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EXAMINING THE RELATIONSHIP BETWEEN
ENVIRONMENTAL JUSTICE AND THE LACK OF DIVERSITY
IN ENVIRONMENTAL ORGANIZATIONS

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ABSTRACT

This article highlights the ongoing lack of diversity in each of the three major types of environmental organizations—conservation and preservation organizations, governmental agencies, and environmental grantmaking foundations—and assesses how this lack of diversity has historically marginalized people of color. Assessing the history of how the environmental movement has marginalized people of color is key because from this marginalization grew the rise of the environmental justice movement and recognition from the legal system of environmental issues that disproportionately impacted people of color. Last, this article presents solutions on how environmental organizations can increase and retain diversity in their staff and leadership and put an end to the history of defining environmental issues from a predominantly White perspective.

INTRODUCTION

There is an ongoing and pervasive lack of racial diversity in the environmental movement and the leading environmental organizations despite the steady growth of ethnic minority populations in the United States.¹ In 2014, among the staff of the three major types of environmental organizations—conservation and preservation organizations, governmental agencies, and environmental grantmaking foundations—conservation and preservation organizations were 88% White, governmental agencies were 87.6% White, and environmental grantmaking foundations were 84.5% White.² The lack of racial diversity in environmental organizations is troubling because there is a direct statistical correlation between race, poverty, and exposure to pollution hazards. Specifically, people of color are more likely to (1) live closer to industrial and toxic waste facilities, (2) be disproportionately impacted by air pollution, and (3) have less access to clean water and other natural resources.³ As a result, when environmental issues such as proximity to toxic waste facilities and air pollution disproportionately impact people of color, it creates a starkly different perception between White people and people of color regarding what environmental issues are the most pressing or pervasive. When these starkly different perceptions exist, the environmental issues that disproportionately impact people of color cannot be adequately addressed because

¹ DORCETA E. TAYLOR, *THE STATE OF DIVERSITY IN ENVIRONMENTAL ORGANIZATIONS* 4 (2014).

² *Id.* at 118.

³ SECTION OF ENV., ENERGY, AND RESOURCES, ABA, *DIVERSITY, EQUITY, AND INCLUSION AND ENVIRONMENTAL LAW* 1–2 (2021).

people of color have little to no representation at an environmental organization's decision-making table.

Section I will discuss the environmental movement's history and pattern of marginalizing people of color. Section II will analyze the environmental justice movement and its relationship with the environmental movement, highlighting how the environmental movement focused on issues affecting White people, further influencing how environmental organizations still lack racial diversity today. Sections III and IV will highlight the three major types of environmental organizations and review and compare the lack of diversity among the leadership and staff of these organizations with data from two major studies: *The State of Diversity in Environmental Organizations* and *Leaking Talent: How People of Color are Pushed Out of Environmental Organization*. Section V will address how the ongoing lack of diversity in environmental organizations threatens to perpetuate a history of defining environmental issues from a predominantly White perspective and marginalizing people of color, and it will highlight the importance of diversity in the workplace. Sections VI and VII propose a few key categories of measures that environmental organizations can take to increase and retain diversity in their staff and leadership. Ultimately, this analysis concludes that achieving more diversity in environmental organizations is key to providing equal environmental protection because the goals of environmental organizations can only be accomplished when everyone affected by environmental issues can be heard.

I. THE ENVIRONMENTAL MOVEMENT'S HISTORY OF MARGINALIZING AND EXCLUDING PEOPLE OF COLOR

The environmental movement seeks to improve and protect the quality of the environment by taking social, political, and legal action.⁴ However, within its mission to address environmental issues, the environmental movement has historically excluded people of color from the conversation about what constitutes environmental issues and, more often than not, prioritized the interests of White Americans.

Glimpses of the environmental movement first emerged in the United States following World War II, when national priorities changed and Americans became concerned about the ecological damage and pollution sustained during wartime as a result of mobilization.⁵ Widespread air and water

⁴ *The Origins of EPA*, EPA, <https://www.epa.gov/history/origins-epa> (last updated July 9, 2021).

⁵ SEE KARL BOYD BROOKS, *BEFORE EARTH DAY: THE ORIGINS OF AMERICAN ENVIRONMENTAL LAW, 1945–1970* 18 (2009) (stating specifically that “changing popular priorities in the nation’s heartland began to stimulate robust postwar debate” about the environmental legal system).

pollution caused Americans to question whether the environmental laws in place around 1945 were effective enough to protect the environment when the laws were not enforced by state governments or the federal government in the broader goal to end World War II.⁶

National social and political movements led by White conservationists in response to the aforementioned environmental concerns found legal and legislative success by 1950 in the form of major environmental statutes and new legal procedures to critique, slow, or stop government projects that would damage ecological health.⁷ Notably, three of the major environmental statutes passed, including the Fish and Wildlife Coordination Act (“FWCA”), Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), and the Federal Water Pollution Control Act (“FWPCA”), which were championed or authored by A. Willis Robertson.⁸ Robertson was a White representative from Virginia with marked and openly racist stances throughout his political career. For example, he signed the Southern Manifesto, a letter condemning the landmark civil rights case *Brown v. Board of Education*, which mandated desegregation in schools.⁹ Robertson’s views are not representative of all early leaders or conservationists in the environmental movement, but they demonstrate the roots that racism had in the environmental movement and emphasize how Robertson, and possibly other leaders, were likely only focused on environmental issues that affected White constituents.

