Environmental Justice and Communities of Color

EDITED BY
Robert D. Bullard

PREFACE BY Benjamin F. Chavis, Jr.
FOREWORD BY Congressman John Lewis

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struggle for environmental justice in a larger context—as an ex-
sion of the civil rights and human rights struggle by people of 
color in the United States and abroad.

Congressman John Lewis
1993

Preface

On Sunday morning, October 27, 1991, people in the United States 
saw the ushering in of a new environmental era. The day marked the 
culmination of the three-day First National People of Color Envi-
ronmental Leadership Summit. With all of the bad news we had 
gotten from the White House, Congress, and the U.S. Environ-
mental Protection Agency, communities of color needed some good 
news. The first challenge of the Summit was for us to garner out of 
this historic experience not only the good news but also the mech-
anisms that make the good news real in our communities, in the na-
tion, and in the world.

Most of the contributors to Unequal Protection: Environmental 
Justice and Communities of Color were delegates, participants, and 
observers at the Summit. The issues discussed by the authors could 
hardly be addressed without some attention given to institutional 
constraints. Numerous studies—including the United Church of 
Christ Commission for Racial Justice's own 1987 Toxic Wastes and 
Race in the United States—show that communities of color are dis-
parately impacted by the nation's environmental, industrial, and 
land use policies.

Environmental racism impacts the quality of life where people 
live, work, and play. Environmental racism is racial discrimination 
in environmental policy-making and enforcement of regulations 
and laws, the deliberate targeting of communities of color for toxic 
Waste facilities, the official sanctioning of the presence of life-
threatening poisons and pollutants in communities of color, and the
history of excluding people of color from leadership of the environmental movement.

The discussion of environmental justice is not a philosophical debate, although we do need to question the philosophical ethos that allows a society to participate in its own destruction. But for us, the issue of environmental justice is an issue of life and death. In the South Side of Chicago, our children are dying. Some die in their mothers’ wombs. In Louisiana’s petrochemical corridor, “Cancer Alley,” it is our children who are dying in record numbers. In New York City, it is our children who are poisoned by lead-based paint in old housing. In the Southwest and among farm workers, it is our children who suffer from pesticide poisoning. On Native American reservations, territories, and lands, it is our children who are victims of “radioactive colonialism.” And for Asian American and Latino American sisters and brothers who labor in Silicon Valley, it is our children who are dying.

All forms of environmental injustice, at home and abroad, must be challenged and stopped. An injustice to one is an injustice to all. It is our intention to build an effective multiracial, inclusive environmental movement with the capacity to transform the political landscape of this nation. We must channel our anger into constructive organizing through which our political will is felt by those who make policy in this country. It is unlikely that this nation can solve its environmental problems without addressing the environmental justice question.

Benjamin F. Chavis, Jr.
1993

Acknowledgments

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Introduction

ROBERT D. BULLARD

The nation’s environmental laws, regulations, and policies have not been applied fairly across all segments of the population. Some individuals, groups, and communities receive less protection than others because of their geographic location, race, and economic status. Generally, environmental problems in suburban areas pose far fewer public health threats than do those in urban or rural areas. Moreover, low-income communities and communities of color bear a disproportionate burden of the nation’s pollution problems.

Whether in urban ghettos and barrios or in rural “poverty pockets” and Native American reservations, pollution presents potential threats to public health that individuals with affluence or political clout are unwilling to accept. Risk burdens are localized, yet the benefits are generalized across all segments of society. Environmental disparities between white communities and communities of color reflect larger societal inequities. Over the years, disparities have been created, tolerated, and institutionalized by local, state, and federal action.

The mood in the country has now shifted to such a degree that affected populations, or “victims,” are launching frontal assaults on polluting industries and decision makers who view their communities as expendable. Affected communities are rising up against the current environmental protection apparatus—a system that is regressive in many of its applications. The current system provides
greater benefits and protection for middle- and upper-income whites while shifting costs to the poor and people of color. Moreover, the dominant environmental protection paradigm reinforces, rather than challenges, the stratification of people (race, ethnicity, status, power, etc.), place (central cities, suburbs, rural areas, unincorporated areas, Native American reservations, etc.), and work (i.e., office workers are afforded greater protection than farm workers).

