Asian American Immigrant and Refugee Environmental Justice Activism Under Neoliberal Urbanism

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INTRODUCTION

Environmental justice,¹ as an academic field, has ignored the conceptual contributions of Asian immigrant and Asian American activists of color, partly because of a focus on distributive justice instead of procedural justice.² The goal of procedural justice is to secure self-representation for disenfranchised community members in crucial environmental decision-making processes that impact the communities where they live, work, play, and learn.³ In contrast, distributive justice focuses on securing policy and legal remedies for distributive inequities such as the unequal effects of toxic pollution from oil refineries and lead poisoning in sub-standard housing on low-income communities of color.⁴ A focus on distributive justice tends to concentrate on the outcomes of

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¹ Environmental justice activists believe that “environmental protection should be fair,” and that environmental regulation should not sacrifice the “interests of people of color and low-income communities in the quest for maximizing net environmental benefits.” Eileen Guana, The Environmental Justice Misfit: Public Participation and the Paradigm Paradox, 17 STAN. ENVTL. L.J. 3, 9, 15 (1998).


³ See LUKE W. COLE & SHEILA W. FOSTER, FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT 33 (2001). For an example of procedural justice, consider how activists Young Shin of Asian Immigrant Workers Advocates and UC Berkeley’s Pam Tau Lee presented seminal papers at the 1991 First People of Color Leadership Summit. Together they ensured that occupational issues were a key part of the “Principles of Environmental Justice” drafted at the summit.

processes, rather than on the complex stories of activist movements. This Article argues that Asian immigrant, Asian American, and refugee communities have both been shaped by their environment, and in turn, been organizing to shape their neighborhoods under the rubric of environmental justice activism over the last twenty-five years. Asian American Immigrant and Refugee Environmental Justice (AAIREJ) activism highlights the procedural injustices perpetrated by the government through different means, such as the refusal to provide translation services. Furthermore, AAIREJ activism challenges narrow conceptions of what constitutes the “environment”; expands what needs consideration under environmental law; and improves urban development plans by contesting dominant institutions and the state.

AAIREJ activism against specific urban development projects and policies use strategies of race and place-based activism to resist a top-down “developmental” narrative of how their communities should be shaped. Influenced by ideologies of privatization and neoliberalism, public officials often hand off crucial decision-making power to remap particular communities to private institutions and corporate interests. AAIREJ activism prioritizes procedural justice, works to increase self-determination, and demands public participation in governmental processes like urban planning. Compared to mainstream environmental activists, Asian immigrant and Asian American activists face different barriers to full participation, such as a more vulnerable citizenship status or the need for language translation. Furthermore, AAIREJ activists fight the subliminal rhetoric of mainstream environmentalism that is sometimes used to justify unfairly displacing working-class residents and businesses.

Neoliberal urbanism is a major cause of the gentrification that is actively reshaping and displacing Asian American, Asian immigrant, and refugee urban communities in the United States. As a general philosophy of capitalism, neoliberalism emphasizes “development policies that favor state deregulation . . . and free market approaches.” Neoliberalism of the twenty-first century actually marks a return to the liberalism of the

7. See Sze, supra note 5, at 149.
8. For example, according to activist Hyun Lee at Committee Against Anti-Asian Violence (CAAAV), wealthier residents and business groups used the pretext of improving the environment to displace Chinese merchants in Manhattan’s Chinatown by “saying the merchants were creating garbage and congestion and destroying ‘quality of life.’” Tomio Geron, The Greening of Asian Pacific America: APAs and the Environmental Justice Movement, ASIANWEEK, Oct. 4, 2002, available at http://asianweek.com/2002_10/04/feature.html.
eighteenth century that believed private property and free markets were crucial to the "free and democratic exercise of individual self-interest [which naturally would lead] to the optimal collective social good."  

Neoliberal urbanism, in particular, refers to one scale of neoliberalism that focuses on the urban landscape as opposed to a national or global stage. In urban development, neoliberalism is embodied by the shift from publicly-financed community development strategies to tax incentives for private corporations. Since the 1990s, environmental justice activism has been fueled by the intensifying conditions of neoliberalism.

This Article builds upon my earlier research on the social movement rubric of Asian American environmental justice activism, and on environmental justice activism in New York City. The case studies here raise new and provocative questions. Primarily, how does gentrification and displacement relate to environmental justice activism? How is the complex relationship between race and place in historically stigmatized places, especially racially segregated communities like Chinatowns, being renegotiated in the contemporary neoliberal U.S. city?

This Article also pushes the fields of environmental justice, geography, urban planning, critical legal studies, and Asian American studies in productive directions, suggesting that by conversing with one another, these fields can better understand the complex and vexed role of race, space, culture, and the environment in the contemporary neoliberal political moment. These fields generally assume that the environment has little to do with Asian American immigrant and refugee communities. By doing so, these fields ignore a broader and more complex story where Asian American immigrants and their urban environment have shaped each other.

