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GEOG 435-001

20 April 2026

White Paper

Background and Historical Context

Energy developers are companies focused on obtaining sources of energy from natural resources, ranging from solar, wind, or, traditionally, fossil fuels (Bhatia, 2014). These companies have historically perpetuated environmental injustices, primarily those that extract coal and gas (non-renewable energy sources), by disproportionately impacting low-income, non-white communities with environmental hazards and industrial waste, exposing these groups to high levels of pollution that lead to greater health risks and fatalities (Wang, 2025). These environmental injustices can be tied back to the Industrial Revolution of the 19th century, which brought economic growth that led to the societal shift from agrarian to urbanized living, spurring the creation of urban centers and mass amounts of wealth. Such prosperity not only produced the middle class but also enabled the already wealthy to gain significant power in society and over markets. As a result, with progress amassing in such a short amount of time, new means of production led to poor working conditions and lifestyles to prioritize profit and results, including the absence of sanitation and oversight, which generated intense air and water pollution (Gupta, 2024). Working families living close to those industrial sources, such as coal and gas plant sites, were particularly impacted by the exposure to hazardous materials, water-borne diseases, and polluted air; more prosperous areas were able to respond accordingly (Open University, 2024).

Along with the shift to urbanized living, the agricultural sector was also industrialized. Livestock operations became sourced outside of cities in the 20th century, especially in North

Carolina, where hog farming has grown to be predominantly concentrated in and near rural low-income and non-white communities (Harris, 1997). Due to the lack of economic development, weak infrastructure, and limited economic diversity, rural communities are less equipped to respond (Assari et. al.). Additionally, because rural communities tend to be dependent on the select few industries that exist for jobs and financial support, there is a higher risk of income instability when challenging the sole sources of income without available backup options. Further, due to the decline of labor unions in rural America (Vo et al., 2023), the labor conditions and pay of extraction-based and factory jobs do not compensate for such high pollution risks (McGee, 2025).

Redlining has also been a prominent manifestation of historical environmental racism and injustice. Redlining is a discriminatory practice where neighborhoods populated by non-white groups were deemed hazardous for investment (Aaronson et al., 2021). Consequentially, people of color were denied access to “desirable” neighborhoods by racist and exploitive real estate practices such as contract selling – private loans with high interest rates and manipulative terms, blockbusting – the practice of persuading white owners to sell property cheaply to stoke fear of non-white groups moving into the neighborhood, and then profiting by reselling at a higher price, and racially restrictive covenants – a clause in a property deed that prevents the owner from selling to people of color, to enforce neighborhood segregation (City of New York, 2021). As a result, these policies concentrated and kept non-white groups into neighborhoods deprived of resources, opportunities, and investment, preventing financial stability and safety (McGee, 2025). In New York City, neighborhoods that experienced disinvestment as a result of redlining still have higher poverty rates today and are predominantly populated by people of color (City of New York, 2021).

With this historical context, racial segregation has created spatial inequality that unevenly distributes public goods and harms, leading to disparities in exposure to environmental hazards. Concentrated environmental pollution is, thus, the result of racial injustice, where the profits of industrial progress accumulate elsewhere as low-income and non-white communities endure its adverse effects (McGhee, 2025), such as living next to hog farms or coal and gas plants. On that note, the energy developers remain amongst the most powerful forces driving these outcomes. As industrial emissions are projected to grow, the burden on already vulnerable communities is only expected to deepen. However, as consumer priorities have changed over time, recent trends indicate that buyers are becoming more environmentally conscious, opting for products and brands that align with their values, driving a demand for eco-conscious practices and ethical sourcing (Forbes, 2024). In response to this consumer demand, energy developers should find it worthwhile to practice sustainability and fund a fair, clean energy transition, new infrastructure, and climate policies that not only boost profits but also support low-income and non-white communities that have suffered the greatest environmental and economic burdens.

