

Using Local Ordinances to Stop Polluters

affordable, democratic, grassroots legal solutions where the people power is

www.EnergyJustice.net/ordinances/

Two ways to win...

The two most common ways that grassroots groups stop proposed polluters are:

Appeal state permits until company gives up and investors walk away	Community gets it stopped through local government
Very expensive	More affordable
Highly technical	Accessible
Takes place in distant courtrooms	Takes place in local town hall
Disempowering	Empowering
Community members disengage	Community gets engaged
Plays within existing rules that allow pollution	Can write new rules to stop pollution
Does not build power	Builds power for future local victories
Hard to provide this sort of legal support to all the grassroots groups needing it	Easily replicable; <u>can support many grassroots groups with this strategy</u>

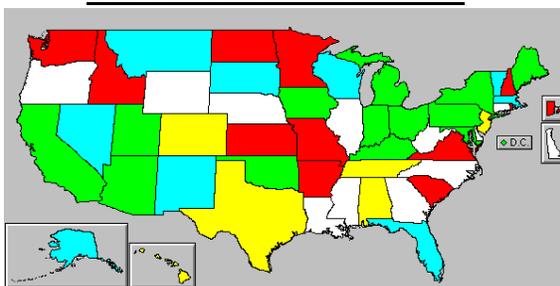
Permit appeals rarely actually win. It's the delay that kills projects. As community members disengage, expecting lawyers to handle it, groups often lose their ability to fundraise to keep the legal challenge going and then lose altogether.

Local ordinance approaches usually win and are more compatible with grassroots organizing.

Energy Justice Network is helping communities develop strict local environmental ordinances that hold up in court and set new standards for how industry operates. In Pennsylvania, three communities so far have adopted the nation's strictest mercury and dioxin air pollution laws, dissuading proposed polluters from locating in those towns. One was challenged and upheld in federal court.¹

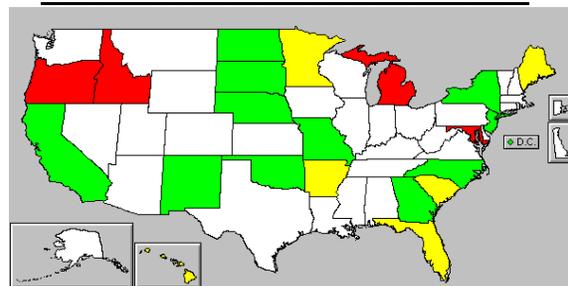
We've mapped out state laws showing whether your state allows your local government to adopt stricter air or waste laws. Many states allow initiative processes in local governments, so you can gather signatures to bring the issue directly to the people at the ballot, if your local officials won't pass it. Taking things one step further, we're working to develop local democracy ordinances to help democratize government from the bottom up with clean elections laws.

Stricter local air laws allowed



Green = Local laws allowed
Yellow = In-between (allowed only in certain areas or subject to state approval)

Stricter local solid waste laws allowed



Red = Local laws preempted
Blue = Local air regulation programs allowed

¹ See www.ActionPA.org/ordinances/

To see what local ordinance options are possible in your state, and for help in crafting a model ordinance for your situation, contact Mike Ewall, Esq. at 215-436-9511 or mike@energyjustice.net