

Environmental Justice episode 8

Emily Potts: This podcast is a production of Vermont Law School's Environmental Law Center.

Arielle King: My name is Arielle King. I am a 2L and I am the co-chair of the Environmental Justice Law Society.

Jameson Davis: Jameson Davis, co-founder of the Environmental Justice Law Society and current A.B.A representative.

Mariana Muñoz: Mariana Muñoz, I'm a 2L. I am a Environmental Justice Law Society member, as well as an EJ Clinic clinician.

Jerry Thomas: Jerry Thomas, 2L. I am in the EJ Clinic and a supporter of EJLS

Arielle King: Environmental justice communities deserve meaningful participation in policies determining their futures and livability of their homes.

Jameson Davis: It is acknowledging disproportionate burdens in communities of color.

Mariana Muñoz: It is so pervasive and overwhelming in so many communities. We just need to start pointing it out more.

Jameson Davis: Environmental justice is acknowledging unequal enforcement and moving the needle to equal enforcement.

Jerry Thomas: Environmental justice is about the people, their history, their lives, struggles and how they view justice.

Arielle King: There is an important distinction between environmentalism and environmental justice. The environmentalism, movement, advocates for the preservation, restoration and improvement of the natural environment. The E.J. movement fights against the systemic targeting of those who lack social, economic and political clout, their environmental burdens so that others can benefit without the harm.

Jerry Thomas: Environmental justice is about enforcing the idea that people are created equally and are treated as such. Environmental justice is about people being treated like people.

Jeannie Oliver: Hello and welcome back to Hothouse Earth. We're your hosts, Jeannie Oliver.

Mason Overstreet: And I'm Mason Overstreet.

Jeannie Oliver: Mason, it's so good to have you back on the podcast.

Mason Overstreet: It's awesome to be back and really excited about this episode.

Jeannie Oliver: As our listeners know, every month on Hothouse Earth we talk to experts to help us and help you make sense of the law and policy behind the most pressing environmental challenges of our time.

Jeannie Oliver: Today on the show, we're going to be looking at environmental justice.

Mason Overstreet: We'll be asking what is environmental justice? And take a look at some of the laws, regulations and legal strategies for addressing environmental injustices.

Jeannie Oliver: But before we do that, Mason, there's an important disclaimer we need to make.

Mason Overstreet: So we want to acknowledge upfront that neither one of us have personal first-hand experience of the types of systemic prejudice, whether it be race or socioeconomic. That underlies environmental justice, which we'll be hearing about today.

Jeannie Oliver: So that's not to say we're not exposed to the issues, Mason. I think both of us do some environmental justice and climate justice work in the clinics that we

work for. For example, in the energy clinic, we do a lot of low-income community solar projects, which is part of our climate justice initiative.

Mason Overstreet: At the Environmental Advocacy Clinic, we've done a host of environmental justice work since our founding and my colleague Rachel Stevens, staff attorney at the clinic, works on environmental justice issues.

Jeannie Oliver: But I think the point is that these issues are best told by the communities and the experts that are in the trenches. Throughout this episode, you'll be hearing from Professor Marian Engelman Lado, a civil rights and environmental law expert here at Vermont Law School and also at the Yale School of Forestry and Public Health. Professor Engelman Lado has a long history of applying her civil rights expertise to environmental justice cases. She's also the director of the Environmental Justice Clinic here at Vermont Law School. You'll also be hearing from Reverend Ron Smith and Ms. Phyllis Gosa from the Ashurst Bar/Smith Community, an Environmental Justice Community in Tallahassee, Alabama. And you'll be hearing from Vermont law school students and the Environmental Justice Law Society and the Environmental Justice Clinic. And those are the voices you heard at the very beginning of this episode.

Phyllis Gosa: My name is Phyllis Washington Gosa. I'm from East Tallahassee Alabama, and Tallapoosa County, Alabama.

Ron Smith: My full name is Ronald Cruz Smith. This is my childhood home. We are in the spot where I was raised.

Mason Overstreet: Professor Engelman Lado has been working with the Ashurst Bar/Smith Community since 2003.

Marianne Engelman Lado: Tallahassee is a historic community. We work with a group called the Ashurst Bar/Smith Community Organization. They organized around a landfill that had come into the middle of their community. The community was settled after the Civil War by newly freed enslaved persons and they were able to get hundreds of acres and own that land. So this is Black-owned land. It's a Black-owned community. And the community itself is about 90 percent African-American. That's how they describe their community.

