

PROTECTION OF MINORITY ENVIRONMENTAL INTERESTS IN THE ADMINISTRATIVE PROCESS: A CRITICAL ANALYSIS OF THE EPA'S GUIDANCE FOR COMPLAINTS UNDER TITLE VI

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I. INTRODUCTION

The racial and ethnic composition of a community is a better indicator of whether it faces abnormally high environmental risks than income.¹ The response to this problem, a movement for environmental justice, brings civil rights concerns into the environmental arena. One of the most important avenues for victims of environmental discrimination to bring their claims is the Environmental Protection Agency's (EPA) administrative complaint procedure. Challenging discriminatory environmental decisions on civil rights grounds in the courts is often impossible.² The EPA, however, must address environmental justice complaints under Title VI of the Civil Rights Act of 1964 and the regulations promulgated pursuant to it.

This Comment analyzes the EPA's process for investigating and resolving environmental justice complaints. Part II illustrates the problem of environmental discrimination and explains the importance of Title VI complaints as a path to environmental justice. Part III provides a detailed overview of the EPA's investigation process, as defined by its administrative guidance and regulations, for the purpose of establishing an objective perspective on the process. Part IV explores the environmental justice movement's response to this guidance, along with the dangers in the process from a complainant's perspective. Part V advocates for revisions to the guidance designed to promote environmental justice through empowering the complainant and achieving uniform application of the policy.

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1. COMMISSION FOR RACIAL JUSTICE, UNITED CHURCH OF CHRIST, TOXIC WASTES AND RACE IN THE UNITED STATES: A NATIONAL REPORT ON THE RACIAL AND SOCIO-ECONOMIC CHARACTERISTICS OF COMMUNITIES WITH HAZARDOUS WASTE SITES xiii (1987) [hereinafter TOXIC WASTES].

2. See *infra* Part II.