



The New Age of American Infrastructure

Environmental Justice and Equity: Digging Deeper into the U.S. Infrastructure Package



Michael D. Bloomquist

Partner | +1 202.344.4002 | MDBloomquist@Venable.com

James D. Reilly

Senior Policy Advisor | +1 202.344.4681 | JDReilly@Venable.com

Fred R. Wagner

Partner | +1 202.344.4032 | FRWagner@Venable.com



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Environmental Justice and Equity in Infrastructure Development

- Movement has relatively recent origins from mid-1980s
- Commission for Racial Justice (1987) finds that race was the strongest variable in predicting the location of waste facilities
- Environmental Justice Principles (1991) created, describing a broad-based series of concepts to define the priorities and objectives of the environmental justice movement



Federal Policy Articulated by Executive Order

- President Clinton signs Executive Order 12898 – “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”

- Summary of main objective:

“Each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

- U.S. Environmental Protection Agency Office of Environmental Justice created in 1992.



Scope of EJ Infrastructure Challenges Goes Beyond Federal Actions

- Real estate laws
- Local land use and zoning codes
- Transportation and land use planning efforts

Legal Tools to Enforce EJ Principles Have Been Limited

- Title VI of the Civil Rights Act
 - Prohibits organizations that receive federal funds from discriminating against protected groups
 - This could include state and local agencies that issue permits and/or carry out activities to implement federal pollution laws
- EPA enforcement actions in coordination with U.S. Department of Justice
- Extremely limited history of federal enforcement of EJ claims



How Things Could Be Different with Biden Infrastructure Proposals

- Emphasis on engagement/outreach to EJ communities
- Weighing equity concerns in grant decision-making
- Demanding EJ issues be incorporated more carefully into planning activities
- Expanded definition of EJ to go beyond siting facilities with potential adverse impacts, to affirmative policies promoting health and welfare of EJ communities

Questions?



Michael D. Bloomquist
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