Environmental justice and participatory democracy: An emancipatory policy proposal

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ENVIRONMENTAL JUSTICE AND PARTICIPATORY DEMOCRACY: AN EMANCIPATORY POLICY PROPOSAL

by

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A thesis submitted in partial fulfillment of the requirements for the degree of

Master of Arts

in

Ethics and Policy Studies

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ABSTRACT

Environmental Justice and Participatory Democracy: An Emancipatory Policy Proposal analyzes the public participation guidelines for the Resource Conservation and Recovery Act. The author argues that four challenges must be addressed before the goal of environmental justice can be achieved. These challenges include the challenge of citizen participation, the epistemological challenge, the challenge of integrating public values with technical concerns, and the challenge of balancing environmental rights and responsibilities. The author develops a policy proposal for the creation of neighborhood environmental justice community centers in low-income neighborhoods.
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CHAPTER ONE

INTRODUCTION

Public participation in hazardous waste policy is a challenge many federal, state, and local governments face. The history of hazardous waste policy in the United States provides a rich source for analyzing traditional models of decision making. The purpose of this study, therefore, is to analyze and critique current public participation procedures and to develop a model for neighborhood environmental justice centers in low income communities.

This study is timely because on February 11, 1994, President Clinton signed Executive Order 12898. Clinton's Executive Order was carried out in response to demands made by environmental justice advocates during the 1990s who argued that many low-income and minority communities are chosen as sites for hazardous waste facilities. Advocates argue that racial and ethnic minorities are excluded from the decision making process because of "environmental racism." Thus, environmental justice advocates demand to be included as equal partners in the policy process in order to overcome racism.
Much has been written about the failure of current participatory mechanisms to involve the public in hazardous waste policy decisions substantively and legitimately. Debates about the role of the public in environmental decision making are often between centralists who generally favor an elite model, and decentralists who support participatory democratic and empowerment models. The elite model is referred to as "traditional" decision making, while the participatory model is referred to as "emancipatory". These terms reflect two distinct environmental paradigms that can be discovered when the history of environmentalism in the United States is reviewed. I call these paradigms "traditional environmentalism" and "emancipatory environmentalism."

The "traditional" environmental paradigm grew out of the conservation/preservationist movements of the Progressive era in the early twentieth century. This paradigm was founded on the premise of scientific utilitarianism, which stressed the efficient use of resources through management. Implicit in this paradigm is the assumption that humans can and should manage and control the natural environment. This paradigm is implicitly founded on the biblical edict found in Genesis 1:28; that man should have dominion over the Earth. While this presumption informed environmentalism for many decades, the rise of civil rights, feminism, and anti-war movements
during the 1970s challenged generally accepted beliefs about "man's" relationship to the environment. This relationship had traditionally been hierarchical and anthropocentric. Although the relationships between civil rights, feminism, the anti-war movement of the 1960s and 1970s, and the environmental movement seem tenuous, they are, in fact, similar in many respects. Each of these movements attempted to displace the hegemony of the hierarchical, anthropocentric, rationalist decision making model that informed social policy in the United States. Women, African Americans, and environmentalists sought to emancipate society from limiting beliefs that were rooted in Judeo-Christian ethics and modern science.

The emergence of the environmental justice movement during the 1980s and 1990s represented a significant change in the environmental agenda. Called "emancipatory environmentalism," this emerging phase of the environmental movement challenges traditional Western conceptual frameworks, economic practices, social relationships, political processes, and ethical systems. Radical changes in the way we think, make decisions, relate to one another, and care for ourselves and our environment are necessary in order to achieve environmental justice, argue emancipatory environmentalists. Central to the emancipatory project is finding ways to end domination, including class domination, racism, patriarchy, and the domination of nature.
Emancipatory environmentalism thus expands the traditional environmental agenda to include social justice concerns. By redefining environmentalism, emancipatory environmentalism requires an inclusive, democratic decision making process based on a conception of justice that transforms current economic and social relationships.\(^8\) Thus, the political process becomes emancipatory and transformative on an individual and social level.

When these two environmental paradigms clash, as they have in the hazardous waste policy arena, the legitimacy of the State's regulatory apparatus is at stake. To overcome the perception that hazardous waste decisions are not legitimate, Matheny and Williams conclude that "equal representation of all interests in the affected populations is essential."\(^9\) Equal representation assumes citizens have equal access to the policy process.

However, in a study of 233 Washington scientific risk professionals employed in the Environmental Protection Agency (EPA) and other non-governmental firms, Thomas Dietz and Robert Rycroft found that most risk professionals are white males.\(^{10}\) Twenty percent of the respondents were women and three percent were minorities.\(^{11}\) Thus, Dietz and Rycroft conclude that women and people of color are often underrepresented within the ranks of risk policy professionals. If their conclusions are correct, then women and minorities are, in fact, excluded from the policy process. I call this
exclusion "structural."

But another form of exclusion exists as well. This can be found in examining the ways women become involved in toxics struggles. When women become active in toxics politics, they most often prefer grassroots organizing tactics. Grassroots groups are often led by women who use different leadership styles that are implicitly informed by feminist standpoint epistemologies. Thus, the knowledge women draw on in toxic struggles differs from the knowledge traditionally used in environmental decision making. Women's knowledge arises out of their daily lived experiences as women, wives, and mothers. However, stereotypes of "hysterical housewives" often hinder opportunities for dialogue between members of racial, gender, and low-income groups and public officials. These opportunities are often truncated by the presence of conceptual/epistemological and structural barriers. An epistemological barrier thus hinders the realization of a truly participatory democratic process with many low-income, female and minority citizens being denied a "real" opportunity to participate in the policy process. Although citizens have a responsibility to protect the environment, many are denied a right to participate in the environmental protection policy process because of structural and epistemological barriers.

These barriers create several challenges that federal, state, and local environmental agencies must address as they
develop environmental justice strategies that meet the goal of true public participation. These challenges include achieving a balance between the technical values of modern science and public environmental values, the challenge of true citizen participation, the standpoint and rationalist epistemological challenge, and the rights and responsibilities challenge. Each of these challenges is addressed in the chapters that follow.

In Chapter Two I establish the historical context of contemporary environmental policy with the passage of National Environmental Policy Act (NEPA) of 1969 and the creation of the Environmental Protection Agency (EPA). Within the first decade of the passage of NEPA, it became clear that traditional decision making models could not accommodate the emerging emancipatory environmental paradigm. I discuss each of the challenges as they were addressed by traditional methods.

In Chapter Three I discuss the emerging emancipatory environmental paradigm and establish the historical context from which it arose. This paradigm symbolizes the transition to a new phase of environmental politics in the United States that merges social and environmental justice concerns. The environmental justice movement is a multi-cultural, multi-issue, global movement informed by critical and feminist theory. I examine two case studies: Love Canal and Emelle, Alabama to illustrate race, class, and gender
exclusion in the policy process. These cases illustrate how gender and racial exclusion operate within the policy process.

In Chapter Four I discuss criticisms of the traditional decision making model. In the second half the chapter I analyze the guidelines for public participation and argue that structural barriers prevent substantive public participation because the process is based on the traditional decision making model. This model cannot accommodate environmental justice concerns because it is based on an epistemology that separates values and scientific rationality. Within the rationalist epistemology, values are not considered valid knowledge claims. Thus, policy clashes occur between the two paradigms because of value differences in humanism and scientific rationality. Citizens often approach policy decisions from a humanist perspective while policy experts approach decisions from a rationalist perspective. Consequently, communication between the two groups is often impossible.

In Chapter Five I examine the epistemological challenge by examining differences between objectivist/rationalist and feminist standpoint epistemologies. The objectivist/rationalist epistemology informs environmental decision making and has assumed hegemony in Western culture. Feminist standpoint epistemologies challenge this hegemony and offer an alternative basis for knowledge claims. Both of
these epistemologies assume a particular standpoint. These standpoints have counterparts in moral theory and provide the basis for two distinct conceptions of justice.

In Chapter Six I explore the differences in conceptions of justice between emancipatory environmentalists and the EPA. I discuss Rawls's theory of justice, the Seventeen Principles of Environmental Justice, and Wenz's theory of environmental justice. I argue that environmental justice demands a conception of justice that is inclusive and is contextually based. Thus, relationships are important in environmental justice. But relationships have a dubious status in Rawlsian justice. I argue that Aristotle's theory of justice may provide us with a more complete theory of environmental justice.

Finally, in Chapter Seven I review the four challenges and present a policy proposal for the creation of neighborhood environmental justice centers. Because environmental decisions involve neighborhoods and communities, it is imperative that we create places where neighbors can come together to develop citizenship skills and political capacity. Although I do not develop an emancipatory decision making model, I believe that the creation of environmental justice centers will create a place for an emancipatory process to emerge.
ENDNOTES


3. See Dobson, Andrew, Green Political Thought (London: Unwin Hyman, 1990), pgs. 13-36. Although Dobson examines the rise of the Green party in Europe, his arguments about the presence of two environmental paradigms are applicable to this discussion. Dobson calls traditional environmentalism " and emancipatory environmentalism "ecologism."


5. Ibid.


11. Ibid.
CHAPTER TWO

THE HISTORICAL CONTEXT OF ENVIRONMENTAL POLICY

The history of environmentalism in the United States reveals two distinct paradigms. In this chapter I discuss "traditional" environmentalism that arose from a desire to conserve and preserve the natural environment. The core values of traditional environmentalism are economic growth, domination over nature, and nature as a resource with instrumental value. This ideology was implicitly informed by the Judeo-Christian ethic that man had a right, if not a Divine obligation, to have dominion over all living things, including nature and women. Traditional environmentalism is thus founded on the belief that the environment can be managed through reform and regulation of industrial practices.1

Although conservationism began as "an anti-corporate social movement," both conservationist and preservationist environmental groups "managed to carve out for themselves a major role in the policy arena regarding resources and the natural environment."2 Thus, by the end of the Progressive era environmentalism had adopted "expertise and rational management of resources for business uses as the movement's
dominant ideology." This "right use" ideology informed environmentalism through the post-World War II era. Traditional environmental groups were organized around wildlife and wilderness preservation and conservation. Consequently, the anti-corporate stance taken by the earlier conservationists was soon replaced by the "regulate and reform" ideology. Man could continue to dominate nature but only if he used rational methods to control his impact on the environment.

With the publication of Rachel Carson's book Silent Spring in 1962, the reform and regulate ideology was challenged. Before the publication of Silent Spring, the environmental movement in the United States was "a revolution waiting for a manifesto." The manifesto came with Rachel Carson's presentation of "scientific evidence in clear, poetic, and moving prose that demonstrated how the destruction of nature and the threat to human health from pollution were completely intertwined." But more important was the fact that Carson implicitly questioned the rational methods used to control man's impact on the environment. If ecosystems were being destroyed, then the argument that rational, right use methodologies could mitigate environmental impact was invalid. Thus, the conservationist approach of resource management may have worked at the turn of the century but could no longer address contemporary environmental problems.
The release of Silent Spring and its meteoric rise as a best seller "was a triggering event for the entire environmental movement because it mobilized the average American." Public awareness about the dangers of pesticides and inorganic chemicals increased in the United States. Silent Spring broadened the boundaries of traditional environmentalism from remote wildlife areas to "everyone's backyard." Environmental protection became everyone's responsibility. How could the average American protect their backyards from environmental degradation when most environmental damage occurred because of corporate industrial practices and the voices of average Americans were absent from policy discussions about environmental impacts? Because most Americans had no say in the impact modern industrial practices had on the environment, by the late 1960s it was clear that legislation was necessary to stem environmental assault.

During the 1970s, many environmental laws were passed beginning with the National Environmental Policy Act (NEPA) in 1969. Sweeping in scope, NEPA provided the framework for a new model of statutory legislation that specifically addressed man's relationship to the environment. While many environmental laws predated NEPA, none of the previous legislation provided a comprehensive approach to environmental protection. NEPA thus provided a statutory framework for environmental subsequent environmental
The Rights and Responsibilities Challenge

Although NEPA section 101(c) initially provided citizens with "a fundamental and inalienable right to a healthful environment," the Conference Committee changed the Act to read "each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." During the NEPA debates held on December 20, 1969, Henry M. Jackson, Senator from Washington, voiced his opposition to this change for the record by arguing that every person does have a fundamental and an inalienable right to a healthful environment. If this is not the law of this land, if an individual in this great country of ours cannot at the present time protect his right and the right of his family to a healthful environment, then it is my view that some fundamental changes are in order.

Congress institutionalized environmental responsibilities but did not guarantee citizens a legal right to a healthful environment. Although Senator Jackson stated in the record he would introduce an environmental rights bill, the bill was never ratified. Many states, including Massachusetts and Pennsylvania, explicitly gave citizens the right to a clean environment in the post-NEPA years. Thus, some states approach environmental protection from a balanced approach.

Balancing rights and responsibilities was not the only
challenge facing the federal government in the post-NEPA decade, as we shall see in the next section.

The Challenge of Values, Science, and Epistemology

Shortly after signing the National Environmental Policy Act (NEPA) into law in January 1970, President Richard M. Nixon created the Environmental Protection Agency (EPA) by Executive Order 11514 on March 5, 1970. EPA consolidated six thousand employees from fifteen government agencies located in three departments. For example, solid waste programs were moved from the Department of Health, Education and Welfare (HEW) to EPA.

NEPA explicitly stated that achieving a balance between technical/economic concerns and environmental values and amenities was important. Section 102(2)b of NEPA mandates that

all agencies of the Federal Government shall...identify and develop methods and procedures...which will insure that presently unquantified environmental amenities and values may be given appropriate considerations in decision-making along with economic and technical considerations.

However, the approach taken by EPA during its formative years was founded on the same assumption that informed environmental legislation and traditional environmentalism: that science could provide solutions to the environmental crisis through regulation and management. This presumption is implicit in the traditional environmental paradigm. An
overriding confidence in the ability of modern science and technology to solve environmental problems is a key tenet in the traditional paradigm. Implicit in this assumption is the belief that rational methods will yield the best decisions about the environment. As we shall see later, rationalist epistemologies separate facts and values. Thus, balancing technical and scientific facts with public values is virtually impossible when using a rationalist epistemology as the dominant mode of creating knowledge.

