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Thank you, Steven, for your introduction, and thank you ABA for asking me to come here today. I am so happy that I was able to participate in this wonderful symposium on environmental justice. Almost all of the speakers today are environmental law experts and probably most of the lawyers in attendance are environmental law practitioners, but few civil rights attorneys. I'm happy to be here to represent the civil rights enforcement role in achieving environmental justice.

From the time I've been at Department of Justice, which has been a very long six months, I've come to realize the extent to which the work that we do implicates environmental justice issues, and the role enforcement of Title VI of the Civil Rights Act of 1964 is not often well-understood. Today is a great opportunity for me to highlight what the Civil Rights Division is doing and what broad role we can play.

Before continuing, I want to recognize Nicholas Targ, Benjamin Wilson, and Quentin Pair who are the co-chairs of the ABA Subcommittee on Environmental Justice and Diversity. The subcommittee was started over six years ago, about when I first met that trio of amazing men who, in many ways, are responsible for the advancements that I've made in working on environmental justice issues.

As was mentioned, I do have ties to Mississippi. In my previous position at the Lawyers' Committee for Civil Rights Under Law, much of my work focused on the Mississippi Gulf Coast, post-Hurricane Katrina, and working with the Turkey Creek community and the North Gulfport community. We coordinated the National Commission on Environmental Justice on the Gulf Coast. Bishop Black, who spoke earlier, was one of the commissioners. Charlotte Keyes, who you also heard today, spoke before the commission.

Having this discussion here at Ole Miss, a place that is so rooted in our history of civil rights, makes this a very special

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program. I think this institution is symbolic of the challenges that we have as a country in addressing issues of racial discrimination and the impact of segregation; the environmental justice movement is born out of that same history. I'm pleased to see the recognition of environmental justice within this institution and to have the students here learn more about environmental justice concerns. One thing that we do know is that over 75% of hazardous waste facilities are located in minority and low-income communities and that people of color and indigenous communities, as well as low-income communities, bear a disproportionate burden of environmental hazards. So often we think of addressing environmental justice in very theoretical terms, and what the law can and cannot do, and really miss what it means to real people day in and day out.

We've heard about the Gulfport, Turkey Creek community being founded by freed slaves after Reconstruction. It is still there today, despite numerous hurricanes and environmental threats. That community is trying to preserve its history and has worked adamantly to preserve surrounding wetlands. One would not think of wetlands preservation as a civil rights issue, but here is a historic community that was established over a century ago and encapsulates the civil rights struggles of this country; a community that could potentially be wiped away in the next big hurricane if we don't ensure that the basic natural flood protectors that wetlands provide are preserved. So you have environmental activism with the goal of protecting a community that is very much rooted in our civil rights history.

Forgive me as I digress, but we have a group of students here today and I want to speak to them for a minute. I teach an environmental justice seminar at Howard Law in Washington, D.C. So often we have students that are interested in a broad range of issues. They're not just planning to be community advocates, but are planning on working for corporations, or becoming politicians, and are trying to understand what environmental justice means to them and their professional goals. What I and my co-professors, Quentin Pair and Benjamin Wilson, often talk to students about is approaching your work with an environmental justice lens; with an understanding that communities have a voice and that their voice should be valued.

And I think that outlook is critical no matter what role you play in your career, whether you are the activist, a corporate attorney, or an academic. Understanding the history of communities and the impacts that our actions can have and taking that understanding into your representation is really critical to addressing environmental justice needs throughout the country.

Currently, I'm working in the Civil Rights Division of the Department of Justice. The wonderful thing right now about working in the Civil Rights Division is the mandate that we have to address environmental injustice and the commitment that the President of the United States and the Attorney General have made to environmental justice. I want to highlight a couple of recent activities that demonstrate this commitment that you may not hear about. We talked earlier today about the Inter-agency Working Group on Environmental Justice that was formed as a result of Executive Order 12898. The Inter-Agency Working Group has been reinvigorated. In September 2011, there was a White House meeting of the principles of all of the federal agencies. And not just those agencies that are named in the Executive Order, but others that are not, most notably the Department of Homeland Security. The agencies came together to discuss what federal agencies can do to develop environmental justice strategies to ensure that their programs and policies do not have a discriminatory environmental impact on communities of color and low-income communities. This was a really important meeting because it wasn't just about having a conversation about environmental justice, but it really spurred action. Three months later there was a White House forum on environmental justice where approximately 100 stakeholders were invited to talk directly to representatives of the federal government. This was an opportunity to engage the federal government; for stakeholders and community activists to really engage the federal government, hear what different agencies were doing to address environmental justice concerns, and to make community issues known. It is not just EPA that is on the forefront of addressing environmental justice, but Department of Homeland Security. We know the environmental and health impacts of natural and man-made disasters are greater on lower-income communities. So the fact that you have an agency that wasn't even in existence at the time

that the Executive Order was drafted, willing to commit itself to the mission of the Executive Order and to the inter-agency working group, is quite notable.

