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The Meaning of Urban Environmental Justice

Michel Gelobter, Ph.D.

THE MEANING OF URBAN ENVIRONMENTAL JUSTICE

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I. Introduction

The nation's clean air, clean water, pesticide and toxics legislation have all depended heavily for their popular support on images and stories of the spoiling of our natural resources.[1] But the greatest regulatory, legal, and economic activity has taken place in and around the American metropolis.[2] Between 1970 and 1990, the United States expended more than $1 trillion on environmental protection,[3] the vast majority spent controlling pollution in cities from industry, municipal facilities, and cars.[4]

The dichotomy between environmental images and the reality of resource deployments for the environment's protection highlights the deeper silence surrounding the role of the city in American, if not global, culture. Cities are social forms that play a powerful role in constantly regenerating our relationships to each other and to the environment. The importance of cities themselves as a center of societal definition and re-definition is rarely discussed in the context of policy-making and social outcomes. This is not to say that cities are quiet, dull, politically unorganized spaces. But for all the conflict and bustle that they foster there is pitifully little awareness of, or action on, the role they play in determining society's structure.

In many ways, people's relationships to the world in rural settings change very slowly, if at all. It is in the cities that our relationships evolve, are reshaped, and are redefined. Cities and

1. *See* SAMUEL P. HAYS, BEAUTY, HEALTH, AND PERMANENCE: ENVIRONMENTAL POLITICS IN THE UNITED STATES, 1955-1985, 427-57 (1987). *See generally* CHRIS BRUCE, THE MYTH OF THE WEST (1990).

2. *See* HAYS, *supra* note 1, at 436-37.

3. COUNCIL ON ENVTL. QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT, ENVIRONMENTAL QUALITY, TWENTIETH ANNUAL REPORT 430 (1990) (Table 7).

4. *Id.* at 432-38 (Table 9). *See generally* Michel Gelobter, Race, Class, and Outdoor Air Pollution: The Dynamics of Environmental Discrimination from 1970-1990 ch. 4 (1993) (unpublished Ph.D. dissertation, University of California (Berkeley)) (on file with author).

metropolises are also the engines of economic growth and the seats of corporate power.[5] Cities in the late twentieth century generate our ideologies and organize our social space. This has held true for our ideas of the environment as well.

Environmental justice is redress for the structures and situations arising from environmental discrimination and, particularly, environmental racism. Environmental discrimination is actions and practices, arising from both individual ideologies and social structures, that preserve and reinforce domination of subordinate groups with respect to the environment, while such discrimination with respect to race is environmental racism. Environmental injustice is a three-dimensional nexus of economic injustice, social injustice and an unjust incidence of environmental quality, all of which overwhelmingly assures the continued oppression of communities of color and low-income communities on environmental matters.

To achieve justice, we must understand the roots of injustice. Part II of this Essay seeks to understand urban environmental justice in the context of this nexus. Part III describes the backdrop against which urban environmental justice movements must struggle. Part IV highlights some specific urban environmental problems that affect communities of color and low-income people in cities. Part V summarizes some of the strategies being used in urban areas by grassroots environmental activists.

II. The Components of Environmental Injustice

There is virtually no debate about the economic and social dimensions of urban environmental injustice. From at least the late 1960s, economists have demonstrated that the rich both generate more pollution and pay less for environmental protection than the poor.[6] The disproportionate generation of pollution by the rich is explained by the culture of conspicuous consumption. For example, as their income increases, Americans expand the size of the land upon which they live. One complication of this is that the size of their lawns increases too. Larger lawns require greater amounts

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5. JOHN R. LOGAN & HARVEY L. MOLOTCH, URBAN FORTUNES, THE POLITICAL ECONOMY OF PLACE 258-59 (1987).

