



# Getting to know Gerald Torres

GERALD TORRES JOINED THE FACULTY OF THE YALE UNIVERSITY SCHOOL OF THE ENVIRONMENT AND THE YALE LAW SCHOOL IN NEW HAVEN LESS THAN A YEAR AGO, THE LATEST CHAPTER IN HIS DISTINGUISHED CAREER AS ONE OF THE NATION'S LEADING SCHOLARS AND ADVOCATES OF ENVIRONMENTAL JUSTICE. AS HE GETS ACQUAINTED WITH HIS NEW HOME IN CONNECTICUT, PROFESSOR TORRES AGREED TO ANSWER QUESTIONS POSED BY WRACK LINES EDITOR JUDY BENSON.

**Q** When did you join the faculty at Yale, and what is your current position there?

**A** I joined the faculty of the Yale School of the Environment (YSE, then Forestry & Environmental Studies) in January 2020 as a professor of environmental justice. I also have a secondary appointment at the Yale Law School.

**Q** What were some key positions before your appointment to Yale, and how has the focus of your teaching and research changed since moving to Connecticut?

**A** I am a former president of the Association of American Law Schools, and I have taught at Stanford Law School

and at Harvard Law School, where I served as the Oneida Nation visiting professor of law. Immediately before coming to Yale, I was the Jane M.G. Foster professor at Cornell Law School. Before that, I was on the faculty at the University of Texas at Austin. I served as counsel to the Attorney General on environmental matters and Indian affairs at the U.S. Department of Justice and helped establish the [Office of Tribal Justice](#) and helped draft the [Executive Order on Environmental Justice \(EO 12898\)](#). I have served on the board of the [Environmental Law Institute](#), the Environmental Protection Agency's [National Environmental Justice Advisory Council](#), as well as the [National Petroleum Council](#). I am board chair of [Earth Day Network](#) and founding chairman of the [Advancement Project](#), the leading civil rights advocacy organization in the country. I currently sit on the board

Above photo: Gerald Torres had a long and distinguished career as an academic and advocate for environmental justice before joining the Yale University faculty in early 2020. Photo: Judy Benson



of the [Urban Peace Institute](#) and [Clean Water Action](#). I am a trustee of the [Natural Resources Defense Council](#). I have also served as a consultant to the United Nations on environmental matters, and I am a life member of the [American Law Institute](#) and the [Council on Foreign Relations](#).

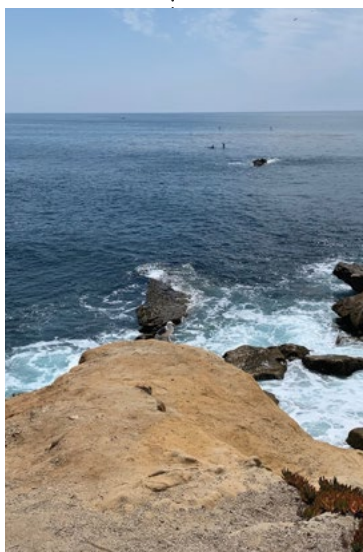
**Q** Please describe the types of classes you teach and how your courses fit into the broader context of various programs in the School of the Environment.

**A** I teach courses in Environmental and Climate Justice, Critical Race Theory and Federal Indian Law. I also intend to teach a class on tribal regulation of natural resources and a course on water law. One of the marvelous things about the Yale School of the Environment is that it has interdisciplinarity baked into its design. The classes I teach are part of the policy framework that we expect students, especially those in the Master of Environmental Management program, to understand. Because we want graduates to be conversant in the science and policy of environmental management, we offer a range of courses in the social sciences as well as the hard sciences. (I also bring in some aspects of the humanities to round out their preparation.)

**Q** What is the significance of having environmental justice courses incorporated within the nation's original School of Forestry, and its expansion over the years into more areas of environmental science and policy?

**A** Environmental justice is the entry point for a range of concerns that implicate many of the traditional areas of study. To take just a single example, this summer we produced a webinar on health concerns facing wildland firefighters in light of COVID-19, and the way the medical insurance schemes ill-fit those firefighters. Environmental justice research which revealed the unequal impact of COVID-19 on the nation's population led directly to questions about how it affected various environmental subpopulations. When climate disruption was factored in, several things emerged. First was the prediction (now being revealed as fact) that the fire season in the West was likely to be more intense; and second, that it would produce new kinds of pressures on those charged with fighting those fires. In another example, the impact of redlining (the discriminatory practice of denying loans or other services in minority neighborhoods) has produced the circumstances that have a direct impact on the kind of urban studies we do here in YSE. The insights from environmental justice inform the kinds of research questions that the hard sciences and social sciences in YSE must address.

