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MIKE LIVERMORE: Welcome to the *Free Range* podcast. I'm your host, Mike Livermore. This episode is sponsored by the Program on Law, Communities, and the Environment at the University of Virginia School of Law.

With me today is Kim Fields, a professor at UVA's Woodson Institute for African-American and African Studies. Her work focuses on inequality, environmental policy, race, and environmental justice. And recently, she's been examining these issues in the US at the state level. Kim, thanks for joining me today.

KIM FIELDS: Hi, Michael. Thanks for having me.

MIKE LIVERMORE: So there's been a lot of focus on environmental justice at the federal level recently, or a lot more focus, anyway, than there has been in the past. And we may end up talking a bit about that. But your recent research focuses on states and state environmental justice policy, the role that advocacy organizations play in shaping state policy. What drew you to that forum? Why are states an important zone for policy in the environmental justice area?

KIM FIELDS: Yeah, this is interesting. So states, just in environmental policy in general, have been kind of delegated the role of implementation of some of the larger federal policies, so like the Clean Air Act and Clean Water Act, Superfund, those kinds of federal policies.

A lot of the decisions around how to implement the mandates or rules in those larger pieces of federal legislation have fallen to the states. And so this means that they have a lot of latitude and discretion for deciding how they're going to achieve those goals and meet those requirements or mandates.

And so there's a lot of variation. And that variation, in some instances, can make a lot of sense. There might be a need to be more aggressive than the federal floor in some states because of the legacy of the different types of pollution that exist in those areas. And so you might see more robust kinds of efforts in states. But in other areas, there might not be the need to have that kind of aggressive implementation or strategies.

So on the one hand, it can be good. On the other hand, it can be problematic because states have different resources. They have different political contexts and environments that mean they are more vulnerable to influence or by regulated industries. Or they have a small population that could be politically, socially, or economically marginalized and not have the kind of influence on decision makers that would allow their interests to get reflected in implementation strategies or efforts.

And so we might see less robust or aggressive efforts in those areas even though they might need to be more aggressive. So it's really been an interesting education for me to see how important states are in achieving not just environmental justice but environmental quality. So that's what drew me to the state as a unit of analysis.

MIKE LIVERMORE: Yeah, and it is fascinating in some ways just how central states are to environmental law in the US and the huge amount of, yeah, just as you said, discretion and authority they have in a lot of areas. You mentioned variation. And that's interesting. That's interesting to a social scientist, right? That's how you can get started and get some traction on studying something.

So what are the dimensions of variation that you see as important in the environmental justice space, both as an input, the characteristics of states that lead to different outcomes, and then presumably those multiple dimensions of outputs that are also worth studying and worth recognizing?

KIM FIELDS: Yeah. So some of the inputs that are important are the level of grassroots activism. And I measure that in terms of the number of environmental justice-focused organizations. That can be really important and play a significant role in shaping the development of states' environmental justice policies, particularly if they are permitted to participate in the policy-making process.

So that's one input variable that's been helpful for me to try to understand some of the variation that I was observing. The political context can matter, too, and some of the history of politics in a state in general, but particularly around environmental protection and natural resource conservation, as well as how it has handled issues around the racial dimensions of inequality in other arenas.

So like, how has it handled racial inequality in things like education or incarceration? That history is often useful in understanding the strategies and tactics that they use to address the racial dimensions of environmental inequality. So those have been two big ones.

Additionally, the political and economic autonomy of the regulatory agencies, the environmental regulatory agencies, that get tasked with developing environmental justice policies, that has been a variable that helps explain some variation, too. Like, the more resources that an organization has, the more likely they are to be able to do things like, say, hire staff people who are focused primarily or solely on environmental justice-related issues or missions.

So those are some of the input variables that have been helpful in understanding variation. In terms of outputs, some of the variation I'm interested in are these strategies and tools that states have developed to help achieve their environmental justice goals.

So do they focus on prioritizing and targeting areas of environmental justice concern or populations of environmental justice concern? Or do they take an approach that is more universalistic? Like, we want to make sure that all our procedures and processes are open to everyone equally, those are two really different strategies. And they produce different outcomes.