In Part I, the Article explores the possible reasons why AAIREJ activism has been ignored in the relevant academic literatures. In Part II, it

11. Id. at 430.
12. DÁVILA, supra note 9, at 9.
14. See Sze, supra note 5, at 149-56.
15. See generally SZE, supra note 13.
16. Both a cursory overview of major texts in these fields and a review of the leading journals show the lack of research on Asian, Asian American, or immigrant environmentalism. See generally MAKING THE INVISIBLE VISIBLE: A MULTICULTURAL PLANNING HISTORY (Leonie Sandercock ed., 1998) (discussing traditional planning histories, and feminist, postcolonial and postmodern approaches to urban planning and space); COLE & FOSTER, supra note 3 (including an overview of environmental justice movement); RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION (2001) (discussing overview of critical race theory); Robert S. Chang, Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space, 81 CALIF. L. REV. 1241 (1993) (detailing Asian American critical race theory paradigms).
b brief describes a particular strand of AAIREJ activism around the issue of urban redevelopment. And finally in Part III, it examines two significant case studies arising out of luxury real estate development, one in Manhattan's Chinatown and another in the Bay Area of California. Voices of activists from social justice organizations are prioritized, but larger structural factors are also discussed.

I. NAMING AND FRAMING ASIAN AMERICAN ENVIRONMENTAL JUSTICE

Although what this Article calls "Asian American immigrant and refugee environmental justice activism" lies at the intersections of geography, urban planning, critical legal studies, Asian American Studies, and environmental justice, the phenomenon has been ignored by each discipline. First, urban planning, geography, and neoliberalism studies have generally ignored immigrant studies and critical race studies.17 Meanwhile, Asian American studies have been centrally concerned with issues of cultural representation18 and globalization,19 but without encompassing environmental justice issues. Influential theorists within Asian American studies have used interdisciplinary approaches primarily from the field of literary studies to launch sophisticated interrogations of categories of race, gender, and nation. However, despite the trenchant focus on the impact of capital on immigrant labor, race, and gender in Asian American cultural representations and communities, the field has generally ignored environmental justice both as an intellectual field and as an activist practice. Although many Asian American scholars have focused on immigration, migration, diaspora, and transnationalism,20 far fewer scholars either base their analysis on the field of radical or social geography, or examine the environment or nature as a conceptual category for Asian Americans.21


21. One notable exception is literary scholar and environmental historian Robert Hayashi who argues that Asian immigrant experiences as miners, railroad builders, and farmers connected them to
Finally, environmental justice, as a research field, prefers the public health and sociological approach, and has generally ignored the fields of ethnic studies and Asian American studies. However, a few important studies have examined Asian immigrant and Asian American communities in the environmental justice context. David Naguib Pellow documented how race, gender, and labor shape the environmental and occupational health exposures for Asian and Latin American immigrant workers in the Silicon Valley. Another scholar, Stephanie Tai, wrote about Asian American communities that were exposed to elevated levels of pollution from oil refinery facilities in Richmond, California. At the University of California, Davis, researchers studied the health effects on Southeast Asian communities of consuming fish contaminated by mercury and other chemicals.

Although it is beyond the scope here to delve deeply into why Asian American Studies, legal studies, environmental justice, and geography ignore one another, one possible explanation emerges from the field of environmental studies. In part, insights from environmental historians and scholars who focus on the social construction of nature or the environment can explain these epistemological blind spots. Environmental historians investigate the construction of “nature” as a pristine green-space, absent of people, and situate this construction in the context of the “frontier” and “manifest destiny.” Nature in the United States is equated with spectacular wilderness, constructed as an explicitly anti-urban escape in the context of intense urbanization and immigration in the late-nineteenth and early-twentieth centuries. In essence, nature is constructed as a place where people are not present, or as “nature out there.” Consequently, little

the land as workers in ways that are historically and racially distinct. He also examined Japanese American internment through spatial and environmental lenses. His timely corrective places the experiences of Asian communities back into the landscape, and in doing so, foregrounds their culturally and historically specific conceptions of place. However, Hayashi’s focus on Asian rural communities potentially reinforces the view of the environment as anti-urban. ROBERT T. HAYASHI, HAUNTED BY WATERS: A JOURNEY THROUGH RACE AND PLACE IN THE AMERICAN WEST 2, 113 (2007).


23. Pellow & Park, supra note 22, at 8-10.


25. See generally Fraser Shilling et al., Contaminated Fish Consumption in California’s Central Valley Delta, 110 Envtl. Res. 334 (2010).


27. Id. at 69.

attention is given to the human injustices caused by various environmental policies and laws.