6. *See, e.g.,* Taylor H. Bingham et al., *Distribution of the Generation of Air Pollution,* 14 J. ENVTL. ECON. & MANAGEMENT 30 (1987); Leonard P. Gianessi et al., *The Distributional Effects of Uniform Air Pollution Policy in the U.S.,* 93 QUARTERLY J. OF ECON. 281, 281-87 (1979); Leonard P. Gianessi & Henry M. Peskin, *The Distribution of the Costs of Federal Water Pollution Control Policy,* 56 LAND ECON. 85 (1980). For a full literature review, see Gelobter, *supra* note 4, ch. 2.

of water for their maintenance, thus multiplying, rather than improving, water consumption.[7]

The costs of environmental protection are regressively distributed because most forms of pollution control (i.e. taxes, technological mandates, and subsidies) are functionally equivalent to a consumption tax.[8] While the rich are able to save and/or invest a substantial portion of their incomes, the poor spend proportionately more, if not all, of their earnings. Thus, like increases in the sales tax, pollution controls hit the poor hardest.

A longer-term impact of this phenomenon is to lengthen the capital replacement cycle faced by low-income families for their most basic goods. Energy efficient appliances and cleaner-burning cars are good for the environment. But the regulatory mandates that created markets for them have also pushed the replacement costs of these goods beyond the reach of many low-income communities,[9] thus relegating them to facing continued high costs for energy and transportation.[10]

Social injustice in environmental protection is also evident and well documented. Environmental organizations—governmental, non-governmental, and private sector—are overwhelmingly staffed by upper middle-class whites.[11] Beyond the occupations generated directly by private sector environmental organizations, the majority of jobs created by environmental protection in trade, manufacturing, and service industries have redounded to the white community in the United States, while the (relatively small) numbers of jobs lost have disproportionately impacted minorities.[12]

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7. WILLIAM Y. DAVIS ET AL., INSTITUTE FOR WATER RESOURCES, U.S. ARMY CORPS OF ENGINEERS, IWR REPORT 88-R-6, IWR MAIN WATER USE FORECASTING SYSTEM, USER'S MANUAL AND SYSTEMS DESCRIPTION (Version 5.1 1988).

8. *See generally* A. Myrick Freeman, III, *The Distribution of Environmental Quality, in* ENVIRONMENTAL QUALITY ANALYSIS 243, 246-49 (Allan V. Kneese & Blair T. Bower eds., 1972).

9. A. Myrick Freeman, III, *The Incidence of the Costs of Controlling Automotive Air Pollution, in* THE DISTRIBUTION OF ECONOMIC WELL BEING 163, 191 table 6 (F. Thomas Juster ed., 1977).

10. It should be noted, however, that this lag has not offset the relatively greater rate of pollution generation by the rich discussed in text accompanying notes 6 and 7. *See generally* Bingham, *supra* note 6, at 30.

11. *See, e. g.,* ROBERT D. BULLARD, DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY 1-2 (1990); Philip Shabicoff, *Environmental Groups Told They are Racists in Hiring: Civil Rights Groups Write Letters to Major Environmental Organizations,* N.Y. TIMES, Feb. 1, 1990, at A20.

12. Roger H. Bezdek, *The Net Impact of Environmental Protection on Jobs and the Economy, in* ISSUES, POLICIES, AND SOLUTIONS FOR ENVIRONMENTAL JUSTICE (Bunyan Bryant ed., forthcoming 1995).

Within the social realm, people of color are also denied access to the educational opportunities key to entering environmental careers.[13] In general, environmental science and policy programs have low minority enrollment. But even those minority groups that are well represented in the sciences—such as Japanese- and Chinese-Americans—are seriously under-represented in environmental careers.

Taken together, the economic and social dimensions of environmental racism form a backdrop to the central focus of the present-day movement for environmental justice: injustice in the incidence of environmental quality. Articles on environmental justice have focused traditionally on the disproportionate burden of environmental pollution faced by minority communities. A wider formulation, focused on environmental quality, is necessary to encompass the issues faced by people of color in urban areas. The polluted environments faced by our communities are one form of unjustly distributed environmental quality. But this formulation points to the phenomenon that, overall, communities of color have significantly less access to *high-quality* environments, whether because of befouled air, congested living spaces and streets, lead-contaminated dwelling units, or the relative inaccessibility of convenient and clean public parks and beaches.

III. The Context of Urban Environmental Injustice

A few key elements distinguish the urban environmental justice movement from its rural counterparts. These elements can be broken down into two categories: those having to do with economic conditions, with particular emphasis on the nature and regulation of land uses, and those having to do with the historical and social conditions faced by different urban population groups in the metropolis.

