

ENVIRONMENTAL JUSTICE

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1. Core Definition and Scope

Environmental Justice is fundamentally defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The core premise, as highlighted by numerous academic and governmental bodies, is that no population group, including racial, ethnic, or socioeconomic minorities, should bear a disproportionate share of negative environmental consequences resulting from industrial, governmental, and commercial operations or from the execution of federal, state, local, and tribal programs and policies. This concept moves beyond traditional environmental protection, which often focused solely on resource conservation or ecological health, by integrating civil rights and social equity into environmental decision-making. The goal is to ensure that environmental hazards and benefits are distributed equitably across society, preventing the concentration of pollution exposure in vulnerable communities.

The pursuit of **Environmental Justice** (EJ) is inherently intersectional, addressing how socioeconomic status, political power, and racial identity influence environmental risk. It recognizes that historically marginalized communities, due to systemic discrimination and lack of political representation, are often subjected to heightened exposure to hazards such as toxic waste facilities, incinerators, chemical plants, and polluting infrastructure like major highways. The definition demands not only remedial action to clean up existing sites but also procedural fairness, ensuring that residents of affected communities have a legitimate seat at the decision-making table regarding projects that impact their local environment and health. This comprehensive scope necessitates collaboration between environmental groups, civil rights organizations, public health professionals, and policymakers to dismantle institutionalized inequalities.

Unlike the narrower view of environmental protection centered on natural ecosystems, EJ focuses directly on human populations and the built environment, viewing a healthy environment as a fundamental human right. The movement emphasizes that environmental policy must serve justice goals by actively mitigating existing disparities and preventing future inequalities. Furthermore, the scope of EJ has expanded considerably over time to include emerging challenges such as **climate change vulnerability**, which disproportionately affects low-income nations and minority communities within developed countries, compounding existing social and economic stressors. This broader application ensures that justice principles are applied across the spectrum of human-environment interactions, from local zoning decisions to global climate agreements.

2. Historical Development and the Civil Rights Connection

The roots of the modern Environmental Justice movement are deeply intertwined with the American Civil Rights Movement of the 1960s and 1970s. While localized concerns about pollution have existed for centuries, the formal movement crystallized when marginalized communities began framing pollution exposure not merely as a consequence of poor planning, but as a deliberate act of institutional racism or economic exploitation. A pivotal event often cited as the catalyst occurred in 1982 in Warren County, North Carolina, where largely African American residents protested the construction of a toxic waste landfill intended to receive soil contaminated with polychlorinated biphenyls (PCBs). Although the protests failed to stop the landfill's construction, they drew national attention to the practice of 'toxic waste dumping' in communities of color, formally linking environmental hazards to racial discrimination.

Following the Warren County incident, several landmark studies provided the empirical foundation for the movement. The 1983 General Accounting Office (GAO) report, requested by Representative Walter Fauntroy, confirmed that three out of four off-site hazardous waste landfills in the Southern United States were located in communities where the majority of the population was African American. This was followed by Dr. Robert Bullard's seminal 1990 book, *Dumping in Dixie: Race, Class, and Environmental Quality*, which systematically documented the pervasive pattern of environmental injustice across the South, earning him recognition as the "Father of Environmental Justice." These reports moved the conversation from anecdotal evidence to documented fact, establishing a clear correlation between race, poverty, and proximity to environmental hazards.

By the early 1990s, the movement gained federal recognition. In 1991, the First National People of Color Environmental Leadership Summit convened in Washington D.C., uniting hundreds of grassroots leaders who adopted the seventeen **Principles of Environmental Justice**. This established the movement as a unified national force with shared goals and solidified its identity independent of, yet allied with, mainstream environmentalism. This trajectory culminated in 1994, when President Bill Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," mandating that all federal agencies make achieving environmental justice part of their mission by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.

3. Foundational Principles and Equity Types

The academic and policy frameworks of Environmental Justice are built upon several distinct, yet interconnected, forms of equity. Achieving full EJ requires satisfying all of these principles, moving beyond the simple concept of distributing hazards equally to ensuring meaningful participation and

cultural recognition. The primary types of justice addressed are Distributive, Procedural, Recognitional, and Corrective Justice, all derived from normative ethics and political theory.

Distributive Justice is the most commonly understood principle, focusing on the equitable distribution of environmental burdens and benefits. This is the core mandate derived from the original source material: ensuring that environmental hazards are "spread out so not just one area is overexposed." It demands that communities should receive fair shares of environmental goods (e.g., clean air, green space, recreational areas) and equally fair shares of environmental risks (e.g., proximity to pollution, waste disposal sites, infrastructure impacts). A failure in distributive justice results in environmental disparities where marginalized groups bear an unfair burden of pollution-related illness and diminished quality of life.

