



# Environmental Justice Applications and Analytics

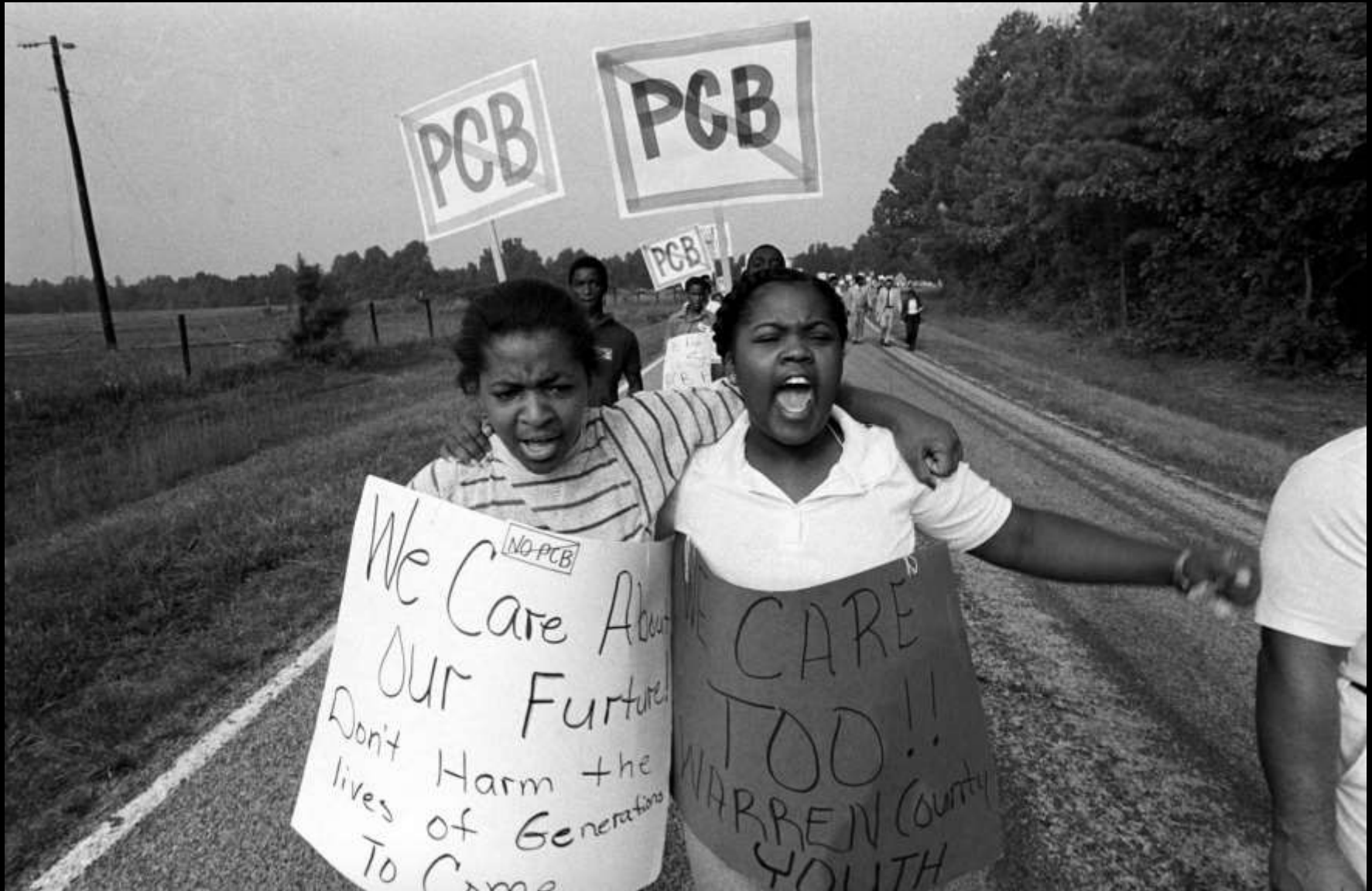
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July 30, 2019 // Environmental Law Institute // Washington, DC





# Environmental Justice



Warren County, NC - Jerome Friar, UNC Wilson Library

See also: Washington Post, June 8, 1979; New York Times, August 11, 1982

Executive Order 12898 (1994): Established Federal Environmental Justice Policy

# Environmental Justice

## Executive Order 12898 (1994)

Federal Actions to Address **Environmental Justice** in Minority Populations and Low-Income Populations

## EPA Definition of Environmental Justice

“Environmental justice is the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”

## Directives of Executive Order 12898

“**Identify** and **address** the disproportionately high and adverse human health or environmental effects of (federal agency) actions on minority and low-income populations, to the greatest extent practicable and permitted by law.”



