

**MAROONAGE: A FRAMEWORK FOR ENVIRONMENTAL
JUSTICE AND RACIAL FREEDOM**

Ryan Whyte

TABLE OF CONTENTS

ABSTRACT _____	260
INTRODUCTION _____	260
PART 1: MAROONS: WHO THEY ARE, CASE STUDIES, AND THE MAROONAGE FRAMEWORK _____	264
A. THE MAROONS _____	264
B. MAROON COMMUNITY CASE STUDIES: JAMAICA, BRAZIL, AND COLOMBIA _____	265
1. <i>Jamaica</i> _____	265
2. <i>Brazil</i> _____	268
3. <i>Colombia</i> _____	272
C. THE MAROONAGE FRAMEWORK _____	274
1. <i>Mobilization</i> _____	275
2. <i>Community</i> _____	275
3. <i>Environmental Interrelationship</i> _____	275
4. <i>Leveragability</i> _____	276
PART 2: THE MAROONAGE FRAMEWORK APPLIED TO THE ENVIRONMENTAL JUSTICE STRUGGLE _____	276
A. MOBILIZATION _____	276
B. COMMUNITY _____	279
C. ENVIRONMENTAL INTERRELATIONSHIP _____	281
D. LEVERAGE _____	282
CONCLUSION _____	285

ABSTRACT

Environmental hazards cause significant harm across society, with certain communities bearing the brunt of these burdens. In response, environmental advocates formed the environmental justice movement to promote equal environmental treatment for all. Closely related to this concept of environmental justice is environmental racism, which focuses on how people of color are disproportionately affected by environmental risks. While efforts to address environmental justice and racism have led to some successes, they have not fully addressed the persistent challenges affecting communities of color.

This Note seeks to apply a maroonage framework to address environmental racism and achieve environmental and racial justice for people of color. This framework draws on the concept of Maroonage, which refers to the practices of the Maroons, a group of enslaved Africans brought to the Americas, who escaped captivity and created their own free societies by establishing independent settlements, with descendants still living today. Using the Maroons' relationship to their environment and land as a model for environmental and racial liberation, this Note argues that this framework is an effective pathway to achieving racial and environmental justice for people of color today. Part I of this Note outlines who the Maroons are, presents case studies of maroonage in Jamaica, Brazil, and Colombia, and explains how maroonage functions as a theoretical framework. Part II applies the maroonage framework to the environmental justice fight in the United States, using contemporary examples to demonstrate that maroonage can be an effective tool in advancing both environmental and racial justice.

INTRODUCTION

The environment shapes the lives, health, and futures of all who call the United States home. Its protection is crucial for the survival of all. However, the environment has been under attack. The water we consume is being polluted, the air we breathe is being contaminated, and hazardous waste is exposing us to a range of

harmful substances.¹ Unfortunately, these environmental harms disproportionately impact people of color.² In response to this growing threat, a movement has emerged calling for environmental justice across racial lines.³ The concept of environmental justice involves a grassroots movement that fights for equal treatment of citizens under environmental, health, energy, and land-use regulations.⁴

Closely related to the concept of environmental justice is environmental racism, a critical race approach that narrowly focuses on how environmental harms disproportionately impact people of color and whether intent factors into those harms.⁵ Environmental racism examines how laws, policies, and decisions result in people of color bearing the brunt of environmental degradation.⁶ For example, a municipality's decision to place a hazardous factory or plant in predominantly black and brown neighborhoods.⁷ Or, when a local government's failure to properly treat water in predominantly black

1. Thomas J. Martin, *Long-Term Liability for Hazardous Waste Induced Injury in Missouri: Latent Harm Sufferers Beware*, 28 WASH. U. J. URB. & CONTEMP. L. 299, 300 (1985).

2. Evan J. Ringquist, *Assessing Evidence of Environmental Inequities*, 24 J. POL'Y ANALYSIS & MGMT. 223, 223–24 (2005) (explaining that numerous studies confirm that people of color are disproportionately impacted by environmental harms).

3. Jedediah Purdy, *The Long Environmental Justice Movement*, 44 ECOLOGY L.Q. 809, 814–17 (2018).

4. Nicholas C. Christiansen, *Environmental Justice: Deciphering the Maze of A Private Right of Action*, 81 MISS. L.J. 843, 844 (2012).

5. Michael Fisher, *Environmental Racism Claims Brought Under Title VI of the Civil Rights Act*, 25 ENVTL. L. 285, 289 (1995).

6. *Id.*

7. Sheila R. Foster, *Justice from the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice Movement*, 86 CAL. L. REV. 775, 779–82 (1998). The predominantly African American low-income community of Chester, Pennsylvania, suffered from five commercial waste facilities, causing “toxic assault” on residents. *Id.* at 780. Adults and children experienced respiratory problems and unexplained illnesses. A Chester cumulative risk assessment study found “unacceptable cancer and non-cancer risks . . . from the pollution sources in Chester.” *Id.* at 782. The MidAtlantic Region EPA head said there was a correlation between facilities in Chester and poor community health. *Id.*

and brown neighborhoods results in pollutants in drinking water, and the list goes on.⁸

Environmental justice advocates have tirelessly fought for equal protection from environmental harm for people of color.⁹ They have made some progress, passing remedial laws for past harm and promoting new sources of energy to reduce future harm.¹⁰ Despite this progress, many inequities persist, and laws fall short of providing stronger protections against environmental harms.¹¹ Now, under the second Trump administration, environmental justice efforts appear to be in jeopardy.¹²

This Note advocates for using the concept of “maroonage” as a framework to combat environmental racism and achieve environmental and racial justice for people of color. This approach challenges the single-dimensional view that environmental justice can be achieved without racial justice or that racial justice can be

8. Carolyn M. Mitchell, *Environmental Racism: Race as a Primary Factor in the Selection of Hazardous Waste Sites*, 12 NAT’L BLACK L.J. 176, 176–80 (1993).

9. Lauren E. Bartlett, *Human Rights Guidance for Environmental Justice Attorneys*, 97 U. DET. MERCY L. REV. 373, 378 (2020).

10. *See, e.g., id.* at 380 (“The successes of the U.S. environmental movement are not small and include: decreasing emissions and the hole in the ozone layer; a ban on DDT, PCBs, and CFCs; lead-free gasoline; and recent clean energy policies promoting wind and solar energy”); *see also New York City Impacts*, WE ACT FOR ENVTL. JUST., <https://weact.org/our-impact/nyc/> (last visited Feb. 23, 2026). To protect people of color and low-income communities from extreme heat in New York City, WE ACT, as part of the Extreme Heat Coalition, helped pass Local Law 23 of 2026, which requires landlords to maintain indoor temperatures at or below 78°F with 50% relative humidity. *Id.*

11. Uma Outka & Elizabeth Kronk Warner, *Reversing Course on Environmental Justice Under the Trump Administration*, 54 WAKE FOREST L. REV. 393, 394 (2019).