MIKE LIVERMORE: Yeah, this is all super, super interesting. And one question that springs to mind and is based on some of your earlier writing is this idea that environmental justice policies are, as you say in a paper, a blend between environmental policies and civil rights policies and that, as you said, the history of a state, political history of a state, in dealing with inequality in other contexts-- housing, policing, education, whatever-- is illustrative or illuminating.

One question I'm curious about your thoughts on are, how much is-- if we think of environmental injustice or environmental justice issues-- environmental racism, that cluster of concerns, a manifestation of these broader forces about race and inequality more generally? Versus, is there something special or unique or different about the environmental justice context that sets it apart from housing or education, other than obviously it deals with a distinct set of issues? But is there something about it that conceptually distinguishes the environmental context from other domains where inequality and race intersect?

KIM FIELDS: Yeah, so I think about this in a couple of ways. So on the one hand, it's not very distinct in terms of the causes. So some of the same undergirding systems and relationships and distributions of power help explain why we see disparities in exposure to environmental risks. So those same kinds of factors that we see in other issues, like incarceration and education are some of the drivers for the racialized distinctions in exposure to environmental risk.

So that's on the one hand. But one of the reasons I focused on environmental justice policies was because I did see this distinction that I thought was important with the environment, that I didn't see as much with at least the rhetoric around policy interventions with other kinds of inequalities. And that is that there seems to be this acceptance that there isn't a personal responsibility dimension to environmental inequality.

So that opens up some political space, in my opinion, that is foreclosed in some of the conversations you observe around how to address disparities in education or disparities in incarceration rates. There's more space in those kinds of issues to blame the individuals. It's not that that doesn't happen in some discussions around environmental racism. But it's very different in that you'll see discourse around this. It's like, well, why don't they move?

MIKE LIVERMORE: Right, right, right.

KIM FIELDS: But not, they created this. You can't really blame the people living there.

MIKE LIVERMORE: It's not their factory, typically.

KIM FIELDS: Right. [CHUCKLES] And I thought that was interesting because, for me, it helped me really point out and clarify the political policy decision-making dimensions that it was a little murkier in some of the other issue domains, not because the blaming was legitimate.

MIKE LIVERMORE: Right.

KIM FIELDS: But because it gave this political cover that could be used in ways that made it difficult to build coalition and enough political consensus to get some kind of intervention developed and implemented.

MIKE LIVERMORE: Yeah, that's super interesting. I never actually thought about that dimension of maybe, say, inequality discourse, where maybe on one side of the, let's call it, ability to attribute bad outcomes to individuals, or desire a willingness to do so, anyway. And on one side of the extreme, we might say policing and incarceration actually is one, where people will obviously blame people that are on the receiving end of those.

And there's a whole moral discourse around that, and et cetera, et cetera. And then maybe on the other side of the spectrum is some space like environmental justice, where that same instinct or political rhetorical device is less available or less attractive for whatever reason.

And it's illuminating because I think there's other-- there are these other issues that we could place on the spectrum. Like, education is probably less controversial, like concern about educational inequality. There was, for whatever we think about its merits, the No Child Left Behind Bill was highly bipartisan.

Ted Kennedy and George W. Bush agreed on it. Again, putting aside whether it was a good idea or the policies were good, there was some bipartisan notion that educational inequalities are bad and that it's not attributable, because they're kids obviously. And so it's less obvious to attribute it. People will still blame parents. [CHUCKLES] They'll find someone to blame.

But it's less obvious, or less easy, then maybe in other contexts where, say, inequality in terms of just socioeconomic status or poverty or homelessness or some other kind of economic issue, people say folks should pull themselves up by their bootstraps or whatever else. So that is a really interesting dimension. And has that borne out? You said that was what drew you to the area. In actual practice, as you've studied this issue, is that a distinction that you've continued to feel confident in?

KIM FIELDS: It is. I look at a lot of meeting minutes and different kinds of transcripts, where you have decision makers talking about what they think needs to happen. And I was coding those transcripts for things like, what was the causal narrative here? Where are people placing responsibility?

And I was not seeing a lot of discourse around, well, it's the people here contributing to it. So it does kind of hold up in that way.