This short review reveals how blind spots in these varied fields make it nearly impossible for any of these fields to recognize or interpret AAIREJ, particularly as an urban phenomenon. Yet, AAIREJ exists and is significant. At the crossroads of urban planning, geography, race, and the law, AAIREJ activism provides a way for seemingly disparate fields to connect their concerns around the possibilities for social justice in the contemporary neoliberal city.

II. IMAGINING ASIAN AMERICAN IMMIGRANT AND REFUGEE ENVIRONMENTAL JUSTICE (AAIREJ) ACTIVISM

In Imagine Otherwise, literary scholar Kandice Chuh suggested that the field of Asian American studies needed to imagine a basis for constituting Asian American studies outside essentialist definitions of identity and community, or the common-sense notion that “Asian American” is defined through biological notions of race (“Asian-raced peoples in the United States). 29 She argued instead for what she called a “subjectless” approach, or reframing Asian American studies through a situational approach—what she called “strategic anti-essentialism.” 30 Although Chuh attempted to reframe the field away from its genealogy based on “activism” and “communities,” 31 her argument is useful in explaining activism in Asian American, Asian immigrant, and refugee communities. AAIREJ activists and movements are structurally linked through their political critique rather than their racial identity.

The following two Chinatown examples explore urban redevelopment under conditions of intensifying neoliberalism using the framework of the environmental justice movement. Often at the heart of an American city, Chinatowns’ fortunes have waxed and waned from the rise of American suburbanization and urban renewal policy in the mid-Twentieth Century, to the so-called “renaissance” of the last twenty years vis-à-vis gentrification. 32 Chinatowns are racialized spaces, whether defined as an “ethnic enclave” or analyzed through the political economy of place. Racialization, to use sociologists Michael Omi and Howard Winant’s term, is the process by which race is given a social, rather than

30. Id. at 9.
31. Id. at 5.
32. JAN LIN, RECONSTRUCTING CHINATOWN: ETHNIC ENCLAVE, GLOBAL CHANGE xi (Denis R. Judd ed., 1998) (examining New York City’s Chinatown during the last decades of the twentieth century, specifically, “community change in Chinatown in global context through the conflicts and interactions of labor and capital, the community and the state”).
biological, meaning. Chinatown populations experience a wide range of internal differentiation based on regional and linguistic identity, immigration status, and length of tenure in the United States. In analyzing Chinatowns, it is important not to elide the serious class distinctions between elites and workers.

A. Boston’s Chinatown

In the 1990s, Boston’s Chinatown was surrounded by two medical institutions, Tufts and New England Medical Center (NEMC), which had swallowed up one-third of the land in Chinatown. The NEMC made an offer to the City of Boston in early 1993 to acquire a small plot of land in Chinatown called Parcel C in order to build an eight-story, 455-car garage. At that time, the Chinatown Neighborhood Council, an old-guard alliance of Chinatown-business interests, approved a deal to sell the land to the NEMC for $1.8 million. This angered other community residents, who responded by organizing rallies, petitions, and community meetings. Those who opposed the sale of Parcel C soon formed the Coalition to Protect Parcel C (Coalition). As Andrew Leong, the General Counsel for the Coalition, wrote, the campaign “was a reaction to history—a history in which powerful institutions and callous government agencies have continually mistreated a small and vulnerable community.” The Coalition’s opposition was motivated by the racialized nature of urban renewal in Boston, and by the severe lack of housing that made the parking garage proposal seem particularly outrageous. The Coalition made alliances with mainstream non-profit and environmental organizations (like the American Lung Association and the Sierra Club), health care organizations, social service organizations, activists, college students, and progressive scientists. The Coalition also established relationships with other local communities of color working on environmental racism and environmental justice issues.

The Coalition sponsored a referendum on the garage, in which the

35. See id. Kwong is a longtime researcher and community activist in New York City’s Chinatown, particularly cognizant of conflicting power relations between different populations.
37. Id.
38. Id.
39. Id. at 100.
40. Id. at 101.
41. Leong, supra note 36, at 107.
42. Id. at 108.
community voted overwhelmingly against building the garage.\footnote{Id. at 108-09.} It persuaded the state environmental agency to require that the NEMC conduct a full environmental review, which gave the coalition more time to succeed through political means, such as lobbying elected officials and raising public awareness. Projects under the auspices of neoliberal economic development often attempt to skirt full regulatory review. Thus, it was significant that the Coalition succeeded in getting the state to order the hospital to specifically evaluate air pollution, traffic, open space, and recreation issues.

