A JUST TRANSITION: LESSONS LEARNED FROM THE ENVIRONMENTAL JUSTICE MOVEMENT

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I. INTRODUCTION

The history of the fossil fuel economy is premised on exploiting natural resources, the environment, and people.[1] As the United States and the global economy begin to transition from a fossil fuel economy to an economy based on a more sustainable use of natural resources, it is critical that we examine the problems with the fossil fuel economy in order to avoid those problems in the future. The Environmental Justice Movement has been at the forefront of challenging the effects of the fossil fuel economy on low-income communities and communities of color that are disproportionately impacted by pollution. Advocates have developed a broad framework for understanding environmental justice that encompasses how benefits and burdens of pollution are distributed, how decisions about resource allocation are made, and how the environmental, political, economic, and cultural aspects of people's lives are interconnected.[2] The advocates' comprehensive analyses of the problems with the fossil fuel economy also lend themselves to holistic solutions to the problems. As we transition away from a fossil fuel economy, we should adopt approaches learned from the Environmental Justice Movement and plan the transition not only to change the way we use fuel, but to create a truly just economy.

This article discusses how the Environmental Justice Movement's approaches to identifying and addressing disparities within the fossil fuel economy can help inform a more just transition to a sustainable economy. This article describes environmental justice and the Environmental Justice Movement, how the fossil fuel economy has disproportionately impacted low-income communities and communities of color, and the principles of environmental justice as articulated by advocates and President Clinton's Executive Order on

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1. FIRST NAT'L PEOPLE OF COLOR ENVTL. LEADERSHIP SUMMIT, THE PRINCIPLES OF ENVIRONMENTAL JUSTICE, pmbl. (Oct. 24–27, 1991) [hereinafter THE PRINCIPLES]. ("We . . . [are] gathered together . . . to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples.").

2. *E.g.*, *id.*

Environmental Justice.[3] This article then uses two cases studies taken from the author's work at the Center on Race, Poverty & the Environment (CRPE) to explore how environmental justice approaches can influence whether or not we achieve a just transition to a green economy.

Specifically, this article applies three important lessons from the Environmental Justice Movement to two case studies on efforts to shift away from the fossil fuel economy: (1) the need for environmental policy that explicitly requires equity, (2) the necessity for communities currently affected by the pollution of fossil fuel industries to be involved at the outset in planning the transition to avoid the problems and maximize the solutions, and (3) the need for a holistic approach in designing the transition to a cleaner economy. One case study focuses on California's Global Warming Solutions Act of 2006, which sets a limit on California's greenhouse gas emissions and incentivizes the transition to alternative sources of fuel and energy.[4] The other case study focuses on CRPE's Power to the People Campaign, which was designed to train environmental justice leaders in the communities with which CRPE works to participate in planning the transition to a more sustainable economy.[5] Distilling lessons from these case studies demonstrates that if we follow these principles in the planning and implementation of the transition toward a sustainable economy, we will not only switch how we fuel our economy, but also transform our economy to be environmentally, politically, and economically equitable—a truly just economy.

II. ENVIRONMENTAL JUSTICE AND THE DISPROPORTIONATE IMPACTS OF THE FOSSIL FUEL ECONOMY

Low-income communities and communities of color have a long history of challenging legislatures, political leaders, and businesses regarding the disproportionate impacts that these communities face from pollution. The Environmental Justice Movement grew organically from several different struggles by low-income communities and communities of color to reduce and eliminate the pollution burden these communities experienced.[6] Scholars identify activism by Latino farmworkers to ban the insecticide DDT, Dr. Martin Luther King's trip to Memphis to support striking garbage workers, and the passage of the Civil Rights Act in 1964 and the National Environmental Policy Act in 1969 as early environmental justice matters.[7] Environmental justice most visibly emerged on the national scene in 1982 when residents in Warren County, North Carolina fought against the state's decision to dispose of PCB-contaminated soil from throughout the state into a landfill in their predominately African-American

3. Exec. Order No. 12,898, 3 C.F.R. 389 (1994), *reprinted in* 42 U.S.C. § 4321 (1994).

4. *See* CAL. HEALTH & SAFETY CODE § 38500 (2006).

5. *See Power to the People Campaign*, CTR. ON RACE, POVERTY, & THE ENV'T, http://www.crpe-ej.org/crpe/index.php/campaigns/power-to-the-people (last visited Feb. 14, 2012) [hereinafter *Power to the People Campaign*].

6. LUKE W. COLE & SHEILA FOSTER, FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT 21 (2001).

7. SECOND NAT'L PEOPLE OF COLOR ENVTL. LEADERSHIP SUMMIT, ENVIRONMENTAL JUSTICE TIMELINE—MILESTONES 2–3 (2002), http://www.ejrc.cau.edu/summit2/%20EJTimeline.pdf.

community.[8]

The scope of environmental struggles over the last thirty years illustrates that every aspect of the fossil fuel economy—from resource extraction, to production, to transportation of goods, to disposal—disproportionately impacts low-income communities and communities of color.[9] A recent study of the rural counties of California's San Joaquin Valley finds that one-third of the Valley's four million residents suffer from a high degree of environmental risk, such as from air and water pollution.[10] The study also found that these communities face high levels of social vulnerability, such as poverty, low levels of formal education, and low English literacy.[11] The study reports that Valley residents are exposed to a host of environmental hazards including agricultural and industrial sources of pollution from trucks, water contamination, pesticide drift, and poor air quality.[12] The study also found that areas with the highest number of environmental hazards were composed of sixty-one percent people of color with twenty-four percent of the population living in poverty.[13]

Urban communities are also disproportionately impacted by industrial sources of pollution such as refineries and power plants. A study of air quality and environmental justice in the Bay Area of Northern California found that two-thirds of residents who live within two and one-half miles of a toxic release inventory site are people of color, while nearly two-thirds of people who live over two and one-half miles from such a facility are white.[14] In addition, over sixty percent of Bay Area residents with the highest cancer risk are people of color, and a quarter of those residents are recent immigrants, indicating a correlation between pollution exposure and health risk.[15]

Disparate impacts exist in relation not only to stationary sources but also to

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8. COMM'N FOR RACIAL JUSTICE, UNITED CHURCH OF CHRIST, TOXIC WASTES AND RACE IN THE UNITED STATES xi (1987), http://www.ucc.org/about-us/archives/pdfs/toxwrace87.pdf [hereinafter UNITED CHURCH OF CHRIST]. PCBs are polychlorinated biphenyls, which were used in electrical and hydraulic equipment, paint, plastics, and rubber products. They were banned in 1979. Once in the environment, they do not break down easily and can persist for a long time. PCBs cause cancer and adversely affect the reproductive and nervous systems. *See Polychlorinated Biphenyls (PCBs)*, U.S. ENVTL. PROT. AGENCY, http://www.epa.gov/wastes/hazard/tsd/pcbs/pubs/about.htm (last visited Feb. 28, 2012).