Companies such as FedEx and Patagonia can serve as examples as to how the transition to clean energy can be implemented. In 2025, FedEx reported that it advanced decarbonization with “smart technology” and saw more employees volunteering in a wider range of sustainability-focused community programs throughout the Asia-Pacific region. In that same region, the company also strengthened its EV presence in “key Asia Pacific markets” including Japan, New Zealand, Singapore, and Thailand (FedEx, 2025). Patagonia has been a key leader in corporate sustainability by reducing its carbon footprint through supply chain management and energy efficiency, and investing in social responsibility and environmental programs. As of last year, 100% of their new styles are made without intentionally added PFAS, and more than 90%

of the products are made in a Fair Trade Certified™ factory – a manufacturing facility audited to meet strict social, environmental, and economic standards (Patagonia, n.d.). Additionally, Patagonia's revenue has consistently grown, reaching an estimated value of about \$3 billion and bringing in \$100 million in revenue annually; its sales have quadrupled in the past decade to around \$1 billion annually. Patagonia's performance demonstrates that sustainable business models can be successful in terms of still being profitable while being environmentally just (Land, 2023).

Transitioning to a sustainable business model also means leaving behind the concentration of industrial pollution and hazardous waste sites in low-income and non-white communities. While there are seemingly financial incentives to locate industries in communities where land is cheaper with easier access to transportation, low-cost labor, and residents with little political clout, these institutional actions that have persisted over time are creating adverse conditions for those in the present. If the energy developers want to become more sustainable in its practices, then that also involves supporting the communities that have historically endured industry burdens. While FedEx has made commitments to resolving environmental issues, environmental justice has not been one of the considerations. FedEx's trucking facility in Fort Worth, Texas, has been a place of contention in the last year. While FedEx representatives held meetings with environmental advocacy groups and residents to address concerns about heavy traffic and the site's environmental impact, citizens in the nearby neighborhood, Echo Heights, have complained of noise and air pollution (Lopez, 2025). However, Patagonia takes a different approach in incorporating environmental justice into their sustainability model. The company has established an Environmental Justice Foundation in the United Kingdom (Patagonia, accessed 2026) and has published EJ articles, promoted EJ organizations to donate to, and has also

promoted EJ causes and petitions (Patagonia, 2026). While this does not address the impact of Patagonia's textile factories, this is an important step in recognizing why environmental justice matters and the organizations that are working towards it. This indicates that as energy developers transition into becoming clean energy developers - companies that utilize renewable or low-carbon energy sources, to address shifting consumer priorities, they must consider environmental justice as an integral part of environmental consciousness and sustainability.

Environmental injustice has deep and cyclical historical roots; however, it is also reinforced by contemporary instability in policy and governance. Clean energy developers and private companies rely on stable incentives such as tax credits to enable large-scale investment in renewable energy infrastructure (Strimling, 2023; US EPA, 2020). Proposals to phase out or eliminate these investment incentives for battery production and energy development threaten to slow decarbonization processes while reducing the resources available for the communities that have historically borne the pollution and industrial siting burdens (Slattery, 2025)(Magill, 2023). Because clean energy projects can provide economic opportunities such as infrastructure investment and job creation, decreases in financial viability risks reducing opportunities for equitable investment in communities that have historically borne environmental injustice.

As regulatory incentives become less consistent and available, private sector actors take on increasingly decisive roles in directing the clean energy transition. Historically, companies in energy development have lobbied and litigated to shape and weaken regulations affecting emissions and energy production (Brulle, 2018; Culhane et al., 2021). These actions reflect a broader tendency for private actors to actively shape regulatory frameworks in ways that prioritize cost effectiveness and operational flexibility (Stigler, 1971).

This dynamic is supported by empirical research on climate policymaking. A large-scale analysis of lobbying in the Massachusetts legislature found that fossil fuel, utility, and real estate coalitions mobilize against clean energy legislation and often outspend environmental advocacy groups. The study also showed that legislative outcomes more closely align with the preferences of these high-spending coalitions than with majority support expressed in public testimony (Culhane et al., 2021). This indicates that policy decisions are significantly influenced by the spending power of private sector actors. As a result, clean energy developers function as de facto decision-makers whose investment choices play a central role in determining whether environmental outcomes are equitable or inequitable.