Jeannie Oliver: Reverend Smith and Ms. Gosa grew up in that community and inherited that land from their ancestors.

Phyllis Gosa: Ashurst Bar/Smith Community is a community that is left over from the days of slavery. Actually, the Ashurst name is the slave owners who brought my great grandparents to their community. I can trace back to actually being in that community in 1870.

Mason Overstreet: The natural environment, access to clean air, clean water, and healthy food sources feature prominently in Rev. Smith and Ms. Gosa's recollections about growing up in the community.

Ron Smith: Growing up, you had these pretty much utopia. You know, when we were growing up, we pretty much had the diet of a bear. Because things like black bears, plums, wild apples, I mean, that's kind of where we grew up. There were trails all across these places in the springs that we used to drink out of. Our grandparents taught us that when you see salamanders in the stream, the water is pure. It's clean. You can drink out of it.

Phyllis Gosa: Clean air, clean water. People, you did a lot of hunting, a lot of fishing. I remember a dry spring break because we didn't have access to a swimming pool. The local U5 a creek which is now contaminated. It was where we would go and wade and swim and and fish and just that was our kind of entertainment. We would just use the environment and the natural resources as our way of just, just our way of living.

Mason Overstreet: Professor Engelman Lado described what happened to this beautiful historic community when the Stone's Throw Landfill moved in next door.

Marianne Engelman Lado: In the Ashurst Bar/Smith Community, Alabama Department of Environmental Management, in its wisdom, decided to permit the Stone's Throw Landfill, which is very large. It takes garbage from across all of Alabama and three counties in Georgia. The landfill itself is right across the street from where people live. This is a community that that's a people used to allow their kids to bike in the road. They used to drink from springs. You can see the water coming up from the land. And the

landfill is at the top of a ridge. So the water is coming off the landfill in both directions. They no longer can drink from their springs. The wells are all closed. They no longer allow their kids to bike and play in the in the roadways. These 18 wheelers fly by. There are very few streetlights. And these roads are super narrow and it's hilly. And so trucks have caught on fire, have gotten into accidents. The school bus driver is fearful for the kids standing near the street. There are all kinds of problems.

Mason Overstreet: Reverend Smith's childhood home, where he lives now, is just a quarter mile from the landfill.

Ron Smith: Basically, what they've done here is put up a dump without any other consideration for the impacts that are going on around it.

Phyllis Gosa: In the last two years. It is just really made it almost impossible to lay out there. As far as clean air and breathing, everybody has problems now.

Ron Smith: Right now, the community gets literally nothing, except garbage and everything that comes along with it.

Jeannie Oliver: Listening to Reverend Smith and Ms. Gosa makes me realize that the landfill is so much more than a horrible stench, polluted water and dangerous roads, as if these things aren't bad enough. The landfill is encroaching on and swallowing up the community's heritage and their legacy.

Ron Smith: You would think here that a normal person would say, okay, I'll get rid of this land, and go buy land somewhere else. But there is a strong, tie to the land among the people who are here. Even though it's got a landfill, next to it is pretty much an insult for us to have to give up the land. So many of our ancestors attained with great difficulty following, you know, the freedom of the slaves. So to give it up is it is a hard thing to do.

Phyllis Gosa: So for our people, in our community, to amass the kind of land that we had, when they were able to get land, and most of them couldn't read and write, and we were told outright, that this land, this land has value, that is real wealth. And that is what they left us. So that's why it's so important, for us to still try and hold on. It is our inheritance. For people who had nothing, who left their descendants laying in Alabama

between 1870 and 1965. Some people they left it and moved away. But for those of us who have stayed and held on to it and know the value and what they did to get it. That's why not only is just having it destroyed, but almost being forced to leave it, is so painful.

Jeannie Oliver: Mason, what this story shows and what we've learned over time is that although we might all have an expectation of access to a clean and healthy environment, not everyone does have access to a clean and healthy environment.

Mason Overstreet: And environmental benefits and burdens are not distributed equally or equitably.

Jeannie Oliver: Low income communities and communities of color, for example, like the Ashurst Bar/Smith Community, they're more likely to experience environmental harms than their white or higher socioeconomic counterparts.