9. *See* COLE & FOSTER, *supra* note 6, at app. A (detailing an exhaustive bibliography of studies and reports on the disproportionate impacts borne by poor people and people of color).

10. JONATHAN LONDON ET AL., LAND OF RISK AND LAND OF OPPORTUNITY: CUMULATIVE ENVIRONMENTAL VULNERABILITIES IN CALIFORNIA'S SAN JOAQUIN VALLEY 12–13 (2011) (creating an environmental hazards index passing on publically available information along with a social vulnerability index based on the demographic characteristics of the region to identify cumulative environmental vulnerability action zones).

11. *Id.*

12. *Id.* at 5.

13. *Id.* at 12.

14. MANUEL PASTOR ET AL., STILL TOXIC AFTER ALL THESE YEARS: AIR QUALITY AND ENVIRONMENTAL JUSTICE IN THE BAY AREA 4–6 (2007) (relying on publically available information about environmental hazards such as the 2003 Toxic Release Inventory, the 2001 Community Health Air Pollution Information System, and the 1999 National Air Toxics Assessment as well as 2000 Census information on ethnicity, income, and language fluency to determine if environmental disparities exist).

15. *See id.* at 9 tbl.3.

mobile sources and activities associated with the goods movement. One report detailed the air quality of West Oakland, a community including the Port of Oakland where twenty truck-related businesses operate.[16] It found that the 22,000 residents of that community may breathe air that has five times higher levels of toxic diesel particulates than residents of other areas of Oakland.[17] Exposure to such diesel pollution can increase the risk of asthma, heart disease, and premature death.[18]

These disparate impacts were first identified in 1987 in a groundbreaking report from the United Church of Christ documenting that hazardous waste sites were inequitably distributed throughout the nation.[19] The report found that, in communities with one or more commercial hazardous waste facilities, the average percentage of people of color in the population was three times that of communities without such a facility.[20] In communities with only one commercial hazardous waste site, the percentage of people of color was twice that of communities without such a facility.[21] A 2007 follow-up report confirmed that these disproportionate impacts have persisted.[22] The report estimated that more than nine million people live within five miles of the nation's 413 commercial hazardous waste facilities.[23] Communities that host commercial hazardous waste facilities include fifty-six percent people of color whereas communities which do not host commercial hazardous waste facilities include thirty percent people of color.[24] "Percentages of African Americans [sic], Hispanics/Latinos and Asians/Pacific Islanders in host neighborhoods are 1.7, 2.3 and 1.8 times greater [than non-minorities] (20% vs. 12%, 27% vs. 12%, and 6.7% vs. 3.6%), respectively. Poverty rates in the host neighborhoods are 1.5 times greater than non-host areas (18% vs. 12%)."[25] Both United Church of Christ reports revealed that race was a greater predictor of pollution exposure than poverty rates.[26]

Low-income communities and communities of color in rural and urban areas are disproportionately impacted by a variety of pollution-causing activities associated with the fossil fuel economy. These pollution-causing activities range from stationary sources such as industrial agriculture, power plants, and refineries, to mobile sources such as trucks transporting goods and the disposal of toxic waste in hazardous waste landfills.[27] As a result of these inequities, environmental justice advocates have developed a critique of the fossil fuel

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16. PAC. INST., CLEARING THE AIR: REDUCING DIESEL POLLUTION IN WEST OAKLAND 2 (2003), http://www.pacinst.org/reports/diesel/clearing_the_air_final.pdf.

17. *Id.*

18. *Id.*

19. *See generally* UNITED CHURCH OF CHRIST, *supra* note 8.

20. *Id.* at xiii.

21. *Id.*

22. ROBERT D. BULLARD ET AL., TOXIC WASTE AND RACE AT TWENTY 1987–2007: A REPORT PREPARED FOR THE UNITED CHURCH OF CHRIST JUSTICE AND WITNESS MINISTRIES viii (2007).

23. *Id.* at x.

24. *Id.*

25. *Id.*

26. UNITED CHURCH OF CHRIST, *supra* note 8, at xiii; BULLARD, *supra* note 22, at xii.

27. *See* LONDON, *supra* note 10, at 12–14; PASTOR, *supra* note 14, at 6–9; PAC. INST., *supra* note 16, at 2; *see also* COLE & FOSTER, *supra* note 6, at app. A.

economy that identifies the inequities and provides solution-oriented approaches for eliminating them. Understanding the Environmental Justice Movement's analysis of the fossil fuel economy can provide a framework for a just transition to an economy that does not create disparate environmental impacts.

III. ENVIRONMENTAL JUSTICE PRINCIPLES TO CREATE A JUST TRANSITION

Twenty years ago, delegates from the various movements comprising the Environmental Justice Movement—including the Civil Rights, Labor, Anti-Toxics, Anti-Poverty, and Indigenous Movements—gathered for the first time in Washington, D.C.[28] Participants identified common themes of racism and economic exploitation, and crafted seventeen principles of environmental justice articulating the philosophical underpinnings of the movement.[29] These principles encompass: the values of mutual respect for all peoples; self-determination; non-violence; and interconnectedness of living things past, present, and future—reflecting the broad nature of the movement as well as an expansive view of what constitutes "the environment."[30] The principles reaffirm the "Sacredness of Mother Earth" and the need to use natural resources sustainably and responsibly.[31] The principles also recognize that the environment includes political, economic, and cultural content, as well as fairness in the formation of public policy, self-determination, and workplace safety.[32]

Based on these principles, advocates define "environmental justice" as the basic right of people to live, work, go to school, play, and pray in a healthy and clean environment.[33] This expansive definition has been described in terms of three important aspects of justice: distributive justice, procedural justice, and social justice.[34] Distributive justice refers to the inequitable distribution of harms and public benefits whereby low-income communities and communities of color often host a disproportionate number of harmful sites (for example, hazardous waste dumps or refineries) and lack access to public goods (for example, parks and infrastructure).[35] This is only one aspect of environmental justice. Environmental justice seeks to reduce harm for everyone as opposed to distributing harms equally throughout society.[36] Procedural justice refers to the

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28. COLE & FOSTER, *supra* note 6, at 31.

