

THE U.S. APPROACH TO CLIMATE JUSTICE: LESSONS FOR GLOBAL ENVIRONMENTAL LAW

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Abstract Climate justice represents the intersection of environmental protection, human rights, and social equity. It acknowledges that those least responsible for climate change often suffer its most severe impacts. In recent decades, the United States has become a key site for developing the concept of climate justice, driven by activism, litigation, and evolving policy frameworks. This article examines the U.S. approach to climate justice, analyzing its domestic origins, legal foundations, and global implications. By studying how federal, state, and community-based initiatives address inequality and environmental harm, the article identifies lessons for international environmental law. It argues that the American experience demonstrates the importance of inclusive governance, public participation, and integration of social justice into environmental policymaking. Ultimately, the pursuit of climate justice in the United States provides valuable insights for constructing a fairer and more effective global environmental regime.

Keywords Climate Justice, Environmental Law, United States, Human Rights, Environmental Equity, Global Governance, Environmental Racism, Public Participation, Sustainable Development, International Law

Climate change has evolved from a scientific and economic challenge into a profound question of justice. Its effects—rising temperatures, extreme weather, and resource scarcity—disproportionately impact marginalized communities and developing nations. The principle of **climate justice** seeks to correct these imbalances by ensuring fair treatment and meaningful participation of all people in climate-related decision-making.

In the United States, climate justice has emerged from decades of grassroots activism and environmental law reform. From the early environmental justice movements of the 1980s to recent federal initiatives, the American experience reflects a growing recognition that environmental degradation and inequality are inseparable.

This article explores how the U.S. legal and policy landscape has developed a unique approach to climate justice and how this experience offers lessons for international environmental law. It considers the historical roots of environmental justice, the evolution of federal and state policy, and the role of litigation and civil society. The analysis concludes with reflections on how U.S. practices can inform global efforts to embed justice into environmental governance.

The concept of environmental justice in the U.S. emerged during the 1980s, led by communities of color protesting against the disproportionate siting of hazardous waste facilities in poor neighborhoods. This movement expanded to climate issues as scientific evidence revealed that vulnerable populations bear the brunt of climate impacts such as flooding, heatwaves, and pollution.

The **Environmental Protection Agency (EPA)** formally recognized environmental justice in 1994 through **Executive Order 12898**, mandating federal agencies to address disproportionate environmental burdens on minority and low-income communities.¹

Since then, the concept has evolved from a social movement into a legal and policy framework. Contemporary climate justice now integrates equity considerations into emissions reduction, adaptation, and resilience strategies. The U.S. experience underscores the need for participatory governance that empowers affected communities to shape environmental outcomes.

Climate justice in the U.S. rests on a combination of statutory law, executive action, and administrative innovation. While no single federal statute codifies climate justice, existing laws provide avenues for enforcement and advocacy.

The **Clean Air Act (CAA)** remains the cornerstone of federal environmental regulation, authorizing the EPA to limit air pollution and greenhouse gas emissions. The U.S. Supreme Court decision in **Massachusetts v. EPA (2007)** affirmed that carbon dioxide qualifies as a pollutant under the Act, establishing a legal foundation for federal climate regulation.²

More recently, the **Justice40 Initiative** launched under the Biden administration commits 40% of federal climate and clean energy investments to disadvantaged communities. This marks a historic shift toward integrating justice into climate finance and implementation.³

Together, these developments reflect a growing recognition that climate action must also address inequality—a principle with broad implications for international environmental governance.

¹ U.S. Environmental Protection Agency, *Environmental Justice Timeline*, <https://www.epa.gov/environmentaljustice>

² U.S. Supreme Court, *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007)

³ The White House, *Justice40 Initiative*, <https://www.whitehouse.gov/environmentaljustice/justice40/>

While federal policy sets the framework, much of the innovation in climate justice arises from state and local governments. **California**, in particular, exemplifies how subnational leadership can integrate environmental goals with equity and participation.

The **Global Warming Solutions Act (AB 32)** and subsequent legislation require emission reductions while mandating that benefits reach disadvantaged communities. The **California Climate Investments Program**, funded through the cap-and-trade mechanism, allocates billions of dollars to projects in low-income neighborhoods.⁴

This framework demonstrates that environmental regulation can simultaneously advance economic opportunity and social inclusion. Moreover, California's experience informs global discourse on subnational contributions to sustainable development.⁵

Grassroots movements and litigation have been crucial in advancing climate justice in the United States. Communities affected by pollution and environmental neglect have used legal avenues to demand accountability from both governments and corporations.