12. *See, e.g., id.* at 396 (“the Trump Administration’s rejection of climate science and repudiation of the Paris Agreement represents a conscious refusal to take steps to prevent and—equally important—protect against climate change impacts”); *see also* Valerie Volcovici, Sarah N. Lynch & Jeff Mason, *Trump Administration Cuts Environmental Justice Programs at EPA, DOJ*, REUTERS (Feb. 6, 2025), <https://www.reuters.com/world/us/trump-administration-cuts-environmental-justice-programs-epa-doj-sources-say-2025-02-06/>. In Trump’s current administration, many foresee similar actions, especially in light of his recent efforts placing “on leave nearly 200 employees who work on environmental justice programs at the Environmental Protection Agency,” which “will expose Americans across the country to more deadly pollution.” *Id.*

fully realized without environmental justice. Using the Maroons' relationship to the environment and land as a model for environmental justice in America will address environmental issues and racial justice together. By conserving and respecting their natural environment, the Maroons viewed their fight for racial justice as inextricably linked to environmental justice. Approaching both struggles as interconnected enabled the Maroons to preserve their land, advance racial liberation, and position future generations to continue in the fight—underscoring why this perspective would be a viable and effective framework for modern critical race analysis.

Drawing on maroonage to address environmental issues is deeply personal to me, as it is a concept rooted in my Afro-Caribbean heritage, informed by historical knowledge, and shaped by my travel experiences. During a trip to Colombia, I toured the Maroon village of Palenque, where I learned of this community that preserved its African culture and land amidst white supremacist tactics of cultural suppression and domination. Ignorantly, I believed maroonage was confined solely to Jamaica.¹³ But after visiting the Colombian Maroon village, I realized that maroonage was not merely an experience, an event, or a people, but a framework. A framework of resilience and resistance against slavery, white supremacy, and cultural erasure grounded in the natural environment. It was then that I recognized this framework remains viable in the fight for racial justice, particularly when viewed through the lens of environmental justice.

Part I of this Note outlines who the Maroons are, presents case studies of maroonage in Jamaica, Brazil, and Colombia, and explains how maroonage functions as a theoretical framework. Part II applies the maroonage framework to the environmental justice fight in the United States, using contemporary examples to demonstrate that maroonage can be an effective tool in advancing both environmental and racial justice.

13. As someone of Jamaican descent, I had only understood maroonage within the Jamaican context, and I did not realize that similar histories existed in other parts of the world.

**PART 1: MAROONS: WHO THEY ARE, CASE STUDIES,
AND THE MAROONAGE FRAMEWORK**

A. THE MAROONS

In the late fifteenth century, Europe turned to Africa to satisfy its desires for expansion, power, labor, and profit.¹⁴ Spain and Portugal were the first to sail to Africa to exploit the people and their land.¹⁵ Upon arrival, some Europeans made agreements with African tribes to confiscate their land, natural resources, and people, while others forcefully removed African bodies from their homes and placed them on slave ships to bring them to a land they had never seen before.¹⁶ Some were brought to Europe, but many were brought to the Americas, where their labor was exploited to monetize the continents' abundant resources.¹⁷

Many enslaved Africans resisted the Europeans' attempt to use them as forced labor; instead, they fled into distant areas and created their own communities.¹⁸ Their escape was met with much resistance.¹⁹ Refusing to return to slavery and in efforts to protect their community and land, the enslaved Africans courageously fought against European forces.²⁰ These people were known as the Maroons.²¹ They were smart and tactical; they created a space in an unfamiliar environment and claimed it as their own.²²

In line with common Western narratives of environmental domination, the Europeans sought to destroy the environment that the Maroons created for themselves.²³ The Europeans recognized that the

14. Trevor Lewis, *Transatlantic Slave Trade*, ENCYC. BRITANNICA, <https://www.britannica.com/topic/transatlantic-slave-trade> (last updated Mar. 28, 2026).

15. *Id.*

16. *Id.*

17. *Id.*

18. Pamela D. Reed, *Maroon Community*, ENCYC. BRITANNICA, <https://www.britannica.com/topic/maroon-community> (last visited Sept. 28, 2025).

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

Maroon settlements were more than mere land; they carried a sense of power and liberation, both a reality and concept the Maroons fully understood.²⁴

B. MAROON COMMUNITY CASE STUDIES: JAMAICA, BRAZIL, AND COLOMBIA

This section examines the origins of the maroonage framework by focusing on three Maroon communities: Marooners in Jamaica, Brazil, and Colombia.

This Note finds that regardless of geographical location, commonalities across Maroon communities have led to some form of environmental and racial freedom in each country. These cases emphasize that, although unbeknownst to these Maroon communities, maroonage was a successful system and tool for achieving liberation and freedom.

1. Jamaica

This section begins with a case study of maroonage in Jamaica. Many enslaved Africans were brought to the island to work on the plantations with the intention of capitalizing on the island's natural resources by using Africans as a cheap labor force to produce sugar.²⁵ Due to the inhumane treatment on the plantations, many Africans resisted European control of their bodies.²⁶ Enslaved Africans fled the plantations and escaped to the mountains to establish their own communities as the Maroons.²⁷ The Maroons used their newly discovered environment as a shield against subjugation and as a

24. *Id.*

25. Kathleen Wilson, *The Performance of Freedom: Maroons and the Colonial Order in Eighteenth-Century Jamaica and the Atlantic Sound*, 66 WM. & MARY Q. 45, 52 (2009); Ashante Infantry, *Meet the Legendary Community That Fought for Its Freedom in Jamaica*, NAT'L GEOGRAPHIC (Feb. 19, 2021), <https://www.nationalgeographic.com/culture/article/legendary-community-that-fought-for-its-freedom-in-jamaica> (explaining that enslaved Africans were brought to Jamaica to work the sugarcane fields by the British, who imported over 700,000 Africans between 1655 and 1807).

26. Mavis Campbell, *Maroons of the Caribbean*, 25 REP. ON THE AMERICAS 34, 34 (1992).

27. *Id.*

means of survival, often fleeing to thick, densely forested environments to enhance safety and security.²⁸ They used the environment to develop homes, grow crops, and establish trade—selling crops in exchange for clothes and weapons.²⁹

This Note focuses on the story of Jamaica’s queen, the island’s national hero, Nanny, commonly referred to as “Nanny of the Maroons.”³⁰ Along with other West Africans, Nanny arrived in Jamaica and was forced to work on the plantation.³¹ Nanny and a group of enslaved Africans escaped to the mountains (Blue Mountains) and established their own community there.³²

Nanny used the environment to protect her Maroon community from British attack. While some folklore attributes Nanny’s exceptional success in the war against the Europeans to her mastery of obeah, a spiritual practice,³³ scholars attribute her success to her ability to leverage the environment in her fight for liberation.³⁴ Leveraging the landscape, Nanny strategically chose a location in the Blue Mountains that overlooked a river, allowing Nanny and her

28. *The Jamaican Maroons*, NAT’L LIBR. OF JAM. <https://www.nlj.gov.jm/history-notes/The%20Maroons%20edited%20final.htm> (last visited Dec. 15, 2025).

