

Hannah Perls:

Welcome to CleanLaw from the Environmental and Energy Law Program at Harvard Law School. I'm Hannah Perls, and in this episode I talk with Debbie Chizewer and Nick Leonard about environmental justice lawyering, including leveraging Title VI of the Civil Rights Act on behalf of frontline communities. Debbie Chizewer is a managing attorney with Earthjustice based in Chicago, where she leads the organization's Midwest litigation strategy. Nick Leonard is the executive director of the Great Lakes Environmental Law Center based in Detroit, which provides legal representation to communities across Michigan. This is part two in our two-part series on the 60th anniversary of Title VI of the Civil Rights Act. We hope you enjoy this episode.

Well, welcome Debbie and Nick, and thank you both so much for joining us on CleanLaw.

Debbie Chizewer:

Thank you for inviting us.

Nick Leonard:

Yeah, it's great to be here.

Hannah Perls:

Well, we have sort of a real powerhouse contingent from the Midwest on this episode. So before we dive in, as the daughter of a Minnesotan, I wanted to ask. Why is it that practicing in the Midwest is the Superior option for our law students?

Nick Leonard:

Oh man. I'll start with that. I've pretty much grown up in Michigan, in the Detroit area all of my life. And I've always wanted to practice environmental justice law here. And it's so great because it comes with a great deal of responsibility, especially in Detroit. There's not many other public interest lawyers in general, much less environmental justice lawyers here. And so that just means there's a great deal of work to be done and a great deal of building with community to occur. And so it's a place of great need and great responsibility, and I'm just lucky enough to be able to fill that role.

Hannah Perls:

And Nick, when you say an environmental justice lawyer, can you just talk about what that means in practice? Who are your clients? You're based out of Detroit, what are the skills that you need to successfully represent those clients and their interests?

Nick Leonard:

For me, I was always really drawn even before law school, this idea of helping residents to reimagine their own communities and to confront environmental issues that are impacting their health and quality of life. And so it's a very client-centric practice, which I didn't find much when I was, especially in law school and even coming out of law school about 10 years ago. It just wasn't the kind of space that environmental law was in at the time in particular.

And what I was really trying to build and the skills that have been really valuable is just really being able to connect with people that are confronting these issues. Knowing the place that they've been and the things that they care about really deeply, being able to connect with them on a deep level to be able to build trust and to be able to essentially co-create solutions with them, both legal and non-legal. So there's a couple of things there. You have to be comfortable really interacting with people on a deep level, and you really have to know the place. A place-based practice for me has been really important and a reason our organization has been able to be effective.

Hannah Perls:

Debbie, I want to ask you, because you're based in Chicago, you're the managing attorney for that office. You oversee a ton of different matters including Title VI, which we will of course get into. Can you talk about what it means to be an EJ lawyer and how you came to this work and the types of clients that you represent?

Debbie Chizewer:

Sure. So first I want to say I was first interested in environmental law because I wanted to protect oceans and mountains. And I moved to Montana to work for the National Wildlife Federation to work on protecting wolves and other endangered species. But then when I moved to Chicago, for love, for personal reasons, I fell in love with the people and the issues facing Chicagoans. And there are so many disparities between neighborhoods in Chicago and the access to clean air and clean water, and the health consequences of those disparities were stark. And it drew me in, and I have really valued the opportunity to work with community members all across the Midwest. But one sort of pivotal moment was when I was working with a community in northwest Indiana, the community's living on a Superfund site. And I just remember how many issues each community member was facing in their own lives.

Whether it was financial issues, health issues, cancer from living on a contaminated site, children with the effects of living on a contaminated site. Yet they showed up every week for meetings, and they advocated for the health of their family and their community. And it just motivated me to do the same. And I feel really lucky to partner with communities in this work and to really ensure that I'm honoring their stories and that they're able to tell their stories directly.

The Chicago office of Earthjustice is a newer office. We've been around for five years now and we've really emphasized healthy communities work. And as Nick said, we identified Detroit as an area where we could support because there was a need for more support. And we've really appreciated the opportunity to partner with Nick and to lean into his leadership and relationships with people in Detroit and Flint, and not try to start anew. We already had a great partner who had those relationships. We're also deeply involved in environmental justice work in St. Louis and looking for other opportunities to support around the Midwest, and that's in addition to protecting Great Lakes and the boundary waters and working with Tribal Nations on the many fights that face their communities.

