

Environmental Justice & Sustainability

For The Law of Sustainability: Past & Future, 24 April, 2020

Professor Lisa Benjamin, PhD
Assistant Professor, Lewis & Clark Law
School



Overview

- 1) Brief history of sustainable development + environmental justice (EJ);
- 2) Relationship between 2030 agenda for Sustainable Development + environmental justice;
- 3) Nexus between environmental justice and the climate crisis.



1) Brief history - Earth Day (1970)



1) Brief history - environmental movement in the US

- 1) 1900s – Sierra Club/U.S. National Park system;**

- 2) 1960s-1970s – lawyers/major federal environmental statutes;**

- 3) 1970s-until now – community-based/health/pollution.**

1) Brief history: Texas Southern University Riot 16-17 May 1967

- Clash between demonstrators sit-in at a garbage dump & Houston police;
- Triggered by drowning of 8-year old Victor George May 8th 1967 in Houston Holme's Road Dump;
- City placed dumps in segregated communities and most land fills in African American neighborhoods;
- Protested at entrance of dump hoping to close it down;
- Police barricaded dorms and gunfire was exchanged;
- 500 students arrested;
- 3,000-5,000 rounds of ammunition fired into dorms by police (students shared one .22 caliber pistol).



1) Brief history – 1982 Warren County

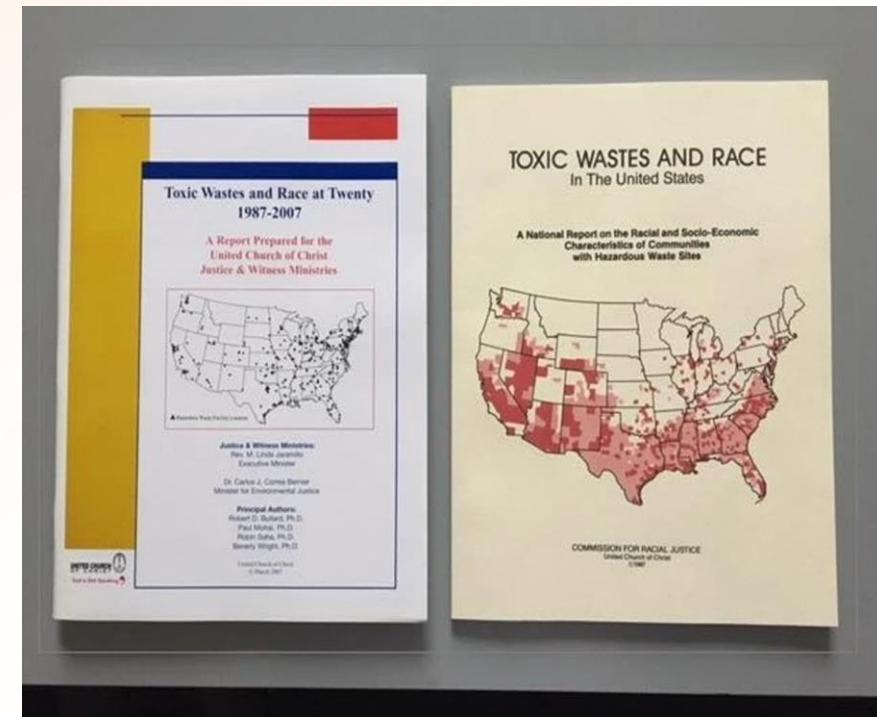


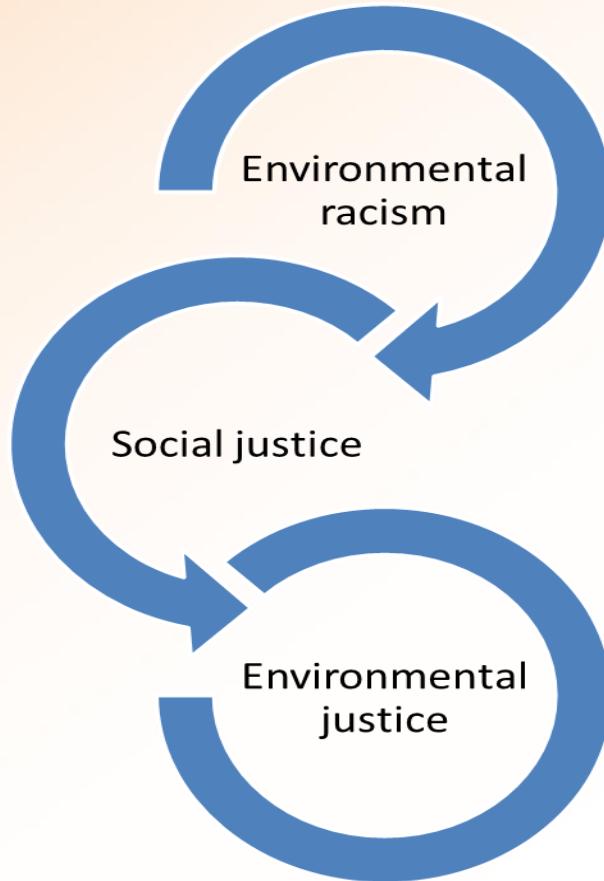
1) Brief history – UCC reports

Race is a major factor in the presence of hazardous waste in residential communities in the US;

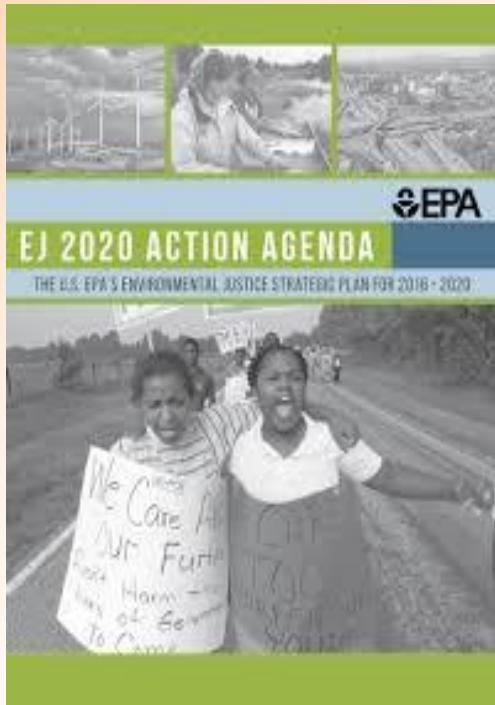
Communities with highest number of hazardous waste facilities had highest composition of racial and ethnic residents (38% v 12% in communities without facilities);

3 out of 5 largest hazardous waste landfills (=40% of total landfill capacity nationally) located in predominantly Black or Hispanic neighborhoods;





Definition of ‘environmental justice’



- ‘the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.....’

1) Brief history



Means that no group of people, including racial, ethnic, or socioeconomic groups should bear a **disproportionate** share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state and local and tribal environmental programs and policies.

1) Brief history: First People of Color Environmental Leadership Summit, 1991

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:



1) Brief history

The screenshot shows the Desmog website. At the top left is the logo 'DESMOG' with the tagline 'CLEARING THE PR POLLUTION THAT CLOUDS CLIMATE SCIENCE'. Below the logo are navigation links: HOME, RESEARCH DATABASE, SERIES, ABOUT DESMOG, MEDIA RESOURCES, and CONTACT US. A yellow horizontal bar separates the header from the main content. The main title of the article is 'Louisiana's Cancer Alley Community At Increased Risk of COVID-19'. Below the title is the author's name, Julie Dermansky, and the publication date, Wednesday, March 25, 2020 - 10:14. To the right of the text is a small circular icon containing the 'DESMOG SERIES' logo. The central image is a photograph of an elderly Black man standing in front of a brick wall. The overall color palette is warm, dominated by yellows and browns.