29. COLE & FOSTER, *supra* note 6, at 31–32; THE PRINCIPLES, *supra* note 1.

30. THE PRINCIPLES, *supra* note 1.

31. *Id.*

32. *Id.*

33. ROBERT D. BULLARD, DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY xiii–xvii (2d ed. 1994).

34. *See id.* at 116 (defining environmental justice as procedural, geographic, and social equity); *see also* Robert R. Kuehn, *A Taxonomy of Environmental Justice*, 30 ENVTL. L. REP. 10681, 10681 (2000) (defining environmental justice as distributive, procedural, corrective, and social justice).

35. *See* Kuehn, *supra* note 34, at 10683–84 (defining distributive justice and applying the definition to the environmental context).

36. *See* Luke W. Cole, *Environmental Justice and Entrepreneurship: Pitfalls for the Unwary*, 31 NEW ENG. L. REV. 601, 601 n.3 (2009) (stating the goal of the Environmental Justice Movement is to alleviate the burden of pollution on all populations); *see also* THE PRINCIPLES, *supra* note 1, at princ. 4 ("Environmental Justice [sic] calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water and food . . . ."); THE PRINCIPLES, *supra* note 1, at princ. 6

fairness of the decision-making process, which, in the environmental justice context, goes beyond merely having a place at the table but also having the power to participate as equal partners at all stages.[37] Lastly, social justice refers to the reality that race, class, economic, and political factors influence quality of life and the distribution of pollution.[38] The principles of environmental justice are rooted in social justice, the need for a healthy and safe work environment, and the importance of economic and political alternatives to develop environmentally safe production methods and livelihoods.[39]

The Environmental Justice Movement achieved its greatest national victory in 1994 when President Bill Clinton signed Executive Order 12,898 which touches on distributive, procedural, and social justice.[40] The order requires each federal agency to make "achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."[41] In addition, the order requires each federal agency to conduct its programs, policies, and activities in a manner that does not exclude people from participating, deny people the benefits of participating, or subject people to discrimination on the bases of race, color, or national origin.[42] The order also requires federal agencies to develop an environmental justice strategy to achieve the goals of the order. This may require that agency policies and programs be revised to reflect goals that could lead to substantive policies to address disparities.[43]

In addition, the Executive Order has several sections that underscore the importance of public participation beyond the opportunity to participate in decision-making.[44] There are several provisions on the need to collect data on disparate impacts and address those impacts, as well as the need to provide the collected data to the public to allow for transparent and meaningful participation.[45] The order also recognizes that creating documents that most people can understand, translating documents, and making hearings accessible

("Environmental justice demands the cessation of the production of all toxins, hazardous wastes and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and containment at the point of production.").

37. *See* THE PRINCIPLES, *supra* note 1, at princ. 7 ("Environmental Justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.").

38. Kuehn, *supra* note 34, at 10699.

39. *See id.* (defining social justice and applying the Principles of Environmental Justice); *see also* THE PRINCIPLES, *supra* note 1, at princ. 8 ("Environmental Justice affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazard.").

40. *See generally* Exec. Order No. 12,898, § 1-101, 3 C.F.R. 389 (1994), *reprinted in* 42 U.S.C. § 4321 (1994).

41. *Id.* § 1-101.

42. *Id.* § 2-2.

43. *Id.* § 1-103.

44. *See, e.g.*, *id.* §§ 3-302, 5-5.

45. *Id.* § 3-302(a)–(c).

and comprehensible are important components to meaningful participation.[46]

Most significantly, the order recognized the social justice aspects of environmental justice by creating an Interagency Working Group on Environmental Justice comprised of the heads of sixteen different cabinet-level departments and agencies.[47] It also mandated that agencies consider economic and social implications in their environmental justice strategies.[48] The social justice aspects of the order reinforce the idea that environmental pollution is interconnected with other issues and requires a multi-disciplinary approach.

While the Executive Order provided a good framework for addressing environmental disparities, it failed to live up to its promise. The order is significantly limited by the fact that it is not enforceable.[49] There are no consequences if an agency fails to follow the order. Environmental justice principles can help guide the transition to a green economy, but they must be fully implemented in order to truly eliminate disparities and create a just environmental transition.

IV. THREE PART FRAMEWORK FOR A JUST TRANSITION

This section discusses two case studies to explore how to avoid disparate impacts in the transition to a more sustainable economy by following an environmental justice framework of: (1) creating, implementing, and enforcing explicitly equitable public policy based on distributive, procedural, and social justice; (2) creating mechanisms for meaningful participation at the outset from the people affected by the transition; and (3) taking a social justice or holistic approach to the transition that addresses the political, economic, and social inequities of the fossil fuel economy. The two cases studies are: California's Global Warming Solutions Act of 2006 (AB 32)[50] and CRPE's Power to the People Campaign.[51]

A. Case Studies

AB 32 and CRPE's Campaign present two different approaches to a transition from the fossil fuel economy to a more sustainable and greener economy. In 2006, California passed the Global Warming Solutions Act to reduce greenhouse gas (GHG) emissions in the state, position California as a leader

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46. *See id.* § 5-5(b), (c) (mandating that documents should be understandable and translated where possible).

47. *See id.* § 1-102 (detailing the members of the working group); *see also Federal Interagency Working Group on Environmental Justice*, U.S. ENVTL. PROT. AGENCY, http://www.epa.gov/compliance/ej/interagency/index.html (last visited Dec. 15, 2011) (explaining that the Working Group was largely dormant under President Bush's administration but "[o]n August 4, 2011, heads of 17 federal agencies took an important step in the Administration's effort to support environmental justice by signing the Memorandum of Understanding on Environmental Justice."); *cf.* Kuehn, *supra* note 34, at 10699 (describing the social justice aspects of environmental justice and the relation of those aspects to government actors).

48. Exec. Order No. 12,898, § 1-103(a)(4); *cf.* Kuehn, *supra* note 34, at 10699 (describing environmental justice in terms of economic and social implications).

49. Exec. Order No. 12,898, § 6-609.

50. *See* CAL. HEALTH & SAFETY CODE § 38500 (2006).