Hannah Perls:

So just working on a few things. Just a few, (laughs).

Debbie Chizewer:

One last thing I want to add to Nick's list of what skills is just learning how to de-center yourself as a lawyer and really listen to communities and making sure they're in the room. And that's going to come out in our conversation about Title VI too.

Hannah Perls:

That's a great transition, because we all know each other through working on Title VI and in and around Title VI. And there's been a renewed conversation about what Title VI means and how effective is it as a tool to advocate on behalf of the communities that you all talked about just now. Just as a quick little background for listeners, this episode is very much about what Title VI looks like in practice, but we have a part one episode that we recorded with Professor Olatunde Johnson at Columbia Law School, who has spent much of her life's work on Title VI. So I really recommend listening to that episode, but if you want to skip ahead, we'll give a little primer. In that episode, we talked about how Title VI of the Civil Rights Act was created as a very powerful tool by Congress to address the impacts of longstanding discrimination across various sectors.

We have housing, education, and explicitly environmental pollution. And we walked through the history of Supreme Court decisions that have produced the system that we have today in terms of enforcement and

the areas in which you both practice, where communities that are trying to challenge federally funded activities that might disproportionately harm them in a significant way, are almost entirely reliant on agencies to enforce those types of decisions to process those complaints. And so it's a really unique type of process in legal practice. And I want to just ask you both, what does that look like? So who are your clients? What are the types of actions that you find yourself challenging? And I think most importantly, what do you tell your clients to expect as a result of that process? What kind of wins should they expect? So maybe Debbie, we could start with you.

Debbie Chizewer:

Sure. I'm going to focus on EPA's Office of External Civil Rights and Compliance. And the overarching answer for EPA is that EPA's process for handling civil rights complaints has a sorry history. It has improved a little under the Biden administration, but it has a really long way to go. And there are three reasons I say that. Complaints take way too long to process, and there is a lack of engagement of the complainants, the community members that bring forward the allegations of discrimination. And in the end, there are very few instances of where resolution of a complaint has effected change on the ground. So we do prepare our clients and give them a sense of how the process will go, but we saw some promise under the Biden administration for change, and so we have leaned into that as a tool.

If it would be helpful, I can talk a little bit about that history I was describing and the improvement. So as I said, it has a sorry history. Historically, when a Title IV complaint was filed with EPA, it would go into a black hole or a black box. It would languish for years, where months, years, even decades. And once the resolution came out, it might not reflect anything that the complainants asked for. It might just be something worked out behind closed doors between EPA Civil Rights Office and the funding recipient, often a state environmental agency. And a good example of that is in 1992 in Flint, Michigan, the St. Francis Prayer Center filed a Title IV complaint with EPA alleging that the Michigan state environmental agency had discriminated on the basis of race when it permitted the Genesee power station. And that power station was located in close proximity to a Black community, and the public participation process was rife with issues.

And that complaint sat and sat and sat. And meanwhile, the Genesee power station began operating and pumping out air pollution into the community and changing the whole nature of the community. Finally, in 2016, Earthjustice filed a delay case, known as the CARE Litigation against EPA on behalf of St. Francis Prayer Center, as well as four other complainant groups around the country who were experiencing delays in the resolution of their complaints. And the lawsuit worked. EPA began resolving the pending complaints, and in 2017, the Office of Civil Rights finally issued a letter. And I wrote down this quote because I think it's important for people to know this. The letter included a "finding of discriminatory treatment of African-Americans by the environmental agency in the public participation process." That's a critical finding. There haven't been very many of those in this world of civil rights compliance. But still, as I said, the facility is up and running and many other facilities have been permitted since then with similarly harmful processes.

Hannah Perls:

I just want to emphasize how low the bar is, because what you're talking about is we finally had a success after multiple decades, but that success, and correct me if I'm wrong, is we were able to finally get a federal agency that is funding another agency, permitting a ton of pollution in a community, to require that the people whose health is threatened by that facility to just get in the room and hear what's going on and engage. This is a very, very, very low bar. We're talking about successes, but what we're talking about is getting people access to information that directly affects their health and their family's health and their community's health. Is that right?