MIKE LIVERMORE: Yeah, yeah, that's really interesting. Another difference that I think is interesting, I'd be curious to get your thoughts on, is the advocacy context on environmental issues versus, say, housing or education or policing, where you have these big, traditional environmental organizations, right? Your Environmental Defense Fund, Sierra Club, environmental NRDC, whatever the big groups-- well-funded organizations which have existed for a long time.

And of course, you have the environmental justice movement and community-based organizations starting up, I don't if "an alternative" is the right word, but it in a similar space. Whereas in the, say, housing or criminal justice or other domains, there just isn't that same dynamic, where there's not clearly a big traditional advocacy context that then the inequality issues, issues around inequality and race, come up in a sense within that environment, right?

Whereas in the environmental space, you have the big green groups. And then environmental justice groups raise a critique about the advocacy that's happening by the traditional groups and that it's insufficiently sensitive to issues of inequality and race. And there's a whole conversation about that. It happens in the '90s all the way up to today. So I'm curious, your thoughts on that. How does that dynamic, where you have this just different context of advocacy happening around environmental issues versus housing or crime or other issues, criminal justice?

KIM FIELDS: I think once that critique was made and really absorbed by mainstream environmental organizations, it became very useful in kind of, like, the coalition politics that needed to happen in order to get this push further through the political, or the policy-making process. So on their own, environmental justice community organizations were able to get the topic out there and put the issue on the national agenda, which was really, really important and compelled Executive Order 12898 and et cetera.

But it takes a whole lot to get past just being on the agenda. To push something all the way through the federal legislative process as well as the state and local level legislative process requires a lot of resources, sustaining it over time. And I think that the mainstream environmental organizations, once they got on board, played a role in helping the issue stay on the agenda longer and make more progress through the legislative processes at both the federal and the state level. It's still really, really hard.

MIKE LIVERMORE: Yeah.

KIM FIELDS: And at the federal level. I think, every year since '92 maybe-- I think it's 1992-- there's been an environmental justice act proposed. So just to give some context to how difficult it is to get something actually through that entire process.

I often direct students to that. And I think about that, too. But even just to keep it on Congress people's agenda requires constant lobbying. And the mainstream environmental organizations have played a role in that.

MIKE LIVERMORE: Yeah. Yeah, it's almost as if the environmental justice organizations, especially in the early days and still to a very large extent today, don't have the kind of resources that we're talking about with the mainstream groups. But in as much as they can leverage the mainstream groups and hold their feet to the fire on issues around inequality and then leverage them into playing a more active role, that frees up at least some part of a whole world of relationships and resources that can be really useful.

I guess that leaves a question, which is, in thinking about-- I don't know if "success" is the right word-- but the differences between states with respect to their environmental justice policies, is the existence and strength of traditional environmental organizations an important component? I just think of California, where there's a lot of presence of environmental groups.

The big environmental groups are there. There's just a huge environmental movement. And I feel as though the environmental justice groups have been relatively successful in a state like California compared to other places where there's not as robust of a traditional environmental community.

KIM FIELDS: Mhm, yeah, I think, in a lot of ways, the presence of a robust environmental advocacy environment within states has been useful for the reasons we just talked about. They can be harnessed to help provide resources and other kinds of supports for environmental justice organizations and groups.

So I do think it plays a role. But I think what I've learned is that there's almost kind of, like, this special sauce that has to exist, right? You can have that robust context or advocacy environment. But if there is a really resistant political culture or if you're in an economic context where the regulated industries are playing an outsized role in something like employment within a state, that even that robust advocacy environment isn't enough.

MIKE LIVERMORE: Mhm, mhm. Yeah, the stars have to align. There's multiple necessary causes that kind of have to come into play.

KIM FIELDS: Yeah, a lot of conditions have to be aligned. And I think California is one of those rare places where that exists more often than not, this alignment.

MIKE LIVERMORE: Mhm, yeah. And the California example, so I, a long time ago, before I went to law school, I worked in New York State environmental politics for several years. And it's another example where there is a strong environmental justice community.

And in any case, my perception has always been that they've been pretty successful at getting their issues on the agenda and winning at least some of the time, which is, often with progressive politics, all you can hope for. That's pretty darned good if you win some of the time.