51. *See Power to the People Campaign*, *supra* note 5.

nationally and internationally in environmental stewardship, and spur the development of and investment in alternative technologies.[52] At the other end of the spectrum, CRPE created its Power to the People Campaign to increase San Joaquin Valley residents' capacity to evaluate proposed alternative energy projects and determine what types of industries, jobs, and opportunities residents would like to see in their communities.[53] Both AB 32 and CRPE's Power to the People Campaign incorporated aspects of distributive, procedural, and social justice with varying degrees of success. Both provide lessons on how to best achieve environmental justice as we transition to new, more sustainable ways of producing fuel and energy. These case studies also reveal the persistent gap between public agency understanding of environmental justice and that of residents experiencing disproportionate impacts in their communities.

1. AB 32: Global Warming Solutions Act

California's legislature enacted AB 32, an aggressive and far-reaching law to respond to the growing threat of global warming posed to the state and its residents.[54] As a long-standing national and international leader in energy conservation and environmental stewardship, the California legislature designed AB 32 to place the state "at the forefront of national and international efforts to reduce emissions of greenhouse gases."[55] Legislators highlighted AB 32's ambitious purpose by calling for an exhaustive analysis of all potential measures to reduce GHG emissions and how to maximize cost-effective reductions.[56]

The act sets a statewide target for GHG emissions, specifies a process for establishing rules and regulations for implementation, and includes provisions for enforcement.[57] To implement the plan as set forth in AB 32, the legislature designated the Air Resource Board (ARB) as the lead agency responsible for designing a Scoping Plan to serve as a roadmap for the future regulation of GHG emissions.[58] Significantly, AB 32 outlines not only the emission reduction the state is to achieve, but also contains provisions for how those reductions should occur. The ARB is required, by statute, to first identify and then implement emissions reduction measures that will enable the state to attain the "maximum technologically feasible and cost-effective reductions of GHG emissions" to reach the statewide GHG emissions limit.[59] Additionally, AB 32 mandates that the ARB design measures to "maximize[] additional environmental and economic

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52. *See* CAL HEALTH & SAFETY CODE § 38501(c)–(e) (expressing the findings of the California Legislature and the goals of the statute).

53. Cole, *supra* note 36, at 606.

54. HEALTH & SAFETY § 38501(a).

55. *Id.* § 38501(c).

56. *Id.* § 38561(b), (c), (h).

57. *Id.* §§ 38550, 38560–38574, 38580.

58. *Id.* §§ 38510, 38561; *see also* Verified First Amended Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief at 2, Ass'n of Irritated Residents v. Cal. Air Res. Bd., CPF 09-509562 (Cal. Super. Ct. Feb. 19, 2010), 2010 WL 6813171 [hereinafter Complaint] (noting that the Scoping Plan outlines the state's regulatory plan for GHG emission reduction for the next five years).

59. HEALTH & SAFETY § 38561(a).

co-benefits."[60]

To assist the ARB in this broad review, the legislature requires the ARB to "coordinate with state agencies as well as consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations and other stakeholders" in implementing the program required by AB 32.[61] Two advisory committees were created to advise the ARB on AB 32 implementation: the Environmental Justice Advisory Committee (EJAC) and the Economic and Technology Advancement Advisory Committee (ETAAC).[62]

2. Green and Just Economy Development via CRPE's Power to the People Campaign

The Center on Race, Poverty & the Environment (CRPE) is a non-profit environmental justice organization that has provided legal and technical assistance to low-income communities and communities of color for over twenty-two years.[63] CRPE's mission is to achieve environmental justice and sustainable communities through collective action and the law.[64] CRPE has a three-prong approach to achieving its mission: (1) to build the capacity of individuals so that they leave a campaign with more skills than when they entered, (2) to build community power vis-à-vis decision-makers over the course of the campaign, and (3) to concretely address the environmental hazard at hand.[65]

In 2007, CRPE began its Power to the People campaign to respond to a number of projects that were proposed in the San Joaquin Valley under the guise of clean energy.[66] Alternative energy producers sought to use the San Joaquin Valley to produce fuel and energy from ethanol and biomass without addressing the impact on local low-income communities and communities of color.[67] The Power to the People Campaign was designed as a two-year campaign. It focused on improving public health by educating the people most affected by plant sitings. It further educated and engaged those residents during the siting process, thereby improving plant projects by mitigating pollution and forcing the examination of alternatives to reduce pollution (as well as sometimes stopping dirty and health-damaging projects entirely).[68] Through its trainings and in collaboration with client communities, CRPE produced a white paper on best practices for developing clean energy and fuel while also providing economic

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60. *Id.* § 38501(h).

61. *Id.* § 38501(f).

62. *Id.* § 38591(a), (d).

63. *About The Center on Race, Poverty, & The Environment*, CTR. ON RACE, POVERTY, & THE ENV'T, http://www.crpe-ej.org/crpe/index.php/about-us (last visited Feb. 14, 2012).

64. *Id.*

65. CTR. ON RACE, POVERTY, & THE ENV'T, http://www.crpe-ej.org (last visited Feb. 14, 2012).

66. *Power to the People Campaign*, *supra* note 5. CTR. FOR RACE, POVERTY & THE ENV'T, THE GREEN PAPER: A COMMUNITY VISION FOR ENVIRONMENTALLY AND ECONOMICALLY SUSTAINABLE DEVELOPMENT 2 (2011), *available at* http://www.crpe-ej.org/crpe/images/stories/featured/green/j6365_crpe_eng_web.pdf [hereinafter THE GREEN PAPER].

67. *Id.*

68. Cole, *supra* note 36, at 606–09.

development and jobs training.[69]

B. Explicitly Equitable Public Policy

Both AB 32 and CRPE's Power to the People Campaign recognized that focusing on the result of the transition to a green economy is only part of the issue. We must also focus on how that transition is to be accomplished if we wish to avoid the unintended consequences of the fossil fuel economy. Otherwise, we will change what we burn to produce energy, but we will not reduce localized pollution or eliminate disparate impacts.