Debbie Chizewer:

Absolutely. And that's a perfect segue to fast forwarding to 2021 when at that time a hot mix asphalt plant was proposed for the exact same industrial park in Flint, Michigan and adjacent to the St. Francis Prayer

Center, and 1,500 feet from public housing. And the process was similarly flawed both from the access of the public to the decision makers during the permitting, but also to the failure to consider how this decision would have adverse and disparate impacts on this Black community that was surrounding the facility. And so once again, the St. Francis Prayer Center in partnership with Flint Rising and Environmental Transformation Movement of Flint filed a Title VI complaint with EPA against the state agency. And they argued that the agency discriminated on the basis of race when it issued the permit. And we brought in the claim to say their entire air permitting program is discriminating on the basis of race by failing to consider the impacts of its decision making on these communities.

And 30 years after the Genesee Power Station, the complaint process improved. The complaint resolution process improved, but sadly the final resolution was still a disappointment. And the way that it improved though, that I want to mention, is that EPA brought the complainants to the negotiating table. So it was EPA, the state agency and the complainants, Nick's and my clients that we mentioned earlier, were in the room negotiating. And that was new, EPA hadn't done that before. Second, the complaint was resolved in something like two years instead of 25 years. So those were two improvements, but they're not nearly enough. And those changes in that case are not being seen consistently across the country in other civil rights complaint resolutions.

Hannah Perls:

There are a couple of things that the two stories made me think of, and maybe Nick, this is a good segue to talk about US Ecology. One is, the wins you're talking about are procedural. We're still in the realm of procedural wins. Are we getting timely receipt and resolution of complaints? Are folks whose health is impacted involved in some way? And I wanted to bring up at this stage, the way that this process is being characterized in litigation happening right now in a case called *Louisiana v. EPA*, which we discussed in part one with Professor Johnson. And this is a case before the Western District for the District of Louisiana, in which a coalition of states including Louisiana, are challenging EPA and DOJ's regulations under which these complaint processes happen. In particular, this notion of disparate impact.

And so Debbie, what you were talking about where the complaint that you all brought is saying it is discriminatory to not consider disparate impact. That is the exact opposite of what Louisiana is saying. Louisiana is saying, "if you make us think about disparate impact, you are forcing us to discriminate. And that is a 'sovereign injury'". So we have this really contradictory set of narratives about what this process is and what is needed to protect communities. So with that long preamble, Nick, I would love to hear a bit more about US Ecology. This is held up as a Title VI victory, again grading on a curve. But I would love to just hear a bit more about that case. Who are the complainants in that case? What is it that you were seeking? How does disparate impact and cumulative impact, what do those terms mean in context? Can you just talk a bit about that process?

Nick Leonard:

Yeah, definitely. And I can start by, I think it's an illustrative example for how the arguments that Louisiana is making in that case are just essentially disconnected from reality. Because one of the reasons we filed our civil rights complaint regarding US Ecology, and to be clear, we filed that on behalf of numerous residents that live just to the south of the facility as well as residents to the west and to the east. And it was a really unique community. Just as the south was one of Detroit's first Black neighborhoods, going back to sort of great migration days in the mid-twentieth century. Just to the west was a predominantly Yemeni-American community with recent immigrants. And just to the east is another predominantly Black community. And hazardous waste in communities of color is such a long-standing environmental justice issue with really extensive scholarship. So we had studies going back to the eighties on just the disproportionate siting of commercial hazardous waste facilities in communities of color.

And we also knew that the problem was particularly pronounced in Michigan. In Michigan, about 65% of the people that lived near a commercial hazardous waste facility are people of color, despite being only 25% of the state's population. And so when I say that the arguments Louisiana is making is disconnected from

reality, you don't see those kinds of things in white communities, you just don't. And that's something that our clients have brought up over and over again is these things don't happen. These facilities don't locate in white communities. And that's true.

And so we filed our civil rights complaint highlighting three issues. Number one, the lack of engagement from the Michigan Department of Environment, Great Lakes Energy with the Yemeni-American population to the west, and the failure to provide translation interpretation services. As well as basically the failure of their licensing program to account for the discriminatory effects that their licensing process was creating. And that sort of gross disparity in terms of the kinds of communities these facilities tend to locate in. And ultimately we filed a complaint because the response that we got from EGLE kind of illustrated the problem. It illustrated the disconnect.

