

**A PLANT
MANAGER'S
INTRODUCTION TO
ENVIRONMENTAL
JUSTICE**

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A Plant Manager's Introduction to Environmental Justice has been prepared to assist Chemical Manufacturers Association members in understanding the issue of environmental justice. It is not intended to be used as a how-to-book, but rather as a general primer for identifying, understanding, and beginning to address environmental justice concerns. Readers of this primer have an independent obligation to ascertain that their actions and practices are in compliance with the federal, state, and local law as well as within the parameters of their company's policy. The primer is necessarily general in nature and leaves handling site-specific circumstances to the reader.

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**This document is based on research conducted by Harris, DeVille & Associates, Inc.,
307 France Street, Baton Rouge, LA 70802, 1-800-545-3404.**

WHAT IS ENVIRONMENTAL JUSTICE?

Environmental *justice*, environmental *equity*, environmental *racism*.

All three terms have been used to describe a belief that poor and minority communities suffer greater exposure to environmental pollution than other communities; that these communities often bear a disproportionate share of the burdens and realize few of the benefits of living near industrial facilities; and that historically, these communities have lacked the power or opportunity to participate in decisions affecting them.

Environmental justice is not just an air, land and water issue. A company's total impact on its neighboring communities – ranging from its emissions reduction efforts to its local hiring and purchasing practices to the scope and focus of its contributions to the community – is now being examined by environmental justice advocates, the media and regulatory agencies.

For almost two decades, community and environmental organizations, and church groups

have advocated for environmental justice. But what has brought the issue to the forefront is the extent it is being examined by government agencies, scholars, social scientists, environmental, civil rights and political activists, and journalists.

Environmental justice is a movement that has caught the attention of the President, Congress and some state legislators. In February 1994, President Clinton issued an executive order requiring federal agencies “to make environmental justice a part of all they do.” By February 1995, all federal agencies were to have environmental justice strategies in place. EPA established an Office of Environmental Justice to ensure that all program areas of EPA address environmental justice concerns. Nine

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environmental justice bills were introduced in the 103rd Congress. Twenty bills were introduced in 14 states during the 1993-94 legislative sessions. Environmental justice legislation passed in Arkansas, Louisiana, Virginia, Florida, Michigan, Tennessee and Washington.

In addition, numerous environmental justice-related complaints have been filed in federal and state courts, as well as with EPA's Office of Civil Rights. These actions range from toxic tort cases to claims under Title VI of the Civil Rights Act of 1964.

FAIRNESS AND EMPOWERMENT

At the heart of environmental justice is a question of fairness and empowerment.

Environmental justice advocates believe the following and cite them as examples of *unfairness*:

- Many industrial and waste management facilities are in low-income and minority communities, which receive few or no benefits from hosting these facilities.
- Government enforces environmental laws and regulations more slowly in these communities.
- Penalties for environmental violations are lower in these communities; cleanup standards are less protective.

At the same time, community residents believe they have no say in industry and government decisions affecting their lives.

Deeohn Ferris, Director, Washington Office on Environmental Justice, put it this way in congressional testimony, "Too often, populations affected by disproportional pollution are invisible either at federal, state and local levels. Invisibility . . . is attributable to a combination of factors: public policy discussions on environmental issues don't often meaningfully include people of color, tools to measure their risk do not exist, funding for the tools and mechanisms for their advocacy is nascent or nonexistent, and their efforts are often outweighed by comparatively unlimited resources of opposing industry and government."

ISSUES & CONCERNS

With the help of the California Rural Legal Assistance, local residents of Kettleman City, California, a predominantly Latino and low-income community, filed suit against Kings County claiming inadequate representation in the siting process for a Chemical Waste Management hazardous waste incinerator. The state court agreed that the county's failure to provide a Spanish translation of its analysis violated the California Environmental Quality Act's public participation requirement. Alleging a "pattern" of siting incinerators in minority communities, the residents also filed suit against Chemical Waste Management in federal court. The company subsequently withdrew its application.

Environmental justice issues vary and include, among others, environmental, social and economic issues. They include Hispanic farm workers handling pesticides, Asian immigrants working with toxic chemicals in Silicon Valley, Native Americans living next to nuclear waste facilities, and African Americans asserting that their neighborhoods are dumps for the polluting industries other communities don't want.

Issues that advocates say they want addressed:

- The right to meaningful participation in decisions that affect their lives, property and the things their communities value.
- Inclusion in facility decisions that affect them; dialogue with the facility.
- Full compliance by facilities with all laws and regulations.
- Proof that products and processes are safe.
- "Toxics use reduction."
- Quality employment and advancement opportunities; minority representation in management.
- Worker protection. Adherence to regulations may not be enough to show adequate protection.