A. Land Use and the Economics of Urban Areas

The politics of urban areas are largely driven by the politics of the use of urban lands. Cities are built environments with limited extents. To a far greater degree than rural areas, activities within cities are constrained and shaped by the availability or scarcity of

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13. *See generally* CHRISTINE M. MATTHEWS, UNDERREPRESENTED MINORITIES AND WOMEN IN THE SCIENCES, MATHEMATICS, AND ENGINEERING: PROBLEMS AND ISSUES FOR THE 1990s (Congressional Report Services 1990).

land. Urban geographers and planners define two different types of value in urban spaces: exchange value and use value.[14]

Exchange value refers to the market value of a given piece of property.[15] It is a value measurable in some currency of exchange, usually money. Use value is the less concrete value assigned to property by its users (i.e. residents/tenants, workers, families, neighbors, communities, and businesses).[16] Thus, it is possible, even usual, for a community to value a park or a building at far more than its assessed market value would indicate. It is the difference between the use values and exchange values that is the source of much conflict over land in cities.

Both cities and rural areas have rules for balancing the exchange and use values of land, but the politics of urban development exacerbates the tension between the two. Cities also have far more elaborate rules for mediating between these values, including zoning, planning regulations, and requirements for public participation in variances to these regulations.[17] Each of these rules can be seen as bureaucratic codifications—and simplifications—of use values.

This conflict over urban land use usually pits the users of land against the purchasers and developers of urban properties, a powerful class responsible for the continued cycling of properties and communities into and out of the market. A major dimension of environmental struggle in urban areas is between these constituencies.

The real-estate and development community plays a critical role in urban politics.[18] Developers are major financiers of municipal political campaigns, and their projects are often critical to a city's tax base and economy. Furthermore, the generation of new use values often are linked to a city's compromise with, or capitulation to, a developer seeking to extract a property's exchange value. Although this also occurs in non-urban settings, the city's structure is fundamentally linked to some of these land use decisions. Many urban political careers are thus made or broken based on a politician's ability to deliver on a proposed land use or site development.

Urban environmental injustice is often a direct result of land speculation by developers and realtors who under- or over-develop

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14. *See* LOGAN & MOLOTCH, *supra* note 5, at 1-3
15. *Id.*
16. *Id.*
17. NEW YORK, N.Y., CHARTER, ch. 8, § 197-c (1990).
18. *See* LOGAN & MOLOTCH, *supra* note 5, at 151-66.

properties based on their long-term investment plan in a community. These plans usually have nothing to do with a community's use values, and a large part of the speculation takes place based on value that can be extracted from environmental characteristics of the land.

Because the administrative process for developing or redeveloping land has become highly routine, environmentally critical land use decisions occur through opaque bureaucratic means. In a rural, undeveloped area, new land uses often require permits, a variance, or a redefinition of the jurisdiction's rules for development. In an urban area, however, developers often can wait until their proposal is economically viable in an "as-of-right" configuration.

An as-of-right project will comport with parameters set forth by a particular parcel's existing zoning, use, and tax regulations, while being economically viable for the developer. This allows the developer to move forward with a project without significant public review and often to bypass even cursory environmental review. Where zoning and land use requirements are met, but environmental concerns pose a barrier to a development project, developers simply negotiate mitigation[19] in order to avoid a public environmental review and thereby circumvent legitimate environmental standards and requirements. Thus, when the exchange value achievable within the rules and regulations set forth for a particular parcel exceeds the cost of complying with limits as embodied in land use regulations, a project is developed.

While land use regulations are intended to codify and to simplify the use values of a property, as-of-right development practices short-change communities in favor of developers's ability to extract an exchange value. This practice represents one of the pre-eminent mechanisms of urban environmental injustice. A developer, armed with permits that cannot be denied because his or her entire proposal fits within the established guidelines for the property, constructs a facility or project. It is only when that facility opens that the community becomes aware of its potential or real environmental impact. This does not happen by accident or because of citizen inattention. The developer has often simply waited for the exchange value of the project to match the use value as codified in the city's regulatory structure.