Many of our current environmental policies exist to manage, regulate, and distribute risks. As a result, the dominant environmental protection paradigm (1) institutionalizes unequal enforcement; (2) trades human health for profit; (3) places the burden of proof on the “victims,” not on the polluting industry; (4) legitimates human exposure to harmful chemicals, pesticides, and hazardous substances; (5) promotes “risky” technologies, such as incinerators; (6) exploits the vulnerability of economically and politically disenfranchised communities; (7) subsidizes ecological destruction; (8) creates an industry around risk assessment; (9) delays cleanup actions; and (10) fails to develop pollution prevention as the overarching and dominant strategy.

Can our current environmental protection apparatus be reformed? Do we need a new model? There is a growing movement to turn the current environmental protection model on its head. It just does not work for many vulnerable populations, ranging from children poisoned with lead in their homes to migrant farm workers and their families poisoned in the fields. Government has been too slow in adopting a prevention framework for these groups.

In many instances, government is the problem. Residents of communities such as Northeast Houston, West Dallas, East Los Angeles, South Tucson, or Chicago’s South Side are not looking to government to “save” them from industrial polluters. The impetus for changing the environmental protection apparatus has not come from within the regulatory agencies, the polluting industries, or the industry that has been built around risk assessment. For the most part, the environmental justice movement—a loose alliance of grass-roots and national environmental and civil rights leaders, academics, and activists—has provided the vision and leadership in challenging the shortcomings of the current environmental protection model.

Activists have targeted disparate enforcement, compliance, and policy formulation as they affect environmental and public health decision making on a wide range of issues, from toxic waste to urban transportation. They have borrowed many of their tactics from the civil rights movement. Environmental justice activists have not limited their tactics to demonstrations in the streets but have begun to mount legal challenges to unequal protection by government decision makers and industrial firms.

What do grass-roots leaders want? These leaders are demanding a shared role in the decision-making processes that affect their communities. They want participatory democracy to work for them. They are challenging the background assumptions that drive risk-based decision making, industrial policies that pit jobs against the environment, and housing policies that force families to choose between childhood lead poisoning and homelessness. All of these policies have a disparate impact, whether intended or unintended, on the quality of life in low-income areas and communities of color.

Why has it taken so long for government to act affirmatively in reducing environmental inequities? The environmental justice message is beginning to filter into the mainstream of government and nongovernmental organizations (NGOs). There is still a lot of work to be done in catching up, in educating, and in convincing some public officials that environmental disparities are real and that environmental racism exists. Nevertheless, several events in the early 1990s brought these concerns into the national public policy debate:

1. Dialogue was initiated among social scientists, social justice leaders, national environmental groups, the federal Environmental Protection Agency (EPA), and the Agency for Toxic Substances and Disease Registry (ATSDR) about disparate impact.
2. The Michigan Coalition, an ad hoc group of environmental justice activists and academics who came together at a conference
held at the University of Michigan, prompted the federal EPA to form a Work Group on Environmental Equity. The agency later created an Office of Environmental Equity and an Environmental Equity Cluster (coordinated by an assistant administrator for enforcement) and issued a final report titled *Environmental Equity: Reducing Risks for All Communities*.

3. The ATSDR established a minority health initiative (after some prod from environmental, health, and social justice advocates), held a Minority Environmental Health Conference, and initiated a study of minority communities near Superfund National Priorities List (NPL) hazardous waste sites.

4. The First National People of Color Environmental Leadership Summit was held in Washington, DC. The Summit galvanized grass-roots and national support for strategies to combat unequal protection and to work toward environmental justice.

5. The EPA, the ATSDR, and the NIEHS (National Institute for Environmental Health Sciences) jointly sponsored a workshop titled *Equity in Environmental Health: Research Issues and Needs in Research Triangle, North Carolina*. The workshop initially served a data-gathering function and later expanded into a full-blown conference.

6. The Environmental Justice Act of 1992 (EJA) was introduced into Congress by Congressman John Lewis and Senator Albert Gore. With Gore moving to the vice presidency, the EJA of 1993 is undergoing major revisions with new sponsors.

