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Environmental Justice in the Classroom: Real Life Lessons for Law Students

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ENVIRONMENTAL JUSTICE IN THE CLASSROOM: REAL LIFE LESSONS FOR LAW STUDENTS

LUKE W. COLE*

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* Staff Attorney, California Rural Legal Assistance Foundation; General Counsel, Center on Race, Poverty & the Environment. This article grew out of a discussion at the Society of American Law Teachers annual meeting in Santa Clara, California, in 1993, and a presentation at the American Association of Law Schools annual conference in Orlando, Florida, in January 1994. I want to thank Pat McGinley for making this piece possible, and Ralph Santiago Abascal and Heather Abel for helping me think it through.

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I. WHY ENVIRONMENTAL JUSTICE?

Low income communities and communities of color have been waging struggles against environmental hazards for centuries. In the past two decades, these struggles have increased in frequency, and in the past ten years, such communities have come together to form a vibrant national movement—the movement for environmental justice.¹

Environmental justice disputes have been around for decades, and communities and scholars have known for years that poor people and people of color bear a disproportionate impact from environmental hazards.² Law schools and law professors, however, have been late in coming to the issue³—the first law review articles to address the topic

1. See, e.g., PROCEEDINGS: THE FIRST NATIONAL PEOPLE OF COLOR ENVIRONMENTAL LEADERSHIP SUMMIT (Charles Lee ed., 1993); *Principles of Environmental Justice*, 2 RACE, POVERTY & THE ENVIRONMENT 32 (Fall 1991/Winter 1992); Dana Alston, *Transforming a Movement*, 2 RACE, POVERTY & THE ENVIRONMENT 1, 28 (Fall 1991/Winter 1992).

2. The first empirical studies we are aware of demonstrating disproportionate impact date from the late 1960s and early 1970s. See, e.g., John E. Davies et al., *Problems of Prevalence of Pesticide Residues in Humans*, 2 PESTICIDE MONITORING J. 80, 83 (1968) (discussing survey of Dade County, Florida, showing that Blacks have higher blood and fat tissue levels of DDT than whites). The first government study to document the disproportionate impact was COUNCIL ON ENVIRONMENTAL QUALITY, THE SECOND ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY 192-93 (1971), which found air pollution to be distributed inequitably by income, with poor people living in areas with more air pollution. For an extensive bibliography on the disproportionate impact of environmental hazards on poor people and people of color, see Luke W. Cole, *Empowerment as the Means to Environmental Protection*, 19 ECOLOGY L.Q. 619 nn.8-20 (1992); see also Paul Mohai & Bunyan Bryant, *Race, Poverty & the Distribution of Environmental Hazards: Reviewing the Evidence*, 2 RACE, POVERTY & THE ENVIRONMENT 3, 25 (Fall 1991/Winter 1992) (listing 16 studies of disproportionate impact).

3. This has been acknowledged by those in the academy. See Richard J. Lazarus, *Pursuing "Environmental Justice": The Distributional Effects of Environmental Protection*, 87 NW. U. L. REV. 787 (1992).

appeared in 1991,⁴ while the first law school classes devoted to environmental justice were not taught until 1993.⁵

Why should law schools pay attention to environmental justice? The environmental justice movement is a major force in environmental politics and policy today,⁶ and to the extent that environmental law professors want to give law students a full and accurate picture of environmental law, discussion of the issue is necessary. However, many environmental law classes still do not include mention of, or material on, environmental justice concerns. In an attempt to remedy this absence, this article gives law professors several tools to use in integrating environmental justice issues into traditional environmental law classes and includes suggestions on doing useful research, creating clinical opportunities, and getting involved in environmental justice work on sabbatical.

II. TEACHING IT LIKE IT IS

This article has its genesis in the environmental law course I took in law school. It was a straight-up environmental law survey course, from the tragedy of the commons to the Clean Air Act. Nothing in the

4. Regina Austin & Michael Schill, *Black, Brown, Poor and Poisoned: Minority Grassroots Environmentalism and the Quest for Eco-Justice*, 1 KAN. J. L. & PUB. POL'Y 69 (1991); Rachel D. Godsil, Note, *Remedying Environmental Racism*, 90 MICH. L. REV. 394 (1991); R. George Wright, *Hazardous Waste Disposal and the Problems of Stigmatic and Racial Injury*, 23 ARIZ. ST. L.J. 777 (1991).