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19. Mitigation, in the context of environmental review, means changes in the design of a project or changes planned for the surrounding environment, either of which may theoretically correct what otherwise would be a violation of a requirement to meet environmental standards.

The importance of developers in the life of cities is a reflection of the even more fundamental relationship between business and urban areas. Cities are key economic hubs. As a result, business and corporate interests struggle constantly and, by and large, successfully to control the conditions not just of land, but of labor and resources in urban areas. This struggle has been the subject of much research on the relative autonomy of the local state from business interests.[20] These debates, however, fail to recognize that the struggle of corporate interests to control city interests involves the same corporate interests that seek control of the nation-state and the international flows of capital and labor. The business decisions that are made by General Motors and that shape the environment of Los Angeles are part of an industry-wide and worldwide strategy.[21] Business interests in the modern metropolis can no longer be distinguished from those in the world at large.

All of this points to the tremendous barriers faced by low-income and minority communities struggling for environmental justice in the metropolis. Business entrenches and defines its interests into the very fabric of the city, and the city lives to serve its purposes. Environmental decisions taken in this context rarely see the light of democratic scrutiny. They pass through vast bureaucracies, skittering along the edge of the acceptable to pursue their economic ends.

B. The History and Social Context of Race and Environment in the City

The historical evolution of the environmental and racial struggles gives insight to a second group of characteristics unique to the urban environmental struggle. On the environmental front, the state and its administrative arms (i.e. public authorities and regional planning entities) themselves have been the source of much

20. *See, e. g.*, MARTIN A. CARNOY, THE STATE AND POLITICAL THEORY 89-127 (1984) (discussing the relation between Capitalism and the State); J.R. Feagin, *The Role of the State in Urban Development: The Case of Houston, Texas*, 2 ENV'T & PLANNING D: SOCIETY & SPACE 447, 447-48 (1984) (summarizing class perspective theories on the State); Theda Skocpol, *Political Response to Capitalist Crisis: Neo-Marxist Theories of the State and the Case of the New Deal*, 10 POL. & SOC'Y 155, 199-201 (1980) (assessing the strengths and limitations of neo-Marxist theories of the Capitalist State). *See generally* Fred Block, *Beyond Relative Autonomy: State Managers as Historical Subjects*, in SOCIALIST REG. 227 (R. Miliband & J. Saville eds., 1980) (challenging the notion of relative autonomy).

21. *See* ERIC MANN, WATCHDOG ORGANIZING COMMITTEE, LABOR/COMMUNITY STRATEGY CENTER, L.A.'S LETHAL AIR: NEW STRATEGIES FOR POLICY, ORGANIZING, AND ACTION 36-39 (1991).

of the pollution faced by urban communities.[22] Traditionally, the worst violators of environmental statutes have been local, state, and federal agencies.[23] Local incinerators, sewage treatment plants, military facilities, and other public facilities have impacted heavily on low-income communities and communities of color.[24] Even though many of these facilities serve the interests of the economic actors discussed previously, the state's involvement in such activities and its record of violations have seriously compromised the state's credibility on environmental issues.

The history and context of racial struggle in urban areas must be understood as well. Cities traditionally have brought widely disparate groups into close proximity.[25] The density of population automatically implies higher potential risks from pollution sources. But it also increases the stress levels felt by communities. Individual alienation increases and the contradictions between the rich and the poor, people of color and whites are glaringly obvious.[26]

Both because of the racial context and the economic context discussed above, the history of civil rights struggle in urban areas has been very different from that in rural areas. The historical characteristics of racial struggle in America help to put into context the current struggle against environmental injustice. Civil rights struggles in urban areas have been very different from those in rural areas. Southern and rural environmental justice activists typically have followed in the footsteps of their predecessors in the 1960s, drawing heavily on religious traditions and non-violent confrontation to highlight the contradictions between democratic ideals and toxic injustice.[27]

The struggle for environmental justice in cities has no need to highlight what are very clear differences between communities that sit next to each other. Rather, to be effective, environmental jus-

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22. In New York City, for example, North River Sewage Treatment Plant, municipal dumps, incinerators, bus depots, etc. are facilities that rank high as bad actors. *See* Nancy Anderson, The Visible Spectrum, 21 FORDHAM URB. L.J. 723, 725-27 (1994); Vernice D. Miller, *Planning Power and Politics: A Case Study of the Land Use and Siting History of the North River Water Pollution Control Plant*, 21 FORDHAM URB. L.J. 707, 707-15 (1994); Peggy M. Shepard, *Issues of Community Empowerment*, 21 FORDHAM URB. L.J. 739, 741-42, 746-49 (1994).