You raised coalitional politics. But one issue that struck me with that and I think is very, very interesting in environmental politics these days especially is we have this deep partisan polarization over environmental issues. And one of the features that I always thought was an interesting component of the interaction of environmental justice organizations with the mainstream environmental organizations is that, especially these days but even going back, there was a way in which these are the coalitional politics within the Democratic party.

And these are both constituencies that are important to Democratic politicians. And at some level, people in the same coalition have to figure out how to get along with each other. They have to care about each other's issues. They work together. They're in a coalition together.

And a place like California and a place like New York that are mostly dominated by Democrats, or even successful Republicans need to be concerned about Democratic constituencies, that just creates a particular kind of dynamic. Whereas I wonder-- basically in different partisan contexts where you don't see that happening and there's just doesn't need to be the same level of responsiveness basically just because of the coalitional politics, where the groups that we're talking about, environmental justice, traditional environmental groups, are kind of outside the dominant party coalition.

KIM FIELDS: Yeah, this is an interesting question. So are you asking if there's more room for success if the partisan composition within a state is skewed more towards the Democrats? Because then it's just them coming to a consensus about how to move forward.

MIKE LIVERMORE: Yeah, so that's one version. So I've got, I think, maybe two questions. So one is that, is just basically, how does partisan composition affect the environmental justice outcomes that you're studying?

Then, I guess, the second question is maybe more about mechanism or the why of that or what the consequence of-- [CHUCKLES] it's maybe not the sharpest question in the world. But basically what I'm thinking about is environmental justice organizations, civil rights organizations, environmental groups, teachers unions, labor unions more generally, these are the groups that make up the Democratic Party in some general sense.

And I just wonder if the fact that you have groups in the same party coalition creates space for a kind of compromise mentality, like a "let's work together" mentality, when you might not see that if we imagine an alternative world, where the mainstream environmental organizations were mostly part of the Republican constituency, right? Or just interests that find themselves in the Republican Party coalition that they're just not inclined to hear the concerns coming out of environmental justice organizations in part just because they're sitting in this other party coalition and therefore, you don't have to work with them.

KIM FIELDS: Yeah, so that's a good question. What I have found around partisan composition is that there is a loose relationship between it when I'm looking at the robustness of the policies or the content, the substance of the policy. But it's not a very good predictor of robustness. And it doesn't tell you anything about what types of issues get put into those policies.

So it is true that in the places that have some of the most aggressive environmental justice policies, they are more-- they tend to be more Democratic. They are adopted under Democratic administrations.

But the better predictor is the concentration of minority populations. And we know that's related to, particularly with African-Americans, with partisan identity. So you can have a majority Democratic-composed state that doesn't produce a robust environmental justice policy if it's predominantly white.

So partisan, that's more the relationship that I've been seeing. And it makes sense because environmental justice has this focus on the racial dimension. And so people who are categorized racially or fall into those categories of racial populations that have been historically marginalized take up this issue. And so that's driving that part of it.

The other part of your question about, does it create space, I don't know that I can answer that. I haven't looked at that in a way that makes me feel like I can answer it. [CHUCKLES] But that is what I can say about the relationship between partisanship and policy outputs.

MIKE LIVERMORE: Right. Yeah, I mean, it's interesting. And maybe this is the kind of multicausality and the multiple conditions that you're mentioning earlier. Because I'm thinking of places like Mississippi. I mean, these are states that have substantial populations that are not white.

And in Mississippi, I just quickly googled it, nearly 40% of the population is Black or African-American. And that's a substantial percentage of folks. But they're out of power because for many, many, many reasons. But the most obvious surface reason is they're outside of the governing party coalition.

And now this, I just don't know the answer to. And you'll have more insights on this. My naive assumption would be that Mississippi is not a leader when it comes to having good environmental justice policies on the books. That actually might be wrong. But I would be happy to hear that that was wrong. So maybe I just throw this to you as, what are we to make of a state like Mississippi and the interaction of demographic composition and partisan composition as explanatory variables?