Ron Smith: It's been placed at the very end of the county, Tallapoosa County. This was done with both Alabama Department of Environmental Management and the Tallapoosa County Commission. It was particularly placed in this part of the county because it is a poor part of the county and it was predominately Black land that was owned here.

Mason Overstreet: The Ashurst Bar/Smith community's experience with the Stone's Throw Landfill gives us a glimpse into what environmental injustice looks like and what we mean when we talk about environmental justice. We asked Professor Engelman Lado to help us explain what environmental justice is.

Marianne Engelman Lado: It looks like some communities bearing the burden of the waste stream and the infrastructure for the rest of us. Unfair distribution of burdens and benefits, whether it's at a national scale, a regional scale, a state scale, or even locally within a community.

Jeannie Oliver: Often, the communities bearing the greatest burden of environmental harms are communities of color, low-income communities, or both.

Marianne Engelman Lado: Environmental justice is in part about the distribution of environmental benefits and burdens. Who has the benefits? Access to open space, for

example, or clean water? And who has the burdens? Who is more likely to be living next to an incinerator or a landfill or some kind of polluting source? We now know from a tremendous amount of research from people like Paul Mohai at the University of Michigan and Robin Salha and a whole host of epidemiologists and others, we now know that people of color are far more likely to be exposed to particulate matter, far more likely to be living near a hazardous facility, than their white counterparts. And low-income people are much more likely also to face that exposure. It turns out that in most regions of the country, for most health hazards, race is the most salient factor.

Mason Overstreet: So environmental justice connects the dots between race, poverty and the environment.

Jeannie Oliver: Yet it seems to show a really natural relationship between environmental justice, the environmental justice movement and the civil rights movement.

Marianne Engelman Lado: We also know that it isn't that low-income folks are moving to pollution, but in fact, when you have a community of color, you have a low-income community, it is more likely that polluting sources are moving toward them. So people are making decisions every day. Environmental regulators. Corporations. I'm not suggesting that it's a conscious decision. Consciously or unconsciously, people are making decisions every day that stratify our society even more by race, that change our life expectancy on the basis of race, and local and state government is not protecting people equally. They're not stopping and saying, wait a second, this is not the kind of society we want to live in. We already know that race is baked into zoning decisions and land use. We have a history of segregation on top of that. We have new decisions that are being made without the consciousness that: Wait a second, we really need to protect people equally. A child of color should not grow up with a more limited life expectancy because they happen to be a child of color and because they're more likely to be near polluting sources. That is the very essence of a civil rights situation, right? A civil rights concern. It is a form of race discrimination.

Mason Overstreet: Professor Engelman Lado just mentioned civil rights and that it's a core characteristic of the environmental justice movement. And if you go back in the environmental justice movement's history, you'll see that civil rights has been indeed a

foundational aspect from the outset. And if you fast forward to the 1991 first National People of Color Environmental Leadership Summit, kind of a key date in the environmental justice movement, civil rights, again, was a core part of the conversation, and that's continued all the way to the present.

Marianne Engelman Lado: So we see environmental justice issues in rural areas and urban areas in the north and the south all across the country. And it might they might take on slightly different characteristics like the key components are this procedural justice issue. Are people left out of decision making or do they feel that they don't have a voice? Have they historically been not listened to in the way that people who are more powerful get listened to in environmental decision making?

Jeannie Oliver: So a core component of the environmental justice movement really tries to address this procedural injustice by inserting more democratic principles into the environmental decision-making by giving affected communities a seat at the table.

Marianne Engelman Lado: This is about individual, community, and social transformation from a place in which people's voices have often been suppressed and they have not been given the space to participate. They've demanded the space to participate in decision-making about environmental resources, the built environment, the national environment. But often they've been diminished.

Jeannie Oliver: Now we know a little bit about what environmental justice is and what it looks like. Let's move on and talk about the law and policy response to the problem and in particular in terms of legislation and regulations.

Mason Overstreet: Thanks to activist organizers and in the evolution of the movement, the federal government and a lot of state governments have made attempts to adopt measures addressing environmental injustices and the imbalance in environmental burdens. And there still isn't really any one comprehensive and totally effective environmental justice legislation. But an example is back in 1992, Senator Al Gore and Representative John Lewis, they introduced a bill called the Environmental Justice Act. Sadly, the bill did not pass. And in 1993, similar legislation also failed. But the upside was that in 1994, see, the movement again was getting going, and in 1994, President Clinton signed this executive order, 12898, which you'll hear about a lot, and the

environmental justice movement, and that requires federal agencies to make environmental justice part of their mission.

