

III. Community Participation and Brownfields Redevelopment: The Evolution of National Policy

The concept of “brownfields” emerged from efforts to address contaminated urban properties. A major concern that confronted these efforts was environmental liability related to abandoned commercial and industrial properties. The term “brownfields” was introduced by the Northeast/Midwest Institute to describe this problem (NEJAC, 1996). From a narrow standpoint, EPA’s National and Regional Brownfields Pilot Project Program represents an attempt to focus on ways of removing the impediments to investment that challenge prospective developers and lenders, while also meeting the Agency’s environmental justice objectives. The specific elements of an effective and acceptable solution to the brownfields problem, however, raises issues that go well beyond those of environmental liability.

“If there is any hope of revitalizing our urban communities, we have to begin with revitalizing the participation of the citizenry. We know that apathy is rampant, especially in economically disadvantaged communities. But for us to make sustainable communities, we must take the time to cut through the apathy. It will take time because people of color and low income communities are not just disenfranchised economically; we are disenfranchised psychologically because we have witnessed a history of being locked out of the decision-making process.” (Connie Tucker of the Southern Organizing Committee for Social and Economic Justice, Atlanta, GA, as quoted in the *NEJAC Public Dialogues*, 1996: 20)

In recognition of these broader concerns, EPA’s National Environmental Justice Advisory Council (NEJAC) has identified environmental justice as a key factor to be addressed in brownfield redevelopment. In turn, the role of community participation has been underscored in achieving environmental justice and brownfields redevelopment. NEJAC’s *Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities* (1996) spells out the Agency’s idea of the linkages between urban revitalization, environmental justice and community participation.

All stakeholders involved in the dialogues sponsored by the EPA and NEJAC—from grassroots representatives to business interests—affirmed the importance of community involvement, not simply as an ideal, but as a concrete action, identifying community-based environmental planning, education and organization as important means to environmentally and socially sustainable urban revitalization. Stakeholders urged the EPA, local governments and the business community to recognize the value of active community participation and the relevance of community knowledge in building sustainable communities.

NEJAC’s Public Participation and Accountability Subcommittee also published *The Model Plan For Public Participation* (1996) to provide direction on how EPA can promote public participation in decisions that affect human health and the environment. “The Model Plan” embraces two guiding principles: first that public participation should be encouraged in all aspects of environmental decision-making (with all stakeholders seen as equal partners); and

second that the decision-making process must respect the concerns of all parties while clearly articulating goals, expectations and limitations (*NEJAC's Model Plan*, 1996: 2).

In April 1998, the EPA reaffirmed its commitment to public participation with the designation of sixteen “showcase” communities under the Brownfields Showcase Communities Program. The new program is a natural outgrowth of the National and Regional Brownfields Pilot Projects. It acts in conjunction with the Brownfields National Partnership, which brings together the resources of more than 15 agencies to aid brownfield redevelopment efforts in a coordinated manner. The program represents an important opportunity to stimulate community participation in urban revitalization. Its goal of linking governmental and business sector action with community-based institutions to produce sustainable communities may lead to enhanced coordination of environmental and urban policies.

By promoting community participation in the brownfields redevelopment process, the goals of environmental justice and urban revitalization can be pursued in a complimentary manner, avoiding past tendencies to compartmentalize environmental and urban policy responses—with the needless bureaucratic conflicts that ensued.

A. Environmental Justice and Brownfields

The issue of environmental justice has its roots in the civil rights movement of the 1960s. It began initially with minority community challenges to the repeated siting of toxic waste facilities in minority (African-, Hispanic- and Native-American) neighborhoods. A celebrated case in this regard was the 1982 North Carolina decision to build a toxic waste landfill in a predominantly low income and minority community in Warren County. Civil rights and environmental activists collaborated in a number of demonstrations questioning the location of the facility. This sparked studies to examine the spatial relationship between polluting industries/waste disposal sites and the racial and income configuration of the surrounding areas.

“Environmental justice and brownfields are inextricably linked...At the core of an environmental justice perspective is the recognition of the interconnectedness of the physical environment to the overall economic, social, human, and cultural/spiritual health of the community. The vision of environmental justice is the development of a paradigm to achieve socially equitable, environmentally healthy, economically secure, psychologically vital, spiritually whole, and ecologically sustainable communities. To this end, brownfields redevelopment must be linked to helping address this broader set of community needs and goals...brownfield initiatives and community planning should ensure the long-term survivability of existing communities.” (NEJAC, 1996: 18)

The U.S. General Accounting Office (GAO) conducted a study of EPA's Region IV "to determine the correlation between the location of hazardous waste landfills and the racial and economic status of the surrounding communities." The GAO report found that three of every four landfills in Region IV were located near overwhelmingly minority communities (GAO, 1983). Studies released by the United Church of

Christ Commission for Racial Justice (UCCC, 1987) and the *National Law Journal* (Lavell and Coyle, 1993) provided further evidence of discriminatory patterns in environmental risks.

