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# Environmental Justice

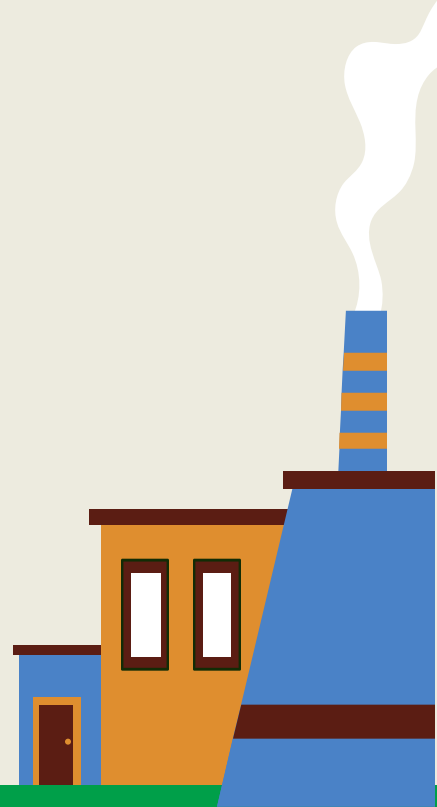
Session 5: Policy and Environmental Justice



# Journaling Exercise

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1. What do you think about when you hear the word “policy”
2. In what way do you think that policies about the environment impact your daily life?
3. Can you think of any environmental policy or lack of policy that caused harm to people and the environment?

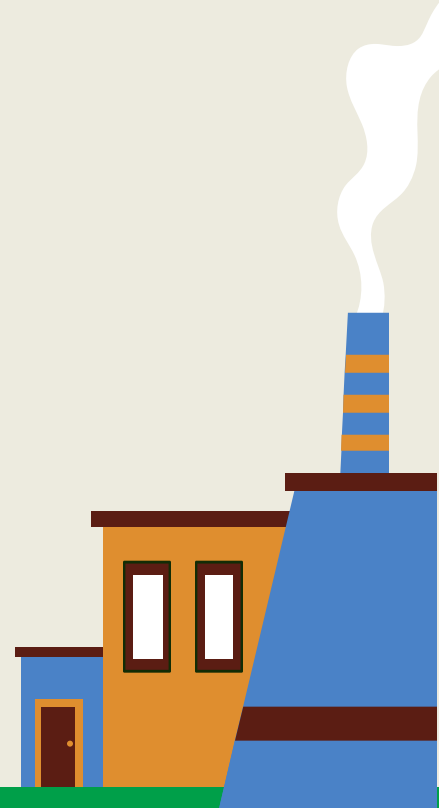


# What is Public Policy?

According to the Climate Reality Center:

*“In the US federal government, public policy generally refers to actions taken by any branch of the government, which includes laws, rules, regulations, executive orders, and legal precedents.”*

*To simplify, we’ll use “public policy” and “policy” interchangeably to talk about laws, regulations, and executive orders in the United States.” – Climate Reality Center*



# Environmental Policy

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**Environmental policy:** laws, regulations, and actions developed by governments, organizations, and institutions to manage human activities that impact the environment.

**These policies may:**

- aim to protect natural resources
- reduce pollution
- combat climate change
- ensure sustainable development
- Etc.

# Environmental Justice Policy

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**Environmental Justice Policy:** laws, regulations, and actions developed by governments, organizations, and institutions that address environmental justice issues

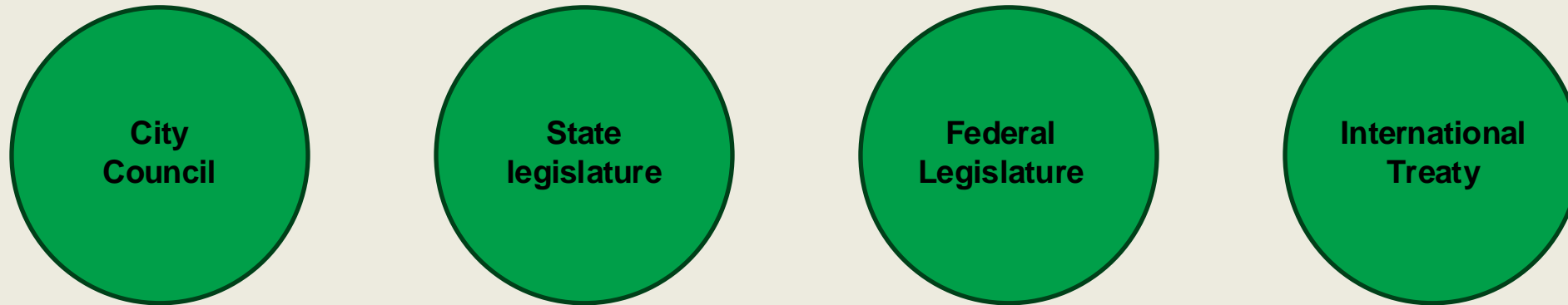
**These policies may:**

- Ban toxic chemicals that disproportionately impact communities of color
- Take into account current environmental burdens when siting new polluting facilities
- Address an environmental issue that disproportionately impacts EJ communities, such as extreme heat, flooding, food access, etc.
- Prioritize EJ communities in sustainable development
- Etc.

# Environmental & Justice Policy

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Environmental policy and EJ Policy exists at multiple levels of government:



- Depending on the environmental, or EJ issue, one or more levels of government may be more conducive for addressing the issue.
- We often need policies at multiple levels to address big environmental issues and EJ issues, especially those that cross boundaries of jurisdictions.