5. To the best of my knowledge, the first law school classes devoted to environmental justice were taught in the Spring of 1993. Ralph Santiago Abascal taught a class on "Race, Poverty & the Environment" at Golden Gate Law School; at Tulane Law School, Kirsten Engle taught "Equity and the Environment;" and students at UC-Berkeley's Boalt Hall organized a self-taught environmental justice seminar. See Luke W. Cole, *Environmental Justice Syllabi* (looseleaf packet of 11 course syllabi compiled by the Center on Race, Poverty & the Environment, 1994) (on file with author).

Other disciplines have long included environmental justice classes in the curriculum. For example, Carl Anthony, has taught a class on "Race, Poverty & the Environment" in the School of Natural Resources at UC-Berkeley since 1991, while Robert Bullard has taught similar classes in the Sociology Department at UC-Riverside and UCLA for years.

6. As just one recent example, President Bill Clinton issued an Executive Order on Environmental Justice in February 1994, directing all federal agencies to make environmental justice part of their mission. Exec. Order No. 12,898, 59 Fed. Reg. 7629 (1994).

class mentioned the disproportionate impact of environmental hazards on different communities in the United States. In fact, the course rarely mentioned *people* at all. Thus, through independent research, I was surprised to discover both the disproportionate impact of environmental hazards and the movement coalescing to do something about it. I felt cheated by my environmental law professor, as if she had failed to let me know about a significant area of the law.⁷ Today, through my work as an environmental poverty lawyer, I come into contact with countless law students and law professors, and I know that my law school experience was far from unique. Therefore, I want to offer several simple ways to teach about environmental justice in law classes.

A. *Mainstreaming Environmental Justice*

If environmental law professors are going to address environmental justice, it is important that it be “mainstreamed” into environmental law courses. Some may be tempted to address environmental justice issues by having a day on environmental justice, or teaching an environmental justice module, or assigning an article and calling it a day. However, the “we will read Bob’s article⁸ and then we have done environmental justice” approach shortchanges students. Raising environmental justice as an addendum to a class creates and perpetuates the false notion that it is somehow separate from “real” environmental law.

7. I have long pondered why such a significant area of environmental policy was omitted from the environmental law survey course I took (and numerous environmental law survey courses taught even today). My hunch is that there are a couple of reasons. One is that it is much easier not to talk about environmental justice. Another is that environmental lawyers see their field of law as distinct from civil rights law, poverty law, or any other field of law. Probably the most telling reason is the monochromatic nature of law school faculties. Robert Bullard talks about the monochromatic nature of EPA decisions makers. Robert D. Bullard, *Environmental Racism and ‘Invisible’ Communities*, 96 W. VA. L. REV. 1037 (1994). If we look at law school faculties, the problem is just as bad or worse, especially among environmental law teachers. Certain issues just are not raised when law schools do not have communities that are directly affected by the issues represented on the faculty or in the student body.

8. I’m referring to any one of the several dozen articles written by Robert Bullard, the best known and most prolific writer in the field of environmental justice. See, e.g., Robert D. Bullard, *supra* note 7.

Environmental justice issues are implicated in—and can thus be taught in—every facet of environmental and natural resource law. Whether one is teaching about media specific laws, such as the Clean Air Act or the Clean Water Act, or about the process for setting regulatory standards, enforcement, or procedural statutes such as the National Environmental Policy Act (NEPA),⁹ there are a number of ways that environmental justice issues can be brought up and mainstreamed in law classes.¹⁰

1. Clean Water Act

The Clean Water Act provides at least two interesting ways to address environmental justice issues. First, a discussion of Section 304 of the Clean Water Act—under which the Environmental Protection Agency (EPA) must set action levels for water pollutants based on predicted impact to humans—could raise questions of who sets the health-based standards and on what assumptions they are based. For years, the EPA has set standards based on the fish consumption of white male anglers, while studies have determined that poor people and people of color tend to consume more contaminant-laden fish than white fishers.¹¹ Thus, the EPA has been setting clean water standards that protect white communities, but underprotect communities of color.