KIM FIELDS: Yeah, so one thing is there is this regional distinction in terms of the robustness of environmental justice policies. And the Delta South is one of the places where we do see more environmental justice efforts that are more or relatively more robust. And so the partisan composition there hasn't met environmental justice policies with some teeth, weren't able to develop there.

Some of this is just a result of how the environmental justice movement itself emerged. And so the Warren County moment in 1982 in North Carolina is what is considered to be the start of the environmental justice movement in some ways in the United States. And as a result of that protest moment, there was a GAO report that was commissioned. And it looked specifically at the South, the Delta South.

And it focused attention on disparities in that region in particular, way before Executive Order 12898. So in some ways, they've been looking at environmental justice for a longer period of time, almost in some cases by a decade.

And so that explains the further along in development of some of these policies in the South, even though they have not been part of the parties that have been in power. So it is kind of complex in that way. I think there was a second part to what you asked me. But I got lost in explaining.

MIKE LIVERMORE: But I mean, that is just very interesting. And I guess the question that just bounces back is, what is the political story there? So partially, is it, you have these political leaders. For the most part, they're in top of parties that are just highly, highly dominated, if not exclusively, by the white population of the states. So that's just their political reality.

What is the political case or political situation that leads them to nevertheless reach out essentially to concern themselves with these environmental justice issues that are primarily focusing on folks that are outside their party coalition? I mean, frankly I think this is a very positive, potentially at least, positive story of one-- very optimistic version would be that political leaders are acting on behalf of all of the people of their state and not just the people that are part of their political coalition.

I normally don't think of politicians as operating that way. But maybe I'm overly jaundiced in my review of what goes on.

KIM FIELDS: So some of it is, again, a reflection of the history of the movement itself. So leaders like Robert Bullard and Beverly Wright have focused specifically on environmental inequality and injustice in the South. And so some of their, I don't want to call it "star power," but that's how it comes to me right now, explains some of this. They're very visible. And they have made it a point to locate themselves and the focus of their work on the South.

And so even when we look at like the development of scholarship in what we might call environmental justice studies, a lot of it focuses on the South. It's not until the really late '90, and early 2000s that we start to see case-study-level research on states outside of the South.

So a lot of this is just a testament to the sustained agitation that environmental justice communities in that region and some of the key figures and actors played, keeping the microscope and attention on that region and for a lot longer than EJ has been on the radar in other states and other parts of the country. So I think that's a big part of the explanation.

I do think it deserves some more digging, though. A deep, rich, historical, descriptive analysis, I think, would reveal other dimensions that explain this. But I think that is a big part of it.

MIKE LIVERMORE: Yeah, yeah. And in a way, it speaks to alternative pathways to power and social change beyond just the ballot box in some ways. That even if you're not going to be successful at dislodging the people from power and even if you're outside of essentially the constituencies of the dominant political parties, there are still ways that you can persuade and influence and ultimately be successful.

KIM FIELDS: Mhm.

MIKE LIVERMORE: Yeah, so actually, I feel like we could keep talking about is. It's really interesting because now what I want to say is, how? [LAUGHS] Like, what is it? But maybe we could move on a little bit. And I mean, one pieces of your work that I think is really interesting is that often when people think of environmental justice policy debates, they're focused on individual, what I call local fights.

Like, there's an incinerator that's going to be sited in a particular community. And there's a struggle that we'll often think of as being an environmental justice struggle to stop it. Or there are communities that have, these days we call them fence-line communities, is a term that's been introduced and gained currency. But these are folks that live close to often multiple hazards. And then it's very local, right? It's very site specific or community specific.

And a lot of work has been done, not enough of course. But folks have thought about those local environmental justice fights, is how I think of them.

Your work seems to be oriented towards more overarching policies about environmental justice, not whether some particular facility gets cited or shut down. But how does a state in general deal with environmental justice?

So one, maybe initial question is, is that a fair characterization? Two, the second question would be, what are some of the policy levers? Like, we talk about variation between the states. How do states actually differ at this high level of how environmental justice is formalized into state decision-making processes?

KIM FIELDS: Yeah, so to your first question, the local fights, I think, show up in the state approaches. So one, yeah, the characterization is true. I'm looking at, how do states in general approach addressing the racial dimensions of environmental inequality?