Marianne Engelman Lado: The executive order was signed by President Clinton. It was after this. First People of Color National Environmental Summit. One of the things that communities called for is a statement by the president that the federal government should take environmental justice into account in policies and decision-making and programs. And in fact, President Clinton signed an executive order calling on federal agencies to do just that.

Jeannie Oliver: So sounds like this executive order was a really important step forward, but it is just an executive order and there isn't yet any federal legislation that addresses environmental justice head on.

Mason Overstreet: Yeah, that's right, but we learned from Professor Engelman Lado that there's something in the making right now.

Jeannie Oliver: Yes. She mentioned that there was something called the Environmental Justice Act of 2019 that has been introduced.

Marianne Engelman Lado: So what the Environmental Justice Act of 2019 says is in permitting under the Clean Air Act and the Clean Water Act, you should take account of the real life experience and the cumulative impacts of those other facilities. The executive order was signed by President Clinton.

Mason Overstreet: So what we learned is that individual states have been a lot more successful in implementing legislation and policies aimed at equitable distribution of environmental harms and toxic conditions amongst all communities, regardless of race or socioeconomic background. Proponents of the movement have also been really successful at increasing avenues for meaningful community participation at the state and local levels.

Jeannie Oliver: It seems to me that having state legislation and ideally federal legislation, of course, is a real opportunity to pair something else that Professor Engelman Lado has been working on, and that's trying to bring some practical tools to

help decision makers like state agencies and try and incorporate environmental justice principles into their decision-making.

Marianne Engelman Lado: One of the really neat projects that the Environmental Justice Clinic here at Vermont Law School is working on is helping states, not just here in Vermont, but all across the country, and helping advocates working with states to develop what are called mapping tools or screening tools. These are sort of aggregators of data that have demographic data like race or national origin or languages spoken or poverty or education levels, have environmental information like the level of particulate matter in the air or the level of diesel emissions, and also have facility information such as whether or not there are superfund sites or whether or not there are other forms of legacy sites or underground storage tanks or smokestack industries. And by mapping those demographic, health, environmental factors you can look at which are the communities that are most overburdened. And if you layer that, you can produce a map which shows where are the places that are already environmentally and in terms of health, more vulnerable so that when decision makers are thinking about approving a permit or thinking about a corporate decision maker, where am I? Where am I proposing to put this facility? They will think twice before putting yet another facility in an already overburdened community.

Jeannie Oliver: So sounds like the environmental justice movement has had some pretty good successes in getting the issue recognized at the federal and state government level. But there's still quite a long way to go.

Mason Overstreet: Yes. So the movement is made large strides and includes both local grassroots organizations, national civil rights groups, religious groups, churches and environmental groups. Although there's certainly an improvement in the mainstream environmental scene, as numerous groups are really beginning to finally develop environmental justice programs and campaigns and they're hiring staffers, the fact is there's still a lot more to do, too.

Jeannie Oliver: So let's move away from what the government is doing with things like legislation and talk a little bit about what communities are doing to try and address environmental injustices.

Marianne Engelman Lado: There is no single law that is going to solve inequality in our world. It would be a fool's errand to create one or think about identifying one. Having said that, also, as a matter of principle, environmental justice is community driven. So we need to think about what is what our communities dealing with and what kinds of solutions do they want. And the legal approaches need to serve that strategy. That strategy for change. This is about individual community and social transformation.

Jeannie Oliver: What tool you choose to address environmental injustice is going to depend on so many factors, who the community is, what their history is, what the environmental problem is, how the environmental problem is linked to other legal and social issues, and what remedies are going to best serve that community.

Marianne Engelman Lado: Usually we need a lot of tools in our toolbox. We need to think about not only litigation, but other options. How do we with knowledge of the law, how do we generate public education? How can maybe there are elected bodies or policymakers or executives at the local, state and federal level that can be moved to enforce the law more effectively. So we have to think about all the tools in our toolbox.