Second, environmental justice issues are raised by the Clean Water Act in the Isleta Pueblo case, which involved an Indian nation that was sued by the City of Albuquerque, New Mexico, because of its strict clean water laws. The case offers an opportunity to talk about sovereignty and Indian rights issues in an environmental context. Albuquerque sued the Isleta Pueblo, which is downstream from the city, because Albuquerque would incur a significant expense to comply with the Pueblo's new water laws. The United States EPA upheld the Isleta Pueblo's Clean Water Act regulations, as did the federal court.¹²

9. The National Environmental Policy Act, 42 U.S.C. §§ 4321-4370c (1988).

10. It should be noted that these suggestions are the tip of a very large iceberg—there are hundreds of ways environmental justice issues could be raised in the classroom.

11. Patrick West et al., *Minority Anglers and Toxic Fish Consumption: Evidence from a Statewide Survey of Michigan*, in RACE AND THE INCIDENCE OF ENVIRONMENTAL HAZARDS: A TIME FOR DISCOURSE (Bunyan Bryant & Paul Mohai eds., 1992).

12. *City of Albuquerque v. Browner*, No. 93-82-M Civil, 1993 U.S. Dist. LEXIS

2. Clean Air Act

The Clean Air Act offers several interesting environmental justice angles. One is the implementation of the Act in Southern California, where the South Coast Air Quality Management District has set up a market for pollution rights, called RECLAIM. RECLAIM is designed to clean up the Los Angeles Air Basin by slowly lowering the allowed amount of pollutants emitted. Under the RECLAIM program, polluters can buy and sell the right to pollute, so that if it is more profitable for a company to continue polluting, it can buy credits from a company that may be able to more cheaply clean up its act. The program has led many people to fear that after a shuffling of pollution credits, "hotspots" of intense air pollution will be formed. These hotspots will almost certainly be located in areas of heavy industrial activity, which, in Los Angeles, are in African-American and Latino neighborhoods in the depressed inner-city. The program has also led to questions of whether some communities should be able to buy the right to pollute other communities and whether it is legal (or even moral) to have toxic hotspots in low-income communities of color if the end result is cleaner air for everyone in the basin but those in the hotspot.

3. CERCLA (Superfund)

In its implementation of the federal Superfund law, the EPA has chosen different clean-up standards based on the race of the community in which the clean-up is taking place. An investigation by the *National Law Journal* revealed that in white communities, the EPA favors treatment of contaminated soils (which eliminates waste or reduces its toxicity) 22% more often than containment (which merely walls off or caps the contaminated site). In communities of color, however, the EPA chooses containment seven percent more frequently than treat-

19723 (D. N.M. Oct. 21, 1993).

ment.¹³ The same investigation revealed that penalties and clean-up time under Superfund were also inequitable by race.¹⁴

4. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

Passed in 1972, FIFRA mandated that the EPA create regulations to protect farmworkers from pesticide poisoning, among its many provisions. Because an overwhelming majority of farmworkers in the United States are people of color, primarily Latino, environmental justice issues can be raised through an examination of the EPA's implementation of FIFRA. After the EPA acknowledged in the late 1970s that its regulations were ineffective, it took until 1992—some 15 years later—for the agency to promulgate worker safety regulations.¹⁵ The central issue raised by an examination of FIFRA and the agricultural worker protection regulations is the government's refusal or inability to act even when it had acknowledged that farmworkers were not being protected because of political pressure from agribusiness and petrochemical companies.

B. Reality Check

Many environmental law courses focus on the *theory* of environmental law—environmental policy and federal appellate decisions interpreting environmental statutes. However, to properly educate students about the *reality* of environmental law, as well as the theory, one must look at how environmental laws function “on the ground.” When talking about the reality of environmental laws, environmental justice concerns arise frequently and can be taught easily through examinations of enforcement patterns, through case studies, and through student attendance or participation in administrative proceedings.