Louisiana's Cancer Alley Community At Increased Risk of COVID-19

By Julie Dermansky • Wednesday, March 25, 2020 - 10:14

Read time: 6 mins

POLLUTER'S PARADISE

Welcome to “Cancer Alley,” Where Toxic Air Is About to Get Worse

Air quality has improved for decades across the U.S., but Louisiana is backsliding. Our analysis found that a crush of new industrial plants will increase concentrations of cancer-causing chemicals in predominantly black and poor communities.

by Tristan Baurick, The Times-Picayune and The Advocate, Lylla Younes, ProPublica, and Joan Meiners, The Times-Picayune and The Advocate, Oct. 30, 2019, 12 p.m. EDT

The screenshot shows the ProPublica website. At the top left is the logo 'PROPUBLICA'. Below it are links for Graphics & Data, Newsletters, and About. To the right are buttons for 'Get the Big Story' and 'Join'. A yellow banner across the top encourages users to support fearless journalism with a link to 'Donate to ProPublica'. The main image is a photograph of an industrial facility at sunset, with the text 'POLLUTER'S PARADISE' overlaid in white. Below the image is the headline 'Welcome to “Cancer Alley,” Where Toxic Air Is About to Get Worse'. A paragraph of text follows, and at the bottom is a dark footer with the author's name and publication information.

Support fearless journalism that makes a difference. [Donate to ProPublica](#).

POLLUTER'S PARADISE

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1) Brief history

The screenshot shows the homepage of Climate Liability News. At the top left is the logo "Climate Liability News". Below it is a large blue banner with white text: "Richmond Becomes Latest California City to File Climate Lawsuit Vs. Big Oil". Underneath the banner, the navigation menu includes links for "HOME", "ABOUT", "STAFF", "CONTACT", and "SUBSCRIBE". Below the menu, a sub-headline reads "Home / Litigation / California Climate Lawsuits / Richmond Becomes Latest California City to File Climate Lawsuit Vs. Big Oil". The main content area features a large image of an oil refinery complex with several tall smokestacks emitting plumes of smoke or vapor. To the right of the image is a sidebar with the heading "Follow Us" and social media icons for Twitter, Facebook, and YouTube. Below that is a "DON'T MISS A STORY" section with a "Subscribe" button and a text input field for entering an email address.

The screenshot shows the homepage of Earthjustice. At the top center is the logo "EARTHJUSTICE" with the tagline "BECAUSE THE EARTH NEEDS A GOOD LAWYER". To the right are navigation links for "ABOUT US", "OUR WORK", "TAKE ACTION", and a green "DONATE" button. The main headline on the page is "FIGHTING FOR ENVIRONMENTAL JUSTICE IN RICHMOND, CA". Below the headline are social media sharing buttons for Twitter, Email, and Facebook. The central part of the page features a large photograph of an industrial refinery complex situated above a residential neighborhood. To the right of the photo is a sidebar with the heading "WHAT'S AT STAKE" and a paragraph of text explaining the environmental concerns. The text states: "The refinery was slated to emit more mercury, selenium and sulfur flare gas than before, in addition to as much as 900,000 tons of additional greenhouse gases per year."

Report Examines Why Decades of Promises to Diversify are Falling Short in the Mainstream Environmental Movement

The Green Insiders' Club

The report, "The State of Diversity in Environmental Organizations: Mainstream NGOs, Foundations & Government Agencies," is the most comprehensive report on diversity in the environmental movement. It surveyed 191 environmental non-profits, 74 government environmental agencies, and 28 leading environmental grant-making foundations to investigate their gender and racial diversity composition, the majority of which state diversification as a "value." The study included confidential interviews of 21 environmental leaders from diverse backgrounds and experience.

Report Findings:

1. The Green Ceiling

Despite increasing racial diversity in the United States, the racial composition in environmental organizations and agencies has not broken the 12% to 16% "green ceiling" that has been in place for decades.

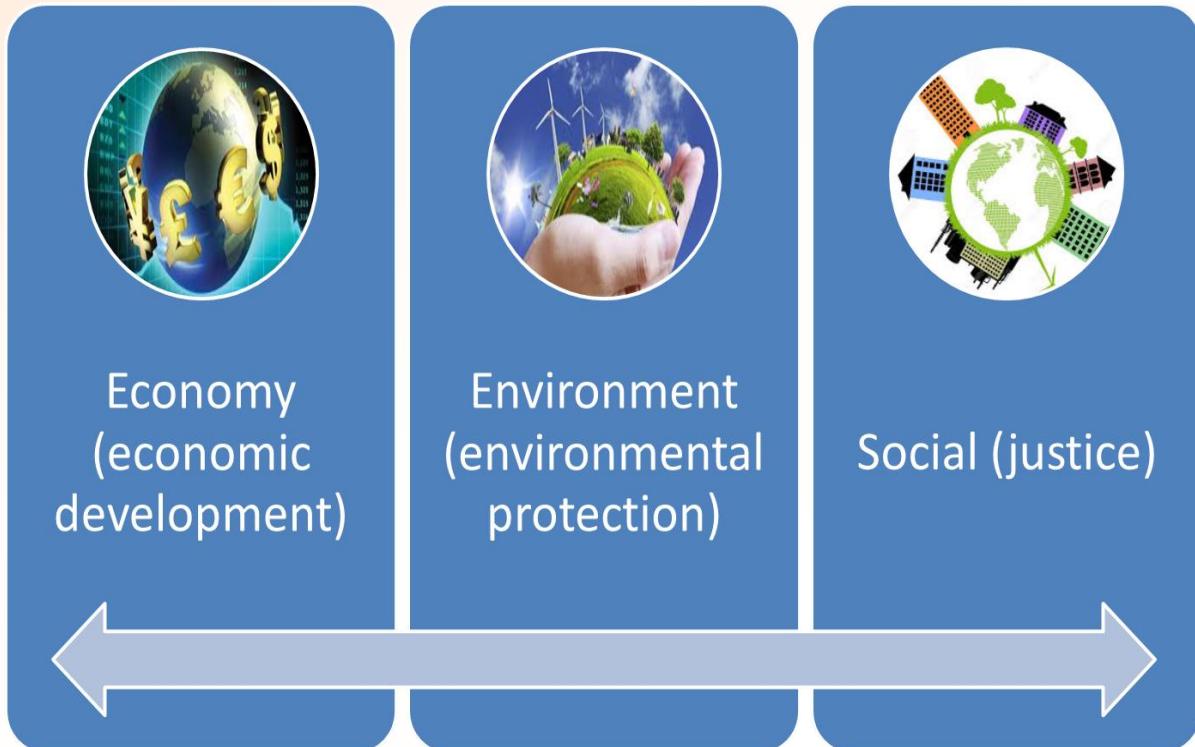
2. Unconscious Bias, Discrimination, and Insular Recruiting

Confidential interviews with environmental professionals and survey data highlight alienation and "unconscious bias" as factors hampering recruitment and retention of talented people of color.

1) Brief history

Sustainable development:
major goal
integrate 3 major pillars of development;

These map on to environmental justice goals.