Jeannie Oliver: This is one reason why Professor Engelman Lado emphasized the need for political inclusion. So like we discussed before, giving affected communities a seat at the table and an opportunity to participate in environmental decision-making. She also speaks about a special kind of lawyering called "community lawyering."

Marianne Engelman Lado: And we also have to think about lawyering in a different way. We are not the heroes. The model of "community lawyering" is not: I sit in my office and think about what would be the sexiest claim we can bring to get a court to agree with me, no matter what the impact would be on the community. As I think about what our role is. We need to listen. We need to take our cue and direction from the community strategy. What do we add to the picture? Perhaps we add knowing something about the courts and the law and the likelihood of success in bringing a claim. The timetable for action. You know, these are very technical issues that we can make that information available and open options for communities. So what Vermont Law School is doing is partnering with the School of Public Health and the Forestry School at Yale to work with students there, to develop the record, to use their scientific background, to document the health problems, the quality of life, the particulate matter

in in the air. They help to to work with communities on air monitoring. They are doing health surveys. They're using their full set of tools to document the problem. But then we connected to action.

Mason Overstreet: In October 2019, Professor Engelman Lado took students from the Environmental Justice Clinic and the Yale School of Public Health down to Tallahassee, Alabama, to help the community respond to the issues arising out of the Stones Throw Landfill and camera. Ashley and Cam are two of those students.

Ashley: We are ending our first day in Alabama in the parking lot. What's happening right now, Cam? Can you describe the scene?

Cam: So right now, we are calibrating the air monitors to match the EPA gold standard. So when we take them out tomorrow, they'll be calibrated. Right. Put these monitors in the community at different places to check the air quality in different places. Today, what we've been doing is calling people in the community who might be interested in having a monitor at their home. And then what Tuskegee students would do throughout the rest of the year. I think it's next year is go by and analyze the data every so often.

Mason Overstreet: Ashley reflected on this multi-disciplinary lawyering approach when we spoke to her about her experience working with Ashurst Bar/Smith Community,.

Ashley: A tool that I didn't expect tool use is my personality and my physical being. Prior to coming to law school, I was a social worker in New Jersey for a long time and I worked for Child Protective Services. And did you know, as you would imagine, a lot of community interaction in that role. And I did not ever think coming to law school that I would ever use that skill set again. And I thought that that was like an old life and I was starting a new. And that has not been the case, in the Environmental Justice Clinic. I've had the opportunity to use those skills interacting with people literally in their homes. In this version of "community lawyering" that I didn't know anything about. I didn't know what a community lawyer was.

Jeannie Oliver: Let's talk a little bit about two specific legal tools that environmental justice attorneys might bring to the table: and those the Environmental Enforcement

(something you work on, Mason) and Civil Rights Enforcement, something that Professor Engelmann Lado specializes in.

Marianne Engelman Lado: We also use the full range of environmental tools. It's really important to know that those environmental tools, whether it's NEPA or the Clean Water Act or the Clean Air Act, both have a lot of strength. And sometimes we need to use environmental tools or local zoning rules or whatever it might be on behalf of clients. Use the full all the tools in the tool box, but they also have a lot of limitations. And health thresholds may be may not capture what is actually happening in a community where there are a lot of permits and there's a cumulative impact of those permits, for example. There are a lot of of of loopholes. And the other thing is that environmental laws don't capture race discrimination.

Jeannie Oliver: This leads us to another really important legal tool that environmental justice advocates and Professor Engelman Lado and the Environmental Justice Clinic in particular are using to address environmental injustices, and that's the Civil Rights Enforcement. Early on in the episode, we drew the connection between the civil rights movement and the environmental justice movement. You'll recall that Professor Engelman Lado said that environmental injustices are a form of race discrimination and really the very essence of the civil rights issue.

Marianne Engelman Lado: For decades they've been talking about this and they know that if they had more power in society, if they were white, if they were wealthier white communities, that someone would be listening to them and someone would be protecting them. And it's just not happening. And so if we hide race and we don't talk about race, we're rendering invisible are a real factor in our society. And so as a lawyer, part of what I want to do is support the community in what they know to be true and to find a way to enforce the full panoply of their rights, not just if I can happen to prove a Clean Water Act violation in a particular facility. It's really not about just a Clean Water Act violation in a particular facility or spending years, maybe decades declaring one particular waterway impaired under the Clean Water Act. It is a system wide problem where people feel devalued. And that's why the civil rights law and the enforcement the civil rights law in this environmental justice context is so critical.