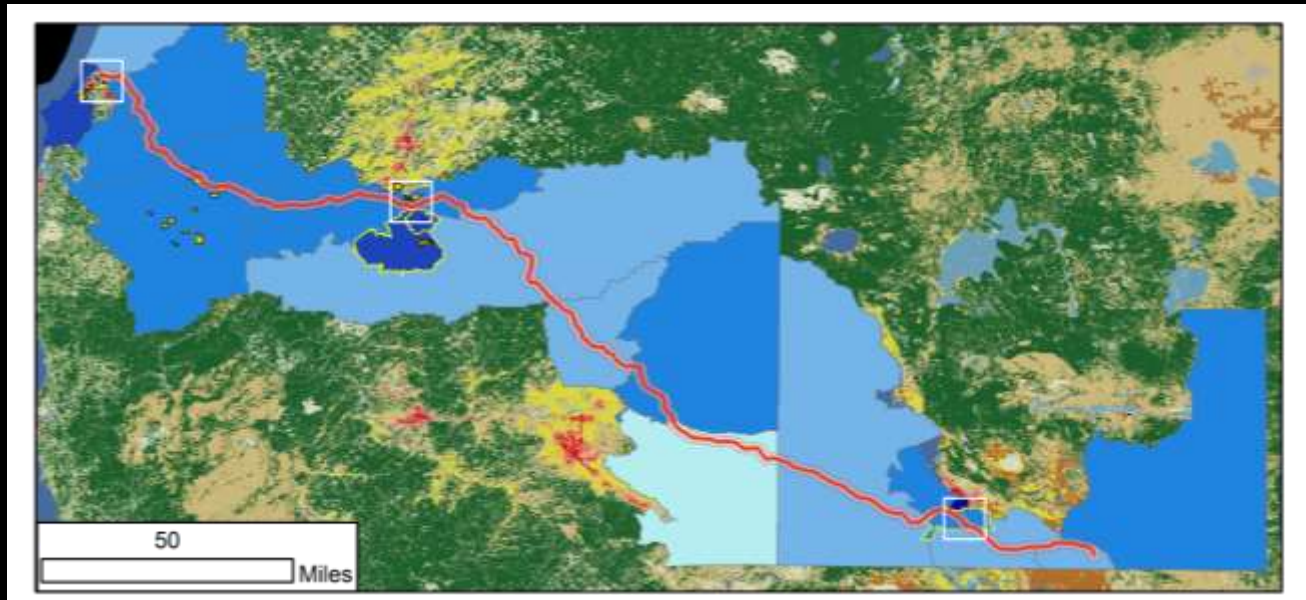
# Overview of Environmental Justice Analyses

## Environmental Justice Analyses:

Found in Socioeconomic sections of federal environmental reviews (Environmental Assessments or Environmental Impact Statements)

Involve comparisons between **study areas** and **reference areas**.

Based on demographic statistics from US Census Data (Counties, Tracts, Block Groups)



# Overview of Environmental Justice Analyses

EJSCREEN: EPA's Recommended **first step** for decision-makers.



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## EJSCREEN: Environmental Justice Screening and Mapping Tool

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### Launch the EJSCREEN Tool

[Explore EPA's environmental justice screening and mapping tool](#)



