Pathfinder: Environmental Justice

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The definition of environmental protection has broadened in the United States over recent years. While environmentalists have tradi-
tionally battled to protect endangered species such as the spotted owl, the blue whale, and the California condor, many environmentalists now struggle to protect other endangered communities: the poor and people of color.¹ This nontraditional environmentalism has given birth to a significant social justice movement known as environmental justice. For a movement that only began to receive national attention nine years ago,² environmental justice has made great strides in informing communities, government agencies, interest groups, and industry of the greater risks from environmental hazards that face people of color and poor communities. Still, much remains to be done to ensure environmental justice for all citizens.

Environmental justice advocates are faced with the challenge of finding and updating the wealth of relevant information that is available. Grassroots organizers and communities, students, practitioners, scholars, and researchers must have access to environmental justice resources. Further, environmental justice covers a wide spectrum of issues—civil rights, risk assessment, and ecofeminism, for example—making it necessary to create some sense and order out of the existing information.

This pathfinder provides a workable structure for research on environmental justice. Part I defines how a pathfinder operates and introduces the reader to the history and dynamics of the environmental justice movement. Part II describes the most navigable databases for finding environmental justice resources, including on-line sources and CD-ROMs; it also provides guidance on finding books and periodicals using paper references. Part III identifies environmental justice resource and advocacy centers and describes how to obtain information from these grassroots organizations. Part IV explains where to find collections of environmental justice articles, including symposium journal issues, bibliographies, and books. Part V describes how to find state and federal law addressing the issue. Finally, Part VI identifies research paths for several of the common themes found in environmental justice literature.

². In 1982, more than 500 protestors were jailed following the siting of a landfill in Warren County, North Carolina. Robert D. Bullard, Environmental Justice for All, in UNEQUAL PROTECTION: ENVIRONMENTAL JUSTICE & COMMUNITIES OF COLOR 3, 5 (Robert D. Bullard ed., 1994) [hereinafter UNEQUAL PROTECTION]. The demonstration, which opposed the inclusion of approximately 30,000 cubic yards of polychlorinated biphenyl (PCB) tainted soil in the landfill, marked the first time African Americans mobilized nationally to protest environmental racism. Id. at 5-6. The outcry prompted the U.S. General Accounting Office to conduct a study which found a strong relationship between offsite hazardous waste landfills and the race and socio-economic status of surrounding communities. Id. at 6.
A. About This Pathfinder

A pathfinder is a specialized research guide in a particular subject area. There is no single method for constructing a pathfinder. The nature of the subject area will dictate to a large degree the structure of the pathfinder. A pathfinder goes beyond simply listing exhaustive bibliographic sources—it explains the research process itself, illustrating how and where to find the most relevant materials. It details the best and most easily navigable databases and identifies nontraditional ways of obtaining information.

This pathfinder focuses on finding new and updating existing environmental justice resources. It identifies the best databases and most innovative resources, and, where applicable, outlines the most accurate search terms and the limitations of the various databases. The information trail starts with unique sources originating in the environmentally devastated communities of color and low income communities themselves—materials that should be familiar to anyone researching environmental justice. The last part of this pathfinder is a research guide to topics that commonly interconnect with environmental justice issues.

B. What Is Environmental Justice?

Communities of color in the United States have begun to question the inequalities that plague their environments. They question why communities of color and the poor breathe dirtier air, have higher blood lead levels, and host undesirable land uses such as landfills and incinerators. They also question why minority populations perform jobs with the highest environmental risks. Poor people in developing countries have begun to challenge the United States’ practice

3. This definition of a pathfinder is taken from the course syllabus of University at California at Berkeley, School of Law (Boalt Hall), Law School Course Syllabus for Law 208.1 Advanced Legal Research, taught by Professor Bob Berring and Kathleen Vanden Heuvel, Fall 1995 (on file with author).

4. The search queries and keywords for the subject discussed can be conveniently found in the short table at the end of each section.

5. I use the term “grassroots” to refer to the communities of color and low income communities that have organized to fight against environmental inequities. See Richard Moore & Louis Head, Acknowledging the Past, Confronting the Present: Confronting Environmental Justice in the 1990s, in TOXIC STRUGGLES: THE THEORY AND PRACTICE OF ENVIRONMENTAL JUSTICE 118, 125 (Richard Hofrichter ed., 1993) [hereinafter TOXIC STRUGGLES] (attributing the appearance of grassroots organizations to the worsening conditions and political atmosphere that characterized the Reagan administration, and describing these organizations as having their roots during the 1960s, a period during which government commitments to fight poverty and institutionalized racism were won through grass roots struggle).
of exporting hazardous waste and its dirtiest industries to their communities.6

The questions began in 1967 when an eight-year-old African American girl drowned at a garbage dump in Houston; students at predominately African American Texas Southern University questioned why a garbage dump was located in the middle of the mostly African American Sunnyside neighborhood.7 Similarly, in 1982, the predominately African American community of Warren County, North Carolina, protested the decision to locate a polychlorinated biphenyl (PCB) landfill in its county.

The demand for answers to these questions ignited the environmental justice movement. The findings of numerous studies suggest that unequal environmental protection places communities of color at special risk.8 As a result, the environmental justice movement has developed a framework to address disparate impact, unequal protection, and environmental discrimination.9 In broad terms, environmental justice requires that environmental enforcement, compliance, policy formulation, and decisionmaking be addressed through a participatory, democratic process.

The term used to describe the inequitable distribution of environmental protection has also been the subject of considerable debate. Environmental justice is a complex focal area, compounded by the disparate views of activists adhering to a social justice perspective, as well as those with a science and technology perspective.10

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8. See U.S. General Accounting Office, Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities (1983) (finding a strong relationship between off-site hazardous waste landfills and the race and socio-economic status of surrounding communities); Commission for Racial Justice, United Church of Christ, Toxic Wastes and Race in the United States (1987) (finding race to have a stronger correlation to the location of abandoned toxic waste sites than the average income of local residents or property values in the neighborhood) [hereinafter United Church, Toxic Wastes]; Benjamin A. Goldman & Laura Fitton, Toxic Wastes and Race Revisited (1994) (updating and confirming the 1987 UCC study finding that people of color are much more likely to live in areas with high concentrations of commercial hazardous waste facilities than in areas without such facilities).
9. See Unequal Protection, supra note 2, at 7-12.
These divergent approaches have created some confusion about whether "environmental racism," "environmental equity," or "environmental justice" should describe the inequities.11 Early social research publications frequently used "environmental racism," which suggests a focus on the institutionalized nature of racism.12 Subsequent government reports used the term "environmental equity."13 Government agencies selected this term "because it most readily lends itself to scientific risk analysis."14 These reports insisted that it was "difficult to find race data that was deaggregated from income data."15 There is now an uneasy consensus that "environmental justice" is the best term because "the [movement] adheres to a social justice perspective of environmentalism."16

Although these various groups have come to a consensus, the interplay between these terms and the reasons why an author may choose one over the other can make researching environmental justice/racism/equity challenging.17

11. For more on this debate, see Collin, supra note 10, at 125-28. See also Bunyan Bryant, Introduction, in ENVIRONMENTAL JUSTICE: ISSUES, POLICIES, AND SOLUTIONS 1, 7 (Bunyan Bryant ed., 1995) [hereinafter ENVIRONMENTAL JUSTICE].
12. Collin, supra note 10, at 125. See, e.g., UNITED CHURCH, TOXIC WASTES, supra note 8 (defining environmental racism as racial discrimination in environmental policymaking, enforcement of regulations and laws, and targeting of communities of color for toxic waste disposal and siting of polluting industries); Kelley Michele Colquette & Elizabeth A. Henry Robertson, Environmental Racism: The Causes, Consequences, and Recommendations, 5 TUL. ENVTL. L.J. 155 (1991); Robert D. Bullard, DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY 97-98 (1990) (identifying institutionalized racism as the reason for the many differences in environmental quality between black and white communities); Rachel D. Godsil, Remediing Environmental Racism, 90 MICH. L. REV. 394 (1991).
14. Id. See also Gauna, supra note 10, at 27-29.
15. Collin, supra note 10, at 125 (explaining that the definition of environmental equity used by the EPA focuses on the accessibility of the environmental policymaking process to racial and minority groups, fairness in the administration of EPA programs, and equality in the distribution and effect of environmental hazards).
16. Id. at 126.
17. "Environmental justice" will be used in this pathfinder, as it is the term most frequently used today, even by scholars whose work scientifically examines the spatial location of locally unwanted land uses (LULUs). See, e.g., Vicki Been, Coming to the Nuisance or Going to the Barrios? A Longitudinal Analysis of Environmental Justice Claims, 24 ECOLOGY L.Q. 1 (1997); Paul Mohai & Bunyan Bryant, Environmental Injustice: Weighing Race and Class as Factors in the Distribution of Environmental Hazards, 63 U. COLO. L. REV. 921 (1992). State and federal materials addressing the issue also use the term "environmental justice." E.g., Environmental Justice Act of 1992, H.R. 2105, 103d Cong. (1993); Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Exec. Order No. 12,898, 59 Fed. Reg. 7629 (1994); FLA. STAT. ANN. § 760.85 (West 1996) (using both "environmental justice" and "environmental equity"). See also Vicki Been, What's Fairness Got To Do With It? Environmental Justice and the Siting of Locally Undesirable Land Uses, 78 CORNELL L. REV. 1001 (1993) [hereinafter
C. Why a Pathfinder on Environmental Justice?