Current environmental decision making operates at the juncture of science, technology, economics, politics, special interests, and ethics—and mirrors the larger social milieu, where discrimination is institutionalized. Why do some communities get dumped on while others escape? Why are environmental regulations vigorously enforced in some communities and not in others? Why are some workers protected from environmental threats while others, such as migrant farm workers, are allowed to be poisoned? How can environmental justice be incorporated into environmental protection models? What community-organizing strategies are effective against environmental racism?

These are some of the questions addressed in this book. Environmental justice advocates, however, have moved beyond the questioning stage and are seeking solutions. Their message is not about whining but about winning. Many of their struggles have ended in victories, although most of their struggles have remained invisible to the larger society. It is hoped that the relaying of the case studies in this book will further crystallize the environmental justice message for the public at large.

The major theme of this book is the cultural diversity of the environmental justice movement. We have assembled contributors who represent diverse backgrounds, including academicians, students, activists, journalists, and lawyers. The perspectives of both academicians and activists are given equal weight in this book.

Many of the authors are part of national grass-roots environmental justice networks. The vast majority of the writers are persons of color who have firsthand experience in working with poisoned communities and politically oppressed people. Many of the chapters were written by individuals who participated in the First National People of Color Environmental Leadership Summit. The contributors all offer special insights, and they bring an array of disciplines to bear on critical environmental problems that affect people of color in the United States.

Who are we trying to reach in this book? The book is written for anyone who is interested in the environment and justice. Ideally, we would like to reach the mainstream and grass-roots environmental and social justice movements, in which a common language is beginning to emerge.

The book is divided into three major parts and sixteen chapters. Part I chronicles the legacy of early environmental justice struggles in communities of color. In chapter 1, Robert D. Bullard examines the convergence of the environmental and social justice movements.
into a new movement for environmental justice. He also lays out an environmental justice framework for addressing regressive impacts, inequities, unequal protection, and racism.

Chapter 2 is an essay written by free-lance writer Michael Haggerty. This paper documents the environmental and health problems of Triana, Alabama, a town that was poisoned by DDT manufactured by Olin Chemical Company for the U.S. Army and by PCBs, the origins of which are yet to be determined. The essay—first published in a 1980 issue of the Atlanta Journal and Constitution—explores the role of the local mayor and staff scientists at the national Centers for Disease Control (CDC) in making the community aware of the health dangers of eating fish from nearby waterways. Triana was tagged as the “unhealthiest town in America” in 1980.

Chapter 3, written by environmental scientists Ken Geiser and Gerry Waneck, provides a detailed account of the controversial siting of a PCB landfill in mostly African American and poor Warren County, North Carolina, in 1982. The authors point out some glaring discrepancies in the state and federal permitting process that allowed the facility to be built on top of a shallow water table. The demonstrations, protests, and citizen arrests surrounding this decision sparked the national environmental justice movement.

Chapter 4, law professors Regina Austin and Michael Schill present a detailed historical account of environmental justice struggles in African American, Latino American, and Native American communities. Their analysis draws together the common themes of environmental justice problems experienced by these groups and the strategies they have pursued in seeking redress.

Part II examines the lives of residents who live in “sacrifice zones,” or corridors where high concentrations of industrial pollution are found. In chapter 5, activist Patsy Ruth Oliver tells her story and that of her middle-income African American neighbors in Texarkana, Texas. Her Carver Terrace neighborhood, which was built on top of an abandoned wood-treating plant, is now known as the Texarkana Koppers Superfund Site. Residents in the Superfund site had to get a congressional mandate before the federal EPA would agree to buy them out and relocate them outside the contaminated community.

Chapter 6 was written by Dallas Examiner journalist Ronald Robinson. His essay chronicles the problem of lead contamination in West Dallas—a mostly low-income African American and Latino American community. Robinson explores the reasons for the long federal delays in cleaning up the lead-contaminated West Dallas neighborhood. He also examines litigation around Dallas’s segregated public housing and its link to the lead problem.