### Links

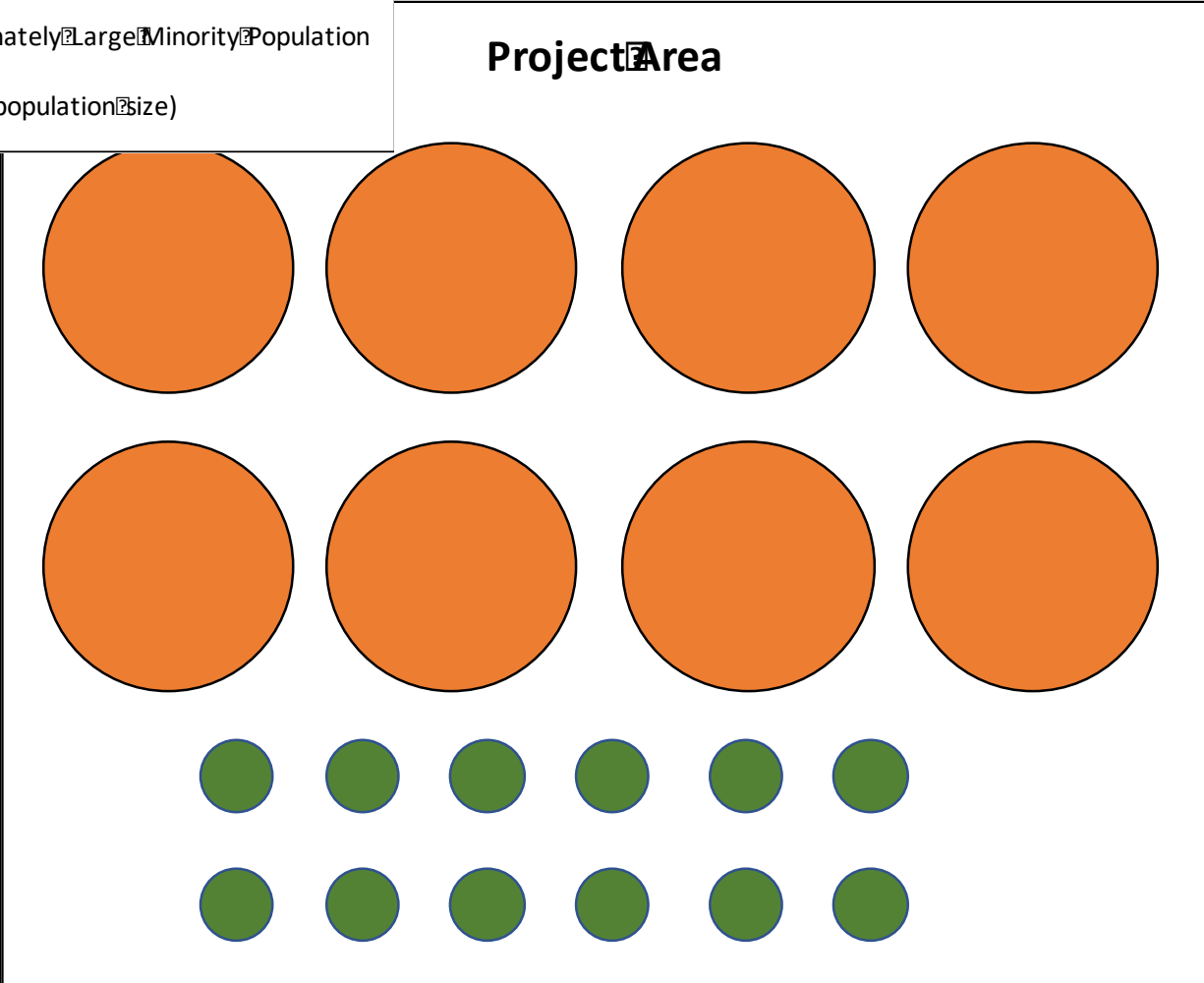
- [Environmental Justice at EPA](#)
- [Grants and Other Funding Opportunities](#)
- [EPA's Environmental Justice in Action Blog](#)
- [Sign Up to Receive Updates on EJSCREEN and Other EJ Issues](#)

# Example of Recent Federal Environmental Justice Analysis

**Key**

- Disproportionately Large Minority Population
- No Disproportionately Large Minority Population

(Circle size indicates population size)