During the National Environmental Policy Act (NEPA) Senate debates held on December 20, 1969, Senator Henry M. Jackson argued that inadequacies in "present knowledge, policies, and institutions for environmental management" threatened "the quality of life all men seek."15 Although Jackson did not explicitly point out the limits of traditional rationalist epistemologies, he argued that human dignity was threatened by the expansive and impersonal technology modern science has created.16 Thus, Jackson implicitly questioned the epistemological premises of modern science by arguing that science was "impersonal." If an impersonal technology was the result of modern science and the epistemological presumptions on which it was based, could modern science provide solutions to the environmental crisis? This question plagued EPA from its inception.

EPA personnel were often "compelled to act under conditions of substantial uncertainty" because the agency's
role was to protect the public and the environment in a timely fashion. Given "the inherent limitations of science," EPA personnel often had to assume their knowledge was greater than it actually was and make decisions based on these assumptions.

Sally Fairfax suggests that it is not science itself that is limited but the approach taken by EPA. Instead of conducting "pure research" which is how science should be conducted, Fairfax argues that NEPA and the practices adopted by EPA rest on the assumption that there is virtue in simply amassing and circulating scientific data...NEPA reflects a misunderstanding of the nature of scientific truth and the utility of scientific evidence... However, NEPA has distorted the direction of scientific inquiry by putting tremendous amounts of money and effort into applied research. The science in impact statements is not disciplined and not cumulative. Proper scientific inquiry must proceed gradually, under the full scrutiny of a skeptical and disciplined profession. It cannot be rushed or obliged to take positions on current issues if it is to be credible or valid. It seems reasonable to suggest that one of the long-term effects of NEPA will be the distortions it has caused in the science it relies on.

While science offered hope for the improvement of environmental problems, it was limited, imperfect, and subject to ideological and political manipulation. Despite the misuses and imperfections of modern science, there were no alternatives for alleviating environmental problems.

The Challenge Of Citizen Participation

Since citizen involvement in environmental policy was
mandated by NEPA through the Environmental Impact Statement (EIS) process and explicitly sanctioned through President Nixon's Executive Order 11514,\textsuperscript{21} EPA faced another challenge: the challenge of citizen participation. Despite criticisms about the quality of citizen involvement in environmental policy, subsequent environmental legislation followed the framework established by the spirit of NEPA as a "people's policy."

A review of post-NEPA legislation indicates that public participation in the environmental policy process was included in most environmental laws. The Clean Air Acts of 1970 and 1977, the 1972 amendments to the Federal Water Pollution Control Act, the Toxic Substances Control Act of 1976 (TOSCA), the Resource Conservation and Recovery Act of 1976 (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) contained provisions for public involvement. Although the legislative intent of NEPA and subsequent environmental legislation may have been philosophically aligned with the principles of democratic participation, policy implementation proved to be problematic, particularly in the area of hazardous waste policy.

Signed into law in 1976,\textsuperscript{22} the purpose of the Resource Conservation and Recovery Act (RCRA) was to provide a regulatory framework for a "cradle to grave" manifest tracking system for hazardous wastes.\textsuperscript{23} In keeping with the
pluralistic model of decision making that evolved during the 1960s and early 1970s, policymakers included provisions for public participation in hazardous waste facility planning. Section 7004 (b) of the Resource Conservation and Recovery Act defines the parameters of public involvement as

> public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish minimum guidelines for public participation in such processes.\(^2^4\)

By the late 1970s hazardous waste had assumed a prominent place on the political agenda, making public participation in the facility siting process a highly controversial, and sometimes impossible task. At the July 1, 1977 hearing held to review the public participation guidelines for RCRA, Tom Williams, co-chairperson of the guideline work group, read a statement by EPA Administrator, Douglas Costle, which affirmed the importance of public participation in hazardous waste management programs.

Genuine public awareness and participation are essential for a number of reasons...Unless the public has a reasonable opportunity to learn about the thousands of hazardous and somewhat less hazardous open dumps, pits, ponds, and lagoons which exist throughout our county, leeching their witches' brew into the ground water, the timely implementation of the Resource Conservation and Recovery Act will suffer.\(^2^5\)

Testimony given at the public hearing applauded efforts
by lawmakers and EPA administrators to institutionalize public participation in the implementation of RCRA. Despite agreement about the importance of citizen participation in hazardous waste facility siting decisions, most of the testimony reflected a pessimistic tone about the mandated public participation requirements found in RCRA. Nonetheless, guidelines for public participation were developed and codified in the Code of Federal Regulations.

Despite attempts by EPA to understand and thus alleviate public fear about waste disposal and treatment practices, public opposition to hazardous waste disposal sites remained a problem by the late 1970s. Viewed by policy analysts as the "Not In My Back Yard" (NIMBY) syndrome, this perspective renders the location of a facility as the problem instead of the technology that produces the waste. Conversely, those who view the facility itself as the problem refer to public opposition as a reaction against a "Locally Unwanted Land Use" (LULU). NIMBY movements are often parochial, while LULU movements challenge the necessity of a given technology. Thus, NIMBY and LULU movements reflect different political ideologies.

Because grassroots groups became a major obstacle in the successful implementation of the Resource Conservation and Recovery Act, the EPA Office of Solid Waste contracted with a Washington D.C. consulting firm to study the facility siting problem. The report, Siting of Hazardous Waste
Management Facilities and Public Opposition, written by Centaur and Associates, was released in November, 1979. The purpose of the Centaur project was twofold. First, it sought to understand the factors that contributed to the public's opposition to hazardous waste facilities. Second, it intended to identify, by examining case studies of thirty siting situations, actions that exacerbated or mitigated public opposition to siting. Since the study was conducted before the public participation guidelines for the RCRA were codified, the report does not address the effectiveness of those guidelines but does shed light on many of the problems inherent in the siting process.

The study concluded that "probably the most important single factor in addressing public opposition to siting is the coordination and communication with the public and local officials." Local opposition, the study reported, is rooted in fear of major and long-term risks posed by facilities to the health and welfare of the surrounding community. It reflects a loss of faith by local residents in the ability of government and private industry to solve environmental problems and simultaneously to consider and protect local interests.

While affected communities discussed "fears and risks," industry officials spoke in terms of "regulations and technology" and "the terms of one are often not understood by the other." Thus, dialogue between was difficult because residents framed the issue as a justice issue while technical experts framed the problem as one of science and
regulations. Although citizens usually questioned the fairness of how environmental burdens are distributed, industry rarely addressed equity and justice concerns.

Despite the techniques used in several siting studies to involve the public, failure to involve the public in substantive ways was common. Substantive participation was defined in the report as allowing "the public to provide substantive input to [sic] technical and nontechnical aspects of government decision-making." Although the report does not explicitly address the integration of values in public participation processes, the definition of "substantive input" can be interpreted to mean discussion of public environmental values, including justice and equity.

Although NEPA "stipulated that social sciences were to be integrated into the decision processes," demographic and social analyses appeared to go beyond the scope of the EPA. When Ruckelshaus appeared before the U.S. Civil Rights Commission he claimed that EPA was a "technical and scientific agency not equipped to judge disparate impacts on minority and low-income communities due to pollution." Thus, EPA was ill-equipped to address justice and equity concerns from the outset.

Sally Fairfax argues that "the public involvement that NEPA has induced is so formal, so predictable, and so proposal-oriented that it seems to have stultified the dialogue between agencies and the public that was beginning
to develop in the late 1960s." She concludes that NEPA actually truncated "citizen involvement in agency deliberative processes." This problem was exacerbated when Ronald Reagan was sworn into office in January 1981. Gains made by environmental groups during the Nixon and Carter administrations were undermined by the Reagan administration through the reduction of fiscal support for citizen participation programs in environmental decision making.

Stephen J. Durham, an EPA Regional Administrator in Denver, stated in an internal memo that "[n]o grant awards to a State, or any other entity, should contain any funds for public relations or public participation unless such activities are mandated by Federal statute or regulation." The reason given for cutting public participation funds by Mr. Durham's assistant, Judy Herb, was "[m]ost of the public participation money was going to environmental groups, not citizens' groups, and he didn't think it was right for the taxpayers to foot the bill for them."

By pulling federal support for citizen participation programs, Reagan effectively crippled local attempts to insure citizen involvement in the controversial problem of hazardous waste disposal. With little guidance from the EPA, states were left on their own to carry out public participation programs as unfunded mandates. The growth of the NIMBY syndrome (Not In My Back Yard) may have been a direct outgrowth of the lack of support for public
involvement programs by the federal government during the Reagan administration\textsuperscript{41} and the institutionalization of cost-benefit analysis (CBA) as the preferred method of evaluating policy impacts.\textsuperscript{42}

Citizen involvement in the environmental decision making process was thus complicated by the inadequacies of traditional decision methodologies that separated facts and values into two distinct epistemological realms. While citizens approached the policy process from a humanist perspective, experts adopted a rationalist approach that required objectivity. Thus, true dialogue and citizen participation was truncated by the presence of a policy process that could not bridge the epistemological gap between facts and values. Whether this is the cause of environmental injustice is a matter of much speculation and one that goes beyond this study. However, it appears that a combination of many factors contributed to the emergence of the environmental justice movement in the late 1980s. The reliance on experts to solve societal problems, the limitations of rationalist decision making methodologies, and conservative politics came together to create a milieu that made environmental injustice a reality.

Conclusions

Several challenges faced EPA in the two decades of environmental policy implementation. In conclusion, I review
the challenges raised throughout this chapter.

**The Technical/Scientific and Public Values Challenge**

At first glance, NEPA and EPA appeared to offer solutions to the worsening problem of environmental degradation through the application of traditional scientific and technical methods. However, the environmental problems of the late twentieth century were not merely scientific and technical problems amenable to reform and regulation. Instead, environmental problems were political and economic problems that could not be solved by applied science. Although EPA attempted to protect the public and the environment through science, environmental problems involved more than science. Considerations of distributive justice and environmental values were important in the public participation process. However, limitations of the traditional decision making model and rationalist epistemologies truncated the possibilities for addressing justice and equity concerns.

**The Epistemological Challenge**

Although logical positivism has been discredited as an epistemology by philosophers of science, it remains "firmly institutionalized in legislative and administrative requirements." NEPA and EPA did not escape the normative philosophical assumptions of logical positivist theory.
NEPA mandated that technical/scientific and environmental values should be balanced in the decision process, but the epistemological requirements of traditional scientific methodologies, which were adopted by EPA, are not amenable to considerations of justice and fairness. Judging fairness of the distribution of environmental burdens was beyond the scope of EPA analytic methodologies because the distinction between objective science and values is a central distinction made by logical positivism. Thus, experts and citizens often approached environmental problems from different perspectives. One approach was decidedly humanist and value laden while the other approach was objective and value neutral.

The Challenge of Citizen Participation

Although NEPA is credited for expanding the role of citizens in the environmental policy process through the Environmental Impact Statement\(^{46}\) (EIS) process, some opponents of NEPA argue that citizen involvement in environmental policy actually predated NEPA.\(^{47}\) Certainly the Administrative Procedures Act of 1946\(^{48}\) (APA) existed before NEPA and opened the rule making process to citizens through a variety of methods.\(^{49}\) Critics, however, argue that NEPA did little to foster meaningful citizen involvement in the policy process. Without federal support to supplement local citizen groups efforts to find the technical knowledge
necessary to participate as equal partners in the decision-making process, many low-income and minority citizens were excluded from the hazardous waste facility siting process. This was exacerbated by the Reagan administration's attitude toward public participation. By pulling funds for citizen groups, Reagan effectively crippled local citizens attempts to participate as equal partners in the process.

The Rights and Responsibilities Challenge

While NEPA initially guaranteed fundamental rights to all citizens for clean air, soil, and water, word changes during the Committee drafting process eliminated environmental rights. Citizens, however, were expected to accept responsibility for maintaining and enhancing the quality of the environment without any statutory guarantee of environmental rights. By failing to balance environmental responsibilities with environmental rights, NEPA may have contributed to the rise of grassroots activism in low-income and minority communities as citizens became aware of the class contradictions inherent in environmental policies.
ENDNOTES


2. Ibid, pg.46.


10. Ibid.


13. Ibid.


15. Ibid.

16. Ibid.
17. Ibid.
18. Ibid, pg. 25.


21. Executive Order No. 11514, March 5, 1970, 35 F.R._4247, Section 2 (b) requires federal agencies to "develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment."

22. RCRA was passed by the Senate on September 30, 1976.

23. Hazardous waste is defined as a solid waste, or combination of solid wastes, which because of its quality, concentration, or physical chemical characteristics may (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed (42 U.S.C. 6903(5)).


28. Ibid.


30. Ibid, pg. 23.

31. Ibid.

32. Ibid, pg. III.

33. Ibid, pg. iv.

34. Ibid, pg. 28.

35. Section 102(2)B of NEPA mandates that

   all agencies in the federal government shall...identify and develop methods and procedures...which will insure that presently unquantified environmental amenities and values may be given appropriate considerations in decision-making along with economic and technical considerations.


38. Fairfax, pgs. 743-46.


40. Ibid.

51. Involving the public early in the siting process can help alleviate public opposition. Since federal support was withdrawn from public participation programs, in many cases state and local government agencies did not have the resources to carry out early public education/outreach programs. This contributed to the growth of the NIMBY syndrome. See Kent Portney, Siting Hazardous Waste Treatment...

42. President Reagan issued Executive Order 12,291 in February 1981 which required all Federal agencies to use cost-benefit analysis to determine the fiscal impact of regulatory policies. The Executive Order empowered the Office of Management and Budget to use cost-benefit analysis as the primary analytic methodology. For more on the history of cost-benefit analysis, see Peter Wenz, Environmental Justice (NY: SUNY Press, 1988), pgs. 210-231.


45. Fischer (1990:70-71) argues that Auguste Comte defined "real knowledge" as positivism which formed the foundation for the "common method" in the social and natural sciences. According to Fischer, this method remains deeply entrenched in contemporary technocratic rationality."

46. Section 102(c) of NEPA requires all federal and state agencies to prepare an environmental impact statement that addresses the potential impacts of a proposed action, including any adverse impacts that cannot be avoided, and alternatives to the proposed plan. The EIS must be made available to the public under the provisions of the Freedom of Information Act (FOIA).