13. *Unequal Protection: The Racial Divide in Environmental Law*, NAT'L L.J., Sept. 21, 1992, at S2.

14. See *infra* text accompanying note 16.

15. Claudia MacLachlan & Marcia Coyle, *EPA Issues Pesticide Rules*, NAT'L L.J., Sept. 21, 1992, at S12.

1. Enforcement

Without enforcement, laws are meaningless. Yet few environmental law courses cover enforcement issues. A quick look at one recent survey shows that they probably should. In 1992, the *National Law Journal* published the results of a year-long investigation into the EPA's enforcement of federal environmental laws. Serious environmental justice concerns are raised when the demographics of enforcement are examined:

- Under Superfund, average penalties in white neighborhoods (\$335,566) were six times higher than penalties in communities of color (\$55,318).¹⁶

- Abandoned hazardous waste sites in communities of color took 20% longer to get listed on the federal Superfund national priority action list than sites in white communities.¹⁷

- In more than half of the 10 regions of the EPA, action on clean-up at Superfund sites began from 12% to 42% later in communities of color than in white communities.¹⁸

- Under the Clean Air Act, between 1985 and 1992, the EPA concluded cases in areas that averaged 78.7% white, 14.2% African-American, and 8.2% Latino.¹⁹ At the same time, numerous studies have demonstrated that air pollution is distributed inequitably by race.²⁰ The government's own figures show that 34% of Latinos live

16. *Unequal Protection: The Racial Divide in Environmental Law*, NAT'L L.J., Sept. 21, 1992, at S2.

17. *Id.*

18. *Id.*

19. *A Clean Air Enforcement Gap*, NAT'L L.J., Sept. 21, 1992, at S12.

20. See, e.g., Michel Gelobter, *Toward a Model of Environmental Discrimination*, in RACE AND THE INCIDENCE OF ENVIRONMENTAL HAZARDS: A TIME FOR DISCOURSE 64 (Paul Mohai & Bunyan Bryant eds., 1992) (finding air pollution in urban areas to be inequitably distributed by race); BRIAN J.L. BERRY ET AL., THE SOCIAL BURDENS OF ENVIRONMENTAL POLLUTION: A COMPARATIVE METROPOLITAN DATA SOURCE 559-62, 572 (1977) (noting that air pollution in 13 major urban areas is distributed inequitably by race); see also Cole, *supra* note 2, at 625 n.17 (listing six studies demonstrating disproportionate impact of air pollution by race).

in areas violating Clean Air Act particulate matter standards, while only 15% of whites live in similar areas.²¹

2. Case Studies

Environmental justice disputes make compelling, interesting, and topical case studies in law school classes. Including case studies (rather than simply cases) from nearby communities—communities that students can visit and experience for themselves—gives students a more concrete, more direct opportunity to understand the reality of environmental law. If a professor develops a relationship with activists in the community being studied, residents from that community could guest lecture in the class and answer student questions.²²

3. Administrative Processes

Another avenue for exposing students to “real world” environmental law is to send students to an administrative hearing²³ in a law school’s local community.²⁴ Students should be urged to examine the

21. *A Clean Air Enforcement Gap*, *supra* note 19. The percentage of white, black, and Latino population in the United States living in areas that the EPA has designated as not meeting Clean Air Act standards, listed by pollutant, shows the disproportionate impact of air pollutants. *Id.*

	Whites	Blacks	Latinos
Particulate Matter	14.7%	16.5%	34.0%
Carbon Monoxide	33.6%	46.0%	57.1%
Ozone	52.5%	62.2%	71.2%

22. In my experience, my seminar students (at UC-Berkeley’s Boalt Hall School of Law) enjoyed these classroom experiences as much as any other lecture during the course.

23. This is an idea which I got from Casey Jarman of the University of Hawaii Richardson School of Law, who sends her students to hearings as part of her environmental law classes.

24. This is easiest for those law schools located in capitol cities, because state hearings take place there, but can easily be accomplished in almost any community by sending students to a local planning commission or zoning board hearing.

process from an environmental justice perspective, asking questions like:

▣ What time of day is the hearing held? Daytime hearings preclude workers from attending.

