

October 8, 2026

Contact:

Vasuki Wilson
vasuki@risepublic.com
(202) 294 2342

**Leading Scientists Urge New Jersey Supreme Court to Uphold Landmark
Environmental Justice Rules**

*Environmental health and justice experts say New Jersey's approach to cumulative
pollution is grounded in scientific consensus*

Newark, NJ— Fifteen preeminent scientists and scholars filed a friend-of-the-court brief this week to urge the New Jersey Supreme Court to uphold the state's landmark Environmental Justice Rules. Their brief supports the validity of New Jersey's approach to protecting overburdened communities, which they say is firmly grounded in decades of scientific research.

The brief, filed in support of the New Jersey Department of Environmental Protection (DEP), asks the Court to affirm a lower court ruling that rejected challenges to regulations that implement New Jersey's Environmental Justice Law. The rules require the state to consider the cumulative environmental and public health burdens already experienced by overburdened communities when making certain permitting decisions.

"Assessing pollution and other stressors cumulatively, rather than considering pollutants or facilities individually, reflects both the lived reality of communities and a broad scientific consensus about how environmental conditions affect human health," said Paul Mohai, Professor Emeritus, School for Environment and Sustainability at the University of Michigan, a leading scholar and signatory of the brief. The brief points to decades of research as well as a 2025 consensus report from the National Academies of Sciences, Engineering, and Medicine that supports cumulative-impact assessment as an important tool to understand the multiple environmental, health and social stressors experienced by communities.

Yukyan Lam, Research Director & Senior Scientist at Tishman Environment and Design Center at The New School stated, "New Jersey DEP put in place regulations to make New Jersey's Environmental Justice Law effective in practice, not just admirable on paper. The agency did so in a way that both applies the highest scientific standards and tackles the lived reality of overburdened communities. This is an example we should all be learning from, as well as upholding.

“Communities don’t experience one pollutant or the impacts of one facility one at a time,” said Marianne Engelman-Lado, director of the Environmental & Climate Justice Initiative at NYU School of Law. “The science strongly supports looking at cumulative impacts when making decisions that affect communities experiencing disproportionate environmental burdens.”

New Jersey enacted its Environmental Justice Law in 2020 after finding that low-income communities and communities of color have historically carried a disproportionate share of environmental and public health stressors, such as asthma, low birthweight, elevated blood lead levels, unemployment, Superfund sites, heavy-duty diesel traffic, and exposure to various types of pollution. The DEP adopted regulations to implement the law. Two industry groups, the New Jersey chapter of the Institute of Scrap Recycling Industries and the Engineers Employer Cooperative of the International Union of Operating Engineers Local 825, challenged the regulations and argued that DEP exceeded its statutory authority and that portions of the rules are arbitrary, vague, or otherwise invalid. In January, the New Jersey Superior Court Appellate Division rejected those arguments and upheld the rules.

The 15 amici include leading experts in environmental health, exposure science, epidemiology, geography, and environmental policy, researchers who have developed and evaluated environmental justice screening tools used by state and federal agencies, scientists who have shaped cumulative-impact policy, and experts who have served on National Academies committees that examine cumulative impacts. Among them is Charles Lee, widely recognized as a pioneer of the environmental justice movement and principal author of the landmark 1987 report *Toxic Wastes and Race in the United States*, which helped document the relationship between race and the location of hazardous waste sites. Also joining the brief are multiple members of the National Academies committee that produced the 2025 consensus report on cumulative impact assessment.

The scientists and scholars are represented by the Environmental & Climate Justice Initiative at NYU School of Law and Kelley Drye & Warren LLP. NYU Law students Kaylin Woodward and Andrew Costella assisted with preparation of the brief under the supervision of Engelman-Lado. The Center and the Environmental & Climate Justice Initiative do not purport to represent the views of New York University School of Law or New York University.

The full brief can be found [here](#). The supporting affidavit can be found [here](#).

#

ABOUT THE ENVIRONMENTAL & CLIMATE JUSTICE INITIATIVE

The Environmental & Climate Justice (ECJ) Initiative at NYU School of Law is dedicated to advancing environmental and climate justice in partnership with community-based groups in New York and across the United States. The ECJ Initiative uses a range of tools, including litigation, policy advocacy, research, and public education, to protect the rights of all people to clean air, clean water, and a safe place for children to play.

ABOUT THE CENTER ON RACE, INEQUALITY, AND THE LAW

The Center on Race, Inequality, and the Law confronts and upends the array of American laws, policies, and practices that lead to racial oppression and injustice. By illuminating the history and impact of racism on law and society, we are able to find solutions to the injustice it causes and take action to advance freedom and fairness, for everyone.

Neither the Environmental & Climate Justice Initiative nor the Center for Race, Inequality and the Law purport to represent the views of New York University School of Law or New York University.