

# Environmental justice for all

*by Bullard, Robert D*

## **Issues & Views**

Almost every day the media discovers an African American community fighting some form of environmental threat from land fills, garbage dumps, incinerators, lead smelters, petrochemical plants, refineries, highways, bus depots, and the list goes on. For years, residents watched helplessly as their communities became dumping grounds.

But citizens didn't remain silent for long. Local activists have been organizing under the mantle of environmental justice since as far back as 1968. In 1979, a landmark environmental discrimination lawsuit filed in Houston, followed by similar litigation efforts in the 1980s, rallied activists to stand up to corporations and demand government intervention. More than a decade ago, environmental activists from across the country came together to pool their efforts and organize.

In 1991, a new breed of environmental activists gathered in Washington, D.C., to bring national attention to pollution problems threatening low-income and minority communities. Leaders introduced the concept of environmental justice, protesting that Black, poor and working-class communities often received less environmental protection than White or more affluent communities. The first National People of Color Environmental Leadership Summit effectively broadened what "the environment" was understood to mean. It expanded the definition to include where we live, work, play, worship and go to school, as well as the physical and natural world. In the process, the environmental justice movement changed the way environmentalism is practiced in the United States and, ultimately, worldwide.

Because many issues identified at the inaugural summit remain unaddressed, the second National People of Color Environmental Leadership Summit was convened in Washington, D.C., this past October. The second summit was planned for 500 delegates; but more than 1,400 people attended the four-day gathering.

"We are pleased that the Summit II was able to attract a record number of grassroots activists, academicians, students, researchers, planners, policy analysts and government officials. We proved to the world that our movement is alive and well, and growing," says Beverly Wright, director of the Deep South Center for Environmental Justice at Xavier University in New Orleans and chair of the summit.

The meeting produced two dozen policy papers that show powerful environmental and health disparities between people of color and Whites.

"This is not rocket science. We live these statistics every day, and the sad thing is many of us have to die to prove the point," says Donele Wilkins, executive director of Detroiters Working for Environmental Justice.

At the 2002 Essence Music Festival in New Orleans, the National Black Environmental Justice Network (NBEJN) launched its Healthy and Safe Communities Campaign, which targets childhood lead poisoning, asthma and cancer in the Black community. "We are dead serious about educating and mobilizing Black people to eliminate these diseases that cause so much pain, suffering and death in the Black community," says Damu Smith, executive director of NBEJN.

### **Birth of a Movement**

More than three decades ago, the concept of environmental justice had not registered on the radar screens of many environmental or civil rights groups. But environmental justice fits squarely under the civil rights umbrella. It should not be forgotten that Dr. Martin Luther King Jr. went to Memphis on an environmental and economic justice mission in 1968, seeking support for striking garbage workers who were underpaid and whose basic duties exposed them to dangerous environmentally hazardous conditions. King was killed before completing his

mission, but others continued it.

The first lawsuit to challenge environmental discrimination using civil rights law, *Bean v. Southwestern Waste Management, Inc.*, was filed in Houston in 1979. Black homeowners in a suburban middle-income Houston neighborhood and their attorney, Linda McKeever Bullard (my wife) filed a class action lawsuit challenging a waste facility siting.

From the early 1920s through 1978, more than 80 percent of Houston's garbage landfills and incinerators were located in mostly Black neighborhoods - even though Blacks made up only 25 percent of the city's population. The residents were not able to halt the landfill, but they were able to impact the city and state waste facility siting regulations.

The *Bean* lawsuit was filed three years before the environmental justice movement was catapulted into the national limelight after rural and mostly Black Warren County, N.C., was selected as the final resting place for toxic waste. Oil laced with highly toxic PCBs (polychlorinated biphenyls) was illegally dumped along roadways in 14 North Carolina counties in 1978 and cleaned up in 1982. The decision to dispose of the contaminated soil in a landfill in the county sparked protests and more than 500 arrests - marking the first time any Americans had been jailed protesting the placement of a waste facility.

The Warren County protesters put "environmental racism" on the map. Environmental racism refers to any environmental policy, practice, or directive that negatively affects (whether intentionally or not) individuals, groups, or communities based on race or color. Although the Warren County protesters were also unsuccessful in blocking the PCB landfill, they galvanized Black church leaders, civil rights organizers, youth and grassroots activists around environmental issues in the Black community.