So yeah, I am interested in that. But in doing that level of analysis, what I find is that their general approaches are oftentimes reflective of the local fights. Maybe they're a conglomeration of them. Or they reflect a really potent one.

So I think about Pennsylvania, for example, that a big part of its environmental justice approach is around permitting of facilities that produce hazardous waste. And that is a reflection of the activism in Chester, Pennsylvania.

And so those local fights do kind of help explain higher level, state-level approaches to environmental justice in general. In terms of the variations in the general approaches, I've focused on a couple dimensions that stood out to me.

One was that I found that some states will really focus almost narrowly on eliminating or reducing the racial dimensions of environmental inequality. They embrace this kind of conception of environmental justice as a remedy for environmental racism and the legacies of environmental racism, intentional or not.

And so their approaches are about identifying these areas and targeting resources to them that are designed to eliminate or reduce the degradation. So that's one thing that I found that was kind of surprising to me.

In contrast to that, I've seen other states take what I call a more race-neutral approach. And instead of focusing on directly eliminating or remediating environmental degradation in areas of environmental justice concern, they focus more broadly on making sure that their procedures and practices are equally accessible to people and applied equally across the population. So those are two distinctions.

MIKE LIVERMORE: Yeah, so one question with that is-- and this is maybe a clarification question-- are these approaches actually in opposition to each other in some sense? Like, you have to go one route or the other? Or is it just as a practical matter, what we see is some states go down one path. Some states go down another path. Although, in theory, you could take both.

So maybe just to make sure I'm being somewhat clear here is, it's impossible to have affirmative action and race-blind admissions simultaneously at a university, which is literally, those are the opposites from each other. Whereas I'm not sure if these are opposites from each other or they're just, like I said, somewhat different paths that you often see taken. But in theory, they could be complements or could operate at the same time.

KIM FIELDS: Yeah, I don't see them as being incompatible with each other. And in fact, there are some states that have a race-conscious focus but also include these more race-neutral efforts. So no, they're not incompatible with each other.

And yeah, I do see it as these different pathways that an examination of state environmental justice efforts revealed. They're like, oh, OK, that's interesting. And some states are really intentional about identifying areas of concern by some measure of race. And they express their priorities and goals as eliminating any disparities that come up with that dimension to them.

Whereas other states, the language just isn't there. There's no focus on the racial dimensions, almost not even acknowledged. It's kind of like, the environment is different in different places. And that shouldn't be the case. And so everybody should be able to participate in decision making and have access to information. And so it really prompted me to think, well, why would they drop the racial dimension?

MIKE LIVERMORE: Right, yeah, it's almost as if they work hard to talk around the issue at some level. Yeah, I mean, I guess this directly follows on that.

So what I think of as race-neutral approaches or making-- some of which maybe could be OK, say, improving your process in some general sense to make sure that it's available to everybody. Probably admirable, or at least potentially admirable. And yeah, as you were saying, it doesn't have to be incompatible with targeted efforts to remedy prior injustice.

But I guess one question is almost the first thing doesn't sound like environmental justice, almost. It sounds like something someone might say if they wanted to-- it almost just doesn't seem responsive to the concerns raised by the environmental justice community, I guess. Am I just misreading that?

Or I'm curious, it's like if someone were to say, there's prior racism. And then you just talk about something else. It strikes me that that's what's going on to a certain extent. So I'm just wondering if I'm being overly unsympathetic. Or is the, quote, unquote, "race neutral" approach more, in some sense, responsive but maybe not adequate?

KIM FIELDS: Yeah, so this is where the examination of the conversations that led up to the development of states' environmental justice policies was really helpful for me. So in a couple of my case studies, I saw the particular moments where race as a consideration was dropped out.

And there were people on these advisory committees that said, we're not going to be able to get politicians to do anything if we frame it in this way, as a racial issue. So we need to rethink how we're defining environmental justice.

And so you see this redefinition, this rewriting of what environmental justice means in these committee groups that often didn't include members of the communities that were impacted. And so it's not responsive, because they weren't there.