29. KENNETH M. BILBY, *TRUE-BORN MAROONS* 150–56 (2005).

30. While many subgroups of Jamaican maroonage illustrate how the Jamaican Maroons used the environment to resist European invasion, Nanny and her subgroup are one of the most well-known maroons in Jamaica, and Nanny “is arguably the most consequential military figure in Jamaican maroon history.” See Pamela D. Reed, *The Jamaican Rebellions*, ENCYC. BRITANNICA <https://www.britannica.com/topic/maroon-community/The-Jamaican-rebellions> (last visited Mar. 28, 2026). Therefore, Nanny and her group are well suited to serve as the prototype discussed herein. *See id.*

31. *Id.*

32. *Id.*

33. Erin M. Fehskens, *Nanny of the Maroons*, OXFORD AFR. AM. STUD. CTR. (May 31, 2017), <https://oxfordaasc.com/display/10.1093/acref/9780195301731.001.0001/acref-9780195301731-e-74644?rskey=fv8vXZ&result=1>.

34. KARLA LEWIS GOTTLIEB, *THE MOTHER OF US ALL: A HISTORY OF QUEEN NANNY, LEADER OF THE WINDWARD JAMAICAN MAROONS* 51 (2000) (“In fact, all of Queen Nanny’s strategic planning reflects an incredible implementation of the surrounding environment—the use of leafy branches, cows’ horns . . . unusual river formations, and high precipices.”). *Id.*

people to anticipate the arrival of British forces.³⁵ Then, leveraging her knowledge of the terrain, Nanny used guerrilla warfare tactics to defend against and attack the British.³⁶ She mobilized her people by camouflaging them in branches and leaves from the surrounding area and positioning them perfectly to successfully ambush British soldiers.³⁷ She used the village's single, narrow entrance, which forced British soldiers to march in a straight line, making them easy targets for ambush.³⁸

Unable to defeat the fierce forces of Nanny and the other Jamaican Maroons, the British were left with no choice but to grant the Maroons their freedom and recognize them as their own community.³⁹ Although Nanny did not sign the peace treaty with the British, as other Jamaican maroon leaders did during her time, her Maroon people were still granted freedom and a land grant, exempting them from paying taxes.⁴⁰

Today, there are five recognized and surviving Maroon communities in Jamaica,⁴¹ scattered across the island with a unique legal status. Although they pay no taxes, the government provides infrastructure, including roads, bridges, schools, and clinics.⁴² Additionally, Maroon communities maintain broad autonomy over their land and local governance. A Maroon colonel-in-chief and council, chosen by Maroon customs, leads each community.⁴³ They handle community-level disputes and decisions, rather than by a mayor, parish council, or member of parliament.⁴⁴ These communities continue to carry on their traditional ceremonies and African practices, some even speaking maroon languages—a blend

35. *Id.*

36. *Id.* at 47.

37. *Id.* at 47.

38. *Id.* at 49.

39. *Id.* at 49.

40. *Id.*; Natricia Duncan, *Jamaica's Maroons Keep Their Culture Alive—and Spearhead Fight for Justice*, THE GUARDIAN (Aug. 28, 2025), <https://www.theguardian.com/world/ng-interactive/2025/aug/28/maroons-jamaica-reparations>.

41. Infantry, *supra* note 25.

42. *Id.*

43. *Id.*

44. *Id.*

of African dialects and English.⁴⁵ Although Jamaica's Maroon communities have faced pressure to assimilate,⁴⁶ they remain resolute in upholding their land rights and preserving their African culture,⁴⁷ exemplifying the enduring legacy of racial and environmental justice achievable through maroonage.

2. Brazil

In Brazil lives the Maroon community of the Quilombolas.⁴⁸ In the early seventeenth century, the Portuguese brought enslaved Africans to Brazil to work in the mines and sugar plantations.⁴⁹ Frustrated by the Portuguese's inhumane treatment and torture, the enslaved Africans met their oppressors with resistance.⁵⁰ Many of them escaped deep into the woodlands, to an environment far from European influence, where they created their own communities that also became the battleground for many of their fights against the Europeans.⁵¹

The Quilombolas' chosen environment was crucial to their fight for survival. Using their "ancestral knowledge of tropical ecosystems and mastery of subsistence production," the Quilombolas tactically settled in areas well-suited to their survival.⁵² These environments

45. *Id.* *The History of Jamaican Maroons: Resistance, Survival, and Legacy*, JAMROCK MUSEUM (Jul. 18, 2025), <https://www.jamrockmuseum.com/education/the-history-of-jamaican-maroons-resistance-survival-and-legacy-2/>. <https://jamaicans.com/7-things-know-kromanti-third-language-jamaica/>.

46. Kenneth M. Bilby, *Maroon Autonomy in Jamaica*, CULTURAL SURVIVAL Q. (Apr. 15, 2010), <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/maroon-autonomy-jamaica>.

47. *Id.*

48. Charles C. Mann & Susanna Hecht, *Where Slaves Ruled*, NAT'L GEOGRAPHIC (Apr. 2012), <https://www.nationalgeographic.com/magazine/article/maroon-people>.

49. FREEDOM BY A THREAD: THE HISTORY OF QUILOMBOS IN BRAZIL 3–5 (João José Reis & Flávio dos Santos Gomes eds., 2016).

50. *Id.* at 3.

51. Joan E. Meznar, *Slaves Resist Europeans at Palmares*, EBSCO RSCH. STARTERS (2022), <https://www.ebsco.com/research-starters/history/slaves-resist-europeans-palmares> (last visited Dec. 16, 2025).