# Bill Process (NYC City Council)

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1. **Bill Introduction:** A Council Member (or the mayor) introduces a bill. The bill is then referred to a committee based on the subject matter.
2. **Committee Hearing:** The committee holds a public hearing on the bill where Council Members, experts, advocates, and members of the public can offer testimony and feedback. The committee may amend the bill after the hearing.
3. **Committee Vote:** The committee votes on the bill. If it is approved by a majority of committee members, it moves to the full Council for consideration.
4. **Full Council Vote:** The bill is placed on the agenda (calendar) of the full City Council. The entire Council votes on the bill during a stated meeting. A simple majority (at least 26 of the 51 Council Members) is needed for the bill to pass.
5. **Mayor's Approval or Veto:** After passing the Council, the bill is sent to the mayor. The mayor has 30 days to either sign the bill into law, veto it, or let it become law without signing. If the mayor vetoes the bill, the Council can override the veto with a two-thirds majority vote (34 of 51 members).
6. **Becoming Law:** If the mayor signs the bill, it becomes law. If the mayor does nothing for 30 days, the bill automatically becomes law without the mayor's signature. If the Council overrides a mayoral veto, the bill becomes law. Once a bill becomes law, it is added to the New York City Administrative Code and implemented accordingly.

# NY State Legislature – Senate & Assembly

## Senate Bill S4265B

2023-2024 Legislative Session

Enacts the "beauty justice act"

 [DOWNLOAD BILL TEXT PDF](#)

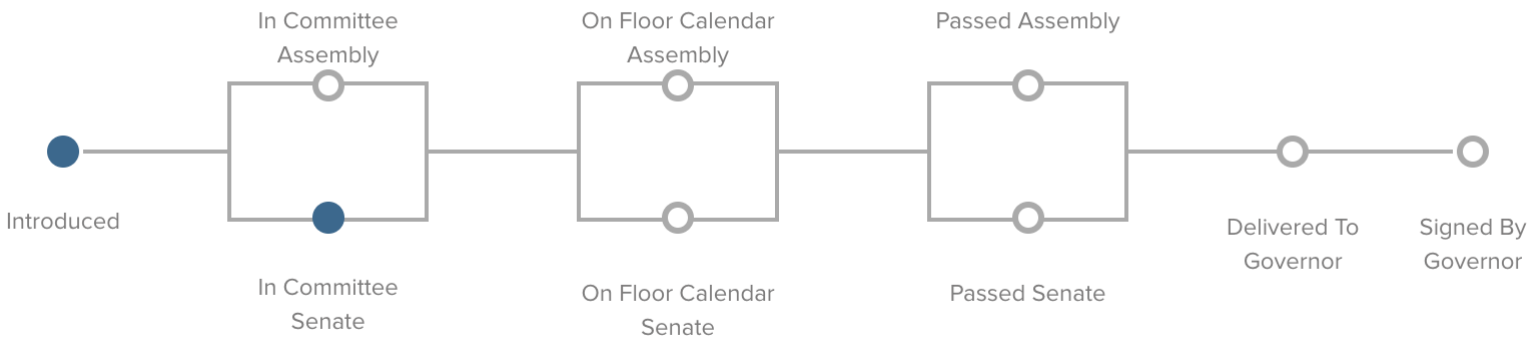
### SPONSORED BY



Lea Webb  
(D, WF) 52ND SENATE DISTRICT

- Two body, unlike the NYC Council, which is one body.
- A bill must pass both the Assembly and the Senate before going to the governor.

CURRENT BILL STATUS -  
In Senate Committee [Rules Committee](#)



# NY State Legislature – Senate & Assembly

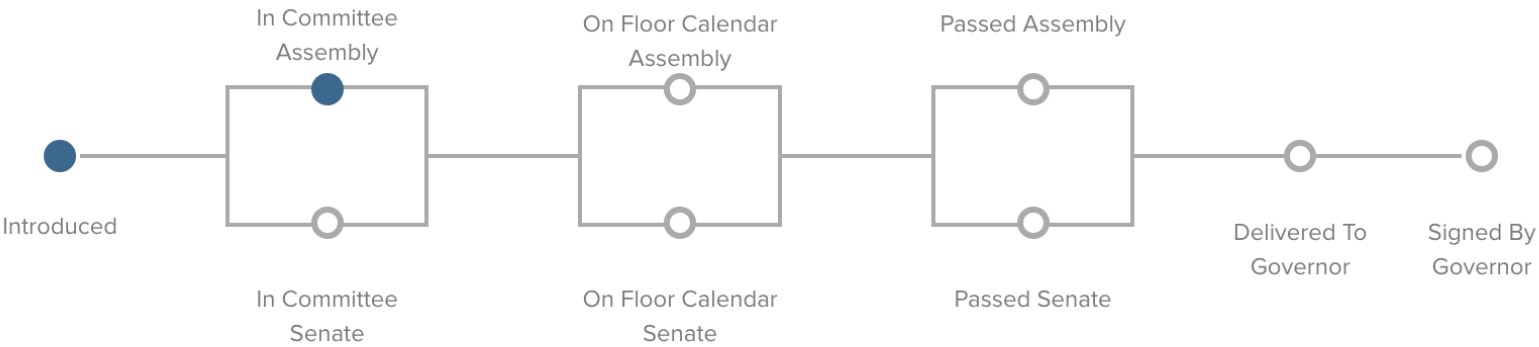
## Assembly Bill A6969B

2023-2024 Legislative Session

Provides for the regulation of ingredients in personal care products and cosmetics