In the wake of community criticism and research findings, the EPA has taken several efforts to foster a more just and equitable approach to environmental problems. The EPA acknowledges environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental law, regulations and policies” (EPA, 1992). Fair treatment has been operationalized as the protection of all communities from disproportionate environmental risks resulting from industrial, municipal and public sector decisions. In July 1993, the Agency established the National Environmental Justice Advisory Council to advise EPA on all matters related to environmental justice issues. NEJAC is comprised of stakeholders representing community, environmental and non-governmental organizations, state and local governments, academia, and industry.

Perhaps the most important federal action in this area was President Clinton’s issuance of Executive Order 12898, on February 11, 1994. Entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” it requires each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations.” President Clinton stated that “all communities and persons across this nation should live in a safe and healthful environment” (*Executive Order 12898*, 1994).

Brownfield redevelopment is a key challenge to national efforts to achieve environmental justice. For this reason, all EPA brownfield initiatives (including its National Pilot, Regional Pilot, and Showcase Community Programs) require grant awardees to include an environmental justice component in their proposal. Awardees must explain how minority, low income, and other disadvantaged populations in impacted areas will participate in and contribute to brownfields revitalization. They must also describe how their plans will assist these populations to “benefit environmentally and economically” from the assessment, cleanup, and reuse of brownfields.

“The existence of degraded and hazardous physical environments in people of color, low-income, indigenous peoples, and otherwise disenfranchised communities is apparent and indisputable. The physical elements of such environments, in part or in whole, have contributed to human disease and illness, negative psycho-social impact, economic disincentive, infrastructure decay, and overall community disintegration.” (NEJAC, 1996)

B. Urban Revitalization and Brownfields

Approximately 450,000 to 500,000 brownfields are in urban areas, presenting both significant challenges to current patterns of industrial development and unique opportunities to redirect development along a more sustainable path. Yet brownfield redevelopment too often focused in the past on the economic factors of short-term investment and job growth. Environmental and human health concerns were only addressed to the extent that they contributed to economic value. This method of redeveloping brownfields is problematic since it puts at risk mainly low-income, minority communities who must bear the health and environmental costs of brownfields until a profitable redevelopment opportunity is found.

“I heard a lot of discussion about involvement and partnership...but I suggest taking it one step farther. The community actually has to take charge. It seems to me that if you look at the environmental justice movement, it started with an awakening---a realization that there was a lot of pollution that was victimizing the people there. The second stage was a kind of reaction stage where people said ‘don’t put it here’...I suggest that it’s time now for communities to actually take charge to create a vision of what they want for their communities, to work with their local government, to make it competitive for somebody to invest in that kind of business in that location.” (Richard Morrison of the Bank of America as quoted in the *NEJAC Public Dialogues*, 1996: 44).

Past efforts to address urban decay by focusing on incentives for business investment and job creation largely failed. The needs of the community were often neglected and the new jobs and investments rarely benefited the residents of those areas. Moreover, this development strategy largely ignored the environmental needs and risks of the communities. The failures of past redevelopment efforts led EPA, along with the Department of Housing and Urban development (HUD), to seek a new “direction.” In *NEJAC’s Public Dialogues* (1996), industry and government jointly affirmed the importance of an empowered community in realizing a new, environmentally-sensitive urban redevelopment strategy.

Matching community-based planning efforts with adequate financial resources is an important element in urban revitalization. Where developers have a particular project or proposal in mind for the purposes of investment, they need to involve communities early in the planning process so that the design and implementation of redevelopment activities are consistent with community economic, environmental, social, and cultural goals. In other cases, communities have designed their own well-defined visions for redevelopment and need to find investors to finance their projects. Regulators can help facilitate both of these processes.

This underscores the role of strategic planning initiatives involving all stakeholders. While past efforts of urban redevelopment did not recognize this need, the Empowerment Zone/Enterprise Community Initiative maintains strategic planning and community participation as its central focus. The EZ/EC Initiative is designed to empower people and communities in areas characterized as having pervasive poverty, unemployment, and general distress conditions. Former Department of Housing and Urban Development (HUD) Secretary Henry Cisneros, whose agency administers the program, stated that “our challenge is to provide opportunity to all Americans. We all believe that the best strategy for community empowerment is a community-driven comprehensive approach which coordinates economic, physical, environmental, community, and human needs” (The President’s Community Enterprise Board, 1993: 4).

