

The Environmental Law and Justice Project



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“The Environment is not just a tree; it is everything from the water we drink to the products we use to the homes we inhabit.”



▀ Purpose

- The service learning internship affiliated with the Environmental Studies major at Queens College aims to combine academic learning with fieldwork experience thus preparing students for careers in environmental affairs.
- The student should profit by gaining work-life experiences while preparing for active civic participation and making meaningful contributions to the activities of the work site.
- The New York Environmental Law and Justice Project is a non-profit public interest organization based in Manhattan which counsels and represents groups and individuals concerned with the preservation and improvement of community environmental conditions. *From nyenvirolaw.org*
- The following are journal excerpts from my intern experiences combined with field-related research while on site. The purpose of this project is to highlight the contributions both the site and myself made to each other.

The Current Fight Against Environmental Injustice; What Is Happening?

- Indigenous Rights, Federal and State Tipi Laws
- New York City Air Quality
- Reforestation in Haiti
- Hurricane Sandy Relief, Flooding Effects & Future Prevention
- New York City Water Quality and Lead Testing
- Construction Projects in Lower Manhattan
- Massive Cuts to the Environmental Protection Agency (EPA)
- Reaching out to the EPA



Day 1: Indigenous Rights

- "Hear me, people: We have now to deal with another race – small and feeble when our fathers first met them, but now great and overbearing. Strangely enough they have a mind to till the soil and the love of possession is a disease with them. These people have made many rules that the rich may break but the poor may not. They take their tithes from the poor and weak to support the rich and those who rule."
 - Chief Sitting Bull, speaking at the Powder River Conference in 1877



The Indigenous Fight, 2017 Edition

- The *Public Trust Doctrine, Environmental Human Rights* was the first assigned reading. The PTD serves as a values and ethics system as its expression in law mutates and evolves. The PTD represents ideas that are as old as 1,500 years yet are still part of the law and continues to be relied upon by courts today.
 - What rights belong to who in regards to water, land and air can be guided by the PTD.
- Legal Lesson #1: A frequent problem in trust cases is a diffused majority is made subject to the will of a concerted minority. (From the PTD)
- What to do with the North Dakota Pipeline was still on the table in the Oval Office when I first met with Joel. We kicked off our research with this as well as other fights indigenous people are facing still to this day ranging from sacred land rights to Federal and State Tipi Laws.
- The Lenape Tribe in the Ramapo Mountains, NJ, were first depicted as "criminals" in a Hollywood film then signaled out for inhabiting "hazardous" Tipis despite the New Jersey law saying nothing against their usage. How can we bring more truthful and positive attention to raise awareness to these issues? If they are "hazardous", how can we help make them safer? Is Solar heating Tipi possible? This is a small sample size of barely scratching the surface in terms of our research.

New York City Air Quality



- How do we measure the quality of the air we are breathing in? The Barry Commoner Center, based at Queens College has placed air monitors throughout the city and logs the monitoring results on their website.
- The Good? The Center and the NYC Health Department have a contract together. At least someone is taking action and measuring air quality. Pollutants in heating oil emissions are being tracked more efficiently and Clean Heat Policies are improving winter air quality.
- The Bad? Minimal efforts are in place for the EPA to set regulations to improve air quality. Humidity can cause false readings. Checking air quality of an entire city is a massive undertaking, especially with few monitors and cloudy results varying between neighborhoods.
- Possible loophole: The monitors could be strategically placed in neighborhoods with higher quality air undergoing less or no construction resulting in the Center to report inaccurate statistics that appear in their favor.
- Possible solution: A student and journalist in Toronto attached an air monitor to her bike and trekked around the entire city to accurately measure the air quality in very specific locations along her route. New York City would be a much bigger challenge but it can be done.

Reforestation in Haiti

- Haiti experienced another disastrous storm this past fall 2016 leaving nearly 1.5 million people homeless and in need of humanitarian aid.
- Many scientists and research analysts alike agree that continued usage of fossil fuels has been and will continue to trigger more storms while increasing their intensity.
- Deforestation and soil erosion has led to roughly 70% of Haiti's land being uncultivable. Haiti is heavily dependent on charcoal-based energy for survival which derives from wood.
 - The lack of wood has resulted in the people of Haiti having to resort to trash burning which is linked to increases in air pollution (a major problem in Haiti).
- Mass erosion causes crustal plains to slip which increases flooding.
- 98% of Haiti's forests have been cut; less tree cover leads to increased erosion. This has led to the UN having to step in and permit mass scale commercial "forests".
- So, how can we help reverse this vicious cycle or at least ease its momentum?