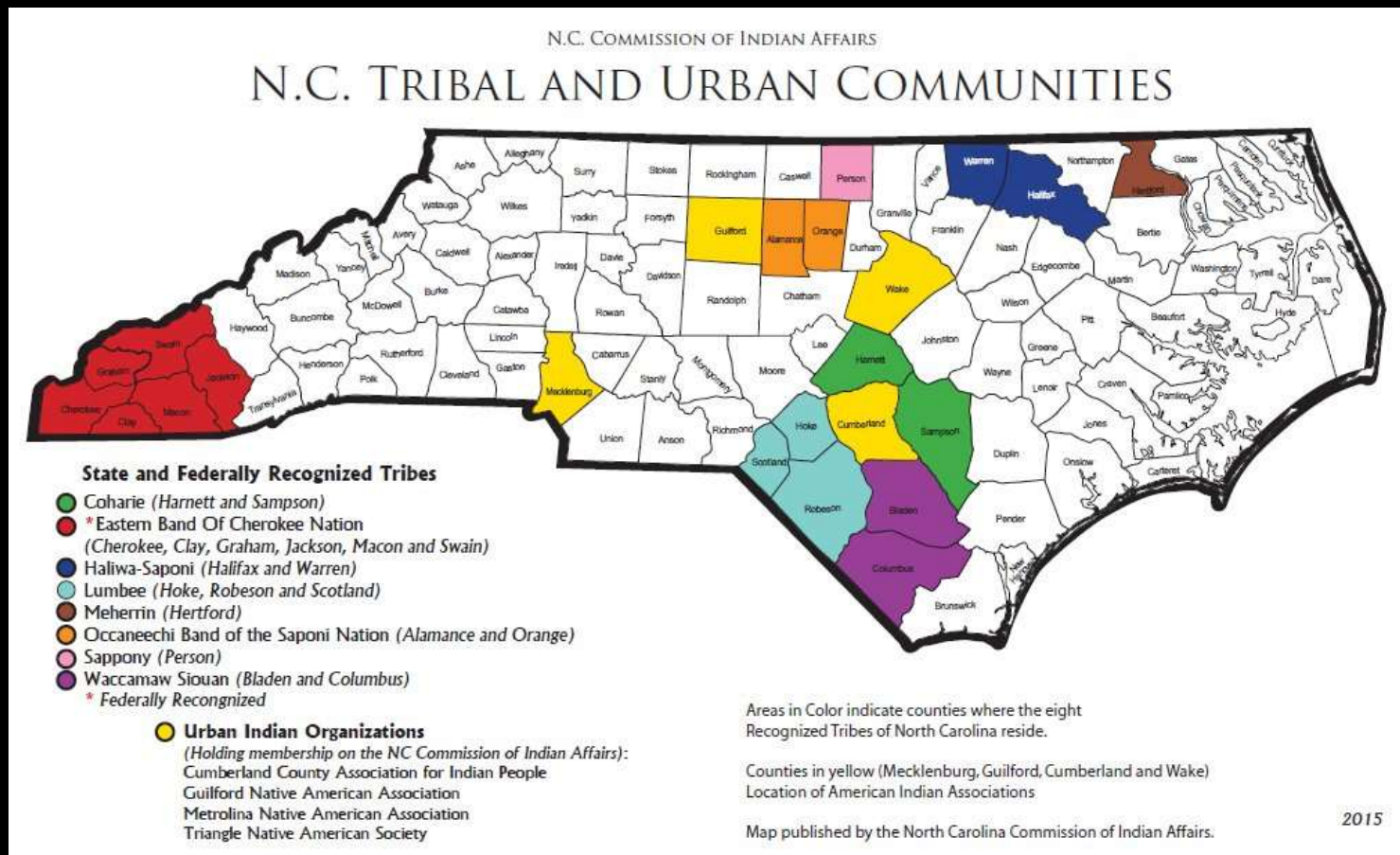
8 Census Tracts in project area have disproportionately large minority populations, and 12 do not. Therefore, minority population is not over-represented in project area.

**Figure 1:** Statewide American Indian population of North Carolina compared to populations of counties and census blocks impacted by the proposed Atlantic Coast Pipeline





