



Environmental Justice as Social Justice: Environmental Racism and Injustice

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Contents

1. Introduction	3
2. Understanding Green Criminology	3
3. The Environmental Crime Stated	
a. Environmental Justice: Is there fair treatment?	5
b. Warren County: The emergence of environmental racism	5
c. A Political Economy Context: Treadmill of production and racial capitalism	7
4. Tackling the problem	9
5. Conclusion	11
6. Bibliography	13

Introduction

Across the world, humans produce extensive ecological harms that damage local and global ecosystems that can have deleterious effects on the inhabitants of those ecosystems. These harms can be associated with; ecological additions, such as toxic pollutants, ecological withdrawals, such as the depletion of natural resources and raw materials, or ecological disorganisation, such as global warming. While it is true that these harms represent a global concern that will have serious consequences on everyone, it is not true that everyone is impacted equally by these harms. This report will show that exposure to environmental injustices are unequally distributed between different racial and ethnical groups, explaining the various concepts and approaches to explaining environmental harms and crime. The first part will provide an overview of the emergence and development of green criminology. In the second part, forms of environmental racism are to be discussed and the report shall offer a substantial and empirically rich account of the causations, and the impacts. The final section will critically discuss how policy, practice and research

has aimed to deal and address the issue of environmental racism. This report aims to enforce the message that environmental racism is a contemporary and global issue that requires more exposure and attention from environmental justice (EJ) policy and practice.

Understanding Green Criminology

Michael J. Lynch published the first work to suggest the need for a green criminology in 1990, believing “the earth is being destroyed as we watch, often as we do too little to stop the destruction” (Lynch and Stretesky, 2014, p. 1).

According to Lynch and Stretesky (2014), environmental harms are more important and widespread than criminal harms, and criminologists should be concerned with the general neglect of ecological issues in



Air pollution contributing to the environmental crisis. Source: <https://www.myjewishlearning.com/article/taking-responsibility-for-the-environmental-crisis/>

criminology. Despite growth in the field in the last 30 years, green criminology is yet

to acquire a prominent place within criminology (Lynch and Stretesky, 2014) and mainstream criminology remains largely focussed on restrictive notions of the police and policing of ordinary street crimes (Nurse, 2016).

Green criminology, however, extends beyond this focus to encompass the destructive effects of human activities on local and global ecosystems (Nurse, 2016). In general, green criminology refers to the study of environmental issues and harms, environmental laws, and regulation (White and Heckenberg, 2014). As such, the key focus of green criminology is one of a legalist perspective, strictly concerned with acts that are prohibited by law and constitute environmental crime (Nurse, 2016). Explaining what a green crime is, however, creates many concerns (Lynch, Long, Stretesky and Barrett, 2017). Many green criminologists advocate for a social legal approach to study environmentally harmful activities that are not currently defined as crimes (White and Heckenberg, 2014). For instance, Carrabine et al. (2004) discuss green crimes in terms of primary and secondary crimes, primary referring to harms that have bad effects on the environment and secondary being breaches of law or regulation.

There is no single definition for green criminology, however, as it is a complex and diverse study (White and Heckenberg, 2014). Green criminologists thus have their specialisms and focus on specific aspects of environmental harms or environmental crimes from distinct ideological and theoretical positions (Nurse, 2016). For example, from the environmental criminology perspective, approaches are taken to deal with human individuals who commit environmental crimes as they are legally defined, such as illegal poaching (White and Heckenberg, 2014). This perspective applies conventional criminological theories like Clarke's (1980) situational crime prevention theory, to reduce environmental harm and offences (Nurse, 2016). As such, a target hardening approach to reduce the rewards of illegal poaching would reduce this threat to endangered species (Nurse, 2016).