The initial successes in environmental legislation such as the FWCA, FIFRA, and the FWPCA launched a national platform for environmental issues and the environmental movement. Rachel Carson, another White leader of the environmental movement, quickly capitalized on this platform. In 1962, Rachel Carson released *Silent Spring*, which drew public attention to the impending health crisis brought on by the indiscriminate and widespread use of pesticides like Dichlorodiphenyltrichloroethane (“DDT”) in White suburban neighborhoods and farmlands.¹⁰ Carson’s vivid writing in *Silent Spring* captured the severe and lethal impacts of DDT and set a new agenda for environmental reform.¹¹ This reform quickly included nationalized federal regulations of natural resources, including the 1963 Clean Air Act (“CAA”),

⁶ *See id.*

⁷ *Id.* at 19.

⁸ *Id.* at 21.

⁹ *See Supreme Court History: Expanding Civil Rights*, THIRTEEN, https://www.thirteen.org/wnet/supremecourt/rights/sources_document2.html (last visited Apr. 1, 2022).

¹⁰ *See* MARK HAMILTON LYLE, *THE GENTLE SUBVERSIVE* vi (James West Davidson & Michael B. Stroff eds., 2007).

¹¹ *See id.* at 239.

the 1965 Motor Vehicle Pollution Control Act (“MVPCA”), and the 1967 Air Quality Act (“AQA”).¹²

Next, Richard Nixon, another White leading figure, emerged in the wake of the nationally recognized environmental regulatory framework. Unexpectedly, Nixon’s presidency represented a “golden period” for the environmental movement.¹³ Nixon approved the National Environmental Policy Act (“NEPA”), which “mandated a detailed report on the environmental impact of all large projects involving federal funding or permitting,” and founded the Council of Environmental Quality that advises the President on environmental issues and reviews the environmental impact statements required for federal construction projects.¹⁴ During the golden period, President Nixon also signed into law modernized versions of the CAA, the FWPCA (which was rebranded as the Clean Water Act (“CWA”)), and the Endangered Species Act. Last and most importantly, Nixon established the Environmental Protection Agency (“EPA”).¹⁵ EPA’s founding consolidated the federal government’s environmental responsibilities and allowed the government to respond to environmental issues with new and expedient capabilities.¹⁶

Overall, the aforementioned early milestones in the environmental movement’s legal history are formative to this paper because they represent the culmination of a massive effort by all levels of governments and environmental organizations to set the political agenda and bring environmental issues to the forefront. However, throughout the progress made in creating national environmental protection standards, the environmental issues that people of color experienced did not receive the same amount of attention and advocacy from environmental organizations or environmental leaders. To illustrate, in 1970, Nathan Hare wrote in *Black Ecology* that the environmental interests of people of color were blatantly omitted and that people of color and the environmental movement stood “in contradiction to each other.”¹⁷ Hare also argued that the environmental movement was too focused on maintaining the quality of life for the White middle class and ignored a significant number of environmental issues experienced by people of color.¹⁸

¹² See *The Origins of EPA*, *supra* note 4.

¹³ Meir Rinde, *Richard Nixon and the Rise of American Environmentalism*, SCI. HISTORY INST. (Dec. 1, 2017), <https://www.sciencehistory.org/distillations/magazine/richard-nixon-and-the-rise-of-american-environmentalism>.

¹⁴ *Id.* See generally 42 U.S.C. § 4321 (1970) (establishing the Council on Environmental Quality).

¹⁵ Rinde, *supra* note 13.

¹⁶ *Id.*

¹⁷ See Nathan Hare, *Black Ecology*, 1 THE BLACK SCHOLAR 2 (April 1970).

¹⁸ See *New Perspectives on Black Ecology*, AM. SOC’Y FOR ENV’T HISTORY (Oct. 13, 2020) <https://aseh.org/event-3995402>.

The environmental movement, which was largely composed of White people, implicitly focused on environmental issues from a White perspective and tended to target environmental issues that affected White people's experiences while indirectly excluding and marginalizing people of color. The historical lack of attention to environmental issues that people of color faced contributes to the disproportionate impact that people of color experience from environmental issues today. When people of color recognized the inequality in representation that they had in environmental organizations and the environmental movement, they formed the environmental justice movement in the late 1970s.

II. THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT AND THE DIFFERENT ENVIRONMENTAL ISSUES PEOPLE OF COLOR EXPERIENCED

The EPA defines environmental justice as the fair treatment and involvement of all people, regardless of race, color, origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.¹⁹ Environmental justice can only be achieved when everyone enjoys (1) the same degree of protection from environmental and health hazards and (2) equal access to the decision-making process.²⁰ Other organizations define environmental justice in similar or identical terms, and notably, the Natural Resources Defense Council states that the environmental justice movement addresses the proven fact that people who live and work in America's most polluted environments are people of color.²¹

The environmental movement has historically marginalized people of color and instead focused on environmental issues that affected White people, effectively omitting people of color from the conversation about environmental issues. In *Black Ecology*, Hare wrote that the "major" environmental problems of the environmental movement were fundamentally different for black and White people. For the suburban White population involved in the environmental movement, the foremost environmental problems included pollution that closed beaches and prevented recreational activities like "swimming, boating, water-skiing, [and] fishing."²² In contrast, Hare states that for people of color, environmental problems included life-threatening

¹⁹ See *Environmental Justice*, EPA, <https://www.epa.gov/environmentaljustice> (last updated, Oct. 29, 2021).

²⁰ See *id.*

²¹ See Renee Skelton & Vernice Miller, *The Environmental Justice Movement*, NAT. RES. DEF. COUNCIL (Mar. 17, 2016), <https://www.nrdc.org/stories/environmental-justice-movement>.

