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## An ecofeminist comparative analysis of American environmental laws from 2019 to 2021

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## **An ecofeminist comparative analysis of American environmental laws from 2019 to 2021**

### **Introduction**

This paper investigates the relationships between ecofeminism and American environmental laws enacted between 2019 and 2021. While researchers have studied ecofeminism since the 1970s (d'Eaubonne, 1999; Cuomo, 2002), few studies have examined the relationships between ecofeminism and the law. Through a comparative analysis of two laws related to the environment, this paper explores the following question: To what extent do American environmental laws enacted between 2019 and 2021 correspond to Karen Warren's ecofeminist framework for policy analysis?

### **Literature Review**

Ecofeminism has existed in academic circles for almost fifty years. Françoise d'Eaubonne originated the term in the mid-1970s (Wang, 1999). Within that time, researchers have studied this theoretical perspective in the context of disciplines such as psychology (Wang, 1999), philosophy (d'Eaubonne, 1999; Cuomo, 2002), politics (MacGregor, 2004), literature (Leach, 2007), and business (Stevens et al., 2013).

Ecofeminist theory aims to critique oppressive and patriarchal social systems (Warren & Cheney, 1991). These systems rely on three primary components: 1) hierarchical dualism, which justifies the superiority of men; 2) value dualism, which assigns value to men and women based on status; and 3) the logic of domination, which asserts the superiority of man over woman (Wang, 1999; Cuomo, 2002). Ecofeminist theory states that humans and nature are intimately connected (Wang, 1999; Cuomo, 2002; Glazebrook, 2002), and posits that the logic of domination authorizes men to place their interests before those of others (Wang, 1999). Furthermore, it asserts that

systems that allow discrimination based on humans' social or physical qualities also tolerate the discrimination or exploitation of nature (Wang, 1999).

In the late 1980s, ecofeminist Karen Warren argued for an intersectional relationship between feminism and environmentalism; that both groups should be aware of oppressive forces affecting the other (Cuomo, 2002, Glazebrook, 2002). Warren argued for ecofeminism as a philosophical school of thought, embedded with feminist philosophy and ethics. According to Warren, ecofeminism "attempts to unite the demands of the women's movement with those of the ecological movement to bring about a world and worldview that is not based on socioeconomic and conceptual structures of domination" (Warren & Cheney, 1991). In this way, she saw ecofeminism as a mechanism for dismantling oppressive social, economic, and political systems (Cuomo, 2002). Warren suggests that a strong analysis of environmental issues involves an understanding of the experience of such historically marginalized communities as women, the poor, Indigenous people, and people of color. This context allows one to create laws that empower and support these groups (Glazebrook, 2002).

### **Methodology**

This study utilizes Warren's ecofeminist framework for analyzing environmental legislation. There are three criteria (Cuomo, 2002; Warren & Cheney, 1991) that make up this framework:

- 1) The policy or law states the impacts of the legislation on women or the advancement of gender equality;
- 2) The policy or law states the impacts of the legislation on Indigenous communities, communities of color, or other historically marginalized groups;

- 3) The policy or law provides solutions for current environmental issues and proposes advancements in nature, science, and technology (Cuomo, 2002; Warren & Cheney, 1991).

Utilizing this framework, I completed a comparative analysis of two laws, H.R.3684 (Infrastructure Investment and Jobs Act), and S.914 (Coordinated Ocean Observations and Research Act of 2020).

## **Observations**

### **Coordinated Ocean Observations and Research Act of 2020**

The Coordinated Ocean Observations and Research Act of 2020 (the act) reestablishes a federal aquatic monitoring and data management system to advance research and development in marine, freshwater, and coastal infrastructure and ecosystem management practices (COORA, 2020). Specifically, the act reinstates the Integrated Ocean Observing System (IOOS), a national program that monitors changes in U.S. ocean, coastal, and Great Lakes ecosystems. This system consists of 17 federal partners, 11 regional partners, and hundreds of monitoring stations and equipment (NOAA, 2022a). The IOOS's target users include the U.S. military, the maritime shipping industry, resource managers and ecosystem scientists, and academic institutions. Regional branches of the system directly address the needs of stakeholders, including tribal groups (COORA, 2020). For example, the Northwest Association of Networked Ocean Observing Systems (NANOOS) in the Pacific Northwest has partnerships with tribal authorities and includes tribal members on their governing council (NANOOS, 2022a).