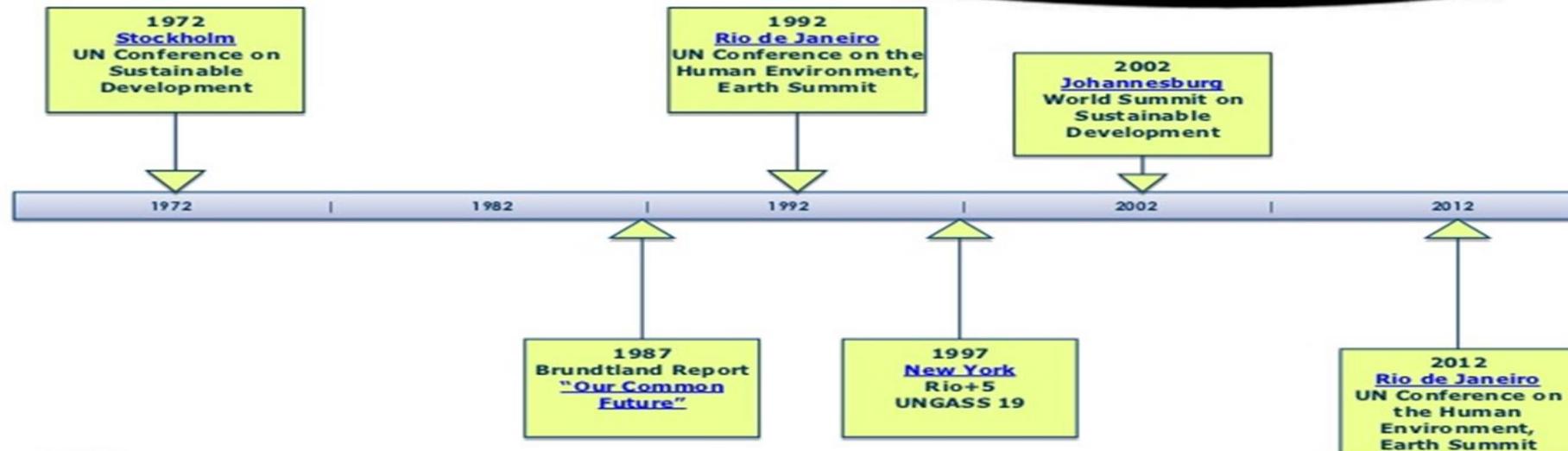
1) Brief history – in 1964 Group of 77



Used United Nations General Assembly to fight against rules favouring developed countries under Bretton Woods Institutions:

- New International Economic Order (fighting for economic decolonization);
- Common but differentiated responsibilities;
- Special and differentiated treatment.

Background: Timeline 1972-2012



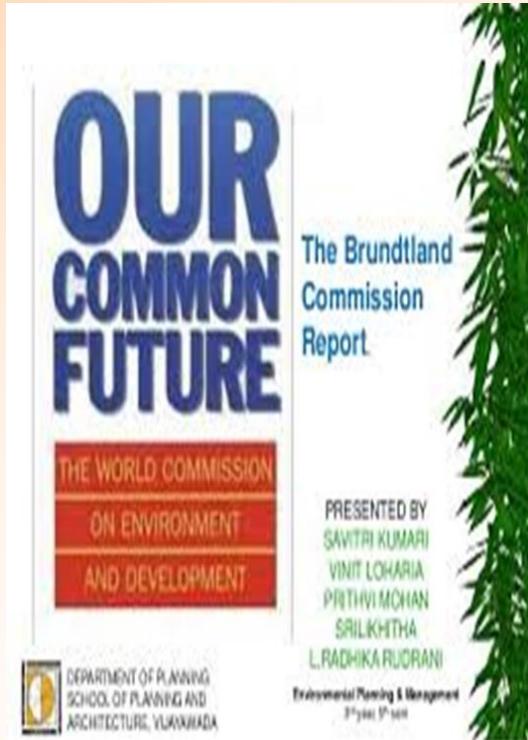
See also: [Sustainable Development Timelines Stakeholder Forum](#)

1) Brief history 1972 Stockholm Declaration



- Principle 21: States have, in accordance with the Charter of the United Nations and the principles of international law, the **sovereign right to exploit their own resources pursuant to their own environmental policies**, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

1) Brief history: 1987 Brundtland Report



“Sustainable development is the kind of development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

1) Brief history - 1992 UNCED



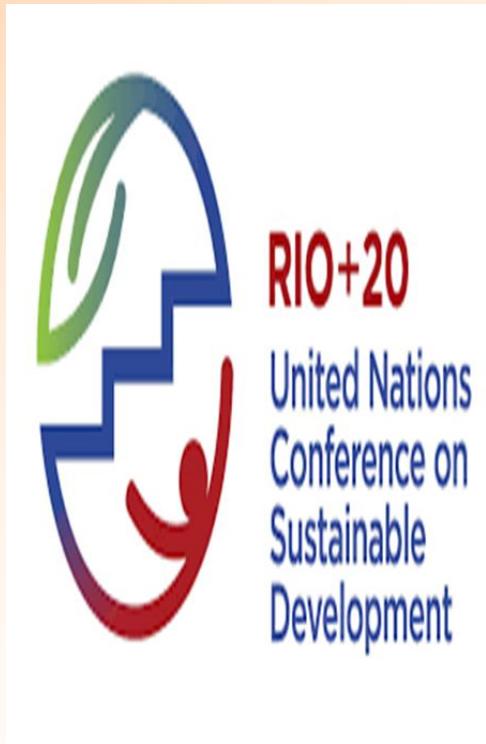
United Nations Conference on Environment and Development (UNCED) aka Rio Conference or Earth Summit:

- Rio Declaration 1992;
- Agenda 21;
- United Nations Framework Convention on Climate Change (UNFCCC) 1992;
- Convention on Biological Diversity (CBD) 1992;
- Statement of Forest Principles 1992.

1) Brief history: Millennium Development Goals (2000) – to be achieved in 2015....

	1		2		3		4
Eradicate extreme poverty and hunger	Achieve universal primary education	Promote gender equality and empower women	Reduce child mortality				
	5		6		7		8
Improve maternal health	Combat HIV/Aids, malaria and other diseases	Ensure environmental sustainability	Develop a global partnership for development				

2) 2030 Global Agenda



Rio from 20-22 June 2012:

- Green economy;
- Institutional framework for SD;
- Launched the process for the Sustainable Development Goals (SDGs) which would build on the Millennium Development Goals (MDGs);
- “Post-2015 Development Agenda”;
- 2030 Agenda for Sustainable Development.



SUSTAINABLE DEVELOPMENT GOALS

17 GOALS TO TRANSFORM OUR WORLD

1 NO POVERTY



2 ZERO HUNGER



3 GOOD HEALTH AND WELL-BEING



4 QUALITY EDUCATION



5 GENDER EQUALITY



6 CLEAN WATER AND SANITATION



7 AFFORDABLE AND CLEAN ENERGY



8 DECENT WORK AND ECONOMIC GROWTH



9 INDUSTRY, INNOVATION AND INFRASTRUCTURE



10 REDUCED INEQUALITIES



11 SUSTAINABLE CITIES AND COMMUNITIES



12 RESPONSIBLE CONSUMPTION AND PRODUCTION



13 CLIMATE ACTION



14 LIFE BELOW WATER



15 LIFE ON LAND



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



17 PARTNERSHIPS FOR THE GOALS



SUSTAINABLE
DEVELOPMENT
GOALS

2) progress of 2030 Global Agenda



Increasing inequality among and within countries requires urgent attention (3/4 of stunted children live in Southern Asia and sub-Saharan Africa);

Extreme poverty is three times higher in rural areas than urban areas;

Levels of carbon dioxide concentrations continued to increase in 2018. Ocean acidity is 26% higher than in pre-industrial times and is projected to increase by 100% to 150% by 2100 at the current rate of CO₂ emissions.