Mason Overstreet: Yeah so Jeannie, what does it mean to address environmental injustice through Civil Rights Enforcement?

Jeannie Oliver: It means using something called Title 6 of the Civil Rights Act of 1964, and Title 6 prohibits discrimination on the basis of race, color, and national origin in programs of activities that receive federal funding.

Marianne Engelman Lado: Every federal agency that gives out federal money is charged with making sure recipients of federal funds don't use it on programs or activities that discriminate. And so the Environmental Protection Agency, like any other federal agency, is supposed to enforce the law and hold recipients of federal funds so that maybe states that might be Vermont law school might be private entities, make sure they're not discriminating. So it's sort of an account that there's Title 6 or so Rights Act of 1964 is a really important broad remedial statute.

Mason Overstreet: So what would a civil rights claim in the criminal justice context look like?

Jeannie Oliver: So let's take the Stone's Throw Landfill permit as an example in the Ashurst Bar/Smith community. In that case, the community would need to be able to show that issuing of the permit is discriminatory and that it's going to have a disproportionate, adverse effect on African-Americans and that disproportionate effect isn't justified.

Marianne Engelman Lado: Phyllis Gosa and Ron Smith's mother, Anne Smith filed a civil rights complaint in 2003. Their story actually goes back further in the 1990s. A number of community groups filed a civil rights complaint with the Environmental Protection Agency under Title 6 of the Civil Rights Act of 1964, saying that Alabama's Department of Environmental Management disproportionately cited landfills, municipal solid waste facilities near communities of color.

Jeannie Oliver: Unfortunately, what we learned from Professor Engelman Lado is that the Environmental Protection Agency has a really poor record of investigating civil rights complaints or taking any enforcement action.

Mason Overstreet: And the Ashurst Bar/Smith community have had a really frustrating run with trying to have the Environmental Protection Agency enforce the civil rights. Stacked against the Alabama Department of Environmental Management. Starting with their first suit in the 1990s.

Marianne Engelman Lado: And in 1998, EPA released a very long decision. Of course, they never make a finding of discrimination and they never force, almost never force, states to do very much. So they issued this finding saying there was no discrimination, but they did say that ADEM (Alabama Department of Environmental Management) has to stop its argument that it doesn't look at demographics. What ADEM was saying is it's the counties that will look at whether they're complying with Title 6 and we'll look at where they're siting a facility. And ADEM said we just don't even look at white, black, whatever. We don't know where those go. The counties make the siting decision and they bring it to us. And we have a very narrow set of criteria as to whether there's a wetland or something else. And we don't look at race where, you know, we follow this colorblind society. And what EPA said to them is that's not good enough. You have an obligation to comply with Title Six. And if you keep your head in the sand and just ignore these potential patterns of discrimination, you're going to be liable. You're gonna be vulnerable to suit. And whether it's a complaint to us or some other form of liability. And so we strongly recommend that you look at demographics in your decision-making. Of course they can, but they keep their head in the sand and they have continued to not look at demographics and not look at whether they're complying with the civil rights law. And so in 2003, when the ADEM, the same Alabama Department of Environmental Management was yet again approving an expansion of the landfill in the middle of a historic Black-owned community settled with the Freedmen's Bureau after the Civil War, this expansion would run across Ms. Gosa's property. Phyllis Gosa, and Anne Smith filed another complaint with EPA.

Jeannie Oliver: The Environmental Protection Agency accepted that case in 2005--two years after it was filed.

Marianne Engelman Lado: By the way, the regulations say it's supposed to be accepted or not accepted in 20 days.

Jeannie Oliver: They're also supposed to resolve these complaints. We've been 180 days.

Marianne Engelman Lado: And this is one of the five cases that they sat on, and they sat on it, and they sat on it. And I was working at Earthjustice at the time and working with community groups across the country that were so frustrated with EPA. Even during the Obama administration, their failure to enforce civil rights, there were these old cases that were lying around while EPA was sitting on this. The Asher WSPA Smith community felt like they were dying. They felt like people were dying of cancer right near this landfill. Me. I've talked to many people who have asthma. Me, just tremendous devastation when you go there. The smell is obvious. The flare is right near people's homes and people have left the ridge. People used to live across from the landfill. And the landfill is buying that property and expanding and expanding. There's a historic church in AMA Church right there across from the landfill. And they no longer have Sunday school. They no longer have a summer camp. The kids can't play outside. It's just devastated the way of life.