After an intense year-and-a-half of community mobilization and protest, the NEMC withdrew its proposal.\footnote{Id. at 114.} The mayor signed an agreement with the Chinatown development interests to preserve the parcel for housing and to forbid commercial use.\footnote{Id.} Even though the Coalition was shut out of this process, they were nevertheless jubilant about the victory. Another important outcome of the Coalition’s efforts was newly-focused attention on the unique health and cultural needs of the local population.\footnote{Id.} The Coalition has since transformed into the Campaign to Protect Chinatown, which remains a center for environmental projects in the community, conducting traffic injury studies and studies of community environmental health.\footnote{See generally Doug Brugge, Andrew Leong & Amy Law, Environmental Health in Boston’s Chinatown, in ASIAN AMERICANS: VULNERABLE POPULATIONS, MODEL INTERVENTIONS, AND CLARIFYING AGENDAS 48 (Lin Zhan ed., 2003).}

\textbf{B. Philadelphia’s Chinatown}

Community activists increasingly face the problem of so-called “good” development, such as big stadiums and large-scale urban development.\footnote{Campaign to Protect Chinatown, CHINESE PROGRESSIVE ASS’N, http://www.cpaboston.org/cpc.html (last visited March 16, 2011).} Philadelphia’s Chinatown had already been ravaged by urban renewal and highway projects when a new stadium was proposed. In the 1960’s, the City bulldozed a Chinatown community center to build an eight-lane highway called the Vine Street Expressway.\footnote{Although a number of studies show that stadiums do not bring their promised economic benefits, cities are increasingly turning to stadiums to boost their image and as a major strategy for privatized urban redevelopment. Julie Sze, Sports and Environmental Justice: “Games” of Race, Place, Nostalgia and Power in Neoliberal New York City, 33 J. SPORTS & SOC. ISSUES 111, 113 (2009).} Chinatown’s core area continued to be cut and diminished by a federal prison, a commuter
rail tunnel, a downtown mall, and a convention center.\textsuperscript{50}

In 2000, Philadelphia’s mayor John Street announced a plan to build a new Major League Baseball stadium at the intersection of 12th Street and Vine Street. Outraged community members formed the Stadium Out of Chinatown Coalition (SOCC).\textsuperscript{51} The SOCC argued that their neighborhood would be destroyed by the traffic congestion, air pollution, noise, and disruption from construction. The SOCC wanted the City to study and release findings on stadium financing, economic impact, and environmental impact. The SOCC planned to do its own feasibility studies, and to pursue other legal means to block the stadium, like environmental or civil rights lawsuits. As a result of the community pressure, the Philadelphia City Council rejected the proposal. Facing other financial concerns, Mayor Street abandoned plans for the Stadium by November 13, 2000.\textsuperscript{52}

In both Boston and Philadelphia, Chinatown activists strategically used existing environmental law to exert pressure on developers and government officials. By forcing the state regulatory agencies to review proposed projects closely, these activists demanded and received procedural justice. Through time and space, these Asian immigrant and refugee activists shared a justice-oriented definition of what constituted their urban environment that transcended any essentialist racial categories.

III. URBAN REDEVELOPMENT AND GENTRIFICATION UNDER NEOLIBERAL URBANISM

As geographer Neil Smith argued, neoliberal urbanism depends on the discourses and practices of “urban regeneration” and gentrification as a global urban strategy.\textsuperscript{53} Gentrification under neoliberal urbanism is not limited to a particular city or a local phenomenon. Rather, neoliberal urbanism “encompasses a wide range of social, economic[,] and geographical shifts.”\textsuperscript{54} Smith identified three waves of gentrification: sporadic in the 1950s, expanding with economic and urban restructuring in the 1970s and 1980s, and finally as a broad phenomenon in the 1990s. Although Smith described the uneven inclusion of Asian and Latin American urban experiences in studies of gentrification and neoliberal urbanism, he failed to mention another related exclusion: how gentrification affects Asian immigration to U.S. and Western European


\textsuperscript{51} *Id.* at 135.

\textsuperscript{52} *Id.* at 139.


\textsuperscript{54} *Id.* at 437-38.
A. Manhattan's Chinatown

Manhattan's Chinatown is one of the oldest iconic Chinese communities in the United States. Especially in the wake of 9/11, it is the site of intense contemporary conflict over issues of displacement. However, the history of anti-displacement organizing in Manhattan extends further, back three decades.

In the 1980s, global financiers from Asia sought to restructure space in Chinatown. Intensified land-use conflicts led to the spacialization of the existing class conflicts when a proposal was made to rezone the Special Manhattan Bridge District for high-rise development. The use of special zoning districts and development corporations is just one tool in the larger machine of neoliberal urban redevelopment's "creative destruction" processes for extracting value from the land. Some factors shaping this rezoning include the rising land values and the need for increased tax revenues after New York's fiscal crisis of the 1970s.