1. Equitable Public Policy in AB 32

In passing AB 32, the legislature did more than merely set a target for GHG emission reductions. AB 32 requires California to reduce GHG emissions to 1990 levels by 2020.[70] But AB 32 also mandates that the ARB meet certain criteria when designing measures to reduce GHG emissions. This is important to environmental justice advocates because industrial, commercial, and mobile sources do not emit GHGs in isolation, but in combination with other pollutants such as toxic air contaminants, ozone precursors, and fine particulate matter.[71] AB 32 further mandates that the ARB design measures that will "maximize[] additional environmental and economic co-benefits."[72] The act includes specific equity requirements for implementing regulations in order to avoid disproportionate impacts on low-income communities and communities of color.[73] AB 32 also requires that the ARB understand the overall environmental and economic impacts of its efforts to reduce GHG emissions before designing and implementing its regulatory program.[74]

In addition, the legislature directed the ARB to (1) ensure activities do not disproportionately impact low-income communities,[75] (2) ensure activities do not interfere with efforts to achieve and maintain air quality standards and efforts to reduce toxic air contaminants,[76] (3) consider overall societal benefits of reducing GHG emissions,[77] (4) direct public and private investment toward the most disadvantaged communities,[78] (5) consider "localized impacts in communities that are already adversely impacted by air pollution" when including market mechanisms,[79] and (6) prevent any increase in toxic air contaminants or criteria air pollutants in designing market mechanisms (such as cap and trade).[80]

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69. *Id.*

70. CAL. HEALTH & SAFETY CODE § 38550 (2006).

71. MANUEL PASTOR ET AL., MINDING THE CLIMATE GAP: WHAT'S AT STAKE IF CALIFORNIA'S CLIMATE LAW ISN'T DONE RIGHT AND RIGHT AWAY 1–5 (2010) [hereinafter MINDING THE CLIMATE GAP].

72. HEALTH & SAFETY § 38501(h).

73. *See, e.g.*, *id.* § 38562(b).

74. *Id.*

75. *Id.* § 38562(b)(2).

76. *Id.* § 38562(b)(4).

77. *Id.* § 38562(b)(6).

78. *Id.* § 38565.

79. *Id.* § 38570(b)(1).

80. *Id.* § 38570(b)(2).

These features of maximizing environmental and economic co-benefits, minimizing impacts, and directing benefits to "disadvantaged communities" are important first steps in ensuring that environmental policies redress disparate impacts instead of blindly perpetuating them. However, environmental justice advocates believe the ARB fell far short of realizing these goals in its implementation of AB 32. They have challenged the ARB's Scoping Plan which outlines the reduction measures the ARB would undertake to implement AB 32.[81] The Association of Irritated Residents (AIR) raised three issues related to AB 32 in its complaint against the ARB: (1) that ARB excluded whole sectors of the economy such as industry and agriculture from direct regulation when including a cap and trade program without determining whether potential reduction measures achieved maximum technologically feasible and cost effective reductions; (2) the ARB failed to adequately evaluate the total costs and benefits to the environment, economy, and public health before adopting the Scoping Plan; and (3) the ARB failed to consider all relevant information regarding GHG emission reduction programs throughout the United States and the world as required by AB 32 prior to recommending a cap and trade regulatory approach.[82] These claims are currently being litigated.[83]

The case of AB 32 illustrates that public laws and policies constitute a "*necessary* but *insufficient* condition for ensuring . . . equitable solutions."[84] Including explicit language in legislation requiring the consideration of disproportionate impacts and full participation of affected communities is a necessary first step in remedying inequitable pollution burdens. However, as was the case with AB 32, the implementation of the language is a crucial component to ensuring that the inequities of the past are not repeated.

2. Equitable Public Policy in the Power to the People Campaign

When CRPE designed its Power to the People Campaign, it sought to answer a key question: what do green jobs mean to the rural farmworker communities with which CRPE works?[85] A necessary part of answering this question involved trainings and discussions on how residents wanted to see their communities develop in a healthy and sustainable way.[86] These discussions resulted in a comprehensive vision of what these rural farmworker communities want a just economy to look like:

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81. Complaint, *supra* note 58, at 1–3.

82. Petitioners' Opening Brief at 12–25, Ass'n of Irritated Residents v. Cal. Air Res. Bd., CPF-09-509562 (Cal. Super. Ct. 2010), 2010 WL 6813153. The Superior Court denied these aspects of AIR's complaint, but found that the ARB had violated the California Environmental Quality Act. Ass'n of Irritated Residents v. Cal. Air Res. Bd., CPF 09-509562, 2011 WL 991534. (Cal. Super. Ct. Mar. 17, 2011). These claims are currently on appeal. Docket (Register of Actions), *Ass'n of Irritated Residents v. Cal. Air Res. Bd.*, CAL. APP. CTS., http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=1&doc_id=1981096&doc_no=A132165 (last visited Feb. 14, 2012) [hereinafter Ass'n of Irritated Residents Docket].

83. *See* Ass'n of Irritated Residents Docket, *supra* note 82.

84. Julie Sze et al., *Best in Show? Climate and Environmental Justice Policy in California*, 2 ENVTL. JUST. J. 179, 184 (2009).

85. *See* THE GREEN PAPER, *supra* note 66, at 2.

86. *See id.*

> Community leaders want to live in healthy, vibrant, rural communities, where they can live, work, and play free from the threat of environmental harm; they want to breathe clean air, drink clean water, and have access to economic opportunities that lift their families out of poverty. They want access to equitable and sustainable green jobs, that respect the dignity of workers, provide a living wage and year-round employment, and protect the environment in which people live, work and play.[87]

Discussion with community leaders focused less on what type of industries community leaders wanted to promote and more about how they wanted those industries to operate. This information was instructive, as it did not reflect CRPE's initial expectations. When it began its Power to the People Campaign, CRPE believed the campaign's focus would be renewable energy jobs.[88] However, in designing the campaign, CRPE provided trainings and information not just on renewable energy jobs, but also on a wide range of other topics related to the transition to a sustainable economy, such as land use planning, air quality, power plants and green energy alternatives, climate change, and organic agriculture.[89] The trainings and information enabled community leaders to define green jobs in terms of the environmental benefits and working conditions they provided, and, thus, more broadly than just in terms of the day-to-day work of these green jobs.