Heisler Park in Laguna Beach, Calif., is popular for its walking trails and ocean views. Gerald Torres grew up in Laguna Beach, and as a youth spent a lot of time on local hiking trails and beaches. Photo: Tisha Salas / California Sea Grant



Gerald Torres speaks at the annual Public Interest Environmental Law Conference at the University of Oregon in 2017. The conference is sponsored by Land, Air, Water, the nation's oldest and largest student environmental law society. Photo courtesy of the University of Oregon

**Q** What is the interplay between the study of environmental justice and more technically-focused topics in forestry, wetlands ecology and other areas of natural science in the School of the Environment? How does the one inform the others, and visa-versa?

**A** The social consequences that follow from the management of natural systems can no longer be viewed as an unintended consequence but must be integrated early in the planning process. Forest and wetland ecology, to take two examples, are deeply affected by climate change and that in turn affects the social impacts of management study. Change in coastal flooding, reduction in some species of trees and the susceptibility to invasive species may seem like purely natural issues, but each of those examples have a direct impact on people in the state. Reduction in maple sugaring, for example, will have important economic consequences for the state. Maintenance of urban green spaces and tree cover has a direct impact on things like prevalence of asthma or resistance to heat stress. All of these kinds of issues speak directly to the things we do at YSE.

**Q** What is your personal background as it relates to your career path?

**A** I have been an environmentalist all my life. I am old enough to remember when the Sierra Club really was a club. My love for the outdoors comes from growing up in southern California and spending much of my childhood outdoors. My grandparents lived in the high desert where they raised animals on a small farm. They lived near the river we would race off to and I remember the hand pump by the sink in my grandmother's kitchen.

My environmentalism was later informed by my activism in the Civil Rights Movement

and the movement for racial justice. In law school, environmental law was not yet a subject. After working for the [Children's Defense Fund](#), I left to study environmental law with Professor Joseph Sax at the University of Michigan. Joe is often regarded as the father of environmental law. I studied with him for two years. He taught me what it means to be an engaged scholar in the very best sense.

**Q** What are some of your favorite outdoor experiences, and how does time in the outdoors inform your academic life?

**A** I spent a great deal of my youth either hiking in the foothills around my hometown or at the beach. I often joke that I misspent my youth at Laguna Beach. Loving the outdoors was tempered by the deepening air pollution that, by the time I was in high school, made smog alerts regular occurrences. I grew up in a valley surrounded by mountains that were invisible due to smog for many months out of the year. To this day, there is a “bathtub” ring on the foothills that mark where the smog killed the pines. Confronting the environmental consequences of the car culture in southern California led directly to my environmental activism and later to my environmental scholarship.

In addition to this, the continual worry about water shortages animated my interest in studying water systems and water allocation regimes. I am still astounded by people who take access to potable water for granted.

**Q** Please describe any key experiences that prompted you to want to study and teach about environmental justice.

**A** There is no single event or experience that moved me in the direction of environmental justice. My work in civil rights naturally led me to understand that there was a link between various injustices that I observed and the maldistribution of environmental burdens. I knew that the differing consequences of pollution were not naturally occurring phenomena but were the results of social and political decisions. The economic incentives that permitted some communities to bear a disproportionate share of the burdens of our industrial society flowed from social decision-making that my research revealed. My interaction with community activists reinforced my decision to study environmental justice.

**Q** Please describe one or two of your recent research projects.

**A** I am currently working on two projects. My interest recently has focused on the role of social movements in the production of durable legal change. I am currently working on how the environmental justice movement has transformed how we understand the objects of environmental regulation. The second project is on food resilience. I was one of the first legal scholars to study agricultural law and policy and to write about the environmental regulation of production agriculture. What recent events have revealed is the fragility of our current food systems. I am working on a paper that explores the roots of that fragility.

**Q** Have recent events highlighting racial injustice influenced the content of your current courses, and if so, how?

**A** Recent events have merely highlighted the power of social movements to influence the broader policy debates across many substantive areas. They have also affected my exploration of the questions about how we understand the direct material impact of policy decisions.