And again, this goes back to my thinking about a lot of the policy-making process that's used to develop these efforts, is something we really need to pay attention to because if it's a top-down process, where the governor's like, oh, we have to do something about environmental justice, how about you pull together five or six people from the Department of Environmental Protection and you guys come up with a plan for me?

There's a lot of other research by people like Joe Harrison and, I think her name is Joanna Hopper, who look at how much people in these environmental regulatory agencies actually even know about environmental justice. Like, some of them had never heard of it before. Others of them were outright hostile to the idea of it.

And if that's who you've got on this committee and who's responsible for developing the plan, then it's not surprising that what they would come up with wouldn't look anything like what people in impacted communities would be wanting or asking for or even defining environmental justice as. So that's some of the explanation.

On the other hand, there are cases that I looked at where the process was very open from the beginning. Like, we're going to take a pulse of the community. And we want to see what issues they want to see addressed, what solutions would satisfy them, what their demands are. And the outputs from that process look very different.

MIKE LIVERMORE: Yeah, and that makes perfect sense. And one question as you were talking through how the conversation kind of morphs, where somebody in some process says, oh, well, we can't frame this in explicitly racial terms. It's just not going to fly with our politicians, or whatever. And you might not have a view about this.

But I'm curious. Just presumably, that person, maybe we could even assume good faith, that they were right. It wasn't going to fly with the relevant politicians because we can imagine that there would be politicians like that. I mean, what do we think of that move?

Does that just mean that the state is not ready to really move forward with environmental justice? Is it better to just wait and continue the conversation in the terms that maybe it should be continued in? Or is it a plausible and maybe temporarily OK compromise to move away from an explicitly racially oriented and remedy-oriented approach?

That just strikes me as a hard question, but maybe one that is in context. So I think there's kind of two ways to think about this. This could either be like, maybe this is the kind of compromise that could be made sometimes under certain circumstances. Or the view could be, no, that's literally doing something else. And it's not addressing the thing that we're worried about. And so it's not a compromise that would ever make sense to make.

KIM FIELDS: Yeah, I think under certain conditions, if you've got another type of alternative that directly addresses the concerns and you think that it's viable to get it through that process, then maybe it makes sense. [CHUCKLES] In general-- and this is tricky for me because, as a researcher, sometimes I struggle with stepping outside of it.

And my own thinking about politics is you have to think about or be concerned about the effects that it has on constituent groups. Would that be demobilizing, right? If people have been active around environmental justice and ask for very specific things and what they get is something that doesn't look anything like what they've asked for, what interpretive message is that going to send? And what will that do in terms of their participation?

The research around this in other contexts is kind of mixed. So sometimes it demobilizes. It sends them messages about their worth. And it decreases their feelings of political efficacy. And other times, it makes people really mad and can mobilize. So I think it's a tough call to make.

I think you have to be really clear. And this is, in part, a problem with where they decide to delegate this issue for development. Regulatory agencies are always super concerned about the political life of an issue. And that can be problematic with something like environmental justice as an issue. So I kind of lost my train of thought with that.

MIKE LIVERMORE: Yeah, no, I mean, I agree. It just seems, like you mentioned, that there's a range of issues that are just practical that political leaders face. One of the hardest choices is when making a compromise, and everything's always going to be a compromise, what kinds of compromises are going to be demobilizing versus what kinds of compromises are going to be mobilizing?

Because you have to win sometimes, also. If you just lose and lose and lose and lose forever, people will lose interest, as well. So it is a super tricky and very practical, pragmatic kind of judgment.

One thought that you-- maybe just to continue on the last thing that you were saying, is it matters which kinds of institutions that we put these decisions in when we're constructing these policies. It strikes me that part of the effect here might just be about risk aversion and how different people view the risk of what you might call at least temporary failure.

So a state employee who's been charged by a political leader with, build me a policy that I can live with. And I want to address this environmental justice issue. But then everyone knows that I don't want to see something that has explicit remedy race component to it. So that sounds like an impossible task. But the state official might be very risk averse to then delivering something to the higher up that the higher up doesn't want to see.

Whereas if it's in, say, a more open process-- and maybe we could just talk about what a more open process looks like-- the folks in the environmental justice community might just be willing to take a temporary loss and say, look, this process just failed. It didn't come up with something useful. We would rather just continue the fight then sign off on a, quote, unquote, "environmental justice policy" that doesn't actually address our issues.