47. For example, citizen participation in judicial review of administrative procedures was expanded when citizens were given standing in Sierra Club v. Morton, 405 U.S. 727, 734 (1972) in the case of Mineral King. Furthermore, low income citizens were able to force judicial review in Citizens to Preserve Overton Park v. Smith, 421 U.S. 991 (1975).


CHAPTER THREE

THE HISTORICAL CONTEXT OF EMANCIPATORY ENVIRONMENTALISM

As we saw in the last chapter, Henry M. Jackson, Senator from Washington, was a key player in the NEPA Senate debates. Jackson, critical of the impersonal technology that threatened the environment, also recognized that "a new kind of revolutionary movement" was underway in the United States. Environmental concern thus shifted from "the exclusive province of a few conservation organizations to the campus, to the urban ghettos, and to the suburbs."¹

This concern captured the nation's attention on April 22, 1970. Earth Day dawned during a period of social upheaval and cultural transformation that reached a zenith by the late 1960s. The social justice and liberation ideologies of the civil rights, anti-war, and women's movements provided the philosophical basis for emancipatory environmentalism as did the world views of indigenous and native cultures. Emancipatory environmentalism thus presumes the metaphor of "web of life" to capture an essential difference between the two environmental paradigms.

Since all problems are viewed as interconnected, emancipatory environmentalists believe that radical social
change is necessary to achieve justice. Emancipatory environmentalists integrate social and environmental justice. Thus, social problems have an environmental dimension. However, the traditional environmental paradigm cannot accommodate the social dimensions of environmental impacts because it utilized a "single issue approach."\(^2\)

Citing differences in goals and strategies, James N. Smith argues that traditional environmentalists groups would conflict with groups seeking "social justice and equal opportunity.\(^3\) Smith postulated that

an elite, upper middle class, exclusively white sector of American society is using the environment to protect 'its own room at the top' from the encroachments of those less favorably placed on the social and economic ladder.\(^4\)

If environmental organizations failed to address these issues, Smith predicted that the environmental movement and social justice movements were on a collision course. It would be, as Smith warned, a clash between the "haves and the have nots." He argued that critics of the environmental movement, including black activists, blue collar workers, and scholars, insisted the environment movement was "consciously elitist.\(^5\)

Smith's predictions came true as low-income and minority women organized grassroots groups in communities chosen as sites for hazardous waste facilities. This environmental activism provides the political and philosophical basis for an inclusive, multi-cultural, multi-
issue, emancipatory environmental movement informed by ecofeminist theories.

**Women and Waste Policy**

The link between housing and sanitation policy was clearly established during the latter part of the nineteenth century in large urban areas with the rise of industrialism. The efforts of Jane Addams and the establishment of the settlement house movement in Chicago during the late 1880s provides historical evidence to support my argument that waste disposal methods and policies are issues of home and family. A critical examination of women's labor reveals the degree to which women are concerned with waste in their daily lives. From changing diapers, to sorting garbage for recycling, to cleaning the house, washing dishes and clothes, and caring for the sick, waste disposal methods are part and parcel of women's daily life. Waste disposal methods, and the attendant social and health concerns, have traditionally been a social problem of particular concern to social workers, public health professionals, and women. However, as we saw in the last chapter, EPA consolidated waste programs which had previously been housed in HEW. By moving waste from HEW to EPA, the social aspect of waste policy shifted from the realm of women and social work to the realm of scientific experts.

As women and mothers became involved in local toxic
struggles during the 1980s and 1990s, the environmental frame of waste policy shifted from "issues of science" to include "personal experience and pain". Yet women's involvement in toxic struggles are complicated by "the exclusion of most people from the policy process." Typically, low-income women represent the community while middle class white males represent government and industry. When women realize that government policies do not protect their families, this awareness "exposes the false assumption that the traditional policy process will be democratic and responsive to their needs."

By organizing their communities and neighborhoods against hazardous waste facilities, many low-income women develop an awareness of how gender and class inequities shape the policy process. Through their involvement in environmental justice struggles, participants' political beliefs are often transformed as they develop critiques of liberal democracy. For women, this process of political consciousness raising is implicitly informed by feminist theory. Thus, the hazardous waste policy process is potentially an emancipatory, transformative political process for many women that links demands for social justice with environmental justice.

The experiences of Hazel Johnson, a fifty-seven-year-old mother of seven, and resident of Chicago's Altgeld Gardens, exemplify the type of activism that emerged in the
post-NEPA decade. Johnson organized "People for Community Recovery," the first grassroots environmental group located in a public housing project. Although the government knew that the hazardous waste facilities surrounding her neighborhood were the probable cause of health problems, Johnson argues EPA officials failed to enforce hazardous waste policies.

Johnson's skeptical attitude toward EPA stems from her lived experience as a resident of Altgeld Gardens where she witnessed women suffering miscarriages, giving birth to babies with congenital anomalies, and the early death of her husband in 1969. Although her husband smoked, Johnson wonders if his death may have been caused by constant exposure to the "toxic doughnut" created by hazardous waste facilities that surrounds her neighborhood.

Although residents in Altgeld Gardens showed a higher incidence of chronic lung diseases and troubled pregnancies in a survey done by the University of Illinois School of Health, Dr. Herbert White concluded that no clear-cut pattern of cause and effect can be established support arguments that increased incidence of disease in the area was caused by pollution.13

Johnson's experiences are not unlike those of other low-income women who find themselves and their families affected by hazardous waste policies in the United States. Through their day-to-day existence as mothers, caretakers,
and community residents, low-income women living near hazardous waste facilities often conclude that environmental policies created to protect the public are not legitimate. Although Johnson does not explicitly argue that she does not have environmental rights, her arguments implicitly contain this conclusion. Thus, Johnson's experiences provide evidence to support the argument that environmental justice requires a balanced rights and responsibilities approach.

Lois Gibbs' story of her organizing experiences in Love Canal illustrates many of the points made in the previous discussion about the political transformation of women who become involved in toxic struggles. More important, the Love Canal case study illustrates the importance of gender and class in the policy process.

Love Canal

In what could be called a bitter twist of irony, residents of Love Canal, a working and middle class neighborhood, confronted the chemical contamination of their community during the mid-1970s. Toxic waste dumped by Hooker Chemical Company spewed into neighboring waterways and canals; seeped through residents' basement walls, causing strange illnesses, miscarriages, and birth defects. When local officials were unable to assist residents, a young mother and resident of Love Canal, Lois Marie Gibbs organized the neighborhood in "very rude and very crude" political activity.14
Gibbs chose this form of grassroots organizing because she found that the normal policy process was unfair. Although Gibbs initially believed that the policy process was democratic, she eventually discovered through her organizing experience, that the process is dominated by powerful corporate and government officials.15 Dismissed by government and corporate officials as an "hysterical housewife," Gibbs overcame sexist stereotypes and successfully captured the attention of local and state officials.

By involving mothers and children in the antitoxic movement at Love Canal, Lois Gibbs expanded the emancipatory environmental agenda to include issues of class and gender.16 At a meeting between Governor Hugh Carey and Love Canal Homeowners, Gibbs and other mothers from her neighborhood led a parade of pre-schoolers to the front of the auditorium. Gibbs asked Carey if he was going to allow the children of Love Canal to die from exposure to toxic chemicals.17 By bringing private concerns of daily family life into the public arena, Gibbs used the knowledge she created from her social position as a woman and a mother to impact public policy thus expanding the definition of emancipatory environmentalism to include gender.

Although Love Canal involved class and gender issues, race is a variable in hazardous waste struggles as well. In the next section I discuss the emergence of the
Environmental justice movement.

Environmental Racism

Environmental justice movement is often associated with "environmental racism," a term coined by Dr. Benjamin Chavis at a press conference held in Washington D.C. to announce the conclusions of a United Church of Christ study on race and the environment. The United Church of Christ Commission for Racial Justice report, released in 1897, concluded that race is the most significant variable in the location of hazardous waste facilities. In the preface to the UCC report, Chavis attributes the problem to "institutional racism." Environmental racism became the focus of research for many minority scholars during the next decade, including the siting of the largest hazardous waste facility in the United States.

Warren, County and the GAO Report

Before discussing the Emelle case, however, we need to understand the history of the environmental justice movement. In 1982, the state of North Carolina sited a PCB facility in a predominantly poor, black, community in Warren County, a community with a history of civil rights struggles. The waste facility was necessary because a New Jersey hazardous waste disposal company illegally dumped PCB-laced oil on the backroads of Warren County while residents slept. Rather than ship the contaminated dirt out
of state, environmental officials and experts decided to site the facility within the state's borders in Warren County.

When residents learned about the decision to site the facility, they used civil rights organizing strategies to protest the decision. Using civil disobedience, residents blocked the trucks carrying the PCB-contaminated dirt and oil. Over five hundred protesters were arrested, including Dr. Benjamin Chavis, then Director of the United Church of Christ Commission for Racial Justice. Representative Walter Fauntroy, a member of Congress, was among those arrested. As a result of his arrest, Fauntroy asked the General Accounting Office to conduct a study on the location of hazardous waste facilities in EPA's Region IV.

The 1983 General Accounting Office (GAO) report found correlations between race, income, and the location of offsite landfills in the Environmental Protection Agency's Region IV. EPA's Region IV includes Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, states historically associated with civil rights struggles. The GAO report revealed a pattern: hazardous waste treatment facilities in the South are often sited in poor, rural, predominantly black and Native American communities. While the GAO report indicated a clear pattern of the location of facilities and racial and economic variables existed, it did not attribute race as the
cause of the pattern.

**Emelle**

The Emelle case is significant because it symbolizes the impact newly created environmental policies had on a community with a history of racial differences. In the early 1980s during Governor George Wallace’s administration, the largest hazardous waste facility in the United States was built near Emelle, a small, Southern predominantly black community in Sumter County, with a population of slightly over six hundred residents. Of those residents, seventy-nine percent were black. Many of the residents were elderly and poor. Ninety-three percent of the total Black population lived below the poverty line.

Emelle is situated in a part of the South called the "black belt" - an area plagued by high rates of unemployment. Sumter County lies on a bed of Selma chalk, a geologically desirable location for a hazardous waste facility. In a 1974 report to Congress on hazardous waste disposal, EPA recommended areas with Selma chalk as favorable sites for the location of hazardous waste disposal facilities.

James Parsons, son-in-law of then Governor George Wallace, had ties to a company called Resource Industries, which bought the land near Emelle. In 1978, the site was sold to Chemical Waste Management, a company that owns four out of the six largest landfills in the country. The company
expanded the landfill after it was purchased. Residents were unaware that the landfill was used to store hazardous waste until workers began complaining about working conditions and health problems.26 Residents were not aware of the facility because the Environmental Impact Statement policy processes was not followed.

In State of Alabama ex rel. Siegelman v. EPA, 911 F 2d 499 (11th Cir. 1990), the court upheld an EPA decision that allowed Chemical Waste Management to site a hazardous waste facility without preparing an Environmental Impact Statement, as required by NEPA. Since RCRA came later in the history of environmental legislation, the court reasoned, it trumped NEPA requirements.27 The court argued that RCRA was functionally equivalent to NEPA, thus the RCRA permit process met EIS requirement.

Petitioners in the case argued that citizens were denied "a meaningful opportunity" to participate in the permitting process. The petitioners argued that EPA made it difficult for the public to access information prior to the permitting process; that EPA failed to provide the information in an understandable form; and failed to provide more than a "pro forma" public information hearing on the day of the hearing.28 However, the court ruled that EPA did not violate any procedural rules in the permitting process. Therefore, the court rejected the petitioners' claims that they were denied an opportunity for meaningful
participation.

EPA did provide the public with an opportunity to attend a public information session on the day of the permit hearing. Many residents, because of their impoverished status, were not able to attend the meeting, or were not able to understand the highly technical documents. This raises questions about the definition of "meaningful opportunity."

Wendell Paris, a resident of Emelle, argues that the dominance of white control within the local government and the lack of "informed, active black population in the black population" set the stage for Chemical Waste Management's success in siting the largest hazardous waste facility in Emelle. Robert Bullard supports Paris's conclusion by arguing that the success of NIMBY movement during the 1980s caused hazardous waste facilities "follow the path of least resistance," thus causing them to end up in "poor, powerless, black communities." As white, affluent neighborhoods become increasingly more successful in fighting hazardous waste facilities from locating in their communities, black communities were often targeted as sites for unwanted land uses.

Compelling evidence supports the conclusion that the distributional effects of hazardous policy implementation unfairly burden those who receive the least benefit. Women, minorities, and low-income people are typically
disadvantaged in the current economic system. The Emelle case supports the argument that low income and minority citizens are often excluded from the hazardous waste policy process because they are excluded from positions of power where decisions are made.

Conclusions

The Technical/Scientific and Public Values Challenge

By bringing private concerns to the public's attention, Lois Gibbs effectively challenged the dominant view that private concerns have no place in the public policy arena. Through her activism, Gibbs showed that women involved in local struggles can effectively use their social positions as women and mothers to link local concerns to national political issues. Prior to 1976, hazardous waste policy was not an issue that captured national attention. After Love Canal, most citizens were aware of the potential threat waste posed to their communities. The actions of Hooker Chemical became a symbol of the dangers unethical corporate practices could wreak on the lives of innocent people. It became clear that considerations of justice and fairness needed to be integrated into the policy process. But the limitations of rationalist epistemologies truncate possibilities for value discussions within the policy process because values are not considered valid knowledge.
The Epistemological Challenge

When hazardous waste struggles are viewed within the larger context of social and political relationships, women often develop a critical perspective about the role of science in government policies. Since science is based on a rationalist epistemology it explicitly excludes values as a source of knowledge. Thus, environmental policy discussions exclude considerations of environmental justice. This raises important questions about the epistemological presumptions of separation and connection, objectivity and subjectivity, reason and emotion.

The Challenge of Citizen Participation

In addition to the epistemological challenge, the policy process is challenged by differing interpretations of "meaningful opportunity." Residents of Emelle argued that they were denied a "meaningful opportunity" to participate in the process. Had the court found in their favor, a precedent for finding the EPA guilty of environmental injustice would have been established. This is because opportunity to accept or reject a risk is an important component of justice. Citizens, however, are not guaranteed a right to environmental protection.