Sociologist Jan Lin argued that there are two circuits of development: the affluent upper circuit and the deprived lower circuit. New York City officials generally "encouraged the upper circuit of finance and redevelopment in the interests of revenue generation and increasing property values," which were represented by transnational banks and developers. The "lower circuit ethnic enclave," in contrast, included small-business owners and sweatshop workers.

In response to the creation of these zoning districts, the Chinese Staff and Workers Association (CSWA)—a workers’ rights group—brought a lawsuit using environmental regulation as a major tool to contest displacement and gentrification. In 1983, the CSWA, with the legal assistance of the Asian American Legal Defense and Education Fund, sued

55. See generally Smith, supra note 53.
57. LIN, supra note 32, at 13.
58. Id.
62. Id. at 333.
63. Id. at 334; LIN, supra note 32, at xiii.
the City of New York to stop the building of a luxury high-rise condominium in the "Special Manhattan Bridge District" (SMBD). The proposed development, a poster child for the high circuit of capital, was an ideal type of economic development under neoliberalism. The CSWA argued that the City had violated state environmental laws by failing to consider whether luxury developments in the SMBD would cause gentrification in the neighborhood. Specifically, activists argued that the housing proposal required an Environmental Impact Statement, which had to consider the displacement of local populations as a physical change to the environment. The State Supreme Court disagreed with the CSWA and decided the lawsuit in favor of the City.

However, New York State’s highest court, the Court of Appeals, reversed the finding of the State Supreme Court, and granted the CSWA summary judgment. The Court of Appeals refocused on the provisions of New York City’s regulations titled City Environmental Quality Review (CEQR), and on the State Environmental Quality Review Act (SEQRA), which was even more protective than its model, the National Environmental Protection Act (NEPA). The court recognized that the plain language of both SEQRA and CEQR required the lead agency to consider the impact of the proposed development on the "community and neighborhood character" and not just on the physical, "natural" environment. As the court explained, the dispute over the luxury developments in New York’s Chinatown “concern[ed] the reach of the term ‘environment’, which is defined as ‘the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character.’” In other words, environmental review could include displacement of communities in addition to physical environmental conditions. In particular, the Court of Appeals found that “population patterns and neighborhood characteristics are physical conditions of the environment [under state laws] regardless of whether there is any impact on the physical environment”; and therefore, displacement of local populations must be considered by the lead agency in environmental analysis.

Despite this analysis, Chinese Staff & Workers Assn. v. City of New York ultimately had limited legal impact on subsequent environmental justice suits because the court narrowly focused its inquiry on whether the state agencies had identified the relevant areas of environmental concern.

65. LIN, supra note 32, at 154.
66. Chinese Staff & Workers Ass’n, 502 N.E.2d at 179-81.
67. Id. at 179 (quoting ECL 8-0105[6]; CEQR 1[f]) (emphasis omitted).
68. Id. at 180-81.
had taken a “hard look” at them, and had stated a “reasoned elaboration” of the basis for their determination. 69 In 1992, the New York State Court of Appeals rejected the notion that the Chinese Staff & Workers Assn. case stood for the proposition that wherever there are large-scale developments in an area, the lead state agency is required to consider the cumulative impact of those developments on the character of the communities impacted. 70 The court found that the facts of Chinese Staff & Workers Assn. were more or less unique, involving a specially-created zoning district in an old, especially high-density ethnic neighborhood in lower Manhattan. The failure of Chinese Staff & Workers Assn. to have a controlling influence on the law is not unique to environmental justice movements, but rather highlights the legal system’s disappointingly narrow construction of its role in remediating environmental justice problems. 71

The CSWA lawsuit was part of an effort to define community and environment within broader social and financial contexts, and to show how Chinatown elites were pushing out low-income Chinese and Latinos. In an interview, CSWA Director Wing Lam explained that the CSWA attempted to redefine the traditional notions of the “environment” to include anything around the person. Lam said, “because [p]eople weren’t [traditionally] considered part of the environment and . . . [w]e wanted developers to consider the economic impact [on communities] as part of the environment and [we] argued that displacement is part of the environmental impact of the project.” 72 Lam argued that “the development would increase the hardship of those working people already living there.” 73 Indeed, the gentrification of Chinatown accelerated in the 1980s as more changes in zoning transformed garment factories into commercial office spaces, like the development of “Silicon Alley.” 74

Connecting the environment to the economy by showing how certain land uses lead to displacement is also key to the CSWA’s organizing campaign for workers rights, as well as to campaigns of other organizations like the Committee Against Anti-Asian Violence (CAAAV) Chinatown