[DOWNLOAD BILL TEXT PDF](#)

CURRENT BILL STATUS -  
In Assembly Committee



# Bill Process (NY State Legislature)

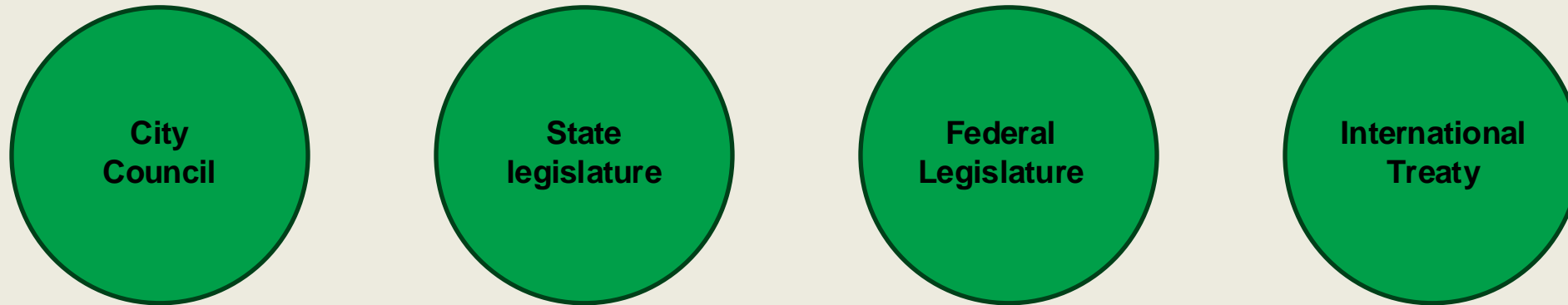
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1. **Bill Introduction:** A bill can be introduced by any member of the State Assembly or State Senate. Similar to the City Council, the bill is referred to a committee for review. However, the state legislature has more specialized committees across both the Assembly and Senate.
2. **Committee Hearing:** The committee holds a public hearing on the bill where Council Members, experts, advocates, and members of the public can offer testimony and feedback. The committee may amend the bill after the hearing.
3. **Committee Vote:** If the bill is approved by the committee, it moves to the floor of the house (either Assembly or Senate) for a vote.
4. **Vote by the Full Legislature:** The bill must pass both the Assembly and the Senate. If it passes one house, it moves to the other for a vote. Both houses must pass the same version of the bill.
5. **Conference Committees (if necessary):** If the Senate and Assembly pass different versions of a bill, a conference committee resolves differences and produces a final version for approval.
6. **Governor's Approval or Veto:** The bill is sent to the Governor, who has 10 days to sign it into law, veto it, or allow it to become law without signing. The Governor also has a line-item veto for budgetary items.
7. **Override of Veto:** The legislature can override a Governor's veto with a two-thirds majority in both houses.

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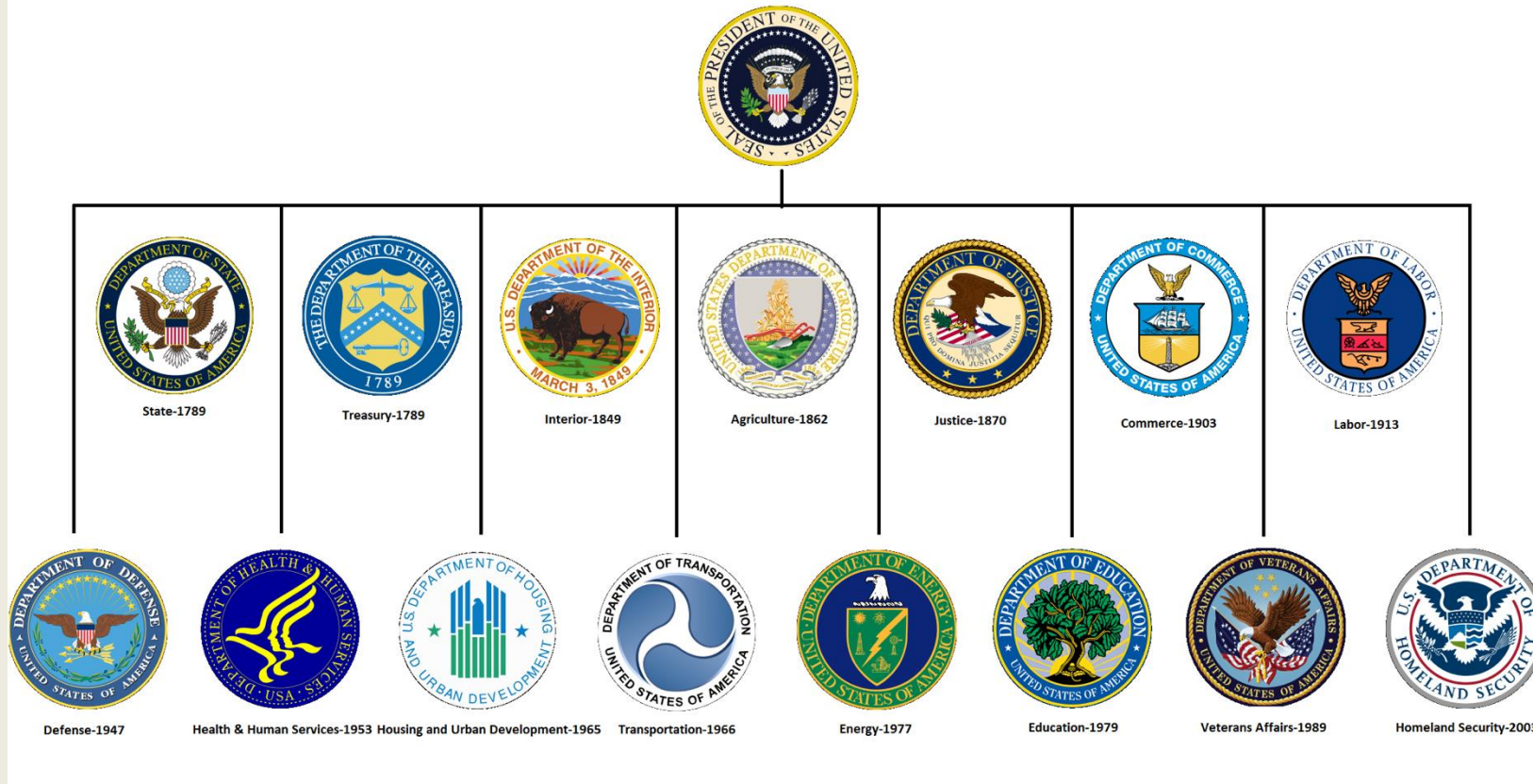
# Federal Policy (in the U.S.)

