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From: Gladys <schuford@earthlink.net>
To: <ej@gw.dec.state.ny.us>
Date: Fri, Feb 22, 2002 8:31 AM
Subject: comments on environmental justice report

Dear Ms. Monica L. Abreu Conley:

First, I commend the NYSDEC for taking on the effort to formulate guidelines for its work in environmental justice. The report under consideration will provide effective guidance in this area.

By way of introduction, I serve the Presbytery of Western New York as its vounteer environmental justice coordinator. As part of my work, I head the Ecojustice Committee of the Presbytery. I have held this position for five years.

My comments on the report are general in nature, aimed at enlarging the discussion rather than at refining the regulations.

* It surprises me that so few people from the general public were included in the advisory group. The churches/synagogues, in particular, could provide a meaningful voice since many faith communities during the past ten years have wrestled with environmental justice and have come forward with clear principles and recommendations in the area. In fact, it was the black churches with the support of the National Council of Churches who really formulated the concept of environmental justice, following the publication in 1987 of the United Church of Christ research project on environmental racism. Churches/synagogues are in the business of seeking "fair treatment" and "meaningful involvement" of all people (per the EPA definition). There is no better institution to consult with, if you truly seek to reach all the people.

* Given the EPA definition of "environmental justice," I understand why the report focuses so directly on three groups: minority, low-income, Native American. However, such a focus does nothing to solve NIMBY dilemmas which created these injustices in the first place. NYSDEC would do well to revisit the mandate for seeking environmental justice for "all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." The siting or expansion of a toxic waste dump (Lewiston) may be unfair to all people in the region, whether or not they fit the profile for low-income or minority, for example.

* It is unfortunate that the EPA definition, which guides your report, does not recognize the flip side of environmental justice--i.e., fair treatment of the environment. Perhaps, in your further deliberations, the NYSDEC could explore what "fair treatment" would mean with respect to the natural environment. Could "environmental justice" bring health to a piece of land? Could "environmental justice" insist on undisturbed watersheds? Could "environmental justice" protect corridors for the unobstructed movement of wildlife?

Treatment of these questions and related discussion would bring the bureaucratic understanding of environmental justice closer to the ethical understanding of ecojustice. As defined in the Presbyterian

report, "Restoring Creation for Ecology and Justice (1990)," the term ecojustice links ecology and justice, as "the wellbeing of all humankind on a thriving earth." I would suggest that the NYSDEC report under question makes no mention of a "thriving earth" in its environmental justice equation.

* The State defines environmental justice rather narrowly, and then spends plentiful amounts of time and paper to define that narrow range. Such definitions are necessary, but isn't there room for a more flexible attitude? Jots and tittles are fine and sometimes required, but it is the spirit of the law which brings life and justice. One cannot regulate spirit, but one can educate spirit-beings, i.e., the people who are charged with carrying out those regulations. It is the DEC judge at Farmersville, the DEC engineer at West Valley, the DEC consultant at Hickory Woods or the Linde site or the LOOWS site--these people must have a clear sense of environmental justice in its spiritual sense, so that they can act appropriately to interpret the law. Therefore, it is right for the NYSDEC to educate its full staff, including judges and regulators, to understand environmental justice. However, that education must be conceptual as well as textual, the spirit of the law as well as the letter of the law, so as to learn how to be environmentally just.

Thank you for your attention to my concerns.

Sincerely,

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