Training participants provided insight into what they would consider to be sustainable and green jobs. Such jobs should: protect and improve the environment in which people live, work, and play; provide a living wage; respect the dignity of workers; generate opportunity for the local community; provide the opportunity for inclusion of previously marginalized residents; provide year-round, long-term employment and opportunities for advancement; and provide a safe working environment free of toxics.[90] Community leaders wanted to promote jobs that prevented environmental pollution and provided wages that would lift families out of poverty while also benefitting all members of the local community.[91] In particular, community residents were interested in identifying ways to create self-employment opportunities and build their own wealth.[92]

Flowing from the community residents' visions and their definitions of green jobs, CRPE developed some equitable policy recommendations. For example, residents wishing to develop their own businesses identified lack of access to capital as a significant barrier to doing so.[93] As a result, CRPE made policy recommendations focused on creating micro-financing opportunities specifically for traditionally marginalized groups.[94] These micro-financing opportunities included a technical assistance component to support the development of business plans, financial advising, and business management

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87. *Id.* at 3.
88. Cole, *supra* note 36, at 606.
89. *See* THE GREEN PAPER, *supra* note 66, at 21 (listing past training events).
90. *Id.* at 10.
91. *Id.*
92. *See id.*
93. *See id.* at 13.
94. *Id.*

assistance.[95] In order to identify marginalized groups or communities, CRPE recommended development of a screening process to identify communities' income levels, racial demographics, health disparities, and existing pollution burdens.[96] This screening methodology may help target and direct investments to the most disadvantaged and overburdened communities. The Power to the People Campaign recognized that equity does not just happen when new legal frameworks are created. Rather, explicit policies must be enacted in order to ensure that equity is considered in the implementation of those new legal frameworks.

3. Lessons Learned for Developing Equitable Public Policy

The case studies of AB 32 and the Power to the People Campaign reveal how public policy can promote a just transition to a sustainable economy in several ways. First, public policy need not specifically be about environmental justice to have implications for environmental justice. For example, a policy about global climate change, immigration, or financing affects low-income communities and communities of color. AB 32 recognizes that California communities already suffer from air pollution and that strategies to reduce GHG emissions should not exacerbate that. Second, AB 32 also illustrates that equity language in public policy is not enough; the language must be implemented in practice to fulfill equitable objectives. One way to achieve equitable outcomes is to focus on equity from the outset. CRPE created its Power to the People Campaign to work with community residents living with pollution and poverty to determine what an equitable green economy would look like to those communities. By starting with a cohesive community vision for a just economy, CRPE was able to create policy recommendations addressing existing inequities and barriers. Such recommendations are crucial to ensure that equitable policy language is implemented as intended.

C. Public Participation

One of the cornerstone principles of environmental justice is "we speak for ourselves"—meaning that those affected by decisions should have a prominent role in the decision-making.[97] As discussed above, one of the central principles of environmental justice is that those affected by policies be afforded "the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation."[98] Both AB 32 and CRPE's Power to the People Campaign include opportunities for public participation but with very different results.

1. Public Participation in AB 32

Public participation is an important feature of AB 32. The California legislature required the ARB to "coordinate with state agencies, as well as

95. *Id.*

96. *Id.* at 16.

97. *See* ROBERT BULLARD ET AL., WE SPEAK FOR OURSELVES: SOCIAL JUSTICE, RACE, AND THE ENVIRONMENT (Dana Alston ed., 1990).

98. THE PRINCIPLES, *supra* note 1, at princ. 7.

consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations and other stakeholders" in implementing the program required by AB 32.[99] Specifically, the legislature required the ARB to conduct workshops on its plans "in regions of the state that have the most significant exposure to air pollutants, including but not limited to, communities with minority populations, communities with low-income populations, or both."[100] The legislature also expressly created the EJAC to assist the ARB in implementing AB 32.[101] AB 32 specified that EJAC members must come from environmental justice organizations and community groups.[102] The legislature also mandated that members receive a reasonable *per diem* to participate in EJAC meetings in order to facilitate involvement.[103]

While the ARB followed the letter of the law in creating the committee, it did not live up to the spirit of the law. The chairs of EJAC had to self-initiate, schedule, and plan for committee meetings. In addition, EJAC meetings were not recorded so there are no transcripts or records of its proceedings other than the ARB's staff presentations given at the meetings.[104] Without a transcript, it is difficult to determine how EJAC's input could be translated into actual public policy decisions.

Members of EJAC consistently felt as if the ARB had already made up its mind on key aspects of implementation of AB 32 before EJAC had the opportunity to provide input.[105] While EJAC was given the opportunity to review documents, submit comments, and testify at public hearings, members of EJAC did not find such participation to be meaningful, and they did not feel as if they were able to influence the ARB's decisions.[106] Several individual members of EJAC sued the ARB for failing to fulfill the equitable requirements of AB 32.[107]

2. Public Participation in the Power to the People Campaign

CRPE drew on environmental justice organizations' existing models for authentic public engagement in designing the Power to the People Campaign. These models included organizing affected community residents into bodies with decision-makers and spokespeople, providing substantive training to support engagement, and creating opportunities for community leaders to collect information and proactively take part in community planning and visioning exercises.[108]

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99. CAL. HEALTH & SAFETY CODE § 38501(f) (2006).

100. *Id.* § 38561(g).

101. *Id.* § 38591(a). The author served as a member of the EJAC and speaks in this section from personal experience.

102. *Id.* § 38591(b).

103. *Id.* § 28591(c).

104. Sze, *supra* note 84, at 182.

105. *See, e.g.*, Global Warming Envtl. Justice Comm. 6, 8 (May 27, 2008) (on file with author).

106. *See* Complaint, *supra* note 58, at 12–14.

107. *Id.* at 5–7 (petitioners Angela Johnson Meszaros, Caroline Farrell, Henry Clark, Jesse N. Marquez, Martha Dina Arguello, Shabaka Heru, and Tom Franz were members of the EJAC). This case is currently on appeal in the First Appellate District of California. *See* Ass'n of Irritated Residents Docket, *supra* note 82.

108. For example, the Environmental Health Coalition (EHC) in San Diego used this model in

When CRPE launched its Power to the People Campaign, it planned to create a report outlining participants' visions for their communities as well as policy recommendations to achieve community leaders' visions for a just economy.[109] If CRPE had followed a typical regulatory process, it would have worked on the report internally before circulating a draft to community residents for comment and feedback. This, however, would not have been communities speaking for themselves. It would have been CRPE speaking for them and then asking for the communities' agreement to CRPE's findings. The communities with whom CRPE works would not have been equal partners in the creation of the vision.