The UN and REDD to the Rescue?

- The United Nations introduced REDD (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) in 2008 with the intentions to reward governments, companies and forest owners in the South who keep their forests instead of cutting them down.
- The controversy? UNREDD definition of a “forest” allows for loopholes and the creation of commercial forests. UNREDD fails to provide regulations and focuses solely on reducing emissions from deforestation.
- Haiti and other countries with conservation areas have seen increased illegal logging: logging without a license; and are having trouble preventing and putting a stop to this due to the lack of UN regulations.
- “Conservation” has been translated to mean forced eviction in order to make way for commercial forestry. A new form of colonization?
- Lastly, indigenous people in these areas have often not been informed of this program and are being coerced by carbon traders into signing over their lands to the UN.

- The UNREDD not being able to function for the benefit of local individuals, indigenous people, and lower-income folks can be summed up in one quote:
 - “The Market cannot fix a problem that the natural and correct operation of the market created in the first place. The only way to protect forests and local inhabitants long-term is to protect them from the market, not feed them to it.”



What are some ways Haiti and others can actually help?

Recycling in Haiti

- Midway through our time together, Joel went on a trip to visit officials and local people of Haiti who have been without electricity since the destruction of Hurricane Matthew. He brought with him a product made by a peer of his who is a professor at Columbia University.
 - Ms. Alice's product, SolarPuff, is made from strong, reusable plastic that folds and contracts; compared to competitors products that are made from cheap PVC plastic which use an air hole to expand. Two problems with that: PVC plastic is toxic and harmful for children and the environment; Cholera and other bacteria-related diseases are high in third-world/developing countries – the air bubble would trigger a spread of diseases rather than improve it.



How could we generate widespread usage of this product to both enhance developing nations and rid the world of fossil fuel reliance?

Recycling in Haiti and Abroad

- Environmental Cleaning Solutions (ECSSA) has over 65 collection points throughout the Port-Au-Prince region which helps collect the city's garbage and also buys cans and bags from residents.
 - Rummaging through trash is often shameful but does create job opportunities (helps low-income individuals); anyone can collect and turn plastic into payment.
- Many companies shift their cleaned recyclables to the US, Asia and elsewhere as packaging. Could we also purchase from cruise ships? Marine Litter is an ever-growing issue in the Caribbean.
- Plastic is turning into a vital source of revenue that benefits many countries.
- Tropical Recycling: Collects plastic in bulk; stores and then sorts recycled material. 95% of bottles are bought from general public. 36 direct and 1500-2000 indirect jobs are created.

Hurricane Sandy, Five Years Later

- Believe it or not, communities and residents throughout the New York/New Jersey area are still awaiting relief and recovery aid to the damages they've experienced five years ago when Hurricane Sandy hit the East Coast.
- Who is responsible for the funding? Housing Preservation and Development and the New York City Housing Authority. The new fiscal budget introduced by the new administration is expected to decrease federal aid for NYC Housing.
- The Alfred E. Smith houses in Lower Manhattan are still awaiting repairs and relief aid. Floods from Hurricane Sandy created leaks in their pipes & electrical problems.
- Why is recovery taking so long? Lack of certified supervisors; not enough project managers or EMTs to provide assistance to those trapped in the upper floors without heat – some with disabilities.
- What is a possible solution? The amount of recovery donations received plus volunteers pitching in to help out could combine with more federal aid and city involvement to create jobs and regulations to tackle the situation the right way.

Two Bridges Project Too Extreme?

- What is the project? Proposed luxury development of 4-5 buildings/skyscrapers on the east side of Lower Manhattan.
- What's wrong with it? More like what isn't? One, the massive construction project has raised neighbor's concerns about noise as the neighborhood consists of many residential homes and small businesses. The towers would obstruct resident's views, block off light and air circulation. Construction would be right on top of low-income and senior citizen housing and would also hinder traffic to and from local businesses.
- Projects like this are either often forced upon residents or local non-profits sell out when they see the money being upfronted to them.