Procedural Justice addresses the fairness of the processes by which environmental decisions are made. It mandates that all affected parties, particularly those most vulnerable, must have access to information, opportunities for effective participation, and the ability to influence the outcomes of decisions regarding environmental permits, regulations, and planning. Procedural injustice often manifests when technical jargon obscures critical information, meetings are held at inaccessible times or locations, or input from marginalized communities is dismissed or minimized by powerful actors, thereby stripping away their agency and political voice.

Beyond these two, **Recognitional Justice** is critical, focusing on respect and acknowledgment of the cultures, identities, and knowledge systems of affected groups. It demands that institutions recognize the distinct histories, vulnerabilities, and unique concerns of marginalized populations, moving past a generalized "public interest" approach that often homogenizes diverse experiences. Finally, **Corrective (or Restorative) Justice** deals with remediation and accountability, requiring the cleanup of existing environmental damage and providing reparations for past harms inflicted upon communities that have historically endured disproportionate environmental burdens, emphasizing the need for restoration of trust and health.

4. The Environmental Justice Movement (EJM)

The Environmental Justice Movement (EJM) is a decentralized, grassroots-driven phenomenon, distinguishing itself from traditional, often white, middle-class-led environmentalism. The movement is characterized by its focus on "people-of-color organizing," placing issues of health, poverty, and quality of life at the forefront, often using direct action and community organizing rather than relying solely on legislative lobbying or litigation, though these strategies are also employed. EJM activists typically mobilize around specific, localized threats--such as a proposed refinery expansion, a waste incinerator, or pesticide drift--which directly impact their homes and families.

A key strength of the EJM is its emphasis on the expertise of local residents. Unlike the technocratic approach often favored by government regulators, EJM groups prioritize "**popular**

epidemiology" and local knowledge, arguing that residents who live next to the pollution source often possess the most accurate and nuanced understanding of its impacts on their health and community structure. This focus on lived experience validates the concerns of those traditionally ignored by mainstream science and policy, fostering greater community resilience and mobilization against powerful corporate interests.

The movement's influence is global, having spurred similar movements across the Global South (e.g., in Nigeria against oil exploration, or in Latin America regarding mining operations). The internationalization of the EJM has led to the emergence of **Climate Justice**, which views global climate change as an environmental justice issue because the world's poorest populations, who contributed least to greenhouse gas emissions, bear the heaviest consequences of resulting heatwaves, droughts, and sea-level rise. This expansion demonstrates the versatility and increasing relevance of the EJ framework in addressing complex, transnational environmental challenges.

5. Key Concepts: Environmental Racism and Disparities

Central to the understanding of environmental injustice is the concept of **Environmental Racism**, defined as any policy or practice that differentially affects or disadvantages individuals, groups, or communities based on race or color. This term, popularized by scholars like Robert Bullard, describes the institutionalized processes that lead to the disproportionate siting of environmental hazards in minority communities, often resulting from historical patterns of segregation, discriminatory zoning, and exclusion from political power structures. Environmental racism is often subtle, rooted in market dynamics and governmental inaction, rather than overt malice, but its consequences are severe and measurable.

Environmental disparities are evident across numerous health and geographic metrics. Studies consistently show that communities of color and low-income populations experience higher rates of exposure to criteria pollutants (like ozone and particulate matter), proximity to Superfund sites, and inadequate access to clean water infrastructure. For example, indigenous communities often face unique environmental justice challenges related to the desecration of sacred lands, loss of traditional subsistence resources, and exposure to legacy uranium or mining contamination, highlighting how racial and cultural factors intersect with geography and policy failure.

The economic dimension, sometimes termed **Environmental Classism**, also plays a significant role, as poverty often limits housing choices, forcing residents into cheaper areas that are frequently zoned for heavy industry or proximity to polluting facilities. While socioeconomic status is a critical vulnerability factor, research overwhelmingly indicates that race remains the most potent predictor of where industrial pollution is concentrated, even when controlling for income. This distinction underscores why the concept of environmental racism remains essential for

addressing the structural inequalities embedded within environmental policymaking and enforcement.

