmentalists can seem to be working side by side on identical issues, while in reality they are at odds over the most fundamental questions in a democracy: Who shall choose, and how shall the choices be made?").


\(^8\) Id. at 471.

\(^8\) Miguel Tamen, Kinds of Persons, Kinds of Rights, Kinds of Bodies, 10 CARDOZO STUD. L. & LITERATURE 1, 12 (1998).

\(^8\) Id. at 12.

\(^8\) "Absent such a focus, judges, juries, and other audiences that environmental plaintiffs seek to influence might hear very little, if anything, about the resource at issue in the case; instead, most of the attention... would be focused on the defendant's behavior and how it violated the relevant law." Carlson, supra note 76, at 995.

\(^8\) "[B]roadening the focus of human-centered inquiry to include not just individual stories but also demographic information about the use of the resource (... something not required by standing rules) can yield some surprising, and even counterintuitive and useful, observations about environmental justice." Id. at 996.
resources has significance for a broad range of people. Even more importantly, she notes, these voices and stories can reach beyond the judge and jury and bring about substantive change through media, elected officials, and the general public.

The far-reaching effects of community education and empowerment are reflected by the observations of Asian Pacific American environmental justice lawyers and activists. Torm Nompraseurt attributed LOP’s success in closing Chevron’s fertilizer incinerator to a combination of grassroots protest by the community as a whole and empowerment of traditionally “silent” groups, such as Laotian American girls. An APEN organizer also noted that although it provided the initial push to establish the LOP, most of the LOP organizers came from within the Richmond Laotian community itself.

Asian Pacific environmental justice activists in other areas have also recognized the importance of community empowerment. In the Boston Chinatown struggle over Parcel C, the Chinatown community rallied against New England Medical Center’s plans to buy a small plot of land, Parcel C, for a parking garage, and against the City of Boston’s decision to allow zoning for this project. The community feared that the increased traffic congestion would lead to significant environmental hazards, and that the project would displace long-term residents of the community. The desire for cultural self-preservation further contributed to the fury of the community’s outcry against this project. As with Richmond, the affected community was a tightly-knit, low-income, linguistically-isolated community. Andrew Leong, the general counsel for the Coalition to Protect Parcel C for Chinatown, attributed much of the success of the Coalition Against Parcel C to its focus on the community, and to its “bottom-up” approach to community empowerment, through emphasis on the community’s voice, not the voice of outside activists. He stated, “Too many times, an ostensibly community-based struggle leaves out the participation of the people most critical to the process—the residents, the workers, the people most affected by the outcome of the struggle.” While all those in the Coalition did not live in Chinatown, many spent a great deal of time work-

86. Id. at 996-97.
87. Id. at 1002-3.
88. Telephone Interview with Torm Nompraseurt, supra note 48.
89. Telephone Interview with Sharon Bailey, supra note 46.
90. See generally Leong, supra note 70 (describing Boston Chinatown community’s struggle).
91. Leong, supra note 70 at 100.
92. Over a quarter of Chinatown residents live below the poverty line, and over two-thirds of the residents do not speak English in their households. Leong, supra note 70 at 100 (citing THE CHINATOWN COALITION, CHINATOWN COMMUNITY ASSESSMENT REPORT, 13 at 13, Appendix A, vi (1994) (citing BOSTON REDEVELOPMENT AUTHORITY’S SUMMARY OF THE 1990 UNITED STATES CENSUS)).
93. Telephone Interview with Andrew Leong, supra note 51.
94. Leong, supra note 70, at 106.
ing, attending community meetings, and visiting friends and relatives there.\textsuperscript{95}

Furthermore, because of the critical roles that language and culture play in the environments of Asian Pacific American communities, Asian Pacific American environmental justice activists provide a more nuanced understanding of what “environment” actually means. To a limited extent, this culturally-aware meaning of the term “environment” has been recognized by a few courts.\textsuperscript{96} In this respect, Asian Pacific American environmental justice activists are similar to those from Native Hawaiian communities,\textsuperscript{97} Native American communities,\textsuperscript{98} and Latino communities.\textsuperscript{99} Those activists have all observed that environmental discourse within their communities diverge from the mainstream, and expressed fears that environmentalism, if pursued in a culture-blind manner, poses a threat to their respective communities. In trying to answer why the tribal government was not asserting Apache religious claims to a mountain peak under “our environmental law” (that is, federal environmental statutes), the cultural mediator between scientists and Apaches could only reply: “our environmental law was not [the Apache’s] environmental law.”\textsuperscript{100} The Apaches were unwilling to address their environmental concerns through “cultural and political institutions determined by the dominant society.”\textsuperscript{101} The mediator noted that the Apache approach to the environment was one of respect as opposed to one of rights and resource-management.\textsuperscript{102} A community un-