²² See Hare, *supra* note 17 at 2.

industrial pollution such as “smoke, soot, dust, . . . fumes gases, stench, and carbon monoxide.”²³

By the end of the 1970s, people of color began addressing the prominent inequities in environmental protection that Hare and others identified.²⁴ In *Bean v. Southwestern Waste Management Corp.*, Black American homeowners fought to keep a landfill from being placed within 1,500 feet of a local public school, and within two miles of six other schools, by alleging environmental discrimination.²⁵ This lawsuit was the first of its kind in the United States, specifically claiming environmental discrimination in the landfill’s siting process.²⁶ Though the homeowners in *Bean* failed to prevent the landfill’s construction, the case set a precedent for environmental justice proceedings across the country wherein people of color contested disposal facilities and toxic waste sites being disproportionately built in or near their communities.²⁷

Another seminal moment in environmental justice history was the sit-in against a landfill in Warren County, North Carolina.²⁸ Warren County was a rural, black community where the North Carolina government planned to construct a hazardous waste landfill.²⁹ Its residents feared for their health and mobilized a national, nonviolent sit-in protest against the landfill’s construction. It lasted six weeks, and over 500 environmentalists and civil rights activists were arrested.³⁰ The Warren County residents were unable to stop the landfill’s construction, but the sit-in protest and legal challenges by people of color against an environmental threat further solidified the legitimacy of the environmental movement in the national forum.³¹

As evidenced by *Bean*, the sit-in against the Warren County landfill, and countless other environmental justice cases, people (and communities) of color are disproportionately affected by environmental issues. Various studies conducted over the years provide evidence demonstrating the strong

²³ See *id.* at 4.

²⁴ See *New Perspectives on Black Ecology*, *supra* note 18.

²⁵ *Id.*; see also *Bean v. Sw. Waste Mgmt. Corp.*, 482 F. Supp. 673, 674–75 (S.D. Tex. 1979).

²⁶ *Environmental Justice*, *supra* note 19.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*; Skelton & Miller, *supra* note 21.

³⁰ Skelton & Miller, *supra* note 21; *Environmental Justice*, *supra* note 19; *Environmental Justice History*, OFF. OF LEGACY MGMT., <https://www.energy.gov/lm/services/environmental-justice/environmental-justice-history> (last visited Dec. 28, 2021).

³¹ *Environmental Justice History*, OFF. OF LEGACY MGMT., <https://www.energy.gov/lm/services/environmental-justice/environmental-justice-history> (last visited Dec. 28, 2021).

“correlation between race, poverty, and exposure to pollution hazards.”³² For instance, a 2007 report titled *Toxic Wastes and Race at Twenty* (and contributed to by the husband of the attorney for the plaintiffs in *Bean*) found that more than half of the people who lived within 1.86 miles of a toxic waste site in the United States were people of color.³³ Another report, *Drinking Water Infrastructure and Environmental Disparities*, highlighted the link between limited access to clean water and low-income communities of color.³⁴ A 2018 study titled *Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status* aimed to quantify the nationwide disparities in the distribution of particulate matter-emitting (“PM”) facilities, and ultimately found that African Americans had a 1.54 times higher PM burden than the overall population.³⁵ This study additionally found that race was more likely to be indicative of PM burden and residency near a PM-emitting facility than poverty status.³⁶ In sum, the disparate impact of exposure to environmental harms can be seen across a myriad of environmental issues, from air pollution to proximity to hazardous waste sites.

Despite the widespread knowledge of the aforementioned data, people of color have been historically marginalized by environmental organizations and the environmental movement, leading to decades of environmental justice issues and unequal environmental protection. By 1990, environmental justice leaders from the Southwest Organizing Project (“SOP”) began looking for allies among primarily White environmental organizations.³⁷ The SOP

³² *Bean v. Sw. Waste Mgmt. Corp.*, 482 F. Supp. 673, 675 (S.D. Tex. 1979); Michelle L. Bell & Keita Ebusu, *Environmental Inequality in Exposures to Airborne Particulate Matter Components in the United States*, 120 ENV'T HEALTH PERSPS. 1699, 1700–01 (2012) (noting that overall levels of particulate matter are higher for people of color); Paul Mohai, et al., *Environmental Justice*, ANN. REV. OF ENV'T AND NAT. RES. 405, 406, 408–09 (2009); MICHAEL ASH ET AL., JUSTICE IN THE AIR: TRACKING TOXIC POLLUTION FROM AMERICA'S INDUSTRIES AND COMPANIES IN OUR STATES, CITIES, AND NEIGHBORHOODS, 6 (2009), https://www.researchgate.net/publication/228202345_Environmental_Justice; ROBERT BULLARD, DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY, 35–36 (3d ed. 2000); MANUEL PASTOR ET AL., IN THE WAKE OF THE STORM: ENVIRONMENTAL DISASTER AND RACE AFTER KATRINA, 13–14 (2006).

³³ See ABA, DIVERSITY, EQUITY, AND INCLUSION AND ENVIRONMENTAL LAW 1–2 (2021) (citing Robert B. Bullard et al., TOXIC WASTES AND RACE AT TWENTY 1987-2007 (2007)) [hereinafter DIVERSITY, EQUITY, AND INCLUSION].

³⁴ See *id.* (citing James VanDerslice, *Drinking Water Infrastructure and Environmental Disparities: Evidence and Methodological Considerations*, 101 AM. J. OF PUB. HEALTH, S109, S109, (2011)).

³⁵ See *id.* (citing Ihab Mikati et al., *Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status*, 108 AM. J. OF PUB. HEALTH, 480, 480 (2018)).