The events in Warren County prompted District of Columbia Delegate Walter Fauntroy to request a General Accounting Office (GAO) investigation of hazardous waste facilities in the EPA's Region IV which includes Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, North Carolina and Tennessee. The 1983 GAO study found that three of four off-site hazardous waste

landfills in the region were located in predominantly Black communities, even though Blacks make up just 20 percent of the region's population.

The events in Warren County led the United Church of Christ (UCC) Commission for Racial Justice to publish its landmark 1987 "Toxic Wastes and Race in the U.S." report. The UCC study documented that three of every five Blacks live in communities with abandoned toxic waste sites.

The publication of my book *Dumping in Dixie: Race, Class and Environmental Quality* in 1990 offered the nation a firsthand glimpse of environmental racism struggles all across the South - a region whose "look-the-other-way" environmental policies allowed it to become the most environmentally befouled part of the country.

Sumter County, Ala., typifies the environmental racism pattern chronicled in *Dumping in Dixie*. The county is 71.8 percent Black, and 35.9 percent of the jurisdiction's residents live below the poverty line. The county is home to the nation's largest hazardous waste landfill, in Emelle, Ala., which is more than 90 percent Black. In 1978, the hazardous waste landfill was lured to Sumter County during a period when no Blacks held public office or served on governing bodies, including the state legislature, county commission, or industrial development board. The landfill, which has been dubbed the "Cadillac of Dumps," accepts hazardous wastes - as much as nearly 800,000 tons per year from the 48 contiguous states and several foreign countries.

### **It's About Winning, Not Whining**

Environmental justice networks and grassroots community groups are making their voices heard loud and clear. In 1996, after five years of organizing, Citizens Against Toxic Exposure convinced the EPA to relocate 358 Pensacola, Fla., families from a dioxin dump, marking the first time a Black community was relocated under the federal government's giant Superfund program.

After eight years in a struggle that began in 1989, Citizens Against Nuclear Trash (CANT) defeated the plans by Louisiana Energy Services (LES) to build the nation's first privately owned

uranium enrichment plant in the mostly Black rural communities of Forest Grove and Center Springs, La. On May 1, 1997, a three-judge panel of the Nuclear Regulatory Commission Atomic Safety and Licensing Board ruled that "racial bias played a role in the selection process." The court decision was upheld on appeal April 4, 1998.

In September 1998, after more than 18 months of intense grassroots organizing and legal maneuvering, St. James Citizens for Jobs and the Environment forced the Japanese-owned Shintech Inc. to scrap its plan to build a giant polyvinyl chloride (PVC) plant in Convent, La. - a community that is more than 80 percent Black. The Shintech plant would have added 600,000 pounds of air pollutants annually.

In April 2001, a group of 1,500 Sweet Valley/Cobb Town neighborhood plaintiffs in Anniston, Ala., reached a \$42.8 million out-of-court settlement with Monsanto. The group filed a class action lawsuit against Monsanto for contaminating the Black community with PCBs. Monsanto manufactured PCBs from 1927 through 1972 for use as insulation in electrical equipment. The Environmental Protection Agency (EPA) banned PCB production in the late 1970s amid questions of health risks

In June 2002, victory finally came to the Norco, La., community, whose residents are sandwiched between a Shell Oil plant and the Shell/Motiva refinery. Concerned Citizens of Norco and their allies forced Shell to agree to a buyout that allowed residents to relocate. Shell also is considering a \$200 million investment in environmental improvements to its facility.

"I am surrounded by 27 petrochemical companies and oil refineries. My house is located only three meters away from the 15-acre Shell chemical plant," says longtime Norco resident Margie Richard. "We are not treated as citizens with equal rights according to U.S. law and international human rights law."

Getting government to respond to environmental justice problems has not been easy. In 1992, after meeting with environmental justice leaders, the EPA administrator William Reilly (under the first Bush administration) established the Office of Environmental Equity (the name was changed to the Office of

Environmental Justice under the Clinton administration) and produced "Environmental Equity: Reducing Risks for All Communities," one of the first comprehensive government reports to examine environmental hazards and social equity.

In response to growing public concern and mounting scientific evidence, President Clinton on Feb. 11, 1994 issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The order attempts to address environmental justice within existing federal laws and regulations.

