

Just Transition Reflections  
Vermont Climate Council  
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# ENVIRONMENTAL JUSTICE CLINIC

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# Environmental Justice Movement History and Principles

**How a protest in a Black N.C. farming town nearly 40 years sparked a national movement, Darryl Fears and Brady Dennis, *New York Times* (April 6, 2021).**

WARREN COUNTY, N.C. — Ben Chavis was driving on a lonely road through rolling tobacco fields when he looked in his rearview mirror and saw the state trooper.

Chavis knew he was a marked man. Protests had erupted over North Carolina's decision to dump 40,000 cubic yards of soil contaminated with cancer-causing chemicals in a poor Black farming community in Warren County, and Chavis was a leader of the revolt.

The trooper pulled him over.

“What did I do, officer?” Chavis asked that day in 1982. The answer shocked him.

“He told me that I was driving too slow.”

Chavis was arrested and thrown in jail. When the cell door slammed shut, he gripped the metal bars and declared: “This is racism. This is environmental racism.”

# Environmental Justice Movement History and Principles

[1990 SouthWest Organizing Project Letter to Big Ten](#): “Although environmental organizations calling themselves the "Group of Ten" often claim to represent our interests, in observing your activities it has become clear to us that your organizations play an equal role in the disruption of our communities. There is a clear lack of accountability by the Group of Ten environmental organizations towards Third World communities in the Southwest, in the United States as a whole, and internationally.”

# Environmental Justice Movement History and Principles

- [Principles of Environmental Justice \(1991\)](#)

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. Since then, *The Principles* have served as a defining document for the growing grassroots movement for environmental justice.

# Principles of Environmental Justice (1991)

- 5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
  
- 7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
  
- 9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
  
- 12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

# Environmental Justice Movement History and Principles

## Jemez Principles for Democratic Organizing (1996)

1. Be Inclusive
2. Emphasis on Bottom-Up Organizing
3. Let People Speak for Themselves
4. Work Together In Solidarity and Mutuality
5. Build Just Relationships Among Ourselves
6. Commitment to Self-Transformation

## Executive Order 12898 of February 11, 1994

**Agency Responsibilities.** To the greatest extent practicable and permitted by law . . . each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions . . . .

## Executive Order 12898 of February 11, 1994

The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum:

- (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations;
- (2) ensure greater public participation;
- (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and
- (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations.

# EPA Definition of Environmental Justice

Environmental justice is 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. This goal will be achieved when everyone enjoys:

- The same degree of protection from environmental and health hazards, and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

# Gap between Principles and Policy

*“This goal will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.” + “promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations”*

- Ahistorical and lacking analysis of root causes of harms
- Gap in enforcement tools to address historic harms with holistic solutions
  - Civil rights protections
  - Cumulative Impacts
  - Intersectionality
- Erasure of self determination as core principle

# Impact: Patterns of Behavior in Climate Policy

- California: “As warned by environmental justice advocates, cap and trade has increased pollution hotspots for 2 communities of color in California, exacerbating pollution health and safety harms. . . . CARB has designed its cap and trade program to include a significant share of carbon offsets. This further exacerbates pollution hotspots because offsets allow industries to continue to pollute fenceline communities by purchasing reductions out of state or from industries not currently regulated by the program. . . . CARB has failed to be responsive to the needs and petitions of environmental justice communities in other numerous ways.” [December 2, 2020 letter](#) to the Biden-Harris Transition Team from California EJ Organizations re EPA Administrator Appointment.
- Transportation and Climate Initiative: “ I understand that the perception is that somehow there was a conversation going on that [environmental justice groups] were not part of,” [Pete] Rafle, [communications director for Georgetown Climate Center] said. “The actual timeline is a little different from that from the states’ perspective.” [Ysabelle Kempe, Why activists distrust this plan to cut emissions from cars and trucks](#), Grist (April 2, 2021).
- Regional Greenhouse Gas Initiative – [Field Notes: Equity & State Climate Policy](#)

# Impact: Climate Policy without Climate Justice

- Lack of engagement and even marginalization
- Ongoing disparate impact of benefits and burdens
- Failure to incorporate targeted emissions reductions where they are needed most
- Concern about increased electrification – continued lack of environmental protection translates into a lack of guardrails on siting
- No safeguards for governance particularly for distribution of Investments
- Concept of “complementary policies” centers certain solutions over others without engaging communities most affected

THESE CONCERNS HAVE GOTTEN TRACTION.