³⁶ See DIVERSITY, EQUITY, AND INCLUSION, *supra* note 33 at 1–2 (citing Ihab Mikati et al., *Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status*, 108 AM. J. OF PUB. HEALTH, 480, 480 (2018) (stating that the PM burden for people of color is 1.54 times that of the population overall, and the PM burden for people experiencing poverty is 1.35 times that of the population overall)).

³⁷ See Skelton & Miller, *supra* note 21 (noting these organizations had previously fought to protect the wilderness, endangered species, and clean air, but had no involvement in the environmental issues that people of color faced including the siting of pollution-producing facilities in poor communities of color).

leaders wrote a widely publicized letter to a “Group of Ten” environmental groups accusing them of racial bias in the hiring and make-up of their leadership boards and challenged them to address the toxic waste issues that communities of color faced.³⁸ This “Group of Ten” included the National Wildlife Federation, the Sierra Club, the Wilderness Society, the Nature Conservancy, the National Audubon Society, the Natural Resources Defense Council, the Environmental Defense Fund, Friends of the Earth, Earthjustice, and the Isaak Walton League.³⁹ As a result of the SOP’s letter, some of these mainstream environmental organizations developed their first environmental justice initiatives and began adding people of color to their staff.⁴⁰

Since 1990, environmental justice has successfully become a salient political issue. Environmental justice was a clear priority of the Clinton administration in 1992 and is once again a prominent federal government policy priority of the Biden administration.⁴¹ Nonetheless, despite environmental justice’s widespread recognition and the recent efforts by environmental organizations to be more inclusive of people of color, racial diversity in environmental organizations remains lacking.

III.A COMPARISON OF THE LACK OF DIVERSITY IN ENVIRONMENTAL ORGANIZATIONS

The environmental movement has historically marginalized people of color in favor of focusing on environmental issues that impact White people. For instance, environmental organizations primarily focused in the past on preserving natural resources and endangered species instead of protecting people of color from hazardous waste sites being built in their communities. Environmental organizations now take a more active approach to environmental justice and providing equal protection. However, the effects of the movement’s neglectful past are still felt today, as evidenced by the lack of diversity within the three types of modern environmental organizations.

The three major types of modern environmental organizations are conservation and preservation organizations, governmental agencies, and

³⁸ See *id.*; see also Southwest Organizing Project, *Letter to the Group of 10* (Mar. 16, 1990), <https://www.ejnet.org/ej/swop.pdf>.

³⁹ See Marty Durlin, *The Group of 10 Respond*, HIGH COUNTRY NEWS, <https://www.ejnet.org/ej/swopresponse.pdf> (last visited Jan. 8, 2022).

⁴⁰ See Skelton & Miller, *supra* note 21.

⁴¹ See *id.*; see also Press Release, The White House, What They Are Saying: Biden Administration Lays Out Path to Reach Justice40 Goal, Earns Praise from Administration Officials, Environmental Justice Leaders, Advocates, and Congressional Leaders (July 21, 2021), <https://www.whitehouse.gov/ceq/news-updates/2021/07/21/what-they-are-saying-biden-administration-lays-out-path-to-reach-justice40-goal-earns-praise-from-administration-officials-environmental-justice-leaders-advocates-and-congressional-leaders/>.

environmental grantmaking foundations.⁴² First, environmental conservation and preservation organizations, as evidenced by their name, focus on conserving or preserving natural resources.⁴³ Next, environmental government agencies focus on consolidating and strengthening the environmental responsibilities of state and national actors through the creation and enforcement of environmental standards across the various natural resources such as air and water.⁴⁴ Last, environmental grantmaking foundations focus on providing grants or awards to other environmental organizations for conservation or preservation purposes.⁴⁵ The rest of this section will address in-depth the diversity shortcomings of each category of environmental organizations.

A. *Diversity in Conservation and Preservation Organizations*

A major 2014 study titled *The State of Diversity in Environmental Organizations* (“*The State of Diversity*”) comprehensively assessed the diversity across conservation and preservation organizations, government environmental agencies, and environmental grantmaking foundations and examined the diversity initiatives undertaken by these organizations.⁴⁶ *The State of Diversity* found that while all three types of environmental organizations have made significant progress in achieving *gender* diversity, the state of *racial* diversity in environmental organizations has lagged far behind.⁴⁷ For instance, although the percentage of minorities working in environmental organizations has increased over time, the percentage of minorities in the general staff of all environmental organizations surveyed has never exceeded 16%.⁴⁸ Similarly, once minorities *are* hired into an environmental

⁴² TAYLOR, *supra* note 1.

⁴³ See Robert J. Brulee, *Environmental Discourse and Social Movement Organizations: A Historical and Rhetorical Perspective on the Development of U.S. Environmental Organizations*, 66 *SOCIOLOGICAL INQUIRY* 58, 68 (Jan. 1996). The first environmental organization in the United States was the American Forestry Association, founded in 1875 to conserve American forests. The American Forestry Association, now American Forests, eventually championed the creation of the U.S. Forest Service and still focuses on conserving and restoring forests to “deliver essential benefits for climate, people, water, and wildlife.” Other notable conservation and preservation organizations include the Appalachian Mountain Club, founded in 1876, and the Sierra Club, founded in 1892 by John Muir.

⁴⁴ Rinde, *supra* note 13.

⁴⁵ See *About Us*, UDALL FOUND., <http://www.udall.gov/AboutUs/AboutUs.aspx> (last visited Nov. 14, 2021). Notable environmental grantmaking foundations include the Environmental Grantmakers Association and the Udall Foundation. For example, the Udall Foundation, named after Senator Morris Udall, awards scholarships.

⁴⁶ See TAYLOR, *supra* note 1 at 2.