69. Id. at 179.
72. Interview with Wing Lam, Director, Chinese Staff & Workers Ass’n, in N.Y., N.Y. (July 18, 2000).
73. Id.
Justice Project, which explicitly organized against displacement of low-income communities in Chinatown.\textsuperscript{75} Hyun Lee, director of the Chinatown Justice Project, believes that housing is a basic environmental issue, as “[h]ousing is part of the environment where we live.” Lee described environmental conditions of tenement buildings in Chinatown as “atrocious,” and explained how “[l]andlords never spend money to maintain these buildings [so anyone] can walk in and see them rotting out, chipped paint, roaches.”\textsuperscript{76} Similarly, Lam maintained that “you can’t just fight eviction but need to look at all land use, not just residential,” because “[i]f everything around you is expensive, it affects you and is part of your environment . . . [and the] community in which you live.”\textsuperscript{77}

Even though the CSWA was able to secure mandated environmental review, they were unable to stop the luxury developments from ultimately being built.\textsuperscript{78} Nevertheless, the CSWA’s activism contributed to the environmental justice movement by broadening the scope of what constitutes the environment. New York’s highest state court accepted and used the CSWA’s broadened social justice articulation of the environment, making their efforts a shining example of how “ordinary men and women [can be] thrust into extraordinary roles as community leaders, grassroots experts, and national policymakers.”\textsuperscript{79} Wing Lam’s advice for how to frame the environment in order to organize against displacement and gentrification is being incorporated by contemporary environmental justice groups.\textsuperscript{80} Lam cautioned against a narrow rendering of issues, and suggested that “[w]hen we look at housing, need to organize people so they see their environment is connected to where they live, [instead of focusing just on] rent prices.”\textsuperscript{81} That analysis certainly holds true in the next case study.

\textit{B. Asian American Communities in the Bay Area}

Asian Pacific Environmental Network (APEN), an innovative community-based organization in the Bay Area of California, promotes environmental justice, community development, and participatory democracy in low-income Asian immigrant and refugee communities.\textsuperscript{82} APEN was an important leader in the founding of the national

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\item \textsuperscript{75} See COMMITTEE AGAINST ANTI-ASIAN VIOLENCE (CAAAV), http://caaav.org (last visited Mar. 16, 2011).
\item \textsuperscript{76} Geron, supra note 8.
\item \textsuperscript{77} Interview with Wing Lam, supra note 72.
\item \textsuperscript{78} See LIN, supra note 32, at 155.
\item \textsuperscript{79} COLE ET AL., supra note 3, at 1.
\item \textsuperscript{80} See Interview with Wing Lam, supra note 72.
\item \textsuperscript{81} Id.
\item \textsuperscript{82} See TOM ANGOTTI & JULIE SZE, ENVIRONMENTAL JUSTICE PRAXIS: IMPLICATIONS FOR INTERDISCIPLINARY URBAN PUBLIC HEALTH 34 (Nicholas Freudenberg et al. eds., 2009).
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environmental justice movement, and their innovative programs and campaigns have been recognized nationally. APEN takes a fundamentally holistic approach to urban public health and community development, emphasizing the need to develop and support participatory democracy and procedural justice; and to develop local leadership through the language and framework of environmental justice, specifically around issues of housing, displacement, gentrification, and tenant rights.

Two ongoing campaigns, Power in Asians Organizing (PAO) and Laotian Organizing Project (LOP), demonstrate APEN's commitment to improving environmental justice in disenfranchised urban Asian immigrant and refugee communities. PAO, an organizing arm of APEN, is focused on Asian ethnic communities in Oakland, including Vietnamese, Chinese, Laotian, Cambodian, and Filipino communities. PAO's core group of community resident-activists focused on safe and affordable housing through their Housing Justice Campaign. PAO and other organizations worked for three years to secure affordable housing in the "Oak to 9th" project, a large 3100-unit housing development located at the edge of Oakland's Chinatown. One Maria Ma, an APEN leader, had "seen many people having bad experiences for lack of affordable housing in Oakland." The original proposal for the 64-acre parcel of contaminated land on the waterfront was for luxury condominiums, which would sharply contrast with the rest of the neighborhood where the average family income is $35,000 a year. Activists have actively sought to change the development proposal to make it as public and affordable as possible. Whether or not the Oak to 9th project will be built, and what shape it will take, have yet to be determined.

Although the ultimate outcome of the Oak to 9th development project is still uncertain, PAO's community organizing produced concrete results. PAO "helped to negotiate 300 entry-level construction career-path placements for Oakland residents," with penalties for non-compliance by developers. PAO also helped to ensure that "$1.65 million will be dedicated to training programs that help inmigrants and those formerly incarcerated to get a start in the building trades." Before the campaign,
there was no guarantee for affordable housing units in the Oak to 9th project, with prices in the development for studios and one-bedrooms expected to start at $300,000.93 In addition to fighting for explicit local hiring commitments backed by heavy monetary penalties and innovative incentives, PAO also fought for a clearly defined and binding affordable housing component to meet “the real needs of local residents.”94 Advocates succeeded in setting the low-income threshold at $35,000 per year, compared to a low-income threshold that was going to be as high as $100,000 per household.95 These gains were a direct result of community pressure.

