CORPORATE COUNSEL AND THE ENVIRONMENTAL JUSTICE MOVEMENT: THE TIME IS NOW

By **Jose Almanzar**

In-house attorneys are uniquely positioned to influence decision-makers within their companies. For this reason, I believe the opportunity is ripe for these frontline lawyers to advance environmental justice (EJ).

Corporate counsel should feel empowered. Driven by compassion and equity, these attorneys can – and should – engage in the EJ Movement. They can elevate their companies to help low-income and diverse communities that are suffering from the impacts of systemic environmental racism.

The recent increase in shareholder activism and investors demanding "sustainable" branding has led to more companies focusing on the environmental impacts of their operations. Increased investor attention to environmental, social and corporate governance (ESG) should come as no surprise to corporate boards: investors are seeing the fiscal and moral benefits of environmental sustainability, racial justice, and transparency in governance.

Enter environmental justice: the perfect mixture environmental, public health, climate change and racial justice policy.

The Environmental Justice Movement is premised on three foundational principles: (i) the burdens of pollution and climate change should be distributed evenly across society, not just to select areas or peoples; (ii) everyone should be afforded the opportunity to meaningfully participate in decisions impacting their environment and health; and (iii) the victims of environmental injustice should be made whole.

Sadly, and disappointingly, certain communities and groups of people are still being saddled with a disproportionate share of environmental harms. These areas are typically made up of predominantly low-income or racially diverse residents. There are several terms to describe these neighborhoods including "disadvantaged communities," "underserved populations," and "EJ neighborhoods." Regardless of the term used, they are all environmental "sacrifice zones."

The time to seriously address environmental injustice is upon us and corporations must be an integral part of the solutions. Relying on government or not-for-profits to lead this charge is akin to turning a blind eye on these serious issues affecting BIPOC [1] and low-income communities.

Below I provide a few ways that corporate counsel can help become allies in the Environmental Justice Movement and lead from the inside:

1. **Diversify your top talent.** Encourage the recruitment and hiring of board members and executive leadership from diverse backgrounds. Diversity of leadership necessarily invites a variety of viewpoints, opinions, and considerations. The talent is out there if corporate recruiters and hiring managers are willing to look.
2. **Learn and try to adhere to the 17 Principles of Environmental Justice.** All corporate decision-makers should learn the long-standing "Principles of Environmental Justice." [2] These 17 principles were born out of the First National People of Color Environmental Leader teams to these principles could encourage positive change even when some principles may serve as an impediment to the corporate bottom line.
3. **Integrate EJ considerations.** Incorporating EJ considerations into corporate decisions, programs, policies, and activities should advance EJ goals.
4. **Decarbonize ASAP but also look beyond greenhouse gas accounting.** Collective action to address human-driven climate change is the most pressing environmental issue of our generation. Therefore, decarbonizing company operations is of utmost importance in addressing climate impacts on EJ communities. However, there are ample opportunities for companies to make significant and impactful contributions to environmental justice by doing more than counting greenhouse gas emissions.
5. **Learn the neighborhoods.** Corporate counsel should push management to learn where the EJ communities are in relation to their operations. Certain aspects of a company's operations could negatively impact the health or environments of

proximate EJ communities. Free tools such as EPA's EJScreen, can be used to identify EJ communities near facilities.

6. **Use procurement to uplift diverse vendors.** Counsel should encourage business partnerships with vendors from BIPOC or women-owned enterprises.

7. **Communicate early and often with local EJ leaders.** One of the biggest environmental injustices is lack of meaningful involvement of impacted persons in decisions that may impact their environment or health. Companies should communicate early in the process with local environmental leaders to hear concerns of proposed actions that could have significant environmental or health impacts, regardless of regulatory obligations.

CONCLUSION

The foregoing present only a few examples of how in-house counsel can become allies in the Environmental Justice Movement. Companies have an opportunity to help alleviate environmental injustices and help course-correct systemic environmental racism. Corporate counsel can – and should – lead the charge.

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[1] "BIPOC" is the commonly used abbreviation for the collective group of Black, Indigenous (and) People of Color.

[2] See https://www.nrdc.org/resources/principles-environmental-justice-ej.