23. *See* sources cited *supra* note 22.

24. *See* Anderson, *supra* note 22, at 725-27; Miller, *supra* note 22, at 707, 710-18.

25. MICHAEL DAVIS, CITY OF QUARTZ, 24-30 (1990).

26. *See generally* Harold M. Baron, *Web of Urban Racism, in* INSTITUTIONAL RACISM 134 (L. L. Knowles & K. Prewitt eds., 1969).

27. *See* BULLARD, *supra* note 11, at 16; Kimberle Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1367-68 (1988).

tice activists must directly confront oppression, often implemented by the state with police force. Thus, the rhetoric and action of urban environmental activists often follows the patterns of urban movements to civil rights from the 1960s: direct confrontation of the state and, at times, of corporate power.[28]

IV. Key Urban Environmental Justice Problems

The roots of urban environmental injustice can be traced much further back in time than the start of the formal environmental movement of the 1960s. Environmental problems faced by urban low-income communities and urban communities of color around the world stem instead from the institutionalized webs of class and race that have been, and continue to be, central to the city's functions. Although the outcomes of environmental injustice are obvious, the embedded nature of power relations in the city sometimes obscures the causes.

Thus I distinguish between three different types of urban environmental justice problems: health-based problems, space-based problems, and structural/economic problems. These three categories are not separable in reality. Problems in each area contribute to and compound difficulties in other areas. But these categories provide a framework in which to organize and to understand the different components of urban environmental oppression.

A. Health-Related Environmental Injustices

There are innumerable proximal causes of urban environmental disease. Cancer, respiratory illness, and heart disease abound in urban areas,[29] and it is a wonder that more do not succumb to the chemicals and smells, the heat, the crowding, the stress, the time pressures, and the crime. Given such universally low background levels of environmental quality, people of color and low-income groups have strikingly higher incidences of environmental disease than their white, richer urban counterparts.[30]

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28. *See* MANN, *supra* note 21, at 54-57.

29. *See generally* L. W. PICKLE ET AL., PUBLIC HEALTH SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ATLAS OF CANCER MORTALITY AMONG NONWHITES: 1950-1980 (1980); U.S. DEP'T OF HEALTH AND HUMAN SERVICES, REPORT OF THE SECRETARY'S TASK FORCE ON BLACK AND MINORITY HEALTH, EXECUTIVE SUMMARY (1985); W. Carr et al., *Variations in Asthma Hospitalizations and Deaths in New York City*, 82 AM. J. PUB. HEALTH 54 (1992).

30. *See generally* COMMISSION FOR RACIAL JUSTICE, UNITED CHURCH OF CHRIST, TOXIC WASTES AND RACE IN THE UNITED STATES (1987) [hereinafter UCC REPORT].

The most important study to date on the environmental basis for the differences in overall morbidity and mortality was conducted by researchers from the Human Population Laboratory in Alameda, California. In that study, they compared health levels of Oakland residents that lived in the city's federally-designated poverty area to those that lived in the balance of the city.[31] Even after adjusting for important risk factors (i.e. baseline health—including blood pressure and heart disease—employment status, access to medical care, health insurance coverage, smoking, alcohol consumption, physical activity, body fat, and marital and social status), the study found an average, age-adjusted difference in mortality of over fifty percent.[32] Since it controlled for nearly all known risk factors—except for environmental factors—the study offers very strong evidence that disparity of environmental quality is the source of disparity in morbidity and mortality between communities.