Environmental justice issues are numerous, multi-disciplinary, and potentially present within every environmental controversy. Even those individuals well-versed in environmental justice issues can have difficulty accessing applicable materials and understanding their scope. While this difficulty could suggest a dearth of information in the subject area, this is not actually the case. On the contrary, numerous resources exist, and the real problem lies in accessing the best materials.

Researching environmental justice information is not always intuitive. For example, using the keywords "environmental justice" in some databases may yield few search results. In other databases, the same keywords may yield as many as 150 search results. The problem of specialized vocabulary words magnifies when searching for specific topics, such as "civil rights" or "lead poisoning," as they apply to environmental justice. This pathfinder solves this dilemma by identifying ways to selectively search for information on specific environmental justice topics.

II. DATABASE, PAPER, AND VIDEO RESOURCES

This Part describes the on-line databases, CD-ROMs, and paper sources that contain useful environmental justice information, including the type of information available and the best queries and search terms.

Researchers should request resources published after 1982 when using databases that allow searches by year. In general, boolean searches tend to be the most helpful in narrowing the multitude of

18. Using the search term "environmental justice" as a subject term in the LegalTrac database will yield few search results. However, as the issue garners more attention and more materials are published, I would expect such an outcome to change.

19. Using the search term "environmental justice" in the appropriate format in Westlaw and LEXIS will typically yield up to 150 search results. Using "environmental racism" in the InfoSeek search engine on the Internet resulted in 567,888 hits for the author during a recent inquiry.

20. The 1982 protests against the siting of a PCB landfill in predominately African American Warren County, North Carolina, in which more than 500 protestors were jailed marked the first time African Americans mobilized a national broad-based group to oppose what they defined as environmental racism. Bullard, supra note 2, at 5-6. This event is generally considered the birth of the environmental justice movement. Id. at 5.

21. Boolean searches employ search terms connected by expressions such as "and" and "or," allowing one to search a database for documents in which those terms appear. In addition, boolean searches allow for the use of proximity connectors, which enable the researcher to specify how close the terms must be to one another, improving the value of the inquiry. See Robert C. Berring, Finding the Law 124 (1995).
available articles. In other databases, however, boolean terms will retrieve an unmanageable number of items. Subsequent sections of this pathfinder identify these databases and suggest better search terms.

A. On-Line Sources

1. The Internet

The Internet is probably the single best tool for accessing a variety of environmental justice information. Various grassroots organizations, individuals, and government agencies have established web sites that provide a wealth of information. As a result, grassroots organizations effectively use the Internet as a networking tool. One can also use the Internet as a mechanism for accessing valuable grassroots publications and newsletters, which may not be obtainable through traditional research means.

Netscape's Navigator software provides easy access to the Internet. Any similar software, such as Microsoft's Internet Explorer, can also access the web sites mentioned in this pathfinder. The Alta Vista internet search engine is a powerful way to scan the Web. Alta Vista's advanced search queries allow the user to restrict searches to certain portions of documents, such as titles, body text, or the domain of the host site. See below for good search descriptions for InfoSeek and Alta Vista.

The most comprehensive and easily navigable site addresses are the EcoJustice Network and EcoNet's Environmental Racism/Environmental Justice Resources. These networks are quite comparable, and addresses are listed below. The EcoJustice Network addresses environmental issues facing communities of color in the United States. With over 5000 subscribers in the environmental field, this network builds resources pertaining to health research and environmental justice issues. EcoNet shares EcoJustice Network's goal of addressing environmental issues that face communities of color in the United States. It also provides on-line services, information resources, and training for activists and organizations involved in the environmental justice movement.

The resources available on these sites are seemingly endless. They include a listing of organizations, resources, books, papers, stud-

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22. Internet sites' addresses are set off herein by less-than and greater-than symbols ("<" and ">"); search terms are indicated by quotation marks. Double quotation marks within a search term are part of the search term.

23. Domain names are the descriptive suffixes attached to internet site names. For example, " .com" indicates a commercial or business site, " .edu" signals an educational institution, and " .au" reveals that a site is located in Australia. More information can be added to these abbreviations, such as a company or university name—for example, "www.berkeley.edu" is used for sites at U.C. Berkeley.
ies, the *People of Color Environmental Groups 1994-95 Directory*,\(^2\) mailing lists, maps,\(^2\) and much more.

Internet Environmental Justice Sites:
- Antonio Díaz & Alair MacLean, *EcoJustice Network* (last modified March 14, 1997)
  
  <http://www.igc.org/envjustice/>
- *Environmental Racism & Environmental Justice* (visited March 17, 1997)
  

Internet Environmental Justice Searches:
- Alta Vista Advanced Search
  
  "title: “environmental justice”" (approximately 100 documents)\(^2\)

2. Westlaw and LEXIS

Westlaw and LEXIS are on-line legal databases that provide access to cases, statutes, and legal periodicals and publications. While these databases are excellent research tools for finding cases, it is difficult to search for specific environmental justice issues in legal periodicals. Because a boolean search of the journal and law review databases on Westlaw and LEXIS elicits an unmanageable number of results, other sources, such as Enviroline and LegalTrac, are better for finding periodicals. Boolean searches retrieve articles that contain the search term anywhere in the text of an article, and environmental justice articles will often mention most of the common environmental subject terms. Thus, a query designed to retrieve information on “environmental justice” and the “Clean Air Act” may retrieve over fifty articles that may not discuss the Clean Air Act in any significant detail. Consequently, the query listed below will give a significant number of environmental justice articles, but the Westlaw or LEXIS user will have to scan at least one hundred articles.

To simplify matters, both Westlaw and LEXIS have environmental databases that cover only environmentally related legal journals and periodicals. In Westlaw the database is ENV-TP, and in LEXIS

\(^2\) See infra Part III.B.5.

\(^2\) The Ecojustice Network provides access to maps highlighting areas of the United States with the greatest toxic burdens. See Antonio Díaz & Alair MacLean, *EcoJustice Network* (last modified March 14, 1997) <http://www.igc.org/envjustice/>. It also provides access to a series of maps that allow the user to identify environmental justice groups in a particular geographic area by linking to the *People of Color Environmental Groups Directory*. Id.

\(^2\) A researcher can enter words or phrases in the field labeled “Results Ranking Criteria” to organize results. Documents containing entered words will be listed first.
the library is ENVIRN. Unfortunately, environmental issues are also located in other, non-environmental journals. Consequently, a search in an environmental database will not retrieve all the available environmental justice information.

On the other hand, because of their frequent and regular updates, Westlaw and LEXIS are good tools for searching Statutes, the Code of Federal Regulations, and the Federal Register.

Westlaw Queries:
- Legal periodicals
  "environmental /1 justice race equity" in the JLR database
- Statutes
  "te("environmental justice")" in the USCA database
- Code of Federal Regulations
  "te("environmental justice")" in the CFR database
- Federal Register
  "te("environmental justice")" in the FR database

LEXIS Queries:
- Legal Periodicals
  "atl5 ("environmental justice" or "environmental racism" or "environmental equity")" in the LAWREV library, ALLREV file
- Statutes
  "environmental justice" in the CODE library, USCODE file
- Code of Federal Regulations
  "environmental justice" in the LEGIS library, CFR file
- Federal Register
  "environmental justice" in the LEGIS library, FEDREG file

3. Congressional Quarterly Washington Alert

The Congressional Quarterly Washington Alert (CQ Washington Alert) on-line database allows for easy access to federal and state statutes and legislative materials. It is especially useful for researching defeated legislation, such as the proposed Environmental Justice Act of 1992.27 This tool provides the best means of determining the status of any environmental justice legislation proposed or passed by Congress. One can also formulate a query to ascertain whether any federal or state statutes, past or present, contain environmental justice components. The major strength of CQ Washington Alert is that a

good portion of the information is updated daily.\textsuperscript{28} Although CQ Washington Alert is available on Westlaw and LEXIS, the separate on-line version (available at most libraries with a government document section) is easier to use. For example, a researcher using the on-line version can search for keywords in the legislative document itself, or she can search by date. In addition, the researcher can choose from numerous output display options, allowing the user to customize the output format of retrieved searches.\textsuperscript{29} CQ Washington Alert is discussed further in Part V, which deals with legislation, executive materials, and case law.

\section*{B. CD-ROMs}

1. \textit{Enviroline}

\textit{Enviroline} contains indices and abstracts of technical and general interest publications. It covers approximately 900 scientific journals, as well as conference papers and proceedings.\textsuperscript{30} It also includes special reports from international agencies, universities, associations, and private corporations.\textsuperscript{31} Boolean searches on this CD-ROM will efficiently locate information on specific environmental justice issues. \textit{Enviroline} even cites to book chapters. See Part VI of this Pathfinder for model \textit{Enviroline} search terms.