52. Edward F. Shore, *Geographies of Resistance: Quilombos, Afro-Descendants, and the Struggle for Land and Environmental Justice in Brazil's Atlantic Forest*, 36 AFRO-HISPANIC REV. 58, 59 (2017).

were places where they could harvest crops, establish agricultural forests, and remain outside European control.⁵³

The Quilombolas' meaningful connection to their environments not only supported their physical needs but also strengthened their determination to fight for their freedom.⁵⁴ Various Quilombola groups fought numerous battles against colonial forces, but to illustrate this point, I will focus on the most prominent and populous group, the Palmares, which was prominent throughout the seventeenth century.⁵⁵ This was not merely a runaway community, but also one that worked to effectively free other enslaved Africans from Portuguese plantations, allowing their settlement to grow to an estimated 20,000 people.⁵⁶ This caused the Portuguese to view the Palmares as a threat to the state, resulting in over twenty attacks on the Palmares; however, they always remained victorious.⁵⁷

The constant war tired their leader, Ganga Zumba, and he signed a peace treaty with the Portuguese, forbidding the Palmares from accepting any new enslaved Africans.⁵⁸ Although this seemed like a success to Ganga Zumba, his nephew disagreed; instead, he poisoned his uncle and destroyed the peace treaty, prompting a ferocious assault by the Portuguese, which ultimately led to the destruction of

53. Meznar, *supra* note 51.

54. Shore, *supra* note 52, at 59.

55. Mann & Hecht, *supra* note 48. This note focuses on the Palmares, finding that the group has been extensively researched by historians. See João José Reis & Flávio dos Santos Gomes, *Quilombo: Brazilian Maroons During Slavery*, CULTURAL SURVIVAL Q. (Apr. 28, 2010), <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/quilombo-brazilian-maroons-during-slavery> ("Palmares became the prototype of the quilombo in Brazilian historical and anthropological literature."); see Michael Glenn, *Remembering the Roots: Political Consciousness in the Quilombo Pitanga de Palmares in a Modernizing Society* 6 (2009) (unpublished independent study, School of International Training, Fortaleza, Brazil) https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1628&context=isp_col_lection ("The largest and longest-surviving quilombo in Brazil, Palmares, has gotten the most attention in academia.").

56. Mann & Hecht, *supra* note 48.

57. *Id.*

58. *Id.*

the Palmares.⁵⁹ Many continued to fight in smaller groups, but others joined different Maroon communities or assimilated.⁶⁰

This example highlights several key points. First, the Palmares successfully fought against the Portuguese, even obtaining a peace treaty, demonstrating this Maroon community's success in achieving racial and environmental justice. Second, although many Quilombolas died in their freedom fight, their deaths were not in vain; despite its destruction, the Palmares settlement remains a symbol of resistance today.⁶¹

This symbolic form of resistance, at the core of the maroonage framework, inspired their descendants to continue the fight against the environmental and racial injustices tied to the Quilombolas' land and to assert their existence, identity, and recognition as people of African descent deserving of equal treatment.⁶²

Since the seventeenth century, the Quilombolas have continued to fight for environmental and racial justice. After slavery was abolished in Brazil in 1888, the Quilombolas' tactics had to adapt to the shifting legal landscape, as they were no longer fighting against an overt racialized system of subjugation.⁶³ During the 1980s, Quilombolas, inspired by the enduring echoes of their ancestors' tactical resistance strategies, reframed their fight for environmental protection in a language that the Brazilian government could not ignore.⁶⁴ A language more attuned to the political climate at the time. This form of resistance was grounded in rights based on race and ethnicity, which proved successful as the government began to listen to the Quilombolas' demands for recognition and protection.⁶⁵

With the return of democracy under a new regime and president in 1985, and the persistent mobilization and lobbying of the

59. *Id.*

60. *Id.*

61. *Id.*; Marina Urdapilleta, *Quilombos, Colonial Brazil's Escaped Slave Communities*, THE COLLECTOR (Sept. 4, 2025), <https://www.thecollector.com/quilombos-colonial-brazils-escaped-slave-communities>.

62. Shore, *supra* note 52, at 68.

63. Edward Shore, *A Dream Deferred: The Emergence and Fitful Enforcement of the Quilombo Law in Brazil*, 101 TEX. L. REV. 707, 735 (2023).

64. *Id.* at 733.

65. *Id.*

Quilombolas and antiracist coalitions, legislatures were compelled to recognize the rights of the Brazilian Maroons, particularly their claims to their ancestral land.⁶⁶ In 1988, the Brazilian government ratified a new constitution. In Article 68 of the Constitution, the government specifically recognized Quilombolas' rights to the lands their ancestors occupied, granting them formal titles, legal ownership, and protection against removal or expropriation.⁶⁷

Brazil's efforts to recognize Maroon land rights marked a significant step towards environmental justice. It demonstrated that the Quilombolas' fight was not in vain. Indeed, their fight became a driving force that compelled the Brazilian government to confront the historical injustices surrounding their land.⁶⁸

The Quilombolas' fight for environmental justice not only opened the door to the titling and protection of Quilombola land, but also shifted racial politics in Brazil. After years of overlooking the African influence in Brazilian society, the government began to make conscious efforts to recognize Afro-Brazilian history and culture. For example, Dia da Consciência Negra (Black Awareness Day), a day that symbolizes the spirit of resistance, commemorates the death of the Palmares leader Zumbi, and recognizes the African ancestry that shaped Brazil.⁶⁹ Moreover, the passage of Article 68 contributed to a broader recognition of black Brazilians, leading to the enactment of racialized public policies and affirmative action initiatives in higher education.⁷⁰ For instance, in 2003, the Brazilian government enacted Law No. 10.639, mandating that public schools and private elementary and secondary schools teach Afro-Brazilian History and Culture.⁷¹

Although Maroon communities in Brazil have made significant strides and achieved great successes, there is still much work to be

66. *Id.* at 725.

67. *Id.* at 712–13.

68. *Id.* at 713.

69. Nat'l Geographic Braz. Ed. Staff, *Dia da Consciência Negra: O que é e por que se celebra em 20 de novembro*, NAT'L GEOGRAPHIC BRAZ. (Nov. 20, 2023), <https://www.nationalgeographicbrasil.com/cultura/2023/11/dia-da-consciencia-negra-o-que-e-e-por-que-se-celebra-em-20-de-novembro>.

70. Shore, *supra* note 63, at 713.

71. *Lei No. 10.639, de 9 de janeiro de 2003*, Diário Oficial da União de 10/1/2003, Seção 1, Página 1(Braz.).

done to ensure racial liberation and the attainment of land rights.⁷² Nonetheless, when viewed collectively, Brazilian maroonage provides historical evidence that the Quilombolas' fight for freedom gave rise to environmental justice, which, in turn, led to racial liberation throughout Brazil.

3. Colombia

Similar to Jamaica and Brazil, when enslaved Africans were brought to Colombia, a fraction of them escaped to the forests and other remote regions to escape European subjugation. In the early seventeenth century, enslaved Africans were brought to Colombia to be used mainly in the gold mines and for agricultural purposes.⁷³ Different Maroon communities evolved depending on where they settled.