⁴⁷ See *id.* at 3.

⁴⁸ *Id.*

organization, they are concentrated in lower ranks and occupy less than 12% of leadership positions in the 293 different environmental organizations studied.⁴⁹

The State of Diversity found that for conservation and preservation organizations, White people held the “vast majority” of the leadership positions in reporting organizations.⁵⁰ The only position that minorities were more likely to hold than a White person was the position of diversity manager.⁵¹ Otherwise, in all other leadership positions, a White person was more likely to hold the position by at least two to one.⁵² More specific findings from *The State of Diversity* included that White people held 88.7% of the leadership positions in conservation and preservation organizations, while minorities only held 11.3% of the leadership positions.⁵³

One survey respondent to the study stated that *if* minorities were hired at their conservation or preservation organization, they were most likely to be hired into general or back-office positions such as accounting or administration, or out-of-office positions such as “community organizer or outreach director.”⁵⁴ This particular finding is important because if people of color are not hired into leadership positions or positions with the ability to dictate what the important environmental issues are, environmental issues that impact people of color disproportionately are more likely to remain unaddressed. *The State of Diversity* also analyzed the racial composition of conservation or preservation organization staff, in addition to the composition of conservation or preservation organizational leadership.⁵⁵ The study identified the racial characteristics of 3,140 paid staff for conservation or preservation organizations and found that 88% of the staff was White, and just 12% of the staff were minorities.⁵⁶

The statistics highlighting the lack of racial diversity in the leadership and staff of conservation or preservation organizations are troubling for a variety of reasons. Diversity in environmental organizations is important, especially in organizations conserving or protecting natural resources. When these

⁴⁹ *Id.* at 4, 45. *The State of Diversity* first analyzed the diversity in 191 conservation and preservation organizations. The study collected the data through an online Qualtrics survey, and potential respondents received an email with a brief description of the study and a request to participate in it. The survey was administered over five months, and, for consistency, key personnel (such as an associate director or human resources director) from each conservation or preservation organization were asked to complete the survey on behalf of the organization.

⁵⁰ *Id.* at 50.

⁵¹ *Id.*

⁵² *Id.* (describing White people as “dominat[ing]” leadership positions).

⁵³ *Id.*

⁵⁴ *Id.* at 52.

⁵⁵ *Id.* at 57.

⁵⁶ *Id.*

organizations have an exclusively White perspective of what the main conservation or preservation issues are, they are likely only getting half of the story. Predominantly White organizations can only define the main conservation or preservation issues that they have experienced or learned of. Countless studies show that White people are less likely to experience the same environmental issues that people of color do. Therefore, without increased diversity in these environmental organizations, the different conservation or preservation issues that people of color experience cannot be adequately addressed.

B. Diversity in Government Environmental Agencies

The State of Diversity assessed diversity across conservation and preservation organizations, government environmental agencies, and environmental grantmaking foundations and examined the diversity initiatives undertaken by these organizations.⁵⁷ After assessing diversity across conservation and preservation organizations, the study analyzed the diversity in government environmental agencies. *The State of Diversity* analyzed the institutional diversity in 74 federal, state, and local government agencies by collecting the data in the same manner that it did for conservation and preservation organizations.⁵⁸

Next, among reporting government environmental agencies, *The State of Diversity* found that White people held the majority of the leadership positions.⁵⁹ For instance, leadership positions, including vice-chairs, lobbyists, and investment managers in government environmental agencies were predominantly White.⁶⁰ Likewise, more than 90% of staff positions, including program directors, web designers, legal counsels, business managers, and vice presidents were White.⁶¹ However, minorities occupied more than 25% of positions, such as diversity managers, human resources directors, community organizers, and informational technology managers.⁶² The lack of minorities in leadership positions in government environmental agencies mirrors the findings for leadership diversity in conservation or preservation organizations. This is because the data shows it is unlikely that minorities occupy positions at their government environmental agencies that enable them to contribute to the discussion of the main environmental issues. *The State of Diversity* found that, for these agencies, minorities comprised only 20% of

⁵⁷ *Id.* at 2.

⁵⁸ *Id.* at 75.

⁵⁹ *Id.* at 78.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

the chairs of the board, 19% of the presidents, 12.8% of executive directors, 8.3% of the vice presidents, and none of the vice-chairs of the board.⁶³

The State of Diversity also analyzed the racial composition of government environmental agency staff in reporting agencies.⁶⁴ The study collected the racial characteristics of 13,257 paid staff and found that an 87.6% majority of the staff were White, and just 12.4% of the staff were minorities.⁶⁵ The lack of diversity in government environmental agencies was similar to the lack of diversity for staff in conservation or preservation organizations, though the disparity in governmental agencies was slightly higher.⁶⁶

C. Diversity in Environmental Grantmaking Foundations

After assessing the diversity across conservation and preservation organizations and government environmental agencies, *The State of Diversity* analyzed the diversity in environmental grantmaking foundations.⁶⁷ This time, the study analyzed the institutional diversity in 220 foundations that funded environmental activities.⁶⁸ To assess the diversity in environmental grantmaking foundations, the study collected the data in a slightly different manner than it did for conservation and preservation organizations and government environmental agencies. The surveys were administered over four months, and a modified version of the diversity survey was sent to the 220 foundations that funded environmental activities based on foundation contact information procured from the internet and leadership directories.⁶⁹ The Environmental Grantmakers Association (“EGA”) also collaborated with the researcher and sent the survey link to its members.⁷⁰

The State of Diversity found that, similar to previous findings, racial diversity in environmental grantmaking foundation leadership was lacking. Specifically, White people held the majority of the leadership positions in reporting foundations.⁷¹ Minorities only held 10% of president positions, 10.5% of chairs of the board positions, and 17.6% of executive director positions in environmental grantmaking organizations.⁷² The positions in environmental grantmaking organizations that minorities were most likely to

⁶³ *Id.*

⁶⁴ *Id.* at 82.