The Rights and Responsibilities Challenge

While NEPA clearly specifies responsibilities to
maintaining the environment, this requirement is not balanced with the right to a healthful environment. Residents in Love Canal, New York; Emelle, Alabama; and Warren County, North Carolina fought for freedom from toxic contamination. If NEPA guaranteed environmental rights as was the original intention of the bill's authors, these cases might not exist today. But this is a matter of much speculation.
ENDNOTES


3. Ibid, pg. ix.

4. Ibid.

5. Ibid, pg. 3.


10. Ibid.


17. Setterberg, Fred and Shavelson, Lonny, *Toxic Nation: The Fight to Save Our Communities from Chemical Contamination* (New York: John Wiley and Sons), pg. 64.


21. In 1980, Sumter County Alabama had a population of 16,908 residents. Over half (8906) of the residents were female. Although the median age was 25.4, there were over 3,000 elderly persons living in the county. U.S. Department of Commerce Bureau of the Census *Characteristics of the Population United States Summary, 1980*.

22. Ibid, Appendix I, pg. 1.


24. Ibid.


26. Ibid.


29. Setterberg and Shavelson, pg. 228.

31. Although Bullard argues that the Cerrell Report (1984) provides "a smoking gun" to prove his argument, I do not concur. In fact, the report does not suggest facility operators should seek out minority communities. Instead, the report recommends "Republican, Catholic, patriotic communities in the Midwest and South." This contradicts Bullard's conclusion.
CHAPTER FOUR

THE CHALLENGE OF PUBLIC PARTICIPATION

In this chapter I examine guidelines for public participation in environmental programs. These guidelines apply explicitly to the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act. While other environmental laws require public participation, most notably CERCLA or Superfund, the guidelines are restricted to the laws mentioned above.

While there are many models of public participation, I examine the traditional, elite model which relies on the judgment of experts. Within the traditional environmental paradigm, the dominant belief is that environmental problems can be managed through industrial reform and State regulation. Hence, the National Environmental Policy Act (NEPA) and the Resource Conservation and Recovery Act (RCRA) were created as State administered policies that require a complex regulatory structure managed by scientific and technical experts. The regulatory structure is bureaucratic in the classical Weberian sense\(^1\) and based on instrumentalism, a pragmatic philosophy that maintains thought is both functional and instrumental in controlling

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and managing environmental problems. Instrumental rationality is the direct application of instrumentalism. While the epistemological assumptions of these two models will be developed more fully in the next chapter, a short discussion is necessary here in order to introduce the concepts I will use later.

According to critical theorist Jürgen Habermas, instrumental rationality is the way of knowing that has assumed cultural hegemony in Western, capitalist societies and is a source of "unfreedom." Habermas delineates three categories of knowledge: empirical-analytical, interpretive insight, and emancipatory. Emancipatory knowledge, which empowers people through a process of self-reflection to free themselves from false consciousness, prejudice, and harmful ideologies, includes interpretive and emancipatory knowledge. Emancipatory and interpretive knowledge require a discursive, dialogic process. But the traditional model of environmental decision making is based on instrumentalism and logical positivism, or to use Yankelovich's term, "objectivism." Decisions are often made by individual decision makers, typically risk professionals, within the bureaucratic setting, outside the purview of the public.

Mary Timney Bailey argues when traditional theories and administrative practices no longer reflect the way the world is, old methods and models of decision making no longer apply. The liberal political assumptions of separation and
individualism, of instrumental rationality and hierarchy, of welfare capitalism and the free market are outdated in the world we inhabit today. While these assumptions may have been useful during the earlier part of the century, they no longer reflect the way the world operates.

THE TRADITIONAL MODEL AND ITS CRITICS

The traditional model is flawed for a number of reasons. First of all, the traditional model assumes the organizational and institutional structures are not problematic. However, Iris Young argues that organizational structures can reinforce oppressive practices by overtly or covertly denying access to some citizens. Issues of power and access need to be analyzed as possible sources of exclusion. Young asserts that possibilities for questioning the underlying social and institutional structures that cause inaccessibility should be a part of the policy process when making distributive decisions. This shifts the focus of analysis from the outcome of distributive decisions to "the procedural issues of participation and deliberation and decision making."6

One of the assumptions that underlies organizations that adhere to the traditional model is that truth can be scientifically derived.7 Bailey argues that although science claims to be objective, the Rational Model, in fact, assumes the existence of a set of universal values, derived from the cultural norms of a homogeneous, middle-class European society. The values
determine the acceptability of solutions to problems that have been defined in terms of the values....For maximum efficiency, the model also demands an elite model of politics and administration...Pluralism, which implies deviation from elitist cultural norms, can be tolerated only to the extent that it can be controlled.8

Second, the traditional model assumes that experts make the best decisions because of their access to technical knowledge. Fiorino counters claims that the traditional model is preferable by arguing that citizens' judgments about risks are often as sound, if not more sound, than those of experts.9 The traditional model undermines democratic principles because decisions are typically made by individual decision makers without involving the public in the decision making process.

Third, the assumption that problems occur in isolation and can be solved without considering the context in which they occur is problematic if we accept the premise that all problems are interconnected. A fundamental law of ecology is that all life is interconnected. If this is true, then problems do not occur in isolation.

Both Bailey and Fiorino conclude that traditional models of decision making are inadequate because the assumptions are outdated. However, these assumptions continue inform the traditional decision making model institutionalized in government agencies, including the Environmental Protection Agency.

Although the problem is not specifically a problem of
participation, by placing hazardous waste dumps in low-income neighborhoods citizens often conclude that environmental policies are not legitimate because they protect the interests of corporations and not the general public. Hazardous waste facilities are often placed out of sight of the white, voting, middle-class. This contributes to the perception that public participation programs are simply pro forma, public relations "shows" and not real opportunities for involvement in the policy process.

Critical theorist Jürgen Habermas argues that when the legitimacy of the regulatory apparatus is threatened, the potential for a legitimation crisis is established. If Habermas's analysis is correct, then public participation programs may be used as political tools to create an illusion of fairness, justice, and equality to prevent the public from pulling support from the State's regulatory apparatus. If we apply this theory to hazardous waste siting decisions we can speculate that public participation mechanisms may support the interests of the capitalist class while disproportionately burdening members of the lower class. If this application is correct, then current public participation programs may not provide citizens with a meaningful, "real" opportunity to participate in the decision process. If this is true, then the process used to site the Emelle facility may have been pro forma.

A complete analysis of the traditional decision making
requires an analysis of the procedures used to make
decisions. Young argues that
decision making issues include not only questions
of who, by virtue of their positions have the
effective freedom or authority to make what
decisions, but also the rules and procedures
according to which decisions are made. 13

In the next section I review the procedures for including
the public in the environmental decision making process.
Following the review, I analyze the guidelines for
structural barriers to participation and argue that
structural barriers to participation exist because of
implicit class bias.

Review of Public Participation Guidelines

Covered Activities

Guidelines for public participation programs are
outlined in the Code of Federal Regulations. Activities that
must be open to the public include the issuance of permits
for the operation of hazardous waste treatment and disposal
facilities, permit enforcement, and rulemaking. Government
agencies at the federal, state, interstate and substate
levels are required to develop programs that "encourage and
assist the participation of the public." 14

Definition of the Public

The public is defined as "the people as a whole" 15 in
keeping with the spirit of NEPA as "a people's policy."
Specific segments of the population are identified "which may have a particular interest in a given program or decision." This includes private citizens affected by a decision as well as members of associations, organizations, professional societies, civic organizations, public officials, and governmental and educational associations.

Definition Of Public Participation

Public participation is defined as that part of the decision-making process through which responsible officials become aware of public attitudes by providing ample opportunities for interested and affected parties to communicate their views. Public participation includes providing access to the decision-making process, seeking input from and conducting dialogue with the public, assimilating public viewpoints and preferences, and demonstrating that those preferences have been considered by the decision-making official. Disagreement on significant issues is to be expected among government agencies and the diverse groups interested in and affected by public policy issues. Public agencies should encourage full presentation of issues at an early stage so that they can be resolved and timely decisions can be made. In the course of this process, responsible officials should make special efforts to encourage and assist participation by citizens representing themselves and by others whose resources and access to decision-making may be relatively limited.

Policy Objectives

The specific objectives for the implementation of public participation programs are outlined in §23.3(c) and
recapitulate many of the key concepts outlined in the policy section of §25.3(b). The seven objectives listed are:

(1) To assure that the public has the opportunity to understand official programs and proposed actions, and that the government fully considers the public's concern.

(2) To assure that the government does not make any significant decision on any activity covered by this part without consulting interested and affected segments of the public.

(3) To assure that government action is as responsive as possible to public concerns.

(4) To encourage public involvement in implementing environmental laws.

(5) To keep the public informed about significant issues and proposed project or program changes as they arise.

(6) To foster a spirit of openness and mutual trust among EPA, States, substate agencies, and the public.

(7) To use all feasible means to create opportunities for public participation and to stimulate and support participation.

Minimum Requirements

§25.4 outlines the minimum requirements for EPA, State, interstate, and substate agencies in the development of public participation programs. Subsection (a) clearly specifies that conducting a public information and participation program is required. Subsection (b) outlines the "information, notification, and consultation responsibilities" required by EPA, State, interstate, or substate agencies responsible for implementing public participation programs.
Informational Activities

Agencies are responsible for designing "informational activities to encourage and facilitate the public's participation in all significant decisions outlined in §25.2 (a)." It is incumbent upon the agency to provide the public with "continuing policy, program, and technical information and assistance" as early as possible in the decision process. Furthermore, "the social, economic, and environmental consequences" of an action should be communicated to the public in informational materials.

Section §25.4(b)3 addresses the availability of plans, reports, and documents relating to the decision making process. In order to make information available to the public, the guidelines indicate that an "agency shall provide one or more central collections" of pertinent documents. Furthermore, copying facilities should be located on the premises where the documents are kept. Sensitivity to the cost of copying materials is mentioned in this section. Copying should be made available at a "reasonable" cost.

§25.4(b)4 explicitly addresses the issue of copying costs. Agencies are required, when possible, to "provide copies of documents of interest to the public free of charge." This requirement is consistent with the requirements of §25.3(b) which encourages officials to make special efforts to accommodate citizens whose income and access to the decision-making process may be limited.
Notification Requirements

 Agencies are required to maintain a mailing list of "persons and organizations who have expressed an interest in, or may, by the nature of their purposes, activities, or members, be affected by or have an interest in any covered activity."21

Public notification requirements are covered in §25.4(c). Agencies are required to notify both "interested affected parties and the media in advance of times at which major decisions not covered by notice requirements for public meetings and public hearings are being considered."22

Notices should be distributed well in advance of the proposed agency action in order to allow a minimum of thirty days for public response. Notices must include the timetable for a decision, the salient issues involved, the applicable laws and/or regulations under consideration or which have bearing on the matter, the location of documents, and the name of an agency representative to contact for further information. Additionally, any other relevant public involvement opportunities must be listed as well.23

Notices for public hearings, however, must be distributed forty five days prior to the scheduled date of a hearing unless it is determined by EPA that "there are no substantial documents which must be reviewed for effective hearing participation and that there are no complex or controversial matters to be addressed by the hearing."24
Public Consultation Mechanisms

The term "public consultation" is defined in §25.4(d) as "an exchange of views between governmental agencies and interested or affected persons and organizations."25 Three approaches to public consultation are listed: public meetings, public hearings, and advisory groups. These three types of public consultation are considered "formal" mechanisms. §25.5 defines a hearing as "any non-adjudicatory" meeting. §25.6 defines public meetings as "any assemblies or gatherings, (such as conferences, informational seminars, workshops, or other activities) which are open to the public."

A crucial component of the public consultation mechanism is the "timely distribution of information." The guidelines specify that distribution must occur well in advance of decision-making in order "to allow the agency to assimilate public views into agency actions."26 Furthermore, an agency is required to hold a meeting or hearing if it "determines that there is significant public interest or that a hearing or meeting would be useful."27 §25.5(c) requires that "hearings must be held at times and places which facilitate attendance by the public."

Particular consideration should be given to evening and weekends, access to public transportation, and multi-site meetings if the action affects a large region.

Witnesses should be scheduled before the hearing,
according to §25.5(d), in order to effectively utilize the
time allotted for all speakers. However, the guidelines
specify that time should be left for unscheduled testimony,
such as questions and answers. This should provide an
opportunity for unscheduled witnesses to come forward during
the hearing, as well as facilitate public discussion.

Hearings should be conducted in a way that does not
"unduly inhibit free expression of views." It is incumbent
on the agency to inform those in attendance of the issues
involved, the considerations the agency will make regarding
the decision, the tentative decision made by the agency
prior to the hearing, and the particular information
solicited from the public.

The final formal mechanism available to agencies for
facilitating public participation is advisory groups.
Advisory groups "are intended to assist elected officials or
appointed officials with final decision-making...on
important issues and foster a constructive interchange among
various interests present in the group, and enhance the
prospect of community acceptance of agency action." The
advisory group should consist "of substantially equivalent
proportions of (1) private citizens, (2) representatives of
public interest groups, (3) public officials, and (4)
citizens or representatives of organizations with
substantial economic interests in the plan or project."

The agency is responsible for identifying members of
the groups listed above for possible membership on the advisory committee. "Active efforts" to inform citizens and members of various interest groups are required by the agency. This may include a variety of outreach efforts, including contacting individuals and organizations directly.32

However, if the agency is unable to fairly balance representation on the advisory committee it must "identify the causative problem and make additional efforts to overcome such problems," even if it requires making "personal contact with prospective participants to invite their participation."33 If an agency cannot meet the requirements for membership, it is required to contact EPA for assistance. Furthermore, a list of all advisory group members must be made available to EPA and the public. It is incumbent on the agency to provide, as well, a list of its efforts to comply with the membership requirements. Additionally, an explanation of the problems which prevented compliance is required by EPA.34

Less formal public consultation mechanisms include "review groups, ad hoc committees, task forces, workshops, seminars and informal personal communications with individuals and groups."35
ANALYSIS OF THE GUIDELINES

The Definition Of Public Participation

The public participation process is defined as "providing access to the decision-making process, seeking input from and conducting dialogue with the public." Access denotes having an opportunity to participate. Since access involves the time and location of meetings some citizens may be barred from participating by scheduling conflicts. If a community or neighborhood is low-income or working class a meeting held during working hours may prevent many people from participating. Working class and hourly wage earners do not have the same privileges as white collar professionals who have more control over their working hours. Blue collar workers typically cannot take time off from work for political involvement unless they use sick or vacation time. Low-income mothers may need child care in order to participate. Furthermore, transportation may be an issue, especially for residents in rural communities.