Within the Department of Justice, the Civil Rights Division, as well as the Environment and Natural Resources Division, have recognized that you can't just address environmental justice in a vacuum, that it requires not only collaboration with community organizers and the private bar but also across agencies and within agencies. And so within the Department of Justice, the Environment and Civil Rights Divisions have begun having conversations about how our work might be able to come together. Some of the first steps that we've taken have included travelling together down to Atlanta and engaging in a listening session. The assistant attorney generals of both divisions travelled to Atlanta and met with the EPA Region 4 administrator, the U. S. attorney, and regional advocates. Our group visited the English Avenue/Vine Street community. We listened to residents' concerns which, most notably, focused on the issue of sewage overflow. We could see the ditches where sewage flows during a rain event and could see the houses with mold growing on them. I don't know if any other assistant attorney general has ever done that—so I can't say that they were the first—but I can say that the commitment to environmental justice is not just talk. The fact that the AAGs were able to observe the environmental impacts on this African American, low-income community really is going to inform how they look at their work going forward. So we are not operating just in a vacuum or in some theoretical sense. They will remember what they saw in Georgia.

Within the Civil Rights Division, I focus mainly on enforcement of Title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally funded programs. The challenge with Title VI enforcement is that each funding agency is responsible for enforcement in their funded programs. When there is a complaint of discrimination in a program or activity receiving federal funds, the complaint goes to the funding agency. More often than not, what would be considered an environmental justice complaint would not come directly to the Civil Rights Division. It would likely go to the Environmental Protection Agency, or Department of Transportation, or the Department for Housing

and Urban Development; but the unique role that the division can play is that we are able to provide assistance to the various agencies when it comes to their Title VI programs. In that role, we have actually been working very closely with the Environmental Protection Agency to implement best practices for their Title VI programs. I think many of you may know about some of the very challenging issues that EPA has been dealing with over the years with their Title VI program; we see it as our role to provide the tools needed to improve not just that agency but any agency that really needs to strengthen its Title VI program. The impact of the Supreme Court decision in *Alexander v. Sandoval*, which eliminated a private cause of action to enforce agencies' disparate impact regulations of Title VI, was devastating to environmental justice advocates. Now agencies are at the forefront in ensuring that the programs that they are funding are not having a discriminatory impact. Many agencies just don't have the resources to address the number of complaints that they receive. Our office is able to, at the very least, provide technical assistance to agencies. In fact, many agencies have actually reached out to us to address some issues within their Title VI program.

The Civil Rights Division has worked with the Department of Homeland Security to address the impact of emergencies on lower income communities and limited English proficient individuals. Title VI prohibits discrimination on the basis of race, national origin, and color and the Supreme Court held in *Lau v. Nichols* that protection against national origin discrimination includes protection of limited English proficient individuals. When you have a disaster like the BP oil spill, you need to be able to communicate with people in order to help them.

The division also actively communicates with advocates. I've had several meetings with advocacy groups on a variety of environmental justice issues, whether it's related to transportation equity or addressing a backlog of Title VI complaints. Before I joined the Justice Department, I was on the other side of the table sitting there with Eileen Gauna and others speaking to federal agencies on a range of environmental justice issues. I think the Department is making great strides in being accessible to communities, learning about the most pressing issues, and trying to figure out how we might be able to help

within our limited role. The Environment Division has also been very much engaged and is reaching out to communities in ways that they have not done so before. The hope is that these efforts to address environmental injustices are sustainable. The Environmental Justice Interagency Working Group is working with that mission in mind. The Civil Rights Division, as well as the Environment Division, are moving forward in that direction and are working with other divisions within the Department of Justice. Our Community Relations Service, which is primarily focused on being a peacemaker in working with communities that are dealing with a variety of issues involving racial tensions with police departments and local officials, is incorporating environmental justice in their work.

So what can you do as private practitioners and as law students? Law firms are in a very unique position to be able to provide pro-bono services to communities that may not be able to afford legal representation. Whether it is assisting with the comments on a proposed permit, challenging the expansion of a landfill, or explaining the administrative process to a community group, law firms and law students can play a very important role in trying to spread information about environmental protection, civil rights, and the public participation process. So please consider pro-bono opportunities.

I am truly optimistic about what I see happening within the Department of Justice on environmental justice. The work that's being proposed is with a long-term vision, to not recreate the wheel by building on the great strides made during the 1990's. We don't want the progress we make to be reversed by any particular administration. There will always be an administration that is friendly or not friendly to environmental justice issues. But when we look at what underlies the main concerns of communities (fair treatment, equal treatment, and environmental protection that actually protects communities), and if we approach our work with that in mind, it should not matter who's in office; the work will be able to sustain itself.

Thank you again for inviting me to come speak today and, again, I really appreciate the opportunity to be here.