2. \textit{LegalTrac}

\textit{LegalTrac}, the law version of InfoTrac, indexes over 800 legal journals, periodicals, and newspapers.\textsuperscript{32} The system's PowerTrac search engine is best used by combining keywords to access specific issues under the broader rubric of environmental justice. Covering articles since 1980, \textit{LegalTrac} is the computerized version of the \textit{Current Law Index} described in Part II.C., below.\textsuperscript{33} Keywords such as "environmental justice" and "environmental racism" should be combined with other terms directed towards specific environmental issues. \textit{LegalTrac} contains more legal periodicals and newspapers than Westlaw and LEXIS but, as with all CD-ROMs, whether or not its

\textsuperscript{28} See The Library, University of California, Berkeley, CQ Washington Alert on MELVYL (1996) (unpublished handout) (on file with author). Note that CQ Washington Alert is also in the Dow Jones database in Westlaw if one has access to a commercial account.

\textsuperscript{29} CQ Washington Alert prompts the user to enter one of several display commands. Display commands tell the computer to display items retrieved in a search in different ways.

\textsuperscript{30} \textit{DIRECTORY OF LAW-RELATED CD-ROMs} 48 (Arlene L. Eis ed., 1996).

\textsuperscript{31} \textit{Id}.

\textsuperscript{32} \textit{DIRECTORY OF LAW-RELATED CD-ROMs} 130 (Arlene L. Eis ed., 1997).

\textsuperscript{33} BERRING, \textit{supra} note 21, at 293.
database is updated depends on the assiduity of the library where one conducts research. See Part VI for model LegalTrac search terms.

3. The National Technical Information Service

The National Technical Information Service (NTIS) is the database of the U.S. National Technical Information Service. It provides access to government sponsored research and reports from the United States and other nations. NTIS is a multidisciplinary database encompassing engineering, science, education, business, economics, governmental policy, sociology, and numerous other fields. The database contains materials dating from 1964 and is updated bi-weekly. Researchers can purchase these studies by calling NTIS at (703) 487-4780.

When searching in this index, it is best to do a general subject search in the WORD/PHRASE index using the terms, "environmental justice," "environmental equity," and "environmental racism" separately. Each term yields a separate set of studies. The searches will retrieve various studies by the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response and the U.S. Department of Energy. These studies cover topics such as risk assessment, public health, the National Superfund Program Priority List, and the Resource Conservation and Recovery Act (RCRA). See Part VI for a model NTIS search term.

4. PsycINFO

PsycINFO indexes journal articles, books, and book chapters in psychology and related disciplines such as education, sociology, linguistics, and medicine. Over 1300 journals from about fifty countries are currently indexed in this database, which covers materials from 1984 to the present. New journal article citations are added monthly, while books and book chapters are added quarterly. PsycINFO contains very unique environmental justice resources. For example, the query "f kw pollut# and communit# and minorit#" produces sources discussing the diverse environmental perspectives generated by race and class differences.

36. Id.
37. E.g., Susan Caris Cutter, Community Concern for Pollution: Social and Environmental Influences, 13 ENV'T & BEHAV. 105 (1981) (determining how community attitudes toward pollution varied among social groups and varied with level of pollution burden).
Keyword searching in this database can be tricky because psychologists have specified meanings for certain words. Keywords that produce strong results in other databases may not work as well in PsycINFO. For example, the word “environment” in PsycINFO does not generally refer to the natural environment, but rather to that of the home or school. See below for useful keyword searches.

PsycINFO Queries:
- "f kw pollut# and community# and minorit#"
- "f kw pollut# and community# and rac#"
- "f kw pollut# and blacks"
- "f tw environment# and rac#"

5. The Educational Resources Information Center

The Educational Resources Information Center (ERIC) is a database produced by the U.S. Office of Education. While its main emphasis is on educational topics, this database also provides useful information in many other subject areas including psychology, the social sciences, health and nutrition, work and leisure, education and related legislation, communication, and professional development. ERIC contains over 775,000 records and is updated monthly. ERIC indexes periodical articles since 1969 and ERIC documents since 1966.

The ERIC database offers several articles that discuss grassroots empowerment and the environmental justice movement. This database primarily retrieves the types of resources cited in the articles of social scientists and members of grassroots organizations. Use the keywords “environmental justice” or “environmental justice movement” to run a search.

6. The Public Affairs Information Service

PAIS, the Public Affairs Information Service, focuses on contemporary social and public policy issues. It includes articles from over 1400 periodicals and thousands of books, government publications, conference proceedings, and pamphlets in fields such as law, economics, political science, health, the environment, and business. The

39. Full text conference papers, curriculum guides, and topical reports are among the types of documents included in ERIC. Id.
40. Information regarding PAIS was obtained from Penn State University's version called "PAIS on Library Information Access System." Search methods in other variations of PAIS may vary.
database is updated quarterly and includes over 260,000 references from 1980 to the present.\textsuperscript{42} The references are primarily in English but some are also in French, German, Spanish, Portuguese, and Italian.\textsuperscript{43}

Unfortunately, PAIS is not amenable to use with environmental justice terminology. Navigating this database can be difficult, requiring creative use of search terms that often produce only two or three records. Furthermore, some of the articles referenced in this database appear in other databases such as Enviroline or LegalTrac. Still, PAIS is worth searching because it contains case studies by those who know this area best (social scientists) and includes the findings of an Environmental Protection Agency (EPA) task force assessing evidence that minority and low-income communities are disproportionately at risk for environmental health problems.\textsuperscript{44}

PAIS Queries:
\begin{itemize}
  \item "k environment .and justice"
  \item "k environmental equity"
  \item "k hazardous waste .and race .or environmental racism"
  \item "k minorities .and pollution"
\end{itemize}

C. Paper Sources

1. Books

The search terms "environmental justice," "environmental racism," or "environmental equity" may not turn up any results in some library catalog systems. Researchers can use the search terms listed below to retrieve books on the topic.\textsuperscript{45}

An easier way to get books on environmental justice, however, is to use prepared bibliographies. One excellent annotated bibliography that contains a list of book reports and special issues (periodicals) on environmental justice is the People of Color Environmental Groups Directory.\textsuperscript{46} See Part III for more information on how to access this invaluable resource. Another fine compendium of print sources is Adam D. Schwartz's article, The Law of Environmental Justice: A Re-

\begin{itemize}
  \item \textsuperscript{42} \textit{Id.}
  \item \textsuperscript{43} \textit{Id.}
  \item \textsuperscript{44} \textit{E.g.,} William K. Reilly, \textit{Environmental Equity: EPA's Position}, EPA J., Mar.-Apr. 1992, at 18-22.
  \item \textsuperscript{45} This list of search terms is a compilation of subjects included in the books that cover environmental justice issues.
  \item \textsuperscript{46} ROBERT D. BULLARD, \textbf{THE PEOPLE OF COLOR ENVIRONMENTAL GROUPS 1994-95 DIRECTORY} (1995).
\end{itemize}
search Pathfinder,[47] which contains an annotated bibliography of books.

In addition, a recently published text by Kenneth Manaster, *Environmental Protection and Justice*,[48] focuses on the environmental lawyer's role as a protector of the environment and promoter of justice. The readings in *Environmental Protection and Justice* illuminate some of the most important and problematic areas in which environmental lawyers are called upon to meet this difficult and dual responsibility.[49] The text seems intended for classroom use; it suggests useful discussion questions and includes excerpts from books and journal articles.[50] Manaster presents a progressive approach to environmental problems while devoting significant time to environmental justice.

Computerized Library Catalog Keywords[51]:

- "race relations"
- "social surveys"
- "African American" or "blacks" or "Afro American"
- "minority" or "minorities"
- "Hispanic" or "Latino" or "Latina"
- "Native American" or "Indigenous"
- "hazardous waste" or "toxic chemicals" or "toxics"
- "justice movement"
- "poor"
- "social justice"
- "community"
- "waste disposal sites"
- "race"
- "environmental policy"
- "southern states"
- "social conditions"
- "green movement"

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[49] See id.
[50] There is a trend toward including environmental justice concerns in the text of environmental law casebooks. See, e.g., AN ENVIRONMENTAL LAW ANTHOLOGY 46-64 (Robert L. Fischman et al. eds., 1996) (treating environmental justice as a subset of ethics). See also PETER S. MENELL & RICHARD B. STEWART, ENVIRONMENTAL LAW AND POLICY 127-37 (1994) (illustrating the distributional considerations and social goals other than efficient resource allocation that are often inadequately considered in economic analysis).
[51] These keywords should usually be combined to produce a tightly focused group of results.
• “pollution”
• “United States”
• “political activity”
• “race discrimination”

Bibliographies:

2. Current Law Index

Current Law Index (CLI) is a comprehensive index to over 875 law journals from the United States, Canada, the United Kingdom, Ireland, Australia, and New Zealand. The index includes titles from academic reviews, bar association journals, specialty journals, and selected journals covering allied disciplines such as criminology and accounting. CLI is published monthly and is the paper equivalent of LegalTrac. Like LegalTrac, this is an excellent source for periodicals and contains legal journals that are not available in Westlaw or LEXIS. The advantage of CLI is that it categorizes information by the content of the article. For instance, CLI subheadings include case studies, economic aspects, health aspects, and research.