\textsuperscript{95} Telephone Interview with Andrew Leong, supra note 51.
\textsuperscript{96} See Chinese Staff and Workers Association v. City of New York, 509 N.Y.S.2d 499, 503, 68 N.Y.2d 359, 366, 502 N.E.2d 176, 180 (Ct. App. 1986) (“The impact that a project may have on population patterns or existing community character, with or without a separate impact on the physical environment, is a relevant concern in an environmental analysis since the [state environmental policy statute] includes these concerns as elements of the environment.”).
\textsuperscript{97} See Williamson B.C. Chang, The “Wasteland” in the Western Exploitation of “Race” and the Environment, 63 U. COLO. L. REV. 849, 870 (1992) (“The rhetoric of race makes the indigenous of America only an equal to the immigrant from Europe. The rhetoric of environment denies the desire to avoid assimilation.”). See also Huanani-Kay Trask, Coalition-Building Between Natives and Non-Natives, 43 STAN. L. REV. 1197, 1207 (1991) (lamenting the non-Natives who, in environmental coalitions, are unaware of the historical role of non-Natives as settlers, and nevertheless attempt to seek leadership positions without asking themselves about whether they should).
\textsuperscript{98} See Robert A. Williams, Jr., Large Binocular Telescopes, Red Squirrel Pinatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World, 96 W. VA. L. REV. 1133 (1994); Suagee, supra note 43, at 484 (challenging environmental activists to incorporate into their agenda the protection of tribal religious sites).
\textsuperscript{100} Williams, Jr., supra note 98, at 1164. Robert A. Williams, Jr., as Director of the Office of Indian Programs at the University of Arizona, acted as a mediator in the dispute over building an observatory atop Mt. Graham. Id. at 1134, 1151.
\textsuperscript{101} Id. at 1162.
\textsuperscript{102} Id. at 1153-54. See also id. at 1163 (noting that one “should never ask the Creator for anything,” but, rather, give thanks and fulfill one’s responsibility to “protect the source from which these gifts flow”).
understanding of the environment would incorporate this respect, rather than submerge it into the dominant paradigm of property rights.

The alternative to the proposed contextualized model is the existing model in which health, safety, and environmental standards are established in reference to an "absolute" (and, by default, majority) standard. The only way for individuals to protect their well-being is to submerge their own cultural and linguistic practices to the regulatory umbrella of protection, for example, by changing their diets to fit that of the "average" American. Although this might be acceptable, or even desirable, to the general populace, assimilation should not be coerced through health and safety threats, but rather, all individuals should be ensured a basic level of protection, despite barriers of culture and language. Several courts have recognized this basic level of protection and held that defendants were negligent despite plaintiffs' lack of English comprehension. In all of these cases, health and safety protections were upheld for linguistically-isolated communities; producers of dangerous products were found negligent when they failed to warn consumers of the hazards through universally-recognized symbols. This legal recognition that linguistic differences do not preclude health and safety protection should be expanded to protect health and safety despite cultural differences.

103. Williams addresses this in the case of the Mt. Graham controversy, which he found "demonstrate[d] how our environmental law perpetuates the legacy of European colonialism and racism against American Indian peoples" by forcing diverse American Indian peoples to conform to a Western structure of government in order to assert any environmental claims. Id. at 1162.

104. The debate between assimilation and multiculturalism is pervasive in American discourse. While I do not attempt to address this greater policy debate in any detail, I will make note of some battles between those valuing assimilation and those valuing multiculturalism. "Assimilation to fundamental American public values and institutions may be of far more importance to the future of the United States...A community with a large number of immigrants who do not assimilate will to some degree seem unfamiliar to longtime residents." SELECT COMM'N ON IMMIGRATION AND REFUGEE POLICY, U.S. IMMIGRATION POLICY AND THE NATIONAL INTEREST 412-413 (1981) (statement of Commissioner Alan K. Simpson, U.S. Senator). See also Gi Hyun An, The Right to Bilingual Education: Providing Equal Educational Opportunity for Limited English Proficient Children in a Pluralist, Multicultural Society, 11 GEO. IMMIGR. L.J. 133 (1996).

105. See Hubbard-Hall Chemical Co. v. Silverman, 340 F.2d 402 (1st Cir. 1965) (finding a chemical company negligent for failure to warn when its insecticide containers were not labeled with any universally-recognized danger symbol); Campos v. Firestone Tire & Rubber Co., 98 N.J. 198, 485 A.2d 305 (finding duty to warn when English-illiterate tire worker was injured by tire explosion and suggesting use of universal warning symbols appropriate); El Pueblo Para el Aire y Agua Limpio v. County of Kings, No. 366045, slip. op. at 10 (Cal. Super. Ct. Dec. 30, 1991) (ruling on submitted matter) (reversing siting of a toxic waste incinerator on grounds that the public zoning process was publicized only in English to a primarily Spanish-speaking community). See generally Marjorie A. Caner, Products Liability: Failure to Provide Product Warning or Instruction in Foreign Language or to Use Universally Accepted Pictographs or Symbols, 27 A.L.R. 5th 697 (1995) (discussing question of when product manufacturers have a duty to provide consumers with warnings or instructions in languages other than English, or using international symbols).
B. Addressing The Hazards in Prioritizing Cultural and Linguistic Perspectives