Hannah Perls:

And Nick, really quick, when you say EGLE, you're referring to Energy, Great Lakes and Environment?

Nick Leonard:

Yeah, the Michigan Department of Environment, Great Lakes and Energy. It's a super long name.

Hannah Perls:

It is. Sorry to interrupt.

Nick Leonard:

And so what they said in response to our comments regarding the discriminatory effect of their program was essentially, oh, well, this neighborhood where this facility is located has transitioned from predominantly residential to industrial. And this hazardous waste facility has been here since the 1950s. But if you talk to residents in that neighborhood, and if you dug into the history of the community, it was expressly targeted for industrial development because it was one of Detroit's first Black neighborhoods. And that industrial development has then begot more industrial development. It has now become an industrial park. And now in 2020 when this decision was made, the facility was expanding their hazardous waste storage capacity by nine times. So the disconnect was, EGLE didn't see their role in essentially that continuing history of essentially intentionally discriminatory policies that were enacted by local city government in the 1950s that placed this facility here and that basically more or less destroyed this predominantly Black community.

And so our goal with filing the complaint was largely to show Michigan like, no, you do have a role here and your decision to allow this facility to expand is essentially continuing that legacy of racist decision making that essentially started in the 1950s. And so it was something that we wanted to bring expressly to the state of Michigan because at the time Governor Whitmer had been elected in 2018 and there was a lot of rumblings that environmental justice was going to be a key priority for her administration. We filed our complaint in 2020 and we thought it might give us a little bit more negotiating power to counteract some of those procedural issues that Debbie had mentioned when you file complaints with the EPA. File complaints with the state, you get to talk directly with the state, we get to sign off on a resolution, we're not waiting for the EPA to sign off and trying to get in their ear. So there were some real advantages in that respect.

Hannah Perls:

And Nick, can you just clarify, so we're not talking about EPA's Title VI rules here. We're talking about almost like a state copycat process, is that right?

Nick Leonard:

That's right. So a few years ago in I think around 2020, Michigan had created basically a state civil rights grievance process for its environmental department. And nobody had ever filed a complaint pursuant to that

process before. Now procedurally it's a little risky because if you are unable to reach a resolution, basically the state investigates itself for a civil rights violation. Which is obviously not an ideal situation, but you do get that direct seat at the negotiating table. And I think one of the weaknesses of EPA's process is, EPA is going to reach an informal resolution agreement, and that's going to give the state some cover, at the end of the day. Your clients are going to come out and say like, "Oh, this agreement was weak. It doesn't address the key things." But EPA is going to be seen as the authoritative voice, one way or the other by a lot of people.

And so by removing them from the equation, we get to place ourselves more in a driver's seat and get to sign off on the agreement. And so ultimately what we got was a lot better than what we got out of our EPA complaints, which was quite surprising. We got Michigan to commit to conducting an environmental justice analysis for all future hazardous waste licensing decisions, conducting a cumulative impact analysis for all future hazardous waste licensing decisions. And a commitment to deny a license if it finds an unlawful impact on human health or the environment as well as other things. But those are the things that I think we were most excited about.

In one respect, it's a lot more than we've gotten in other places. In another, we're missing some really key things. We're still not getting to equity based decision making, racial equity based decision making, which is I think a big missing piece. And so it's basically... It's like when you're in law school and you realize, "Oh, I got an A." But that just means you did better than everybody else in your class and you actually only got 60% of the answers right. It kind of feels like that. It's like, oh yeah, it's better than what we've gotten elsewhere, but there's still a lot to do.

Hannah Perls:

Gotta love grading on a curve. Nick, you had said something about getting us to racial equity based decision making. And I think especially for folks who work in the environmental law space, for people who are looking at the *Louisiana v. EPA* litigation, it's really important that we define our terms, because otherwise they get defined for us in a way that, for example, pits this Title VI process as a pathway for special interest groups to veto agency decision making. That's the framing that was brought to the court in that decision by the state's challenging EPA's authority. So, this is for both of you. What does a hundred on the exam look like? What is racial equity based decision making in practice? What does that look like? And as a part of that, why is it that we need civil rights laws to accomplish it? Why can't environmental law get us there?