CLI Queries:
• “environmental racism”
• “hazardous waste sites”

D. Videos

The Video Project is an excellent source for environmental justice videos. The Video Project is the nation’s only nonprofit organization specializing in the distribution of videos and multimedia programs on the environment, human rights, and related concerns. The Video Project provides several video programs on environmental justice, including Eco-Rap: Voices from the Hood; Toxic Racism; and Global

52. INFORMATION ACCESS COMPANY, 15 CURRENT LAW INDEX iii (1994).
53. Id.
54. Id. at iii, v. See supra Part II.B.2. for more information on LegalTrac.
Dumping Ground.\textsuperscript{58} These videos can be obtained by contacting the Video Project via electronic or traditional mail or by phone. Perhaps the most important advantage of video programs is that they are useful introductions to environmental justice problems. Incorporating the perspective of people of color living in affected communities, videos take the form of educational and investigative documentaries and are frequently accompanied by companion booklets or study guides. While videos are particularly useful in educational settings, they are of limited use for the "traditional" researches.

E-mail:

"videoproject@videoproject.org"

Address and Phone:

The Video Project
200 Estates Drive
Ben Lomond, California 95005
1-800-4-PLANET or (510) 655-9050
Fax: 408-336-2168

Website:

John Wesley Tarver, \textit{The Video Project} (visited Apr. 5, 1997)
<http://www.videoproject.org/videoproject/>.

III. STARTING WITH THE GRASSROOTS

A. Introduction

After decades of struggle, grassroots groups are now the heart of the multi-issue, multiracial, multiregional environmental justice movement. Indeed, grassroots environmental justice groups represent the fastest growing segment of the environmental movement.\textsuperscript{59} By organizing in low-income and/or minority communities, they have broadened the definition of environmentalism to include the quality of life in people's homes, schools, neighborhoods, work, and playgrounds.

A prime example of this newfound role for local organizations was the First National People of Color Environmental Leadership Summit, held in October, 1991. This event was "probably the single most important environmental justice event in the early 1990s."\textsuperscript{60} The summit, organized by and for people of color, broadened anti-toxics campaigns and demonstrated that it is possible to build a multiracial

\textsuperscript{58} Videotape: Global Dumping Ground (Center for Investigative Reporting & KQED 1995).


\textsuperscript{60} \textit{Id. See also Unequal Protection, supra} note 2, at 7.
grassroots movement around environmental justice. Nearly 600 grassroots and national leaders from all fifty states, Puerto Rico, Chile, Mexico, and the Marshall Islands attended the four-day meeting.\(^6\)

Participants attended the Summit “to share their action strategies, redefine the environmental movement, and develop common plans for addressing environmental problems affecting people of color in the United States and around the world.”\(^6\) The summit delegates adopted seventeen “Principles of Environmental Justice,” proclaiming a “right to be free from ecological destruction.”\(^6\) Grassroots leaders left the summit with the charge of strengthening their organizations and regional environmental justice networks.\(^6\)

The strength of grassroots organizing has made information about the environmental groups of people of color and the resources they provide more accessible than ever before. These groups often provide the most practical and useful information, such as case studies of environmental and economic injustice,\(^6\) guides on how to choose a lawyer,\(^6\) newsletters giving updates on community struggles,\(^6\) and information on successful community and political organizing.\(^6\)

Researchers can access these groups through the People of Color Environmental Groups Directory. This directory was designed as a planning, organizing, networking, and community empowerment tool.\(^6\) One can use it to bring underrepresented stakeholders to planning summits, conferences, and workshops. The Directory is extremely comprehensive and even contains vignettes illustrating the work of women of color activists—women who are on the front line of the environmental justice movement.\(^7\) It also contains a list of over 300 groups that represent people of color, environmental justice resource groups, and legal resource groups from the U.S., Canada, and Mexico. An annotated bibliography and blank data forms for updat-

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61. Bullard, supra note 46, at 3.
62. Id.
63. Id. at 3-4. The Principles embody the perspective of communities of color. Id.
64. Charles Lee, Beyond Toxic Wastes and Race, in Confronting Environmental Racism: Voices from the Grassroots 41, 51-52 (Robert D. Bullard ed., 1993) [hereinafter Confronting Environmental Racism].
67. See, e.g., Race, Poverty & Env’t; Everyone’s Backyard.
68. Most grassroots organizations and advocacy centers have newsletters. The People of Color Environmental Groups Directory contains contact information for these groups. Bullard, supra note 46, at 28-107.
69. Bullard, supra note 46, at 1.
70. For more on women in the environmental justice movement, see Toxic Struggles, supra note 5, at 98-152.
ing come with the directory. One can order this valuable resource guide by mail or by phone.

In addition, the Directory is available on the Internet and provides a browse feature that allows the user to enter a state, city, or keyword to locate the groups in their area.\textsuperscript{71}

Grassroots Resources:

—The seventeen Principles of Environmental Justice on the Internet (visited Apr. 6, 1997)

\texttt{<gopher://gopher.igc.apc.org:70/00environment/envjustice/resources/ejprinciples>}

—For reports and speeches presented at the Leadership Summit, see:


—To order the \textit{People of Color Environmental Groups Directory}:

Charles Stewart Mott Foundation
1200 Mott Foundation Building
Flint, MI 45802-11851
Phone: (810) 238-5651
Fax: (810) 766-1753
Publications Hot Line: (810) 766-1766

—The \textit{People of Color Environmental Groups Directory} on the Internet (visited Apr. 6, 1997)

\texttt{<gopher://gopher.igc.apc.org:70/11/pubs/envcolor94>}

—To keep abreast of environmental justice grassroots activities, see:

\begin{itemize}
\item \textsc{Environmental Law Working Group News} (published by the California Rural Legal Assistance, 631 Howard Street, Suite 300, San Francisco, CA 94105; phone: 415-777-2752).
\item \textsc{CBE Environmental Review} (published by Citizens for a Better Environment, 3255 Hennepin Avenue South, Suite 150, Minneapolis, MN 55408; phone: 612-824-8637).
\item \textsc{Race, Poverty and the Environment} (published by the Urban Habitat Program of Earth Island Institute, 300 Broadway, Suite 28, San Francisco, CA 94133; phone: 415-788-3666).
\item \textsc{Everyone’s Backyard} (published by the Citizen’s Clearinghouse for Hazardous Wastes, Inc., P.O. Box 6806, Falls Church, VA 22040; phone: 703-237-2249).
\end{itemize}

\textsuperscript{71} For example, using the keywords “New Orleans” will result in the names, addresses, and brief descriptions of environmental justice centers in the New Orleans metropolitan area, such as Xavier University’s Deep South Center for Environmental Justice and the Tulane Environmental Law Community Clinic.
B. Environmental Justice Resource and Advocacy Centers

Environmental justice resource and advocacy centers are located all over the world and address specific environmental and social justice problems on a local, national, and global scale. These centers are comprehensively listed in the People of Color Environmental Groups Directory. The Directory also includes legal clinics and nonprofit organizations that provide legal services to individuals and communities on environmental justice matters. In addition, many of these centers have published manuals, pamphlets, and resource guides particular to their region and area of focus. Listed below are two environmental justice resource centers that have both a national and regional focus.

1. The Washington Office on Environmental Justice

The Washington Office on Environmental Justice, founded in 1994, is the “only entity in the nation’s capital that promotes environmental and economic justice on behalf of multicultural grassroots organizations and communities,” while also remaining accountable to these groups.\(^7\) Building on local struggles, the Washington Office on Environmental Justice serves as a point of coordination for creating and strengthening multiracial and multicultural alliances, networking, developing public policy, and advocating the national economic and environmental concerns of people of color and low-income communities. It also helps to prioritize resources, plan and manage issues, and distribute information while improving its own capacity to offer more support to affected communities.

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2. Environmental Justice Resource Center

The Environmental Justice Resource Center, located at Clark Atlanta University in Atlanta, Georgia, seeks to assist, support, train, and educate professionals of color and grassroots community leaders in order to facilitate their role in mainstream environmental decision-making. This center, founded and directed by Dr. Robert D. Bullard, has an Environmental Justice Archive that has evolved into an international repository for environmental justice resource materials, such as films, books, articles, slides, and photographs. The Resource Center is creating a video documentary of the People of Color Environmental Summit, in addition to an annotated bibliography of resources.

