

Foreword: Breathing Easier in a Polluted World

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Natural gas cooking, pesticide spray drift, radioactive waste, hair products, and oil refinery emissions are rarely conceptually grouped in law school texts or advocacy campaigns. But all were sources of human exposure risk encompassed in *Ecology Law Quarterly's* 2025 Annual Symposium on *Toxic Exposures: Within and Without*. This event marked the first-ever ELQ panel assemblage focused on an urgent environmental subfield that has yet to cohere as a recognized legal-curricular area: Environmental Health (EH). Part public health law, part environmental law, and part social justice movement lawyering, the emerging field of EH law confronts assaults on the human body from toxic chemicals, radiation, and pollution.

Historically these exposure impacts have stemmed from urbanization, industrialization, military activity, and petrochemical dependence. More recently, climate change has acted as threat multiplier by decreasing humans' resilience to environmental harm. As but one example, warming climates increase the length and severity of allergy season, exacerbating distress for those already suffering from asthma or other respiratory impairments.

In its most familiar form, EH is congruent with environmental justice (EJ) in addressing the heavy pollution burdens in so-called "fenceline" communities. These disadvantaged populations live adjacent to a polluting industrial facility, Superfund site, or hazardous waste landfill. In a rural extension of this frame, EJ concern extends to counties that are supersaturated with pesticides and have groundwater contaminated with fertilizers from intensive conventional agriculture. EH, like EJ, also encompasses environmental exposures that are spatial but non-localized, such as the disproportionate air pollution burden borne by those living near freeways.

Less recognized as EJ issues, but squarely within the sphere of concern of EH, are harmful exposures that track occupationally, demographically, or economically. Thus, EH focuses on high levels of solvent exposures to workers in auto repair shops, cell phone manufacturing plants, and nail salons; the targeted marketing to and use by BIPOC women of hazardous cosmetic products;

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and the elevated body burden of certain toxic chemicals in individuals whose income or neighborhood options restrict them to diets high in processed and packaged foods. These non-place-based exposures are likewise concentrated among the socially disadvantaged, who are increasingly—at least, in the case of highly exposed workers—described in statutes and regulations as “vulnerable populations.” But there is no lexical analog with remotely the popular currency of phrase as “fenceline communities” to describe those affected by recurrent, predictable, disproportionate exposures that are not place-base; this gap may contribute to their comparative invisibility.

The area of least overlap in the EH/EJ Venn diagram pertains to involuntary environmental exposures that adversely affect Black and white, rich and poor alike, such as the use of gas stoves for cooking. According to an expert symposium panelist, in California alone, *gas cooking accounts for 20 percent of the state’s childhood asthma*. Here, the EH concern is central and universal, with the EJ issue often back-end: for example, homeowners’ or renters’ unequal ability to afford to transition to a new, cleaner electric appliance once the health costs of the status quo are known.

A historical difference in EH and EJ activists’ approach has been the degree to which they emphasize technical aspects of necessary solutions (e.g., the need to remove dangerous chemicals from the market or improve stoves) versus political empowerment aspects (e.g., the need for leadership by those most environmentally harmed). Otherwise put, an EJ lens on environmental exposures more directly challenges the institutional structures that repeatedly produce decisions that insufficiently protect public health.

ELQ’s four subject-matter symposium panels grappled with environmental exposures through both EH and EJ lenses, speaking candidly about shared goals, sometimes-divergent strategies, and avenues for future activism. A panel on pesticide-affected communities introduced the concept of “slow violence”: repetitive, accretive harms that must be de-normalized for effective grassroots advocacy in chemically impacted communities. And it offered a three-part primer on organizing, because—as the panel’s moderator noted—law school doesn’t train you for that. Black Women for Wellness emphasized that its campaign for “beauty justice” is much more than a campaign for safer cosmetics and personal care products. It also directly confronts dominant-culture beauty standards that create markets for dangerous skin lightening and hair straightening products in the first place.

An expansive panel on building electrification raised a host of legal, tactical, and equity issues in endeavoring to connect public health protection, climate change mitigation, and housing justice. The panel began by discussing the Ninth Circuit defeat of a progressive, much-copied City of Berkeley ordinance banning gas lines in new construction, which framed the larger questions:

What room is left for municipal policy innovation to protect home dwellers from indoor nitrogen dioxide pollution?

How can public education reduce skepticism of electric stoves in the face of massive natural gas industry attack ads?

How can clean-energy advocates earlier and better engage housing advocates to ensure that home utility and appliance upgrades don't exacerbate the crisis of unaffordability, eviction, and displacement?

Panelists held up San Francisco's Climate Equity Hub—which provides free or low-cost electric appliances in EJ communities—as a current attempt to avoid regressive effects of electrification and emphasized the need for ongoing local and state funding to ease the costs of the clean-energy transition.

In a final panel, Bay Area activists described successes and ongoing efforts to address radioactive waste in Bayview Hunter's Point, San Francisco; to make polluters pay for emissions from the Chevron refinery in Richmond; and to block expansion of Oakland International Airport, which would exacerbate local air quality impacts in a census tract “already in the 100th percentile for asthma.”

In a time of federal rollbacks on all fronts, panelists emphasized the power of local action to address noxious facilities; the importance of state-level action to address issue areas in which localities are preempted; and the need for a next generation of lawyers and community activists to collaborate to improve transparency about chemical exposures, increase regulation, and enhance enforcement. Read on to hear about big successes that have emerged despite the challenges, from the creating of a pesticide spraying alert system to a dramatic increase in all-electric construction. And vicariously experience symposium attendees' comfort in knowing how many lawyers and organizers are, daily, collaborating to realize—in the words of one panelist—“a vision to move us from an extractive, pollutive economy to a community-rooted and regenerative society.”