“Urban revitalization is a bottom-up process. It proceeds from a community-based vision of its needs and aspirations and seeks to build capacity, build partnerships, and mobilize resources to make the vision a reality. Revitalization does not lead to displacement of communities through gentrification that often results from redevelopment policies. Governments must not simply view communities as an assortment of problems but also as a collection of assets. There must be opportunities for full articulation of the importance of public participation in brownfields issues...without meaningful community involvement, urban revitalization simply becomes urban redevelopment.” (NEJAC, 1996: 5)

Brownfield revitalization is a major focus of the EZ/EC Initiative. According to current HUD Secretary Andrew Cuomo, “brownfields often sit as prime real estate in the heart of Empowerment Zones and Enterprise Communities. In their day, these brownfields were the engines of America’s greatness. Today they can be a vessel for America’s urban renewal—if we work together” (*HUD Press Release No. 98-122*, 1998).

The EPA’s new “Brownfields Showcase Communities” serve as a testament to the integral relationship between brownfields, empowerment zones/enterprise communities, community participation and urban revitalization. Of the 16 showcase communities that have been designated for the program, three are in empowerment zones and eight are in enterprise communities. As such, showcase communities represent important opportunities to promote meaningful community participation in brownfields efforts.

C. Building Sustainable Communities

President Clinton created the President’s Council on Sustainable Development (PCSD) in June 1993 by Executive Order 12852 to advise the President on sustainable development initiatives, recognize outstanding achievements in sustainable development throughout the U.S., and develop new approaches to integrate economic, environmental and equity issues.

In *Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future* (1996), the PCSD identified communities as the building blocks of sustainable development. The PCSD recognized that sustainable development can easily remain theoretical and divorced from reality unless it is linked to people's everyday lives and seen as relevant to the fundamental needs of jobs, clean air and water, education, etc. From this perspective it is essential that development is planned within the context of communities and their needs and goals.

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” (The World Commission on Environment and Development, 1987: 43).

“Sustainable development is economic growth that will benefit present and future generations without detrimentally affecting the resources or biological systems of the planet.” (*President’s Executive Order No. 12852*).

To highlight the importance of communities, the PCSD established a Sustainable Communities Task Force to explore the obstacles and opportunities for sustainable development at the community level. The task force noted that in sustainable communities, people are well-informed and actively involved in making community decisions that benefit future as well as present generations. Sustainable communities are based on an understanding that successful, long-term, environmentally-sensitive solutions require the structuring of partnerships between regulators, business interests and residents. Such partnerships need to be representative of all sectors of the community if local planning and decisions are to effectively reflect the full range of community concerns and preferences.

Table 2: National Goals Toward Sustainable Development

<i><u>Health and Environment:</u> Ensure that every person enjoys the benefits of clean air, clean water, and a healthy environment at home, at work, and at play.</i>
<i><u>Economic Prosperity:</u> Sustain a healthy U.S. economy that grows sufficiently to create meaningful jobs, reduce poverty, and provide opportunities for a high quality of life for all.</i>
<i><u>Equity:</u> Ensure that all Americans are afforded justice and have the opportunity to achieve economic, environmental, and social well-being.</i>
<i><u>Conservation of Nature:</u> Use, conserve and protect natural resources---land, air, water, and biodiversity---in ways that ensure long-term social, economic, and environmental benefits for ourselves and future generations.</i>
<i><u>Stewardship:</u> Create a widely held ethic of stewardship that strongly encourages individuals, institutions, and corporations to take full responsibility for the economic, environmental, and social consequences of their actions.</i>
<i><u>Sustainable Communities:</u> Encourage people to work together to create healthy communities where natural and historic resources are preserved, jobs are available, sprawl is contained, neighborhoods are secure, education is lifelong, transportation and health care are accessible, and all citizens have opportunities to improve the quality of their lives.</i>
<i><u>Civic Engagement:</u> Create full opportunity for citizens, businesses, and communities to participate in and influence the natural resource, environmental, and economic decisions that affect them.</i>

The President's Council on Sustainable Development, *Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future* (1996).

The PCSD highlighted the role of community-driven planning: "The Council believes that one of the best ways to strengthen communities is to ensure that people have greater power over and responsibility for the decisions that shape their communities...a fundamental component of implementing sustainable development locally is having people come together to identify a community's needs and then work towards collaborative solutions" (PCSD, 1996: 87).

"Creating a better future depends, in part, on the knowledge and involvement of citizens and on a decision-making process that embraces and encourages differing perspectives of those affected by government policy. Steps toward a more sustainable future include developing community-driven strategic planning and collaborative regional planning; improving community and building design; decreasing sprawl, and creating strong diversified economies while increasing jobs and other opportunities." (PCSD, 1996: 83)

The PCSD report contains a number of recommendations to create structures that would involve a broader range of interests in shaping community visions of a sustainable future. According to the PCSD, long-term success of a sustainable development policy depends on ensuring the opportunity for all residents of a community to participate in the decision-making process, even those people who have been historically underrepresented. Only in this manner can decisions be made more fairly, conflict mitigated, and the problem of civic disengagement so common in society be remedied. In sum, community participation is judged by the PCSD to be an essential element in building sustainable communities.