Some definitions from the Climate Reality Project:

<b>Federal Law</b>	<i>“A <b>federal law</b> is a bill that has passed both houses of Congress, and been signed by the president, passed over the president’s veto, or allowed to become law without the president’s signature. Individual laws are often called “acts.” <b>Federal laws are created by the Legislative Branch</b> of the federal government (Congress).”</i>
<b>Regulation</b>	<i>“A <b>regulation is a rule made by Executive Branch agencies</b> and departments with the authority granted to them to do so by Congress. Executive agencies must have Congressional authority to regulate something before they can propose a rule to do so.”</i>
<b>Executive Order</b>	<i>“An <b>executive order is an official directive from the US president</b> that has the force and effect of law. According to the Congressional Research Service (CRS), there is no direct definition of executive orders and no specific provision in the Constitution authorizing their issuance. However, they generally are “<b>directed to, and govern actions by, Government officials and agencies.</b>” An executive order cannot appropriate funding or create a new law, only Congress can do that.”</i>

# Executive Branch Agencies

## Cabinet of the United States of America



- Department of State
- Department of the Treasury
- Department of the Interior
- Department of Agriculture
- Department of Justice
- Department of Commerce
- Department of Labor
- Department of Defense
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of Transportation
- Department of Energy
- Department of Education
- Department of Veterans Affairs
- Department of Homeland Security

# Federal Rulemaking Process

According to the US Government Accountability Office, “*The Administrative Procedure Act (APA) governs the process by which many federal agencies develop and issue regulations, which includes the public comment process*”



# Executive Order 12898, 1994

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- President Bill Clinton signed an Executive Order to address EJ in minority and low-income populations.
- Established an Interagency Working Group on EJ.
- Directed federal agencies to develop strategies on how to identify and address EJ issues.



# Executive Order 14096, 2023

- Requires federal agencies create Environmental Justice Strategic Plans.
- Every 4 years federal agencies submit plan to the White House Council on Environmental Quality and make it publicly available



# Executive Orders



## FEDERAL REGISTER

Reader Aids :: Insight Into the FR Ecosystem



### ★★ Executive Orders

### Executive Orders

[view all Presidential Documents](#)

The President of the United States manages the operations of the Executive branch of Government through Executive orders. After the President signs an Executive order, the White House sends it to the Office of the Federal Register (OFR).

The OFR numbers each order consecutively as part of a series and publishes it in the daily Federal Register shortly after receipt. For a table of Executive orders that are specific to federal agency rulemaking, see the ACUS [website](#).

This page contains documents that have been published in the Federal Register.\* Because the White House cannot deliver a document to the Office of the Federal Register (OFR) until after the President signs a document, there is always a delay (of at least one day, typically of several days) between when the President signs a document and when it is published. Once received, OFR gives presidential documents priority processing and documents will appear on public inspection the business day before publication. If you are looking for a recently-signed Presidential document, you may wish to check the White House [website](#).

Executive orders signed since 1937 are available as a single bulk download and as a bulk download by President, or you can browse by President and year from the list below. More details about our APIs and other developer tools can be found on our [developer pages](#).

Joseph R. Biden, Jr.

Donald J. Trump

Barack Obama

[CSV/Excel](#) [JSON](#)

[CSV/Excel](#) [JSON](#)

[CSV/Excel](#) [JSON](#)

All executive orders can be found at the Federal Register:

<https://www.federalregister.gov/presidential-documents/executive-orders>



# FEDERAL

Reader Aids :: Inside

## Executive Orders

The President of the United States manages the federal government. After the President signs an Executive Order, it becomes law.

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This page contains documents that have been submitted to the Office of the Federal Register. It takes at least one day, typically of several days) before a document is published in the OFR. OFR gives presidential documents priority over other documents for publication. If you are looking for a recent document, you may want to check the developer pages.

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Joseph R. Biden, Jr.  
Donald J. Trump  
Barack Obama

## Joseph R. Biden, Jr.

Joseph R. Biden, Jr., signed 143 Executive orders between 2021 and 2024.

- 2024 EO 14115 - EO 14127 13
- 2023 EO 14091 - EO 14114 24
- 2022 EO 14062 - EO 14090 29
- 2021 EO 13985 - EO 14061 77

## Donald J. Trump

Donald J. Trump signed 220 Executive orders between 2017 and 2021.