Nick Leonard:

First, there's a lot of gaps in environmental law that create essentially a lot of leftover health risks, and those have historically and are currently disproportionately impacting communities of color. And when I talk about gaps in environmental law, I mean there's risks to human health below health-based air quality standards. We haven't found a safe level of say, ozone pollution or particulate matter pollution that people can breathe in. There are numerous standards that rely on technology-based standards, which are prone to creating hotspots of pollution. And like I said, there's extensive studies that basically show communities of color are disproportionately exposed to these wide varieties of environmental risks, which create and contribute to racial health inequities. And so ultimately what you're trying to get at is, states incorporating those kinds of factors into their decision-making and acknowledging, yes, there are these gaps in environmental law that allow these sort of health inequities to proliferate and continue to exist.

Like I was mentioning regarding US Ecology, there's also a need to acknowledge the connection between the historical racist policies of the past, and how they're sort of playing out in modern day. Those kinds of problems no longer require intentional discrimination. Once you put US Ecology in that community, it stays there. And not only does it stay there, it expands in future years. And so in order to cut off that legacy of race-based discrimination, you essentially need states to acknowledge it, account for it, and to incorporate it into its decision making by doing things like identifying, hey, is there some kind of racial disparity here regarding pollution exposure? And if so, what should we do to address that in this decision?

Should we deny the permit? Should we make sure that we're delivering some other type of benefit to the community? Can we enact tighter restrictions on what this facility has to do to control the risk that it's going to create? But right now, essentially you have states more or less, just not accounting for the problem and pretending like it doesn't exist. And it allows things like US Ecology and Ajax and things like that to just continue unabated and essentially allows that legacy of racial discrimination to continue unabated.

Debbie Chizewer:

I'll just add, in addition to failing to consider the impacts at the permitting stage, our environmental laws aren't doing the job because there's inadequate monitoring and compliance and enforcement. And the disparities also reflect racial differences. So you'll see less enforcement in communities of color. And that is the reason our environmental laws are failing on their own. And then when you layer that on top of the historic redlining and zoning issues and practices that are ongoing that Nick was mentioning, it just perpetuates the problem.

And I was just in Louisiana, in Cancer Alley just last week, and we went on a bike tour and one of the company's officials specifically said, this was the path of least resistance. And polluting facilities are placed in communities of color because communities of color might lack the power to stop them. And that's historically been true, and we're hoping to change some of that in our work, but there's just no doubt about it. That's why so many communities of color are surrounded by those facilities, and the goal is to use civil rights as a backstop for the failures of environmental law, and to make sure that the federal government isn't subsidizing this kind of discrimination.

Hannah Perls:

One thing that strikes me when I listen to you both talk about the clients you represent, the community members who are being affected. One thing that was raised in the *Louisiana v. EPA* litigation is this notion that EPA is delegating its authority to "special interest groups" to veto governmental action. So there's this alternative characterization of Title VI as a vehicle to bring in special interest groups, whomever they may be, to use some sort of unheralded power to veto industry permits or whatever that is. So I just wanted to bring that up because again, it highlights this disconnect between I think what you all see as longtime practitioners in this space and the narrative that's being painted about what Title VI could be if weaponized, as the states argue EPA has done.

Nick Leonard:

And that really couldn't be further from the truth. It's residents that are continuously raising these issues and continuously basically crying out to EPA and to their state government that, look, our environmental laws aren't adequately protecting us. There are these significant gaps that are left over. As a result, we're subject to the disproportionate impacts of the pollution that basically allows our society to run. And that's unfair, that's unjust, and they're right. And so the issue is, what are we going to do about that and how does that issue get ingrained into government decision making?

But to suggest that this is something that's being created from some academic ivory tower or some fancy office in some downtown law firm, it couldn't be further from the truth. It's the most common complaint that I hear residents share when I work on an issue, is they aren't taking all of our issues into account. We are being exposed to excessive levels of pollution and our health is suffering because of it. And I want to do something to protect myself, my family, my community. And they deserve that.