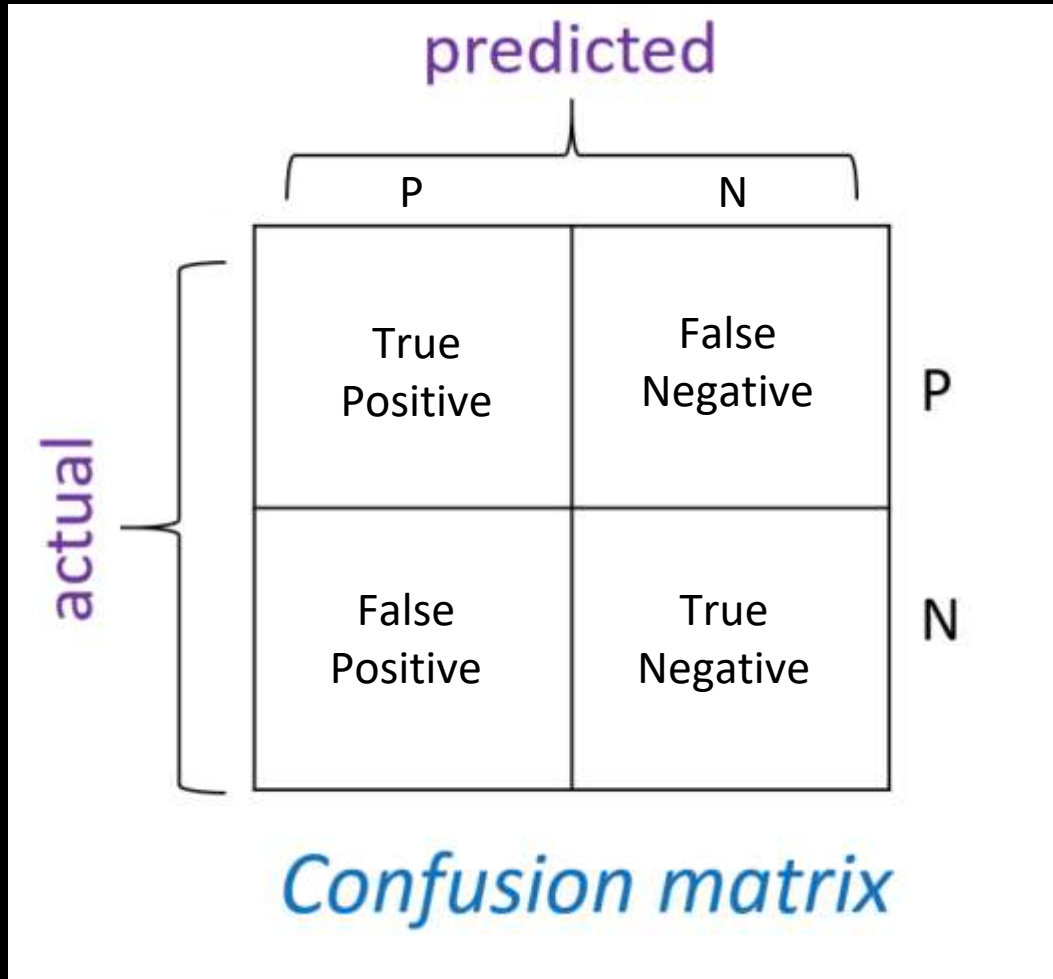
# Example of Recent Federal Environmental Justice Analysis



Project study area includes present-day territories of several American Indian tribes.