This study also must be interpreted in light of a continuing decline in the life expectancy of people of color in the United States, particularly African-Americans.[33] This trend is precisely opposite of that faced by whites[34] and is quite telling in the case of urban asthma.[35] Over the last ten years, asthma has become a leading killer of inner-city youth of color, age fourteen to twenty-four.[36] In New York City, asthma is the number one cause of child hospital admissions, accounting for over ten percent of child admissions year-round and over forty percent of child admissions at peak periods in winter months.[37] The causes of such disease prevalence are numerous, but poorly understood. Contributing factors may include poor outdoor air quality (specifically particulate matter, ozone, and nitrogen oxides), poor indoor air quality (stemming from indoor/kerosene space heaters, poorly tuned gas stoves, and household pesticides and toxics), the disproportionate presence of allergens (cockroach eggs, dust, and fumes from nearby industrial operations and/or dry cleaners), and poor overall environmental

31. Mary Haan et al., *Poverty and Health: Prospective Analysis from the Alameda County Study*, 125 AM. J. OF EPIDEMIOLOGY 989, 994 (1987).

32. *Id.* The 95% confidence interval, the range of numbers within which it is 95% likely that the difference between whites and blacks falls, is approximately 1.05-2.20. *Id.*

33. Interview with Phillip J. Landrigan, Director, Occupational and Environmental Health Clinic, in New York, N. Y. (Mar. 19, 1994)

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

conditions in dwelling units (inadequate/sporadic heat, breeziness, the infiltration of secondary smoke from other rooms/dwelling units). Perhaps more than any other environmental disease, the prevalence of asthma reflects the diversity and magnitude of environmental risks faced by people of color and low-income communities.[38]

Lead poisoning is another major urban environmental disease that disproportionately affects people of color.[39] Again, in New York City alone, over 600,000 children are estimated to be at risk for lead poisoning.[40] 200,000 of this estimate are anticipated to be actually poisoned.[41] Of the 200,000, over 84% are likely to be Latino or African-American.[42] This immediate health-related injustice is compounded by state structural and regulatory neglect and degraded property status in communities of color. Lead poisoning is a result of widespread use of lead paint and leaded gasoline in the postwar period. Despite the fact that the hazards of environmental lead have been known for thousands of years,[43] most states and cities in the United States have not adopted regulations for the prevention, abatement, and removal of lead contamination. This lack of regulation leaves the door open for developers and land owners to sue to stop lead abatement under federal law.[44] Thus, the legality of most attempts at removing lead paint is open to serious challenge.

Even interim measures for lead poisoning prevention must skate along the shadow of the law. For example, a useful technique for reducing exposure to lead paint is to wet vacuum exposed areas of

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38. *See generally* M. L. Penna & M. P. Duchiade, *Air Pollution and Infant Mortality from Pneumonia in the Rio de Janeiro Metropolitan Area*, 25 BULL. PAN AM. HEALTH ORGANIZATION 47 (1991). This problem is clearly international in scope. Penna and Duchiade analyzed the relationship between asthma and air pollution in Rio de Janeiro, Brazil and were unable to detect an effect until they controlled for income levels. Those familiar with Brazilian social structure, particularly in the vicinity of Rio de Janeiro, also will recognize that most of the poor facing this disease were Afro-Brazilians. *See* Shepard, *supra* note 22, at 744-49.

39. *See* Shepard, *supra* note 22, at 742-44.

40. *See* School of International and Public Affairs, Columbia University et al., Proposal for a Youth Lead Poisoning Prevention Project 3 (1993) (unpublished proposal on file with author).

41. *Id.* at 8.

42. *Id.*

43. *See, e.g.,* AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY, THE NATURE AND EXTENT OF LEAD POISONING IN CHILDREN IN THE UNITED STATES: A REPORT TO CONGRESS II-3 (1988); *Toxic Lead from the Ancients*, N.Y. TIMES, Apr. 19, 1994, at C6.

44. Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901-92 (1988).

apartments and houses. In most jurisdictions, however, the water in such vacuums must still be treated as a hazardous waste[45] and, therefore, must be disposed of at expensive hazardous waste treatment, storage, and disposal facilities to stay within the bounds of law. This is in contrast to well established asbestos contamination procedures, for which there are specially designated asbestos dumps equipped to dispose of the substances properly without imposing an undue burden.[46] Such regulatory neglect can be attributed only to the fact that property owners in communities of color have no incentive to assure that their properties are safe for the residents and that the health and safety concerns of such communities are subordinate to concerns of the urban property market.