Instead, CRPE began with a series of trainings in order to build the community residents' capacity to engage in discussions about transitioning to a green economy. CRPE invited outside trainers to come in on Saturday afternoons,[110] provided child care, and translated for monolingual Spanish speakers. CRPE engaged in interactive visioning exercises during each training, the results of which were recorded on butcher paper and video. CRPE drafted its report recommendations based on the outcome of those exercises. At each phase of the drafting process, CRPE reviewed the report's content with community members to ensure that it reflected the input they provided. In the end, CRPE produced a report titled "The Green Paper" which articulated the communities' own visions and their own policy recommendations.[111] In the beginning of the Power to the People Campaign, CRPE thought that the community vision would center on renewable energy.[112] However, what emerged from the training series was a comprehensive vision for a sustainable and green economy that was not tied to a particular industry or a typical type of job. Instead, residents focused on identifying opportunities to create healthy work environments and wealth through ownership.[113] Participants in the campaign articulated a real desire to work on local pilot projects such as co-operative agricultural projects that build on participants' expertise in growing food as farm-workers, provide a source of locally grown food, and offer an opportunity for economic independence.[114]

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their work with community residents in Barrio Logan and Old Town to create a community vision. They created Community Action Teams to develop the community vision and to direct EHC's efforts. EHC then developed a mandatory training program, Salud Ambiental Líderes Tomando Acción (SALTA), which provided substantive and capacity-building trainings for community leaders to allow them to effectively participate in community visioning. The leaders then conducted a community survey to help establish their neighbors' priorities. These priorities were then incorporated into the community plan. When community leaders decided to develop their own neighborhood vision, EHC raised money to employ a land use planning firm to work with residents to develop their vision. Once the vision was developed, EHC worked with community leaders to get official endorsements and official adoption of the vision as the community plan for the area. Diane Takvorian et al., *Community Planning for Power*, 15 RACE, POVERTY & THE ENV'T 76, 76–78 (2008).

109. *See* THE GREEN PAPER, *supra* note 66; *see also* Cole, *supra* note 36, at 601.

110. CRPE recognized that some members of the communities would not be able to attend because of residents' work schedules, but CRPE held regularly scheduled trainings once a month with enough notice that people could request the time off if they wished. THE GREEN PAPER, *supra* note 66, at 20.

111. *See id.*

112. Cole, *supra* note 36, at 606.

113. THE GREEN PAPER, *supra* note 66, at 10, 13–14.

114. *Id.* at 20–21.

Community-driven planning affords an opportunity to address several problems at once and create win-win solutions to environmental, economic, and social problems.

3. Lessons Learned from Authentic Public Participation

Meaningful public participation is a key component of achieving environmental justice. Real public participation is more than merely providing the public a place at the table and an opportunity to comment. AB 32 recognized the importance of public participation and created formal opportunities to participate through the EJAC, but members were dissatisfied by the process. In fact, the Advisory Committee has not convened since August 2010.[115] Authentic meaningful participation requires three important components that AB 32 lacked. First, authentic participation requires the resources, information, translation, and technical assistance that allow community members to participate fully in the decision-making process. Second, affected members of the community should have opportunities to participate early in the process when substantive changes may be made to a policy or project, rather than at the latest legally required time for public notice. Third, meetings should be located in the affected community at a time convenient for people who work, and documents should be translated in order to facilitate meaningful participation by all community members. A truly just transition will ensure that those most impacted by the transition have the opportunity, resources, support, and training to participate in a way that they find meaningful and that substantively improves economic opportunity in their area.

D. Holistic Approach

Because the Environmental Justice Movement is comprised of several different movements, environmental justice activists take a very broad view of social problems as well as solutions. Activists recognize that residents in low-income communities and communities of color do not lead single-issues lives, but lives of interconnected issues ranging from exposure to pollution—often from multiple sources—to lack of access to health care, linguistic isolation, poor-quality housing, low wages, and inadequate schools.[116] Because they face these issues daily, residents look for a holistic and preventative approach to addressing several problems at once. In transitioning away from a fossil fuel economy, if we only pay attention to changing the fuel we use, we will miss important opportunities to accelerate pollution reduction in the most disadvantaged communities, provide living wages, and reduce worker exposure to toxins.

1. The Holistic Approach of AB 32

AB 32 has the potential to provide holistic solutions to both climate change and pollution disparities. AB 32 affects every sector of California's economy. The

115. *See Environmental Justice Committee Archive of Meetings*, AIR RES. BD., CAL. ENVTL. PROT. AGENCY, http://www.arb.ca.gov/cc/ejac/meetings/meetings.htm (last visited Dec. 10, 2011).

116. Kuehn, *supra* note 34, at 10681.

ARB's plan to implement AB 32 includes measures that reduce emissions from cars, improve energy efficiency, reduce GHG emissions from fuel, require electricity providers to increase the percentage of renewables in their load, and touch on regional transportation and land use planning.[117] However, the ARB's approach to use cap and trade to reduce industrial-source GHG emissions has proven to be the most controversial to environmental justice advocates.

Industrial sources of pollution such as refineries, cement kilns, and power plants are the third largest source of GHG emissions in the state of California, accounting for twenty-three percent of the state's emissions.[118] All but one percent of industrial pollution reductions under AB 32 will come from the cap and trade program.[119] Studies have shown that communities of color tend to be located near facilities with the highest emissions or clusters of facilities with the highest cumulative emissions.[120] Therefore, environmental justice advocates and EJAC were particularly concerned about the ARB's strategy for reducing industrial source emissions in these communities.

The ARB's approach was to propose a cap and trade regulation for industrial sources. Under this approach, the ARB set a statewide cap on emissions that would decline every three years.[121] In order to meet the cap, pollution sources could choose the most cost effective of three options: reduce emissions at their sites, purchase allowances from other sources that were able to reduce their emissions, or purchase offsets.[122] In crafting the regulations, the ARB's focus was on meeting the GHG reduction target and minimizing the compliance cost to industry.[123]

From the outset, environmental justice advocates were opposed to a cap and trade system because of this narrow focus.[124] Advocates have long believed that relying on the market to reduce pollution is unrealistic.[125] Instead, environmental

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117. *See* AIR RES. BD., CAL. ENVTL. PROT. AGENCY, STATUS OF SCOPING PLAN RECOMMENDED MEASURES 2 (2011) (explaining that electricity retailers are to provide thirty-three percent of their load from renewables by 2020).

118. Letter from Mac Taylor, Cal. Legislative Analyst Office, to Hon. Darrell Steinberg, President pro Tempore, and Hon. John A. Perez, Speaker of the Assembly, Cal. State Senate 10 (June 9, 2011) (on file with author) [hereinafter LAO Letter].

119. *Id*. at 9–10; *see also* AIR RES. BD., CAL. ENVTL. PROT. AGENCY, PROPOSED REGULATION TO IMPLEMENT THE CALIFORNIA CAP-AND-TRADE PROGRAM II-32 (2011) [hereinafter CAP AND TRADE].