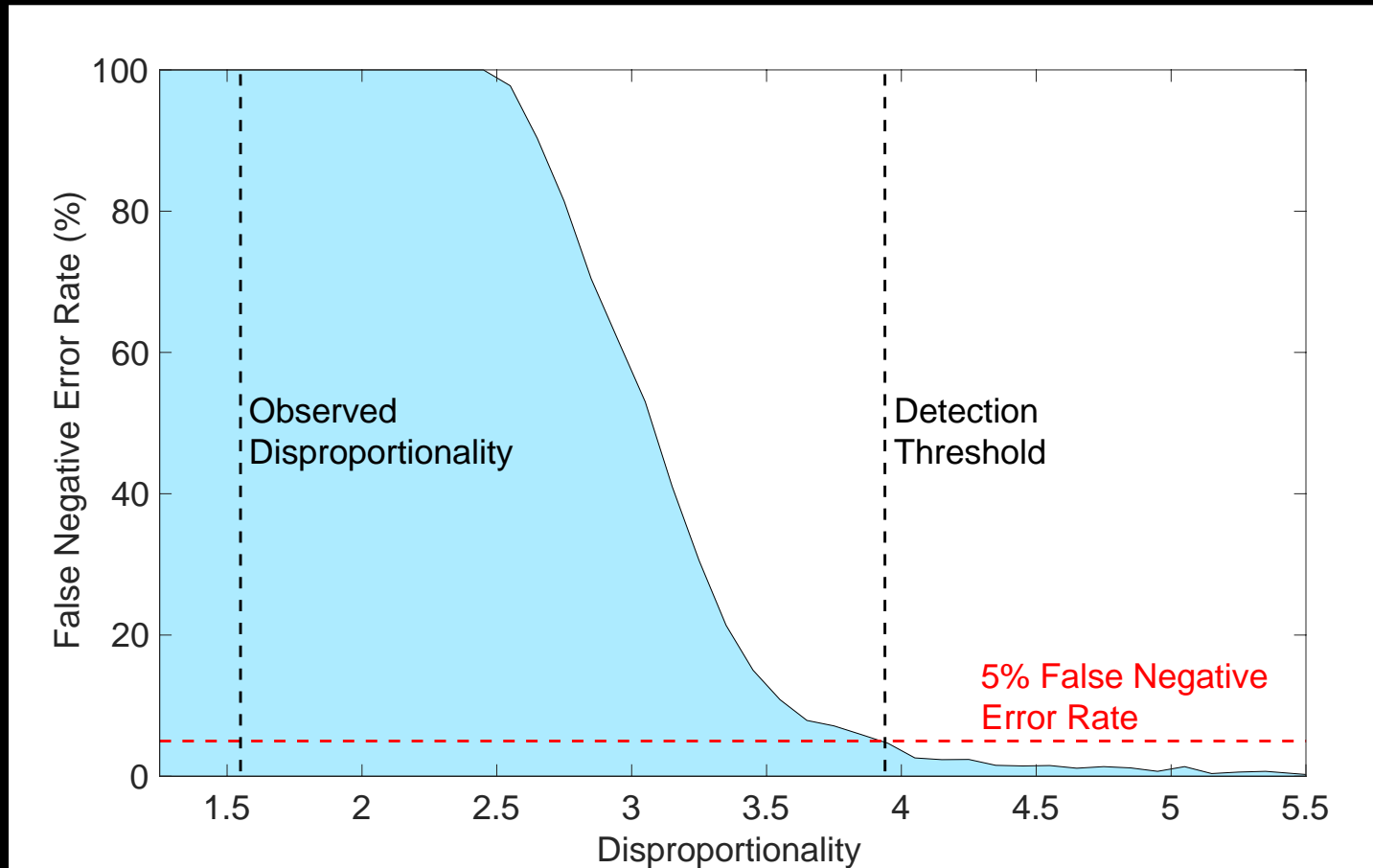
Original census data show large American Indian populations, but agency test obscures demographics.

# Statistical Power and False Negative Results



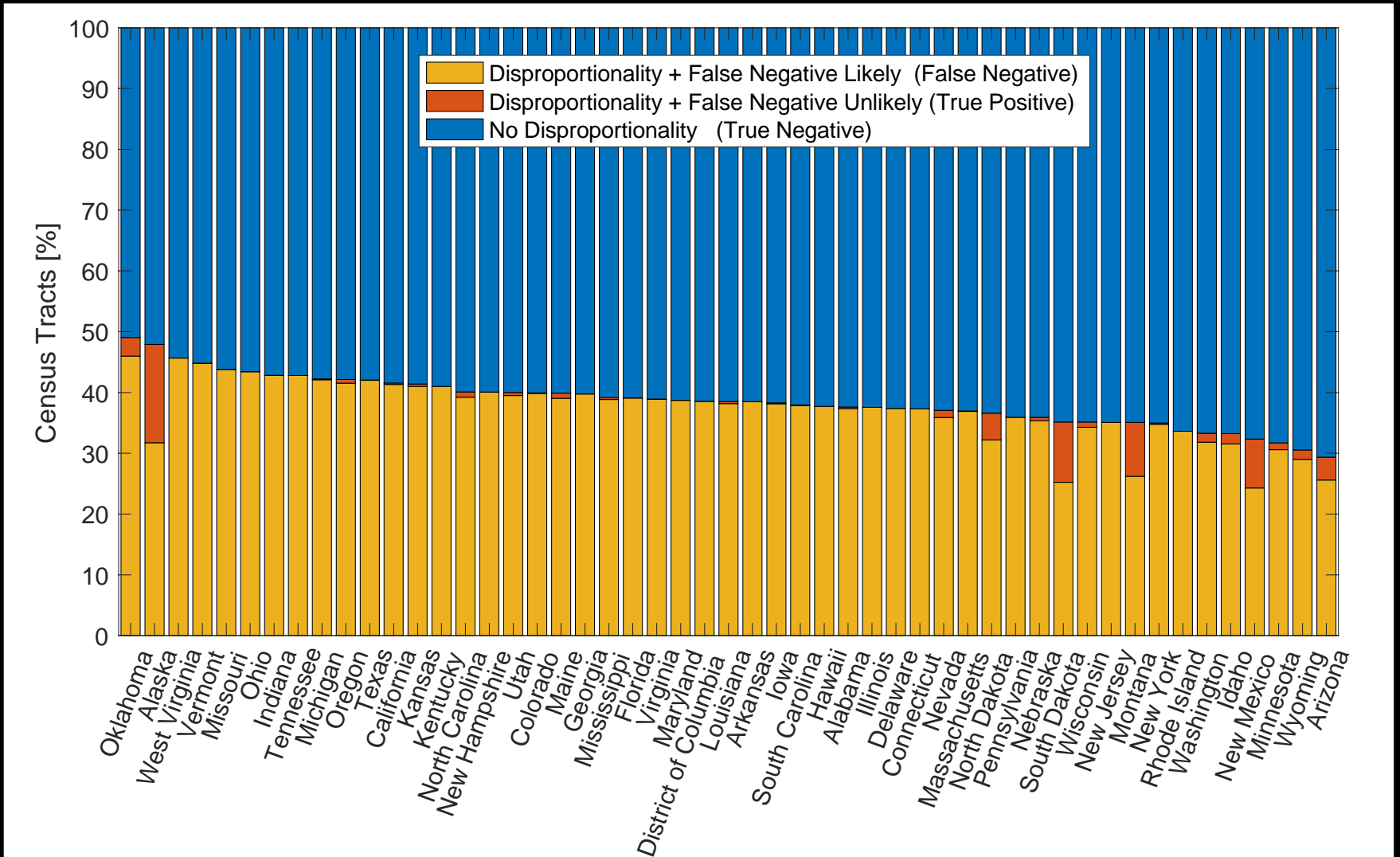
# Statistical Power and False Negative Results

