

## **Government Procedures and Policies for Environmental Justice**

Procedural complications and vagueness has led to complaints from both industry and community groups in reference to Title VI and Executive Order 12898. First and foremost, there are no clear definitions for the terminology of environmental justice, which means that there is no standard method or metric for determining whether or not a given situation is unjust. Even if an administrative/legal framework exists to combat environmental injustice, the whole system still gets ineffectively mired in pedantic arguments over what specifically constitutes 'disproportionate impact' or 'minority' or 'low-income' etc etc. Also, area-specific arrangements can be problematic because they often result in an unhealthy and regionally inequitable distribution of environmental burdens by pitting perceived economic well-being against community health. Some of the biggest shortcomings of Title VI are in its handling of community complaints. I am still not clear what a "(private) right of action" is, but the main result of some major supreme court decisions is that affected individuals (and populations?) cannot rely on the judicial system to decide and enforce judgments on disproportionate burdens and other issues of environmental justice and discrimination. Also, state and local jurisdiction supercedes federal authority to consider many of these issues, effectively allowing the spirit of the federal law and recommendations to be undermined at will. The EPA has the power to dismiss complaints if litigation is underway and also has a time limit for filing complaints--neither of which are completely clear to understand. In order to be successful, the EPA has to come up with clear and uniform policies and standards that can be tested in various communities and situations in order to determine as objectively as possible whether a particular community is being unjustly burdened. Otherwise the argument between victims and perpetrators will continue forever without resolution.

Clinton's Executive Order 12898 clearly establishes environmental justice as an important aspect of civil rights and a necessary consideration in the actions of all major federal agencies. This characterization of environmental justice as a fundamental civil right is reinforced by the fact that Clinton's order specifically places jurisdiction of EJ issues under preexisting laws and regulations rather than creating any new legal structures. Rather than a tool for protecting environmental justice, the Order thus becomes more of a national policy statement promoting the ideology of environmental equity but leaving the particular course of action for each agency open to interpretation.

Who are legitimate 'stakeholders'? It seems like the EPA wants to bring all interested groups to a cooperative negotiating table--government, industry, community etc. I, on the otherhand, feel that public health and environmental justice are not subjective issues to be negotiated between perpetrator and victim. There is no right afforded 'industry/business' to make profits to the detriment of community health. They clearly have a stake in the permitting decisions of the EPA and other agencies, but they should have no say in my opinion. (I think...). The public certainly has a right not to be dumped on, and they also have a right to seek employment and economic betterment--but these do not necessarily have to be exchanged for lowered environmental or occupational standards.