APEN’s Laotian Organizing Project (LOP) focuses on public health and community-focused urban policy in Richmond, an extremely poor, primarily industrial city populated by African-Americans and Laotians.96 “Between 1975 and 1995 more than one million Southeast Asian refugees from Cambodia, Laos, and Vietnam settled in the United States.”97 The unique problems that Southeast Asian refugee populations faced after resettlement to the United States included: adapting their rural backgrounds to urban landscapes, possessing few transferable occupational skills, low literacy rates, and high rates of poverty.98 In “Strong Threads: Stories of Justice from the Laotian Organizing Project,” a video produced by APEN, LOP leader Muey Saeteurn described how as a child in the camps she had a “beautiful image of America,” but when she was plunked down in South Richmond, she was shocked and disappointed to face both racial violence and environmental assaults.99 The environmental hazards she faced included frequent large explosions from several of the over-100 toxic facilities in Richmond, with Chevron being the most prominent facility.100 The Laotian community in Contra Costa County is surrounded by more than 350 industrial sites and toxic hazards.101 The residents’ homes, schools, and work environments are exposed to dangerous levels of pesticides and other chemicals on a daily basis.102 One of the LOP’s early

95. ANGOTTI & SZE, supra note 82, at 35.
96. Geron, supra note 8, at 1-3.
100. See Stephanie Tai, Recent Development, Environmental Hazards and the Richmond Laotian American Community: A Case Study in Environmental Justice, 6 ASIAN AM. L.J. 189, 190, 193 (1999).
101. See id. at 189.
102. See Geron, supra note 8.
organizing successes was the implementation of a multilingual warning system when accidental toxic releases occurred. Before the LOP’s 300-plus members began organizing on this issue, the warning system was only in English, which many in the Laotian community (particularly the elderly) do not speak.

Under the auspices of the LOP, Laotian community activists frame their struggles as connected to the broader environmental justice movement. As Torm Normpraseurt, an LOP leader explained, “all people have a right to a clean healthy environment in which their community can live, work, play and thrive.” He defined the environment “as something all around us” and justice as “equality and participation.” He disputed the idea that ethnic and refugee communities that do not speak English do not care about their communities and their health, and he criticized corporations like Chevron that “make billions, but don’t care about the health of the surrounding populations . . . [about his] community’s health.” He connected the reasons why refugee populations fled to the United States with the problems that they face now, comparing the violence from which he fled with the toxic assaults he now faces in Richmond. He argued that the average American’s tendency to blame people for coming to the United States without the ability to speak English ignores the historical context for refugee resettlement or for economic migration, especially in the case of the Laotian refugees who are only in the United States as a consequence of the “secret war” the nation conducted in Southeast Asia. He also compared the powerful defoliant Agent Orange and the problems of military violence with the polluted and violent urban landscape of Richmond. Through their organizing efforts and political analysis, the LOP is forcing powerful multinational corporations and the state of California to deal with the Laotian community on their own terms and to provide appropriate resources, like translation services.

The LOP has also recently taken on the issue of tenant protection through their “Just Cause” campaign. The campaign argues that “[e]veryone has a basic right to continue to live in their communities.”

The LOP’s newest front of environmental justice centers on fighting

103. See ANGOTTI & SZE, supra note 82, at 34.
105. Interview with Torm Nompraseurt, Community Leader, Laotian Organizing Project, Univ. of Cal., Davis (Oct. 18, 2007).
106. Id.
107. Id.
108. Id.
109. Id.
110. ANGOTTI & SZE, supra note 82, at 35.
111. Id.
112. Id. at 34.
displacement and winning protections for tenants against unfair evictions. The LOP's focus on housing justice strongly affirms the basic tenet of environmental justice: "[F]ighting for basic rights to protect our communities where we live, work and play." This ongoing campaign is focused on getting Richmond city officials to adopt a "just cause" eviction ordinance, similar to those found in Berkeley, Oakland, and other Bay Area cities. The LOP advocated for an enforcement board to deal with code violations and evictions because most families in the Laotian community are renters and hold less political power than homeowners. The LOP also attacked the problem of weak housing standards, including endemic problems with mold and lead paint.

The problems the Laotian community faces—such as low legal protection for renters, weak health-based housing regulations, lack of enforcement of housing regulations, and exposure to chemicals and pollution from a number of different sources—have multi-dimensional roots with cumulative and synergistic impacts that deserve more attention from local and state governments. As Vivian Chang, APEN's former Executive Director explained, fighting for a healthy environment does not just mean combating pollution. For example, many Laotians grow their own food in personal gardens, which is a practice they brought with them when they migrated from Southeast Asia. If tenants are evicted, the gardens that provided them food and an important psychological connection to the land are also destroyed. Thus, environmental justice for Laotians also means community food security and access to environmental goods, like gardens and open spaces. This expansive view of the environment, alongside Normpraseurt's definition, explicitly echoes Wing Lam's broad social justice focus in defining the environment for Asian immigrant and refugee communities.