Although these may seem to be minor points I believe they may inhibit participation because of an implicit class bias. Rosenstone and Hansen argue that "[p]eople who are educated, efficacious, and socially involved take part in the activities of government more often than others."\textsuperscript{36} This occurs, in part, because better educated individuals have access to resources that are necessary for participation in political and public affairs. Rosenstone and Hansen define
resources as money, time, knowledge, skill, and self-confidence. Access includes time, location, and the economic resources necessary to enable participation. Because affluent individuals are in a position to hire others to care for their children, clean their houses, and attend to other details of daily life, they may have more time to participate in public meetings. Poor individuals, on the other hand, do not have the same luxury of time because they are struggling to survive. Thus, a lack of material resources may prohibit lower income persons from participating.

Although the guidelines state "responsible officials should make special efforts to encourage and assist participation by citizens representing themselves and others whose resources and access may be relatively limited" this does not guarantee low income persons will be given assistance to participate. First of all, this statement puts the burden for providing assistance on responsible officials. Not all officials are responsible. Second, "should" is a normative statement, not a requirement. Third, during the Reagan administration funds to states for public participation programs were cut which indicates participation programs are subject to partisan control. And finally, special efforts are not defined.
The People As The Public

Although the guidelines define the public as the "people as a whole," certain populations are explicitly identified as potentially having a special interest in specific programs or decisions. This includes private citizens as well as members of professional and civic organizations, government agencies and educational institutions, and elected officials.

While it is true that some groups may be more interested in participating because of an increased sense of political efficacy, there appears to be an implicit class bias in this requirement which may prevent low income, racial minorities, and women from participating. By making special efforts to involve established environmental groups, civic associations, and professional groups, low income citizens may be excluded. Direct outreach to individuals and organizations may result in over-representation of white, middle class individuals either in public meetings, hearings, or advisory groups.

Active involvement in voluntary organizations and associations promotes political activism. Low income people are generally under represented in professional and civic organizations and associations, including the traditional environmental groups. Research indicates that membership in mainstream environmental groups is primarily white and middle class. This is because many minorities
and low income citizens often prefer local, grassroots movements organized around environmental justice issues.\textsuperscript{40} Because of the frustration experienced by grassroots activists in their attempts to communicate with officials, many low-income women develop alternative policy processes based on principles of participatory democracy and inclusive strategies.\textsuperscript{41}

**Dialogue and the Decision Making Official**

Public participation includes "seeking input from and conducting dialogue with the public... assimilating public viewpoints and preferences, and demonstrating that those preferences have been considered by the decision-making official." There are several key issues contained in this statement that need further analysis. First, the term "dialogue" deserves further consideration. Dialogue is a process of communication, usually a conversation, where "ideas and opinions are exchanged in order to reach an amicable or agreeable settlement."\textsuperscript{42}

According to this definition dialogue assumes a non-adversarial process. Implicit in this definition is the assumption that parties involved in a dialogue will engage in the process with the intention of reaching agreement. However, the guidelines state that "[d]isagreement on significant issues is to be expected among government agencies and the diverse groups interested in and affected
by public policy issues." Because this model is founded on the assumption that disagreement can be expected, the process is implicitly informed by "a competitive model that locates the authority in the rational process of individuals." This contradicts the definition of dialogue which assumes a non-adversarial process. Basing procedures on the adversarial argumentative style as the preferred mode of public discussion may prevent "tacit and more grounded forms of knowledge" from emerging in the policy process. This point is important because this may constitute a form of domination which may inhibit the expression of emancipatory knowledge. Some cultural groups prefer narrative or storytelling as ways of conveying knowledge instead of argumentative and confrontational styles.

Typically low-income women represent the community while middle class white men represent government and industry. William Freudenburg and Susan Pastor suggest that "unseen assumptions about masculinity and femininity may play an important part in NIMBY/LULU debates." They argue that local leaders of grassroots groups who are usually women are often perceived as "irrational, emotional, or ill-informed" by government and industry officials.

Steven Rosenstone and John Hansen argue that gender, race, and language may impede political participation. Women and Blacks often experience an "ascriptive barrier" when attempting to communicate with white, male public
officials. This may reflect "implicit stereotyping" by "policy spokesperson and scientists" who are "overwhelmingly men."

Although the guidelines require that hearings be conducted in a manner that is conducive to public participation, hearings and public meetings can be intimidating to some women and racial minorities because of implicit stereotyping and the "ascriptive barrier" described above. Typically witnesses come forward and address a panel of officials from a podium with a microphone in a large room full of people. For someone who has never experienced this type of public presentation, or who lacks the self confidence necessary to present their point of view, the hearing may present a formidable obstacle to participation.

The way in which a meeting or hearing is structured (formal vs. informal) and the leadership style of the facilitator may impact the participation process. While the guidelines specify that meetings should not be conducted in a way to inhibit the free expression of views and values, the process may implicitly inhibit citizen's voices.

Facilitators may enhance or inhibit participation depending on the manner they use to conduct meetings or hearings. The use of a dialogic, narrative style instead of an argumentative, adversarial style may enhance participation and facilitate the discussion of public values.
Furthermore, dialogue assumes that people have the necessary skills to engage in public deliberation. Because these skills are usually refined through the process of higher education, many low income people do not have the requisite thinking and verbal skills to effectively participate in public discussion. Thus, opportunities for enhancing citizen's political capacities should be a primary component of an environmental justice strategy.\textsuperscript{50}

Another aspect of access involves the assumption that most people are literate and speak English. A California court recently ruled that many Hispanic residents of Kettleman, California were denied access to the public participation process under RCRA because public officials failed to translate documents into Spanish.\textsuperscript{51}

Finally, the guidelines imply that the "decision maker" has the final say on what decision will be implemented. Although the public should have an opportunity to have input into the decision process, express their preferences and views, the ultimate authority rests with the decision maker. Typically the decision maker is the government official responsible for state or federal environmental protection agencies.

This is problematic for two reasons. First of all, by relying on an individual decision maker who must assimilate and demonstrate s/he has considered public preferences, a power differential exists between the decision making
official and the public. The decision maker, although informed by the public, appears to act autonomously in the final analysis when determining which decision is best. By relying on an individual decision maker to make the best decision, the guidelines assume that the liberal political ideals of autonomy, independence, and separation are normative. These assumptions will be more fully explored in the next chapter.

Second, most environmental decisions are based on some variant of positivist theory. Positivism is anti-democratic because of the implicit assumption that once the individual analyst or decision maker discovers and knows the facts about the environment, "decisions will be almost automatic." If this is true, then public participation mechanisms may not be intended as truly public deliberative processes, but rather public relations events to maintain loyalty to the State to avert a mass uprising.

**Political Capacity**

According to political scientists Steven Rosenstone and John Hansen, and sociologist Robert Bullard, personal competence (or self-confidence) is a key determinant in political participation. Because members of marginalized groups, especially women, racial and ethnic minorities, and members of lower economic classes often suffer from "internalized oppression," the probability of public
involvement is less than for those individuals who have a sense of personal competence.

Berry, Portney, and Thomsen concur with this conclusion but expand the definition of efficacy to include a notion they call "capacity." Political capacity is defined as "the overall ability of an individual to take part in the political process." While efficacy usually implies a form of political self-esteem, capacity involves a broader range of dimensions than traditional theories of efficacy. These dimensions include

a practical dimension (the knowledge to know how to participate), a psychological dimension (the belief that one can influence the system), and an experiential dimension (the drawing of lessons from activity in politics that makes one believe it is worth participating).

Citizens need to know how to participate, know that their participation matters, and know about their participation by experiencing the process. However, not all citizens have the practical knowledge to know how to access the participation process, or have the self-confidence to know that their participation can make a difference. Without the requisite practical knowledge, citizens cannot gain knowledge about the worth of their experience. Thus, material barriers may seriously impact political capacity.

Berry, Portney, and Thomsen conclude that participation in face-to-face participation activities is positively correlated with increased knowledge about how to access
government services. Furthermore, as citizens develop a sense of empowerment in the psychological dimension, they are more likely to participate in face-to-face political activity. This sense of empowerment increases citizen's beliefs about their own effectiveness in influencing local government. However, the authors conclude that increases in political capacity are more pronounced, especially for lower socio-economic individuals, when a participation program is part of a citywide context.

Conclusions

In this chapter I have discussed the challenge of citizen participation by analyzing the guidelines for public participation programs in hazardous waste policy. I have argued that material/structural barriers may prevent many low-income and women from participating in the policy process. While procedural reform may alleviate some of the barriers to participation, this conclusion is tentatively advanced. The solution to the citizen participation challenge may require an emancipatory decision making process that incorporates other forms of knowledge, including emancipatory and interpretive knowledge. This knowledge, however, should not supplant scientific/analytic knowledge. In the next chapter I explore the epistemological challenge.
1. According to Max Weber, modern bureaucracies emerged as a result of the rationalization of society and the rise of industrial capitalism (Macionis, 1989).


3. Habermas, 1968, as quoted in Yankelovich, pg. 213.


7. Bailey, ibid., pg. 43.

8. Dye, 1981, as quoted in Bailey, ibid., pg. 44.


10. See Celene Krauss and Andrew Szasz. Both argue that women often become skeptical of government "protection" policies.


12. In his analysis of Habermas, David Held contends that

   While on the one hand the state has the task of sustaining the accumulation process, on
the other hand it must maintain a certain level of 'mass loyalty.' In order for the system to function, there must be a general compliance with the laws, rules, etc. Although this compliance can be secured to a limited extent by coercion, societies claiming to operate according to the principles of liberal, representative democracy depend more on the existence of a widespread belief that the system adheres to the principles of justice, equality, and freedom. Thus, the capitalist state must act to support the accumulation process and simultaneously act, as if to protect its image as fair and just, to conceal what it is doing. If mass loyalty is threatened, a tendency toward a legitimation crisis is established...The underlying cause of the legitimation crisis is, Habermas states rather bluntly, the contradiction between class interests: 'in the final analysis...class structure is the source of the legitimation crisis.' The state must secure the loyalty of one class while systematically acting to the advantage of another. As the state's activity expands and its role in controlling social reality becomes more transparent, there is a greater danger that this asymmetrical relation will be exposed. The state can ignore these demands only at the peril of further demonstrating its non-democratic nature.

13. Young, pg. 23.
15. Ibid.
16. Ibid.
17. Ibid.
18. 40 CFR, Chapter 1, §25.3(a), (July 1, 1992 edition).
19. 40 CFR, Chapter 1, §25.4 (b)1.
20. 40 CFR, Chapter 1, §25.4(b)4.
21. 40 CFR, Chapter 1, §25.4(b)4.
22. 40 CFR, Chapter 1, §25.5(c).
23. Ibid.
24. 40 CFR, Chapter 1, §25.5(a).
25. 40 CFR, Chapter 1, §25.4(d).
26. 40 CFR, Chapter 1, §25.5(d).
27. Ibid.
28. 40 CFR, Chapter 1, §25.5(3).
29. Ibid.
30. 40 CFR, Chapter 1, §25.6.
31. 40 CFR, Chapter 1, §25.7(a).
32. 40 CFR, Chapter 1, §25.7(c)(ii), pg. 290-291.
33. Ibid., pg. 291.
34. 40 CFR, Chapter 1, §25.7(c)(3)(iv), pg. 291.
35. 40 CFR, Chapter 1, §25.5(d).
37. Refer to Chapter Two.
38. Rosenstone and Hansen, pg. 84.
40. See Taylor, Dietz and Rycroft, and Krauss.
41. Fred Setterberg and Lonny Shavelson chronicle many of these struggles in their book, *Toxic Nation: The Fight to Save Our Communities from Chemical Contamination* (NY: John Wiley and Sons, 1993).
42. Websters, 1989.
43. Bower, C.A., ibid, pg. 28.
44. Bowers, ibid, pg.28.

46. Freudenberg and Pastor, pg. 53.

47. Rosenstone and Hansen, pg. 77-78.

48. Rosenstone and Hansen cite Verba and Nie, Participation in America as the source for the term "ascriptive barrier." I understand the term to mean that racial and gender characteristics may cause barriers to communication.


50. Support for this conclusion will be presented in the next chapter.


52. Portney, 1992, pg. 197.


54. Portney, Berry, and Thomsen, pg. 256.

Beyond defining environmentalism in a more inclusive way, emancipatory environmentalism brings epistemological issues to the forefront for critical analysis. Therefore, an analysis of the traditional and emancipatory environmental paradigms would be incomplete without uncovering their epistemological foundations. In this chapter I address the epistemological challenge, and argue that alternative forms of knowledge should be included in the decision making process. I discuss postmodern theories of alternative "epistemes," critiques of science, and discuss objectivist and standpoint epistemological and moral theories. I argue that the disinterested, detached position knowers assume in objectivist epistemology is similar to the moral standpoint required by Kantian ethics. This position may cause morally exclusive thinking. In contrast to the objectivist standpoint, feminist theorists have developed an alternative epistemological theory called "standpoint epistemology." I discuss standpoint epistemology and alternative moral theories.
The Epistemological Barrier

An "epistemological barrier" exists between experts and the lay public that prevents many citizens from participating in the decision making process.\(^1\) One of the consequences of this epistemological barrier is that many citizens develop a distrust of experts.\(^2\) Many hazardous waste siting controversies have been exacerbated by the seeming inability of experts to bridge the gap between their specialized scientific/technological knowledge and other forms of knowledge. These other forms of knowledge include what Michael Foucault calls "subjugated knowledges."\(^3\)

Subjugated knowledges are thus those blocks of historical knowledge which were present but disguised within the body of functionalist and systematizing theory and which criticism - which obviously draws upon scholarship - has been able to reveal.\(^4\)

In addition, Foucault argues that these knowledges have been placed low on the hierarchy of knowledge and disqualified as legitimate. He calls these subjugated knowledges "popular knowledge" which are not to be confused with common sense. Instead, subjugated knowledges represent "a particular, local, regional knowledge, a differential knowledge incapable of unanimity."\(^5\)

Numerous scholars describe the dominant epistemology, or "episteme" as objectivist, technicist, technical/analytical and technocratic.\(^6\) Despite the dominance of this epistemology other forms of knowledge,
including the subjugated knowledges described by Foucault and the interpretive and emancipatory forms of knowledge discussed by Habermas, exist as alternative epistemes. These "alternative epistemes are a possible source of escape from domination." But as Foucault notes, they may be uncovered through a process of deconstructing accepted ways of knowing. In the case of environmental policy, this involves a deconstruction of the objectivist/technicist episteme. This does not mean scientific and technical knowledge is not important in the hazardous waste policy process. The point is that we should integrate other forms of knowledge into the decision matrix. Other ways of knowing include interpretive and emancipatory knowledge including values, conceptions of justice, ethics, and other non-verifiable ways of knowing. Thus, the incorporation of alternative forms of knowledge may provide the balance of technical and value concerns intended by the authors of NEPA.