Address and Phone:
Environmental Justice Resource Center
223 James P. Brawley Drive, SW
Atlanta, Georgia 30314
(404) 880-6910

3. Deep South Center for Environmental Justice

The Deep South Center, located at Xavier University of Louisiana in New Orleans, provides technical assistance in research, education, and training to disproportionately impacted communities in the southeastern region of Louisiana. The Center is called a “Communiversity” because the center emphasizes a partnership between communities and universities. Under the direction of Dr. Beverly H.


74. Dr. Robert D. Bullard is a Ware Professor of Sociology and Director of the Environmental Justice Resource Center at Clark Atlanta University. Before joining Clark Atlanta University, he served on the faculty at the University of California, Riverside, and at the University of California, Los Angeles. Professor Bullard’s scholarship has made him one of the leading experts on environmental justice. He was one of the planners of the First National People of Color Environmental Leadership Summit. Professor Bullard is the author of numerous articles, monographs and scholarly papers that address equity and justice concerns.

75. See Beverly Wright, Environmental Equity Justice Centers: A Response to Inequity, in ENVIRONMENTAL JUSTICE, supra note 11, at 57, 64.
Wright, the Deep South Center enhances the capacity of communities, with the assistance of universities, to respond to toxic environmental justice threats. The DSCEJ also develops environmental information and data on the Mississippi River Delta, community educational and training workshops and manuals that facilitate community access to environmental databases and provides referrals to experts. Other centers that follow the Communiversity model are listed below.

Address and Phone:

Deep South Center for Environmental Justice
Xavier University of Louisiana
7325 Palmetto Street
P.O. Box 45-B
New Orleans, Louisiana 70125
504-483-7340

Other Centers:

• The Environmental Justice Technology Center
  Hampton University
  27 W. Queen's Way, Suite 102
  Hampton, VA 23669
  757-728-3958/757-728-3836
  This center provides technical support to affected poor and minority communities, and gathers and analyzes information related to hazardous environmental conditions. The Center's extensive capacity to gather, store, and analyze information is made possible through the Center's Geographic Information System (GIS) Laboratory.

• Environmental Justice Clinic
  Thurgood Marshall School of Law
  3100 Cleburne Avenue
  Houston, Texas 77004
  713-313-7287
  Internet: Martina E. Cartwright, Environmental Justice Clinic Homepage (visited Apr. 6, 1997) <http://www.tsulaw.edu/environ/environ.htm>
  The Clinic lends expertise and commitment of the civil rights and environmental movement to disenfranchised minority and low-income communities in Texas and other states in the South.

76. Dr. Wright, a professor of sociology, is the founder and director of the Deep South Center for Environmental Justice at Xavier University of Louisiana. She has been a leading scholar, advocate, and activist in the environmental justice arena for more than a decade. She has directed numerous grassroots community-initiated health surveys, evaluated community buy-outs, and supervised community development initiatives around contaminated sites.
4. Environmental Justice Legal Services

There are many legal service providers for people of color and poor communities that deal with the challenges of environmental injustice. The People of Color Environmental Groups Directory and the Directory of Pro Bono Legal Services Providers for Environmental Justice both provide information on how to contact environmental justice legal service providers. These organizations are described in Parts III.B.4.-5., below.

5. The People of Color Environmental Groups Directory

Chapter VI of the People of Color Environmental Groups 1994-95 Directory\textsuperscript{77} lists legal resource groups by state. In addition to listing addresses and phone numbers, the directory details each organization’s contacts, resources, issue coverage, best-known work, constituency served, and geographic focus. Most of the legal resource groups included were formed in response to the environmental problems faced by the poor and people of color, and these people make up the resource group’s primary constituency. See Part III.A. for information on how to obtain a copy of this directory. Information on how to contact the resource groups is also available via the Internet using the website listed below, or by using the keyword “law” in the browse feature at the same site.

On-Line Sources:

- The People of Color Environmental Groups 1994-95 Directory (visited Apr. 6, 1997)

- The site’s browse feature is located at (visited Apr. 6, 1997):
  <gopher://gopher.igc.apc.org:2998/7ENVCOLOR94?>

6. Directory of Pro Bono Legal Services Providers for Environmental Justice

This national directory lists information about law school programs (including clinics), non-profit organizations, law firms, individual lawyers, and Legal Services offices. These groups have formally notified the American Bar Association (ABA) that they offer free legal services to individuals and communities on environmental justice matters.\textsuperscript{78} Providers are listed by state. This directory is prepared by the ABA in cooperation with the Center on Race, Poverty, and the

\textsuperscript{77} The People of Color Healthy and Sustainable Communities Directory 1997, an updated version of the current directory, will be available soon. See supra Part III.B.2. for information on contacting the Environmental Justice Resource Center for information.

\textsuperscript{78} AMERICAN BAR ASSOCIATION, DIRECTORY OF PRO BONO LEGAL SERVICES PROVIDERS FOR ENVIRONMENTAL JUSTICE iii (1996).
Environment, the California Rural Legal Assistance Foundation, and the National Conference of Black Lawyers. It also contains the ABA's policy on environmental justice.

IV.
COLLECTIONS OF ENVIRONMENTAL JUSTICE BOOKS, BIBLIOGRAPHIES, SYMPOSIA, AND OTHER RESOURCES

A. Books

Many collections of environmental justice resources contain information on more than one topic within the field. Most environmental justice books are collections of various articles written by both scholars and activists. I have listed below some of the more frequently cited books that address a cross section of the issues. A recent work, Environmental Justice: Issues, Policies, and Solutions, responds to the "failure of public policy to deal effectively with social and environmental problems." The series of articles in this book propose solutions to myriad environmental issues, including: the role of the professional in working with community groups on environmental justice issues; the need for locating regional environmental justice centers at universities to help people affected by environmental hazards make informed decisions; and using tax and expenditure policies as a way of reducing exposure and risk.

Books:


- Robert D. Bullard, Environmental Justice and Communities of Color (1994). This book contains sixteen chapters further documenting environmental injustices. The case studies provide a wide-ranging look at environmental justice challenges, public health

79. Id. at i.
80. Id. at app. A.
81. Bryant, supra note 11, at 7.
82. Connor Bailey et al., Environmental Justice and the Professional, in Environmental Justice, supra note 11, at 35.
83. Beverly H. Wright, Environmental Equity Justice Centers: A Response to Inequity, in Environmental Justice, supra note 11, at 57.
threats, and endangered communities. This book is unique because it is written from the diverse perspectives of grassroots activists, academicians, lawyers, civil rights leaders, and journalists who have worked with communities of color.

- **Bunyan Brayant & Paul Mohai, Race and the Incidence of Environmental Hazards** (1992). This collection of sixteen articles reviews the differential impacts of environmental insults on people of color, including the consumption of poisoned fish from the Detroit River, fallout from hazardous waste incineration in Louisiana, and pesticide exposure among farm workers and other workers of color. The collection illuminates the international environmental justice issue.

- **Toxic Struggles: The Theory and Practice of Environmental Justice** (Richard Hofrichter ed., 1993). This book contains articles reflecting the multi-issue and multicultural coalitions that challenge pollution sources, and addresses topics such as the ecofeminist and grassroots environmental movements, occupational health hazards, and the environmental exploitation of developing countries.

### B. Bibliographies

Bibliographies are another excellent source of collections on environmental justice issues. Each book listed above contains a selected bibliography. In addition, several bibliographies are available on the Internet (see Internet addresses below). The bibliographies with annotations are by far the most useful.

**Books and Articles:**

- **Robert D. Bullard, The People of Color Environmental Groups 1994-95 Directory** (1995). This piece contains an annotated bibliography on environmental justice for the years 1990-94. The bibliography is a valuable educational and research resource to those interested in the following subjects: environmental racism; women of color; land use; facility siting; and “NIMBY.”

85. The bibliography includes law review articles, books, reports, and special issues of periodicals. The eagerly anticipated update to this source, The People of Color Healthy and Sustainable Communities Directory 1997, will be available soon. See *supra* Part III.B.2. for information on contacting the Environmental Justice Resource Center.

86. The bibliographic information is not accessible via the Internet.


Internet Sites:

• *Environmental Justice Bibliography* (visited Mar. 17, 1997)  
  <gopher://gopher.igc.apc.org:70/00/environment/envjustice/resources/biblio> (listing resources found primarily in social science and public policy journals).

  <gopher://gopher.igc.apc.org:70/00/environment/envjustice/resources/weintraub> (organizing the resources by ethnic and social group, including: African Americans, Hispanics, Native Americans, Farmworkers, and Multiethnic resources).

### C. Symposia

Numerous organizations have hosted environmental justice symposia in recent years. Symposium issues of journals and proceedings from conferences provide an excellent cross section of articles.

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87. For an excellent review of environmental justice legal literature, see Collin, *supra* note 10.
Journal Issues:


**Westlaw:**

- "symposium /s (environmental /1 justice rac! equity)" in the JLR database

**LEXIS:**

- "symposi! /10 environment! /2 justice or environment! /2 race! or environment! /2 equity" in the LAWREV library, ALLREV file, or the ENVIRN library, ENVLR file.