The most famous and still-surviving Maroon community is San Basilio de Palenque.⁷⁴ Under the leadership of King Benkos-Bioho, Colombian Maroons found suitable land with ideal conditions where they could establish their own territory distant from Spanish control.⁷⁵ To protect themselves from outsiders, they fortified their newly established territory with wooden barricades, a practice that gave rise to the name Palenque, meaning "fortified settlement" or "walled city."⁷⁶ This village became a hub for runaway slaves, as the

72. Shore, *supra* note 63, at 734–46.

73. Anthony McFarlane, *Cimarrones and Palenques: Runaways and Resistance in Colonial Colombia*, 6 *SLAVERY & ABOLITION* 131, 131 (1985).

74. Palenque de San Basilio has a population of approximately 3,500 inhabitants and is located in the Montes de María, southeast of the capital, Cartagena. Palenque de San Basilio was declared an Intangible Cultural Heritage of Humanity. *Cultural Space of Palenque de San Basilio*, UNESCO, <https://ich.unesco.org/en/RL/cultural-space-of-palenque-de-san-basilio-00102> (last visited Dec. 15, 2025). "[Palenque de San Basilio] is the most famous Colombian palenque." Tiago Rogero, *Historic Town Founded by Black Colombians Fleeing Slavery Eyes Second 'Independence'*, *THE GUARDIAN* (Oct. 19, 2025), <https://www.theguardian.com/world/2025/oct/19/black-colombians-palenque-freed-slavery>.

75. Bernd Reiter, *Palenque de San Basilio: Citizenship and Republican Traditions of a Maroon Village in Colombia*, 11 *J. CIV. SOC'Y* 333, 335 (2015).

76. *Id.* at 334–35.

people actively sought to free enslaved Africans arriving in the country.⁷⁷

Under the leadership of King Benkos-Bioho, the Palenque people launched multiple attacks on Spanish authority for over a decade.⁷⁸ Unable to resist the Palenque people's fight for racial and environmental freedom, the Spanish authority ceded.⁷⁹ In 1613, the governor offered the Palenque people a peace treaty, which they ultimately signed, believing it ended the war with the Spanish.⁸⁰ However, the Spanish authorities eventually violated the treaty and killed King Benkos-Bioho.⁸¹ Nevertheless, even after his death, the spirit of resistance continued to live on and only grew stronger, allowing them to continue the fight for freedom.⁸²

After King Benkos-Bioho's death and decades of continued guerrilla warfare, the Spanish again could not withstand the Palenque people. In 1691, the Spanish crown issued a royal decree declaring the Palenque people free.⁸³ However, it was not until 1714 that the Palenque land was finally recognized as an independent territory, belonging to the Palenque people.⁸⁴

The Palenque Maroons in Colombia are significant because they have remained a free people with their own land from their inception to the present. Because of the Palenque Maroons' efforts to foster and protect the environment in which they lived, they gained both environmental and racial freedom. Professor Ludmila Ferrari notes that, "While other maroon communities were destroyed or dispersed, Palenque remained united as a community and preserved its creole language, its 'African' dances, its social organization in 'kuagros,'

77. *Id.* at 335.

78. Omar H. Ali, *Benkos Biohó: African Maroon Leadership in New Grenada*, in *ATLANTIC BIOGRAPHIES: INDIVIDUALS AND PEOPLES IN THE ATLANTIC WORLD* 263 (Jeffrey A. Fortin & Mark Meuwese eds., 2013).

79. *Id.* at 263–64.

80. *Cultural Space of Palenque de San Basilio*, INT'L CTR. FOR THE PROMOTION OF HUM. RTS. (CIPDH-UNESCO), <https://www.cipdh.gob.ar/memorias-situadas/en/lugar-de-memoria/espacio-cultural-de-palenque-de-san-basilio/> (last visited Dec. 15, 2025).

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.*

the mortuary ritual of ‘lumbalú,’ as well as a number of native traditions, many of which have unmistakable Bantu roots.”⁸⁵

Today, Palenque is a Maroon community off the outskirts of Cartagena with its own culture, governance, and even its own language, all derived from their African ancestry preserved by the environment used in their fight against racialized subjugation.⁸⁶ In 2008, Palenque was inscribed on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity.⁸⁷

Taken together, these case studies present enduring features of maroonage that have been distilled to formulate the framework discussed in the following section.

C. THE MAROONAGE FRAMEWORK

This Note views the fight against environmental justice and racism through a maroonage framework. This analytical conception draws on the commonalities of maroonage across history and the world, evident in most, if not all, Maroon communities.⁸⁸ Additionally, as presented throughout this Note, this framework can be applied to temporal and geographic contexts beyond chattel slavery and the Caribbean.

At the core of any maroonage framework is the spirit of resistance.⁸⁹ As seen in historical excavations of Maroon

85. ARMIN SCHWEGLER ET AL., ORALITY, IDENTITY, AND RESISTANCE IN PALENQUE (COLOMBIA): AN INTERDISCIPLINARY APPROACH 130 (2017).

86. *Cultural Space of Palenque de San Basilio*, *supra* note 74.

87. *Id.*

88. Barbara Klamon Kopytoff, *The Early Political Development of Jamaican Maroon Societies*, 35 WM. & MARY Q. 287, 287–307 (1978) (“Maroon societies had a number of common characteristics. Some of these shared features arose either directly or indirectly from their outlaw status—the almost inaccessible locations of their villages, their skill at guerrilla warfare, the harsh discipline demanded by their military organization, and their partial dependence on the colonial society for recruits, arms, ammunition, and other supplies. Other common features had their roots in the plantation societies they had fled—the sexual imbalance of their populations, and their common African background combined with their African ethnic diversity.”). *Id.*

89. Terry Weik, *The Archaeology of Maroon Societies in the Americas: Resistance, Cultural Continuity, and Transformation in the African Diaspora*, 31 HIST. ARCHAEOLOGY 81, 84 (1997) (explaining that Maroons were among the first Americans in the wake of 1492 to resist colonial domination, striving for

communities, resistance to European colonialism and attacks on their environment are fundamental principles of maroonage.⁹⁰ The maroonage framework also relies on four distinct but related features: mobilization, community, environmental interrelationships, and leveragability, which will be described further and applied to the contemporary fight for racial freedom.

1. *Mobilization*

The first feature is mobilization. It is the practice of preparing and organizing one's community to fight against a common foe—the oppressor. Every Maroon community examined thus far was strategic in its deployment of troops to fight the Europeans, often resulting in victory.

2. *Community*

The second feature is community. Throughout the literature and case examples, there is no dichotomy between the Maroons and their community. Every Maroon society to date features maroonage as a group of enslaved Africans fleeing the plantations and finding a place where all those who fled could call home. Through this community-oriented approach, Maroons addressed issues within their own communities, often focusing on self-preservation, rather than widespread change. The primary goal was to protect their specific community, which proved advantageous. This approach, however, does not negate the fact that their community-level approach to freedom fighting achieved macro-level change and liberation in some instances. In fact, it welcomes it.

