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The Planning and Zoning Officials Academy provides local elected and appointed officials with both basic and advanced topics addressing issues unique to the role as a local government representative. This article is used with permission by the American Planning Association. "Environmental Justice" by Lora Lucero (The Commissioner, Summer 2007)

Environmental Justice

By Lora Lucero, AICP

Ask yourself the following three questions: Where are most of those LULUs (Locally Unwanted Land Uses) found in your community? How effectively do your land-use and planning processes include people in your community who are low-income and people of color? Who is sitting on the planning commission — is the commission truly representative of all segments of the community? The answers to these questions get to the heart of environmental justice.

What Is Environmental Justice?

"Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of negative consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal environmental programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected."¹

The beginning of the environmental justice movement can be traced to the effort in Warren County, North Carolina, 25 years ago to stop a landfill from locating in a predominantly African American community in one of the poorest counties in the state.² The landfill was to be the burial site for more than 32,000 cubic yards of soil contaminated with highly toxic PCBs, located over the water table only five to 10 feet below the surface from which the community drew its drinking water.

Although the protestors weren't successful in stopping the project, they received nationwide attention that led to an important national environmental justice study by the U.S. General Accounting Office and a landmark report³ prepared by the United Church of Christ's Commission for Racial Justice in 1987, which provided a definitive finding that race has been the most significant factor in locating hazardous waste facilities. Subsequent studies came to the same conclusion.⁴

In 1994, President Bill Clinton signed Executive Order 12898 requiring all federal agencies to make environmental justice a priority. Now many states are initiating their own policies and programs; California requires communities to include an environmental justice section in their general plans.

Since land-use and development decisions are preeminently local decisions, planning commissioners and local elected officials are in the best position to ensure that LULUs are sited equitably throughout the community, rather than concentrated in minority and low-income neighborhoods. A good first step is EPA's Environmental Justice Geographic Assessment Tool, an online resource that provides information for preliminary analysis of environmental justice areas of concern.

Professor Tony Arnold says "environmental justice and good land-use planning are inseparably connected."⁵ He suggests these 18 environmental justice planning principles that can guide the work of any planning commission and planning agency.

1. Adopt plans, policies, and regulations that are fair and achieve a healthy environment, vibrant community, and good quality life for all people.
2. Achieve widespread participation of all affected persons.
3. Implement a vision that empowers community residents.
4. Perform environmental justice audits.
5. Assess and analyze environmental and health risks from existing and proposed land uses.
6. Protect people from incompatible land uses, especially industrial and intensive commercial uses and uses that pose significant risks to human health and safety.
7. Locate housing, schools, and facilities caring for vulnerable people (e.g., the ill, elderly, children) in areas that are not near industrial facilities, contaminated sites, or other land uses that pose significant risks to human health and safety.

8. Plan primarily for pollution prevention and elimination, and secondarily for pollution containment and mitigation.
9. Preserve diverse cultural assets in the community.
10. Provide and maintain equal and adequate services and infrastructure.
11. Engage in specific district planning in low-income and minority neighborhoods.
12. Provide a mix of affordable housing options adequate to meet the locality's share of the regional need or the specific needs in the locality, whichever is greater.
13. Promote development and land uses that provide economic opportunities to low-income and minority residents.
14. Clean up and redevelop brownfields with primary emphasis on area resident and end-user health and safety, and the social and economic health of the surrounding neighborhood.
15. Prevent the displacement of local residents by gentrification.
16. Pursue transportation policies that provide effective transportation options to low-income and working-class people.
17. Plan for open spaces, parks, and artistic and cultural spaces in all areas of the locality.
18. Ensure that zoning, other land-use and environmental regulations, public projects and expenditures, and permit decisions are consistent with plans incorporating environmental justice principles.⁶

Notes

1. U.S. Environmental Protection Agency, Office of Environmental Justice, *Guidance to Assessing and Addressing Allegations of Environmental Justice*, Working Draft, 7 (January 10, 2001).
2. Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality*, 6 (Westview Press, 1990).
3. *Toxic Wastes and Race in the United States: A National Report on the Racial and Socioeconomic Characteristics of Communities Surrounding Hazardous Waste Sites*.
4. Vicki Been, "What's Fairness Got to Do with It? — Environmental Justice and the Siting of Locally Undesirable Land Uses," *Cornell Law Review* 4 (1993).
5. Tony Arnold, "Planning for Environmental Justice," *Planning & Environmental Law*, Vol. 59, No. 3, March 2007.
6. *Id.*