Analysis of the stakeholders' current EJ engagement

Energy developers are prompted with a contradictory position in environmental justice, though, it is clear that they are not simply passive actors. The industrial sector is currently responsible for 76.6% of U.S. greenhouse gas emissions driven by manufacturing/production, with projections showing 26% increase in industrial emissions by 2050 (Thomas, n.d.). This trajectory means the communities will continue to face increasing exposure unless the actors involved are required or incentivized to change how they engage communities. Additionally, the actors play an important role in climate solutions through investment decisions and infrastructure siting as federal investments have been dismantled, giving the private sector the opportunity to use their capital and operational capacity to help fill this gap. Understanding their EJ engagement is important for us to distinguish if that engagement makes strides towards genuine progression in a clean energy development or if it simply false-pled claims of reparation.

Currently, the Trump Administration is cutting over 350 environmental justice grants, overturning the Justice40 initiative, and dismantling the CDFI Fund through Executive Order

14238 (Slattery, 2025). These are the effects: billions of dollars in community investment disrupted, affordable housing access diminished, small business financing disappeared. The fiscal gap is ever-growing. Reverend Susan Hendershot, who served on the White House EJ Advisory Council and led Climate Community Engagement at Self-Help, saw firsthand how this gap impacted actual communities. She had later received notice that her position, the council, and Greenhouse Gas Reduction Fund's resources were all gone due to these cuts. But despite these setbacks, her work still persisted. This is what precisely gives the private sector's growing interest in renewable energy its significance.

Clean energy developers show that aligning investment with their sustainability goals will produce financial returns. A study published by ScienceDirect found that a 1% increase in ESG investment produced a 0.15% increase in private sector energy investment (short-term) and 0.26% increase (long-term) (Rudkin et al, 2025). A separate analysis found companies embracing green finance and strong corporate governance sustained real gains in renewable markets even with the fluctuating support for federal policies. Microsoft's Climate Innovation Fund offers the most widely cited example: the company invested \$800 million in climate projects and is now valued at \$12 billion (Darley, 2025). These numbers are crucial for EJ analysis because they resolve equity concerns and show that clean energy CAN be profitable. This ultimately means that companies no longer need to rely on governmental pressure to fulfill involvement.

Some clean energy developers have started to incorporate community benefitting frameworks into these clean energy projects. For example, wind projects in Nantucket have agreements that provide savings for low-income households while also funding solar and clean energy education (Vineyard Wind et al., 2020). Alternatively, there are a handful of cautionary

tales. In 2023, Microsoft signed a 20-year power agreement with the Three Mile Island nuclear facility to help supply its data centers. The community nearby, Amish and Mennonite residents, raised concerns about the air quality, fuel storage safety, and emergency planning procedures. The company's climate strategy was developed with no attention to the communities that would bear the facility's physical risks. A company can cut carbon emissions and still dump energy burdens on vulnerable communities (Hall, 2020).

As demonstrated above, the American industry has long concentrated polluting operations in minority and low-income communities. These communities often did not create environmental harm but bear the long-lasting consequences. Advocates like Pam Tau Lee, co-founder of the Asian Pacific Environmental Network and the Just Transition Alliance, documented how workers and residents in these communities are placed in toxic conditions while seeing few benefits from industrial activity (EJOHP, 2026). The places where its most extreme have been characterized as "sacrifice zones". These are regions written off by cumulative industrial waste and pollution, rendered uninhabitable.

Inequitable patterns of industrial siting that negatively impact but continue to show up in today's energy infrastructure projects, especially those driven by private developers. One clear example is the Dakota Access Pipeline at Standing Rock. The pipeline was built by Energy Transfer Partners, and became a major point of conflict when the Standing Rock Sioux opposed its construction through treaty-protected land and the Missouri River watershed. As Dhillon (2017) argues, this struggle shows that environmental justice cannot be separated from Indigenous sovereignty, since extractive projects sit within a much longer history of land dispossession and colonial expansion. The pipeline was not just a single infrastructure decision,

but part of a broader, recurring system where private capital turns Indigenous land into resources for global markets while shifting environmental risk onto local communities.