3. *Environmental Interrelationship*

The third element is environmental interrelationship. Maroonage consistently features a distinct relationship with the people and their environment. Embedded in environmental interrelationships is a critical space perspective that examines how space and place shape

independence, forging new cultures and identities, and developing solidarity out of diversity).

90. *Id.*

social movements within certain communities.⁹¹ Within the maroonage framework, the third element particularly explores how the environments and landscapes of the Maroons influenced the formation of social movements of resistance and land claims, and sheds light on the Maroons' strategic approaches to warfare. In all, this environmental interrelationship was necessary for protecting the Maroon environment and for their success in their freedom fight.

4. *Leveragability*

The last feature of the maroonage framework is leveragability. The Maroons used the resources at their disposal to resist the European forces that invaded their land. Central to this concept is how the Maroons leveraged their environment in their fight for freedom. Freedom for the Maroons often relied upon the topographic characteristics of their environment.

PART 2: THE MAROONAGE FRAMEWORK APPLIED TO THE ENVIRONMENTAL JUSTICE STRUGGLE

This section will apply the maroonage framework to current environmental and racial struggles. Using the framework, this Note examines how each feature, when applied separately or together, can contribute to the fight for racial and environmental freedom, and shows that race and respect for the environment are inextricably linked and not merely a correlative. As presented below, not every example resulted in an environmental legal success; however, each example showcases how, when each feature is applied, we arrive a step closer to our goal of freedom.

A. MOBILIZATION

To be successful in their fight for racial liberation, the Maroons had to mobilize—come together. They did this by finding a common ground, which was the environment, and then organizing. Mobilization is not a new phenomenon in the environmental justice

91. ULRICH OSLENDER, *THE GEOGRAPHIES OF SOCIAL MOVEMENTS: AFRO-COLOMBIAN MOBILIZATION AND THE AQUATIC SPACE* 16 (2016).

literature, but has been sparsely used in the fight for racial environmental justice.

Today, mobilization is crucial for people of color in their fight for environmental justice. Take, for example, Professor Rivkin and his team's work in the Appalachian Mountains, where they mobilized residents to fight environmental injustice.⁹² In the Appalachian mountains, the poverty and environmental degradation of the mountain were closely linked to the exploitation of the region's coal mining.⁹³ To successfully address this issue, his team mobilized local action by working with on-the-ground groups in Appalachia and members of the Appalachian community.⁹⁴ Their efforts began with collecting data and developing legal arguments to use in Congress and support litigation.⁹⁵ He spoke about the "Listening Project," which "involves going door-to-door in a community to listen to the concerns and questions of residents about a particular issue," which he deemed important as it was one of the first steps to ensuring the greater community was involved in their efforts.⁹⁶ To further mobilize the people in this area, they ensured their work reached a wide audience by amplifying awareness through newspapers, press releases, blockades, and protests.⁹⁷ Although their efforts to effectuate legal change were not as promising as they had hoped, their work raised awareness of the issues plaguing the Appalachian community. It galvanized the people to continue the fight for environmental justice, an essential feature of the maroonage framework.

In another instance, civil rights leaders and community activists mobilized in 1982 to protest the placement of a toxic waste dump in a predominantly African American neighborhood located in Warren County, North Carolina.⁹⁸ Although their efforts did not stop the

92. See generally Dean Hill Rivkin, Chris Irwin & Anne Passino, *Strip-Mining and Grassroots Resistance in Appalachia: Community Lawyering for Environmental Justice* (Univ. of Tenn. Legal Stud. Rsch. Paper Series, Paper No. 85, 2009).

93. *Id.* at 2–5.

94. *Id.* at 10–13.

95. *Id.* at 20.

96. *Id.* at 14.

97. *Id.* at 16, 20.

98. See generally Bradford C. Mank, *Title VI and the Warren County Protests*, 37 GOLDEN GATE U. ENVTL. L.J. 73 (2006).

landfill's development, their mobilization efforts sparked national discourse on environmental racism, catalyzed greater research and policy work in the environmental justice arena, and further developed Environmental Justice Studies.⁹⁹ While these examples did not result in legal success, they nonetheless illustrate how mobilization can contribute to environmental and racial justice, even when their initial goals are not realized. This reflects the enduring legacy of mobilization under the maroonage framework as presented in the case studies: even when battles against Europeans were lost, meaningful advances still occurred in other ways.

Nevertheless, there are several instances of mobilization in which the initial goal is achieved. For example, in *El Pueblo para el Aire y Agua Limpia v. Chemical Waste Management*, the residents of Kettleman City, California, which is 95% Latino, mobilized to block the state's first hazardous waste facility after the company and government's environmental impact reports failed to analyze air quality concerns and failed to provide information about the facility in Spanish, resulting in inadequate public participation.¹⁰⁰ As a result, the court ordered the government to rescind the permit permitting the facility's construction.¹⁰¹ Separately in Washington, D.C., in 2000, after arising problems of sewage discharge in the Anacostia River and other D.C. waters, citizen groups, including the Sierra Club and Anacostia Watershed Society, mobilized to file suit against the District of Columbia Water and Sewer Authority (DC Water), alleging violations of the Clean Water Act.¹⁰² The case resulted in a consent decree through which the Sewer Authority agreed to implement substantial updates to the D.C. sewer system.¹⁰³

99. *Id.*; see LEGAL AID OF N.C., A BRIEF LEGAL HISTORY OF THE ENVTL. JUSTICE MOVEMENT IN NORTH CAROLINA 1–3 (2024) <https://www.fairhousingnc.org/wp-content/uploads/2024/10/A-Brief-Legal-History-of-the-Environmental-Justice-Movement-in-North-Carolina-1.pdf>.

100. Maria Ramirez Fisher, *On the Road from Environmental Racism to Environmental Justice*, 5 VILL. ENVTL. L.J. 449, 474 (1994).

101. *Id.*

102. Clifford J. Villa, “Don’t Blame the Flint River”, 52 ENVTL. L. 341, 349 (2022).

103. *Id.*

B. COMMUNITY

The second feature of the maroonage framework is the importance of community (defined as local-level issues). The Maroons met oppression with community-level resistance. In the environmental justice realm, a significant focus is placed on macro-scale initiatives—passing laws in Congress and addressing issues within the U.S. Environmental Protection Agency (EPA).¹⁰⁴ However, community-level initiatives are an equally viable path to environmental justice. In fact, the clearest environmental justice victories have occurred at the local level, and for good reason.¹⁰⁵ First, after many environmental victories at the federal level, implementation must take place at the state and local levels. Therefore, the community level becomes the battleground for environmental justice. After all, it is normally private and local actors, rather than federal actors, who commit or permit environmental transgressions within a community.