US TV presenter and trophy hunter, Milissa Bachman pictured above. Source: <https://theconversation.com/trophy-hunting-is-not-poaching-and-can-help-protect-wildlife-29938>

Contrastingly, specieist criminology sees non-human species as having intrinsic values and rights and mainly critiques anthropocentrism in the construction of environmental issues (White and Heckenberg, 2014). In addition, the conservation criminology perspective draws upon concerns with the legal definitions of environmental law enforcement and crime in relation to natural resource conservation (White and Heckenberg, 2014). Similarly, a radical green criminology perspective has anti-capitalist and anti-anthropocentric orientations toward issues of environmental crime and nature (White and Heckenberg, 2014). For example, Lynch and Stretesky (2014) identify that a lot of environmental harm is legal, resulting from neoliberal markets and the exploitation of natural resources by corporations and states. The radical perspectives main concerns are animal rights, environmentalism and ecological, environmental and species justice (White and Heckenberg, 2014). As Lynch et al. (2017) suggest, all green crimes are connected to a political economic context, hence this report will analyse environmental racism and injustice from this perspective.

Environmental Justice: Is there fair treatment?

Environmental justice (EJ) refers to a broad set of issues related to the distribution of environmental risks (Konisky, 2015). EJ pioneer Dr Robert Bullard was one of the first academics to highlight 'environmental racism' by examining the disproportionate exposure to environmental harms amongst poor and minority populations experience (Bullard, 1994). A key example of this occurred in Warren County and brought national attention to the issue of environmental racism.

Warren County: The emergence of the environmental justice movement and environmental racism

Following the unlawful disposal of thirty-one thousand gallons of polychlorinated biphenyls (PCBs), the North Carolina state decided to bury the contaminated oil in a landfill in Warren County, despite the

county not being a suitable location and the known health risks (Lynch et al., 2017). In the context of the demographic composition of Warren County, it was one of the poorest counties in the state of North Carolina with about 64% of the population identifying as black, almost doubling the racial composition of wider North Carolina (US Government Accountability Office, 1983).



Rev. Ben Chavis during a 1983 protest against the dumping of PCB. Photo by Ricky Stilley.

A federal investigation by The US Government Accountability Office (GAO, 1983), prompted by responses from activists, proved that Warren County was not a unique event. Rather, three out of four hazardous waste sites in the surrounding areas were housed in predominately black communities (GAO, 1983). Additional studies found that three out of every five black and Hispanic Americans lived in communities with toxic waste sites (United Church of Christ, 1987). Overall, it is now widely

understood “that race is a significant predictor of commercial hazardous waste facility locations” (Bullard, Mohai, Saha and Wright, 2007, p. 11).

EJ is not just a historical problem, it is a contemporary one (Konisky, 2015). For example, research shows that marginalised ethnic groups have increased exposure to pollution and reduced access to healthcare (Washington, 2020). In addition, over 81% of Michigan’s African American school children were enrolled in regions of the highest concentrations of air pollutions (Mohai, Kweon, Lee and Ard, 2011). Greater exposure to air pollution has long been tied to shorter life expectancy (Washington, 2020).

Moreover, minority communities are facing the consequences of environmental racism as increased exposure to air pollution is linked to an increase likelihood of dying from COVID-19 (Wu, Nethery, Sabath, Braun, Dominici, 2020).



“Environmental justice means racial justice, say activists” as coronavirus disproportionately affects BAME people. Source: <https://www.theguardian.com/environment/2020/jun/18/environmental-justice-means-racial-justice-say-activists>

Political Economic Context: The treadmill of production and racial capitalism

In the case of environmental victimisation, Gould, Pellow and Schnaiberg (2008) suggest that environmental injustice is a normal consequence of the way capitalist economies function. Treadmill of production (ToP) theory can help explain how and why humans contribute to environmental injustice, by referring to the political economy of production (Streteskey, Long and Lynch, 2014). In short, ToP theory argues that the continuous expansion of production is not ecologically sustainable (Streteskey et al., 2014). Consequently, capitalism produces continuous ecological disorganisation and damage through the withdrawal of raw materials and the addition of pollution (Streteskey et al., 2014). For instance, on a transnational scale, economically disadvantaged countries suffer environmental burdens as a result of the demands of consumption and the target to supply products, resources and markets of the global north (Streteskey and Lynch, 2009). For example, US import drives

elevate per capita carbon dioxide emissions in other nations (Streteskey and Lynch, 2009).