While I argue that environmental protection of Asian Pacific American communities should incorporate cultural and linguistic perspectives, I am also aware of the potential dangers of this approach. One critique is that explicit consideration of such perspectives may establish culture as a "weakness"\(^\text{106}\) and thereby, create majority resentment towards such "special" needs.\(^\text{107}\) For example, there are economic costs to translating lengthy government documents into different languages,\(^\text{108}\) and to studying consumption habits in individual populations. Another critique is that explicit consideration of culture will fix cultural differences for legal purposes,\(^\text{109}\) and that regulatory guidelines may not be able to adapt to changing community cultures. One critic of the use of culture as a criminal defense in cases involving family violence notes that: "Historical images of Asian immigrants as different and mysterious outsiders will resonate in any discussion that advocates the creation of a special set of rules applicable only to Asian immigrants. While the ostensible purpose... is to benefit Asian Americans, application of special rules only perpetuates the historical management of Asian American difference."\(^\text{110}\)

The public participation discourse of the environmental movement and the community empowerment discourse of the environmental justice movement may address these concerns of Asian American difference and the creation of "separate rules". Rather than accept one cultural or linguistic norm as a protected environmental standard, a "locality standard" should be obtained through public participation coupled with regional community empowerment. Only by doing so can we truly protect all current members of a community while at the same time adapting to changing community needs.

While this suggestion carries its own problems in determining the scope of "locality" and empowerment, it provides a starting point for addressing environmental questions that affect cultural minority communities. The LOP has worked for years on issues traditionally not associated with

106. Robert R.M. Verchick, *In a Greener Voice: Feminist Theory and Environmental Justice*, 19 HARV. WOMEN'S L.J. 23, 68 (1996) ("While women and racial minorities must advocate for health and environmental standards that protect them from harm, they must be wary of majority attempts to convert group vulnerabilities into apologies for exclusion.")

107. *Id.* at 69.

108. Indeed, proponents of official English legislation such as Jim Boulet, Executive Director of English First, assert that government will save millions in printing and translation costs if English were the official language for U.S. legislation, despite the low percentage (0.065%) of actual government publications that are translated into languages other than English. Michael DiChiara, *A Modern Day Myth: The Necessity of English as the Official Language*, 17 B.C. THIRD WORLD L.J. 101 at 110, footnote 79 (1997).


the environment—running citizenship drives, strengthening youth leadership, addressing education issues, and building political clout to fight incineration facilities. These steps are part of the difficult and resource-intensive process of creating a social and political infrastructure, and extend beyond the scope of addressing the environmental problems themselves. But these steps must be taken to sustainably address environmental justice problems. By working towards community empowerment, the LOP has taken the first steps towards addressing environmental problems in a sustainable manner.

IV. RELATED IDEAS:

LOCAL ACTIVISM WITHIN AN ENVIRONMENTAL CONTEXT

From the Richmond struggle, as well as other Asian Pacific American struggles for environmental justice, it seems clear that environmental injustice is better addressed through local activism within an environmental context, rather than the reverse. This is not to say that the environmental paradigm of "Think Globally, Act Locally" is inherently flawed. Rather, I assert that it is one-sided; by thinking "globally," environmental activists and experts may ignore particularized problems that affect local communities. Community members may spot flaws in siting plans that outside experts may overlook; residents' experiential information may not be easily conveyed to outside activists.

Environmental activism, among people of color, tends to be most effectively organized through local venues and social organizations, rather than traditional environmental groups. For example, a 1994 study found that people of color tended to organize through local venues such as churches, neighborhood clubs, civil rights groups, and labor groups, rather than traditional environmental groups. This is not coincidental. The environmental problems that disproportionately affect people of color are local: land use problems, food and water safety problems, and occupational health and safety problems. It should be of no surprise that they have been principally addressed in local and social contexts, in labor and health movements. The challenge to mainstream environmentalists is to incorporate the new understandings that environmental justice communities bring into the environmental discourse. The challenge to Asian Pacific American environmental justice activists is to make sure these voices are heard.

111. Telephone Interview with Torm Nompraseurt, supra note 48.
112. Id.
113. For instance, Professor Leong described a situation in the struggle against Parcel C where experts' forecasted traffic patterns did not match residents' predictions. He emphasized that the Coalition was able to use the residents' experiential knowledge to aid experts in producing sounder environmental project evaluations. Telephone Interview with Andrew Leong, supra note 51.
114. ROBERT D. BULLARD, DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY (2d ed. 1994).
V. CONCLUSION

I conclude this paper by noting that, these recommendations to various "activists" and "communities" are addressed partially to myself as well. As an Asian American who occasionally translated spoken English to her parents, I am, to a limited experiential extent, aware of the difficulties faced by linguistically-isolated communities. As an Asian American environmentalist, I am also aware of the opportunities to distance myself and to think of community health problems in an abstracted, academic manner.

This is a reminder not to do so.