Benjamin Goldman supports this conclusion and argues that environmental injustice is caused, in part, by the limits of scientific positivism. In a report prepared for the National Wildlife Federation, Goldman makes states his conclusion clearly:

- Concern for environmental justice means that the kinds of scientific data and uncertainty involved in all types of environmental analysis must be viewed within the context of varying perceptions and values. While traditional scientific methods strive for objective results that can pass accepted standards of scientific proof, the
goals of fairness and justice that are demanded by environmental justice advocates are inherently subjective, multifaceted, and vary from case to case. This challenge to scientific positivism is part of the long-term trend of increasingly widespread public distrust of scientific and institutional authority.

Goldman argues that the problem cannot be remedied by the current risk methodologies used by EPA. This is because traditional scientific positivism separates facts from values. Facts are considered knowledge while values and judgments are not. As we saw in Chapter Two, community residents often discuss values while technical experts discuss facts. What Goldman recognizes is that environmental justice requires an alternative form of decision making that can accommodate public deliberation about justice and equity. In the next section we shall see that the traditional rational decision model is limited in its ability to accommodate concerns about justice.

Research methodologies that exclude explicit values discussions, argues Beverly Wright, cause many community residents to conclude that experts and researchers cannot be trusted because they fail to establish "a human relationship with their study group." Wright assumes that the discussion of values may strengthen the expert-citizen relationship. Margot Garcia supports this conclusion by stating that "[b]uilding support comes from understanding the local community and responding to their world view." In order to build bridges between scientific expertise and
subjugated knowledges, Wright concludes "[w]e must foster mutual respect for different ways of knowing." If Wright's conclusion is correct, then fostering respect for different ways of knowing and developing inclusive strategies in environmental decision making should be a priority for EPA. Before inclusive strategies can be developed, however, the underlying ethical and epistemological assumptions of objectivism and standpoint theories will be critically examined.

Objectivist Epistemology

Daniel Yankelovich, author of Coming to Public Judgment, argues that a Culture of Technical Control dominates the public realm, thus "undermining the country's ability to reach agreement between the public and experts on the serious problems that beset society." The Culture of Technical Control, according to Yankelovich, operates from many assumptions. While these assumptions are too lengthy to list here, several are relevant to the discussion and will be mentioned.

These assumptions are as follows: policy decisions require a high degree of specialized knowledge and skill. Only experts possess this knowledge. The American public lacks the relevant knowledge to participate in policy decisions and are concerned with economic self-interest, if they are interested at all. On issues that require public
involvement, such as hazardous waste and other environmental issues, it is assumed that "public education" programs can facilitate public understanding.14

Yankelovich argues that the objectivist epistemology is the dominant episteme in the Culture of Technical Control. One of the characteristics of objectivist epistemology is the separation of facts from values. Facts are considered genuine knowledge while value judgments are considered emotional responses to conditions of life that cannot be verified as truths. To count as objective knowledge, claims must be verifiable by scientific methods. It is not possible to establish the truth validity of a value judgment.15 Emotions and values have long been considered subversive in the Western tradition and associated with women and members of non-dominant groups.16

Values and emotions are considered invalid ways of knowing within the dominant epistemological paradigm based on rationalism (pure reason and logic) and empiricism (observation by experience). One of the key differences between rationalist and empiricist epistemologies is in the function and value of the deductive as opposed to the inductive inferential process. Within the rationalist epistemological paradigm knowledge is constructed using principles of formal logic and mathematics, from first principles which are known to be true a priori, or before experience. Formal logic and mathematics are deductive.
Thus, if the premises are true the conclusion has to be true. Deductive arguments are valid arguments.

Inductive arguments are considered cogent if the premises are acceptable. Inductive arguments require that judgment be exercised in the inferential process. The premises are carefully evaluated and weighed globally against other knowledge claims. The inductive process is a deliberative process of evaluating and questioning premises.

It is at this point in the inferential process that judgment is exercised. One of the assumptions of the Culture of Technical Control is that citizens do not have the required knowledge to participate in policy decisions. While it may be true that citizens do not have access to the same facts as experts, if values were considered valid knowledge, then the conclusion that citizens do not have adequate knowledge to participate in the decision making process would be invalid.

Value judgments, however, cannot be verified through "intersubjective verifiability,"17 a key requirement of objectivism. This aspect of objectivity specifies that one can obtain more evidence for a statement and, hence put the claim on more solid epistemological ground by asking others what they observe and experience under conditions similar to the conditions under which the original observation is made. If an observer observes the same set of premises as the original observer, then those observations should lead to
the same conclusion. Since value neutrality fulfills one of
the aspects of objectivity within the objectivist paradigm,
it is assumed that evaluation of premises does not occur in
the inferential process since all premises lead to the same
conclusion if we accept them as verifiable, hence empirical
facts. But the inferential process is not value free. The
very process of accepting some premises and rejecting others
involves making value judgments.

Reason and emotions, mind and body, facts and values,
public and private, theory and practice are separated into
two distinct realms within the modern worldview that informs
the traditional decision making model. This theory
provides the foundations for the epistemological assumptions
of positivism and neo-positivism that inform liberal
political theory. Basic to liberal political philosophy is
the assumption that human beings are morally and
epistemologically separate from one another. Within
liberalism it is assumed that humans make moral decisions
and create knowledge as separate and autonomous individuals.
This assumption influences both epistemological and moral
standpoints and may not seem problematic if we accept the
basic premises of separation and autonomy as normative. But
if we question the validity of separation and autonomy as
normative moral and epistemological standpoints, the
objectivist paradigm begins to crumble.

The detached standpoint required by objectivist
epistemology shares many similarities with the objectivist standpoint found in the ethical theory of Immanuel Kant. In the next section, I discuss the objective moral standpoint.

**Kant and the Objective Standpoint**

Kant's ethical theory of the categorical imperative provides the basis for deontological, or rule-based ethics. In *A Groundwork for the Metaphysics of Morals*, Kant argues that an objective standpoint is necessary in developing moral principles. Ethics, according to Kant, cannot be based on emotions because of their subjective contingency. Autonomous reason, according to Kant, provides a basis for supreme morality. Kant calls objective principles "commands of reason" and their formulas imperatives. An imperative can command hypothetically or categorically. Hypothetical imperatives guide actions that lead a desired end. Categorical imperatives are universal commands that guide actions that are morally necessary irrespective of one's goals or desired ends. According to this theory, moral decisions should be made "as if" whatever moral decision we make would become a universal law. Thus, Kant's theory is a universalizing theory that strives for moral absolutes.21

There are several problems with Kant's theory. First of all, the standpoint from which the moral agent makes moral decisions is free from the context of particular historical,
social, and cultural conditions. Thus, this objectivist standpoint requires that principles guiding moral and ethical decision making be developed from an impartial point outside the social context. This is often referred to as the "Archimedean standpoint" which is the goal of positivism and deontological moral theory. The assumption here is that all individuals will reason from the same standpoint. Thus, Kantian morality assumes moral reasoning occurs from an abstract, impartial standpoint free from the particular and subjective contingencies of social and historical context.

The second area where Kant's theory is problematic is with the role of feelings and emotions in moral decision making. Kant believes human feelings are inferior to reason because feelings are subjectively contingent. Kant argues that emotions belong to the sensible world while reason belongs to the intelligible world. Emotions allow us to "know objects only as they affect ourselves." Thus, feelings allow us to know how things appear, not as they are as things in themselves. Implicit in this statement is that emotions cannot be considered valid knowledge.

Freedom, according to Kant, can only come from being independent of the vagaries of the sensible world which includes feelings and emotions. Freedom is thus associated with reason. Because emotions and feelings are variable, they cannot be verified and are not considered valid grounds for making moral decisions. According to Kant, moral
decisions are made by reasoning.

The objective moral standpoint required by Kantian ethics has been considered normative by social psychologists. Lawrence Kohlberg concluded that the disinterested standpoint was normative after conducting research on the moral development of male college students at Harvard. Kohlberg argued that the highest stage of moral development occurs when a moral agent makes decisions according to a set of rules. This moral standpoint assumes the moral agent is autonomous and impartial, not subject to the influences of emotions, values, or subjectively contingent conditions. The moral actor applies universal rules without any consideration of the nuances of the situation. As we saw earlier, Goldman argues that a requirement of environmental justice is that the decision making process be a subjective and multi-varied process. This requires a different moral and epistemological standpoint than that required by objectivist epistemology and deontological ethics.

The problem, however, is not with the standpoints, per se, but with the fact that they are considered normative. Women and people of color often make moral decisions and create knowledge from another standpoint, as we shall see in the next section.
Standpoint Epistemology

Feminist theories of standpoint epistemology are premised on the belief that knowledge is socially constructed and is informed by one's position in society. According to this theory, gender, social class, everyday experience, and history influence knowledge construction. This theory of knowledge is influenced by Marx's theory of historical materialism. Standpoint theory posits that everyday experiences have political consequences.

The premises of standpoint epistemology are:

1. One's material life structures and limits one's understanding of life.
   2. Members of more powerful and less powerful groups will potentially have inverted or opposed understandings of the world.
   3. Dominant group view will be 'partial and perverse' in contrast to the subordinate groups view, which is potentially more complete.
   4. Less powerful groups standpoint has to be developed through education, presumably consciousness raising, or the disadvantaged are likely to accept their society's dominant worldview.

The development of "conscientização" or critical consciousness is an important aspect of standpoint theory. From a critically conscious standpoint, an individual can perceive contradictions inherent in political, social, and economic relationships. If Foucault is correct, the presence of subjugated knowledges emerge through the process of critical social analysis. Because knowledge is created through experiences that are shaped by social, cultural, and
political institutions, the knowledge that comes from one's standpoint is potentially emancipatory knowledge. The purpose of emancipatory knowledge, according to Habermas, is "to make people free, to emancipate them mentally from false forms of consciousness, ideology, prejudices, and mental coercion." This "critical consciousness" occurs at a point of epistemological development called "constructed knowing."

Research by feminist psychologists indicate that this epistemological standpoint is significant for women for several reasons. Questioning and problem solving are integral components of knowledge development at this point because knowers at this stage of epistemological development often question the status quo and develop radical political critiques of social conditions. Research by Celene Krauss and Andrew Szasz indicates that women who become involved in toxic struggles are often politically transformed by their experiences.

At the position of constructed knowing, knowers move beyond "either/or" or exclusionary thinking. Thinking exclusively can lead to exclusive actions. Exclusive thinking has political consequences because it can lead to incomplete social analysis resulting in poor social policy "that reproduces, rather than solves, social problems." By "shifting the center" of knowledge from the perspective of dominant groups to oppressed groups our thinking is
changed from being "exclusive" to "inclusive."

Exclusive thinking has moral as well as epistemological consequences. Susan Opotow describes morally exclusive actions as occurring "when individuals or groups are perceived as outside the boundary in which moral values, rules, and considerations of fairness apply." In contrast to moral exclusion, she refers to moral inclusion as occurring in relationships in which the parties are approximately equal, the potential for reciprocity exists, and both parties are entitled to fair processes and some share of community resources.

Morally inclusive and exclusive thinking are important to this discussion because of the standpoint each position implies. A morally exclusive standpoint is one in which the knower assumes a disinterested or impartial position, thus enabling him or her to exclude individuals, groups, or non-human nature from moral consideration. This is the standpoint required by objectivist epistemology. By developing a moral boundary that excludes some groups from consideration, it is easier to implement unjust policies. Thus, the impartial, disinterested epistemological and moral standpoint required by objectivist epistemology may actually be a requirement for success in an advanced capitalist society. If this is true, then this moral and epistemological standpoint is a social, historical, and cultural construction, not a universal condition of moral
maturity. It may be normative, but it may not be normal.

Morally inclusive thinking requires reciprocity, equality, fairness, and connection. Moral decisions are thus made from a situated standpoint. In the next section I discuss the situated moral standpoint.

The Situated Moral Standpoint

Feminist moral philosophers and ethicists have raised several criticism of traditional ethical theories, including deontological ethics. Feminists question the norms of rationality, universality, impartiality, and abstraction. While there is much debate in feminist circles about what constitutes feminist ethics, it appears that generally feminists argue for a morality that values particularity, emotions, partiality, and actual vs. hypothetical situations. Emphasis is placed on our responsibilities to relationships instead of on the application of rules. Since relationships are valued, moral reasoning often takes place through a discursive, dialogic process which contrasts with the "monologic" moral reasoning required by Kantian ethics.

Joan Tronto argues that since the eighteenth century the moral point of view has become a standpoint of "disinterested and disengaged moral actors." Prior to that time, the situated moral standpoint was once an integral part of community life. When the disinterested standpoint
became the norm, morality came to exist in an abstract world beyond home and community. Although local variations in moral decision making were once considered normative, as a consequence of the universalization of morality, Tronto argues, "local variations in moral decision-making were viewed as inferior to depersonalized rational thought." Thus, the engaged, contextual moral standpoint, influenced by local knowledge, habits, and customs was replaced by a standpoint of the disengaged, depersonalized rationality of Kantian ethics. Tronto argues that the engaged, contextual moral standpoint has historically been found in those groups who care for, care about, and take care of others. The work of Cortese and Gilligan support her conclusion.