In addition, globalisation has increased the opportunity for environmental racism to occur on an international scale through the process of capitalism, as such, pollutants are easily dumped to the global south (Beech, 2020). For example, in Guiyu, China, heaps of discarded computer parts have contaminated the water supply with lead levels 190 times higher than WHO limits (Beech, 2020). This also reflects what occurs at local levels, for example, landfills and waste incinerators are likely to be located in disadvantaged neighbourhoods (Streteskey and Lynch, 2009).



A Chinese child sitting among cables and e-waste, Guiyu, China. Source: <https://www.techrepublic.com/article/the-depressing-truth-about-e-waste-10-things-to-know/>

In 2014, in the city of Flint, Michigan, poor treatment of their water supply led to 100,000-majority black-residents being

exposed to dangerous levels of lead and E. coli (Beech, 2020). Residents were forced to drink the foul smelling, discoloured water for 18 months (Beech, 2020). The slow official reaction was concluded a result of systemic racism (Beech, 2020). Building on ToP theory, Pulida (2017) highlights the persistent inequality between white and non-white communities and theorises that environmental racism occurs as a production of racial capitalism.

Racial capitalism theory, in conjunction with Gould et al. (2008), would suggest that this inequality occurs as capitalism with the means of production cannot

accumulate capital without creating severe inequality (Pulida, 2017). Pulida (2017) argues that this is because of the role colonisation, racism and non-white devaluation played in the formation of modern capitalism and it is this production of value that is central to capitalist production. Therefore, It can be argued that modern capitalism operates as a form of systemic racism whereby communities of colour are disproportionately burdened with environmental health hazards through being forced to live in proximity to sources and disposal of toxic waste (Beech, 2020).



A playground sits near an industrial plant in Detroit's 'most polluted' neighbourhood, the 48217 district, where 80% of inhabitants are Black. Source: <https://news.sky.com/story/climate-change-environmental-racism-in-detroits-most-polluted-neighbourhood-12280355>

Tackling the problem

Green criminologists frequently critique the actions of nation-states, federal governments and transnational capital for fostering harm and inadequately addressing harms (Lynch et al., 2017). Understanding the effectiveness of governmental agencies in addressing justice is important for devising potential solutions to justice issues (Konisky, 2015). However, there has been very little analysis of the effectiveness, or lack thereof, of the policy responses to EJ (Konisky, 2015).

The way in which environmental agencies choose to implement and enforce their authority can have substantial effects on the achievement of EJ (US Environmental Protection Agency, 2021a). The EJ 2020 Action Agenda is the EPA's EJ strategy to provide the "tools, policy lens and analytical resources necessary to help ensure that all Americans have access to clean air, water, and soil" (US Environmental Protection Agency, 2021b). The hallmark federal action to address EJ is the Executive Order 12898 (EO 12898), passed by President Bill Clinton in 1994 (Konisky, 2015).



President Bill Clinton signs Executive Order 12898.
Source:
[https://commons.wikimedia.org/wiki/File:President_Bill_Clinton_signs_Executive_Order_12898_\(cropped\).jpg](https://commons.wikimedia.org/wiki/File:President_Bill_Clinton_signs_Executive_Order_12898_(cropped).jpg)

The issue of this order requires all federal agencies, like the EPA, to consider the EJ implications of their regulations and activities (Pulido, 2017). The EO 12898 emphasises the importance of using the National Environmental Policy Act (NEPA) review process to promote EJ (US Environmental Protection Agency, 2021c). Furthermore, the Environmental Appeals Board (EAB) requires agencies to include meaningful public participation and conduct appropriate EJ analysis (Konisky, 2015). However, the EAB requires that analysis must be done, not that it be done in a specific manner (Konisky, 2015).

Consequently, there are no consistent parameters employed for identifying disparate impacts on minority populations (Guana, 2015). Noonan (2015, p.236) states the lack of standard setting means agencies have “done relatively little to spare particular subgroups from the burdens of regulation or of pollution”. As such, Pulido (2017) stresses how all four major environmental agencies have failed to fully incorporate EJ into their activities. In addition, Shadbegian and Wolverton (2015) also note that few agency reviews have included a comprehensive assessment of distributional impacts, particularly in the way called for by the EO 12898 and NEPA.