What Standing Rock also makes clear is that extractive projects often move forward even in the face of sustained community opposition. Corporate and state actors cooperate to continue work and completion amid wide-spread opposition. As Dhillon notes, construction continued and the pipeline was ultimately completed “and already leaking,” highlighting the risks built into this kind of development. The response to Standing Rock also shows how uneven power shapes environmental conflict, where Indigenous resistance is often criminalized while large infrastructure projects are allowed to proceed. Taken together, Standing Rock makes it clear that private-sector energy development is not neutral—it operates within contested systems of power that decide whose land is used for infrastructure and who carries the environmental costs.

The threat to indigenous lands demonstrates how these patterns continue to persist. Krystal Two Bulls, executive director of Honor the Earth and a co-coordinator of Drop the MIC campaign, described how the coal industry targeted Cheyenne territory for years due to its location above coal deposits. While the land acquisition failed, the coal sector succeeded in developing the surrounding landscape because it was cheaper and easier to acquire due to the lack of community mobilization and political representation. As the surrounding land is extracted for its minerals, nearby indigenous communities are not only facing the pollutive consequences of that, but are also confronting daily the possibility of having their lands taken. For Krystal Two Bulls, her encounter with watching the neighboring lands completely deteriorate under coal extraction made her recognize the importance of indigenous knowledge in matters of sustainable development and land management (EJOHP, 2026). These practices of the private sector, where developers take over land without the input of nearby residents, are a continuous pattern that has

led to centuries of environmental injustices in overexposure to pollution and toxic waste. Beyond that, greenwashing is also a structurally significant EJ concern. Private sector actors have increasingly deployed sustainability rhetoric without any accountability for the communities affected by their operations.

Denise Fairchild is an environmentalist with a rich background in civil rights activism and urban planning, tying together community engagement to sustainable energy systems. Her leadership in and later analysis of the Los Angeles Energy Recovery (LANCER) project illustrates how this disparity between advertisement of clean energy projects and its consequences on local communities works in practice. Contractors can exercise discretion over siting decisions that perpetuate environmental racism because communities with the least power to oppose projects are targeted. The private sector's profitability incentives risk reproducing the same power imbalances that defined the extractive industry's relationship to marginalized communities for generations.

The current picture of private sector EJ engagement is of misalignment between the market incentives and what equitable outcomes require. ESG trends and renewable market growth are creating these genuine incentives for clean energy investment. But these do not, on its own, produce distributive justice. They produce investment where returns are highest, so the same communities often bear the environmental costs while the new revenue flows elsewhere. Thus, driven by investor pressure, reputational concerns, and the appeal of long-term price stability, clean energy developers can help fulfill unmet needs by providing a shift to a just clean energy transition.

Preliminary recommendations and message for private sector

Although the primary values of the clean energy developers and the local community in which they place their infrastructure seem to contradict, a marriage between community and clean energy developer benefits can be achieved through community based agreements (CBAs). CBAs are legally binding contracts between developers and local communities groups that serve to reduce the impact of large infrastructure. These contracts largely include providing the host community with compensation monetarily (e.g. direct payments) and non-monetarily (e.g. job implementation), and the clean energy developer receiving increased community support and a higher chance of being approved. In the past, large infrastructure projects faced delays and political opposition for investors. As mentioned, Lawrence Berkeley National Lab showed sunk costs due to cancelled projects; for solar around 2 million dollars or more were lost while approximately 7.5 million were lost for wind (Nilson et al., 2024). The Cape Wind Project was even ultimately abandoned in 2017 (16 years after it was first proposed) after the developer had sunk \$100 million into it due to persistent opposition from owners of summer homes in Cape Cod (Eisensohn & Webb, 2023). This shows that the typical approach of “build first, deal with opposition later” isn’t just ethically wrong, but also bad business.

A strength of CBAs is that they can be tailored to meet the specific needs of the community and work to specifically mitigate impacts that a project has. This is beneficial as opposition from the community can range from aesthetic reasons to economic, environmental, and health concerns. Not only this, but the process of creating a CBA can lead to overall better results for a project. During negotiation, the collaboration between the local community and clean energy developers ensures that projects are integrated into neighborhoods effectively and that they successfully meet the needs of local communities. Denise Fairchild's idea of "energy democracy" helps explain why community based agreements are important. She argues that

communities should own and control their energy systems and in her book *Energy Democracy*, she describes community-led models as the foundation for shifting power away from extractive systems toward local ownership.