In chapter 7, sociologists Beverly H. Wright and Robert D. Bullard and environmental activist Pat Bryant describe the plight of African Americans who live in the shadow of Louisiana’s petrochemical plants in an area dubbed “Cancer Alley,” the 85-mile stretch of the Mississippi River from Baton Rouge to New Orleans. They describe the plight of these communities, founded after the abolition of slavery and now threatened by industrial pollution, and the role that the Gulf Coast Tenants Organization (GCTO), a multistate grass-roots environmental network, has played in organizing, educating, and mobilizing disenfranchised communities in Louisiana, Mississippi, and Alabama.

Chapter 8, written by free-lance writer Kathy Hall, provides us with an in-depth critique of the energy industry’s impact on two Native American groups, the Navajo and the Hopi. Because Native American reservations are sovereign nations, most federal and state environmental regulations do not cover these lands. Hall’s essay illustrates how the Hopi and Navajo have borne the brunt of coal mining on the reservations—regressive impacts that flow from our nation’s energy policies.

Chapter 9 was written by San Francisco Examiner journalist Jane Kay. Her essay focuses on environmental problems in California’s African American, Latino American, and Native American communities. Among the topics examined are urban industrial pollution, siting of hazardous waste facilities, and the economic vulnerability of Native American lands and the practice of targeting “risky” industries for reservations.

Part III examines some of the emerging alliances, coalitions, and
networks between grass-roots and mainstream environmental and social justice groups of color. There are clear signs that an environmental justice movement is alive and well in diverse communities all across the nation. Moreover, many of these groups have ties to other activist groups of color around the world, as in the case of the Third World Network and networks that emerged from the 1992 Earth Summit in Rio de Janeiro.

Chapter 10, written by longtime environmental justice activists Richard Moore and Louis Head, looks at the history of the Albuquerque-based Southwest Organizing Project (SWOP). Through the People of Color Regional Activist Dialogue for Environmental Justice (RAD), their efforts created the eight-state Southwest Network for Environmental and Economic Justice (SNEEJ). SNEEJ has become a model for organizing regional networks of color.

Chapter 11 was written by political scientist Cynthia Hamilton. Using an eco-feminist perspective, she explores the experiences of the African American women who organized Concerned Citizens of South Central Los Angeles for the purpose of blocking construction of a municipal solid waste incinerator. Concerned Citizens, along with its allies, was able to defeat the city-sponsored garbage incinerator project known as LANCER (Los Angeles City Energy Recovery). The lessons presented in this essay emphasize the strengths of multiracial and multiethnic coalitions.

In chapter 12, Gabriel Gutiérrez writes about his mother and the other Mexican American women who came together and formed Mothers of East Los Angeles (MELA). In the past, MELA mobilized to block the construction of prisons and oil pipelines. Later, the group mobilized its mostly Latino American community to block construction of a hazardous waste incinerator proposed for the nearby neighborhood of Vernon. This essay is a classic case of community empowerment centering on environmental justice.

In chapter 13, Francis Calpotura and Rinku Sen, codirectors of the Center for Third World Organizing (CTWO), write about community organizing around the problem of lead contamination in Oakland, California. They describe the organizing strategies of a local grass-roots group, People United for a Better Oakland, or PUEBLO—a group that was successful in getting a model lead abatement program instituted in Oakland.

Chapter 14, written by sociologist Celene Krauss, documents struggles of women of color and white working-class women who have provided leadership in the environmental justice movement and provides insights into their motivation for activism. Her interviews with strong female leaders of various racial, ethnic, and social backgrounds provide convincing evidence that the environmental justice movement is becoming firmly institutionalized in the family, home, school, community, and other social institutions where women have influential roles.

Chapter 15 was written by journalism professor Karl Grossman. He discusses the products of the First National People of Color Environmental Leadership Summit. In addition to examining substantive issues presented at the Summit and the resulting “Principles of Environmental Justice,” Grossman discusses some of the post-Summit activities. His critique reveals that the 1991 Summit was instrumental in bringing diverse groups of color together, but the emerging networks appear to be the key vehicles that keep them in touch with one another.

The final chapter, chapter 16, was written by environmental lawyer Deoohn Ferris. This essay incorporates comments and views from a number of grass-roots leaders and environmental justice groups. The specific recommendations in the paper were submitted to the Clinton-Gore transition team working in the Natural Resources and Environment Cluster.