Caring is defined as "a species activity that includes everything we do to maintain, continue, and repair 'our world' so we can live in it as well as possible. That world includes our bodies, our selves, and our environment." Caring work is divided along gender, racial, and socio-economic lines. The context of caring work is informed by the feelings and emotions of those engaged in the caring activity. Thus, caring activity requires a situated standpoint. But since emotions are considered inferior to reason, the situated moral standpoint has been marginalized as well as the people who typically adopt this moral standpoint: women and people of color.

Critical theorist Jürgen Habermas has written
extensively on the role of discourse in moral reasoning. Habermas calls this "discursive ethics" and argues that "only in a discursive context can moral capacities develop fully." Because moral capacities develop more fully within a discursive context, Habermas proposes a seventh stage of moral development that goes beyond the Kantian stage of deontological ethics standpoint of moral reasoning from an abstract, unsituated position. Habermas proposes a seventh stage of moral development based on an "ideal speech situation" free from domination. Discursive ethics are dialogical and assume that discussions about needs and interests will take place by historically and socially situated individuals. The way in which values and assumptions are made explicit is through a discursive process in a situated, relational, context. Thus, Habermas's theory of a communicative ethic may foster morally inclusive thinking since morally inclusive thinking requires reciprocity, equality, and fairness which occurs in a relational context between individuals who are historically, socially, and culturally situated.

According to Lorraine Code, this epistemic context is best captured in a narrative style. The integration of emotions are integral because through the narrative process of telling our stories we come to understand others. If understanding is important in the facility siting process, as stated by the guidelines, then this may be best
accomplished by a narrative process that incorporates interpretive and emancipatory knowledge. But both of these forms of knowledge assume a situated standpoint. Similar to the epistemological and moral standpoint of objectivism, the situated standpoint has both epistemological and moral implications.

Social psychologists working in the area of moral cognition provide support for Tronto's conclusion that a caring, connected moral standpoint is not, in fact, inferior to the Kantian standpoint. Carol Gilligan and Anthony Cortese discuss the importance of the contextual, relational approach to moral decision-making.

Gilligan discovered that a different moral voice often emerges when women make moral decisions. This "ethic of care" occurs within the context of relationships, in contrast to the impersonal application of deontological or rule-based ethics. Because moral problems are problems of human relations, Gilligan concludes that "relationship requires connection" and "depends not only on the capacity or the ability to listen to others and learn their language or take their point of view, but also on having a voice and having a language." I believe Gilligan means women must feel free to speak the language of emotions.

As I argued in the last chapter, women are often frustrated in their attempts to communicate with technical experts. While women and people of color approach toxics
issues from a perspective of care, experts approach the situation from a detached standpoint because this is considered the norm. Furthermore, experts often stereotype both women and people of color as emotional or hysterical. Consequently, the ability to understand the perspectives, interests, values, and world views of community members is truncated by the requirements of objectivism and stereotyping. As I noted earlier, overcoming this challenge requires building trust. Trust and justice require a relational, situated, and caring context for making decisions.

Cortese studied the moral decision-making of minority groups and argues that "relationships provide the context and basis for any type of justice, any code of moral principles for which we live." Although justice is something we may understand as a concept, it is through the practice of justice that we become moral. And Cortese concludes that "if we have no deep sense of relationship, we may have a conceptualization of the highest level of justice, but we will not be moral." If Cortese is correct, then environmental justice may require that we adopt a situated moral standpoint when making environmental decisions.

Conclusions

In this chapter I argued that the dominance of the
objectivist epistemology and the Kantian moral standpoint present challenges which must be overcome if we are to achieve the goal of an environmentally just decision making process. By integrating the subjugated knowledges of local citizens into the decision making process in substantive ways, the epistemological challenge may be overcome. This may require more than mere procedural reform of the guidelines for public participation. While changing procedures may facilitate positive changes, other challenges must be met. In the next chapter, I discuss the public values challenge.
ENDNOTES


4. Ibid.

5. Ibid.


12. Ibid.

14. Ibid.


19. Ibid.


22. Ibid, pg.118.


27. Habermas as quoted in Yankelovich, 1990, pg. 213.


32. For example, see Joan Tronto, 1994; Rosemarie Tong, 1993; Alison Jaggar, 1989; Carol Gilligan, 1982.


36. Ibid, pg. 10.

37. Ibid, pg. 103.


39. See Buege.

40. Gillian, Carol, *In a Different Voice* (Cambridge, MA: Harvard University Press, 1982.)

41. Cortese, ibid, pg. 157.

42. Ibid, pg. 158.
CHAPTER SIX

THE TECHNICAL CONSIDERATIONS AND PUBLIC VALUES CHALLENGE: DEFINING ENVIRONMENTAL JUSTICE

Although environmental justice is an important principle, recent debates between environmental justice advocates and EPA officials skirted philosophical discussion. Consequently, environmental justice has a variety of meanings depending on the context of discussion. The failure to explicitly discuss environmental justice may exacerbate the problem of environmental injustice because environmental justice has a variety of meanings depending on the context of discussion.

In this chapter I discuss the conceptions of justice that represent the EPA and environmental justice advocates. I argue that the EPA position is informed by the objectivist moral and epistemological assumptions discussed in the last chapter. The environmental justice position incorporates standpoint moral and epistemological theories. The best articulation of this position can be found in the Seventeen Principles of Environmental Justice.

First, I explore the history of the debates between EPA and environmental justice advocates. I then discuss the EPA position and argue that the Kantian-Rawlsian standpoint
implicitly informs this position. Second, I discuss and analyze the Seventeen Principles of Environmental Justice.

**The EPA Position**

In January, 1990 a conference on race and the environment was held at the University of Michigan, Ann Arbor. A coalition of scholar-activists, 'the Michigan Coalition,' emerged from the conference. The newly-formed coalition sent memos to Louis Sullivan, Department of Health and Human Services; William Reilly, Environmental Protection Agency; and Michael Deland, Council on Environmental Quality. The memos expressed concern over what the Coalition viewed as disparate impacts experienced by low-income and minority communities in the placement of polluting facilities. Other state and federal government officials received copies of the memo, including the Congressional Black Caucus. The Michigan Coalition requested meetings with agency officials to discuss various dimensions of the environmental problem.

In response to the demands made by the Coalition, an entire issue of the *EPA Journal* was devoted to the topic. In the journal, William Reilly framed the issue as an environmental equity issue.

Environmental equity means fairness. It speaks to the impartiality that should guide the application of laws designed to protect the health of human beings and the productivity of ecological systems on which all human activity depends.
On September 13, 1991 members of the Michigan Coalition met with then EPA Administrator, William Reilly. The meeting was held in response to the memos sent to Reilly. In order to determine if the allegations of environmental racism made by the Coalition were valid, William Reilly formed "an internal workgroup to study and report to him on the issues raised at the Michigan conference."5

Comprised of forty professional EPA employees, the purpose of the workgroup was to investigate the charges that EPA's rules were applied unfairly in certain communities and to make recommendations to Reilly on how to remedy the situation.6 The workgroup's report, Environmental Equity: Reducing Risk For All Communities, was released internally early in 1992. The public, however, did not have access to the report until June, 1992.

While the Environmental Equity report acknowledged that differences in exposure to environmental risks are real, the Workgroup attributed the differences to "historical patterns of commerce, geography, state and local land use decisions and other factors that affect where people live and work."7 The group could find no irrefutable empirical evidence to support claims made by activists that minority communities were targeted for unwanted facilities. Instead of framing the issue as a justice issue, the Workgroup followed Reilly's definition of the problem as "equity."
The rationale given for choosing the term "equity" instead of "justice" was because it [environmental equity] most readily lends itself to scientific risk analysis. The distribution of environmental risks is often measurable and quantifiable. The Agency can act on inequities based on scientific data. Evaluating the existence of injustice and racism is more difficult because they take into account socioeconomic factors in addition to the distribution of environmental benefits that are beyond the scope of this report.8

The Equity Workgroup thus viewed environmental equity as quantifiable using scientific risk analytic methods. These methods are informed by the objectivist epistemology discussed in the last chapter. However, this methodology is limited because it does not incorporate values into the decision process except at the point where inferences are made. The public is not included in the decision process at the point where inferences are made. Furthermore, values cannot be quantified.

Rather than discussing various conceptions of justice and agreeing on principles of environmental justice to guide the Environmental Protection Agency, the Workgroup decided against adopting a single philosophy of justice or equity.9

While Reilly called for the impartial application of rules in order to remedy the equity problem, former EPA Administrator William Ruckelshaus argued in an article published in 1985, that "the values and assumptions that underlie those [environmental] decisions must be made
manifest." But, this is a limitation of the traditional
decision making model as was discussed in Chapter Four.

Modern welfare economic theory provides the basis for
the traditional model of decision making. Within this
paradigm

individual decision makers - whether a single
manager, an agency, or a nation-state - will
make decisions that maximize their own
welfare. Self-interest, narrowly defined,
produces the best decisions and, added
together, all self-interested decisions
result in the maximum welfare for the entire
society.11

The traditional model is informed by utilitarian
theory12 which assumes that achieving maximum welfare for
the entire society usually involves disproportionately
burdening a minority of the population. Utilitarians justify
the imposition of a greater risk burden on one group if the
imposition maximizes benefits for a larger group. However,
moral questions arise when imposing burdens onto a group.
Were they given an opportunity to participate in a
substantive and meaningful way in the decision process?13 In
Chapter Four I argued that the public participation
guidelines exclude many citizens from the process because of
structural barriers. The Emelle case, discussed in Chapter
Three, supports the conclusion that without a real and
meaningful opportunity to participate, the imposition of
hazardous waste is thus immoral and unjust.

Both the Emelle case and the Love Canal case show that
decisions made from a self-interested position do not
necessarily contribute to the well-being of the entire society. As Bailey notes, externalities are generally ignored when using the traditional model because they occur outside the frame of reference of the decision maker. When using this model as the basis for making environmental decisions, the negative costs imposed on a community when a policy is implemented may not be calculated into the decision matrix. If the social costs of a decision are not considered and the decision has negative impacts, then questions of fairness and justice arise. However, within the traditional model "[s]ocial equity is a fundamentally different goal, and it is an anomaly unless it can be shown to be cost-benefit efficient." Thus, the traditional model is not designed to consider questions of fairness or justice.

**Rawlsian Justice**

The position taken by the EPA under William Reilly share some similarities with the welfare liberal conception of justice. This theory of justice was developed by John Rawls in his book *A Theory of Justice* published in 1971. The basis of Rawls' is referred to as "contractual fairness." It is anti-utilitarian. Rawls argues that fair distribution in economic opportunities and social conditions should be based on "justice as fairness". Distribution of benefits are fair if principles of justice are chosen behind
a "veil of ignorance" from an "original position" where all participants are equal. Rawls describes the original position "as a purely hypothetical situation characterized so as to lead to a certain conception of justice." In the original position, a person does not know his/her race, class or gender, what position in society s/he holds, or what talents and abilities s/he possesses because the "veil of ignorance" prevents them from a subjective perspective. It is only in this position, Rawls argues, that a fair conception of justice can be agreed upon by the members of society.

Rawls was influenced by Immanuel Kant. In Chapter Five I discussed Kant's categorical imperative in more detail. Since it provides the basis for Rawls's theory of justice, I will briefly review the key points. Kant argued that humans should act rationally when making moral decisions. Rationality, from the Kantian perspective, requires the moral agent to assume an objective, disinterested, autonomous standpoint. From this standpoint, moral decisions are made based on a principle of impartiality. According to Rawls's theory moral decisions are made behind a "veil of ignorance." Behind this veil "all will reason from identical assumptions and the same universal point of view" as "rational and disinterested persons" not taking an interest in one another's interests." Critical theorists, influenced by the work of
intellectuals from the Frankfurt School, argue that "there is no such thing as an objectively neutral or disinterested perspective." As we saw in the last chapter values and assumptions are made explicit is through a discursive process.

Current participation procedures and the impartial application of rules advocated by Reilly truncate the possibilities for a truly discursive, deliberative process were public values can be discovered. This is because of the limitations of the methodologies used by EPA, the processes used to make decisions, and more fundamentally, the epistemological and moral standpoints these methodologies and procedures require.

In the last chapter I discussed the positions of environmental justice advocates who argue that environmental justice requires a subjective, contextual approach. Current debates in moral theory revolve around the "care" versus "rule" orientation of the Rawlsian theory of justice. In the next section I will examine the Seventeen Principles of Environmental Justice and present arguments that justice requires a moral standpoint of care.

The Seventeen Principles Of Environmental Justice

The First People of Color Leadership Conference was held in Washington D.C. in October 1991. The conference drew participants from all over the country. Seventeen Principles
of Environmental Justice emerged from the conference (See Appendix A). The principles outline the basic tenets of the emerging emancipatory environmentalism from the perspectives of environmental justice advocates.

Under the sponsorship of the United Church of Christ, the Michigan Coalition organized another conference held during October 1991. The First National People of Color Environmental Leadership Conference was held in Washington, D.C. Seventeen Principles of Environmental Justice were adopted by participants at the First People of Color Leadership Conference. These principles articulate the basic tenets of the emerging emancipatory environmentalism from the perspectives of environmental justice advocates (see Appendix).

Themes from the Seventeen Principles of Environmental Justice include the spiritual connection and interdependence of all peoples to the Earth; the importance of sustainable development; respect and justice for all peoples in public policies; protection from nuclear testing and disposal of toxic waste; the right to self-determination of all peoples; the right to participate in decision making as equal partners; and the necessity of reprioritizing our lifestyles by limiting consumption.

Spirituality plays an important role in emancipatory environmentalism. This indicates represents a key ontological difference between the emancipatory and
traditional paradigms. The first principle of environmental justice which states that the earth has sacred value and all life is interconnected in ecological unity. Because life is considered to be interconnected, this principle differs from the Cartesian ontology that informs traditional environmentalism.

Another significant principle of environmental justice recognizes the importance of equal participation in the decision making process based on mutual respect for all peoples. Thus, a further challenge to citizen participation is the inclusion of various cultural, epistemological, and ethical standpoints.