The act makes data access more feasible for research and scientific advancements in fields such as food systems, ecosystem restoration and conservation, and climate change (COORA, 2020). For example, the IOOS national and regional data portals contain over 11,000 open-source

datasets that are easily accessible for a variety of applications (NOAA, 2022b). Through data analysis and modeling with systems such as the IOOS, the act protects the health and sustainability of our oceans, coasts, and the Great Lakes, as well as improves predictive abilities in weather forecasting and infrastructure (COORA, 2020).

Within the act is a strong focus on ocean acidification, including a required Ocean Chemistry Coastal Community Vulnerability Assessment which “identifies United States coastal communities, including island communities, fishing communities, low-population rural communities, tribal and subsistence communities, and island communities, that may be impacted by ocean acidification” (COORA, 2020). This part of the act in particular is important for many groups who rely on fishing and the oceans for economic and cultural reasons.

The act also amends a portion of the Federal Ocean Acidification Research And Monitoring Act of 2009 to include research activities focused on “the combined impact of changes in ocean chemistry and other stressors, including sediment delivery, hypoxia, and harmful algal blooms, on each other and on living marine resources, including aquaculture and coastal ecosystems” (COORA, 2020). Hypoxia or low levels of dissolved oxygen (Chan et al., 2019) has detrimental effects on freshwater and marine ecosystems. Oxygen is a vital component of these ecosystems, ensuring the health of fish and other communities. Without enough dissolved oxygen, fish populations decline, ultimately impacting food sources for many Indigenous and coastal communities. The act includes several adaptation strategies such as “vegetation-based systems, shell recycling, species and genetic diversity, applied technologies, aquaculture methodologies, and management recommendations” (COORA, 2020). Vegetation-based systems in particular could serve as a weapon against acidification on a local scale, as plants can absorb the carbon dioxide that ultimately lowers the water's pH and increases acidification (Kelly et al., 2011).

Lastly, the act allocates funds for water resource monitoring and research on major hydrologic events such as flash flooding. Funding includes \$181 million spread over 4 years, from 2021-2024 (COORA, 2020).

### **Infrastructure Investment and Jobs Act**

The Infrastructure Investment and Jobs Act (the act) emphasizes upgrading the United States transportation system, as well as making advancements in the energy and manufacturing industries (Infrastructure Investment and Jobs Act, 2021). The act provides \$550 billion in funds for hundreds of projects focused on roads and bridges, rail, public transit, airports, and clean school buses and ferries. (House Committee on Transportation and Infrastructure, 2022). One of these projects is the \$1 billion Reconnecting Communities Pilot grant program established to link communities “previously cut off from economic opportunities by transportation infrastructure” (USDOT, 2022a). The grant program targets those communities who were historically cut off from resources such as education and healthcare and invests in projects to make those types of services more accessible (USDOT, 2022a).

A significant part of the act is electric vehicle (EV) charging infrastructure, pocketing \$7.5 billion in funds (House Committee on Transportation and Infrastructure, 2022). A portion of this money is dedicated to the National Electric Vehicle Infrastructure Formula Program (NEVI), a grant program that allocates funding for states to “strategically deploy EV charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability” (EGLE, 2022). States like Michigan, which received \$110 million in NEVI funds, aim to build up their current EV infrastructure to create a more sustainable transportation system and mitigate climate change through a decrease in the use of fossil fuels (EGLE, 2022).