Likewise, local communities increasingly have become responsible for the development, regulation, and implementation of environmental policy. It is local, state, and city governments that issue land use permits for factories, the location of waste sites, and other infrastructure that pollute the air and water in communities of color. For example, the Flint, Michigan, water crisis was primarily attributed to the state and local governments. Other environmental issues within Flint have been linked to decades of Genesee County's voting to place polluting factories in and around Flint, where the majority of the black residents of the county reside.¹⁰⁶ Similarly, in an effort to eliminate public health concerns caused by sewage waste,

104. Josh Sanburn, 'Series of Government Failures' Blamed for Flint Water Crisis, TIME (Mar. 23, 2016), <https://time.com/4269300/flint-task-force-report-water-crisis/>; Kimberlianne Podlas, *A New Sword to Slay the Dragon: Using New York Law to Combat Environmental Racism*, 23 FORDHAM URB. L.J. 1283, 1283 (1996).

105. Podlas, *supra* note 104, at 1283. Podlas notes her surprise that attention has largely focused on the federal level "because state laws commonly provide remedies when federal laws do not. In fact, it is their historically greater dynamism that makes state laws the most fertile ground for developing environmental remedies." *Id.*

106. David Handelman-Holmes, *The Dormant Power of State Agencies to Fight Environmental Racism*, 123 MICH. L. REV. 928, 930 (2025).

Seattle city officials permitted waste to be redirected from the city into the Duwamish River, polluting it and killing the fish.¹⁰⁷ Uncoincidentally, the Duwamish River is home to indigenous people who have lived there for over 1,000 years, and other communities of color.¹⁰⁸

Like the community approach used under maroonage, which did not always yield widespread victories for every Maroon community, community-level activism may not yield immediate change for every community-facing environmental threat. Nonetheless, the community approach can still bring us one step closer to protecting our environments and attaining racial liberation. The case *In re: American Marine Rail* illustrates this point.¹⁰⁹

In re: American Marine Rail, an administrative law judge (ALJ) reviewed challenges to environmental permits for a barge-to-rail solid waste transfer station along the East River in the South Bronx.¹¹⁰ Initially, the Department determined that there was no significant environmental impact and declined to require an Environmental Impact Statement (EIS).¹¹¹ During a public hearing, over 300 residents voiced concerns about bringing “the additional 5,200 tons of solid waste [per day] to an area where poor and minority people reside, and that is already the site of a number of transfer stations and other waste-related facilities.”¹¹² After reviewing the State Environmental Quality Review Act and potential cumulative impacts, the ALJ decided that an EIS was necessary.¹¹³ *American Marine Rail* remains a precedent affirming an ALJ’s authority to require an EIS regarding environmental justice concerns and may have inspired ongoing efforts to codify this requirement in New York State law.

Ultimately, politics play an essential role in shaping the extent to which environmental change can be achieved at the national level. As the current regime continues to attack decision-making power at the

107. Villa, *supra* note 102, at 355.

108. *Id.* at 354–55.

109. See generally *In re American Marine Rail, LLC.*, 2000 WL 1299571 (N.Y. Dep’t of Env’tl. Conservation Aug. 25, 2000).

110. *Id.*

111. *Id.* at 2.

112. *Id.*

113. *Id.* at 7.

state and local government levels, a community-based approach remains an important tool in the struggle for environmental and racial justice.

C. ENVIRONMENTAL INTERRELATIONSHIP

The third lesson that we learn from the maroonage framework is the importance of one's relationship with the environment. As described previously, the Maroons' relationship with the environment can be analyzed through a critical-place framework. This framework exposes how social movements are constituted by particular geographies on the ground, or, as Edward Shore notes, "a powerful sense of belonging" to the land.¹¹⁴

For the maroonage framework to truly be effective in the fight for environmental justice, the people must have a deep connection to and sense of belonging to the land they plan to protect. In its simplest form, if there is no sense of belonging or connection to the environment they live in, they will not be motivated to fight for it. As this Note demonstrates, people are often motivated once they or their family are negatively affected by environmental threats.

However, people of color can also effectively fight environmental injustice before it becomes injurious. Instead, they should consistently build collective responsibility within the environments where they live. From this perspective, the goal is to create a sense of agency within communities—one where community members garner care and concern for the environments they occupy, where the overarching objective is to protect their way of life against an external power.

Empirical research supports the notion that connection and feelings of belonging to an environment increase environmental responsibility. In a study of youth in Colorado who spent the summer in nature-resource-based work programs, Professor Vaske and researcher Kobrin found that these youths developed a connection to the environment, leading to increased environmentally responsible behavior. In essence, encouraging an individual's connection to a natural setting can facilitate the development of environmentally

114. Shore, *supra* note 52, at 59.

responsible behavior.¹¹⁵ Similarly, although outside of the United States, Dr. Xie and Dr. Wang examined how residents' attachment to a place in a national park gateway community influences environmentally responsible behavior. They found that place dependence shapes behavior indirectly through place identity, that both dimensions of place attachment strengthen environmental commitment, and that environmental commitment, in turn, promotes environmentally responsible behavior.¹¹⁶ Taken together, an individual's connection to the environment serves as a foundational basis for effective environmental advocacy in the fight for environmental and racial justice.

D. LEVERAGE

The fourth and final feature of the maroonage framework is the importance of leveraging. The Maroons leveraged what they had available—the environment—to resist European threats.¹¹⁷ To prevail in the fight for environmental justice, people of color need to leverage the tools already at their disposal.

The first tool is Title VI of the Civil Rights Act of 1964. Title VI requires that no program or activity receiving federal funding discriminate on the basis of race, color, or national origin.¹¹⁸ As such, anyone in violation of the Act will lose or be prohibited from receiving federal funding.¹¹⁹ This law has been interpreted to forbid intentional discrimination and actions that result in disparate impact.¹²⁰ To bring a claim under Title VI, the aggrieved party of an environmental injustice must write a letter to the EPA, which then decides whether it will accept the complaint, commence an

115. See generally Jerry J. Vaske & Katherine C. Kobrin, *Place Attachment and Environmentally Responsible Behavior*, 32 J. ENVTL. EDUC. 16 (2001).

116. See generally Xiangxiang Xie & Zenong Wang, *The Impact of Place Attachment on the Environmentally Responsible Behavior of Residents in National Park Gateway Communities and the Mediating Effect of Environmental Commitment: A Case of China National Park*, 15 FRONTIERS IN PSYCH. 1 (2024).

117. Shore, *supra* note 52, at 59–64.

118. Machara McCall, *Environmental Racism: The U.S. EPA's Ineffective Enforcement of Title VI of the Civil Rights Act of 1964*, 13 S.J. POL'Y & JUST. 49, 63 (2019).

119. *Id.*

120. *Id.*

investigation, and ultimately come to a decision on the complaint.¹²¹ Therefore, environmental racial justice advocates have an avenue to litigate environmental laws and programs that are intentionally discriminatory or have a disparate impact.