Jeannie Oliver: So in theory, Title 6 of the Civil Rights Act is a really good fit for addressing environmental injustices, since racial discrimination is more often than not at the root of the environmental injustice. But in practice, what we've learned is that because the Environmental Protection Agency has such a poor record of enforcing the Civil Rights Act communities haven't been able to get justice through this avenue.

Mason Overstreet: And so Professor Engelman Lado and the communities that she works with have been focusing their efforts on reform.

Marianne Engelman Lado: Long-term, there really is hope for systemic change and strong civil rights enforcement in this context. People really had all but given up before the Obama administration. And while we were extremely disappointed with the pace of change, there were some baby steps forward. And there really there is no reason that civil rights can't be enforced in the environmental context. A like to how civil rights is enforced in other context. And we expect to again, not perfect. We have a long way to go. There are problems. There are challenges, but we have changed expectations of employment discrimination, housing discrimination, and I expect that will continue. So I have hope that we will make long term change.

Phyllis Gosa: The good thing about living in Selma, Alabama. I live in around the foot soldiers and the people who walk the walk and did the fight. I don't think I would have had what I needed to do what I did in 2003. But I have a lot of people who have inspired me from their stories of what they did in 1965. They get make a reality for my people, and I'd say that not for African-Americans, period in the south particularly, but I know how important that was for my mother and my father because I wanted those people to witness my folks struggles so that they could try to go to register to vote. And so you don't quit. We're celebrating 400 years. And the first lady came by, the first lady showing up, as we know, on the shore. And so, to see where people brave it and got beat, you don't quit. If they had quit, in 1965 I would not have been able to have a voice to speak up.

Jeannie Oliver: In this episode, we looked at what environmental justice is and some of the strategies communities are using to address environmental injustices.

Mason Overstreet: And we're so thankful to today's guests for helping us begin this journey of understanding.

Jeannie Oliver: There's so much more to this connection between the civil rights movement, civil rights enforcement and the environmental justice movement. If you want to know more about this connection, you can check out Professor Engelman Lado's article called, "No More Excuses: Building a New Vision of Civil Rights Enforcement in the Context of Environmental Justice." We'll post that on our resources page. You can also check out her Costel lecture by the same name and that is on the Vermont Law School YouTube channel but we'll also link that on our resources page. Thanks to the director of the Environmental Law Center, Jenny Rushlow, Associate Director, Anne Linehan, our editor, Emily Potts, and our intern, Veronica Ung-Kono.

Mason Overstreet: Special thanks to our guests on today's show. Professor Marianne Engelman Lado, Ashley Harper, all of the students at the Environmental Justice Law Society at Vermont Law School and especially to all our guests, Ron Smith and Phyllis Gosa from the Ashurst Bar/Smith Community for sharing their story with us today.

Jeannie Oliver: Finally, if you like what you heard and you want to hear more, check us out at HothouseEarthpodcast.com on Facebook, Twitter, Instagram and wherever you get your podcasts.

Mason Overstreet: In a closeout to this episode, here are some more reflections from Environmental Justice Law Society students.

Jameson Davis: Environmental justice, in that local type of municipal pouty way would be knowing what your local laws are and how those laws either help or hurt to develop environmental justice communities.

Jerry Thomas: Growing up, I wouldn't have called it environmental justice issues, but we grew up basically with nothing. We had times where the water came out orange and brown and my parents were always, would always teach me that knowledge is the way out and that, you know, it's important to give back. And so being in the Environmental Justice Clinic is my way of gathering knowledge and also sharing what I, what I have learned, back to the communities, and environmental justice helps communities themselves solidify their knowledge and share with the world what's happening with them and show that this is a problem and helping everyone unite around this.

Mariana Muñoz: Imagine you're walking down the street or you look out your window and you hesitate. You say that doesn't seem fair. Take a deeper look, walk closer, investigate.

Jameson Davis: What are the cultural boundaries that do not allow us to see environmental justice?

Mariana Muñoz: Are we colorblind or are we just blind?

Jameson Davis: What are the cultural boundaries that do not allow us to see environmental injustice?