

THE RIGHT TO A HEALTHY ENVIRONMENT IN THE FACE OF  
GLOBAL INEQUITY

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## INTRODUCTION

*[W]e must pay close attention to those with another imagination: an imagination outside of capitalism, as well as communism. We will soon have to admit that those people, like the millions of indigenous people fighting to prevent the takeover of their lands and the destruction of their environment—the people who still know the secrets of sustainable living—are not relics of the past, but the guides to our future.*

– Arundhati Roy<sup>1</sup>

Injustice continues to be perpetuated by colonialism and the structural inequities it created—those are the enduring economic, social, political, and cultural systems that define access to rights today.<sup>2</sup> The existential threat of climate change is compounding the impacts of colonialism and, under capitalism, economic systems have led to the exploitation of significant natural resources.<sup>3</sup> The result is environmental injustice: where the racialized violence of colonialism and capitalism contribute to the exploitation of labor, land, water, and community resources.<sup>4</sup> With this comes the erasure of community connected to land and culture.<sup>5</sup>

This history begs the questions: How have colonialism, racism, and capitalism impacted the right to a healthy environment? How do the practices we engage in today impact the future? In the face of the global climate crisis, how do we account for the impact on economic, social, and political rights? What can we learn from Indigenous communities

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1 Arun Gupta, *Arundhati Roy: 'The People Who Created the Crisis Will Not Be the Ones that Come Up with a Solution'*, THE GUARDIAN (Nov. 20, 2011) <https://www.theguardian.com/world/2011/nov/30/arundhati-roy-interview>.

2 See Press Release, Human Rights Council, Acting High Commissioner: Addressing the Legacies of Colonialism Can Contribute to Overcoming Inequalities Within and Among States and Sustainable Development Challenges of the Twenty-First Century, Interactive Dialogue with the Expert Mechanism on the Rights of Indigenous Peoples (Sept. 28, 2002), <https://www.ohchr.org/en/press-releases/2022/09/acting-high-commissioner-addressing-legacies-colonialism-can-contribute>.

3 KALI AKUNO ET AL., GRASSROOTS GLOB. JUST. ALL. & THE TRANSNATIONAL INST., FROM CRISIS TO TRANSFORMATION: WHAT IS JUST TRANSITION? 8–9 (2022) [https://ggjalliance.org/wp-content/uploads/2022/09/JT\\_Primer\\_English\\_WEB.pdf](https://ggjalliance.org/wp-content/uploads/2022/09/JT_Primer_English_WEB.pdf).

4 See *id.* at 9–11.

5 See *id.* at 8–9.

about their relationships to the land and environment? How should it address the harms already occurring disproportionately across race? How should an international human rights-based approach account for the roots of our colonialist past and our extractive present, and how can we envision a bolder, more just future?

In July of 2022, the United Nations General Assembly adopted Resolution 76/300 recognizing the human right to a clean, healthy, and sustainable environment.<sup>6</sup> The Resolution calls for the full implementation of existing multilateral environmental agreements.<sup>7</sup> The right to a healthy environment comes long after the original codification of universal human rights agreements and mainstream principles that have been in practice for decades.<sup>8</sup> It thus represents a tremendous step forward, but the right has much to be defined, including the way it will impact future generations. Moving forward, the right to a healthy environment cannot be disconnected from other political, economic, social, and cultural rights, such as the rights to land integrity (and to be free from dispossession),<sup>9</sup> to self-determination in the face of displacement,<sup>10</sup> and to cultural protection and survival.<sup>11</sup> Because our environment is connected to our very existence, we have to look at the ways economic, social, political, and cultural rights are implicated. We must create a more expansive view of what the right to a healthy environment actually means for the thriving of human communities.

Northeastern University School of Law's Program on Human Rights and the Global Economy (PHRGE) hosted its annual symposium on in June 2022, *The Right to a Healthy Environment in U.S. Law: Justice for Communities Today and Tomorrow*, exploring how international human rights norms and environmental rights can be strategically leveraged to support climate justice. Climate justice necessitates the well-being of frontline and fenceline communities in the United States, including in

6 See G.A. Res. 76/300, The Human Right to a Clean, Healthy and Sustainable Environment (July 28, 2022) [hereinafter HRC Res.].

7 *Id.* at 1.