The number of people living in extreme poverty declined from 36% in 1990 to 8.6% in 2018, but the pace of poverty reduction is starting to decelerate as the world struggles to respond to entrenched deprivation, violent conflicts and vulnerabilities to natural disasters.

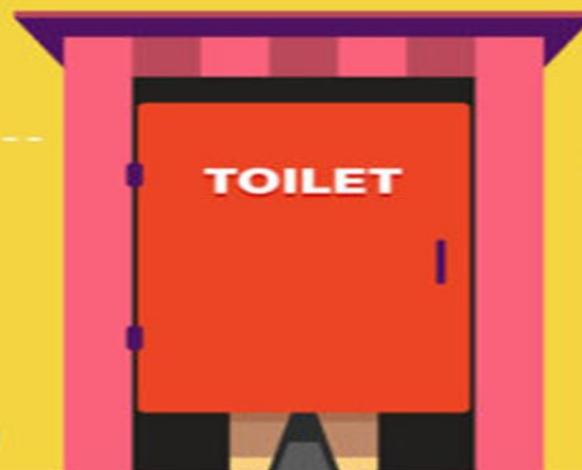
Global hunger has been on the rise after a prolonged decline.

4.5 billion people globally have no toilets at home that safely manage excreta (2015)

Of those people...

- **2.3 billion**
still do not have basic
sanitation services

- **892 million**
defecate in the open



- **600 million**
share a toilet or latrine
with other households



UNIVERSAL AND EQUITABLE ACCESS TO SAFE SANITATION FOR ALL BY 2030
END OPEN DEFECATION



World Health
Organization



2.1 billion people

globally lack safe water at home (2015)

Of those people...

263 million •
spend more than 30 minutes per
round trip collecting water



• **844 million**
do not have basic drinking
water services

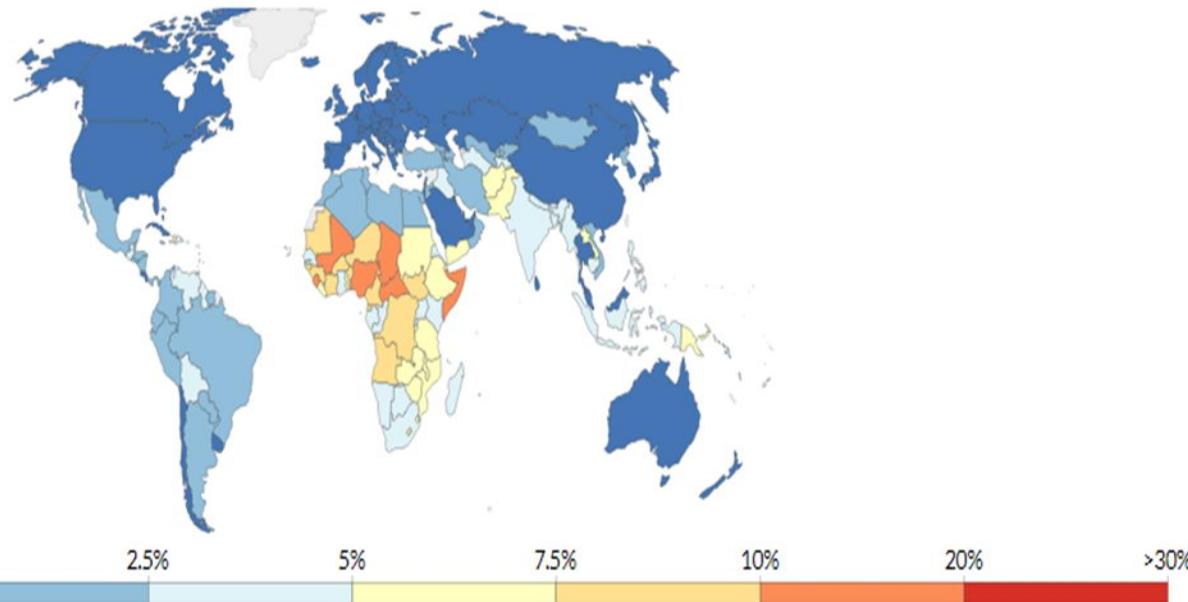


• **159 million**
drink water directly from surface
sources, such as streams or lakes



Child mortality rate, 2017

The share of newborns who die before reaching the age of five.



No data 0%

1%

2.5%

5%

7.5%

10%

20%

>30%

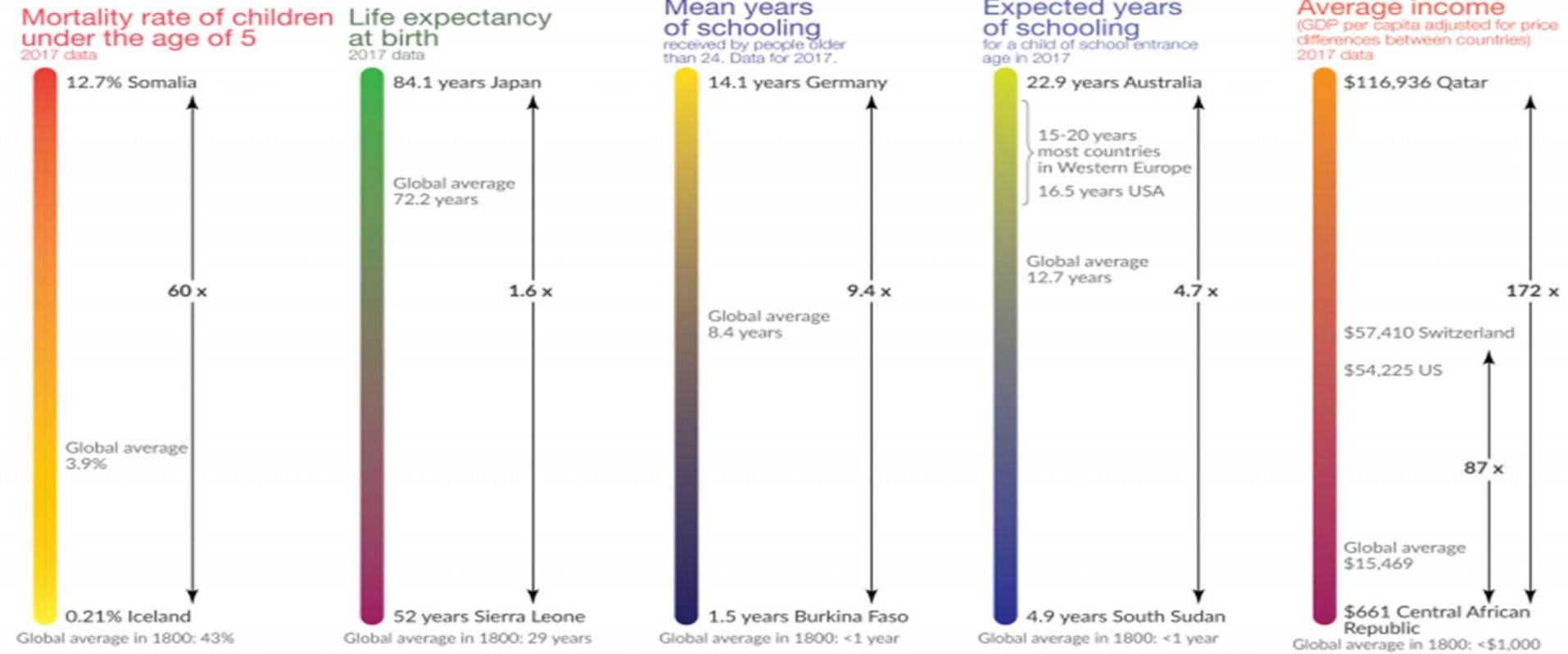
Source: UN Inter-agency Group for Child Mortality Estimation

Note: The child mortality rate expresses the probability of a child born in a specific year or period dying before reaching the age of 5 years, if subject to age-specific mortality rates of that period. This is given as the share of live births.