The act also contains a significant focus on women and minorities. It addresses the current lack of women in the trucking industry, and creates the Women of Trucking Advisory Board to recruit, train, and educate female truckers to diversify the workforce and create more economic opportunities for women (Infrastructure Investment and Jobs Act, 2021). Underserved communities also benefit from the act's funding. For example, Indigenous groups receive \$3.5 billion to support tribal water infrastructure projects (House Committee on Transportation and Infrastructure, 2022). Additionally, \$15 billion is allocated for lead pipe replacement, the effects of which have disproportionately impacted low-income communities and communities of color throughout history (House Committee on Transportation and Infrastructure, 2022). Lastly, two-thirds of the USDOT's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant funds support projects located in underserved areas (USDOT, 2022b) such as \$22 million for the Qawalangin Tribe Port Infrastructure Improvement Project which will improve the supply chain and increase tribal food security in a remote region of Alaska (USDOT, 2022c).

### **Analysis**

A number of themes emerged upon review of the above laws and a further review of Warren's criteria. These themes include 1) the role of women, 2) the role of underserved groups, and 3) the potential for technological advancement.

#### **The role of women**

Both laws expound on the role of women in their respective texts. Despite comprising 47% of the U.S. workforce, only 6.6% of truck drivers are women (Infrastructure Investment and Jobs Act, 2021) As mentioned previously, H.R. 3684 establishes the Women of Trucking Advisory Board to bolster the number of women employed in the trucking industry (Infrastructure Investment and Jobs Act, 2021). In this way, H.R. 3684 takes steps to increase opportunities for

women and bridge the gender gap in a traditionally male-dominated field. According to Warren's criteria, an ecofeminist piece of legislation explicitly states how women will be impacted and contribute to the advancement of gender equality. While these topics are covered in H.R. 3684, the promotion of women in trucking is the primary example in its over 1,000 pages of text. Given this discrepancy, H.R. 3684 may be limited as an ecofeminist law since it provides so few solutions in the realm of gender equality. By contrast, S.914 does not explicitly include women in the potential results of the legislation, however, it does include impacts on fishing communities: “[the Ocean Chemistry Coastal Vulnerability Assessment] identifies gaps in understanding of the impacts of ocean acidification on economically or commercially important species, particularly those which support United States commercial, recreational, and tribal fisheries and aquaculture” (COORA, 2020). From this section of the law, it is possible to infer some potential impacts on women. For example, women play a large role in fishing and traditional indigenous knowledge (Lavoie et al., 2019). By identifying the impacts of acidification on species that support tribal communities, the law indirectly relates those impacts to the role of indigenous women. However, since these impacts are not explicitly mentioned in the text itself, it is difficult to classify the law as ecofeminist in this regard according to Warren’s framework.

### **The role of underserved groups**

The laws differ when it comes to the role of underserved groups. First, H.R. 3684 emphasizes funding opportunities and allows groups (state, local, tribal, etc.) to have autonomy over their projects. For example, the aforementioned Reconnecting Communities Pilot grant program (\$1 billion) plays a large role in this theme. The program prioritizes funding proposals from historically underserved groups so that they can mobilize and regain access to necessary resources, thus placing those communities at the forefront. The inclusion of these types of funding activities in the



legal text emphasizes the impacts of the law on historically underserved groups, which directly relates to Warren's ecofeminist framework. S.914, while inclusive of historically underserved groups such as Indigenous peoples, does not contain as substantive of impacts to these groups when compared to H.R. 3684. The law tends to include them as part of the regional IOOS branches, which "coordinate State, Federal, local, tribal, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal observing systems to ensure the provision of data and information that meet the needs of user groups from the respective regions" (COORA, 2020). This wording is not as specific as that of H.R. 3684, which gives direct examples of the impacts of the law on underserved groups. For this reason, it is again difficult to classify S.914 as an ecofeminist law due to a lack of specific, measurable impacts on historically marginalized groups.