⁶⁵ *Id.*

⁶⁶ *See id.*

⁶⁷ *Id.* at 97.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *See id.*

⁷¹ *See id.* at 98.

⁷² *See id.* at 99.

occupy included program directors (45.5%) and associate directors (40%).⁷³ *The State of Diversity* found that none of the “legal counsels, investment managers, information technology managers, business managers, accountants, or fundraisers were minorities.”⁷⁴ Interestingly, though, the study concluded that despite the low percentage of diversity in environmental grantmaking foundation leadership, “minorities were more likely to hold top leadership positions such as the president, chair of the board, and executive directorship” than in conservation or preservation organizations, and government environmental agencies.⁷⁵

Then, *The State of Diversity* analyzed the racial characteristics of 130 paid staff for environmental grantmaking foundations and found that 86.7% of the staff was White, and just 13.3% of the staff were minorities.⁷⁶ Thus, the overall staff diversity finding for environmental grantmaking foundations mirrored the findings for staff diversity in conservation or preservation organizations and government environmental agencies, though it was slightly more equitable.⁷⁷ However, it should be noted that the data pool of paid staff for environmental grantmaking foundations was much smaller than the data pool of paid staff for the other environmental organizations studied.⁷⁸

IV. THE DIVERSITY INITIATIVES ENVIRONMENTAL ORGANIZATIONS HAVE TAKEN

The State of Diversity also compiled information on the different kinds of diversity initiatives that the surveyed environmental organizations reported taking in the five years preceding 2014 to remedy the current and future racial disparities among their leadership and staff.⁷⁹ It is critical to briefly address the diversity initiatives that the previously mentioned environmental organizations took because the final portion of this paper focuses on how environmental organizations can retain and increase diversity. In combination with the findings of an additional study titled *Leaking Talent: How People of Color are Pushed Out of Environmental Organizations* (“Leaking Talent”), the suggestions become clear and constructive for how environmental organizations can improve and retain diversity in their ranks.

⁷³ *Id.* at 100.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* at 104.

⁷⁷ *See id.*

⁷⁸ *Id.*

⁷⁹ *See id.* at 111.

A. Diversity Initiatives Taken By Environmental Organizations

Among the conservation and preservation organizations surveyed, *The State of Diversity* reported that the most common diversity initiative these organizations took was to “promote women already working in the organization to top leadership positions.”⁸⁰ Specifically, 70% of the conservation and preservation organizations that reported their diversity initiatives taken stated that they took this initiative.⁸¹ This diversity initiative demonstrates the prioritization among these organizations of achieving gender diversity over racial diversity, and how these organizations used initiatives that benefitted women *already* working in predominantly White organizations.

Next, *The State of Diversity* found that approximately 80% of government agencies reported taking initiatives such as holding diversity trainings or staff meetings to discuss diversity, and promoting women already in the organization to leadership positions.⁸² Similar to the findings for conservation and preservation organizations, the diversity initiative to promote women already in the predominantly White organization shows the prioritization among environmental organizations of achieving gender diversity over racial diversity.

Finally, *The State of Diversity* reported that the most common diversity initiative environmental grantmaking foundation took was to “broaden the applicant pool for jobs.”⁸³ 92.9% of the environmental grantmaking foundations that reported their diversity initiatives stated that they took this initiative.⁸⁴

B. Why Environmental Organizations Struggle to Maintain Diversity

The State of Diversity is a major recent study that evaluated the state of diversity in environmental organizations. In 2019, *Leaking Talent* went beyond the scope of *The State of Diversity* by exploring the factors that impact the actual *retention* of people of color in environmental organizations.⁸⁵

Leaking Talent polled the 40 largest non-governmental organizations (“NGOs”) and environmental foundations to report the ethnic diversity of their staff.⁸⁶ From the results, *Leaking Talent* found that only 20% of the staff

⁸⁰ *Id.* at 6.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.* at 111.

⁸⁴ *Id.*

⁸⁵ See STEFANIE K. JOHNSON, LEAKING TALENT: HOW PEOPLE OF COLOR ARE PUSHED OUT OF ENVIRONMENTAL ORGANIZATIONS 2 (2019), https://diversegreen.org/wp-content/uploads/2021/01/Green_2.0_Retention_Report.pdf.

⁸⁶ *Id.*

and 21% of the senior staff identified as minorities.⁸⁷ Likewise, only 25% of the staff and 4% of the senior staff identified as minorities.⁸⁸

In response to the quantitative data demonstrating a marginal improvement in diversity in environmental organizations, *Leaking Talent* then explored why environmental organizations struggle to maintain and promote people of color in their leadership and staff. *Leaking Talent* did this by, in addition to gathering quantitative data, collecting qualitative data from interviews with employees of color and White employees.⁸⁹ Based on the qualitative data, *Leaking Talent* determined that people of color have a lower intent to stay at environmental organizations than White people because they perceive a lower level of fairness in employment processes such as “development, evaluation, and promotion (“DEP”).”⁹⁰ In interviews, people of color stated that they were more likely to consider leaving their environmental organization because they felt they have “less access to development and promotions and that coworkers question their value.”⁹¹

Thus, as studies suggest, it is likely that people of color continue feeling excluded or marginalized by the environmental movement and environmental organizations. The data from both studies demonstrates an ongoing lack of racial diversity in the largest environmental organizations in the environmental movement. Another contribution to the lack of diversity in environmental organizations is people of color’s lack of intent to stay long-term. People of color tend to not stay with these organizations due to the perceived lower levels of fairness in DEP between employees of color and White employees, as a result of employment practices such a promotions, hiring, and firing.⁹² Overall, the feeling of exclusion and lack of representation that people of color feel from the environmental movement and environmental organizations should be deeply concerning because of the findings discussed in Part VI.