OurWorldInData.org/child-mortality • CC BY

Global inequality in living conditions

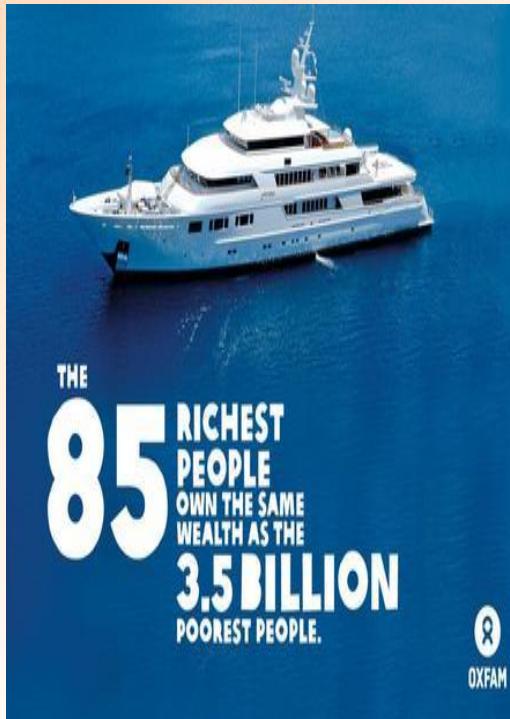
between the world's worst-off and best-off countries



Data source: all data for 2017 is taken from various UN publications. Historical estimates for 1800 are from OECD – How was life? and Our World in Data.
This is a visualization from OurWorldInData.org, where you find data and research on the world's largest problems.

Licensed under CC-BY by the author Max Roser.

2) 2030 Global Agenda



Despite high growth in emerging countries, global inequality increased since 1980.

The top 1% captured twice as much global income growth as bottom 50% (World Inequality Report, 2018);

Rates vary significantly within countries/regions;

Income group	China	Europe	India	Russia	US-Canada	World
Full Population	100%	100%	100%	100%	100%	100%
Bottom 50%	13%	14%	11%	-24%	2%	12%
Middle 40%	43%	38%	23%	7%	32%	31%
Top 10%	43%	48%	66%	117%	67%	57%
Top 1%	15%	18%	28%	69%	35%	27%
Top 0.1%	7%	7%	12%	41%	18%	13%
Top 0.01%	4%	3%	5%	20%	9%	7%
Top 0.001%	2%	1%	3%	10%	4%	4%

Source: WID.world (2017). See wir2018.wid.world/methodology.html for data series and notes.

From 1980 to 2016, the Middle 40% in Europe captured 38% of total income growth in the region. Income estimates are calculated using 2016 Purchasing Power Parity (PPP) euros. PPP accounts for differences in the cost of living between countries. Values are net of inflation.

2) 2030 Global Agenda



Economic growth led to lifestyles in global North subsidised by exploitation in global South;

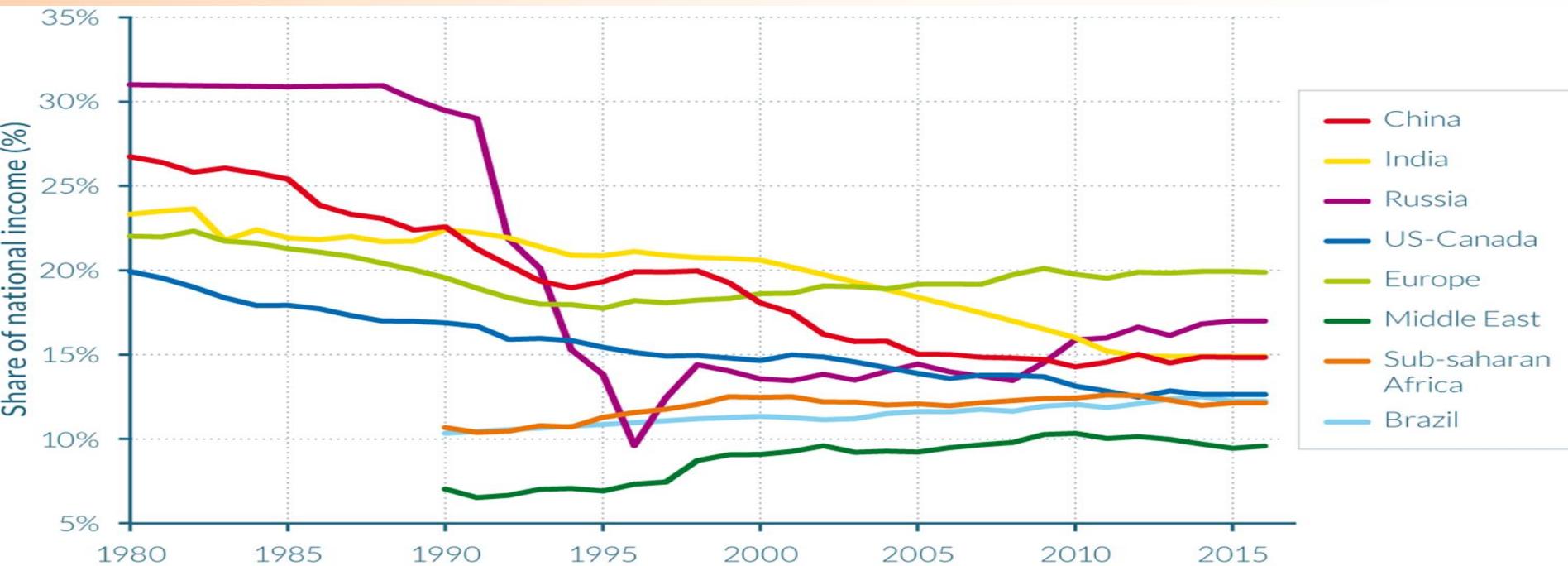
Increased levels of consumption beyond natural resources of global North;

Costs of goods did (and do) not reflect negative economic and environmental externalities, borne largely in global South + by disenfranchised communities within global North.