Hannah Perls:

We now know the results of the election. We know who President Trump plans to nominate to lead EPA and the Department of Justice. So I wanted to ask you both, what is it that you're going to be watching for from the federal government? And what tools do you plan on leaning on in your toolbox, whether it's civil rights, whether it's environmental law or something else?

Debbie Chizewer:

I can start and say, yeah, we know what they're going to do. The Republicans have previewed the plan. Louisiana is attacking disparate impact in federal court. There are 23 attorneys general who filed the petition asking EPA to rescind its disparate impact rules. And we'll expect some swift action to try to eliminate this tool and we're ready to fight back. Title VI, as Professor Johnson said, it was designed to cover disparate impact and intentional impact, and there are a lot of cases of intentional discrimination out there, and we will pursue those and we will use all the tools in our toolbox, including existing environmental laws, we'll work with communities to develop new strategies at the state and local level.

I think one of the things that made me feel hopeful over the last few months was that 16 attorneys general filed a response to the petition to rescind the disparate impact rules. And the response was really robust, it explained both the need for Title VI, but also how it complements what states are doing on their own to try to improve conditions for all community members. What we're talking about is so basic, the access to clean air, clean water, clean soil, and there's no reason to object to that. Everyone deserves that, and it's not happening for everybody right now. And so it's encouraging to see some states step into the breach.

Nick Leonard:

Yeah, and I think for states, what it means is especially for states that have Democratic leadership at the executive level, the cavalry is not coming. I think what we saw in Michigan in recent years is this tendency to basically wait for the EPA to figure out what states have to do to comply with their disparate impact regulations. And they put a lot on like, well, we're going to wait to see what the EPA says and wait to see what they say we need to do to comply with this legal requirement. And the reality now is, look, you're not going to get that kind of input from the EPA. That doesn't stop states from basically saying, this is what we think we have to do to comply with this and sort of charting their own path or creating their own laws and regulations to ingrain these kinds of concepts into their decision-making processes. But I think it's clear for now, states are going to be kind of on their own creating these kinds of things and defending them from legal challenges.

Hannah Perls:

There was one thing, Debbie that you flagged that I feel is helpful at this stage, which is we talked about Democrat and Republican and environmental justice as a term and disparate impact as a term have been deeply politicized. And yet the ideas that those terms represent are sort of fundamental to what I think of as a democratic government. That just because of where you were born, that shouldn't determine your health or your healthcare costs or your access to adequate medical care, your access to nature. That if something is going to affect you and your family, you should be able to participate in that process.

Those elements aren't partisan. We're talking about these really fundamental, nonpartisan democratic ideals. So I just appreciated you calling that out in particular. So we talked about the federal government and we've talked about states, and both of you have pointed to the legacy of discrimination that's really rooted in local government decisions like zoning. And so I also just want to end with a conversation about what local government can do in this day and age to address environmental injustice. Debbie, I know you and I have talked about a Chicago example. I wonder if you could just talk about that briefly.

Debbie Chizewer:

Absolutely. So in Chicago, there was a process to "modernize the industrial corridors". And that was the euphemism for enabling a development on the north side of Chicago, a whiter wealthier side, and the development would be for entertainment and housing. And in order to create that development, the city had to remove the most polluting facilities that were also the subject of many complaints. And so the city suggested through that modernization process that a very polluting facility moved down from the north side to the southeast side of Chicago, which is predominantly people of color. And the amazing advocates in Chicago, led by the Southeast Environmental Task Force, The Southeast Side Coalition to Ban Petcoke and



People for Community Recovery, filed two different civil rights complaints, one with HUD (US Dept. of Housing and Urban Development) claiming, and that's the one I'm going to focus on right now, saying that the City of Chicago's decision to promote this move of a facility was discriminatory, and that really its whole zoning practices were discriminatory.

And one of the highlights of the last couple of years is that HUD and the City of Chicago entered into a resolution agreement that is leading to significant changes. First, there's been health impacts assessment of the communities. There's a zoning reform process going on right now to change the way decisions are made and to have decisions be much more participatory, but also make decisions based on the impacts of decisions in communities. And I hope that when that plays out, that'll be a model for other cities, and it certainly should be a model for HUD as it considers other pending civil rights complaints to think about how the pattern and practice of cities reinforcing discrimination through their zoning decisions is impacting the health of communities. And I'll say that to put in a plug, that we have a pending complaint in Flint before HUD that still remains outstanding. And it's against Genesee Township for its pattern of practice, of locating industrial activity in the one census tract that's Black in all of Genesee Township, and it's the census tract that's adjacent to Flint.