- 2021 EO 13971 - EO 13984 14
- 2020 EO 13902 - EO 13970 69
- 2019 EO 13857 - EO 13901 45
- 2018 EO 13820 - EO 13856 37
- 2017 EO 13765 - EO 13819 55

## Barack Obama

Barack Obama signed 277 Executive orders between 2009 and 2017.

- 2017 EO 13758 - EO 13764 7
- 2016 EO 13716 - EO 13757 42
- 2015 EO 13687 - EO 13715 29
- 2014 EO 13656 - EO 13686 31
- 2013 EO 13636 - EO 13655 20
- 2012 EO 13597 - EO 13635 39

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According to the American Bar Association:

- The President who issued an Executive Order can revoke it, while in office.
- A sitting President has the power to revoke an Executive Order issued by a predecessor.
- Congress also has the power to overturn an Executive Order by passing legislation that invalidates it.
- The courts have the power to stay enforcement or ultimately overturn an Executive Order that is found to be beyond the President's constitutional authority

# A. DONALD MCEACHIN ENVIRONMENTAL JUSTICE FOR ALL ACT

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- The EJ4ALL Act is a proposed comprehensive, landmark environmental justice bill which would:
  - **Amend the Civil Rights Act** to prohibit discrimination based on disparate impact
  - Require permitting decisions under the Clean Air Act and Clean Water Act to **consider cumulative impacts**
  - Strengthen the National Environmental Policy Act (NEPA)
- **CONGRESSIONAL ASK**
  - Co-sponsor the A. Donald McEachin Environmental Justice for All Act (H.R.1705 and S.919)
  - Encourage your colleagues and caucuses to co-sponsor



## **2ND PRINCIPLE OF ENVIRONMENTAL JUSTICE**

*Environmental Justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.*

# MULTI-POLLUTANT STANDARDS

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- **PRIORITY STANDARDS FOR EJ**

- National Ambient Air Quality Standards for Particulate Matter (and Ozone)
- Mercury and Air Toxic Standards (MATS)
- Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants
- Multi-Pollutant Standards for Light- and Medium-Duty Vehicles for MY 2027-2032
- Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3

- **ASK**

- Urge the EPA to move swiftly to finalize rules



## 14TH PRINCIPLE OF ENVIRONMENTAL JUSTICE

Environmental Justice opposes the destructive operations of multi-national corporations.

# National Environmental Policy Act (NEPA)——

- NEPA is the “People’s Environmental Law,” integrating the voice of the people into Federal decision-making and advancing democracy and justice
  - To protect and strengthen the law, WE ACT submitted **public comments to CEQ (White House Council on Environmental Quality) regarding Phase II rulemaking with the support of 50+ organizations**
  - **Galvanized a coalition of 60 environmental groups** to publicly oppose NEPA rollbacks during debt ceiling negotiations
  - Led advocacy that **secured \$1 billion** in NEPA implementation funds through the IRA (Inflation Reduction Act)



## 7TH PRINCIPLE OF ENVIRONMENTAL JUSTICE

Environmental Justice demands the right to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement and evaluation.

# National Environmental Policy Act (NEPA)——

## PILLARS OF NEPA

“The People’s Environmental Law”



### TRANSPARENCY

The government must disclose to the public plans to build or fund certain projects.



### INFORMED DECISION MAKING

The government must conduct an evaluation of the project and relay the results to the public.



### PUBLIC INPUT

Before it’s started and throughout the project the government must elicit and consider public input.



### ACCOUNTABILITY

NEPA helps the public utilize the courts to hold the government accountable.



OXFAM

According to OXFAM, NEPA had been used multiple times to successfully protect communities of color, one ongoing example is:

*“In St. James, Louisiana, Formosa Plastics submitted plans to build a plant on top of two plantations that housed ancestral burial grounds important to that community.*

*A women led local community group, RISE St. James, used NEPA to challenge the plant. The Army Corps of Engineers agreed to conduct a full review and new analysis of the plant, an important victory for the St. James community.”*

# National Environmental Policy Act (NEPA)



INDUSTRY SEGMENTS

DEPARTMENTS

PROJECTS & EXPANSIONS

RESOURCES

MEDIA

EVENTS

## Formosa Plastics makes plans to move forward with \$9.4B petrochemical complex

FEBRUARY 5, 2024 9:31 AM



The Louisiana First Circuit Court of Appeals has overturned a lower court ruling, paving the way for Formosa Plastics' massive \$9.4 billion petrochemical complex in St. James Parish.

The ruling comes despite concerns about environmental justice and the project's potential impact on predominantly Black communities.

...KAM, NEPA had been  
...mes to successfully  
...nities of color, one  
...is when:

...ouisiana, Formosa  
...ted plans to build a plant  
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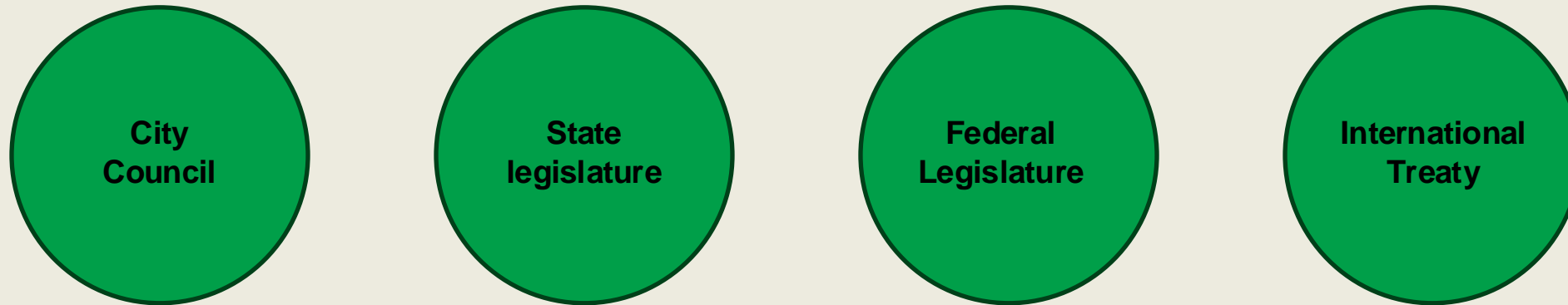
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# Treaty Process

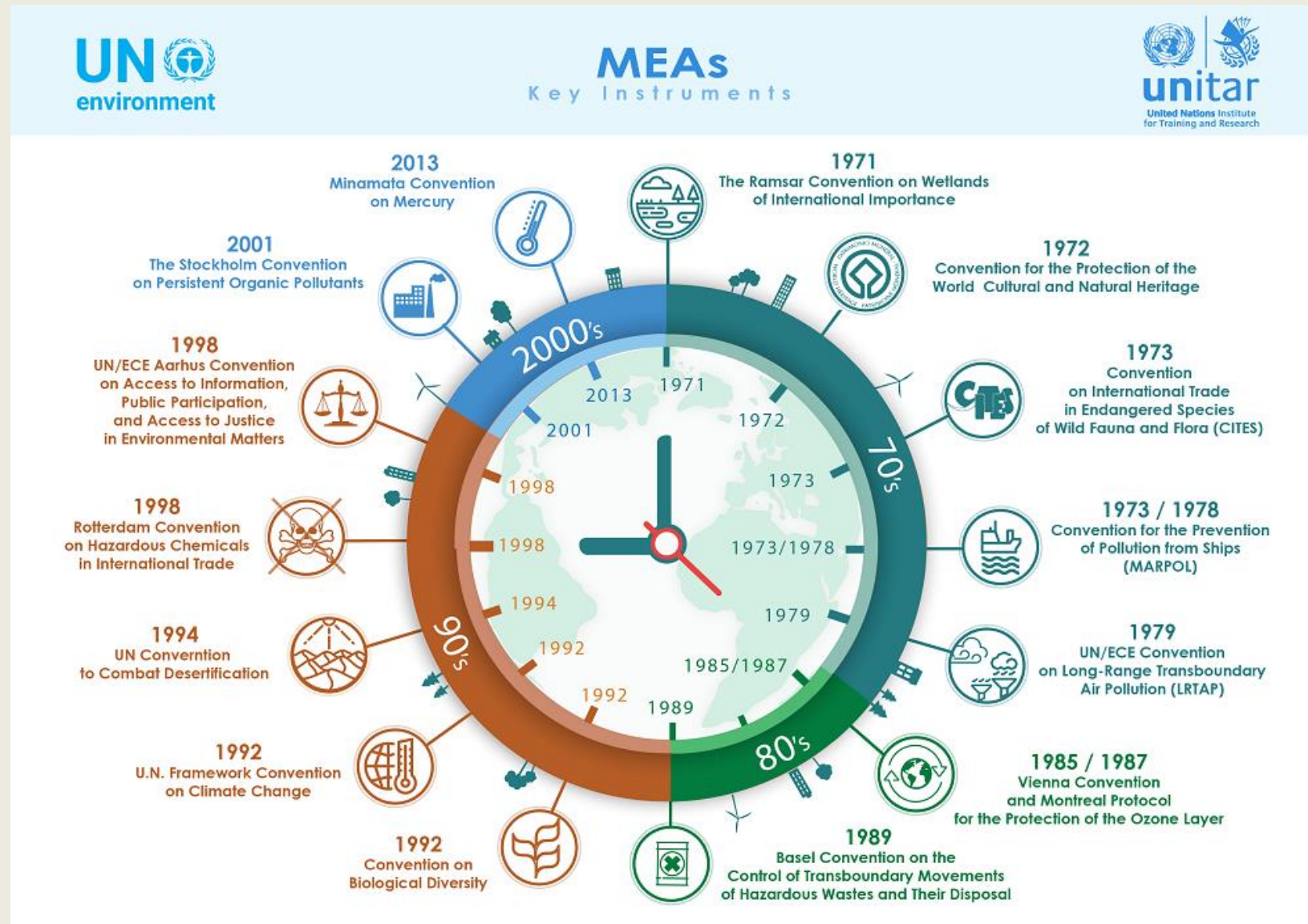
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1. **Negotiation and Adoption:** Negotiations for treaties are usually conducted at multilateral conferences, where representatives from interested states come together to discuss and finalize the treaty text. Once consensus is reached, the treaty is “adopted.” Adoption means that the treaty is formally agreed upon but not yet legally binding for any country.
2. **Signature:** After adoption, states may sign the treaty, indicating their preliminary endorsement. Signing does not bind a country to the treaty but shows the intention to examine it domestically and consider ratification.
3. **Ratification:** To legally join the treaty, a country must ratify it. Ratification involves the formal approval of the treaty at the domestic level (often through national parliaments or similar legislative bodies). This step makes the treaty legally binding for the state. Once a country ratifies the treaty, it submits the instrument of ratification to the depositary (often a UN body).
4. **Accession:** Countries that did not sign the treaty within the specified time frame can still join by accession. Accession is similar to ratification but without the prior signature, and it has the same legal effect as ratification.
5. **Entry into Force:** The treaty only becomes legally binding once a specified number of countries ratify it. The terms of entry into force, including the number of ratifications required, are typically outlined in the treaty text. Once the treaty enters into force, it applies to all parties that have ratified or acceded to it.
6. **Implementation and Monitoring:** Once a party to the treaty, countries are expected to implement its provisions domestically. The UN and other international bodies may also set up mechanisms to monitor compliance and provide assistance to help parties meet their obligations.