Finally, the question of who pays and who benefits from the current industrial and environmental policies is central to any analysis of environmental justice. We cannot separate the question of what kinds of consumer products are manufactured in this country from our own waste problem. We are all guilty. Thus, alteration of our life-styles and consumption behavior will play a decisive role in future solutions to local and global environmental problems. It is only just and fair that the individuals, communities, states, and countries who have the most will be asked to give up the most.
Environmental Justice for All

ROBERT D. BULLARD

People of color have always resisted actions by government and private industry that threaten the quality of life in their communities. Until recently, this resistance was largely ignored by policymakers. This activism took place before the first Earth Day in 1970; however, many of these struggles went unnoticed or were defined as merely part of the "modern" environmental movement. This chapter outlines a framework that can be used to address disparate impact, unequal protection, and environmental discrimination.

ANATOMY OF EARLY STRUGGLES

In 1967, students at predominantly African American Texas Southern University in Houston were involved in a campus riot triggered by the death of an eight-year-old African American girl, who had drowned at a garbage dump. Student protesters questioned why a garbage dump was located in the middle of the mostly African American Sunnyside neighborhood. The protests got out of hand. Police were met with rocks and bottles. Gunshots were fired. A police officer, struck by a ricocheting bullet, was killed. Nearly 500 male students were cleared from the dormitories, and many of the leaders were arrested. The Kerner Commission classified the disturbance at Texas Southern University as a "serious disorder." In 1968, Reverend Martin Luther King, Jr., went to Memphis on
an environmental justice mission—better working conditions and pay for striking African American garbage workers. King was killed in Memphis before he could complete this mission. Nevertheless, garbage and landfills did not disappear as an environmental justice issue.

In 1979, residents of Houston’s Northwood Manor subdivision (a suburban neighborhood of African American home owners) filed the first lawsuit charging environmental discrimination. More than 83 percent of the Northwood Manor residents owned their homes. In *Bean v. Southwestern Waste Management*, Houston residents charged Browning-Ferris Industries with locating a municipal solid waste landfill in their community. An early attempt to place a similar facility in the same area in 1970—when the area was mostly white—had been defeated by the Harris County Board of Supervisors.

Houston has a long history of locating its solid waste facilities in communities of color, especially in African American neighborhoods. From the early 1920s through the late 1970s, all five of the city-owned sanitary landfills and six of its eight municipal solid waste incinerators were located in mostly African American neighborhoods. Similarly, three of the four privately owned solid waste landfills were located in mostly African American communities during this period. African Americans, however, made up only 28 percent of the city’s population. Despite the overwhelming statistical evidence, the plaintiffs lost their lawsuit, and the Whispering Pines landfill was built in Northwood Manor.

Some proponents of the Whispering Pines landfill suggested that the African American neighborhood would benefit from the waste facility by way of the jobs and taxes it would provide. However, Charles Streadit, president of Houston’s Northeast Community Action Group, addressed the benefits and liabilities associated with the landfill in his neighborhood:

Sure, Browning-Ferris Industries [owner of the Whispering Pines landfill] pays taxes, but so do we. We need all the money we can get to upgrade our school system. But we shouldn’t have to be poisoned to get improvements for our children. When my property values go down, that means less for the schools and my children’s education. . . . A silent war is being waged against black neighborhoods. Slowly, we are being picked off by the industries that don’t give a damn about polluting our neighborhood, contaminating our water, fouling our air, clogging our streets with big garbage trucks, and lowering our property values. It’s hard enough for blacks to scrape and save enough money to buy a home, then you see your dream shattered by a garbage dump. That’s a dirty trick. No amount of money can buy self-respect.*

The aforementioned examples show a clear link between civil rights and environmental justice. However, it was not until the early 1980s that a national movement for environmental justice took root in several mainstream civil rights organizations. The environmental justice movement took shape out of the 1982 protests in Warren County, North Carolina. This mostly African American and rural county had been selected as the burial site for 30,000 cubic yards of soil contaminated with highly toxic PCBs (polychlorinated biphenyls). Oil laced with PCBs had been illegally dumped along roadways in fourteen North Carolina counties in 1978; the roadways were cleaned up in 1982.†

