

INTRODUCTION

Environmental Law is honored to present Volume 38, Issue 2, “Environmental Justice: Making it a Reality.” This Issue focuses on environmental justice¹ to help bring this important subject to the forefront of environmental law discourse. Our goal in publishing this special edition is to firmly establish that environmental justice *is* part of environmental law and to add our voice to the chorus that the traditional environmental law paradigm must expand and evolve to include increasingly creative solutions to the problems facing our communities and our world. In the spirit of the motto of the environmental justice movement—“We speak for ourselves”—this Issue seeks to provide a forum for scholars and activists to speak with the legal community. Additionally, we hope to encourage an increase in scholarship exploring legal tools to advance the public health and equality goals of the environmental justice movement.

The enthusiasm we received for this project from the environmental justice community was beyond our expectations and illustrates both that the movement has a solid base and is continuing to build momentum. The overwhelming response from scholars interested in contributing further revealed the breadth of individuals working on environmental justice issues and demonstrates that environmental justice is well on its way to firmly establishing a prominent place in environmental law discourse.

We are extremely honored to have had this opportunity to work with all the contributors to this Issue, which include practitioners, professors, scholars, and students, some of whom have been involved in the environmental justice movement since its early days. This Issue presents a diverse array of articles highlighting a broad spectrum of perspectives and environmental injustices. Each author brings to the discussion their

¹ While there are many definitions of environmental justice, and although the definition and terminology have evolved over time, a widely used definition states:

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.

Environmental Justice, Basic Information, U.S. Env'tl. Prot. Agency, <http://www.epa.gov/compliance/basics/ej.html> (last visited Apr. 4, 2008).

individualized knowledge and expertise. Dr. Robert D. Bullard and Professors Paul Mohai, Robin Saha, and Beverly Wright's timely article discusses their 1987 *Toxic Wastes and Race* report and its recent update *Toxic Wastes and Race at Twenty*, exploring the development of the environmental justice movement over the last twenty years. Their article considers reports, agency and congressional action, an analysis of methodology, and more recent data to evaluate the current state of environmental justice. Professor Robert W. Collin looks at the emerging and important role of states in the environmental justice movement. His article examines the experiences of New Jersey, Oregon, and Maryland, comparing the processes each state has undertaken to address environmental justice concerns. Professor Eileen Gauna writes an innovative article on the environmental movement's capability to inspire the public to respond to climate change. She argues that the environmental justice community provides a successful response to this global problem, suggesting that the environmental movement may find success by bringing together coalitions of diverse constituencies to explore opportunities for collaboration in addressing climate change. Lawyers' Committee for Civil Rights Under Law Senior Counsel Daria E. Neal explores the history of school siting and funding. She discusses possible litigation strategies to ensure that children receive their education in facilities free from contamination, benefiting the greater community for years to come. Professor Catherine A. O'Neill explains how the EPA's recent rulemaking promulgating the "Clean Air Mercury Rule" perpetuated cultural discrimination against tribes by failing to protect tribes' unique relationship to fish. She documents EPA's flawed reasoning to illuminate how EPA can better respect tribes' treaty rights, health, and resources in the future. Law student Rebecca K. Smith sheds light on how private interests have compelled Congress, courts, and local governments to manipulate the law to deter the use of non-violent, civil disobedience to advance environmental protection. She connects the recent branding of radical activists as "ecoterrorists" with the federal government's history of undermining individuals who speak out with unpopular means. Law student Lisa Widawsky addresses the shortfalls of the Basel Convention's ability to shield developing nations from bearing a disproportionately large share of environmental burdens, focusing her inquiry on a recent tragedy in Côte d'Ivoire to reveal the failures of the Convention to protect against environmental disasters. Her comment asserts that making a few key changes to strengthen the Convention's weakest provisions may result in more environmentally just international negotiations.

We would like to thank all of the authors for sharing with us such thoughtful, thorough, and important contributions. We would also like to thank Monica Kirk for inspiring and supporting this project by bringing a diverse discussion of environmental justice to our campus as an adjunct professor in the spring of 2007. Finally, we extend our deepest gratitude to the *Environmental Law* Executive Board and Staff for their hard work and dedication in publishing this exciting Issue.

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The environmental justice movement inspires us, as emerging members of the legal community, to continue to fight for equality, health, and prosperity for all the people with whom we share this unique planet. We hope this Issue sparks the same passion in our readers.

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