It may surprise some people to hear that the Bush administration's EPA just drafted a strategic plan on environmental justice. Insidiously, and perhaps less surprisingly, advocates say, the move threatens to redefine that term into irrelevance.

The agency's new plan defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to development, implementation, and enforcement of environmental laws, regulations, and policies."

That sounds uncontroversial enough on the surface, but the trouble lies in the word regardless. The field of environmental justice is based on the idea that some people -- specifically, racial minorities and the poor -- are more affected by environmental problems than others. It's an idea based on substantial evidence, which has been accumulating for decades. For example, in the early 1980s, a landmark U.S. General Accounting Office study found that three out of four landfills in the Southeast were located in communities of color. A 1992 National Law Journal study found that Superfund offenders paid 54 percent lower fines in communities of color than in white communities. And recent studies have found that Latinos and blacks are much more likely to develop -- and die of -- diseases related to pollution, like asthma.

As Diane Takvorian, executive director of the Environmental Health Coalition, a 25-year-old group focusing on border communities in San Diego and Tijuana, explains, "We have always worked in low-income communities of color, because that's where the pollution is the worst." These areas are often ignored by local and state environmental authorities, she says, and activists in her group "have had to take enforcers by the hand into their communities" because the officials were afraid to go into "bad" neighborhoods.

In 1994, after years of pressure from the environmental-justice movement, then-President Clinton issued an executive order decreeing that all relevant federal agencies must work to identify and address "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States." The EPA's new draft plan, by contrast, removes race and income from special consideration.
In the years since Clinton's executive order, says Takvorian, things have improved, "especially at the regional level. The EPA has had a greater sensitivity, and taken approaches more appropriate to our communities." She is not optimistic about the implications of the new plan: "We assume that sensitivity, and the resources now applied to environmental justice, will disappear."

Robert Bullard of the Environmental Justice Resource Center at Clark Atlanta University has called the EPA's draft "a giant step backwards." Other advocates agree. "We think this is the wrong direction for the EPA to go," says Will Rostov, staff attorney for Communities for a Better Environment, a California-based environmental-justice group. "Essentially what they're trying to do is not have an environmental-justice program." Eliminating considerations of race and income, he says, "makes the program meaningless."

This reaction goes beyond the world of environmental-justice activists. Last week, more than 70 legislators, including Sens. John Kerry (D-Mass.), Hillary Clinton (D-N.Y.), and Joe Lieberman (D-Conn.), signed a letter saying that the EPA's draft plan "fails to address the real environmental-justice problems facing our nation's most polluted communities" and lambasting the dismissal of race as "a significant departure from existing environmental-justice policies." In their letter, the legislators also say the draft violates Clinton's 1994 executive order.

EPA spokesperson Stacie Keller denies that. She emailed Grist a statement promising that the agency "has a continuing commitment to environmental justice and the full implementation of the executive order." Asked why consideration of race appeared to have been excised from the agency's definition of environmental justice, Keller said she would check with the program office, but did not respond before deadline.

In addition to being unhappy with the plan itself, environmental-justice activists are troubled by the process surrounding it. The EPA says it welcomes outside comments on the draft, but Rostov criticizes the agency for permitting a "very short time frame" for such feedback. "One of the principles of environmental justice is getting the public to participate," he says, "and they allowed less than 30 days to have people comment, in the summer." Although the original public-input period ended July 16, EPA announced on July 28 that it would hear comments until August 15. The agency expects to issue a final plan by September 2006.

It's not as if there is any doubt that race and income affect a person's likelihood of living in a polluted neighborhood, or suffering from the effects of inadequate environmental policies, observers say. "There is a disparate impact," says Takvorian. "There are 200-plus studies that demonstrate that. So the question isn't, 'Is this true?' We know it's true. The question is, 'What are we going to do about it?'"
Rep. Alcee Hastings (D-Fla.), one of the legislators who signed the letter criticizing the EPA draft, puts it even more bluntly. "It isn't that EPA doesn't know what problems exist," he said. "It's their willingness to do anything about it. Shame on them."

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