More than 500 protesters were jailed over the siting of the Warren County PCB landfill. Demonstrations were led by a number of national civil rights advocacy groups, including the United Church of Christ Commission for Racial Justice, the Southern Christian Leadership Conference, and the Congressional Black Caucus. African American civil rights activists, political officials, religious leaders, and local residents marched in protest against “Hunt’s Dump” (named for Texas’s governor at that time, James Hunt). Why had Warren County been selected for the PCB landfill? Opponents contend that the decision made more political sense than environmental sense.‡

Although the demonstrations were unsuccessful in halting construction of the landfill, the protests marked the first time African
Americans had mobilized a national, broad-based group to oppose what they defined as environmental racism. The demonstrations also prompted District of Columbia delegate Walter Fauntroy, who was chairman of the Congressional Black Caucus, to initiate the 1983 U.S. General Accounting Office (GAO) study of hazardous waste landfill siting in the Environmental Protection Agency’s Region IV. Fauntroy had been active in the protests and was one of the many who went to jail over the landfill.

The 1983 GAO study found a strong relationship between the location of off-site hazardous waste landfills and the race and socioeconomic status of the surrounding communities. The study identified four off-site hazardous waste landfills in the eight states (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) that constitute the EPA’s Region IV. The four sites included Chemical Waste Management (Sumter County, Alabama); SCA Services (Sumter County, South Carolina); Industrial Chemical Company (Chester County, South Carolina); and the Warren County PCB landfill (Warren County, North Carolina).

African Americans made up the majority of the population in three of the four communities where off-site hazardous waste landfills were located. In 1983, African Americans were clearly overrepresented in communities with waste sites, since they made up only about one-fifth of the region’s population, yet African American communities contained three-fourths of the off-site landfills. These ecological imbalances have not been reversed a decade later. In 1992, African Americans constituted about one-fifth of the population in Region IV. However, the two operating off-site hazardous waste landfills in the region were located in zip code regions where African Americans made up the majority of the population.

A new form of environmental activism has emerged in communities of color. Activists have not limited their attacks to well-publicized toxic contamination issues but have begun to seek remedial action on neighborhood disinvestment, housing discrimination and residential segregation, urban mass transportation, pollution, and other environmental problems that threaten public safety.

Activist groups of color have begun to build a national movement for justice. In October 1991, the First National People of Color Environmental Leadership Summit was held in Washington, DC. The Summit demonstrated that it is possible to build a multi-issue, multiracial environmental movement around justice. Environmental activism was shown to be alive and well in African American, Latino American, Asian American, and Native American communities.

The four-day Summit was attended by more than 650 grass-roots and national leaders representing more than 300 environmental groups of color. The Summit was planned by people of color. Delegates came from all fifty states, including Alaska and Hawaii, as well as from Puerto Rico, Chile, Mexico, and the Marshall Islands. Delegates attended the Summit to share their action strategies, reframe the environmental movement, and develop common plans for addressing environmental problems affecting people of color in the United States and around the world.

Grass-roots groups organized themselves around a number of environmental issues, ranging from the siting of landfills and incinerators to lead pollution. At the Summit, delegates adopted the “Principles of Environmental Justice,” which they are using as a guide for organizing, networking, and relating to other groups. The common thread that runs throughout the grass-roots groups of color is their demand for a just environment.

THE ENVIRONMENTAL JUSTICE FRAMEWORK

There is general agreement that the nation’s environmental problems need immediate attention. The head of the U.S. Environmental Protection Agency, writing in the agency’s EPA Journal, stressed that “environmental protection should be applied fairly.” However, the nation’s environmental laws, regulations, and policies are not applied uniformly across the board, resulting in some individ-
uals, neighborhoods, and communities being exposed to elevated health risks.

Environmental decision making operates at the juncture of science, technology, economics, politics, and ethics. A 1992 study by staff writers from the National Law Journal uncovered glaring inequities in the way the federal EPA enforces its laws. The authors write:

There is a racial divide in the way the U.S. government cleans up toxic waste sites and punishes polluters. White communities see faster action, better results and stiffer penalties than communities where blacks, Hispanics and other minorities live. This unequal protection often occurs whether the community is wealthy or poor.⁹

After examining census data, civil court dockets, and the EPA’s own record of performance at 1,177 Superfund toxic waste sites, the National Law Journal report revealed the following:

1. Penalties under hazardous waste laws at sites having the greatest white population were 500 percent higher than penalties with the greatest minority population, averaging $333,566 for white areas, compared to $55,318 for minority areas.

