Using Legislation to Pursue Environmental Justice

Goals and Lessons from Our Work in Illinois

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• **LVEJO** is: a 23-year-old frontline environmental justice organization based in the Little Village (“La Villita”) neighborhood on the southwest side of Chicago.

• **The mission**: to organize with our community to accomplish environmental justice in Little Village and achieve the self-determination of immigrant, low-income, and working-class families.

• **Our vision**: to build a sustainable community that promotes the healthy development of youth and families, provides economic justice, and practices participatory democracy and self-determination.
LITTLE VILLAGE ENVIRONMENTAL JUSTICE ORGANIZATION (LVEJO)

• **KEY LOCAL SUCCESSES:**
  - Coal plant shutdowns
  - Superfund remediation/brownfield redevelopment and creation of a 23 acre park
  - Transit justice and reinstatement of a needed bus line
  - Food justice and creation of community garden

• **KEY STATE / LEGISLATIVE SUCCESSES:**
  - Creation of Commission on Environmental Justice
  - Strengthening representation on Commission on EJ
  - New state testing req’s for lead in water at schools, daycares
  - Creation of IL Solar for All, funded solar incentives and job training, job creation for low-income and EJ communities in Illinois
  - Strengthening of state energy efficiency standards and funding for low-income households
  - State resolution against Dakota Access Pipeline
THIS PRESENTATION COVERS:

• Why use legislative strategies to pursue environmental justice? What are some of the goals that can be achieved?

• Four case studies from Illinois:
  1. Strengthening Commission on Environmental Justice
  2. Testing for Lead in Water in Schools, Daycare Facilities
  4. Resolution Against Dakota Access Pipeline

• Key lessons learned from Illinois campaigns
WHY USE LEGISLATIVE STRATEGIES TO PURSUE EJ?
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What are some of the goals that can be achieved?

1. **Close federal regulatory loopholes** through stronger state laws, mitigating additional harms

2. **Improve procedural justice**: increase representation, expand community regulatory access and power

3. **Affirmatively remove barriers and create incentives** for the kind of future communities want and envision

4. **Call attention to issue and educate decision makers** through resolutions, declarations

5. **Demonstrate to state leadership** that legislators do or do not support a certain issue through resolutions, declarations
GOAL: CLOSE FEDERAL REGULATORY LOOPHOLES

Close federal regulatory loopholes through stronger state laws, mitigating additional harms

- States can have higher or additional standards to protect communities
- Existing regulations intended to protect environment and human health – already have flaws and loopholes – now also under attack by the Trump Administration
- Given the moment that we are in, this goal is becoming even more important: the arena for protective environmental policies will fall to the states
- Example from IL: Testing for lead in water, energy policies
GOAL: IMPROVE PROCEDURAL JUSTICE

Improve procedural justice: increase representation, expand community regulatory access and power

- Strengthen the venues through which environmental justice communities can influence the regulatory arena

- Increase representation:
  - Create advisory bodies to regulatory agencies and other accountability and/or communication mechanisms where community leaders can give direct, ongoing input

- Expand community regulatory access and power:
  - Address deficient public processes and public engagement
  - Target state administrative rules for regulatory agencies

- Example from IL: Commission on EJ
GOAL: REMOVE BARRIERS, CREATE INCENTIVES

Affirmatively remove barriers and create incentives for the kind of future that communities want and envision

• Connect community sovereignty and visioning with the legal and regulatory framework that exists in one’s state

• Key Questions:
  • How do existing laws facilitate or prevent visions from being implemented?
  • How do they facilitate or prevent community control and community self-determination?
  • In communities working on just transition, what are the policy, regulatory, and other barriers?

