Healthy Thinking: Exploring the Practical Implications of Environmental Justice

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The practical implications of environmental justice – fighting for the rights of poor and minority persons in neighborhoods unfairly burdened by toxic wastes – got a thorough airing at a forum co-sponsored by SUNY Buffalo Law School.

The “Environmental Justice Forum for Buffalo Homes and Neighborhoods” took place on April 26 – Arbor Day, as one speaker pointed out. It brought together about 50 students, academicians, law enforcers and activists to share ideas and strategies on such issues as air and water quality, healthful and affordable housing, zoning and land use, and neighborhood contamination. The forum dovetailed with the Law School’s Healthy Homes practicum, whose law students provide legal support to the National Green and Healthy Homes Initiative.

Speakers acknowledged the presence, especially in the City of Buffalo, of an aging and deteriorating housing stock and environmentally unhealthy conditions in many neighborhoods.

The first speaker, Erin Heaney, executive director of the Clean Air Coalition of Western New York, gave a brief history of the environmental justice movement. “Who reaps the benefits and who is carrying the burden of the adverse impact of a modern industrial society?” she said. “Environmental justice comes down to who is winning and who is losing.”

Heaney described the work of her coalition in addressing the problems in two local communities: Buffalo’s West Side, where heavy car and truck traffic crossing the Peace Bridge has led to high rates of cancer and miscarriage, among other ill effects; and the Town of Tonawanda, where a heavily industrial section produces the highest levels of airborne benzene in the state, and where Tonawanda Coke was recently found guilty of violating the federal Clean Air Act and its environmental control officer was convicted of obstructing justice.

William J. Hochul Jr. ’84, U.S. Attorney, Western District of New York, talked about that case and seven other pollution-specific cases prosecuted by his office. “Not only are there issues related to exposure to carcinogens,” he said, “but it’s also critical that we get to the root of it so that we can stop the process, remediate if possible, but simply get corporations and employees to do the right thing. We simply want businesses to play by the rules.”

He detailed as well a case against an asbestos remediation contractor in Rochester whose workers – many of whom spoke no English – were exposed to high levels of the carcinogenic material. “It was so thick that it was falling like snow,” Hochul said. “The workers repeatedly asked the company, Are we working with any hazardous material?, and they were told no.” A trial in federal court resulted in conviction and “hundreds of thousands of dollars in fines.”

Two speakers joined the forum by teleconference from the Environmental Protection Agency’s new Office of Environmental Justice: Matthew Tejada, its director, and Suzi Ruhl, a senior attorney with the office.

“Everybody in the agency is talking about environmental justice and has made it their own,” Tejada said. “The amount of work and the level of success that has been achieved here over the last few years is just tremendous.” He enumerated the principles underlying this work at the federal level: sound science, the rule of law, and meaningful engagement with the local communities grappling with environmental problems.

Ruhl cited President Obama’s Executive Order 12898, which stipulated that “each federal agency shall make
achieving environmental justice part of its mission," and noted: "We don’t have an environmental justice law, but we have a whole suite of federal environmental laws."

Forum attendees broke into working groups to tackle issues of particular interest to them, then reported back to the full group before the final speaker: Jane Cameron, an assistant attorney general for the Environmental Protection Bureau, part of the state attorney general’s office.

Cameron spoke about the bureau’s role in initiating litigation, noting that "ours is the only state attorney general’s office to have a staff Scientist." The office, she said, by charter represents state agencies, but has the latitude to sue to protect the public’s health and safety, and to petition for the redress of interference with a “right common to all”—such as clean air and water, and freedom from excessive noise.

"We need to think through how to truly do partnerships and how to work together. We need more advocacy, more training, new laws, resources and continued overall engagement. I’m very hopeful. I think this is the first step in bringing it together in this new context," said Law Professor Kim Diana Connolly, lead organizer of the forum.

In addition to the Law School and University, the event was co-sponsored by Neighborhood Legal Services Inc. and the Community Foundation for Greater Buffalo.