8 See *id.* at 1 nn.1–5.

9 See *Our Response*, PLATFORM ON DISASTER DISPLACEMENT, <https://disasterdisplacement.org/the-platform/our-response/> (last visited May 2, 2023) (responding to the call to action to address displacement following disasters and reinforcing the importance of states preventing displacement before disaster strikes).

10 See Farida Shaheed, *Report of the Independent Expert in the Field of Cultural Rights, Ms. Farida Shaheed, Submitted Pursuant to Resolution 10/23 of the Human Rights Council*, pt. II, A/HRC/14/36 (March 22, 2010).

11 *Id.*

Louisiana's Cancer Alley<sup>12</sup> and as recognized by the newly adopted Green Amendment in New York.<sup>13</sup> Climate justice also requires an international framework for those being displaced from their communities (their land and homes), which is a critical piece of protecting the right to a healthy environment. The human race is, after all, part of the land and environment. A conversation about the right to a healthy environment also necessarily includes acknowledgement that harms of climate change, as well as failures of our systems, are felt disproportionately across communities. The symposium gave us the chance to hear directly from impacted community leaders. We learned how organizing through coalitions and building power together could be leveraged with advocacy and international human rights instruments to define rights to clean air, water, and land for Indigenous communities and to shape their ability to advocate for a more just future.

## I. CLIMATE-FORCED DISPLACEMENT AND INDIGENOUS SELF-DETERMINATION

The right to a healthy environment is imperative for the survival of Indigenous communities. In 2007, the environmental rights of Indigenous peoples were recognized by the U.N. Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>14</sup> As seen in recent complaints being lodged before the U.N. Special Rapporteur on Internal Displacement, there are numerous existential threats presently facing Indigenous communities most impacted on the frontlines of climate change and in the face of climate displacement.<sup>15</sup>

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12 Tristan Baurick, *Welcome to "Cancer Alley," Where Toxic Air Is About to Get Worse*, PROPUBLICA (Oct. 30, 2019), <https://www.propublica.org/article/welcome-to-cancer-alley-where-toxic-air-is-about-to-get-worse>. "'Cancer Alley,' which is located in the southern state of Louisiana along the lower Mississippi River where enslaved Africans were forced to labour, serves as an industrial hub, with nearly 150 oil refineries, plastics plants and chemical facilities." *Environmental Racism in Louisiana's 'Cancer Alley,' Must End, Say UN Human Rights Experts*, UN NEWS (Mar. 2, 2021), <https://news.un.org/en/story/2021/03/1086172>.

13 *New York Becomes the Third State to Adopt a Constitutional Green Amendment*, NAT'L L. REV. (Dec. 10, 2021), <https://www.natlawreview.com/article/new-york-becomes-third-state-to-adopt-constitutional-green-amendment>. The New York Green Amendment is a recently enacted law which provides environmental protection from the impacts of environmental racism. *See id.*

14 G.A. Res. 61/295, Declaration on the Rights of Indigenous Peoples, at 2 (Sept. 13, 2007) [hereinafter UNDRIP].

15 *See, e.g., Call for Inputs: Report on Addressing the Human Rights Implications of Climate Change Displacement Including Legal Protection of People Displaced Across International*

In October of 2022, Loss and Damage was prioritized as the focus for governments and civil society actors at the U.N. Climate Change Conference (COP27) negotiations.<sup>16</sup> Loss and Damage examines the harm already created by climatic disruptions to the earth, naming the ways that climate-induced damages are permanently impacting ecospheres and communities and accounting for that harm.<sup>17</sup> It has been estimated that climate vulnerable countries have lost 20 percent of their collective gross domestic product (GDP) (roughly \$525 billion) between 2000 and 2019 due to climate change loss and damage.<sup>18</sup> Loss and Damage is a critical concept for human rights activists who seek to redress the harms being experienced now by impacted communities. Many communities are facing significant food insecurity due to these climate change impacts.<sup>19</sup> They also face extreme weather events that destroy homes and infrastructure,<sup>20</sup> and they are rapidly losing their land and ecosystems.<sup>21</sup> These are significant impacts on the ability to fulfill the right to a healthy environment, a baseline point for protecting other basic human rights.

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*Borders*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R (Nov. 28, 2002), <https://www.ohchr.org/en/calls-for-input/2022/call-inputs-report-addressing-human-rights-implications-climate-change>; Complaint from the Alaska Inst. for Just. et al. submitted to Cecilia Jimenez-Damary et al., Rights of Indigenous People in Addressing Climate-Forced Displacement (July 15, 2020), <https://www.uusc.org/wp-content/uploads/2020/01/Complaint.pdf> [hereinafter *Climate-Forced Displacement Complaint*].