• Example from IL: Future Energy Jobs Act & solar/energy efficiency/job creation and training policies
GOAL: CALL ATTENTION, EDUCATE DECISION MAKERS

Call attention to issue and educate decision makers through resolutions, declarations

- Educate decision makers on wide range of issues important to community members, intersecting issues around health, environment, well-being, injustice
- Build a foundation for decision-maker action and support on key campaign goals
- Particularly important for gaining broad support for procedural and distributive justice at a state level
- Example from IL: All legislation!
**GOAL: DEMONSTRATE TO STATE LEADERSHIP**

*Demonstrate to state leadership* that the legislature does or does not support a certain issue through resolutions, declarations

- Move forward resolutions whose support from legislators can indicate key positions to governors and other executive branch state decision makers
  - Can be additionally supportive of a position already taken
  - Can be strongly suggestive in terms of the use of state resources
  - Can be used to establish a narrative around the issue itself

- **Example from IL: Resolution against Dakota Access/DAPL**
LEGISLATIVE CASE STUDIES FROM ILLINOIS

BUT
NO
TWO
STATES
ARE
THE
SAME
STRENGTHENING COMMISSION ON ENVIRONMENTAL JUSTICE

① Creation of the Commission on EJ

② Strengthening Representation on Commission on EJ

Background: Scant mechanisms for public participation in regulation, lacking awareness by regulators on some issues, drastic misconceptions/deliberate misinformation by industry actors on others

• Main Challenges: Lack of EJ awareness from elected officials, pushback from fossil industry

• Key Strategies:
  • Coalitional: Worked with lateral network of EJ communities across IL to educate legislators, supported and echoed by enviro groups
  • Policy: Used composition of EJ commission as a bridge between sectors like affected communities, labor, health
FUTURE ENERGY JOBS ACT: ENERGY POLICIES FOR EJ COMMUNITIES

① $750 billion dollars across 13 years for low-income communities: IL Solar for All incentives and job creation, energy efficiency, bill assistance

② First time EJ directly represented in legislative energy negotiation

Background: Broken state policies on renewable energy; Coalition initially formed around Clean Power Plan and ensuring state carbon emission reductions, energy efficiency, renewable development; Huge injustices in access by low income communities of color

Main Challenges:

• IL energy policy created through mandated negotiation across energy interests – forcing enviro, nuclear, utilities into room – EJ usually out

• Lacking procedural justice and frontline leadership, lack of funding equity – leaders under-resourced and stretched thin

• De facto respect for “technical” knowledge, devaluing of experience
FUTURE ENERGY JOBS ACT: ENERGY POLICIES FOR EJ COMMUNITIES

Key Strategies: Coalitional: Worked inside of a broad coalition of groups in Illinois to integrate and center EJ leadership from Illinois communities

- Adopted Jemez Principles and formal alignment committee
- Formed EJ Caucus for protected deliberation
- Organized for direct representation in negotiation from EJ sector, used EJ Caucus as space to evaluate positions
- Worked across sectors to secure basic participation funding to EJ groups
- Coordinated privately across different publicly facing campaigns to use movement power against noxious policies

Policy: Brought EJ expertise to bear on energy democracy, energy sovereignty, program design, and goals
TESTING FOR LEAD IN WATER IN SCHOOLS AND DAYCARE

① Mandatory testing protocol for schools, daycares in Illinois

② Improvement of notice provisions

**Background:** Huge loophole in federal Lead and Copper Rule, water providers not testing at points of delivery like schools

• **Main Challenges:** Parties agreed on urgency, but budget constraints in Illinois were initial focus of many groups, not human rights and endangered youth

• **Key Strategies:**
  
  • **Coalitional:** Worked with strong partners in EJ communities, enviro groups, Il Attorney General’s office, and municipalities already doing voluntary testing to collectively intervene
  
  • **Policy:** Used best practices from other places, focused on geographic distribution of communities affected, education of legislators and emphasizing dire need
RESOLUTION AGAINST DAKOTA ACCESS PIPELINE

① Put forward movement narrative around native sovereignty, water protection

② Strong demonstration of legislator opposition to use of IL state resources to support Dakota Access Pipeline

Background: Standing Rock campaign in North Dakota, pipeline end in IL, law enforcement from IL sent to ND

Main Challenges: Organizing and misinformation by pipeline industry, some opposition from certain labor groups

• Key Strategies:
  • Coalitional: Worked across communities in Illinois, focused on supporting and echoing messages established by movement, connected with on-the-ground campaign
  • Policy: Ensured a statement specifically targeting the use of state resources was included as its own strong position
LESSONS FROM OUR WORK IN ILLINOIS
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It bears repeating: No two states are the same. However, some lessons apply broadly:

1. Coalition building is necessary: procedural justice, alignment, and funding equity from outset are key
2. Strategies like scenario planning and power mapping begin to address different decision-making structures
3. Intersectional issues are opportunities for broad power building and connecting across movements
4. Geographic impacts and connected distributive justice must be addressed
5. Bills can build on each other: education on issues, changing laws can be pursued in stages
LESSONS FROM OUR WORK IN IL

- Coalition building is necessary: procedural justice, alignment, and funding equity from outset are key

- Strategies like scenario planning and power mapping begin to address different decision-making structures
# Differing Policy Frameworks: Mainstream & Justice Groups

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<thead>
<tr>
<th></th>
<th>Frame 1</th>
<th>Frame 2</th>
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<tbody>
<tr>
<td><strong>Policy Focus</strong></td>
<td>Technology-Based (i.e. wind, solar, electric vehicles, LRT)</td>
<td>Place-Based (i.e. health, safety, housing, economic justice, racial equity)</td>
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<tr>
<td><strong>Timeline</strong></td>
<td>Short-term</td>
<td>Long-term</td>
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<tr>
<td><strong>Coalition Building</strong></td>
<td>Like-minded groups (i.e. other self-identified environmental groups)</td>
<td>Community Groups (i.e. working on job creation, police presence, gentrification, economic vitality, etc.)</td>
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<tr>
<td><strong>Organizing Strategy</strong></td>
<td>Advocacy (&quot;turn out&quot;)</td>
<td>Leadership Development</td>
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<tr>
<td><strong>Goal</strong></td>
<td>Policy Passage</td>
<td>Building Community Resilience/Assets</td>
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<tr>
<td><strong>Outcome</strong></td>
<td>Equal (implementation of policy regardless of race or income)</td>
<td>Equity (implementation of policy differentiated based on historic realities)</td>
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LESSONS FROM OUR WORK IN IL

Strategies like scenario planning and power mapping begin to address different decision-making structures

• Differences between practices also pose challenges for procedural justice in coalitions

• **Policy and advocacy-focused, highly resourced orgs:**
  • More linear in decision-making, mainly representing themselves and their missions
  • Those with members have more internal resources to bring to bear on decision-making, timeline gaps

• **Community based frontline EJ groups, not as well resourced:**
  • More iterative in decision-making, needing to circle back and move decision points through time-intensive internal processes with community-based deliberations
  • Multiple kinds of power mapping, not just by district
KEY PROCESS PRACTICES FOR DECISION ALIGNMENT

Coalition building is necessary: procedural justice, alignment and, funding equity from outset are key

- **Forecasting of key decision points: “If this, then that”**
  - Anticipate key decision points that might arise
  - Begin scenario planning in the present
  - Gives frontline organizations time to run through iterative process

- **Giving process its due time with notice**
  - Tension between fast-moving legislative arena and deliberative, representative decision-making must be formally addressed
  - Processes that allow for both structures with alignment points built in
  - Implement notice processes for decision-points

- **Funding equity across members; resource participation intentionally**
  - Funding inequalities must be formally addressed through better distribution of financial resources
  - Small groups not resourced to participate meaningfully in decision-making or justice-based agenda setting
LESSONS FROM OUR WORK IN IL

Intersectional issues are opportunities for broad power building and connecting across movements

- Movement building has a foundational role in legislative campaigns
- Intersectional issues bring in opportunities for leadership development, more stakeholders, and broader campaigns

Geographic impacts and connected distributive justice must be addressed

- We have many different kinds of EJ communities in IL
- The needs of different communities and distributitional justice across geography are central to equity in state legislation
- Another strategy to deploy in power mapping
LESSONS FROM OUR WORK IN IL

Bills can build on each other: education on issues, changing laws can be pursued in stages

• When baseline awareness of environmental injustice is really lacking, education for decision makers is even more important

• Smaller groups can build education over a longer period of time by using incremental campaigns

• Example: Commission on EJ
  • *Step one:* Create the Commission on EJ
  • *Step two:* Strengthen the distribution of seats on the Commission
  • *Step three (future):* Given Commission basic rule-making powers
QUESTIONS?
GRACIAS!

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