# UN Environment Programme (UNEP) Treaties

Multilateral Environmental Agreements (MEAs) include:

- Stockholm Convention on persistent organic pollutants
- Paris Agreement to address climate change
- Minamata Convention on Mercury to address mercury pollution/exposure
- etc.



# Paris Agreement

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According to the UNFCCC, the Paris Agreement is a legally binding international treaty.

Adopted by 196 parties in 2016.

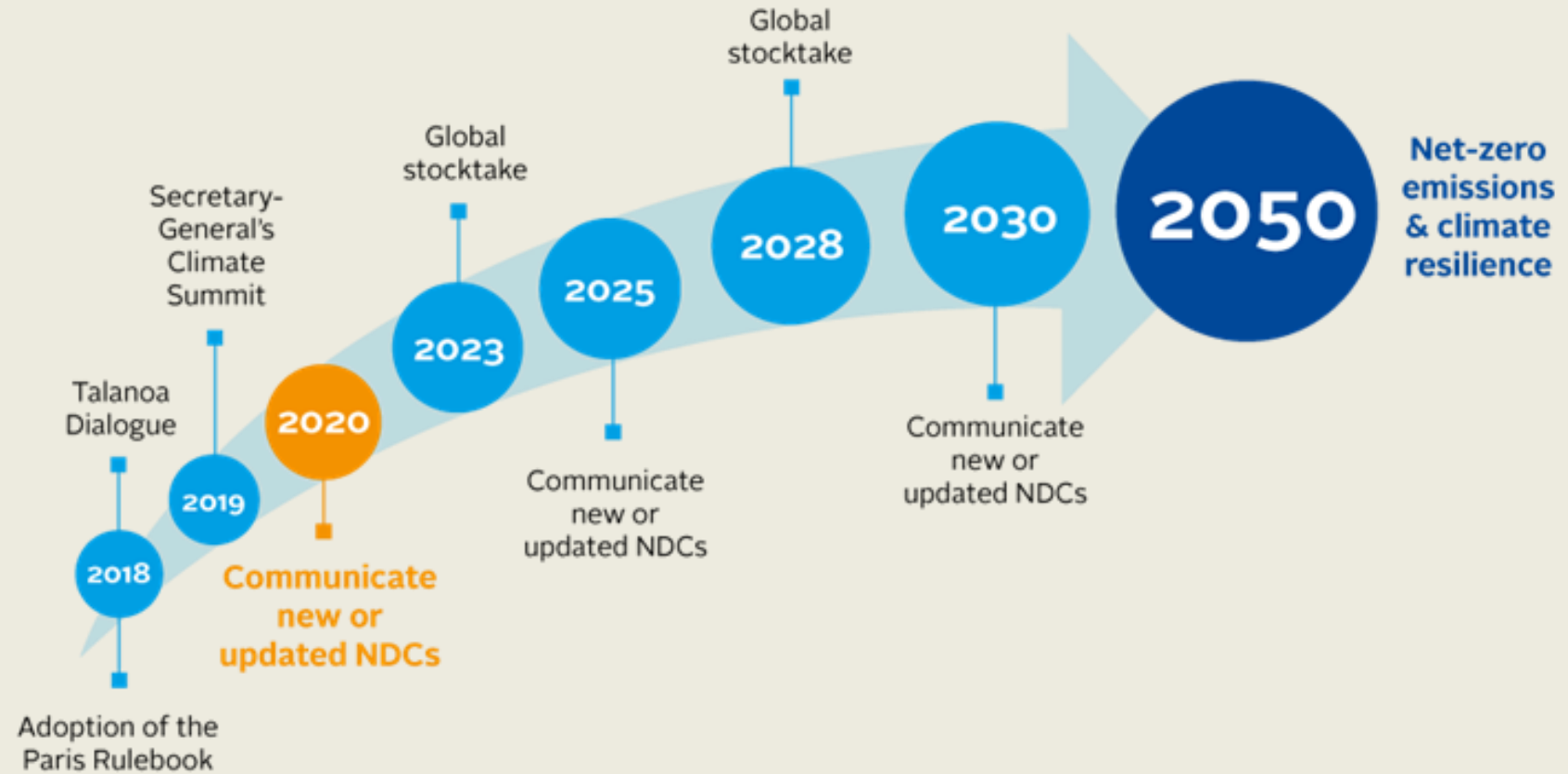
## The Paris Agreement sets goals to guide all nations to:

- Reduce global greenhouse gas emissions to hold global temperature increase to well below 2°C above pre-industrial levels and pursue efforts to limit it to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change
- Agreement works on a five-year cycle of increasingly ambitious climate action carried out by parties
- Countries submit their national climate action plans, known as **nationally determined contributions (NDCs)**. Each successive NDC is meant to reflect an increasingly higher degree of ambition compared to the previous version.

