

11.368 - Reaction Paper 6

I was surprised by how vaguely Executive Order 12898 was written. I did not feel that it was proactive enough in its wording to effectively prevent environmental injustice. The four requirements which is imposes on all federal agencies (enforcement of existing legislation; increased public participation; improved research in relation to the health, environment, and minorities; and identification of differential patterns of consumption among minorities) do not provide a framework by which to remedy injustice. Instead, they only mandate the agencies look for injustice.

Some may point out that Title IX is designed to address any injustice identified by E.O. 12898. I am not an expert, but my interpretation of Title IX is that it states that discrimination illegal, but it does not provide specific suggestions for ways to eliminate it. Given that the environmental justice movement is a relatively new one, specific examples of actions necessary to alleviate environmental injustice are critical. Our society has had experience dealing with many forms of discrimination, but in 1994, environmental injustice was not one of them. It is not easy to find a solution for a disproportionate number of toxic facilities in a minority or low income neighborhood -- it is an issue which has arisen every time we've met for class. (It is much easier to point to a disproportionate number of female and minority managers in a federal agency and say that the solution is to promote more women and minorities.) Expecting E.O. 12898 to effectively combat environmental injustice is asking too much. More needs to be done. Legislation is probably needed, and it is unfortunate that the three bills mentioned in the Gaylord and Bell article were not enacted.

I found it interesting to view the analysis of the Bush administration's civil rights record in this light. Given how broadly E.O. 12898 can be interpreted, it is not surprising that NAPA criticized the Bush administration for lacking standards and accountability when it analyzed the administration's stance on environmental justice. I do not think that NAPA's criticisms necessarily mean that the Bush administration failed to comply with E.O. 12898. Furthermore, I thought that the report was a little harsh in criticizing the Brownfields Revitalization Act of 2001. The first problem that the report cites is that white communities experience faster, more thorough cleanup of brownfields. While this may be the case, it is not a reason to abandon the legislation. It is certainly an environmental justice issue, but it may be one that is too large to be remedied with a single law. I think that the problem is systemic -- whites generally experience better treatment. Whether one can fault a single piece of legislation for being 'race neutral' is highly depending on the law itself and is not beyond the realm of debate. Given the apparent lack of other federal statues addressing environmentally justice, I think that the civil rights report is too quick to condemn the bill.