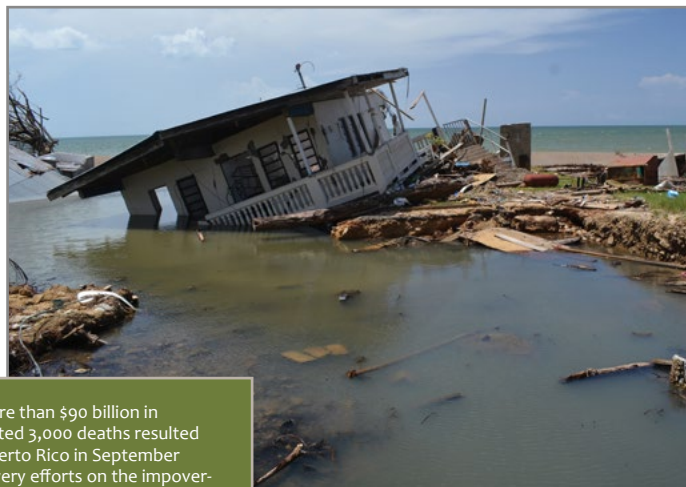
**Q** Please share any relevant projects you have been or are currently involved in outside of Yale.

**A** In my role as a trustee of NRDC and as board chair of Earth Day Network, I have been engaged in work to support sound environmental policies. We analyze all issues across many dimensions, and environmental justice is one of them. Climate change is perhaps the defining challenge of our times. But if we ignore the justice implications of



Residents in Flint, Mich., volunteer at a bottled water distribution site in October 2016. Torres identified that city's public water crisis as one of the most important environmental justice events in recent years. Photo: Lance Cheung / USDA





Widespread power outages, more than \$90 billion in property damage and an estimated 3,000 deaths resulted when Hurricane Maria struck Puerto Rico in September 2017. Massive cleanup and recovery efforts on the impoverished island are still underway, and thousands of residents have left the U.S. territory. Gerald Torres views inadequate response in the aftermath of the Category 4 hurricane as a significant environmental justice issue. Photos: Efra Figueroa / Puerto Rico Sea Grant



our responses, we will not have done a complete analysis. Of course, in some of the more technical responses, a direct environmental justice component will not be apparent. Nonetheless, by keeping the general framework of environmental justice in mind, all actions will reflect better decision-making.

**Q** What are some of the most important recent environmental justice events and issues nationally and internationally?

**A** The two most important national events have been the water crisis in Flint and the inadequate response to Hurricane Maria in Puerto Rico. On top of those events, you could place the struggle over the Keystone pipeline and the battles in Canada over the protection of the boreal forests. The devastating cyclones in India and Bangladesh are all environmental justice events. It is not just the natural (or socially precipitated) event, but the populations that bear the brunt of the harm. You must always ask, 'Why that group?' What decisions, public and private, led to them having to take the consequences of environmental damage? Of course, we could go back to the Bhopal, India, tragedy in 1984 to see an early example of modern environmental injustice. (The Indian government estimates 15,000 people died as a result of the toxic gas release from a U.S. pesticide manufacturing plant.)

Author Mike Davis captures many examples of how colonialism produced the foundation for the kinds of injustices we see in his book, *Late Victorian Holocausts: El Niño and the Making of the Third World*.

**Q** Are there particular examples of current events or issues that have not been commonly viewed through an environmental justice lens, but that you believe should be?

**A** While environmental justice activism originally grew out of concern over siting decisions, in many ways, the current design of cities reflects old concerns about racial and income-based housing patterns. A recent article in the New York Times, for example, [<https://www.nytimes.com/interactive/2020/08/06/climate/climate-change-inequality-heat.html?referringSource=articleShare>], illustrates how the impact of global warming is the result of design decisions that were ill-considered or, in some cases, not even really part of a plan. The effect of those decisions, whether they are reflected in greater exposure to heat extremes or brutal losses caused by more intense storms are, in my view, examples of environmental injustice. Merely because they are related to old decisions and unrelated to identifiable decisions to disadvantage specific communities does not exempt them from environmental justice analysis.