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- More opportunities at facilities for local minority vendors and contractors.
- Compensation for declining property values determined at pre-plant levels adjusted for inflation.
- Total emissions. Your plant may be in compliance, but the load from all sources in the area should be considered when assessing risk and potential health effects.
- Health behaviors and diets of community residents should not be used to downplay community concerns about industry emissions.
- Health studies of employees should not be used to downplay health concerns, while community-wide studies are ignored.
- Lack of relevant health studies – in particular, synergistic health effects.

WHAT IS AT STAKE?

A full year of protests and activity by community groups influenced the Louisiana Department of Environmental Quality's (LDEQ) denial of a permit request by Supplemental Fuels, Inc., to build a hazardous waste blending facility in east Iberville Parish, a rural area with a primarily minority population. The permit was denied based on the lack of an appropriate siting process. The situation attracted media coverage from across the nation, and environmental groups viewed LDEQ's final decision on the permit as a "litmus test" on the environmental justice question. Advocates repeatedly use the situation as a prime example of industry attempting to locate facilities near poor and/or minority areas.

Environmental justice presents an opportunity and a challenge for the facility manager.

THE OPPORTUNITY. To responsibly address environmental justice concerns, a new model for community relations is needed. The old model that looks to the political power structure and local officials for information about the community needs to be reconsidered. Plants that focus their greatest attention on their nearest neighbors -- including issues of a social and economic nature such as education, health care assistance and hiring -- will find these new relationships will engender mutual respect and opportunities for partnership. The net result: increased trust and credibility.

The six Codes of Management Practice under Responsible Care® are tools to help foster plant operations that protect the community's health, safety and environment and to help build an outreach program that is responsive to community concerns.

In particular, the Community Awareness and Emergency Response (CAER) Code defines an outreach process for employees and the community that can assist in establishing this dialogue. The outreach process includes an ongoing assessment of employee and community concerns, employee training and education, outreach activities, ongoing dialogue, a policy of openness and a regular evaluation of the effectiveness of communications efforts.

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This dialogue may go beyond health, safety and environmental concerns related to Responsible Care® to include other issues of interest to the community that may be addressed through individual corporate policy.

THE CHALLENGE. Ignoring a community's concerns could mean increased inspections, restrictive operating conditions and increased community pressure. It could mean more difficulties for siting, expanding, permitting, or obtaining tax abatements.

HOW TO BEGIN TO ADDRESS ENVIRONMENTAL JUSTICE

Communities do not necessarily blame all their problems on industry. In many cases, they are asking for help to find a way to grow economically and socially as well as insisting on their right to a safe and healthy environment. They believe plant managers and their facilities are among the leaders who can help them.

DEFINE YOUR COMMUNITY

The first step to addressing environmental justice concerns is to know your community. However, people will often disagree about how to define their community. Socio-economic status, cultural and ethnic values and a person's position in the community may affect this definition.

The key to defining your community is to ask a lot of questions and listen well to the answers. Talk with groups you might not have talked to before: fence-line neighbors, local opinion

leaders, environmentalists and activists, and elected and appointed officials. Ask your Community Advisory Panel or Local Emergency Planning Committee to suggest groups that may be able to help you define your community. Neighborhood churches and schools are also good places to start.

Determine the boundaries of the community. Do they include those who could be affected by an accidental release? Perhaps it's the people who are most likely to see, hear or smell a

facility's operation. Or perhaps it's the area described by your most likely accident scenario.

Good sources of information on how to

define your community are CMA's Community Outreach Manual and the CAER Code Resource Guide. (See ADDITIONAL HELP for ordering information.)

UNDERSTAND YOUR COMMUNITY'S CONCERNS

Learning more about your community is an opportunity to partner with your neighbors toward mutual improvement, rather than be seen as an adversary. You'll find that it doesn't take much listening to learn that your neighbors have very real concerns about health, safety and the environment. They may not be the same things that you think concern the community.

Try to view the situation through your neighbors' eyes. At the same time, be open about environmental justice and other community concerns and how they affect the community *and* you. Be patient and don't take environmental justice charges personally. For example, charges of racism often refer to how institutions that have power interact with communities rather than any incident of blatant racism by any person or group. Your job is to seek common ground whenever possible and truly understand the issues before trying to respond.

Some local communities feel they get no direct benefits from the facility – jobs, contracts, training. Understand that many feel you owe something special to those who bear the risks from your operations.

Work with the community to make change happen. Public opinion research has shown that community members believe you and the company you represent have extraordinary access to those in power and can use that access for the benefit of all in your community.