⁸⁷ *Id.* Assuming that there is likely overlap between the NGOs (such as conservation or preservation organizations) and environmental foundations surveyed in *The State of Diversity* and *Leaking Talent*, the results from *Leaking Talent* reflect a marginal improvement in diversity among environmental organizations. However, even assuming there was *no* overlap between the environmental organizations surveyed by *The State of Diversity* and *Leaking Talent*, the quantitative results of *Leaking Talent* still show a strong lack of racial diversity in the top environmental organizations.

⁸⁸ *Id.*

⁸⁹ *Id.* at 6.

⁹⁰ *Id.* at 10.

⁹¹ *Id.* at 11.

⁹² *Id.* at 26.

V. DIVERSITY IS CRUCIAL TO ENVIRONMENTAL ORGANIZATIONS AND ENVIRONMENTAL LAW

Numerous studies show that environmental issues impact people of color more often and more severely than they do White people.⁹³ These environmental issues are historically pervasive and range from environmental pollution to lack of access to clean natural resources like water. More than half of the people who live within 1.86 miles of a toxic waste facility are people of color.⁹⁴ People of color are also more directly impacted by air pollution, environmental disasters, and health impacts from infrastructure failures.⁹⁵ However, despite extensive recognition from environmental organizations that environmental justice actions must be taken to ensure that all communities are equally protected from environmental issues, there remains a strong correlation between race and the lack of environmental protection received.⁹⁶

As a result of the historical lack of diversity in environmental organizations and the environmental movement, environmental law cannot provide people of color equal protection against environmental issues that they deserve. Environmental law and environmental organizations in their current state cannot provide proper protection to people of color because they are predominantly White and do not actively recognize the historic patterns and barriers that have a substantial influence on the environmental hazards people experience.⁹⁷ Without increasing the diversity in environmental organizations, these organizations and environmental law are condemned to continue viewing environmental issues from a White perspective because that is the only perspective present in a majority of leadership positions. By extension, a predominantly White leadership among environmental organizations will inevitably reinforce environmental hazards that result in uneven structural, cultural, and racial impacts.⁹⁸

Due to the threats posed by further inequality in environmental protection, it is clear that diversity in environmental organizations must be increased immediately. Environmental law in its current state is unable to provide adequate protection to all communities against both ongoing and looming

⁹³ Vann R. Newkirk II, *Trump's EPA Concludes Environmental Racism Is Real*, THE ATLANTIC (Feb. 28, 2018), <https://www.theatlantic.com/politics/archive/2018/02/the-trump-administration-finds-that-environmental-racism-is-real/554315/>.

⁹⁴ ROBERT D. BULLARD, ET AL., TOXIC WASTES AND RACE AT TWENTY 1987-2007 X (2007), <https://www.nrdc.org/sites/default/files/toxic-wastes-and-race-at-twenty-1987-2007.pdf>.

⁹⁵ Jasmine Bell, *5 Things to Know About Communities of Color and Environmental Justice*, CTR. FOR AM. PROGRESS (Apr. 25, 2016), <https://www.americanprogress.org/article/5-things-to-know-about-communities-of-color-and-environmental-justice/>.

⁹⁶ See Newkirk, *supra* note 93.

⁹⁷ See JOHNSON, *supra* note 85 at 2.

⁹⁸ See *id.* at 5–6.

environmental issues like climate change. Environmental organizations heavily influence the dialogue in environmental law and are at the forefront of environmental issue agenda setting and helping develop environmental policies and regulations that provide more environmental protection. Having more diversity in environmental organizations will allow people of color to contribute to the discussion concerning environmental law and determine the most pressing environmental issues. More diversity in environmental organizations can finally provide a platform for communities of color that have historically lacked the power to bring environmental issues to the forefront of achieving environmental justice.⁹⁹

Increasing diversity in environmental organizations is beneficial to environmental law because findings show diverse groups are better at processing facts and coming up with innovative solutions. Other studies have shown that diverse teams are more likely to reexamine facts, remain objective, and help employees realize their own potential biases.¹⁰⁰ If environmental organizations can increase diversity, they can also increase the likelihood that their staff will become sharper, process facts more carefully, and see the implicit biases they may have regarding what they consider the most pressing environmental issues. One of the best ways to increase innovation is to hire more women and culturally diverse team members because introducing staff to other cultural backgrounds encourages new ways of thinking.¹⁰¹ Thus, increasing diversity in environmental organizations provides people of color a seat at the decision-making table where they have historically been excluded and helps these organizations become more thoughtful when processing information and coming up with environmental law-related solutions.

VI.POTENTIAL SOLUTIONS TO INCREASE AND MAINTAIN DIVERSITY

Increasing diversity in environmental organizations is key to amending the disproportionate impact of environmental issues that people of color experience. Therefore, based on the discussions and conclusions from multiple studies discussed, there are a few key categories of measures that environmental organizations can take to increase and retain diversity in their staff and leadership: (1) increasing transparency around the organization's employment processes, (2) creating mandatory educational programs for employees on the topic of diversity, (3) creating a mentorship program for new employees, and (4) forming or supporting a diversity committee.

⁹⁹ *See id.* at 6.