16 *COP27 Ends with Announcement of Historic Loss and Damage Fund*, U.N. ENV'T PROGRAMME (Nov. 22, 2022), <https://www.unep.org/news-and-stories/story/cop27-ends-announcement-historic-loss-and-damage-fund>.

17 See Rep. of the Conference of the Parties on its Eighteenth Session, Held in Doha from 26 November to 8 December 2012, Addendum, Part Two: Action Taken by the Conference of the Parties, U.N. Doc. FCCC/CP/2012/8/Add.1, at 21–24 (Feb. 28, 2013) (recognizing the need to address loss and damage from climate change and encouraging further assessment); Intergovernmental Panel on Climate Change Working Group II, Sixth Assessment Report, *Climate Change 2022: Impacts, Adaptation and Vulnerability*, Glossary, 27 February 2022 (“Loss and Damage . . . refer[s] to political debate under the United Nations Framework Convention on Climate Change (UNFCCC) following the establishment of the Warsaw Mechanism on Loss and Damage in 2013 . . . [‘Losses and damages’ refers] broadly to harm from (observed) *impacts* and (projected) *risks* and can be economic or noneconomic . . .”).

18 VULNERABLE TWENTY GRP., CLIMATE VULNERABLE ECONOMIES LOSS REPORT 14 (2022), [https://www.v-20.org/wp-content/uploads/2022/06/Climate-Vulnerable-Economies-Loss-Report\\_June-14\\_compressed-1.pdf](https://www.v-20.org/wp-content/uploads/2022/06/Climate-Vulnerable-Economies-Loss-Report_June-14_compressed-1.pdf)

19 See *id.* at 3.

20 See *id.* at 4.

21 *Id.* at 3.

Article 33.1 of the UNDRIP states: “Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions.”<sup>22</sup> The American Declaration on the Rights of Indigenous Peoples also affirms that “[s]tates shall respect the right to such self-identification as indigenous, whether individually or collectively, in keeping with the practices and institutions of each indigenous people.”<sup>23</sup> Indigenous peoples have the collective right to self-determination, which is essential for the full exercise of other fundamental human rights.<sup>24</sup> States must fulfill their obligation to Indigenous peoples<sup>25</sup> by preventing forced displacement from ancestral territories; deprivation of access to natural resources; industrial activity that causes environmental harm; or other actions that hinder the subsistence, development, and continuity of their lifestyles and traditions.

The right to self-determination is closely related to the recognition, protection, and guarantees of the communal property rights for Indigenous communities.<sup>26</sup> States must adopt measures that recognize Indigenous peoples’ right to consultation, including prior, free, and informed consent, for any activity that “can affect the lands, territory, or natural resources of any indigenous peoples or Afro descendent community, especially any proposal related to the exploration of natural resources.”<sup>27</sup>

Both private corporations and the U.S. government routinely fails to involve Native nations and communities in addressing and mitigating the effects of climate change.<sup>28</sup> This was clear to the world

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22 UNDRIP, *supra* note 14, at 12.

23 Org. of Am. States, *American Declaration on the Rights of Indigenous Peoples*, art. 1.2, AG/RES. 2888 (XLVI-O/16) (June 15, 2016), <https://www.oas.org/en/sare/documents/DecAmIND.pdf>.

24 Saúl Vicente Vázquez, *Consolidated Report on Extractive Industries and Their Impact on Indigenous Peoples*, ¶ 19, E/C.19/2013/16 (Feb. 20, 2013).

25 *See generally* UNDRIP, *supra* note 14 (describing the obligations of states to respect the rights of indigenous peoples).

26 Inter-Am. Comm’n on H.R., *Indigenous and Tribal Peoples’ Rights over Their Ancestral Lands and Natural Resources: Norms and Standards of the Inter-American Human Rights System*, ¶¶ 165–66, OEA/Ser.L/V/II. Doc. No. 56/09 (Dec. 30, 2009).

27 Inter-Am. Comm’n on H.R., *Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities*, ¶¶ 12, 25, 107–09, OEA/Ser.L/V/II. Doc. No. 47/15 (Dec. 31, 2015).