Understanding your community and then engaging in dialogue is key to addressing environmental justice concerns.

DIALOGUE . . . AND MORE

The environmental justice movement has attracted numerous participants – from minority and low-income communities to national environmental, civil rights, and religious groups, from government regulators and public health officials to academics. This diversity of audiences may require companies to adapt their communications to address differences in cultural, social, educational, and economic backgrounds.

You may already have a strong community outreach program. If so, you may only need to make some adjustments. The following hallmarks are commonly found in a good community outreach program.

- **Follow the principles of Responsible Care® especially the management practices that promote dialogue and those that address safety, health and environmental issues of concern to the community.**
- **Listen well and keep commitments. Seek to understand the community's concerns before formulating responses.**
- **Find and build on common values.**
- **Focus on the problem, not the critic.**
- **Talk with your community. Through the CAER process, begin a regular public dialogue. Get to know your neighbors and let them know you. Community Advisory Panels and Local Emergency Planning Committees are ideal organizations with which to begin a dialogue. See CMA's Community Outreach Manual for how to start – and keep it simple at first.**
- **Avoid being drawn into circular arguments such as who was there first, the industry or the community. Engage in solution-oriented dialogue.**
- **Work with the community to identify concerns about your operations; promptly address those concerns and strive for win-win solutions.**
- **Tell people about your emissions reductions goals and report your progress.**
- **Diversify your ties to the community. Increase activities with schools and civic organizations. Build relationships with neighborhood businesses.**
- **Communicate early and often about plant operations, particularly when you plan for big changes or new projects. Increase community participation in your activities as much as possible.**

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- Offer employees opportunities to participate in the community – and encourage them to do so.
- Become politically active. Get to know elected and appointed officials especially on the local level and help encourage community members to get involved politically.
- Be sensitive to cultural barriers. You may interpret the lack of an aggressive stand on environmental justice as a lack of interest. But in some cultures, aggressiveness is considered disrespectful.
- Do not define the community too narrowly in geographic terms – water and air emissions may impact many who live beyond local political boundaries.

Here are some suggestions that will help to ensure that environmental justice is a strong part of your community outreach program.

- Evaluate your outreach program. Does it identify and address environmental justice concerns?
 - Remember that environmental justice by and large is a local issue with local solutions.
 - Treat all community members with respect and dignity.
 - Understand the language barrier. Just because everyone in the room speaks English doesn't mean they understand each other.
- You may want to review your individual company policies to address other aspects of environmental justice:
- Strengthen local hiring and purchasing policies.
 - Increase opportunities for local minority representation in management.
 - Work with the community on training and educational needs.
 - Offer diversity training at your facility.

CMA POLICY ON ENVIRONMENTAL JUSTICE

Responsible Care[®] requires members of the chemical industry to recognize and respond to community concerns about chemicals and our operations. There is a growing community concern that poor and minority neighborhoods may be disproportionately affected by pollutants from industrial facilities and abandoned waste sites. CMA's policy and practice, regardless of the racial, ethnic or socio-economic composition of the communities in which we operate, is to advocate:

1. Full compliance with and impartial implementation, monitoring and enforcement of all applicable health, safety and environmental laws and regulations.
2. Public programs and policies that protect the health, safety and environment of all communities.
3. Use of scientifically valid risk assessment methods to evaluate and prioritize health, safety and environmental risks.
4. Continued scientific research into relationships between adverse health effects and exposure to emissions, including any disparities among racial, ethnic or socio-economic groups. CMA believes that public health can be most effectively improved by addressing all relevant factors including access to quality health care and health behaviors. In addition, potential health effects of our products and operations should be assessed, and factored into scientifically supportable recommendations to improve public health.
5. Public education about the relevance of risk assessment and health risk factors involving public health.
6. Proactive involvement with our communities to effectively address issues and goals that are important to those communities. Through CMA's Responsible Care[®] Community Awareness and Emergency Response (CAER) Code, our facilities remain committed to communicating with the public about facility operations and responding to the community's concerns.
7. Environmentally protective and economically beneficial actions and activities.

ADDITIONAL HELP

You can find ways to define your community and build your outreach program in CMA's Community Outreach Manual and the CAER Code Resource Guide. The manual and guide also contain practical suggestions on how to work towards dialogue with the community. Copies of the documents can be ordered from CMA, 1300 Wilson Boulevard, Arlington, VA 22209 or by calling CMA Publications Fulfillment: 301-617-7824; P.O. Box 522, Annapolis Junction, Missouri 20701-0522.

CMA can point the way to resources you can use on this issue. Please see the following list of CMA contacts. We would also like your suggestions about materials and training that you need.

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