

Subject: Environmental Rights are Human Rights

Dear IAOHRA Members,

On April 22, we joined the international community in celebration of Earth Day. In honor of this occasion, we are writing to highlight a human rights approach to environmental rights and additional ways you can act on your commitment to incorporate international human rights in your work.

A healthy environment is essential to human life and dignity. Under a human rights approach, environmental rights cannot be separated from other rights, but in fact derive from the right to life, the right to health, the right to private family life and the right to property (among others), which must be respected and protected for all, without discrimination. These rights are recognized and protected under a number of provisions, including the Universal Declaration of Human Rights (UDHR), providing for the right of everyone to “a standard of living adequate for the health and well-being of himself and of his family;” the International Covenant on Economic, Social, and Cultural Rights, which the United States has signed, but not ratified, providing that everyone has a right to “the enjoyment of the highest attainable standard of physical and mental health;” and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), to which the U.S. is a party, prohibiting discrimination, including with respect to the right to public health. A human rights framework recognizes these connections and further promotes decision-making that includes the participation of impacted communities and an assessment of the impact of policies on these communities.

Notably, in the context of Indigenous lands, the Committee that monitors compliance with CERD has highlighted the interconnection of these rights and explicitly recommended that that the United States “pay particular attention to the right to health . . . which may be infringed upon by activities threatening . . . [the] environment.” More information on the recommendation is available [here](#).

The interrelated nature of these rights is acknowledged in domestic policy, as well. The Environmental Protection Agency (EPA) has defined 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 laws, regulations, and policies.*” Fair treatment means that no population should bear a disproportionate share of the negative health or environmental impacts resulting from business operations or federal, state and local policies.

Unfortunately, the U.S. has an uneven record with respect to these issues. Communities of color across the United States bear a disproportionate burden of environmental health risks. They face higher instances of air pollution, landfills, toxic waste sites, and related health problems. According to data from the U.S. Centers for Disease Control and Prevention, African Americans suffer from greater exposure to chemical substances that trigger acute health problems such as poisoning and liver damage, whereas Latinos face greater exposure to herbicides and pesticides. Native Americans are exposed to a larger number of threats to safe food sources than are any other group. However, environmental injustice does not just affect people of color; there are higher risks of health problems in low income communities across the country. These communities are regularly threatened by water pollution and hazardous waste, which lead to a higher incidence of cancer, respiratory diseases, developmental and reproductive impairments and a host of other health problems.

State and local governments, agencies and community groups can do much to address these disparities. In Massachusetts, the Executive Office of Energy and Environmental Affairs (EEA) has established an Environmental Justice Policy to help address the fact that lower-income neighborhoods and communities of color bear a disproportionate share of environmental burdens while often lacking environmental assets, such as parks, in their neighborhoods. The policy is designed to improve environmental pollution protections and promote community involvement in decision-making, ultimately enhancing the environmental quality of neighborhoods. One initiative, the Leading by Example Program, is advancing clean and renewable energy projects, which use wind, solar, bio-diesel, and biomass, at state energy facilities. This initiative is already reducing pollutants that harm public health and degrade environmental quality.

In New York, Environment New York, a citizen-based advocacy organization, has launched a campaign in support of a [Declaration of Energy Independence](#), which will be delivered to New York State Senators. The Declaration calls on Congress to embrace renewable energy resources by supporting the clean energy bill expected to be introduced in the Senate. Similar initiatives are happening in other cities and states. This community-driven approach allows for community education about environmental issues while engaging the public in the policy making process.

In Harlem where the incidence of poor health resulting from asthma and mortality rates is among the highest in the nation, residents decided to take action based on a belief that the high concentration of diesel bus depots and other facilities was causing these health problems. The West Harlem Environmental Action (WE ACT), a community-based nonprofit formed a partnership with a local university to explore the problem. After receiving training, 17 high school-aged interns served as personal air monitors and conducted traffic and pedestrian counts for several days at sites designated as “hot spots” (places with high traffic) by the EPA. Through this initiative, WE ACT successfully pressured the EPA to establish permanent air-monitoring stations in Harlem and other “hot spots” locally and nationally to identify harms before health problems occur.

Here are a few examples of how you can promote a healthy environment and advance environmental justice in your community:

- create a permanent, community-based local environmental justice council to promote citizen participation in pollution prevention projects and environmental justice issues.
- conduct training related to the detection, assessment and evaluation of risks and human health effects from exposure to hazardous substances, such as working with the EPA to determine if there are hot spots in your area. EPA’s Envirofacts for your region can be found [here](#).
- encourage healthy choices for community members and highlight the importance of a healthy environment. One way to do this is to disseminate materials explaining how to identify chemicals and health risks in your own home and your neighborhood. Sample educational materials are [here](#) and [here](#).
- work with community members to enhance understanding of environmental and public health to identify local issues and identify solutions. One way to achieve this goal is developing materials on how to participate in local hearings to prevent environmentally dangerous projects from being located in their communities.

We hope that these ideas will help you act on your commitment to incorporate human rights as you work to encourage and ensure fairness and opportunity in your communities. Please keep us informed of any actions you have taken to this end by emailing us at IAOHRAoutreach@law.columbia.edu. We look forward to hearing about your work and to continuing to support you in your efforts.

Sincerely yours,

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