Landmark cases such as **Juliana v. United States** (2015) highlight youth activism and constitutional claims against governmental inaction on climate change. While still pending, the case has inspired similar litigation globally, illustrating how domestic courts can influence international climate jurisprudence.⁶

Additionally, civil rights statutes and public participation provisions under laws like the **National Environmental Policy Act (NEPA)** empower communities to challenge inequitable decision-making. Such mechanisms have inspired environmental defenders worldwide, strengthening procedural rights within international frameworks.

A critical component of the U.S. approach to climate justice is the notion of a “**just transition**.” This concept ensures that the shift from fossil fuels to renewable energy does not harm workers or marginalized communities. Federal and state programs aim to retrain workers, invest in green jobs, and support communities historically dependent on extractive industries.

Renewable energy law has become central to this transformation. By combining legal incentives with social objectives, the U.S. seeks to align decarbonization with inclusive development.⁷

⁴ California Air Resources Board (CARB), *California Climate Investments*, <https://ww2.arb.ca.gov/our-work/programs/california-climate-investments>

⁵ Safoev, S., *Legal Innovation in Environmental Policy: A Comparative Study of the United States and Uzbekistan*, *Am. J. Educ. & Learning*, 3(9), 16–20 (2025)

⁶ *Juliana v. United States*, 217 F. Supp. 3d 1224 (D. Or. 2016)

⁷ Safoev, S., *Laws on Green Energy and Climate Change*, *Am. J. Educ. & Learning*, 2(5), 470–474 (2024)

This approach resonates internationally, as developing nations face similar challenges in balancing sustainability with poverty reduction. The American experience shows that equity-based frameworks can strengthen both legitimacy and effectiveness in climate policy.

The United States occupies a complex position in global climate governance. Although it has historically been one of the largest emitters of greenhouse gases, it also contributes significant technological and financial resources to global climate initiatives.

Recent re-engagement with the **Paris Agreement** and increased funding for adaptation and resilience demonstrate renewed U.S. commitment to global equity.⁸

Legal scholars emphasize that integrating justice into international environmental law requires translating domestic lessons into global standards.⁹

The U.S. experience shows that addressing structural inequality at home strengthens credibility and leadership abroad. It also reinforces the idea that climate obligations must include fairness, participation, and accountability — not only emissions targets.

The U.S. approach to climate justice offers several lessons for international law and governance:

1. **Integrating Social Equity into Legal Frameworks:** Environmental treaties should include explicit mechanisms for protecting vulnerable populations.
2. **Empowering Subnational and Community Actors:** Local governments and civil society are crucial in implementing global goals.
3. **Promoting Transparency and Participation:** Access to information and inclusive decision-making improve compliance and legitimacy.
4. **Ensuring a Just Transition:** Global climate finance should prioritize equitable transformation in energy and labor markets.
5. **Legal Innovation:** Domestic experimentation can serve as a model for international treaty design and enforcement.¹⁰

By combining innovation, inclusivity, and enforceable commitments, the international community can build a legal order that addresses both environmental and social dimensions of climate change.

⁸ UNFCCC, *The Paris Agreement*, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

⁹ Safoev, S., *International Climate Change Law: Evolving Legal Frameworks and Future Directions*, *J. Multidisciplinary Bulletin*, 8(9), 25–29 (2025)

¹⁰ UNEP, *Environmental Rule of Law: First Global Report* (2019), <https://www.unep.org/resources/report/environmental-rule-law-first-global-report>

The pursuit of climate justice in the United States illustrates how law can bridge environmental protection and human rights. Through a mix of activism, legal innovation, and public engagement, the U.S. has developed frameworks that seek to ensure fair participation and equitable distribution of environmental benefits. While challenges remain, these efforts provide valuable insights for global governance.

International environmental law can learn from the U.S. model — particularly the emphasis on justice, decentralization, and community empowerment. Achieving global climate justice requires more than technical solutions; it demands inclusive legal structures that recognize the shared yet unequal burdens of climate change. In this regard, the U.S. experience serves as both a guide and a reminder that sustainability must always be rooted in fairness.

References

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