KIM FIELDS: Yeah, I mean, I kind of remembered where I was going with the last part of that. And I think this kind of helps or feeds into the discussion you were just having, question you were just proposing.

So on the one hand, there is some value in forcing people, particularly elected officials, to take a position on something, even if you know they're not going to produce exactly what you want, right? If you have this long game, this long political game, you might want to expose them. If this constituent base is important to them and you've gone through this process, you were explicit about your ask, and what developed was something that doesn't look anything like what you asked for or what you need, that can be really valuable information for people to use when making their decisions about who to support.

So there's that dimension to it. And then the other part about institutions, where these things live institutionally, the resources of different institutions, even if they're the same type of institution, like a regulatory agency in different states, if one has tasked environmental justice to staff members on top of their other duties, you might get environmental justice efforts that are the easiest for them to do.

MIKE LIVERMORE: Yeah, I mean, in some ways, this is the classic problem of policymaking, right? So it's just underresourced people producing not altogether satisfying results. So maybe I might just take a final question for you. And this takes maybe just a little bit outside of your research area. But I'm just curious what your thoughts are-- or not your research area, but specific research that you've done.

I think of states, as many people, they're not laboratories. But as you said, there's lots of variation. And they're a place where different types of politics can get tried out in addition to different policies.

And I really personally think these days-- and I think a lot of people are just extremely frustrated with the extreme partisan polarization that we see on environmental issues, which is just really a big roadblock to additional progress and meaningful improvement on issues like climate change. And I'm wondering if you just have any thoughts, just broadly, on how environmental justice maps onto the partisan polarization dynamic?

In particular, what I would be really hoping that you might have some insight on is whether there have been places where environmental justice issues have been around the partisan, or they have helped to alleviate some of the partisanship that we see? Or there's some way of environmental justice concerns or groups or institutions have short circuited some of the mechanisms that have led us to this really bad place on polarization at the national level.

KIM FIELDS: So what comes to mind again would be something I observed in Pennsylvania, where environmental justice activism kind of started around what was going on in Chester, Pennsylvania with these incinerators. And the activists in Chester were saying, we're targeted because we're Black. We're targeted because we're low-income. And we're bearing the burden of not just the state but the region's trash. And that's unjust.

And so they sued the state of Pennsylvania, the Department of Environmental Protection, and had kind of a partial victory there. But what came out of it was the governor put together an advisory council and included those activists on that council.

They created these really robust recommendations that were focused on eliminating and reducing the racial dimension of environmental inequality, particularly around permitting and the siting of hazardous-waste-producing facilities. But they decided to reach out more broadly. They understood that this was a moment that they could take advantage of and do more to protect the environment in general.

And at that time, fracking was starting to become a really big thing in a totally different part of the state, the central and northwest part of Pennsylvania, where Chester is near Philadelphia, more on the coast. And so they had these conversations about, how do we incorporate both of our concerns in our recommendations so that we develop or at least help shape the development of whatever the state is going to do to address environmental justice?

And so there was a lot of debate about whether they should just focus on race, if EJ should be defined just solely in terms of race, or whether or not it should be expanded to include income. And that would bring in the people living in the areas where fracking was starting to take root.

And so they combined their demographics to come up with a way of identifying areas of environmental justice concern as having a percentage, I think at the time it was 30% minority and/or 20% low-income. And so they were very different in terms of their political identities.

So out in the Northwest and central part of Pennsylvania, mostly Republican, very conservative. And in the eastern part, along the seaboard, predominantly Democratic. But they came together to help develop an intervention that would protect both of the groups that were participating in this process. So for me, that was an instance where environmental justice as the issue helped transcend what we might normally see as being contention.

MIKE LIVERMORE: Mhm, yeah. Yeah, that's a great, very concrete, and very hopeful case. So I'm glad that we talked about it. Well, this has been a really, really interesting conversation. I learned a lot. So thanks so much, Kim, for joining me today.

KIM FIELDS: Yeah, thanks for the invitation.

[MUSIC PLAYING]