2) 2030 Global Agenda: Ecological Debt



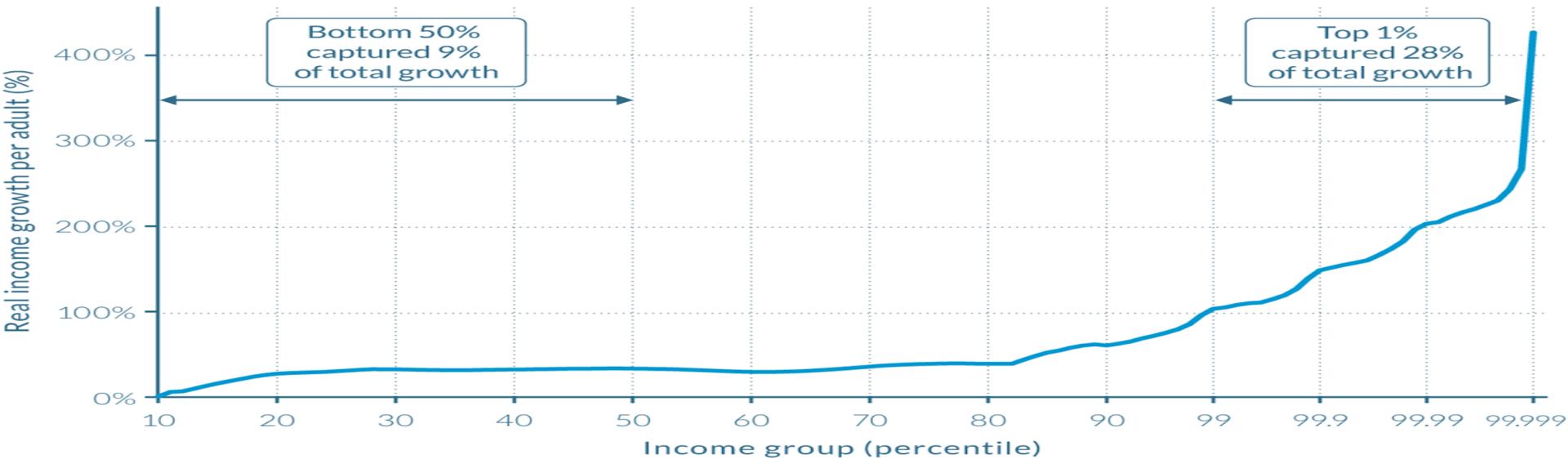
2) 2030 Global Agenda



Source: WID.world (2017). See wir2018.wid.world/methodology.html for data series and notes.

In 2016, 12% of national income was received by the Bottom 50% in Sub-Saharan Africa.

2) 2030 Global Agenda: US, Canada & Western Europe



Source: WID.world (2017). See wir2018.wid.world/methodology.html for data series and notes.

On the horizontal axis, the world population is divided into a hundred groups of equal population size and sorted in ascending order from left to right, according to each group's income level. The Top 1% group is divided into ten groups, the richest of these groups is also divided into ten groups, and the very top group is again divided into ten groups of equal population size. The vertical axis shows the total income growth of an average individual in each group between 1980 and 2016. For percentile group p99p99.1 (the poorest 10% among the world's richest 1%) growth was 104% between 1980 and 2016. The Top 1% captured 28% of total growth over this period. Income estimates account for differences in the cost of living between countries. Values are net of inflation.

3) Climate/EJ nexus

The Paris
Agreement: agreed
12 December
2015;

Almost universal
ratification at the
time.



3) Climate/EJ nexus

Anthropogenic GHG emissions are mainly driven by:
population size,
economic activity,
lifestyle,
energy use,
land use patterns,
technology and
climate policy (IPCC, AR5, p. 8).



Global mean temperature change

(°C relative to 1986–2005)

5
4
3
2
1
0
-0.61



Unique & threatened systems

Extreme weather events

Distribution of impacts

Global aggregate impacts

Large-scale singular events



(°C relative to 1850–1900, as an approximation of pre-industrial levels)

2003–2012

Level of additional risk due to climate change

Undetectable

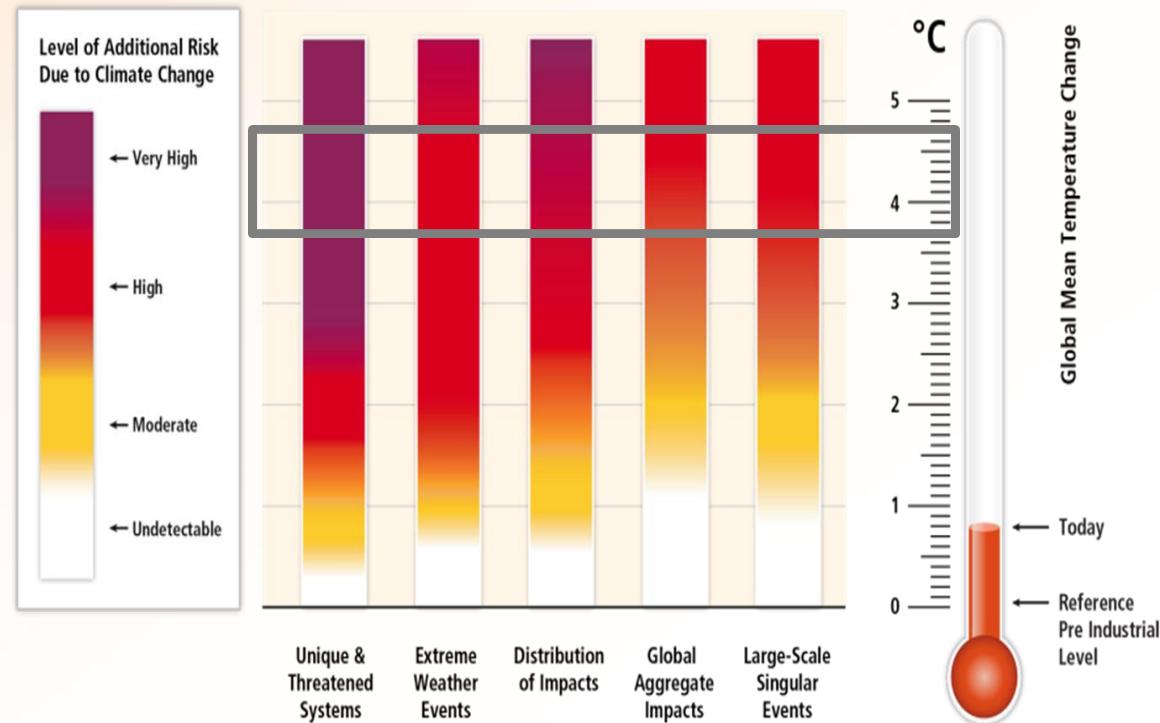
Moderate

High

Very high

3) Climate/EJ nexus

Without additional mitigation, global mean surface temperature is projected to increase by 3.7 to 4.8° C over the 21st century.



3) Climate/EJ nexus

 **SUSTAINABLE DEVELOPMENT GOALS**

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UN Report: Nature's Dangerous Decline 'Unprecedented'; Species Extinction Rates 'Accelerating'



3) Climate/EJ nexus

Climate change will have disproportionate and devastating effect on those living in poverty (esp. extreme poverty);

‘Climate apartheid’ = those with wealth will pay their way out of worst impacts.



**Climate change, poverty and human rights:
an emergency without precedent**

September 4, 2019 6.08pm EDT

Julia Aylen wades through waist-deep water carrying her pet dog as she is rescued during Hurricane Dorian in Freeport, Bahamas. AP Photo/Tim Aylen



Hurricane Dorian has devastated communities in the Bahamas, putting the human dimensions of climate change at the forefront of the news as the world grapples with the ongoing failure of many governments to effectively decrease greenhouse gas emissions. Two recently released climate reports by the [United Nations Human Rights Council](#) provide insights into future challenges

Authors



Lisa Benjamin
Assistant Professor Lewis & Clark Law School (Fall 2019), Lewis & Clark



Meinhard Doele

3) Climate/EJ nexus

Harms vastly disproportionate to the emissions from vulnerable constituents.

The poorest 50% of the global population is responsible for only 10% of global greenhouse gas emissions;

A person in the top 1% (which includes most middle class citizens in developed countries) is on average responsible for 175 times more emissions than a person in bottom 10%.