**D. Course Readers**

Many law schools and undergraduate institutions teach environmental justice courses. Course readers compiled by professors often include a useful and thoughtful collection of case studies, letters, legal memoranda, and journal articles to facilitate the teaching of the course. For example, the course reader for the class Lawyering for Environmental Justice at Boalt Hall School of Law, University of California, Berkeley, contains documents filed in environmental justice lawsuits and other relevant items, including a state environmental im-
 pact report for the siting of an energy plant in a minority community.\textsuperscript{88}

\textbf{E. Continuing Legal Education Materials}

Continuing legal education events usually offer reference materials for attendees. A prime example is an environmental justice conference for lawyers and law students entitled “Environmental Justice: What Is It and How Do We Get There?,” which took place on November 5, 1994, at Boalt Hall School of Law, Berkeley, California, and at Loyola Law School, Los Angeles, California, on November 4, 1995. The conference’s organizers provided participants with a manual that contains articles and other information on lead poisoning, siting issues, community organizing, and approaches to people’s immediate health and environmental problems.\textsuperscript{89} One can obtain the materials from this conference by contacting The State Bar of California, Legal Services Section, Standing Committee on Legal Services to the Poor.

\textbf{Address and Phone:}

The State Bar of California, Legal Services Section  
Standing Committee on Legal Services for the Poor  
555 Franklin Street  
San Francisco, California 94102  
415-561-8399

\textbf{V. Legislation, Executive Materials, and Case Law}

Legislation, executive materials, and case law will continue to be the most important tools in the struggle for environmental justice. Keeping track of such materials in this burgeoning area of the law is no simple task. Fortunately, Patrick Rohan’s practice guide, \textit{Zoning and Land Use Controls},\textsuperscript{90} now contains a chapter on environmental justice and equity issues. This chapter provides the legal researcher with a comprehensive substantive manual on the law of environmental justice. The text includes challenges to environmental inequities that are raised under theories of equal protection,\textsuperscript{91} Title VI,\textsuperscript{92} Title VIII,\textsuperscript{93}

\textsuperscript{88} Angela Harris & Anne Simon, Lawyering for Environmental Justice, Vol. I & II (Fall 1996).


\textsuperscript{90} \textit{4 ZONING AND LAND USE CONTROLS} (Patrick J. Rohan & Eric Damian Kelly eds., 1995).

\textsuperscript{91} Vicki Been, \textit{Environmental Justice and Equity Issues, in ZONING AND LAND USE CONTROLS}, supra note 90, at § 25D.03.

and section 1982 principles. In addition, the chapter details executive initiatives, federal legislative proposals, and state legislation and proposals. The information in the Practice Guide is reliable and fairly current, as the text is updated by looseleaf inserts.

A. Federal Materials

1. President Clinton's Executive Order

President Clinton's executive order, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, has been called "the most important new federal tool in the struggle for environmental justice . . ." This executive order requires that every executive agency make achieving environmental justice part of its mission; creates the Interagency Working Groups on Environmental Justice (for an example of the results of EPA's Interagency Workgroup, see the Internet site below); encourages public participation to resolve environmental justice concerns; and requires further research into environmental inequities. Unfortunately, the impact of the order does not create any right to judicial review for failure to comply and requires agencies to pay for compliance out of existing budgets. The text of this executive order can be found on the Internet (see address below) and in the People of Color Environmental Groups Directory.

On-line Sources:


95. For an excellent supplement to the Rohan text, see Schwartz, supra note 6. Schwartz's work covers existing legislation, executive materials, and case law in an annotated bibliography. Id. at 10,544-46.
97. Schwartz, supra note 6, at 10,544; see also Been, supra note 91, at § 25D.06[1] (giving a detailed description of the executive order).
98. Many federal agencies' environmental justice strategies are available on the Internet. E.g., Strategy on Environmental Justice (visited Apr. 7, 1997) <http://environ.navy.mil/ ejstrat.htm>. For more information on the federal agency strategies in response to President Clinton's executive order, see Been, supra note 91, at § 25D.06[1].
99. Schwartz, supra note 6, at 10,544.
100. Id.
101. See supra Part III.B.5.
2. Federal Case Law

For environmental justice advocates, the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution could be an effective tool in combatting environmental inequity. However, "[t]he major hurdle for litigants challenging a siting under a federal equal protection clause is the requirement that the plaintiffs prove that sitting decisionmakers chose the site with the intent to discriminate."102 This standard is extremely difficult to meet, and environmental justice advocates consequently have had greater success under federal statutes than under the U.S. Constitution.103 Part IV.A. of this pathfinder also discusses federal case law applicable to environmental justice.

Articles:

3. Proposals Before the U.S. Congress

Because of the limitations of President Clinton's executive order and the federal judiciary's failure to provide a remedy for environmental inequity, environmental justice advocates have urged the Federal Government to enact new legislation. Advocates have made two...
attempts in 1992 and 1993 at an environmental justice act. Although the 104th Congress did not pass new environmental legislation, the 1992 and 1993 proposals "serve as a model for state legislation and for regulatory initiatives." In addition, advocates have introduced a number of environmental justice bills which are currently on the docket.

Use the Congressional Quarterly Quarterly Washington Alert on Westlaw to access legislative proposals before Congress. The queries below will provide access to any current legislation that mentions or addresses environmental justice.

**Westlaw:**
- In CQ Washington Alert ("CQ-ALERT"), use "environmental justice" to search in BILLTRACK's Words and Phrases.
- "te("environmental justice")" in the USCA database

**LEXIS:**
- "environmental justice" in the LEGIS library, BLTRCK file

**B. State Materials**

1. **State Statutes**

Many state laws have provided more protection for environmental justice plaintiffs than their federal counterparts have done. California's environmental impact reporting law and New York City's facility siting law are among the state laws that provide more protection than their federal counterparts.

2. **State Legislation and Legislative Proposals**

Several state legislatures have passed or are considering new environmental justice statutes. Searching can be cumbersome due to the

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106. Been, supra note 91, at § 25D.06[2].
107. Schwartz, supra note 6, at 10,545 (describing state proposals).
108. Id. at 10,546.
110. New York City Charter § 203(a), in 1 ADMINISTRATIVE CODE AND CHARTER OF NEW YORK Cnty ch. 8 (Supp. 1995).
awkward wording of many statutes. Formulating queries to use in searching is no simple task, as the words "environmental justice" will likely not appear in the statute.\textsuperscript{112} State statutes and proposed legislation are deemed environmental justice statutes because they contain provisions meant to avoid the concentration of facilities in any particular jurisdiction,\textsuperscript{113} or requires that impact statements disclose and consider site demographics.\textsuperscript{114} Fortunately, Patrick Rohan's \textit{Practice Guide on Zoning and Land Use Controls} chapter on Environmental Justice contains a section on state legislation and legislative proposals.\textsuperscript{115} Dividing the statutes and proposals into six categories,\textsuperscript{116} the \textit{Practice Guide} is reliable and fairly current because the text is updated by looseleaf inserts. The material presented in the \textit{Practice Guide} can also be updated using the paths below.

CQ Washington Alert:
\begin{itemize}
  \item "environmental justice" in STATETRACK's Words and Phrases
  \item "te("environmental justice")" in the ST-BILLS database
\end{itemize}

LEXIS:
\begin{itemize}
  \item "environmental justice" in the LEGIS library, STTRCK file
\end{itemize}

\section*{VI. COMMON THEMES IN ENVIRONMENTAL JUSTICE LITERATURE}

The literature on environmental justice is robust and has several prominent themes, including: health and environmental justice; sustainable development; civil rights; the distribution of environmental protection; remedies; Native Americans and other indigenous people;

\begin{itemize}
  \item \textsuperscript{112} See \textit{E.g., Ark. Code Ann.} § 8-6-1501 (Michie 1996) (proclaiming legislative intent of the Siting High Impact Solid Waste Management Facilities subchapter of the Arkansas Code as addressing the "tendency to concentrate high impact solid waste disposal facilities in lower-income and minority communities"). \textit{See also} \textit{Been, supra} note 91, at § 25D.06[3][ii].
  \item \textsuperscript{114} \textit{See Been, supra} note 91, at § 25D.06[3][c] (citing \textit{A.B. 7140}, \textit{215th Gen. Ass., 2d Reg. Sess.} § 3 (N.Y. 1994)).
  \item \textsuperscript{115} \textit{Been, supra} note 91, at § 25D.06[3].
  \item \textsuperscript{116} \textit{Stating:}
  
  The statutes and proposed legislation can be divided into six categories: provisions meant to avoid the concentration of facilities in any particular jurisdiction; measures meant to ensure that all jurisdictions bear only their "fair share" of LULUs; "impact statement" mandates requiring disclosure and consideration of site demographics; provisions to increase the participation of minority or low income communities in decisions about the siting of LULUs; measures establishing task forces to study the problem of environmental injustice; and bills modelled after Executive Order 12,898.
\end{itemize}
human rights and the environment; the siting of hazardous/toxic waste disposal and transfer sites; ecofeminism; grassroots environmental organizing; Equal Protection under the Fourteenth Amendment of the U.S. Constitution; and the need for greater articulation of different perspectives in environmental policy formulation and implementation.