Since environmental justice assumes interdependence and interconnection, then traditional decision making techniques based on the assumptions of disinterest, separation, and autonomy of decision makers are fundamentally flawed. This means that Kantian-Rawlsian theories of justice and ethics will not work as theories of environmental justice or ethics.

In the next section, I discuss other theories of justice.

Other Theories of Justice

Wenz proposes a theory of environmental justice that is based on a "concentric circle theory." The concentric circle theory proposes that "the closer our relationship is
to someone or something, the greater our number of obligations in that relationship." This is a gross oversimplification of Wenz's theory, but the point I wanted to make is that Wenz views environmental justice as arising out of our relationships with others - both human and non-human nature. Within the context of relationships we can make decisions about our responsibilities to the environment.

Wenz argues that Rawls's theory is not practical because people are not equal in power, some people can coerce others using resources, and people know what they have. Wenz argues that Rawls's theory is not practical because people are not equal in power, some people can coerce others using resources, and people know what they have. Although Wenz does not explicitly argue for a culturally specific theory of justice, he does note that differences in social position can impact moral decisionmaking.

Both Gilligan and Cortese discuss the importance of relationships in moral decision making. Cortese argues that "[r]elationships provide the context and the basis for any type of justice, any code of moral principles for which we live." Although we may understand justice as a concept, unless justice is something we practice in relationships with others, it is merely a set of empty mathematical, reified formula...[i]f we have no deep sense of relationship,
we may have a conceptualization of the highest level of justice, but we will not be moral.29

Gilligan argues that women make moral decisions from an "ethic of care" that occurs within the context of relationships in contrast to the conception of morality as developing from the impersonal application of rules.30 Since all of us exist in relationship to our environment, then adopting a caring perspective is preferable to a rights approach in developing a theory of environmental justice.

Wenz criticizes Rawls's theory of justice from an environmental perspective. His conclusions are similar to those developed by Cortese and Gilligan in some ways. But a major difference between Gilligan and Cortese's positions and Wenz's theory is the fact that Wenz's theory is explicitly ecocentric. While Cortese and Gilligan argue that justice is process-oriented and contextual, none of these theorists argue that the environment is a part of the moral community. Thus, Wenz's theory provides us with an ecocentric theory while the other theories are anthropocentric.

Thus far, I have argued that Rawls's theory is inadequate as a theory of environmental justice because of the standpoint it requires. While the Seventeen Principles of Environmental Justice do not explicitly suggest justice requires a relational context, I argue that because of the ontological assumption of interconnection a relational context is implicitly suggested.
Gilligan, Cortese, and Wenz argue that a relational context for making decisions about justice is preferable to the impartial applications of rules. Their positions are supported by Aristotle. Aristotle argues that justice is "another's good." Justice thus requires we consider how others will be affected by our decisions. This implies that decisions about justice are made within the context of relationships. Because environmental justice requires a relational approach, Aristotle's theory of justice may thus serve as a more adequate theory of environmental justice than does that of John Rawls.

**Conclusions**

The position taken by the EPA under the leadership of William Reilly appeared to share many similarities with Rawls's theory of justice. I have argued that Rawls's theory is inadequate as a theory of environmental justice for environmental decision making if we assume the interdependence of all living things, and the tendency for humans to care about and for one another.

Aristotle's principle of justice as "another's good" may present us with a more adequate theory of environmental justice for environmental decision making. This is because environmental justice requires a situated perspective where emotions and the ability to reason are valued as necessary components of a just decision process. An environmental
justice decision making process should thus allow for the subjective, contextual, and specific perspectives of historically situated subjects in specific geographic locations. To base environmental policies on a theory of justice that assumes a universal moral perspective is flawed because of fundamental differences in the ontological assumptions of traditional and emancipatory environmentalism.

Within the emancipatory environmental paradigm, citizens have both a right and a responsibility to participate as fully functioning moral and intellectual humans in the environmental decision making process. In the next chapter I address the rights and responsibilities challenge by arguing for the creation of neighborhood environmental justice centers. Similar to the Greek *polis*, neighborhood centers could serve as a public place where community residents could develop their citizenship skills in a local, neighborhood setting.
ENDNOTES

1. This term was used by Robert Bullard in personal conversations (October, 1993 to February, 1994) to describe the group of scholar-activists who kept the environmental equity/justice issue on the national political agenda.


3. These issues included: 1) Undertaking research towards understanding the environmental risks faced by minority and low income communities, 2) Initiating projects to enhance risk communication targeted to minority and low-income population groups, 3) Requiring, on a demonstration basis, that racial and socio-economic equity considerations be included in Regulatory Impact Assessments, 4) Ensuring that a racial and socio-economic dimension is overlaid on present and future geographic studies of environmental risk, 5) Enhancing the ability of "historically black colleges and universities" (HBCUs) and other minority institutions to participate in and contribute to the development of environmental equity, 6) Appointing special assistants for environmental equity at decision-making levels within agencies, and 7) Developing a policy statement on environmental equity. Bryant, Bunyan and Mohai, Paul, "The Michigan Conference: A Turning Point," EPA Journal. March/April 1992, vol. 18, no. 1, pg. 10.


5. Ibid.


8. Ibid.

9. Ibid.
10. Ruckelshaus, 1985, pg. 35.


12. According to Bellah, et al, (1991:28) cost-benefit analysis "is the classic formula of welfare economics, as it is of philosophical utilitarianism, the intellectual parent of economics."


14. Externalities are costs that are incurred to individuals or society as a whole as a result of an action. When Hooker Chemical dumped hazardous waste in Love Canal it externalized the cost of waste disposal.


17. Rawls expands the social contract theory of Locke, Rousseau, and Kant.

18. Although I just argued against a utilitarian model of decision making, I do not think Rawls's theory of justice provides us with an adequate model for environmental decision making.

19. Rawls, pg. 11.


29. Cortese, pg. 158.


31. See Aristotle, *Nicomachean Ethics*. 
CHAPTER SEVEN

AN EMANCIPATORY ENVIRONMENTAL JUSTICE STRATEGY

In this study I analyzed the epistemological and ethical assumptions of the traditional environmental decision making model, and showed that the model excludes substantive participation by low-income and minority citizens. I argued that the traditional model is inadequate because it excludes citizens on two levels: structurally and epistemologically. Structural exclusion occurs because access to the necessary material resources for participation in the process are shaped by class, gender, and race relations. This exclusion is exacerbated by epistemological and ethical assumptions that assume the white, male perspective is normative. Thus, fundamental changes in the epistemological presumptions of current public participation procedures and environmental policies are necessary if the goal of environmental justice is to be achieved.

In conclusion, I review the four challenges discussed in the previous chapters.

Technology And The Public Values Challenge

Environmental justice advocates argue that the
processes used to make siting decisions are unfair and contribute to a disproportionate burden of regressive impacts in low-income and poor communities. I have shown that the current model does exclude women and minorities on two levels.

Procedural fairness, as defined by environmental justice advocates, is a deliberative process of decision making based on principles of participatory democracy. An emancipatory model integrates different types of knowledge and ways of knowing into the decision process. An emancipatory decision making model is premised on the belief that justice arises from a discursive process that occurs within the context of relationships. To achieve the goal of an environmental justice in decision making, many changes will need to occur, including changes in the public participation guidelines, and changes in the relationships between EPA officials and community residents.

Furthermore, explicit discussion about what constitutes environmental justice needs to take place as part of the environmental decision making process because there appears to be confusion about the meaning of the term. This definition could then serve as a heuristic guide, or guiding principle, throughout the decision making process. The decision making process would thus be a hermeneutic process.
The Epistemological Challenge

I argued that an emancipatory decision process requires recognizing the validity of alternative epistemologies, thus integrating other ways of knowing in the environmental decision making process. An emancipatory decision making model would attempt to balance subjectivity and objectivity, facts and values, reason with emotion. Within this decision model, all participants would be considered equals. Expert knowledge and lay knowledge would be valued equally, thus dissolving the epistemological barriers that prevent substantive participation.

Since the current process implicitly excludes women and minorities, then programs should be developed that are sensitive to the forms of expression that develops the "voices" of women, minorities, and low income citizens. This means the format of public meetings and hearings will need to be changed in order to facilitate a deliberative policy process that is open and honest and encourages the expression of values and emotions.

The Challenge Of Public Participation

Research by Berry, Portney, and Thomson suggests that as citizens develop a sense of empowerment, they are more likely to participate in face-to-face political activity. This sense of empowerment increases citizen's beliefs about their own effectiveness in influencing local government.
Other research suggests that citizens are more likely to support the outcome of the distributive decision making process when they have the opportunity to express themselves.¹

Lind and Tyler argue that

The value that citizens attach to voice suggests that political allegiance is enhanced by allowing open argument about government policy. Allowing citizens to express their opinions and disagreements leads to feelings that fair process has occurred in decision making, promoting diffuse support for the political system.²

This supports the conclusion that public participation programs are more likely to be considered legitimate if they offer citizens real opportunities for involvement in the policy process. To insure real legitimacy, however, citizens should have the authority to veto corporate decisions that violate accepted principles of environmental justice.

Since lower classes, racial minorities, and women have been excluded from the decision making process, programs that potentially remedy class inequities should be made a priority in environmental justice policy strategies. This would require broadening the scope of environmental policies to include social justice concerns. In order to facilitate a process that integrates environmental and social justice concerns, EPA should consider hiring social workers with skills in community organizing and group facilitation.

Since citizen participation programs are subject to partisan control by the Federal, state, or local government,
funding for programs could be generated through fines imposed on corporations for violating environmental laws. This could be part of the remediation paid to communities that currently share more than their burden of hazardous facilities. Monies for pollution prevention programs could be funded in the same way. In fact, pollution prevention should be a key component in all environmental justice strategies.

Citizens will need to develop their public deliberation skills. This could be accomplished by integrating deliberative decision making models into the core curriculum at all levels of school. This could potentially prepare them to become active citizens as adults.

The Rights and Responsibilities Challenge

Although NEPA does not guarantee environmental rights, it clearly indicates citizens have the responsibility to protect the environment. The emancipatory environmental paradigm emphasizes both environmental rights and responsibilities. One way to accomplish this goal would be to amend NEPA and all subsequent environmental policies to include environmental justice as a policy goal. This would be achieved by developing a balanced rights and a responsibilities approach base on principles of environmental democracy.

Environmental democracy requires that citizens take
their responsibilities for participation seriously. A deliberative, localized approach to environmental decision making may increase the representation of lower socio-economic groups in the policy process. Since most low income individuals are concerned with issues of survival, it may be unrealistic to expect an increase in political participation until class, racial, and gender inequities are addressed. Thus, environmental justice strategies should incorporate measures to end economic and social injustice.

How can these suggestions be implemented? First, we must create accessible community centers where environmental justice can be practiced at the local level. These neighborhood environmental justice centers could serve as a meeting place for citizens and EPA officials to hold local focus groups to facilitate discussion about what constitutes environmental justice within a particular locale. By discovering and discussing ethical principles in a public place, citizens and experts might begin to discover that ethical and political transformations are inevitable, on both a personal and societal level, in order to achieve the goal of environmental justice. By developing a vision of an environmentally just society together, community residents and government officials could then work together to make that vision can become a reality.
Neighborhood Environmental Justice Centers

Environmental participation programs should be integrated into existing city wide citizen involvement programs. This could potentially strengthen environmental participation programs by eliminating some of the barriers to participation that were pointed out in Chapter Four. In cities where citizen participation programs are not yet institutionalized, programs could be established by community volunteers with funds from remediation paid by waste producing corporations. Funds from Community Development Block Grants could be utilized to fund centers. Centers could operate out of local schools, libraries, or other multi-service public facilities in low-income neighborhoods, but each center should not serve more than one hundred people.

Neighborhood environmental justice centers would serve as community centers where neighbors participate in numerous activities to increase their political capacities. Copying facilities, informational materials, educational programs, and a location for local meetings could be established at the centers. By locating environmental justice centers in local neighborhoods, citizens might be more likely to access center services and participate in environmental decisions.

By involving community volunteers in the development of neighborhood environmental justice centers, administrative costs could be kept to a minimum. Furthermore, centers could
provide a place for neighborhood residents to gain community organizing skills and other types of work experience. Social workers could be hired to facilitate political organizing around environmental issues in the settlement house tradition of Jane Addam's Hull House. By developing neighborhood centers, waste issues would find their rightful place as issues involving community and home, families and friends. Decisions could thus be made by neighbors within a relational context.

**Feasibility of Policy Proposal**

While this may be an idealistic proposal, I believe it has the potential to create positive change in citizens and to build communities. Better decisions would be made about the environment. The spirit of community that has been virtually lost in contemporary society could be rediscovered as neighbors begin to care about one another and the common ground they share.

But even if it is only a vision, the words of Margaret Mead remind me that efforts to empower and emancipate citizens should not be abandoned in the face of dismal realities: "Never doubt that a small group of thoughtful and committed citizens can change the world. Indeed it is the only thing that ever has."
ENDNOTES


2. Lind and Tyler, ibid, pg. 170.
APPENDIX

SEVENTEEN PRINCIPLES OF ENVIRONMENTAL JUSTICE

The preamble and seventeen Principles of Environmental Justice are:

We, the People of Color, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a nation and international movement of all peoples of color to fight the destruction and taking of our lands, and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages, and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, 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, do affirm and adopt these Principles of Environmental Justice:

1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.

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

3. Environmental justice mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.

4. Environmental justice calls for universal protection from nuclear testing, extraction, and the fundamental right to clean air, land, water,
and food.

5. Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

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

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

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 hazards.

9. Environmental justice protects the right of victims of environmental injustices to receive full compensation and reparations for damages as well as quality health care.

10. Environmental justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration on Human Rights, and the United Nations convention on Genocide.

11. Environmental justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants which impose upon the U.S. government a paramount obligation and responsibility to affirm the sovereignty and self-determination of the indigenous peoples whose lands it occupies and holds in trusts.

12. Environmental justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
13. Environmental justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14. Environmental justice opposes the destructive operations of multinational corporations.

15. Environmental justice opposes military occupation, repression and the exploitation of lands, peoples and cultures, and other life forms.

16. Environmental justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and to make the conscious decisions to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

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