28 *See* LEGAL JUST. COAL., *POLICY RECOMMENDATIONS TO ADDRESS CLIMATE-FORCED DISPLACEMENT IN THE UNITED STATES: THE NEED TO AN EQUITABLE AND JUST RESPONSE, SUMMARY 1* (2021), [https://www.uusc.org/wp-content/uploads/2021/04/LJC\\_Recommendation\\_5.pdf](https://www.uusc.org/wp-content/uploads/2021/04/LJC_Recommendation_5.pdf).

as we watched the Standing Rock Sioux Tribe challenge the U.S. government's approval of the Dakota Access Pipeline that would transport Bakken crude oil from North Dakota to Illinois.<sup>29</sup> Water protectors were subjected to "water cannons, teargas, and other 'less-than-lethal' weapons" simply for holding their ground on sacred land.<sup>30</sup> The government's denial of Indigenous perspectives in decision-making regarding Standing Rock was not unique: Indigenous people have often been denied their right to self-determination and are often excluded from conversations about addressing the devastating effects of climate change in their communities.<sup>31</sup> The result is the marginalization of entire communities, as well as the complete loss of sacred lands, burial sites, cultural traditions, and livelihoods, as the Indigenous Tribes are displaced and forced to migrate elsewhere.<sup>32</sup>

In January of 2020, five Indigenous Tribes united together to submit a complaint to the United Nations Special Rapporteurs on the Human Rights of Internally Displaced Peoples (Cecilia Jimenez-Damary) and the Rights of Indigenous Peoples (Vicky Tauli-Corpuz).<sup>33</sup> The complaint documents how the U.S. has permanently damaged tribal lands by failing to respond to rising seas and other disasters caused by climate change.<sup>34</sup> The complaint further alleges that the government turned a blind eye to the harmful exploitation of tribal lands by oil and gas companies.<sup>35</sup> The complaint notes that some tribal communities have been forced to abandon their ancestral homes.<sup>36</sup> Others have lost their ability to farm, hunt, and fish, which they rely on to sustain themselves and earn a living.<sup>37</sup>

29 Complaint for Declaratory and Injunctive Relief, *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, 16-cv-01534 (D.D.C. July 7, 2016).

30 Julia Carrie Wong, *Dakota Access Pipeline: 300 Protestors Injured After Police Use Water Cannons*, *GUARDIAN* (Nov. 21, 2016), <https://www.theguardian.com/us-news/2016/nov/21/dakota-access-pipeline-water-cannon-police-standing-rock-protest>.

31 See LEGAL JUST. COAL., *supra* note 28.

32 LEGAL JUST. COAL., *POLICY RECOMMENDATIONS TO ADDRESS CLIMATE-FORCED DISPLACEMENT IN THE UNITED STATES: THE NEED TO AN EQUITABLE AND JUST RESPONSE* 1, 5 (2021), <https://www.uusc.org/addressing-climate-forced-displacement-in-the-united-states-a-just-and-equitable-response/>.

33 Climate-Forced Displacement Complaint, *supra* note 15; *U.S. Tribes Facing Climate Crisis Unite to Address Human Rights Violations*, UUSC, <https://www.uusc.org/initiatives/climate-justice/special-rapporteur-letter/> (last visited May 5, 2023).

34 Climate-Forced Displacement Complaint, *supra* note 15, at 9.

35 *Id.* at 21.

36 *Id.* at 4–8.

37 *See id.*



After repeatedly appealing to the federal and state governments for help,<sup>38</sup> these Tribes have been left with no other option but to request assistance from the U.N. The Tribes have asked the U.N. to hold the U.S. accountable for protecting both Indigenous rights and the rights of those displaced.<sup>39</sup> The Tribes have also asked for: the allocation of new funding to restore tribal lands, including hunting and fishing areas; assistance to Indigenous Tribes currently working to stay in their homes despite rising sea levels; and the provision of aid to villages and Indigenous Tribes forced to relocate from their ancestral communities within Alaska and Louisiana.<sup>40</sup>

In 2022, the coalition of Tribes decided to seek action before the Inter-American Commission on Human Rights (IACHR).<sup>41</sup> A hearing was held about the U.S. government's failure to protect Indigenous Tribes from the ongoing impacts of climate-forced displacement, which included testimony from Tribal leaders from Louisiana and Alaska.<sup>42</sup> Representatives from Indigenous nations spoke about the injustices carried out by the U.S. government against Tribal communities living on the frontline of climate-induced disaster.<sup>43</sup> Moreover, "the leaders spoke to barriers they have experienced when trying to secure federal relocation support and post-disaster assistance in the wake of major land loss through permafrost and ice melting, flooding, and major storms."<sup>44</sup> Despite having only twenty minutes for testimony, the Tribes were able to demonstrate for the Commission the harms they face in the wake of climate change and the government's failure to address those harms.<sup>45</sup> Members of the IACHR shared their deep concerns about the Tribes' grievances. The commissioners indicated an interest in visiting the U.S. in an official capacity to better understand the situation of the Tribes

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38 See, e.g., *id.* at 14–16, 22–23, 25, 28–30, 33, 35, 37, 40, 60, 62–63, 65–66, 68–71, 78–81.