I have previously addressed some of these themes; others I explore in more detail below. It is important to recognize, however, that many of these topics overlap because the movement pursues an integrated vision of social, economic, and environmental justice. This part of the pathfinder identifies common themes that one can explore in databases and other information sources.

A. Civil Rights Law Applicable to Environmental Justice Issues

The environmental justice movement draws much of its inspiration from the civil rights movement of the 1960s. Many people credit a Texas civil rights case as the parent of environmental justice litigation. That case, brought in 1979 by Linda McKeever Bullard on behalf of residents of Houston’s Northwood Manor, was the first suit in the country to challenge the siting of an unwanted waste facility on civil rights grounds.

Since Linda Bullard’s historic case, the environmental justice movement has produced many lawsuits. During the past fifteen years, the knowledge and expertise of community groups and attorneys in the movement has vastly improved, allowing for more innovative approaches to environmental justice problems. For example, environmental justice litigants have borrowed the strategy of plaintiffs in traditional civil rights litigation, and have used the Equal Protection Clause of the Fourteenth Amendment to challenge the siting of facilities in communities of color. Plaintiffs have argued that the government decisionmakers were racially discriminatory in selecting the sites. As the traditional civil rights cases foreshadowed, success

117. Bean v. Southwestern Waste Management Corp., 482 F. Supp. 673, 680 (S.D. Tex. 1979) (holding that, while the decision to site a solid waste disposal facility in an African American neighborhood was “unfortunate and insensitive,” plaintiffs failed to prove discriminatory intent). For a description of Linda McKeever Bullard’s suit, see BULLARD, supra note 12, at 44-45.


119. BULLARD, supra note 12, at xiii-xiv.


122. Id.
often turns on the question of "intent" to discriminate.\textsuperscript{123} To date, none of these claims has succeeded.

Legal articles provide further insight into the inherent difficulties of civil rights case law which prevent communities from obtaining adequate remedies under civil rights doctrines. CD-ROMs such as Enviroline and LegalTrac are good sources for such works. Enviroline contains some legal materials but will also include articles by social scientists as well as government-sponsored research studies.

Enviroline:
- "kw = environmental racism"
- "kw = environmental justice"
- "kw = environmental equity"
- "kw = civil rights"

LegalTrac—PowerTrac Keyword Search:
- "environmental racism and civil rights" or "environmental justice and civil rights"

An excellent article written from the standpoint of a lawyer who has become embroiled in these fights is Luke Cole's \textit{Environmental Justice Litigation: Another Stone in David's Sling}.\textsuperscript{124} Cole states that environmental justice legal arguments have differing likelihoods of success. These arguments are listed in descending order of probability of success: traditional procedural requirements in environmental statutes; newer public participation requirements in environmental statutes; statutory civil rights law; and the U.S. Constitution. Cole's article also lists the civil rights cases that have been relied upon in environmental justice litigation.

The Center on Race, Poverty, and the Environment is a branch of the California Rural Legal Assistance Center on Race, Poverty, and the Environment. This center has done a substantial amount of environmental justice work on particular legal issues, such as Superfund and NEPA.\textsuperscript{125} For more legal resource groups, see the \textit{People of Color Environmental Groups Directory} in Part VI. For more on cases arising under the U.S. Constitution and under federal statutes, see the description of federal case law in Part V.A.

\section*{B. Environmental Justice and Health Concerns}

Concern about the health risks associated with facilities is the major impetus behind the environmental justice movement. "Risks or

\begin{thebibliography}{99}
\bibitem{123} Id.
\bibitem{124} Cole, \textit{supra} note 120.
\bibitem{125} Telephone interview with Luke Cole, Staff Attorney, California Rural Legal Assistance Center on Race, Poverty & the Environment (Dec. 8, 1995).
\end{thebibliography}
dangers associated with exposures to chemicals are especially problematic in communities hosting multiple facilities that may be, albeit legally, emitting various chemicals into the air, water, or soil." 126 This nexus between environmental health, risk assessment, and the regulatory models used to determine health-based standards is an area of great controversy and debate. 127 The relationship between health concerns and environmental justice is very important and could easily cover enough subject matter to warrant its own pathfinder. Consequently, this section briefly identifies sources where one can find information on the issues and cursorily discusses the lead problem.

In February of 1994, the National Institute of Environmental Health Science, EPA, the Department of Energy, the Agency for Toxic Substances and Disease Registry, and other government agencies sponsored a landmark conference entitled, "Symposium on Health Research and Needs to Ensure Environmental Justice." This symposium represented a uniquely multidisciplinary interaction among environmental health scientists, social scientists, toxicologists, epidemiologists, public health officials, educators, engineers, federal agency representatives, and community leaders, who met to discuss health research needs for environmental justice. 128 The proceedings of this conference can be found in *Toxicology and Industrial Health*. 129 This volume includes an overview of the Workshop and contains ten articles on environmental health risks, class, and race.

The mission of the National Institute for the Environmental Health Sciences (NIEHS), one of the co-sponsors of the conference, is to reduce the amount of environmentally caused human illness and dysfunction by gaining knowledge of environmental factors, genetic susceptibility, age, and how these factors interrelate. NIEHS collects data on environmental health and race, which it posts on the Internet.

Another excellent place to locate health related information is the NTIS database, which contains several studies dealing with risk factors. Using "environmental equity" as a search term, the researcher will retrieve both volumes of the EPA document entitled, *Environmental Equity: Reducing Risk for All Communities*. 130 This report reviews existing data on the distribution of environmental exposures and risks across population groups.

129. Id. at 685-959.
130. REDUCING RISK, supra note 13.
National Institute for Environmental Health Sciences (visited Apr. 6, 1997):

- <gopher://gopher.niehs.nih.gov:70/1>

NTIS—SEARCH OPTION in the WORDS/PHRASE index and the query:
- “environmental equity”

1. The Lead Problem

The Federal Government estimates that 3 to 4 million American children have been potentially exposed to lead in sufficient amounts to increase the lead in their blood to a level for which there is health concern. Most of these children, many of whom are African American and Latino, live in the inner city and are, therefore, at increased health risk due to exposure levels in their living and recreational environments. African American children are particularly affected, representing about sixty percent of children at risk for lead toxicity in families whose annual income is less than $6000, and forty-six percent of those at risk with annual family incomes of more than $15,000. Environmental justice advocates have documented disparities in their communities and abroad.

An enormous volume of literature is available on this issue. Enviroline has the broadest range of information and the most articles containing a good balance of law, health, and social components. The keyword query listed below retrieved a study by the National Center for Health Statistics analyzing environmental exposure of selected Hispanic groups. In addition, since lead poisoning exists predominately in inner cities, combining the term “inner-city” with “African Americans” and “lead” creates an excellent search query for this particular issue.

Enviroline:
- “(kw = environmental racism or kw = environmental justice or kw = environmental equity) and kw = lead”
- “(kw = environmental racism or kw = environmental justice or kw = environmental equity) and kw = health”

132. Robert D. Bullard, Introduction, in Confronting Environmental Racism, supra note 64, at 1, 12.
133. Robinson, supra note 131, at 92.
134. See generally Janet Phoenix, Getting the Lead Out of the Community, in Confronting Environmental Racism, supra note 64, at 77; Robinson, supra note 131, at 92. See also Wright, supra note 83, at 57, 58-59, 61.
C. Environmental Protection—The Inequitable Application of Statutory Remedies

Industrial and economic expansion ostensibly enhances the standard of living of all Americans. At the same time, however, economic and industrial growth results in the consumption and release of vast quantities of toxic chemicals resulting in the environmental justice controversy over who should bear the burden of these “advances.” As discussed below, the inequitable application of existing federal environmental legislation further fuels this controversy. Many scholars have addressed the issue of who is burdened and who is benefitted by environmental protection measures, often criticizing the manner in which state and federal governments implement environmental statutes. Scholars have charged, for example, that the government encourages a “racial divide” by the discriminatory manner in which it cleans up toxic waste sites and punishes polluters. White communities see faster action, better results, and stiffer penalties than African American, Hispanic, and other minority communities. This unequal protection often occurs whether the community is wealthy or poor. As a result, many scholars have examined how environmental statutes are implemented by analyzing the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Conservation, and Liability Act; and the National Environmental Policy Act. Generally, this information can be found in Enviroline or LegalTrac by using keywords such as “environmental justice” or “racism” along with the statute’s acronym—“RCRA,” “CERCLA,” or “NEPA,” for example. Examples of the search queries are given below.