B. Spatial Environmental Injustice

Inner-city communities of color have lesser access to high-quality environments. The clearest urban manifestation of this is the organization and design of the spaces in which people of color and low-income people live.

Most immediately, people of color are forced to live nearer to environmentally hazardous facilities. A number of studies have shown that urban communities of color contain a disproportionate number of hazardous and solid waste facilities.[47] Moreover, recent attention has focused on the overall burden of municipal infrastructure facilities faced by such communities.[48] Although communities of color have long struggled against the location of an unfair share of social service and penal institutions in their neighborhoods,[49] the environmental justice movement has helped them to mobilize against facilities that more directly threaten their environmental health, such as municipal sewage treatment plants, incinerators, and large transportation facilities (including diesel bus depots and garbage transfer stations).

Low-income communities and communities of color have an even longer history of struggle over the *kinds* of space to which

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45. 42 U.S.C. § 6901 (1988).

46. 20 U.S.C. § 4014 (1988).

47. *See generally* Robert D. Bullard, *Solid-Waste Sites and the Black Houston Community*, 53 Soc. Inquiry 273 (1983); UCC Report, *supra* note 30, at 2-3.

48. *See* Anderson, *supra* note 22; Miller, *supra* note 22.

49. Luke W. Cole, *Environmental Justice Litigation: Another Stone in David's Sling*, 21 Fordham Urb. L.J. [p#], [p#] (1994) (citing Yale Rabin, *Expulsive Zoning: the Inequitable Legacy of Euclid*, in Zoning and the American Dream 101 (Charles Haas & Jerrold Kayden eds., 1990)).

they are relegated by the urban system.[50] Many inner-city ghettos are among the most inhuman living environments ever designed and built. In city after city, the most densely populated neighborhoods are those occupied by people of color and the poor. These neighborhoods are not only unpleasant to live in, they actively serve to enforce the oppression and psychological imprisonment of their residents. They trap people of color, and particularly youth, in the confines of brick alleyways, litter-strewn lots, flooded back streets and corners. For generations, the spatial arrangement of the city has cut off effectively the social aspirations and economic options of the most oppressed populations.

Within the often horrific configurations of urban spaces, people of color historically have been denied access to those public amenities designed to ease urban tension and provide outlets for physical activity, recreation, and relaxation. Parks and open spaces in the city traditionally have been developed in white, well-to-do neighborhoods. For example, in New York City from 1930 to 1939, Robert Moses—then New York City's Parks Commissioner—built 255 neighborhood parks, yet only two of these were in African-American communities.[51] Moreover, he designed the expressways leading to public beaches specifically with stone bridges too low to allow the passage of buses and other public transportation.[52] Public parks and beaches across the nation also historically have been the site of outright racial struggle. In Detroit, a bitter history of racial harassment kept African-Americans out of lakeshore parks until well after the election of the city's first black Mayor in 1968.[53]

Finally, race and class segregation—and the resulting governmental fragmentation within metropolitan areas across the United States—increase the disparity in air pollution exposure by race and income through two distinct mechanisms. First, metropolitan areas are organized to preserve the relative privilege of different groups.[54] Suburbs and other sub-jurisdictions reflect lines of class

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50. *See* Gelobter, *supra* note 4, ch. 5. *See generally* Keith Aoki *Race, Space, and Place: The Relation Between Architectural Modernism, Post-Modernism, Urban Planning, and Gentrification*, 20 FORDHAM URB. L.J. 699, 757-73 (1993) (discussing land use controls and urban renewal in the context of urban migrations).

51. ROBERT A. CARO, THE POWER BROKER 510 (1974).

52. *Id.* at 318.

53. Andrew Hurley, Environmental and Social Change in Gary, Indiana, 1945-1980 (1990) (unpublished Ph.D. dissertation, Northwestern University, on file with author).