I must concede, however, that, unsurprisingly, many of the claims brought under this law have failed, and in light of the decline of the administrative state, our conservative Supreme Court, and the policies advanced during the second Trump administration, the future of this avenue may seem futile. However, there is still hope. The Supreme Court has not foreclosed this method as a means of bringing claims; as such, we should not either. As Professor Deborah Sivas acknowledges, “th[is] law can still provide a vehicle for elevating long-festering environmental injustices in the public consciousness.”¹²² To make Title VI more useful, environmental justice advocates can complement their Title VI complaints with organizing strategies, such as public demonstrations, targeted media campaigns, and local legislative initiatives. Together, these efforts can create a foundation for highlighting environmental injustice.

Aggrieved parties can also bring common law actions, which can result in damages and injunctions.¹²³ For instance, parties frequently bring nuisance claims for environmental threats because it does not require the plaintiff to prove a direct physical invasion of property, which is important because environmental threats seldom directly affect one’s property.¹²⁴ A plaintiff bringing a nuisance claim can also seek injunctive relief, which is important if one’s goal is to quell environmental threats within a community.¹²⁵ In other instances, parties could bring trespass and strict liability claims.¹²⁶ Although trespass claims require that the plaintiff demonstrate physical invasion, they cover issues such as chemical and oil dumping on a

121. Valerie P. Mahoney, *Environmental Justice: From Partial Victories to Complete Solutions*, 21 CARDOZO L. REV. 361, 395 (1999).

122. Deborah A. Sivas, *The Future of Environmental Justice Claims Under Title VI: Can the “Sleeping Giant” Finally be Awakened?*, 21 STAN. J. C.R. & C.L. 105, 109 (2025).

123. Walter Willard, *Environmental Racism: The Merging of Civil Rights and Environmental Activism*, 19 S.U. L. REV. 77, 86 (1992).

124. *Id.* at 86–89.

125. Maryum Jordan, *Reflections on Fighting Environmental Racism in St. John the Baptist Parish, Louisiana*, 57 HARV. C.R.-C.L. L. REV. 439, 455 (2022).

126. *Id.*

neighboring property.¹²⁷ Strict liability claims, on the other hand, allow plaintiffs to bring claims for abnormally dangerous activity, but only permit monetary damages.¹²⁸ Despite the limitations each cause of action may present, they remain methods that can be leveraged in this fight against environmental racism and injustice.

Various environmental statutes can also be harnessed to combat environmental racism. Some of these statutes include the Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Recovery and Conservation Act, Comprehensive Environmental Response, Compensation, and Liability Act, Endangered Species Act, and the Emergency Planning and Community Right to Know Act.¹²⁹

To understand how these statutes can be leveraged, it is helpful to examine them in practice. An illustrative case is the use of the Clean Water Act by the city of Flint, Michigan.¹³⁰ In 2015, residents petitioned the EPA to use its emergency powers authorized under the Clean Water Act to address the water contamination dilemma.¹³¹ As a result, the EPA issued an order authorizing them to monitor lead levels in the water and ordered the city of Flint to monitor water quality, reduce pollutants, and improve water quality.¹³²

Another illustrative case is the residents of St. John the Baptist Parish's use of the Clean Air Act.¹³³ The St. John the Baptist Parish region of Louisiana is home to Denka, the only neoprene production facility in the United States, which includes a plethora of pollutant-emitting chemical plants and oil refineries that have led to high rates of cancer diagnoses in the area.¹³⁴ Indeed, the parish has a black majority population, and black residents make up 94% of the population within one mile of the neoprene production facility.¹³⁵ After studying the effects of pollution in the area and its links to cancer, residents brought an emergency powers petition to the EPA

127. *Id.* at 456.

128. Willard, *supra* note 123, at 86.

129. Jordan, *supra* note 125, at 451–52.

130. *Id.* at 465.

131. *Id.*

132. *Id.*

133. *Id.* at 464–66.

134. *Id.*

135. *Id.*

in 2015, asking that it use its emergency powers under Section 7603 of the Clean Air Act, which authorizes the EPA to bring civil actions against a facility whose air emissions are “an imminent and substantial endangerment to public health or welfare, or the environment,” against Denka.¹³⁶ In 2023, the EPA filed this complaint against Denka under the Clean Air Act, and in 2025,¹³⁷ Denka announced that it would suspend production indefinitely.¹³⁸ Although these statutes do not directly address racial discrimination, the illustrative cases demonstrate the impact they can have in mitigating environmental racism and achieving racial justice.

Understandably, there has been a litany of complaints from academics and laypeople alike about the ineffectiveness of our legal framework to address environmental issues. Many of the laws and regulations leave communities of color helpless against environmental threats. Highways, waste plants, factories, and the like are built near or in communities of color, increasing air pollution, contaminating water, and degrading the landscape. Legal efforts may not be enough to prevent these occurrences. I agree with many of the contentions. However, the Maroons did not complain about what they had; they used what was there to fight in the resistance. Therefore, following the maroonage framework, I suggest that, while there may be frustrations, communities of color should still use the mechanisms available to them.

CONCLUSION

The urgency to confront environmental and racial injustice is undeniable. The pernicious effects of environmental racism are harming people of color. While the environmental justice movement

136. *Id.* at 464.

137. Press Release, U.S. Env'tl. Prot. Agency & U.S. Dep't of Just., EPA and Justice Department File Complaint Alleging Public Health Endangerment Caused by Chloroprene Emissions from Denka Performance Elastomer Facility in Louisiana (Feb. 28, 2023), <https://www.epa.gov/newsreleases/epa-and-justice-department-file-complaint-alleging-public-health-endangerment-caused>.

138. Oliver Laughland, *Louisiana: Controversial Denka Plant Suspends Production After Dire Losses*, THE GUARDIAN (May 13, 2025), <https://www.theguardian.com/us-news/2025/may/13/louisiana-denka-plant-cancer-alley>.

has made significant strides, substantial challenges still exist. This Note has offered the maroonage framework as an alternative method in the fight for environmental and racial justice. This model was of particular interest because the Maroons' fight for racial justice was inextricably linked to environmental justice through their respect for the natural environment. By applying guiding principles derived from maroonage, this Note has developed a practical approach that environmental justice advocates can and should employ in this fight. This approach proved successful for many Maroon communities, as demonstrated by the case examples of Jamaica, Brazil, and Colombia, and should similarly yield success for people of color in the United States. More importantly, this approach should encourage and inspire others to join the fight for environmental justice. It should similarly encourage other critical race scholars, especially those focused on environmental issues, to look to historical examples of groups that resisted racial and environmental injustice, and to employ those techniques in this contemporary fight. The fight for racial and environmental justice is not over. Although efforts might seem bleak at times, we must continue to fight until people of color receive racial justice and protections against environmental harm.