Figure 1: Global income deciles and associated lifestyle consumption emissions

Percentage of CO₂ emissions by world population

World population arranged by income (deciles)

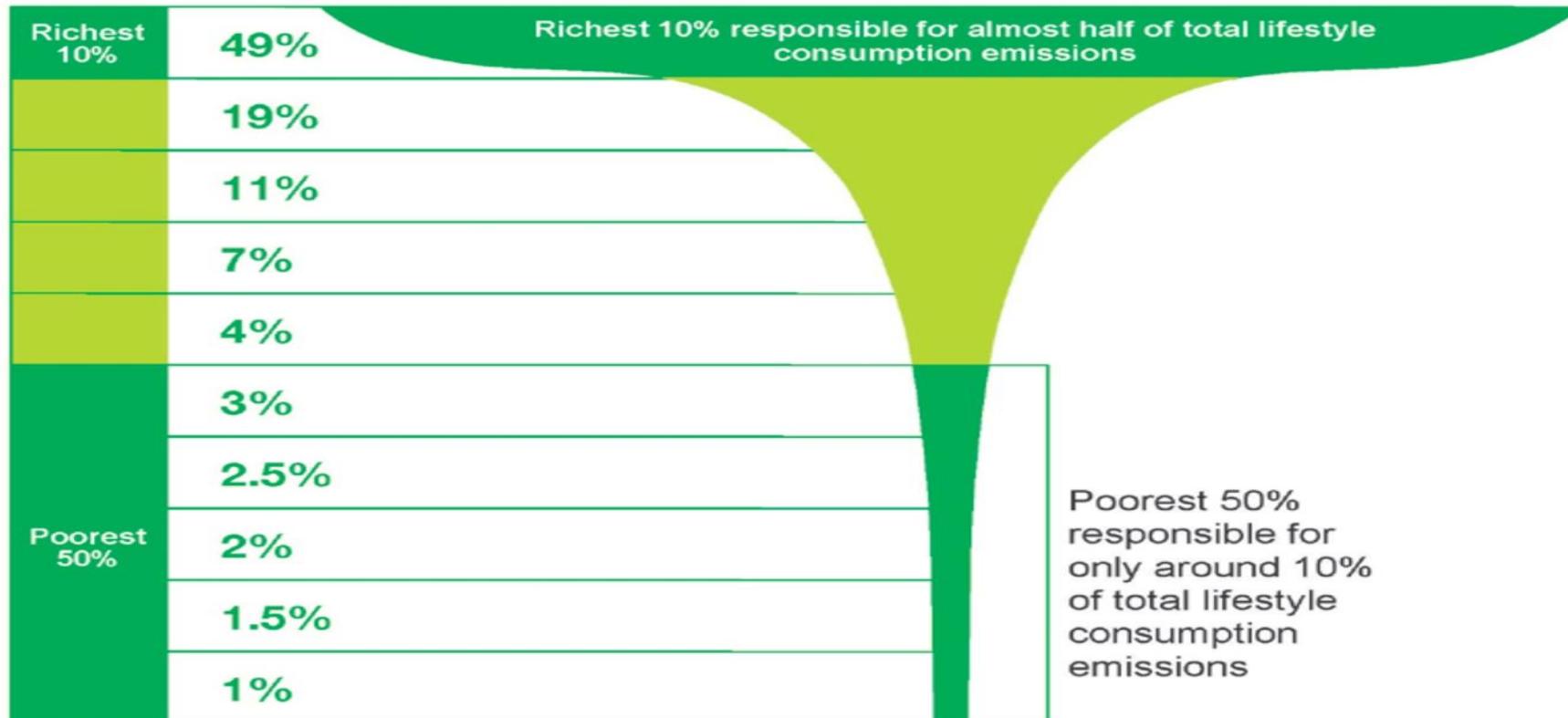
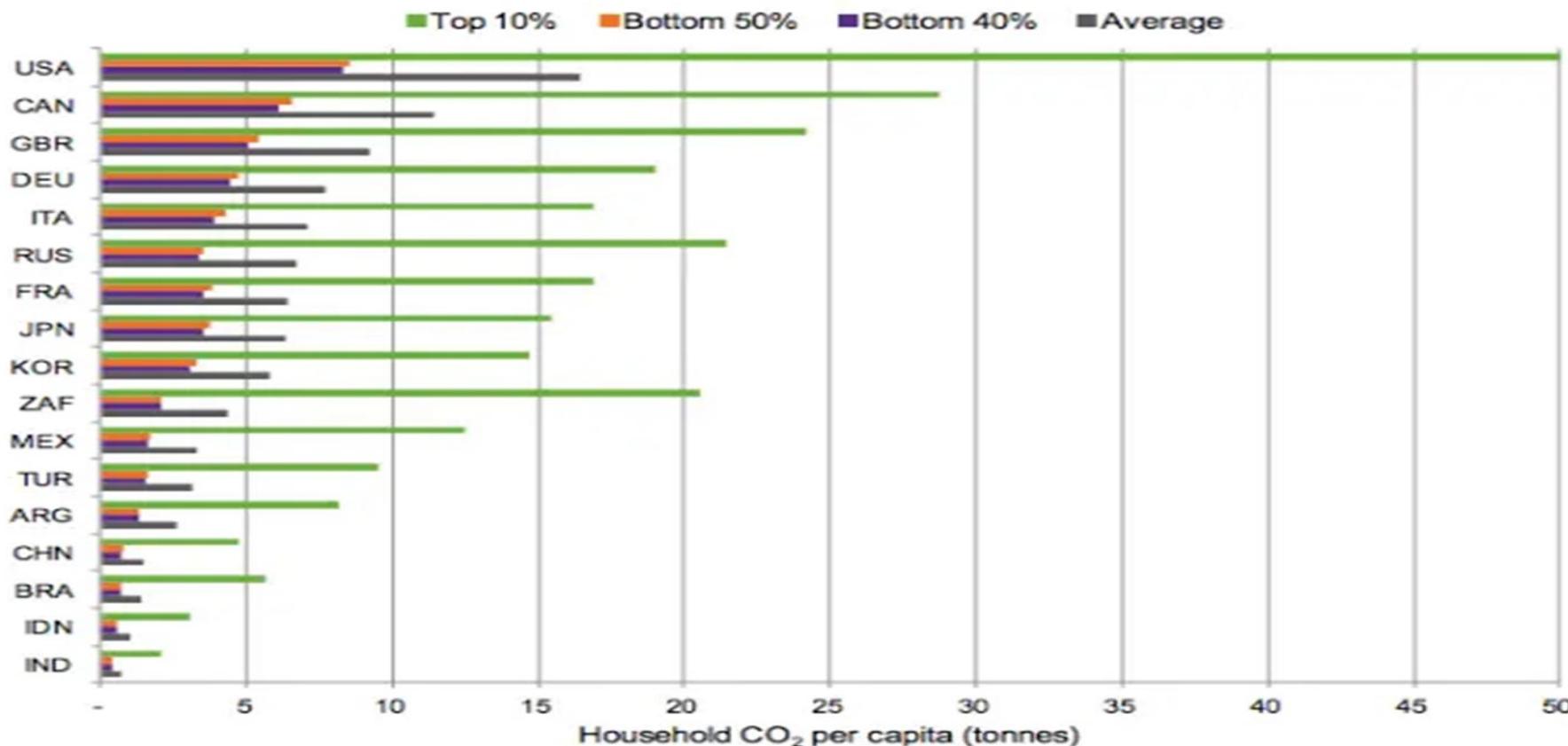


Figure 4: Per capita lifestyle consumption emissions in G20 countries for which data is available





Credit: Unsplash

Mar 12, 2019

Black and Hispanic Americans are exposed to a lot of air pollution from white consumption: Study

Black and Hispanic Americans are exposed to 56 percent and 63 percent, respectively, more air pollution than what their consumption causes.

By: Daniel C. Vock

3) Climate/EJ nexus



Adaptation options that reduce the vulnerability of human and natural systems have many synergies with sustainable development, if well managed, such as **ensuring food and water security, reducing disaster risks, improving health conditions, maintaining ecosystem services and reducing poverty and inequality** (high confidence) (IPCC, 1.5 Special Report).