54. Norton E. Long, *Political Science and the City, in* URBAN RESEARCH AND POLICY PLANNING 243, 254 (Leo F. Schnore & Henry Fagin eds., 1967). "The suburb is the Northern way to insure separate and unequal." *Id.*

and race, and serve to enforce differential access to education, safety, health, and environmental quality. Second, within the metropolitan system, lower status communities are forced to raise more money to keep up with the greater demands for police, health, welfare and social support services necessitated by the conditions within those communities. To raise this money, those communities must turn much more frequently to industrial and polluting sources of tax revenue.[55] In effect, they must run faster than their wealthy and middle-class counterparts to stay in place.

C. Structural/Economic Environmental Injustice

Finally, environmental injustice in the city has a structural and economic dimension related to the dynamics outlined in section III. Cities, as the economic engines of the global economy, continue to have a voracious appetite for labor and create a constant draw, across national boundaries, of populations from rural areas to urban areas. In most economies, this phenomenon does not improve quality of life, but rather serves to continue the devaluation of labor internationally. Although this problem is discussed generally in the context of urbanization of less developed countries, urban migration has radical international environmental effects. The specific environmental effects differ based on the country of origin and destination of migrants.

Some common effects are accelerated land abandonment and the loss of local land use traditions. Moreover, this phenomenon often results in increasingly abusive land management practices in rural and urban areas. Rural abuses increase due to the loss of local tradition, the need to raise capital for the urban move, and the consolidation of properties under agro-industrial conglomerates with unsustainable practices. Because of massive immigrant influxes, urban abuses increase due to the increased need for housing and educational and sanitary facilities.

One longer-term impact is the loss of specific cultures as peoples are uprooted from their traditional homes and go into hostile urban areas. Another is increased gender oppression as women either are left behind to deal with depleted environments or are driven to the city by poor economics to serve as an even cheaper, fallback labor pool.

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55. *See* Gelobter, *supra* note 4, ch. 5.

V. Urban Environmental Justice Solutions

This Essay has shown the embeddedness and the depth of environmental problems faced by people of color and low-income communities. To understand the soaring asthma rate in Rio de Janeiro or in *El Barrio* of New York City, scholars, activists, and students must analyze urban environmental injustice in the context of urban health, struggles over spatial organization, and the global economic and structural context within which urban residents operate. The three must be addressed individually and together in the struggle for urban environmental justice.

How are we to mobilize the necessary resources, both financial and social, to redress such problems? Most importantly, how are we to do so in the face of competing needs and perspectives on in inner-city problems?

It is clear to communities of color that there are no massive urban environmental rehabilitation programs that will be underway any time soon. In the absence of outside assistance—and despite rhetoric to the contrary—the first level of action has been the family unit. Asthma, lead poisoning, and lack of access to recreation and/or nature—these are all problems which arise long before an inner-city child enters "the system"—whether the system consists of government sponsored day care, day school, or day camp. Parents, siblings, grandparents, uncles, aunts, and cousins in most inner-city neighborhoods are, thus, already at the forefront of dealing with the urban environmental crisis. This must be recognized, and interventions must be designed to buttress and to magnify this critical network of environmental workers.

This is in fact the primary level of environmental justice organizing. But movements for urban environmental justice also recognize the broader context within which they are operating and are adapting distinct approaches to achieving their goals. In Los Angeles, for example, the Labor/Community Watchdog is building a coalition of neighborhood based activists that directly target the city's corporate underpinnings. In New York, West Harlem Environmental Action (WHE ACT) struck back by winning compensation for the loss in property values and in quality of life incurred by the city's newest and most experimental sewage treatment facility.[56] The South Bronx Clean Air Coalition (SBCAC) is advocating for alternatives to incineration for medical wastes.

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56. *See* Miller, *supra* note 22, at 718-21.

SBCAC is also working with the Rheedlen Center for Families and Children. Their joint goal is to take charge of the lead poisoning problem in the city. Through their Youth Lead Poisoning Prevention Program they seek youth involvement in early intervention at the family level. Furthermore, they plan to train older youth in safe lead abatement so that the children identified by youth outreach workers can get immediate relief from the toxic conditions in their own homes.

All of these movements share a recognition that environmental justice must be linked to increased economic and political control over the life of the city. Sustainability cannot be achieved by existing urban power structures. Environmental justice activists are working not only for immediate justice, but also for new models of economic and environmental activity that will form the foundation of true justice and sustainability for cities around the world.