## THIS IS THE CROSSROADS.

- Historical and holistic view of harms and solutions
- Tools to address historic harms with holistic solutions
  - Civil rights protections
  - Cumulative Impacts
  - Intersectionality
- Self determination → Shifting and sharing power and resources

# THIS IS THE CROSSROADS.

## Pathways:

- Return to the Environmental Justice and Jemez Principles
- [A Just and Equitable Climate Platform](#)
- Principles for a Just Transition

# Just Transition Definition

“Just Transition is a vision-led, unifying and place-based set of principles, processes, and practices that build economic and political power to shift from an extractive economy to a regenerative economy. This means approaching production and consumption cycles holistically and waste-free. The transition itself must be just and equitable; redressing past harms and creating new relationships of power for the future through reparations. If the process of transition is not just, the outcome will never be. Just Transition describes both where we are going and how we get there.”

***Climate Justice Alliance***

# Just Transition Principles

## Climate Justice Alliance Principles

1. *Buen Vivir*
2. *Meaningful Work*
3. *Self Determination*
4. *Equitable Redistribution of Resources and Power*
5. *Regenerative Ecological Economics*
6. *Culture and Tradition*
7. *Solidarity*
8. *Builds What We Need Now*

[The Just Transition Alliance  
Definition of a Just Transition and  
Just Transition Principles](#)

[Indigenous Principles of Just  
Transition](#)

# Spectrum of Community Engagement to Community Ownership



*Developed by Rosa González of Facilitating Power. Available at:*

<https://movementstrategy.org/b/wp-content/uploads/2019/09/Spectrum-2-1-1.pdf>

# Learning From Other Jurisdictions

- City of Providence Climate Justice Plan

**“There are not enough places for kids to play and be near nature.** Even Roger Williams Park is surrounded by highways!”

“Those huge tanks at **the Port** are just scary. They look like they could blow up anytime. Wait, I think something did a few months ago! And then nasty stuff spilled on Allens. **What are they bringing in and out of there anyway? Definitely not benefiting me, just adds to traffic pollution and make me wish I could move.**”

“Every time our community gets cleaned up, white folks want it and start moving us out. ... **We need to make sure we won’t get kicked out before we push to make good things happen.**”

Images from Providence Climate Justice Plan. Available at: <https://www.providenceri.gov/wp-content/uploads/2019/10/Climate-Justice-Plan-Report-FINAL-English-1.pdf>

# Rethinking Decision-making in Statute

**New Jersey:** “The [Department of Environmental Protection] may deny a permit application in a burdened community upon a finding that the approval of the permit would, together with the cumulative impacts posed by the existing conditions, including conditions resulting from permitted activities, in the burdened community, constitute an unreasonable risk to the health of the residents of the burdened community and to the environment in the burdened community.”

**Massachusetts:** “The department of environmental protection shall evaluate and seek public comment on the incorporation of cumulative impact analyses in the assessment and identification of certain categories of permits and approvals. Not later than 18 months after the effective date of this act, the department of environmental protection shall propose regulations to include cumulative impact analyses for defined categories of air quality permits identified through the evaluation and public comment process.”

**New York:** “Based on the assessment and identification of disadvantaged communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants . . . the department shall select disadvantaged communities around the state for preparation of community emissions reduction programs.” Also relies on Environmental Justice Advisory Group, Climate Justice Working Group, *and* Just Transition Working Group.

# Outcomes Matter Too

- Is community input actually incorporated?
  - Are policies adequately implemented?
  - Are policies evaluated for unintended consequences and disparate impacts?
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## **Resource for Equity Screening Tool**

GARE Equity Tool, available at:

[https://www.nrpa.org/uploadedFiles/nrpaorg/Professional\\_Development/Innovation\\_Labs/GARE-Racial-Equity-Toolkit.pdf](https://www.nrpa.org/uploadedFiles/nrpaorg/Professional_Development/Innovation_Labs/GARE-Racial-Equity-Toolkit.pdf)