3) Climate/EJ nexus

1.5°C

45% reductions
by 2030

Net-zero by
2050

2°C

20% reductions
by 2030

Net-zero by
2075



ELVE YEARS
OUR PLAN?

GREEN
JOBS
FOR ALL

WE HAVE A
RIGHT TO
GOOD JOBS

<< Back to E&E News index page.

HOUSE

Dems roll out sweeping environmental justice bill

Nick Sobczyk, E&E News reporter • Greenwire: Thursday, February 27, 2020



3) Climate/EJ nexus

Global crash in oil prices;

Means many more expensive shale projects no longer viable;

Could disincentivize investment in renewable energy;

We have a long way to go.....

REUTERS

BUSINESS MARKETS WORLD POLITICS TV MORE

COMMODITIES MARCH 10, 2020 4:10 PM ET 19 DAYS AGO

U.S. to fill strategic oil reserve 'to the top,' Trump says

Timothy Gardner, Humeyra Pamuk 4 MIN READ  

WASHINGTON (Reuters) - President Donald Trump said on Friday that the United States would take advantage of low oil prices and fill the nation's emergency crude oil reserve, in a move aimed to help energy producers struggling from the price plunge.



3) Climate/EJ nexus

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DAILY COMMENT

IF WE'RE BAILING OUT CORPORATIONS, THEY SHOULD BAIL OUT THE PLANET

By Bill McKibben
March 20, 2020



3) Climate/EJ nexus

A just
transition
+ a just
recovery?

5 Principles for Just COVID-19 Relief and Stimulus

The COVID-19 pandemic demands swift and unprecedented action from the federal government. The depth of the crisis and the scope of the response mean that choices being made right now will shape our society for years, if not decades to come. As policymakers take steps to ensure immediate relief and long-term recovery, it is imperative that they consider the interrelated crises of wealth inequality, racism, and ecological decline, which were in place long before COVID-19, and now risk being intensified. This is a time to be decisive in saving lives, and bold in charting a path to a genuinely healthier and more equitable future through a just recovery.

We, the undersigned organizations, call for COVID-19 relief and stimulus packages to contribute to a just recovery by upholding these five principles:

(1) HEALTH IS THE TOP PRIORITY, FOR ALL PEOPLE, WITH NO EXCEPTIONS

We support the calls of community leaders, public health organizations, unions, and others for free and accessible testing, treatment, and protective equipment; expanded hospital capacity, including in rural areas, territories, and tribal lands; paid sick leave and paid family medical leave for all workers without exception; expanded federal funding for Medicaid; and full funding for Indian Health Service and urban Indian health centers. Critically, the government must ensure such health protections cover all people, including low-wage workers, health workers, independent contractors, family farmers, Black and Latinx communities, undocumented immigrants, Indigenous peoples, people who are incarcerated, people who are homeless or housing insecure, and others likely to be hit first and worst by COVID-19 and the economic downturn.

(2) PROVIDE ECONOMIC RELIEF DIRECTLY TO THE PEOPLE

We support the urgent calls to expand the social safety net by broadening unemployment insurance, vastly increasing food aid programs, extending housing assistance, expanding childcare for working families, relieving student debt, and halting evictions, foreclosures, and shut offs of water and electricity. As with expanded public health measures, these economic measures must be implemented to ensure coverage of workers and communities

3) Climate/EJ nexus

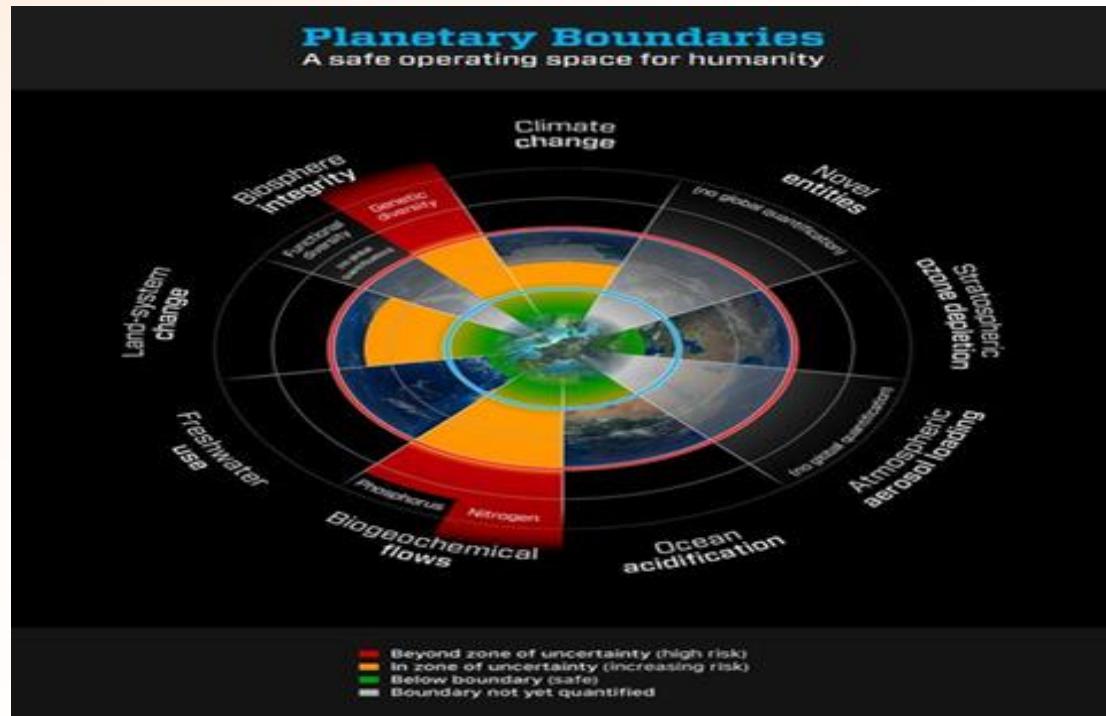
Sustainable development with an EJ lens

(4) MAKE A DOWN PAYMENT ON A REGENERATIVE ECONOMY, WHILE PREVENTING FUTURE CRISES

While we urgently need a large, short-term stimulus to protect the health and economic security of those on the front lines of the COVID-19 crisis, it is imperative that policymakers also plan for a large, medium-term stimulus to counteract the economic downturn and ensure a just recovery. This stimulus should create millions of good, family-sustaining jobs with high-road labor standards; counter systemic inequities by directing investments to the working families, communities of color, and Indigenous communities who face the most economic insecurity; and tackle the climate crisis that is compounding threats to our economy and health. All three goals can be achieved simultaneously with public investments to rebuild our infrastructure, replace lead pipes, expand wind and solar power, build clean and affordable public transit, weatherize our buildings, build and repair public housing, manufacture more clean energy goods, restore our wetlands and forests, expand public services that support climate resilience, and support regenerative agriculture led by family farmers. Critically, stimulus packages should include conditions for industries to implement high-road labor standards, workforce development, and reductions in climate emissions and toxic pollution. The response to one existential crisis must not fuel another.

3) Climate/EJ nexus

Rockström et al.,
Planetary
Boundaries:
Exploring the Safe
Operating Space
for Humanity
(2009)



3) Climate/EJ nexus

This decade is the DECISIVE ‘make or break’ decade to address these cumulative crises.



3) Climate/EJ nexus

None of us
are truly
safe,
healthy and
well until all
of us are.



Thank you!

Questions?