▣ Where is the hearing being held? Hearings held far from the communities that will be affected by the decisions discourage attendance by community residents.

▣ Who is present at the hearing? At rule-making hearings, it is common to see industry representatives and rare to see community or public interest representatives.

Such experiences bring home to students how environmental laws and processes actually work.

C. *Talk About Politics*

In my own work with grassroots groups in the environmental justice movement, I have discovered that environmental struggles are intensely *political* struggles, but not necessarily *legal* ones. This is not something that I was taught in law school. Ninety percent of environmental law on the ground in local communities is about politics, especially in siting disputes. The disputes involve political decisions that are being made about whether Company X can site a facility in a particular community, and these political decisions are being made by an elected board of supervisors or city council. Now, when I was studying environmental law and reading in my casebook all the cases brought by major environmental groups, nobody ever told me that what actually doing environmental law cases “on the ground” meant was building a workable coalition on the board of supervisors to vote down a project.

Much of our work is in the administrative process. We try to block facilities before they come on line. And in the event that we lose the administrative fight and the political fight, then, as a very last resort, we have to look to the law. In my law school class, we learned nothing about the politics of doing environmental law. We simply studied the major cases that explicated federal law.

Another way that environmental justice issues can be woven into law school classes is to focus more on the *process* of lawyering. It may be difficult for environmental law professors—many of whom have never practiced, never worked outside the academy—to talk about the process of lawyering. Such a classroom discussion may require inviting one of the law school’s clinical professors to talk about client contact or client relationships. Such a cross-fertilization of disciplines would be productive for students and the professor and help break down the artificial boundary we create between different legal fields.

III. RELEVANT RESEARCH AND SCHOLARSHIP

Communities facing environmental dangers are in great need of relevant legal research and writing. Four useful ways for this to take place are (1) focused class energy; (2) being a resource for environmental poverty lawyers working in one’s region or issue area; (3) writing *amicus curiae* briefs in environmental justice cases; and (4) undertaking meaningful legal scholarship.

A. *Focused Class Energy*

By “focused class energy,” I mean law professors having their students examine, research, and write about one particular topic for a semester—ideally, a topic relevant to and useful by a local community group. Professors at UCLA’s Graduate School of Architecture and Urban Planning have used this method of teaching for years, and student work has been instrumental in the campaigns of several Los Angeles environmental justice groups. Environmental sociologist Bob Bullard has also used similar projects in his classes; students in one of his classes each chose a different Chemical Waste Management facility and wrote research papers on the facility, examining the demographics of the host community and the facility’s environmental compliance record. The resulting papers helped the students understand environmental sociological research techniques—the aim of the exercise—and also were useful to the people of Kettleman City, California, who were

resisting Chemical Waste Management's attempts to site a toxic waste incinerator near their community.²⁵

B. *Acting as a Resource for Environmental Justice Groups*

Through the national Environmental Poverty Law Working Group (EPLWG), several hundred legal services attorneys and private practitioners exchange information and consult with one another on environmental justice cases. EPLWG, coordinated by the Center on Race, Poverty & the Environment in San Francisco, also relies on law professors and other experts who volunteer to consult with EPLWG members nationwide. Consultations usually involve cases in a professor's field of expertise, or in a professor's geographic region. Such consultation can range from a brief phone call posing a discrete, simple question—"Can I bring such a suit under Section 304 of the Clean Water Act?"—to extensive involvement in a lawsuit or administrative proceeding, depending on the professor's time and interest. In this way, law professors can use their specialized knowledge in support of the movement for environmental justice.²⁶

C. *Amicus Briefs*

For the law professor with time on her hands, writing scholarly *amicus curiae* briefs in environmental justice cases can be useful for communities engaged in protracted legal struggles. *Amicus* briefs are excellent vehicles for discussing the broader policy implications of a particular suit and the historical context of a suit—areas which law professors are particularly well situated to address, and which environmental justice lawyers may not have the time, expertise, or ability to add to the administrative record in "Brandeis brief" fashion.