2. The disparity under the toxic waste law occurs by race alone, not income. The average penalty in areas with the lowest income is $113,491, 3 percent more than the average penalty in areas with the highest median incomes.

3. For all the federal environmental laws aimed at protecting citizens from air, water, and waste pollution, penalties in white communities were 46 percent higher than in minority communities.

4. Under the giant Superfund cleanup program, abandoned hazardous waste sites in minority areas take 20 percent
longer to be placed on the national priority list than those in white areas.

5. In more than half of the 10 autonomous regions that administer EPA programs around the country, action on cleanup at Superfund sites begins from 12 percent to 42 percent later at minority sites than at white sites.

6. At minority sites, the EPA chooses “containment,” the capping or walling off of a hazardous waste dump site, 7 percent more frequently than the cleanup method preferred under the law, permanent “treatment,” to eliminate the waste or rid it of its toxins. At white sites, the EPA orders treatment 22 percent more often than containment.

These findings suggest that unequal environmental protection places communities of color at special risk. The environmental justice framework attempts to uncover the underlying assumptions that may influence environmental decision making. It also rests on an analysis of strategies to eliminate unfair, unjust, and inequitable conditions and decisions. The basic elements of the framework consist of five basic characteristics:

1. Incorporates the principle of the right of all individuals to be protected from environmental degradation,

2. Adopts a public health model of prevention (elimination of the threat before harm occurs) as the preferred strategy,

3. Shifts the burden of proof to polluters and dischargers who do harm or discriminate or who do not give equal protection to racial and ethnic minorities and other “protected” classes,

4. Allows disparate impact and statistical weight, as opposed to “intent,” to infer discrimination,

5. Redresses disproportionate risk burdens through targeted action and resources.

The goal of an environmental justice framework is to make environmental protection more democratic. More important, it brings to the surface the ethical and political questions of “who gets what, why, and in what amount.”11 Who pays for, and who benefits from, technological expansion?

Environmental and health laws have not provided equal protection for all Americans. Most of the nation’s environmental policies distribute the costs in a regressive pattern while providing disproportionate benefits for whites and individuals who fall at the upper end of the education and income scale.12 Numerous studies, dating back to the 1970s, reveal that communities of color have borne greater health and environmental risk burdens than has society at large.13

Nationally based conservation and environmental groups have played an instrumental role in shaping this nation’s environmental laws and regulations. It was not until recently, however, that these nongovernmental organizations (NGOs) paid attention to environmental and health threats to poor, working-class persons and to communities of color.

The environmental justice movement attempts to address environmental enforcement, compliance, policy formulation, and decision making. It defines environment in very broad terms, as the places where people live, work, and play. The question of environmental justice is not anchored in a scientific debate but rests on an ethical analysis of environmental decision making.

Current decision-making models have proven to be inadequate in protecting at-risk communities. Emphasis on defining risk as the probability of fatality addresses only part of the health threats. Should endangered communities have to wait for a “body count” for government to act? Many communities would say no to this question.

Often, environmental stressors result in adverse health effects short of death. The health effects might be developmental, reproductive, respiratory, neurotoxic, or psychological in nature. As a consequence, the assignment of “acceptable” risk, use of averages, and siting of risky technologies (i.e., incinerators, landfills, chemi-
cal plants, smelters, etc.) often result from value judgments that serve to legitimate the imposition of inequitable social policies.

**ENDANGERED COMMUNITIES**

Millions of Americans live in housing and physical environments that are overburdened with environmental problems including older housing with lead-based paint, congested freeways that crisscross their neighborhoods, industries that emit dangerous pollutants into the area, and abandoned toxic waste sites.

