

## SITING AN ASPHALT PLANT IN THE CITY OF MADRONA

### TEACHING NOTES

The proposed asphalt plant and the decision about whether to site it in the Pina neighborhood are just a vehicle to stimulate discussion about the meaning of environmental justice. RHA is merely pursuing its business interests. It happened to encounter an organized community and a very sensitive topic. The company feels as if it is being scapegoated for years of poor environmental enforcement and, possibly, inappropriate zoning decisions. However, the primary issue here is not necessarily the environmental practices of one new industry, but rather the cumulative environmental and health burdens facing a community of color.

The parties must deal with several issues:

- (1) Fairness and equity: what does fairness entail in this case? Must past inequities be addressed?
- (2) Disproportionate burdens: what might this mean and how should it be measured?
- (3) Community decision-making: Is it possible that a fair process can produce unjust and racist outcomes? At what level should siting decisions be made?
- (4) Long- and short-term impacts: should the city or a specific industry be held responsible for rectifying environmental and health impacts that are the result of long term, cumulative exposure to risky substances?

### LOGISTICS

This game involves six role players (one per role). The game instructions take about 30 minutes to read; more preparation time is helpful. Negotiations require a minimum of 90 minutes. If possible, it is best if the General Instructions are distributed well ahead of the time the negotiations begin. Each player needs an opportunity to think about the scenario and consider the interests of the other parties who will be at the table. Confidential Instructions should also be handed out ahead of time, if it is clear that all participants will be present for the play of the

game. Otherwise, Confidential Instructions should be distributed just prior to the start of the negotiations to ensure that all roles are filled.

Before starting the game, make sure that everyone understands the General Instructions and the mechanics of the negotiation. In particular, the following points should be highlighted:

- The group must stay with the agenda and agree on at least one approach to each agenda item. The group is making recommendations to the City Council and/or mayor.
- Parties are strongly encouraged to caucus before the negotiation, and will have an extra 15 minutes to do so before the game begins. Schedule a 10-minute break after 45 minutes of negotiating, so the parties caucus again.
- RHA has already been granted a construction permit by the City Zoning and Building Authority. Negotiations will determine whether construction will begin as scheduled or be delayed. Conditions may be added. The permit can also be revoked.
- Actions or resolutions proposed by this group must be implemented by executive order (of the mayor) or by City Council vote.
- All parties are bound by their Confidential Instructions, including any extra information they have been given. No additional information is available.

As game manager you are *not* facilitating the discussion. All parties have been provided with Confidential Instructions. The manager is unofficial chair of the meeting. All players are expected to act and speak in a fashion consistent with their assigned roles.

Players might begin by introducing themselves in their roles, making a brief statement (no more than two minutes). However, the parties are free to run the meeting as they wish, as long as the agenda is addressed.

### NOTES TO INSTRUCTOR

Make sure the parties have received their supplemental handouts:

- |                     |                |
|---------------------|----------------|
| 1. Director of DEP: | memo           |
| 2. Physician:       | health data    |
| 3. RHA              | EIR            |
| 4. Mayor            | meeting agenda |
| 5. All parties      | map of Madrona |

You might want to post the meeting agenda where everyone can see it (e.g., chalkboard, flip chart, etc.)

## COMMONLY ASKED QUESTIONS

(1) Are the parties allowed to meet before and during the negotiation with any other parties?  
Yes. There is a scheduled break in the middle of the negotiation so the parties can caucus. There can also be a 15-minute caucus before the negotiation starts if at least two parties request this time.

(2) Who drafted the agenda?

The City Council drafted and approved the agenda in consultation with the mayor.

## DEBRIEFING

Questions to begin the debriefing:

- (1) What happened in the negotiation to produce the agreement package, or what happened during the negotiation to cause a stalemate?
- (2) What were the individual strategies of each party? (Have each player explain his or her approach and how he or she interpreted the Confidential Instructions).
- (3) How were the issues of environmental justice raised? Do you feel they were adequately resolved? Why?
- (4) Did the proposed actions address the claims of environmental racism?
- (5) What did the participants learn from the game?

