

Environmental Justice: Best Achieved Through Local Approaches and Intergovernmental Collaboration

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The term environmental justice (EJ), though not a novel one, is for the most part foreign to the day-to-day operations of municipal government. This article is meant to present an introductory awareness about environmental justice and to encourage local actions in addressing environmental justice issues in collaboration with state and federal government. A coordinated approach, leveraging resources from all levels of government to implement activities that promote environmental justice makes sense in an atmosphere of often limited staffing and financial resources.

Environmental Justice is defined by the U.S. Environmental Protection Agency as:

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.

Common claims of environmental injustice arise due to citizens' concern about pollution exposures resulting from local planning or zoning decisions that place polluting facilities in close proximity to residential areas. Alleviating environmental injustices is a basic duty of local public administrators, as well as state and federal officials. Local governments are the entity closest to community residents and best understand local issues and needs. Many local governments in Maryland also have land use and zoning authority, which in the long run determines the kind of impacts residents will experience as development projects progress.

Recent studies by the National Academy of Public Administrators, found that public administrators who are working to address environmental justice issues are faced with many challenges, but there are also many opportunities. Concerns at the heart of environmental justice problems relate to how federal, state, and local governments can better serve citizens, particularly the working class, disadvantaged, or underrepresented. Solutions to environmental justice concerns include protecting citizens' health and welfare, and ensuring that they have meaningful opportunities to shape civic decisions affecting their lives and neighborhoods.

So how can local governments address EJ issues? EJ issues from a local perspective can be addressed in a number of ways, some of which are highlighted below:

- exercising leadership and accountability;
- using existing legal authorities, including current planning laws and zoning ordinances;
- setting priorities to reduce risks caused by pollution and other hazards;
- engaging the public early and proactively in substantive discussions about decisions that may affect their health and welfare;
- adopting effective mechanisms for communicating with the public

and providing the public with adequate information so that they can make useful contributions prior to government decisions; and coordinating with other levels of government so local citizens can benefit from the unique kind of support that agencies at each level can provide.

Pursuing a leadership role in EJ involves incorporating EJ into local land use and zoning plans and using existing regulatory laws to prevent or reduce negative environmental impacts in communities. Demonstrating leadership also entails working closely with residents, citizen groups, and environmental organizations to ensure their understanding of various environmental issues impacting communities so that they have meaningful opportunities to shape decisions.

As far as permitting goes, local officials must establish working relationships with local and state permit staff to ensure that notification about permit applications are received early enough to ensure public engagement in the permitting process. This is particularly important when the permits involved are contentious in nature.

To set priorities and reduce risk, local agencies should gather and analyze a range of data that determines which disadvantaged communities are at greatest risk from environmental hazard exposure and work with state and federal agencies on strategies to mitigate the hazards.

Public participation is a key component of environmental justice. Local staff should work to enhance opportunities for meaningful and effective public involvement allowing input on land use planning that reflects a neighborhood's unique vision. Information needs to be shared with all residents, and in instances where residents of a community have limited English proficiency, accommodations for translation should be sought.

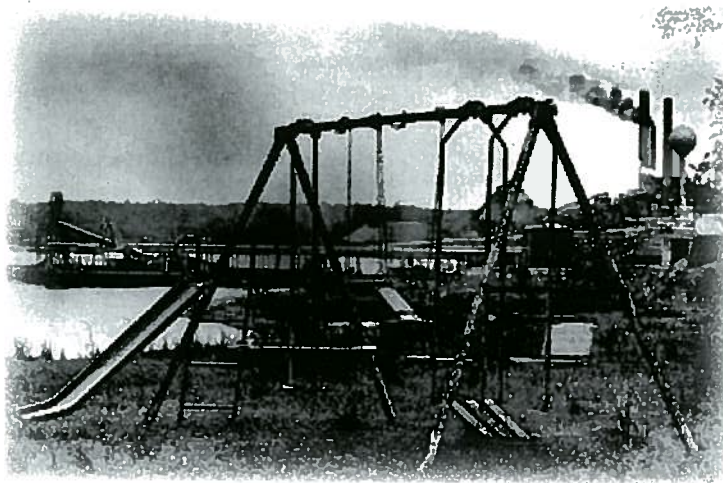
To adequately address EJ, it is critical for local, state, and federal agencies to work together effectively through inter-governmental coordination, because each level of government brings discrete tools and authorities that are critical to solving current environmental justice problems and preventing future ones. The federal government must ensure that its policies, rules, and guidance adequately consider environmental justice concerns, like racialized impacts. State environmental and other agencies must implement their environmental, public health, planning, and other programs to take into consideration disproportionate impacts that may heighten risk. States must also ensure that the public has opportunities and the requisite information to participate fully in decisions about environmental permitting and future economic development.

What role does the state play in support of local EJ efforts? The Maryland Department of the Environment (MDE) is the lead state agency for environmental justice. MDE is looking at proactive

ways of achieving EJ by implementing programs such as the Environmental Benefits Districts (EBD) and disseminating educational outreach materials about MDE's operations and permitting processes to generate public awareness and understanding.

The EBD initiative was developed by MDE to foster sound environmental practices, healthy and safe communities, and proactive economic development for all Marylanders. The approach emphasizes concentrating state resources in targeted communities. It intends to encourage more effective governance by allowing, where appropriate, communities to sit face-to-face with several state and/or local agencies. This can provide a symbolic one-stop-shop opportunity to resolve concerns and facilitate a clear and consistent message. The concept acknowledges that many of the programs needed to protect and revitalize communities are in existence, albeit not focused or coordinated in some cases. EBDs provide the geographic focus and needs identification to make some existing programs more successful. More information about the EBD program can be obtained from MDE's Environmental Justice Website at www.mde.state.md.us/CitizensInfoCenter/Environmental_Justice.

State and federal agencies have an important responsibility to enforce environmental laws so that no community or neighborhood suffers the adverse consequences of pollution. There are also many opportunities for state and federal governments to provide the technical assistance often needed by local governments. MDE in partnership with the Maryland Commission on Environmental Justice and Sustainable Communities, and other experts in the field of environmental justice, have embarked on developing a guide for local governments that will provide the nuts and



bolts of how local governments can pursue a leadership role in EJ. The guide will feature national best management practices at the local level that will serve as a valuable resource to local officials in Maryland and interested members of the public. Input from local government will be important throughout the development of the guide. Interested public officials are encouraged to contact **MDE at 410/537-3897**. When complete, the guide will be made available on MDE's website as well as disseminated to local governments throughout Maryland.

As consideration is given to the various possibilities and future actions with regard to EJ, it is worth reiterating that EJ is a basic duty of local public administrators, as well as state and federal officials, because good governance must be fair, just, and equitable. Local officials have ample authority to make land use planning and zoning decisions that take into account local citizens' concerns about potential environmental and public health impacts. When this is done with support from other levels of government and in collaboration with impacted citizens, significant progress toward achieving environmental justice can be realized. ■