1. Resource Conservation and Recovery Act (RCRA)

Since the Clinton Administration issued an executive order requiring all federal agencies to consider environmental justice issues in

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137. Id. at S2.
their decisionmaking. EPA has made the elimination of environmental injustice a top priority. For example, EPA has tried to involve the public in siting decisions, make management accountable to local communities, and establish outreach programs that feature grants and training for those communities. Enviroline provides a brief review of existing public participation policies and examines responses to RCRA permit challenges based on environmental justice claims. (See below.) In addition, NTIS contains studies that document the progress made by waste programs in implementing environmental justice initiatives. EPA's Office of Emergency and Remedial Response performed one particularly useful study entitled Waste Programs Environmental Justice Accomplishments Report. For more studies addressing RCRA, use the term "environmental justice" in the NTIS database.

Enviroline:

- "(kw = environmental justice or kw = environmental racism or kw = environmental equity) and kw = RCRA"

2. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Environmental groups have generally criticized the CERCLA program for ambiguous cleanup standards, incohesiveness, uncertain liability, and other factors that contribute to inefficiency in its implementation. Environmental activists have lobbied against the liability awards that finance hazardous waste cleanup programs. Moreover, studies show that great disparities exist between the time it takes to clean up sites in poor or minority communities and the time it takes to clean up sites in white, affluent communities. RCRA and CERCLA may also act as barriers to the redevelopment of polluted inner city sites. For the Enviroline query that indexes an article relevant to this topic, use the query cited below.

141. See supra Part V.A.1.
146. See James T. Reilly, Environmental Racism, Site Cleanup and Inner City Jobs: Indiana's Urban In-Fill Incentives, 11 YALE J. ON REG. 43 (1994).
3. National Environmental Policy Act (NEPA)

A traditional government approach to perceived unfairness is to balance any equities within the framework of law and the administration of justice. In the context of environmental justice, this means utilizing current environmental legislation to seek equitable relief in court. Leslye Herrmann’s article, *Injunctions for NEPA Violations: Balancing the Equities*,\(^1\) focuses on the current approach to incorporating equity issues in judicial environmental decisionmaking. For more information on NEPA and environmental justice, use LegalTrac.

LegalTrac—PowerTrac Keyword Query:

- “environmental racism and NEPA”

D. Empirical Studies Evaluating Environmental Justice Claims

Numerous studies lay the foundation for claims that people of color and the poor are disproportionately affected by environmental harms.\(^2\) However, other research calls into question the validity of these studies.\(^3\) This body of literature examines proportional environmental impacts on communities of color and low income communities. Further, these works draw upon a variety of academic disciplines.\(^4\) As a result, there is no single database indexing a large

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number of these studies. Fortunately, there are several articles, listed below, that analyze and compile this information:

Surveys:

- **Benjamin Goldman, Not Just Property: Achieving Sustainability with Environmental Justice** (1993) (summarizing the general characteristics of sixty-four empirical studies that researched the correlations between siting and income or race).

- **Vicki Been, Environmental Justice and Equity Issues, in Zoning and Land Use Controls § 25D.02** (Patrick J. Rohan & Eric Damian Kelly eds., 1996) (surveying the research supporting and negating the argument that the siting of noxious facilities imposes disproportionate burdens upon people of color and the poor).

**E. Native Americans and Other Indigenous Peoples Issues**

Environmental literature often treats the issues plaguing indigenous people and their lands as distinct from the issues that affect other groups. "While disproportionate environmental impacts should be investigated for all groups at-risk, Indigenous people have a unique cultural and legal claim in U.S. history and cannot be treated as simply one among many ethnic or socioeconomic groups."\(^{151}\) Waste Disposal activities adversely impact Native Americans.\(^{152}\) For example, more than three dozen reservations have been targeted for landfills and incinerators.\(^{153}\) In addition, there is concern that Native Americans may consume greater amounts of Great Lakes fish than the general population and are thus at greater risk for dietary exposure to toxic chemicals.\(^{154}\)

Surprisingly, despite the extent of the harm to these groups, it is difficult to access writing on these subjects. A search using terms such as "Native American," "indigenous," and "Indian reservation" will retrieve few articles in databases such as Enviroline and LegalTrac.

An excellent website on the subject is the Indigenous Environmental Network (IEN).\(^{155}\) IEN grew out of the momentum of the First National People of Color Environmental Leadership Summit and was formed as a grassroots alliance to help Indigenous Nations

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and their people. IEN supports efforts to challenge local, multinational, and transnational corporations, as well as any national policy action that contaminates the land, water, air, and health of indigenous people and their territories.

Articles:


- James L. Huffman, An Exploratory Essay on Native Americans and Environmentalism, 63 U. Colo. L. Rev. 901 (1992) (arguing that non-Indian environmentalists who take guidance from supposed Native American harmony with nature perpetuate stereotypes that negatively affect Native Americans).


Enviroline:

- "(kw = environmental justice or kw = environmental racism or kw = environmental equity) and kw = indigenous"

Internet:


F. Farmworker and Other Labor Issues

Pesticides used on crops harm farm laborers, who are predominantly Latinos, Asian Americans, and Native Americans. While many people are familiar with the dangers of pesticide residues in food, few are aware of the threat these pesticides pose to farmworkers and their families.

Locating environmental justice information on farmworkers is difficult. However, several grassroots organizations deal specifically with farmworker issues. The search feature in the on-line version of the People of Color Environmental Groups Directory provides easy access to these groups. At the search prompt, simply type "farmworker."

156. Marion Moses, Farmworkers and Pesticides, in Confronting Environmental Racism, supra note 64, at 161, 162.
Articles:

**G. Land Use Issues**

Policymakers and local land use officials have long struggled to cope with the “not in my backyard” (NIMBY) syndrome in the siting of “locally undesirable land uses” (LULUs) such as homeless shelters, drug or alcohol treatment centers, and waste disposal facilities. Existing evidence shows that neighborhoods hosting LULUs tend to have a higher percentage of people of color in their populations and are generally poorer than communities without LULUs.

Low income and minority neighborhoods are fighting back. Their representatives charge that industry and government siting officials have adopted a strategy for siting LULUs that is biased. Several community groups have sued local governments and LULU developers, alleging that officials have made siting decisions in a discriminatory manner, in violation of the Equal Protection Clause of the U.S. Constitution. As noted previously, however, the lawsuits have not succeeded and hold little promise for the future.

The plentiful literature in this area explores the evidence that LULUs are sited disproportionately in neighborhoods whose residents are predominantly poor or people of color. The literature also examines whether the dynamics of the real estate market have prevented any attempts to distribute LULUs fairly. Articles also exist on the patterns of discrimination in the allocation of municipal services, which contribute to the inequitable siting of unwanted land uses. Enviroline and LegalTrac provide access to numerous articles on these topics.


160. See id. at 1005.

161. Id. at 1003-04.


H. International Issues

Environmental racism occurs globally as well as domestically. During the last decade, the United Nations and other international organizations have struggled with the issue of hazardous waste exportation to developing countries.165 For instance, many groups have identified the North American Free Trade Agreement (NAFTA) as contrary to the environmental justice movement.166 Because the maquiladora industries are located along the U.S.-Mexican border, Mexican Americans are the ethnic group on the U.S. side of the border most affected by the pollution.167 This disparate impact has lead to accusations that U.S. corporations and the U.S. government engage in international "environmental racism."168

LegalTrac—Powertrac Keyword Search:
• "environmental racism and international"
• "environmental equity racism"

Articles:

Further Reference Regarding African Countries:
• Mutombo Mpanya, The Dumping of Toxic Waste in African Countries: A Case of Poverty and Racism, in Race and the Incidence of Environmental Hazards: A Time for Discourse 204 (Bunyan Bryant & Paul Mohai eds., 1992) (describing the background and variables behind toxic waste dumping in Africa and comparing the dumping of wastes in Africa with that in African

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167. See id. at 360-61 (explaining that the maquiladora program was formed by the Mexican government to entice foreign businesses to invest in Mexico). The program “refunds customs duties on raw materials or intermediate goods imported into Mexico for use in the production of goods that are to be immediately exported.” Id.
168. Id. at 367-68.
American communities in the United States as a way to explore the relationship between race and disposal policies).

- Friends of the South African Environment
  South African Exchange Program on Environmental Justice (SAEPEJ)\textsuperscript{169}
  6 Goodrich Road, #2
  Jamaica Plain, Massachusetts 02130
  Telephone: (617) 983-2239
  Fax: (617) 983-2240

VII.
CONCLUSION

To date, many people in various fields have taken steps to address the environmental inequities that divide our country on the basis of race and class. The abundance of materials discussed in this pathfinder indicate that scholars, practitioners, and government agencies are increasingly interested in this issue. Whether by government mandate or grassroots protest, the will and demand is developing to address these problems. As this issue garners more attention, access to this information should improve substantially. Until then, this pathfinder will provide research assistance to grassroots organizations, lawyers, scholars, and students.

\textsuperscript{169} SAEPEJ focuses on the effects of toxics and the deteriorating environment on the health and daily lives of communities by establishing links between communities and labor groups in the United States and their counterparts in South Africa. For more on toxic waste in South Africa, see Heeten Kalan, \textit{Apartheid and the Environment: Polluting the Poor, Toward Freedom}, Dec. 1993-Jan. 1994, at 6, 8.