39 See generally Climate-Forced Displacement Complaint, *supra* note 15 (describing Indigenous rights and the ways in which the U.S. government has failed to protect those, and urging the U.N. to enforce the government's obligations to Indigenous peoples).

40 See *id.* at 10–11.

41 Deanna Johnson, *Tribes' Leadership Brings Climate Crisis to International Forum*, UUSC (Nov. 4, 2022) <https://www.uusc.org/tribes-leadership-brings-climate-crisis-to-international-forum/>.

42 *Id.*; Inter-Am. Comm'n on H.R., *Indigenous Peoples and Forced Displacement in the Context of Climate Change in the US*, YOUTUBE (Oct. 28, 2002), <https://www.oas.org/en/iachr/sessions/hearings.asp?Year=2022&Topic=27>.

43 See Johnson, *supra* note 41; Inter-Am. Comm'n on H.R., *supra* note 42.

44 See Johnson, *supra* note 41.

45 Johnson, *supra* note 41.

and to support their right to self-determination.<sup>46</sup>

The Tribes' recent engagement with the U.N. emphasizes the need to underpin the right to a healthy environment with a recognition of systemic issues of participation and representation in decision-making and with solutions for historically marginalized communities. Indigenous communities have continuously been forced to account for historic injustice that continues to impact the rights in the present day.

## II. ENVIRONMENTAL RACISM IN CANCER ALLEY AND THE IMPACT OF PREDOMINANTLY BLACK COMMUNITIES

Black communities have also faced the devastating impacts of environmental racism and climate disruption to their communities. At Northeastern's symposium, legal experts and Black community members from Cancer Alley spoke about the need to uphold the right to a healthy environment. These speakers emphasized how access to clean air, water, and land rights impact the very survival of Black communities.<sup>47</sup>

Structural racism has marginalized predominantly Black communities over time, further exacerbating their ability to claim basic human rights in the face of inequity.<sup>48</sup> In Southern Louisiana, along the Mississippi river corridor between New Orleans and Baton Rouge, is an area historically known as "Plantation Country" because it was the site of enslavement.<sup>49</sup> In recent years, however, this area has become known as "Cancer Alley" due to its favorable location for corporate petrochemical expansion and corresponding health impacts.<sup>50</sup> These areas endure intensified pollution, with "toxic levels of cancer-causing chemicals" according to Environmental Protection Agency (EPA) model estimates.<sup>51</sup>

46 *Id.*

47 See generally Northeastern University School of Law, *The Right to a Healthy Environment in US Law: Justice for Communities Today and Tomorrow*, YOUTUBE (June 9, 2022), <https://www.youtube.com/watch?v=SlkQYK4laDo&t=1s>.

48 See, e.g., Linda Villarosa, Pollution is Killing Black Americans. This Community Fought Back, N.Y. TIMES (July 28, 2020), <https://www.nytimes.com/2020/07/28/magazine/pollution-philadelphia-black-americans.html> ("A 2017 report from the N.A.A.C.P. and the Clean Air Task Force provided more evidence. It showed that African-Americans are 75 percent more likely than other Americans to live in so-called fence-line communities, defined as areas situated near facilities that produce hazardous waste.").

49 *Environmental Racism in Louisiana's 'Cancer Alley', Must End, Say UN Human Rights Experts*, UN NEWS (Mar. 2, 2021), <https://news.un.org/en/story/2021/03/1086172>.