25. For more information on the Kettleman City story, see Luke W. Cole, *Empowerment as the Means to Environmental Protection*, 19 *ECOLOGY L.Q.* 619, 674-79 (1992); Luke W. Cole, *The Struggle of Kettleman City: Lessons for the Movement*, 5 *MD. J. CONTEMP. LEGAL ISSUES* 67 (1994).

26. Those interested in becoming a resource for the Environmental Poverty Law Working Group should contact us at the Center on Race, Poverty & the Environment, 631 Howard Street, Suite 300, San Francisco, CA 94105.

D. *Meaningful Scholarship*

There is a desperate need for legal scholarship that creatively explores new legal avenues and causes of action in the environmental justice field. While it took until 1991 to get the first law review articles published on environmental justice,²⁷ since that time, there has been an explosion of legal scholarship on the issue. However, much of that work has been highly theoretical and focused on a single legal remedy, and thus is of little use to community groups involved in local struggles or to litigators working on their behalf.

Most of the legal analysis of environmental justice claims in law reviews has focused on civil rights cases and on constitutional claims under the Equal Protection Clause of the Fourteenth Amendment. In our work at the Center on Race, Poverty & the Environment, we use a four-tiered litigation hierarchy, and equal protection suits—the focus of the vast majority of law review articles on environmental justice to date—are at the very bottom of that hierarchy.²⁸ In our experience, and in the experience of every single attorney who has ever filed one of these cases, constitutional equal protection claims are, unfortunately, losers. The Supreme Court's narrow and crabbed reading of the Equal Protection Clause, and its imposition of the intent requirement, have created a nearly insurmountable hurdle for environmental justice plaintiffs.²⁹ However, this has not stopped legal academics from writing countless articles about the strategy, while other strategies which have actually *worked* for environmental poverty lawyers and affected communities have yet to be fully explored in the literature. We need law professors to come up with *new* theories and remedies, to push the boundaries of discourse beyond the safe, but repetitive and ultimately unuseful, explication of equal protection doctrine.³⁰

27. See *supra* text accompanying note 4.

28. Luke W. Cole, *Environmental Justice Litigation: Another Stone in David's Sling*, 21 *FORDHAM URB. L.J.* 523, 526 (1994).

29. *Id.*; see also Lazarus, *supra* note 3; Gerald Torres, *Understanding Environmental Racism*, 63 *COLO. L. REV.* 847 (1992); Austin and Schill, *supra* note 4.

30. Several legal scholars have taken up this challenge. See Peter Reich, *Greening the Ghetto: A Theory of Environmental Race Discrimination*, 41 *KAN. L. REV.* 271 (1992)

IV. CLINICAL OPPORTUNITIES

To best serve students' educational needs (and, incidentally, provide resources to the environmental justice movement), law schools should encourage clinical opportunities, both for students *and* for faculty. Such opportunities can range from supervising student externships, to actually taking environmental justice cases, to setting up an environmental justice clinical program within the law school.

A. *Student Externships*

Perhaps the simplest way for a law professor to get plugged into environmental justice issues is to supervise student externships with organizations that are doing environmental justice work. Such externships provide often-underfunded organizations—community groups or legal services offices, for example—with young, bright, and free legal talent. They also provide law professors with a way to learn—albeit vicariously—about the work of local groups.

B. *Take Environmental Justice Cases*

Environmental law professors can get hands-on experience by actually working with communities on environmental justice issues.³¹ In every major urban area, and in many rural communities that host law schools, there are neighborhoods or communities facing environmental problems. Many of these communities are in desperate need of sensitive, sensible, and responsible representation and legal help. This does not mean that they need someone to come in and take over for them, it means they need someone to give them advice from time to time, or represent them in the legal piece to a broader community

(discussing state law causes of action for remedying environmental racism).

31. Many environmental law professors maintain active litigation dockets or assist traditional environmental groups in litigation. My suggestion here is to refocus some of the work already being done so that low-income communities and communities of color get some of the professorial resources currently devoted to wilderness, old growth forests, and endangered species.

struggle. There are few people who are better situated to do such work than environmental law professors, in terms of having flexible schedules, access to resources, and an ability to parse dense and tedious environmental statutes. (Co-counseling a case with a local legal services office or private practitioner would offer many of the same benefits without all the responsibility).

