

LOUISIANA

How Does Louisiana Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

Louisiana adopts the EPA definition of environmental justice as the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹

Environmental Justice Mapping Tools:

N/A.

How Does Louisiana Consider Environmental Justice in its Substantive Actions²?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

N/A.

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

See section “Consideration of Environmental Justice in Permitting”.

State Environmental Policy Act “Mini-NEPA”:

While Louisiana does not have a mini-NEPA created by Act or directly imposed by statute outside of carbon capture and storage permitting where it is codified under La. R.S. 30:1104.1), La. R.S. 30:2018 paragraph H references the duty set forth in the public trust mandate in Article IX, Section 1 of the Constitution of Louisiana and by the Supreme Court of Louisiana in *Save Ourselves v. Louisiana Environmental Control Commission*.³

¹ Smith, Janell, and Spector, Rachel, Environmental Justice, *Community Empowerment, and the Role of Lawyers in Post-Katrina, New Orleans*, The city of university of new York law review, Volume 10 Issue 1 (Winter 2006), <https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1178&context=clr> at p.277.

² Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited June 29, 2022).

³ *Save Ourselves v Louisiana Environmental Control Commission*, 452 So.2d 1152 (La. 1984)

The court in *Save Ourselves* found that the Louisiana constitution “imposes a duty of environmental protection on all state agencies and officials, establishes a standard of environmental protections, and mandates the legislature to enact laws to implement fully this policy.” Later court decisions summarized the agencies’ duty as addressing five issues: First, have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible? Second, does a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed facility demonstrate that the latter outweighs the former? Third, are there alternative projects which would offer more protection to the environment than the proposed facility without unduly curtailing non-environmental benefits? Fourth, are there alternative sites which would offer more protection to the environment than the proposed facility site without unduly curtailing non-environmental benefits? Fifth, are there mitigating measures which would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits?

While Environmental Justice is not explicitly mentioned, the processes give room to raise considerations of adverse impacts and cumulative impacts on endangered communities.

Dedicated Funding to Environmental Justice Communities:

N/A.

Consideration of Cumulative Impacts:

N/A.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does Louisiana Address Environmental Justice in its Procedures⁴?

Environmental Justice as Part of Environmental Agency’s Mission:

N/A.

Environmental Justice as Part of Other Agency’s Mission:

⁴ Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited June 29, 2022).

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

The Office of Environmental Services: Public Participation and Permit Support Services is the division under the LDEQ that deals with public participation as a policy. However, the LDEQ website says nothing about public participation and the process that it entails and merely lists contact information for the Office of Environmental Services.⁵

- Language Access:

N/A.

- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.

- Environmental Justice Coordinator:

N/A.

- Environmental Justice Advisory Board:

N/A.

- Funding for Environmental Justice:

N/A.

Additional Louisiana Environmental Justice Provisions?

⁵ La. Dept. of Env't Quality, Off. of Env't Serv., *Directory of Div. of Pub. Participation and Permit Support Serv.* <https://www.deq.louisiana.gov/directory/division/11> (last visited June 29, 2022).

N/A.

Louisiana Environmental Justice Contacts?

Office of Environmental Services
Division: Public Participation and Permit Support Services
Galvez Building, 602 North Fifth Street
Baton Rouge, LA 70802
Phone: (225) 219-3035
Fax: (225) 219-3309

Where to Find Louisiana Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

- La. Stat. Ann. § 30:2011.2

Regulations:

N/A.

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.