Smith's Acres employee Julio Vasquez, right, helps Natalie Guarin of New London purchase sweet potatoes, onions and other vegetables grown at the East Lyme farm at the New London Farmers Market in early September. Gerald Torres has been involved in food resilience projects and is working on a paper that explores the fragility of our current food system. Photo: Judy Benson

The most vivid illustration based on current events is the unequal distribution of morbidity and mortality associated with the SARS-COVID pandemic. Environmental justice advocates and epidemiologists studying the spread of the virus have shown that the hardest-hit populations are in areas that are also overburdened by pollution, poverty and the illnesses associated with poverty. In addition to the preexisting health conditions that increase risk, when illness strikes, these communities have fewer medical resources. That, in my view, is also susceptible to an environmental justice analysis.

What books or articles would you recommend for interested members of the general public to gain a better understanding of environmental justice broadly and as it pertains to specific events and issues?

I could do no better than to send your readers to the following reading list compiled by the Environmental Law Institute. ELI has long been regarded as the most reliable non-partisan environmental legal research organization.

<https://www.eli.org/environmental-justice/environmental-justice-reading-list>

Please name one or two of your own writings that you would recommend.

“Environmental Burdens and Democratic Justice,” *Fordham Urban Law Journal*: <https://ir.lawnet.fordham.edu/ulj/vol21/iss3/2>

“Who Owns the Sky?” 2001 Garrison Lecture, *Pace Environmental Law Review*: <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1266&context=pelr>

What is the most effective way for people concerned about the environment to better incorporate environmental justice concepts into their efforts?

The simplest way is to ask: what are the social impacts of the particular solutions you are considering? Are some communities already burdened with a higher concentration of environmental harms? How broad is your conception of what constitutes an environmental problem? For example, is access to greenspaces an environmental issue or a recreational problem? How is human well-being affected by more accessible natural spaces? What are local atmospheric issues that are affected by tree cover or lack thereof? Should mental health and other psychological burdens be considered in making land use or other regulatory decisions?

The [Center for Food Safety](#), to take one example, has plans for Climate Victory Gardens. These plans enable anyone, even if they only have a window box, to plant a garden that produces beauty, food, and carbon sequestration—a small step, for sure, but something that everyone can do.

How can groups such as local land trusts and conservation organizations become more inclusive in their outreach and involvement with people of color?

Most of the mainstream environmental groups are going through the process of reviewing their internal and external policies to ensure that diversity and inclusion become integral to their practices. Even local groups can go through this process. I have consulted with a local land trust that is thinking about managing their holdings to support activities that benefit native communities and communities of color. Just being conscious of the native people on whose land the state and the various towns sit is an excellent first step. The map of New England is festooned with native names. This is true of the entire country. It would be useful to discover more about the people whose place names we take for granted.

**Editor's note:** Groton, CT, where *Connecticut Sea Grant* is based, is located on Mohegan and Pequot tribal land, according to the *Land Acknowledgement website*: [bit.ly/landackn](http://bit.ly/landackn)

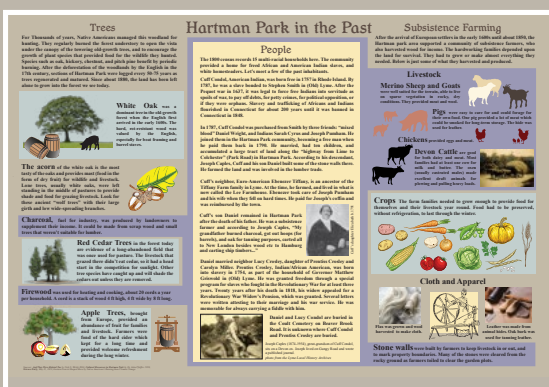


Image courtesy of Town of Lyme

This recently installed sign at Hartman Park in Lyme tells the history of Native Americans and African Americans, some of whom had been enslaved, who once lived there and left many of the foundations, stone walls and ceremonial structures found along the hiking trails. It is an example of acknowledgement of the native people and other people of color who once lived in the community that Torres believes is “an excellent first step” that land trusts and conservation organizations can take to advance environmental justice. To view a larger image of the sign, visit: <https://seagrant.uconn.edu/wp-content/uploads/sites/1985/2020/11/Hartman-24-x-36-sign2019LORES.pdf>. To view a sign about Native American ceremonial cairns at the park, visit: [https://seagrant.uconn.edu/wp-content/uploads/sites/1985/2020/11/Hartman.park\\_cairns.stonewalls.pdf](https://seagrant.uconn.edu/wp-content/uploads/sites/1985/2020/11/Hartman.park_cairns.stonewalls.pdf)