50 Baurick, *supra* note 12.

51 *Id.*; see also *Modeling Toxic Air Pollutants – CMAQ*, U.S. EPA, <https://www.epa.gov/>

Residing in Cancer Alley are predominantly Black communities—their ancestors brought as enslaved people to work on sugar cane plantations and later to work as sharecroppers.<sup>52</sup>

The State of Louisiana does not regularly monitor air quality like other states, and it has a paltry regulatory regime.<sup>53</sup> The local government is known for “equat[ing] industrial investment with progress.”<sup>54</sup> It is estimated that one out of every ten households have some form of cancer, though causation (related to air quality and corporate emissions) has been more difficult to prove without adequate regulatory data.<sup>55</sup> Nonetheless, EPA data shows that the number of industrial plants with toxic releases “grew from 255 to 320 in the last three decades, an increase of 25%” in the area.<sup>56</sup>

In 2018, the local St. James Parish Council approved the building of a megacomplex by a subsidiary of Formosa Plastic, which “would create one of the world’s largest plastics facilities” (including two methanol complexes by other manufacturers).<sup>57</sup> Studies estimated that these facilities would “more than double the cancer risks in St. James Parish affecting disproportionately [Black] residents . . . .”<sup>58</sup> In the Spring of 2001, U.N. Special Rapporteurs (including the Ms. E. Tendayi Achhume Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) issued an expert opinion about Cancer Alley.<sup>59</sup> The report noted that Louisiana’s “form of environmental racism poses serious and disproportionate threats to the enjoyment of several human rights of its largely [Black] residents, including the right to equality and non-discrimination, the right to life, the right to health, right to an adequate standard of living and cultural

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cmag/modeling-toxic-air-pollutants-cmaq (last visited May 5, 2023) (“The CMAQ modeling system can predict the concentration and deposition of many Hazardous Air Pollutants (HAPs), also known as air toxics. These are species which are known or suspected to cause cancer, neurological disorders, immune system damage, and other serious health effects.”).

52 Baurick, *supra* note 12.

53 *Id.*

54 *Id.*

55 *See id.*

56 *Id.*

57 *Environmental Racism in Louisiana’s ‘Cancer Alley’, Must End*, *supra* note 49.

58 *Id.*

59 USA: *Environmental Racism in “Cancer Alley” Must End – Experts*, U.N. HUM. RTS. OFF. OF THE HIGH COMM’R (Mar. 2, 2021), <https://www.ohchr.org/en/press-releases/2021/03/usa-environmental-racism-cancer-alley-must-end-experts?LangID=E&NewsID=26824>.

rights . . . .”<sup>60</sup> According to the EPA’s National Air Toxic Assessment map, “the cancer risks in predominantly [Black] districts in St. James Parish could be at 104 and 105 cases per million [residents]”—almost double the threats in predominantly white districts, where cancer risks range from 60 to 75 per million.<sup>61</sup> In total, the emissions from the petrochemical industry could exceed those of over 100 countries.<sup>62</sup>

The threats emerging from environmental racism are quite clear—not only is the basic right to life implicated, but environmental racism also threatens health, adequate standard of living, and culture. Recognizing the right to a healthy environment could be leveraged to create a more robust oversight at the national and local levels and could strengthen local regulatory mechanisms. As Professor Martha Davis and Solène Kerisit note, across different jurisdictions, the right to a healthy environment encompasses “a focus on the interrelation between human life and the environment and an awareness of the importance of ensuring that the environment be healthy enough to support human life.”<sup>63</sup> In the case of Cancer Alley, to protect the right to a healthy environment, we must examine the right to clean air, which requires monitoring and publicly available assessment of pollution sources. It further requires the proactive government and corporate engagement of air quality action plans.

Overall, the right to a healthy environment could have considerable impact on situations such as the issues facing St. James Parish in Louisiana. The right to a healthy environment must be connected to the right to freedom from discrimination, as well as other social and cultural rights. As a collective right that communities share, our environment must be seen as integral to a healthy life.

## CONCLUSION

For the right to a healthy environment to be significant, we must recognize the ways that economic, political, social, and cultural systems shape our legal rights and community access to rights. We also need to reckon with history and how colonialism, capitalism, and systemic racism have shaped how these rights are implemented. This means connecting ourselves and transforming the ways we relate to the earth in order to

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60 *Id.*

61 *Id.*

62 *Id.*

63 Martha F. Davis & Solène Kerisit, *Annotated Bibliography on the Right to a Healthy Environment*, 15 NE. U. L. REV. (forthcoming 2023).

protect the vitality of a healthy environment. It also means transforming destructive systems that extract from our bodies, our communities, and the environment around us. We can start by honoring the practices of Indigenous communities and learning ways of co-existing with land, water, and the air and by recognizing that our own rights are intertwined with our environment and selves. The right to a healthy environment means recognizing all are stewards of our global earth.