Two Bridges Too Big To Fail?

- What was our role in this? Joel and his good friend who is a leading activist voice against this project for local residents have a history of activism together and the people of Chinatown and its surrounding neighbors need a legal strategy to fight back with.
- The Catch? Joel can't do it alone he humbly states. "The most important part is getting the right people on board altogether. Lawyers, FEMA, small businesses, housing, workers, EPA, OSHA, Doctors, etc. Call upon the good people in fights like these."



Is New York City the next Flint, Michigan?

- What happened in Flint, MI? Careless political efforts and policies combined with outdated infrastructure and lax regulations led to increased levels of lead and other toxins in the water supply.
- What does this do to people who consume the water? Children under the age of 6 are most likely to get lead poisoning, which can harm child's growth, behavior and ability to learn.
- Who tests our water? The Department of Health.
- What is New York State doing? Gov. Cuomo introduced a \$60 million drinking water and waste water management infrastructure plan in the state's 2018 fiscal budget plan. What is it missing? More regulations and thus job creation would help!
- Why is NYC threatened? Trump's massive cuts to the EPA.....



Trump's Massive Cuts to the EPA, What Do They Mean?

- Piggybacking off of the water-lead crisis; the Lead Risk Reduction Program, which trains building renovators on safe paint removal, maintains federal safety standards and educates the public on the detrimental health effects of lead exposure is one of the programs that would be gutted.
 - How can people help? Support water protection and infrastructure improvement initiatives. Supplying bottled water to communities suffering is just a band-aid on this wound as those same bottled water companies are likely lobbying against improving the quality of our drinking water.....
 - NYC water infrastructure is very old and vulnerable; they rely mostly on funding from Congress. Emergency response would be inhibited.
- Cuts are intended to give state and local governments "the responsibility for funding state and local entities." How does this not make sense? Well, funding for these programs have suffered – spending less due to reduced federal funding.

Trump's Massive Cuts to the EPA, What Do They Mean?

- EPA cuts expected to total roughly \$2.6 billion, or 31% of budget.
- EPA staff looking to be cut by 20% and tighten Commerce Department budget by 18%.
What does this mean? Climate Change research and weather satellite programs as well as others alike are being detrimentally defunded.
- Over 50% of cuts going towards climate-work.
- Air quality likely to decrease; asthma cases thus likely to increase; sea level rise to increase; fisheries due to collapse all thanks to mighty slashes in the budget.
- Children put at higher risk for exposure to pollutants & chemicals in the air, grass, on rugs, etc.
- Less regulations means more chemical usage on food and other products.
- The EPA Brownfield Program helps clean abandoned, contaminated sites and return them to commercial, residential or community use. Many of the clean-ups take place along rivers, in Harbors with surrounding towns and cities thus creating incentives for businesses, banks, and communities to invest in and rebuild.

Reaching Out to the EPA and Other Ways to Get Involved

- May 8, 2017 was our last fieldwork day together. Following some research in the office, I went with Joel to the Ethnicity Center on W 62nd Street, where a group of volunteers gathered to discuss current environmental affairs and demonstrate how to write a concerning letter to the EPA. This is one way to encourage authorities to act in our benefit and have our voices heard. Officials and Representatives have reported there has never been as much political engagement and involvement from the public in recent history.
- Supporting just and lawful projects such as Joel's, his affiliates, and others alike is another way to demonstrate what your best interests have in mind and seeing them come to fruition.
- Subscribing to trustworthy news information sites and supporting the work of quality journalists are two more ways in which we can keep our thumbs on the scale.
- Finally, Joel left me with some words of wisdom as we departed: "Use your voice" he told me. "Practice speaking in public, speaking in places where you won't get graded. It doesn't have to be the right thing every time, but be sure to add a little something each opportunity you get. Over time you'll only get better at it. Your voice is one of the most powerful tools you have if utilized properly."
 - Thanks Joel, for that and all of the other insight. I'll be sure to keep it in mind.