# Paris Agreement

- Five-year cycle of increasingly ambitious climate action carried out by parties
- Nationally Determined Contributions (NDCs) are submitted every five years to the UNFCCC secretariat. Successive NDCs will represent a progression compared to the previous NDC and reflect its highest possible ambition.

## AMBITION MECHANISM IN THE PARIS AGREEMENT



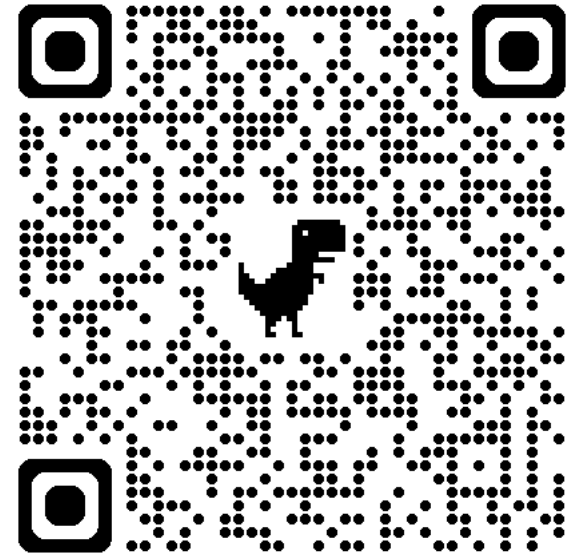
Source: [wri.org/publication/NDC-enhancement-by-2020](https://www.wri.org/publication/NDC-enhancement-by-2020)

# Nationally Determined Contributions (NDCs)

## NATIONALLY DETERMINED CONTRIBUTION

**The nationally determined contribution of the United States of America is:**

To achieve an economy-wide target of reducing its net greenhouse gas emissions by 50-52 percent below 2005 levels in 2030.



“LEAVE  
NO ONE  
BEHIND”

# ESCAZÚ AGREEMENT

## MILESTONES

OPEN TO THE  
**33** COUNTRIES  
OF LATIN  
AMERICA  
AND THE CARIBBEAN

**1<sup>st</sup>** REGIONAL  
ENVIRONMENTAL  
TREATY

LATEST MULTILATERAL  
ENVIRONMENTAL  
AGREEMENT  
ADOPTED AT  
THE UNITED  
NATIONS

**1<sup>st</sup>** TREATY IN  
THE WORLD  
TO SPECIFICALLY  
PROTECT HUMAN RIGHTS  
DEFENDERS IN  
ENVIRONMENTAL  
MATTERS.

ACTIVELY  
CONTRIBUTES TO  
THE 2030 AGENDA,  
THE PARIS AGREEMENT  
AND OTHER INTERNA-  
TIONAL COMMITMENTS

## OBJECTIVE

TO GUARANTEE THE FULL AND EFFECTIVE IMPLEMENTATION IN LATIN AMERICA AND THE CARIBBEAN OF THE RIGHTS OF ACCESS TO ENVIRONMENTAL INFORMATION, PUBLIC PARTICIPATION AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS, AND THE CREATION AND STRENGTHENING OF CAPACITIES AND COOPERATION, CONTRIBUTING TO THE PROTECTION OF THE RIGHT OF EVERY PERSON OF PRESENT AND FUTURE GENERATIONS TO LIVE IN A HEALTHY ENVIRONMENT AND TO SUSTAINABLE DEVELOPMENT.

## Some Principles

EQUALITY AND NON-  
DISCRIMINATION

ACCOUNTABILITY

NON- REGRESSION  
AND PROGRESSIVE  
REALIZATION

PERMANENT  
SOVEREIGNTY OF  
STATES OVER  
THEIR NATURAL  
RESOURCES

TRANSPARENCY

INTERGENERATIONAL  
EQUITY

GOOD  
FAITH



## GENERAL PROVISIONS

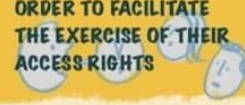
RIGHT OF EVERY PERSON TO  
LIVE IN A HEALTHY  
ENVIRONMENT AND TO  
EXERCISE RIGHTS FREELY



ALL STATES SHALL ADOPT  
THE NECESSARY  
MEASURES TO GUARANTEE  
THE IMPLEMENTATION OF  
THE PROVISIONS OF THE  
AGREEMENT



ENSURE THAT  
GUIDANCE AND  
ASSISTANCE IS PROVIDED  
TO THE PUBLIC IN  
ORDER TO FACILITATE  
THE EXERCISE OF THEIR  
ACCESS RIGHTS



THE AGREEMENT IS A  
FLOOR, NOT A CEILING



ENCOURAGE THE USE OF  
ICT, SUCH AS OPEN DATA



ENVIRONMENTAL  
INFORMATION

PUBLIC  
PARTICIPATION

ACCESS TO  
JUSTICE

HUMAN RIGHTS  
DEFENDERS IN  
ENVIRONMENTAL  
MATTERS

CAPACITY  
BUILDING AND  
COOPERATION



BASED ON NATIONAL  
PRIORITIES AND NEEDS



CLEARINGHOUSE: OBSERVATORY ON PRINCIPLE 10  
IN LATIN AMERICA AND THE CARIBBEAN

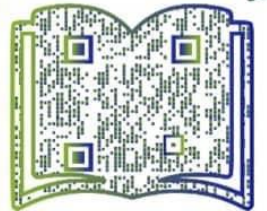


UNITED NATIONS

ECLAC



READ THE  
AGREEMENT



GET TO KNOW  
THE OBSERVATORY



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