But the current Bush administration's actions may erode years of modest progress. The new air pollution rules proposed by the administration are alarming. The controversial rule changes, which have been a top priority of the White House, would make it easier for utilities and refinery operators to change operations and expand production without installing new controls to capture the additional pollution. Industry has argued that the old EPA regulations have hindered operations and prevented efficiency improvements.

Three decades after the first Clean Air Act was passed, the nation should be getting tougher on plants originally exempted from those standards, not more lenient. Communities that are already overburdened with dirty air need stronger, not weaker, air quality standards. Reducing emissions is a matter of public health. Rolling back the Clean Air Act and allowing polluters to spew their toxic fumes into the air would spell bad news for asthma sufferers, poor people and people of color who are concentrated in the most polluted urban areas.

If this nation is to achieve environmental justice, the environment in urban ghettos, barrios, rural "poverty pockets" and on reservations must be given the same protection as is provided to affluent suburbs. All communities Black or White, rich or poor, urban or suburban - deserve to be protected from the ravages of pollution.

### **Environmental Health Threats**

The "Silent" Killer - Childhood Lead Poisoning: Lead poisoning is the number one environmental health threat to children in the

United States. Approximately 60 percent of American homes still have lead-based paint in them. But low-income children are eight times more likely than those of affluence to live where lead paint causes a problem, and Black children are five times more likely than White children to suffer from lead poisoning, according to the U.S. Centers for Disease Control and Prevention (CDC). Recent studies supported by the National Institute for Environmental Health Sciences suggest that a young person's lead burden is linked to lower IQ, lower high school graduation rates and increased delinquency.

No Safe Place - Toxic Housing: A 2000 study by The Dallas Morning News and the University of Texas-Dallas found that 870,000 of the 1.9 million (46 %) housing units for the poor - mostly minorities - sit within about a mile of factories that reported toxic emissions to the Environmental Protection Agency. Homeowners groups have been most effective at using "NIMBY" (Not in My Back Yard) tactics to keep polluting industries out of their communities. However, discrimination also keeps millions of Blacks from enjoying the advantages of home ownership. In 1999, only 46 percent of Blacks in the nation owned their homes, compared with 73 percent of Whites in 1999.

Kids at Risk - Toxic Schools: "Creating Safe Learning Zones: Invisible Threats, Visible Actions," a 2001 study by the Center for Health, Environment and Justice, reports that more than 600,000 mainly poor and minority students in Massachusetts, New York, New Jersey, Michigan and California were attending nearly 1,200 public schools that are located within a half-mile of federal Superfund or state-identified contaminated sites. Geography of Air Pollution: According to National Argonne Laboratory researchers, 57 percent of Whites, 65 percent of Blacks and 80 percent of Hispanics live in counties with substandard air quality. Air pollution comes from a number of sources, including "dirty" power plants (old coal-fired plants as compared with modern natural gaspowered plants). Findings in the October 2002 report "Air of Injustice: African Americans and Power Plant Pollution," produced by the Clean Air Task Force and the Georgia Coalition for the Peoples' Agenda, reveal that nationwide 68 percent of Blacks live within 30 miles of a coal-fired power plant - the distance within which the maximum effects of the smokestack

plume are expected to occur - compared with 56 percent of Whites. Driven to Pollute: There are more than 217 million cars, buses and trucks in the United States that consume 67 percent of the nation's oil. Vehicle emissions are the main reason 121 Air Quality Districts in this country are not in compliance with the 1970 Clean Air Act's National Ambient Air Quality Standards. Emissions from cars, trucks and buses cause 60 to 90 percent of air pollution in cities, 30 percent of the primary smog-forming pollutants emitted nationwide and 28 percent of the fine particulates.

Paying the Price - Asthma Epidemic: Emissions from "dirty" power plants combine with pollutants from motor vehicles to form ozone smog, which can trigger and or exacerbate a number of respiratory ailments, including asthma. In 1995, more than 5,000 Americans died from asthma. Asthma accounts for more than 10 million lost school days, 1.8 million emergency room visits, 15 million outpatient visits and nearly 500,000 hospitalizations each year. Asthma cost Americans more than \$14.5 billion in 2000, according to the CDC. Blacks and Hispanics are three to four times more likely than Whites to be hospitalized or die from asthma. And getting sick poses special hardships for the uninsured. A 2001 Commonwealth Fund study found that the uninsured rate for Blacks, Hispanics and Native Americans is more than one-and-a-half times the rate for White Americans. - R.D.B.

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