120. MINDING THE CLIMATE GAP, *supra* note 71, at 8–12 (noting that 65.6% of people living near the highest emission sources are people of color).

121. AIR RES. BD., CAL. ENVTL. PROT. AGENCY, PROPOSED REGULATION TO IMPLEMENT THE CALIFORNIA CAP AND TRADE PROGRAM, PART I, VOLUME I, STAFF REPORT: INITIAL STATEMENT OF REASONS ES-3–ES-4 (2010), http://www.arb.ca.gov/regact/2010/capandtrade10/capisor.pdf [hereinafter INITIAL STATEMENT OF REASONS].

122. LAO Letter, *supra* note 118, at 9–10. An allowance is "an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent." CAL. HEALTH & SAFETY CODE § 38505(a) (2006). Offsets are generated by emission reductions from projects or activities by sources outside of the cap within California or outside the state. INITIAL STATEMENT OF REASONS, *supra* note 121, at II-44.

123. INITIAL STATEMENT OF REASONS, *supra* note 121, at ES-1–ES-3.

124. *See, e.g.*, Letter from Angela Johnson Meszaros & Jane Williams, Co-Chairs, Envtl. Just. Advisory Comm., to Mary Nichols, Chairman & James Goldstene, Exec. Officer, Cal. Air Res. Bd. 20 (Dec. 10, 2008), www.arb.ca.gov/cc/ejac/proposedplan-ejaccommentsfinaldec10.pdf [hereinafter Meszaros & Williams].

125. Luke W. Cole & Caroline Farrell, *Structural Racism, Structural Pollution and the Need for a New*

justice advocates viewed AB 32 as a unique opportunity to address several persistent environmental and economic problems in low-income communities of color.[126] Advocates focused on suggesting direct emission regulations for industrial sources that would be applied to all sources transparently and that could reduce GHG emissions as well as other sources of pollution.[127]

Environmental justice advocates proposed several direct regulations as an alternative to cap and trade. These alternatives include requiring Best Available Control Technology for refineries, removing methane exemptions from smog rules for refineries and other industrial sources, setting a goal to reduce oil demand, focusing on increasing public transportation funding, identifying alternatives to fossil fuel power plants, and pursuing a carbon tax that will help fund these projects.[128] The benefits of these measures would be to reduce local pollution and increase local job opportunities as people would have to be employed to manufacture, install, and maintain pollution control equipment.[129] Advocates argued that focusing on direct regulation would reduce local pollution in already overburdened communities and generate more local and in-state jobs than a rule like the ARB's cap and trade program that allows reductions to occur anywhere in state or out of state.[130]

2. The Holistic Approach of Power to the People

As part of Power to the People's training program, CRPE created a policy paper that outlined three major strategies for achieving the community's vision for a sustainable and green economy: invest in human capital, promote socially responsible green businesses and practices, and develop comprehensive decision-making practices and meaningful public participation.[131] Several policy recommendations accompanied each strategy. These recommendations included immigration reform to allow everyone in the community to benefit, direct hiring policies to avoid the use of labor contractors, environmental policies requiring pollution reduction in already overburdened communities, and increased transparency and accountability in public decision-making.[132] The broad range of policy ideas and needs stemmed from the large number of issues facing community residents.[133]

By surveying a wide array of issues during the training program, CRPE was able to structure a curriculum that built residents' skills in a variety of

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Paradigm, 20 WASH. U. J.L. & POL'Y 265, 276 (2006).

126. *See The California Environmental Justice Movement's Declaration on the Use of Carbon Trading Schemes to Address Climate Change*, ENVTL. JUST. MATTERS, http://ejmatters.org/docs/CA_EJ_Declaration_on_Carbon_Trading.pdf (last visited Jan. 29, 2012).

127. Meszaros & Williams, *supra* note 124, at 20–22. AB 32 defines direct emission reduction as "a greenhouse gas emission reduction action made by a greenhouse gas emission source at that source." CAL. HEALTH & SAFETY CODE § 38505(e) (2006).

128. CMTYS. FOR A BETTER ENV'T, OIL REFINERY SECTOR RECOMMENDATIONS, ATTACHMENT C 2 (2008).

129. *Id.*

130. Meszaros & Williams, *supra* note 124, at 14–15, 38–39.

131. THE GREEN PAPER, *supra* note 66, at 11–17.

132. *Id.*

133. *See id.*

substantive areas. CRPE's trainings, for example, helped residents to use "The Green Paper" as an advocacy tool and schedule visits with several legislators and the Governor's office where community residents could speak directly with decision-makers about their issues. "The Green Paper" has also helped CRPE to articulate the broad spectrum of issues that implicate equity and environmental justice. CRPE has used the report in outreach to groups that CRPE had not previously worked with, such as financial institutions, land trusts, community development organizations, and transactional attorneys. This outreach enables CRPE to become more imaginative in crafting solutions. Currently, CRPE is focused on developing community-owned organic agricultural co-operatives to create more sustainable and self-determinative opportunities for employment in the communities with which they work.[134]

3. *Lessons Learned from Taking a Holistic Approach*

We can learn several important lessons regarding the benefits of taking a holistic view of the economic transition from AB 32 and the Power to the People Campaign. First, rules that focus only on achieving emissions reductions at a state-wide level miss the opportunity to address local impacts on already overburdened communities. Second, community residents are experts in what their communities need and in identifying solutions to meet those needs. Participants in the Power to the People Campaign identified a range of issues their communities faced and offered solutions that CRPE then transformed into policy language. Third, taking a more holistic view allows for building new relationships and envisioning more creative community solutions. If we do not identify the broad range of issues affecting communities disproportionately impacted by the fossil fuel economy, we cannot plan for a just economy or ever know if we have successfully transitioned to one. Understanding how the political, economic, and cultural context influences the distribution of environmental impacts is critical to planning a just transition.

V. CONCLUSION

For the last thirty years, the Environmental Justice Movement has challenged the impacts of the fossil fuel economy on low-income communities and communities of color who are disproportionately impacted by pollution. The Environmental Justice Movement has an expansive understanding of justice that includes exposure to environmental harm, access to meaningful public participation, and a holistic view of the environment in political, economic, and cultural contexts. This framework can be an important guide in planning for the transition to a just economy and in evaluating whether or not we have ultimately achieved such a transition.

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134. *See Power to the People Campaign*, *supra* note 5 (showing a video of an organic agricultural co-operative training session).