## Agency Environmental Justice Demographic Test Performance





# False Negative EJ Risk for American Indian Populations in US





Members of North Carolina's Lumbee tribe prepare to perform a traditional dance in 2004. Their lands lie in the path of the planned Atlantic Coast Pipeline.

Edited by Jennifer Sills

### Flawed environmental justice analyses

In December 2016, the Federal Energy Regulatory Commission (FERC) issued a draft environmental impact statement

features integrate to form cultural landscapes that are unique to each tribe.

The Atlantic Coast Pipeline developer's preferred route disproportionately affects indigenous peoples in North Carolina. The nearly 30,000 Native Americans who live within 1.6 km of the proposed pipeline make up 13.2% of the impacted population in North Carolina, where only 1.2% of the

more thorough analysis might have alerted regulators to large Native American populations along the proposed route and the need to consult with tribal governments.

The Dakota Access Pipeline controversy (7) demonstrates that all parties suffer when environmental justice analyses and tribal consultation are treated as meaningless rote exercises. Tribes suffer erosion of sovereignty and damage to cultural landscapes, federal-tribal relations deteriorate, and developers incur setbacks.

Developers and regulators of the Atlantic Coast Pipeline still have a window of opportunity to take these lessons to heart. Regulators can consult with tribes before making a final decision on the project later this year, and they can acknowledge the project's true impacts on vulnerable populations by addressing the flawed environmental justice analysis. Scientists can help by sharing rigorous methods, providing oversight, and partnering with vulnerable communities. It is not too late to work toward environmental justice for all.

Ryan E. Emanuel  
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Emanuel, *Science* July 21, 2017

*“(A)ll parties suffer when environmental justice analyses and tribal consultation are treated as meaningless rote exercises. Tribes suffer erosion of sovereignty and damage to cultural landscapes, federal-tribal relations deteriorate, and developers incur setbacks.”*

United Nations  
**DECLARATION**  
on the **RIGHTS**  
of **INDIGENOUS**  
**PEOPLES**

*Article 32*

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.



# Takeaways regarding Environmental Justice Analyses

Accurate environmental justice analyses raise visibility of vulnerable populations; **poor analyses can exacerbate invisibility.**

Demographic tests & screening tools are first steps in a thorough environmental justice analysis; **dig deep and prepare for groundwork.**



Photo: John Whittemore

# Implications for Policy and Decision-Making

Environmental justice does not depend on discriminatory intent; **the numbers speak for themselves.**

Environmental injustices cannot be mitigated without input from and consultation with affected communities; **addressing EJ concerns without community input runs counter to EO 12898.**



Photo: John Whittemore



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