For best results and the creation of a successful CBA, clean developers should follow the recommendations described below:

1. **Establish a local outreach group.** Local outreach groups help to identify people in the community that the energy developer needs to speak with to learn about specific needs and concerns and aid in earning community support. Groups should consist of individuals who live in or spend a lot of time in the community rather than consisting of those who are distant from the community. This way, individuals are more equipped in identifying local communities' needs, concerns, and leaders.
2. **Start the process of project implementation and the creation of CBAs with conversations instead of deals.** Different communities will have different needs and concerns, for example, some communities might be more concerned with job creation while others are more concerned with environmental impacts of projects. Therefore, starting the process of a CBA by attempting to understand the issues most important to the impacted community will improve the chance of developing a project that will be approved and face less opposition. CBAs should be treated as a way to address community concerns and reduce negative impacts.
3. **Engage with and involve local government early.** Engaging with local officials at the beginning of the process will help avoid future conflicts and establish a

positive long-term relationship with the community, making grant approval more likely.

4. **Reach out to neighbors and outreach groups that are most impacted by the project.** Developers should reach out to those who will experience the greatest direct impacts of projects and to outreach groups concerned with project implementation as this provides a chance to garner mutual education and address concerns.
5. **Be open and honest with impacted communities.** Developers should be as transparent as possible when discussing the community's concerns. Local communities will not be willing to create a CBA if they are not given the information about the impacts of a potential project.
6. **Ongoing community outreach.** Obtaining and maintaining community support is vital to a smooth approval process and to avoiding challenges with community relations. Sustained and continuous outreach to local communities will ensure a project is able to move forward and approved of.

Although not exhaustive, these recommendations provide an approach for clean energy developers for negotiating a CBA. At every stage, it is important to keep in mind that a CBA must be shaped around the priorities and needs of each local community. Because those needs and circumstances can change, CBAs should allow for adaptation as needed. They should also include provisions for monitoring compliance that hold both the communities and the clean energy developers accountable in cases of defiance should be in place. Additionally, and perhaps most crucially, CBAs act as an important tool for monitoring environmental hazards as

developers take on the direct responsibility of surveilling and addressing environmental impacts placed on the community (Eisensohn & Webb, 2023).

Therefore, at every turn, CBAs ensure that clean energy investments funnel back to people that could be harmed by energy development costs, deviating from the norm of those peoples seeing none of its benefits, and should be implemented as part of all of clean energy projects. The Stillwater Mining Company case in Montana provides one of the more instructive examples of engagement that actually reached an agreement with affected communities (Saha, 2024). Environmentalists had opposed the expansion, but instead of fighting through courts or regulators, the company negotiated a deal. This agreement included environmental protections, traffic reduction commitments, and regular ecological audits and it was legally binding. The result wasn't a straightforward victory, but a promising solution for both parties involved.

There are several more cases of successful CBAs: the Banner Peak Project in Alaska required that 50% of the profit will be used in renewable energy projects in the 17 villages of the Bering Straits Region, CADEMO and the Santa Ynez Band of Chumash Indian signed a CBA that includes tribal consultation in state and federal environmental reviews, and Ocotillo Project in California created a fund to address the area's specific challenges, needs, and opportunities to support local organizations to name a few (U.S. Department of Energy, 2024). Evidently, CBAs vary in their specific agreements, but the core principle remains the same – give power back to the community, offer a more secure method of project implementation, and provide a reparative opportunity for clean energy developers to support a just energy transition.

Ultimately, a just energy transition depends on more than simply reducing environmental harm, it requires addressing and confronting inequities that have long dictated who bears environmental costs. Clean energy developers have both the capacity and the incentive to lead

this shift, but only if they move beyond surface-level commitments and adopt frameworks that center community-based partnerships. By implementing CBAs, developers can ensure that the transition to clean energy does not repeat the injustices of the past, but instead create a more equitable and sustainable future.

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