¹⁰⁰ David Rock & Heidi Grant, *Why Diverse Teams Are Smarter*, HARV. BUS. REV. (Nov. 4, 2016), <https://hbr.org/2016/11/why-diverse-teams-are-smarter>.

¹⁰¹ *Id.*

A. *Increasing Transparency Around Employment Processes*

Leaking Talent found that people of color's intent to stay at environmental organizations was most negatively impacted by their perceived unfairness of employment processes like hiring, firing, and promotions.¹⁰² Consequently, environmental organizations should increase transparency around numerous employment processes. When an environmental organization is hiring, it should consider detailing what it is looking for in a new employee to constructively explain at a later time why certain candidates were not ultimately hired. Environmental organizations should also be clear about the process they use to assign work so that employees understand why and how assignments are made and are less likely to feel like there is favoritism in the workplace. If an organization is considering awarding bonuses or increasing salaries, it should explain why they are generally awarded so that employees will not feel that there is a bias towards certain employees. Last, organizations seeking to promote employees should explain why an employee was ultimately promoted (or not promoted) so that other employees will not feel they have no mobility and will understand what the employer is looking for when offering ways to advance in the organization. With increased transparency surrounding these employment processes and more, people of color are less likely to feel as though they have no mobility due to their environmental organization's perceived unfair employment processes, so they will be more likely to stay and advance in the organization.

B. *Creating Mandatory Educational Programs on Diversity*

Next, environmental organizations can increase and retain diversity by creating mandatory educational programs on diversity that increase their staff's overall awareness towards issues relating to diversity. While voluntary training tends to evoke a better response from employees than mandatory training because employees feel that the choice to attend the training is theirs, employees should be required to attend educational training on different diversity topics because doing so could help facilitate the feeling among employees of color feel that their predominantly White fellow employees are educated on different topics in diversity.¹⁰³ Likewise, other data finds that companies have historically made it the responsibility of minority groups to support each other and educate others on diversity.¹⁰⁴ By introducing a neutral third party that presents training on different diversity topics, employees of color are less likely to feel like the pressure is on them to educate their

¹⁰² See JOHNSON, *supra* note 85 at 17.

¹⁰³ See Frank Dobbin & Alexandra Kalev, *Why Diversity Programs Fail*, HARV. BUS. REV. (July-Aug. 2016), <https://hbr.org/2016/07/why-diversity-programs-fail>.

¹⁰⁴ *From Inclusion to Support: How to Build a Better Workplace*, N.Y. TIMES (June 17, 2019), <https://www.nytimes.com/2019/06/17/business/recommendations-diverse-workplace-new-rules.html>.

predominantly White fellow employees on diversity, and they are more likely to feel seen and supported by their environmental organization.

C. Creating a Mentorship Program

Another way that this analysis suggests environmental organizations can increase and retain diversity is to implement mentorship programs for new employees. Since the racial diversity in environmental organizations is still noticeably lacking, a program whereby new employees (and especially employees of color) receive a mentor can help alleviate the feelings of isolation or exclusion that people of color may feel in predominantly White environmental organizations. Mentorship programs with mentors consisting of people of color can also help new employees by creating visible role models who represent diversity in leadership.¹⁰⁵ A mentorship program can introduce new employees to senior people within the organization who can provide them with guidance, more opportunities to get involved, and a roadmap for career advancement.¹⁰⁶ Therefore, creating and implementing a mentorship program can help environmental organizations by remedying feelings of a lack of support among employees of color because these employees are provided with a mentor or network of current employees who are invested in their success and can provide access to the organization's leadership.¹⁰⁷

D. Environmental Organizations Should Form or Support a Diversity Committee

Environmental organizations can also increase and retain diversity by creating and supporting a diversity committee if the organization does not already have one. Similar to creating mandatory educational programs on diversity, introducing or supporting a diversity committee can demonstrate to employees that their environmental organization values diversity. Diversity committees can facilitate thoughtful discussions among employees regarding topics such as (1) implicit or potential biases, (2) the importance of diversity in the workplace, and (3) how employees who are in the predominantly White majority can be allies to employees of color.¹⁰⁸ Therefore, forming or supporting an existing diversity committee can help employees of color feel more valued by their environmental organization and increase their intent to stay long-term by facilitating valuable conversations and helping employees become allies to employees of color.

¹⁰⁵ See Matt Krentz et al., *Fixing the Flawed Approach to Diversity*, BOSTON CONSULTING GRP. (Jan. 17, 2019), <https://www.bcg.com/publications/2019/fixing-the-flawed-approach-to-diversity>.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See *id.*

CONCLUSION

Environmental organizations suffer from an ongoing and pervasive lack of racial diversity among their staff and leadership.¹⁰⁹ As recently as 2019, data shows that environmental organizations remain predominantly White.¹¹⁰ This lack of racial diversity in our largest environmental organizations is extremely concerning because environmental organizations are at the forefront of identifying environmental law issues, promoting awareness of these issues, and helping actors in environmental law create actionable regulations and policies. Without increased diversity, environmental organizations risk continuing to see environmental issues from a predominantly White perspective. Such a narrow perspective is troubling because numerous studies show that environmental issues disproportionately impact people of color. How can environmental organizations approach environmental issues and shape environmental law when people of color who are most affected do not have a seat at the decision-making table? Increasing diversity in environmental organizations is paramount to environmental law achieving equal environmental protection and environmental justice for all communities, because these goals can only be accomplished when everyone who is impacted by environmental issues has a voice.

¹⁰⁹ TAYLOR, *supra* note 1 at 2.

¹¹⁰ JOHNSON, *supra* note 85 at 2.

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