### **The potential for technological advancement**

Both laws provide examples of potential technological advancements in their respective fields. As mentioned previously, H.R. 3684 focuses greatly on upgrading infrastructure systems and investing in electric vehicles. For example, the creation of programs that "increase transportation energy efficiency, including programs to help reduce carbon emissions in the transportation sector by 2050 and accelerate the use of alternative transportation fuels for, and the electrification of, State government vehicles, fleet vehicles, taxis and ridesharing services, mass transit, school buses, ferries, and privately owned passenger and medium- and heavy-duty vehicles" (Infrastructure Investment and Jobs Act, 2021) could result in long-term benefits to the transportation system and aid in the fight against climate change through the lowering of emissions. Here, one sees a government acting against a negative force such as climate change and providing solutions as well as a path forward; these actions correspond well to the third tenet of Warren's framework, whereby

solutions are proposed in legislation for environmental issues. Similarly, S.914 presents several potential scientific advancements as well concerning ocean acidification and monitoring. One solution discussed above is the use of “vegetation-based systems” such as kelp or seagrass to absorb dissolved carbon dioxide and prevent further acidification (COORA, 2020). Programs through the IOOS that “develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, including advanced observing technologies such as unmanned maritime systems” (COORA, 2020) improve scientists’ abilities to understand marine and Great Lakes ecosystems. Like H.R. 3684, S.914’s presentation of innovative steps forward conforms to Warren’s framework. One of Warren’s key points, particularly as it relates to the technology component of her framework, is that ecofeminist policies provide solutions and focus on a path forward rather than the damage created in the past (Cuomo, 2002) – both H.R. 3684 and S.914 meet this goal.

### **Interpretation**

The above analysis plays a vital role in determining if the selected American environmental laws meet Karen Warren’s framework for ecofeminist legislation. Again, Warren’s framework consists of three tenets: 1) the policy or law states the impacts of the legislation on women or the advancement of gender equality; 2) the policy or law states the impacts of the legislation on Indigenous communities, communities of color, or other marginalized groups; and 3) the policy or law provides solutions for current environmental issues and proposes advancements in nature, science, and technology (Cuomo, 2002; Warren & Cheney, 1991).

The analysis reveals that the selected laws partially meet Warren’s framework for ecofeminist policy analysis. H.R. 3684 fulfills categories two and three through an in-depth explanation of the impacts of the legislation on historically marginalized groups and provides

potential solutions to current environmental issues. S.914 fulfills category 3 through a discussion of proposed solutions to ocean acidification and the presentation of innovative concepts in marine and Great Lakes monitoring. It is important to note the significance of a law meeting a third or two-thirds of Warren's framework. While a law's legitimacy is not based solely on this framework, its ability to correspond to some or all of the categories (gender, underserved groups, technology) could indicate that lawmakers or the government value qualities like inclusivity and social justice.

Since both laws meet between one and two categories in Warren's framework for ecofeminist law, it is challenging to say whether lawmakers might utilize an ecofeminist lens when writing legislation. Multidisciplinary laws like H.R. 3684 that contain a broader focus are more likely to meet more of Warren's criteria, as they are conceptually extensive and have more space to touch on multiple different groups. After a comparative analysis of both laws, this study finds that interdisciplinary laws such as the Infrastructure Investment and Jobs Act (2021) have a greater potential for meeting more of Warren's criteria than more focused pieces of legislation like S.914.

### **Conclusion**

This study sought to examine the extent to which American environmental laws enacted between 2019 and 2021 correspond to Karen Warren's ecofeminist framework. The study found that the United States meets two criteria in H.R.3684, but only one in S.914.

There are a few limitations to this study, the first being the small sample size. A comparison between two laws is helpful to the theoretical issue, however, a larger sample size of three or more laws could constitute a more in-depth and comprehensive study. Second, Warren's model is Americentric. While this model proves useful for a study focused on environmental issues in the United States, it has little to no relevance to studies focused on countries outside the U.S.

The intersectional and interdisciplinary nature of ecofeminism means that there are many possibilities for future research. Studies in ecofeminist law could examine frameworks from different theorists. Also, the tradition needs more in-depth case studies of countries to expand the current knowledge base. Through the use of Karen Warren's ecofeminist philosophy (or a similar framework), American lawmakers are well-positioned to craft interdisciplinary environmental legislation that supports and empowers all citizens to create innovative communities.

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