## ENVIRONMENTAL JUSTICE

This game is intended to introduce the participants to the complexity surrounding the idea of environmental justice. Environmental Racism has been defined as racial and/or class discrimination in environmental policy making and in the enforcement of regulations and laws, the deliberate targeting of poor communities or communities of color, or the official sanctioning of the life-threatening presence of poisons and pollutants in those communities. Increasingly, environmental justice is being seen through the overall lens of social, racial, and economic concerns.

The game shows how difficult it is to address these concerns. There are at least four lessons meant to be illustrated as this game is played:

- (1) **Fairness and equity.** Traditionally, poor and historically disenfranchised communities are

more willing to demand less than their wealthier, politically connected neighbors. In addition, is it fair to deny a community a facility that might provide economic opportunity or give residents a chance to vie for improvements or compensation they deem appropriate? Does fairness require forbidding any new facilities from being built and/or operating in poor or minority communities because they have housed a majority of these facilities in the past?

Equity issues must be looked at from a community-wide, even regional perspective. For example, is it equitable to allow higher health risks in one community than in others? What if a community with higher health risks has also received disproportionate benefits in the past? Environmental justice asks whether it is inequitable to have one segment of the population, be it poor or minority, bearing disproportional health burdens. Does equity require geographic fairness so that all areas have the same number and types of locally unwanted land uses (LULUs)? Does equity entail that all segments of the population experience the same health risks?

(2) **Process versus outcome.** The processes used to site facilities or make environmental regulations are crucial. There may not be enough local input into decision making, or sufficient local control of land uses. Establishing a more transparent decision-making process appears to be one tenant of environmental justice. However, an improved process may not ensure a just outcome, especially if political power is concentrated.

The negotiation attempted to show that even with a number of interested stakeholder parties represented at the negotiating table, just outcomes are still difficult to achieve. Communities and/or citizens can use a well-structured process to achieve unfair outcomes. Outcomes that are normally deemed appropriate are multi-layered. That is, a good outcome must ensure local input into land-use decisions, minimum guarantees of public health, compensation (financial and/or physical), and environmental mitigation (clean ups and/or stricter rules). Some type of economic stimulus might also be viewed as appropriate. Overall, a community must be better off in its own eyes for environmental justice to be achieved.

(3) **Long-term and cumulative impacts.** Many environmental and health decisions are made under great uncertainty. We simply do not know, nor understand, the causal links between certain pollutants and human health. However, we are forced to make decisions using imperfect science in the face of uncertainty. Should we take action to stop a proposed facility that may harm a population? Should a precautionary principle apply? Do we act against one facility when the health problems are most likely the result of cumulative impacts over an extended period? What if the economic benefits are likely to outweigh the environmental and health benefits? Should we go ahead?

One of the tenants of environmental justice is that we should seek to protect populations traditionally bearing the heaviest burdens or greatest risks. This negotiation showed how issues of environmental justice can be addressed even if there is great uncertainty about long-term and cumulative impact.

(4) **Stigma.** Communities with historically dirty and unhealthy facilities can be stigmatized as an undesirable place to live and work. Urban areas typically develop these reputations and often become dumping grounds for noxious facilities. Addressing environmental justice may require addressing the perceptions of, and within, a community.

This negotiation attempts to show that a carefully constructed community improvement package can address all of these issues. However, the climate may not always be ripe for negotiation over environmental justice claims or related measures.

**ADDITIONAL READINGS:**

*Compensation and Strategy*, by Lawrence Bacow, Michael O'Hare, and Debra Sanderson. In **Facility Siting and Public Opposition**. Van Nostrand Reinhold, New York, 1983. Chapter 5, pp. 67-88.

*Overcoming Racism in Environmental Decision-Making*, Robert Bullard. In **Environment**, 1994. Vol. 36, No. 4, pp. 10-20, 39-44. Commentary in response to Bullard's article, in *Environment*, 1994. Vol 36, No 8, pp. 2-4.

*Risk and Justice: Rethinking the Concept of Compensation*, by Lawrence Susskind, Patrick Field, and Howard Raiff. In **Annals of American Academy of Political and Social Science**, May 1996. Vol. 545, pp. 156-164.

*Siting Solid Waste Management Facilities in the United States*, by Lawrence Susskind and David Laws. In **Handbook of Solid Waste Management**, edited by F. Kreith. McGraw Hill, New York: 1994. Chapter 13.