Hannah Perls:

I want to close out by asking you both how you keep going, how do you see the processes you're seeing? The successes you get are graded on a very steep curve. There's a lot that you anticipate coming down the pike that's going to make your job harder. So for you, and sort of as a lesson to our listeners, what is it that you look to to stay grounded and continue to do the work that you do?

Nick Leonard:

It's the people. It's always the people. My happiest moments in this job are always like, I'm coming out of a community meeting. It's like eight or nine o'clock at night. I'm really tired. I've had a really long day. But I've been with a group of residents who are confronting something that goes back decades. I talked about those clients that we had just to the south of the US Ecology has this waste facility. They had seen their neighborhood change drastically over several decades. People can look back and have the personal memory of "My neighborhood used to look much different than it looks now, and I don't have anybody here to stop it." And so when you come and say like, "Hey, I have this thing we can try, maybe it'll work, maybe it doesn't, and here's what we can get out of it." They're so deeply appreciative and they place such great trust in you that it's just a very profound experience.

And that's true even though when we were talking about outcomes earlier, I mentioned with our clients like, "Look, you're not going to get any damages. You're not going to get any restitution for what's happened to you. What's happened to your community out of this." At best, what we'll get is basically something in place to stop this from happening in other places in the future. And people want that. They want to be a part of that story, of that fight. And so just connecting with those people and working with them to try to create those kinds of outcomes even on a slow process is just so inspiring and keeps me going every time.

Debbie Chizewer:

Yeah, it's just right what I said at the beginning, it's the clients and the partners that keep me going too, and they keep me grounded. So they keep me going because they keep going against all odds. They just keep fighting and then they keep me grounded because what might sound good as a procedural win to us, they'll be quick to say, "But this isn't what we need. Let's keep going and let's keep trying to make change." And that we need to keep pushing to achieve clean air and clean water. So that's the motivation.

I want to say one more thing that Nick really reminded me of, that idea of the connection between communities around the country. We were lucky enough to bring community members from all over the country together to a meeting in Chicago, and what was remarkable was how the leaders from the Southeast Environmental Task Force were so moved by the folks in Louisiana from Rise St. James saying, "How can we

take the wins from Chicago and help you? We want to help you." And just that connection and willingness to stay in the fight even after they achieve a win for their community.

Nick Leonard:

One thing I think is worth highlighting is, I think historically with Title VI, we've focused on a lot of the big environmental issue areas where there's a robust legal practice like clean air, clean water, clean drinking water. I think one of the reasons we had success in the US Ecology complaint regarding hazardous waste facilities, because it hasn't gotten the same amount of legal attention, especially from nonprofits. We certainly didn't pay any attention to it before that issue came up with that facility in that neighborhood.

And so one of the things that I think environmental advocates can do, and particularly as we're bracing for tougher times advocacy wise, is just take a wider approach to the work, find different strategies, try them out and see what's going to happen there. Because we were really frustrated in all of our civil rights work regarding air quality. We got a little bit more in hazardous waste, and now our hope is that we can take some of these concepts that Michigan is going to be required to undertake and get them used to them, expand them, get them into other decision-making processes. I think there's real value in that, and I think from an advocate's perspective, it means we have to just kind of take a wider approach when we're thinking about... Not just in regards to Title VI, but I think all of our work, how do we move this forward in different issue areas? Because the reality is, sometimes what's possible in one issue area isn't going to be possible in another, and you might not even realize it.

Hannah Perls:

Get creative, get collaborative.

I really appreciate you both spending your time to talk about this with us and certainly to share your expertise and just really appreciate you both, and the work you do. So thank you so much. And we'll also share links to both Earthjustice and the Midwest Office, as well as the Great Lakes Environmental Law Center. And for students listening, stay tuned for summer internship / post-graduation opportunities. But with that, just wanted to thank you again for joining us.

Debbie Chizewer:

Thank you.

Nick Leonard:

Thank you.