6. Policy and Legal Frameworks

The formalization of Environmental Justice principles into policy has primarily occurred through executive action and regulatory guidance, rather than sweeping legislative change, though state and local efforts are notable. The aforementioned U.S. Executive Order 12898 (1994) serves as the primary federal mandate, requiring federal agencies to integrate EJ considerations into their operations and utilize the National Environmental Policy Act (NEPA) review process to analyze potential disproportionate impacts. This has led to the creation of Environmental Justice offices within key agencies like the Environmental Protection Agency (EPA).

Legal strategies have traditionally relied on existing statutes, notably Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs receiving federal financial assistance. EJ advocates have used Title VI to challenge state permitting decisions that allow polluting facilities to be built in already overburdened minority communities. However, the effectiveness of Title VI litigation has been hampered by judicial interpretations requiring plaintiffs to prove discriminatory intent, a high bar that is difficult to meet when policies often appear neutral on their face but have discriminatory effects. Consequently, many legal efforts now focus on state-level legislation or utilizing public nuisance and health laws.

In recent years, there has been a significant push toward embedding EJ into broader regulatory frameworks. The Biden administration, for instance, launched the Justice40 Initiative, setting a goal that 40 percent of the overall benefits of certain federal investments (including climate, clean energy, and housing) flow to disadvantaged communities. Furthermore, many states, such as New Jersey and California, have passed landmark environmental justice laws that require mandatory denial of permits for new or expanding polluting facilities if they would worsen pollution burdens in communities already identified as highly environmentally stressed, moving beyond mere mitigation toward preventative justice.

7. Significance and Global Impact

The significance of Environmental Justice transcends environmentalism, acting as a crucial framework for understanding and addressing fundamental societal inequalities. By drawing a direct link between environmental degradation and social stratification, EJ provides a powerful lens through which to examine health outcomes, housing policy, and economic development. Its impact on public health is profound, as the framework compels researchers and regulators to consider the cumulative health effects of multiple stressors--not just one source of pollution--on vulnerable populations, leading to more holistic risk assessments.

Globally, EJ principles inform international human rights discourses, asserting the right to a clean, healthy, and sustainable environment. It is increasingly utilized by Indigenous groups worldwide to protect their ancestral lands and traditional livelihoods from industrial encroachment and resource extraction. The concept has been instrumental in framing the debate around resource conflicts and ecological debt, arguing that developed nations owe an environmental debt to the Global South, which disproportionately suffers from the effects of historical pollution and ongoing climate change.

Furthermore, the movement has fundamentally redefined what constitutes sound environmental governance. It has pushed governmental and corporate entities toward greater transparency, accountability, and participatory planning. By demanding that fairness and equity be central considerations in all sustainability efforts, EJ ensures that transitions to renewable energy or sustainable urban planning do not inadvertently create new injustices (e.g., through poorly sited solar farms or displacement caused by gentrification following environmental cleanup). The integration of justice into sustainability policy ensures that environmental progress is socially inclusive and durable.

8. Debates, Criticisms, and Implementation Challenges

Despite broad support for the goals of Environmental Justice, its implementation faces substantial political, economic, and practical challenges, leading to ongoing debates. One major criticism revolves around the economic implications, often framed as the "jobs versus environment" dilemma. Critics argue that stringent EJ regulations or the denial of permits for industrial facilities can lead to economic stagnation or job losses in communities that desperately need investment, creating a difficult trade-off for policymakers and residents alike.

Another significant implementation hurdle is the "Not In My Backyard" (NIMBY) phenomenon. While EJ communities rightfully seek to keep hazards out of their neighborhoods, the necessary infrastructure (e.g., waste treatment plants, power generators) must be located somewhere. This often leads to debates about acceptable risk and the challenge of finding equitable solutions for siting undesirable, but necessary, facilities without transferring the burden unfairly to another marginalized group, leading to the concept of "NIMBY vs. NIABY" (Not In Anyone's Backyard).

Finally, regulatory effectiveness remains a core concern. Critics note that while Executive Order 12898 mandates EJ consideration, it does not create a strong, enforceable cause of action for citizens in court, leaving enforcement dependent on the political will of agency leaders. Furthermore, measuring and addressing cumulative impacts--the combined effect of multiple environmental stressors and existing community health vulnerabilities--is scientifically and legally complex, making it difficult to mandate comprehensive preventative regulatory measures that effectively protect overburdened communities.

Further Reading

[Wikipedia: Environmental Justice](#)

[U.S. Environmental Protection Agency \(EPA\): Environmental Justice](#)

[EPA Summary of Executive Order 12898](#)

[Wikipedia: Civil Rights Movement](#)

[Wikipedia: Climate Justice](#)

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