C. Setting Up a Clinical Program

For those with the most energy and interest (and resources), the option always exists to create a law school clinic focusing on environmental justice.³² Such a strategy has been undertaken by three San Francisco Bay-area law schools—Berkeley’s Boalt Hall, Golden Gate, and Stanford—in the past year. A clinical program can offer students the invaluable educational experience of actually practicing the law, rather than merely theorizing about it. If implemented correctly, it can also be a major resource for local communities involved in environmental justice struggles. Perhaps the best example of this is Tulane’s Environmental Law Clinic, which has worked with dozens of community groups throughout Louisiana on environmental justice issues, in a manner which respects the community groups’ autonomy and leadership role in local struggles.

But law school environmental justice clinical programs are sometimes a mixed blessing for community groups. Clinics may compete for funding with local groups, take over local struggles, or be culturally insensitive. Clinics can replicate the very power dynamics the environmental justice movement challenges with the slogan “We speak for ourselves” if clinics seek to speak for local groups. As a group of San Francisco Bay-area environmental justice activists wrote to the three clinics they were suddenly encountering, “Legal clinics, like any well-intentioned social program, can foster a ‘dependency mentality’—as opposed to an empowering one—in its clients. Extreme caution must be taken to avoid the creation of clinical programs which emphasize

32. The steps to setting up an environmental law clinical are outlined in Robert F. Kennedy, Jr., *Environmental Litigation as Clinical Education: A Case Study*, 8 J. ENVTL. L. & LITIG. 319 (1993).

communities' deficiencies as a means of creating a role for themselves."³³ As my colleague in the movement, Pat Bryant of the Gulf Coast Tenants Organization, says: "The movement is looking for lawyers on tap, not lawyers on top."

V. REAL LIFE EXPERIENCE ON SABBATICAL

One of the quickest and easiest immersion courses in environmental justice law and policy is to work with an office that practices environmental justice law.³⁴ For professors who do not have ready access to an environmental justice clinic or organization within their community, we at the Center on Race, Poverty & the Environment have the solution: the professor in residence. While this concept is described in more detail elsewhere in this volume,³⁵ it involves law professors using their sabbatical to work at an environmental justice outfit. The professor gets the benefit of hands-on work in the field, the group or law office gets a free attorney for four to six months, and communities in crisis get more resources at their disposal.

VI. CONCLUSION

To respond to the environmental justice movement and the social reality which created it, law schools need to do a better job of environmental justice training. This article has outlined four areas in which law professors can expose themselves and their students to the important facet of environmental law and policy that is environmental justice. In each area—teaching, scholarship and research, clinical work,

33. An Open Letter from Bay Area Environmental Justice Activists to Environmental Law Clinic Proponents at Boalt Hall Law School, Golden Gate Law School & Stanford Law School 1 (Dec. 20, 1993) (on file with author). The letter continued, "Instead, clinics should capitalize on the momentum and perseverance of communities' struggle for self-determination and healthy empowerment to reframe the clinical approach and provide a new paradigm for collaborative work useful to all involved." *Id.*

34. Several law schools—Boalt, Boston College, Golden Gate, Hastings, and Stanford among them—have recognized the importance of direct experience in the field and have hired practitioners to teach their courses focusing on environmental justice.

35. M. Casey Jarman & Luke W. Cole, *A New Approach to Expanding Resources for Environmental Justice: The Professor-in-Residency*, 96 W. VA. L. REV. 1165 (1994).

and work during sabbaticals—the article has provided concrete steps to making environmental justice part of a law professor’s academic repertoire. It is my hope that professors will use this article as a beachhead onto this large and growing subject area, will be seized by the immediacy and importance of the issues involved, and will dedicate themselves to the environmental justice movement. Short of that, I hope the article will provide the curious academician with a roadmap to environmental justice resources and points of involvement. The legal academy must wake up to environmental justice issues; to do otherwise threatens to make students’ environmental legal education irrelevant to the demands they will face in the practice of environmental law.

9