The very first time a rule actually recognised the issues of disproportional impact was when the EPA updated the National Air Quality Standards in 2010 (Noonan, 2015). This was considered a significant achievement for EJ, especially considering the evidence showing that minority populations experience greater exposure to air pollutions (Washington, 2020). However, it doesn’t set a limit on concentrations for these communities, rather it called for additional emissions monitoring in vulnerable communities (Noonan, 2015). Noonan (2015) suggests

that this reflects how the EO 12898 has not resulted in a significant change to EPA standards and EJs part in how these are set.

Daley and Raemes (2015) further analysed how policy responses to EJ have also been inconsistent at improving public participatory processes in pursuit of EJ goals. The EO 12898 has led to more opportunities for public involvement in environmental decision making, however, participation from low-income and minority communities is uneven (Daley and Raemes, 2015). Moreover, following the introduction of the EO 12898, EJ activists have filed eight lawsuits against the state and all have failed (Pulido, 2017). In addition, the public can participate in EJ goals through Title VI Complaints as under the Civil Rights Act, public agencies are prohibited from discriminating (Pulido, 2017). As of January 2014, activists had filed 298 Title VI Complaints with a success rate of 0.3% (Pulido, 2017). Gross and Streteskey (2015) stress that the EPA has not aggressively used the courts to achieve EJ goals and have been very slow and reluctant to resolve Title VI Complaints. Moreover, they claim that federal courts reach biased decisions by penalising firms

found to be violating pollution control laws less harshly when they are located in low-income and minority communities (Gross and Streteskey, 2015).

Overall, the EPA has not given EJ sufficient priority when taking inequality into account when setting new standards, evaluating distributional impacts of new rules, reaching out to involve poor and minority communities and resolving Title VI complaints (Konisky, 2015). As a result, there has been little progress to convert the reforms of the mid-1990s into sustained changes and where progress has been made it has been slow and inconsistent (Konisky, 2015). That said, it must be recognised that the EPA's mandate is not to protect specific populations, but rather human health and the environment for everyone (Konisky, 2015). As the EPA can use its discretion to pursue EJ goals, this means EJ goals will not compromise the EPA's main mission (Guana, 2015). In this regard, there has been significant progress in the last few decades, for instance, researchers document significantly increased lung function in youth as air pollution has declined in general (Pulido, 2017). However, as Noonan (2015) notes there are ways in which the EPA can use their

discretion in deciding regulations that EJ goals but still achieve their wider goals.

Conclusion

In conclusion, this report has given an overview of the development of green criminology. In addition to a brief overview of a variety of approaches used to study environmental harms and crime, regulations and laws. Choosing to adopt a political economic context, the report provides a substantial account of environmental racism, highlighting the connection between environmental injustice and the political economy. It was shown that ethnic minority populations are exposed to a disproportionate level of environmental risks and harms. Using ToP theory and Pulido's (2017) theory of racial capitalism, it was shown that capitalism produces environmental disorganisation and harm due to the ecologically unstable nature of the continuous expansion of production. Using racial capitalism theory, it was shown that ethnic minority and lower socio-economic status populations experience more of this disorganisation because modern capitalism was predated by racism and continues to place different value on different humans. In addition,

globalisation allows for environmental injustice to occur on a global scale, for example, the U.S. accounts for approximately 4.5% of the global population but accounts for over 17% of the world's carbon dioxide emissions (Lynch et al., 2017). The report then went on to critically evaluate the nature and effectiveness of responses to EJ. In order to do this, this section appropriately referenced important policies and agencies like the EO 12898 and the EPA. It was argued that following the EJ movement and EJ's inclusion into

environmental policy following the issue of the EO 12898, EJ is yet to play a major part in the standard setting process undertaken by environmental agencies. It was concluded that the protection of specific populations is unfortunately a less prioritised mission than the overall protection of human health and the environment, despite evidence to suggest that black Americans are exposed to 63% more pollution than they produce whilst white Americans are exposed to 17% less than they produce (Beech, 2020).

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