CONCLUSION: THEORIZING THE ASIAN AMERICAN IMMIGRANT AND REFUGEE ENVIRONMENTAL JUSTICE ACTIVISM UNDER NEOLIBERALISM

AAIREJ activism imagines and enacts a shared activist discourse. In doing so, these activists and organizations are linked through their expansive view of environment as an urban and cultural community strongly focused on social justice. Under intensifying conditions of

113. Id.
114. Id. at 35.
115. Id. at 34-35.
116. Id.
117. ANGOTTI & SZE, supra note 82, at 34-35.
118. Interview with Vivian Chang, former APEN Executive Dir. (June 26, 2006).
119. ANGOTTI & SZE, supra note 82, at 34-35.
120. Interview with Vivian Chang, supra note 118.
neoliberalism, privatized urban development is favored by the state as part of its retrenchment from older forms of regulation. In this ideological context people are defined by their identities as individuals and consumers rather than as citizens. Thus, politically and culturally disenfranchised populations tend to fare badly under neoliberalism where regulation and enforcement mechanisms tend to diminish. As Normpraseurt poignantly stated, the trade-off of “wealth for health” is a source of community anger, and thus, social movements mobilize in opposition to intensifying conditions of privatization and neoliberalism. Looking broadly at the examples set forth in this Article, from New York, to the Bay Area, and to East Coast cities like Philadelphia and Boston, Asian American immigrant and refugee communities were disenfranchised linguistically, politically, and economically. Yet, despite their disenfranchisement, the activists collectively articulated an expansive social-justice view of their particular urban community as a racial, communal, and cultural space.

Given the wide range of environmental issues facing Asian American immigrant and refugee communities in diverse geographic areas, how can we articulate the broader significance and connections between these disparate struggles, places, and peoples? In contrast to the setting of Manhattan’s Chinatown, the LOP’s struggles in Richmond were conducted in a peripheral space within the literal and social geography of the Bay Area. The City of Richmond is not a longstanding community within the downtown of a major city, but rather a community easily segregated from the economically and culturally vibrant San Francisco. Additionally, Laotians in Richmond are further marginalized because of their refugee status. Despite these differences, the LOP’s connection to Asian Pacific Environmental Network (APEN) is a salient example of how Asian American is a constructed political and cultural category that can transcend historical and cultural differences between Asian immigrant and refugee populations in the United States.

Perhaps as significant as the concrete goals achieved in the aforementioned campaigns is the fact that through their direct organizing and their legal pressure, organizations like APEN and CSWA are taking steps to improve public participation and engagement with urban development and community health policies in historically and culturally disenfranchised communities. They have successfully reframed the environment in their struggles for social justice and worker justice across the country. APEN’s community organizing efforts focus on health, environment, and housing concurrently, rather than narrowly defining these categories as distinct policy areas. Instead of seeing health, environment,
and housing as distinct categories, Asian American immigrant and refugee environmental justice activists connect them. This ability allows them to increase community engagement in ways that could lead to more dynamic and effective solutions for multidimensional communities. APEN is strategically focused on the concepts of fair share and environmental justice in its efforts to develop housing, land use, health, and economic development policies that benefit low-income communities of color.

In an ideological context where neoliberalism and gentrification are intensifying, moderating the excesses of urban redevelopment and dominant discourses of privatization may be the closest thing to justice that activists can achieve. In the context of neoliberal urbanism, these working-class Asian American immigrant and refugee communities have defined environmentalism with a justice perspective based on their unique worldview and experiences. This vision is more dynamic and reflective of the environmental and public health conditions of diverse real-world communities than the vision of mainstream environmentalists. In seeing the environment as an urban, diverse, and racialized space, these activists necessarily promote policies that force the state to engage meaningfully with affected communities, resulting in better social and environmental conditions for all.

The fields of Asian American studies, legal studies, urban planning, geography, and environmental justice are each constrained by their methodological blind spots. Under conditions of intensifying neoliberal urbanism, these fields need to be more conversant in their shared concerns. Specifically, a conversation should be started to incorporate into existing discourses the ways that environmental justice activists have successfully made crucial connections between intensely local struggles and a broader historical, cultural, and ideological framework. We would do well to listen to the words of people like Wing Lam, Torm Normpraseurt, Hyun Lee, Vivian Chang, and the hundreds of activists from Asian American immigrant and refugee communities who are protesting a wide array of urban redevelopment proposals aimed at reshaping their communities in ways that may be harmful to community residents and the environment in which they live.