Virtually all of the studies of exposure to outdoor air pollution have found significant differences in exposure by income and race. African Americans and Latino Americans are more likely than whites to live in areas with reduced air quality. For example, National Argonne Laboratory researchers D. R. Wernette and L. A. Nieves found the following:

In 1990, 437 of the 3,109 counties and independent cities failed to meet at least one of the EPA ambient air quality standards. . . . 57 percent of whites, 65 percent of African Americans, and 80 percent of Hispanics live in 437 counties with substandard air quality. Out of the whole population, a total of 33 percent of whites, 50 percent of African Americans, and 60 percent of Hispanics live in the 136 counties in which two or more air pollutants exceed standards. The percentage living in the 29 counties designated as nonattainment areas for three or more pollutants are 12 percent of whites, 20 percent of African Americans, and 31 percent of Hispanics.

The public health community has very little information to explain the magnitude of some of the health problems related to air pollution. However, we do know that persons suffering from asthma are particularly sensitive to the effects of carbon monoxide, sulfur dioxides, particulate matter, ozone, and nitrogen oxides. African Americans, for example, have a significantly higher prevalence of asthma than does the general population.

In the heavily populated Los Angeles air basin, more than 71 percent of African Americans and 50 percent of Latino Americans live in areas with the most polluted air, while only 34 percent of whites live in highly polluted areas. For a few days in 1992, the attention of the entire world was affixed on the flames of Los Angeles. Even before the uprising, however, San Francisco Examiner reporter Jane Kay described the zip code region in which the now riot-torn South Central Los Angeles neighborhood is located as the “dirtiest” zip code (90058) in California. This 1-square-mile area is saturated with abandoned toxic waste sites, freeways, smokestacks, and wastewater pipes from polluting industries.

Efforts to rebuild South Central Los Angeles and the other neighborhoods scarred by the uprising will need to incorporate environmental justice initiatives—rebuilding will need to encompass more than replacing the burned-out liquor stores, pawnshops, check-cashing centers, and fast food operations.

A “green” initiative will need to incorporate strategies employing incumbent residents in cleanup and rebuilding efforts that adopt environmentally sound technologies. Moreover, redlining practices must be vigorously attacked if any serious rebuilding of South Central Los Angeles is to take place. A partnership is needed between community institutions and businesses and the various government agencies (environmental protection, housing, public health, public works, human services, job training, education, business development, law enforcement, etc.) to create sustainable neighborhoods.

Threatened communities in southeastern Louisiana’s petrochemical corridor (the 85-mile stretch along the Mississippi River from Baton Rouge to New Orleans) typify the industrial madness that has gone unchecked for too long. The corridor has been dubbed “Cancer Alley” by some environmentalists. Health concerns raised by residents and grass-roots activists who live in Alsen, Saint Gabriel, Geismar, Morrisonville, and Lions, all of which are located in close proximity to polluting industries, have not been adequately addressed by local, state, and federal agencies, including the federal EPA and the Agency for Toxic Substances and Disease Registry (ATSDR).
A few contaminated African American communities in Cancer Alley have been bought out or are in the process of being bought out by industries under their “good neighbor” programs. Dow Chemical, the state’s largest chemical plant, is buying out residents of mostly African American Morrisonville. The communities of Sunrise and Reveilletown (founded by former slaves) no longer exist. The buyout settlements are often sealed. Few of the recent settlement agreements allow for health monitoring or surveillance of affected residents once they are dispersed.

Some settlements have even required the “victims” to sign waivers that preclude them from bringing any further lawsuits against the polluting industry. These practices have resulted in the scattering of residents, making it difficult to carry out follow-up or long-term health monitoring.

A few health assessments have been conducted by federal agencies, but few of these reports have found their way into the hands of residents of the affected communities. An environmental justice framework could assist communities in Cancer Alley as they negotiate buyout agreements or contemplate litigation or some other risk reduction strategy.

Industrial encroachment into Chicago’s South Side neighborhoods is yet another example of endangered communities. Chicago is the nation’s third largest city and one of the most racially segregated cities in the country. More than 92 percent of the city’s 1.1 million African American residents live in racially segregated areas. The Altgeld Gardens housing project, located on the city’s Southeast Side, is one of these segregated enclaves.

Altgeld Gardens is encircled by municipal and hazardous waste landfills, toxic waste incinerators, grain elevators, sewer treatment facilities, smelters, steel mills, and a host of other polluting industries. Because of the physical location, Hazel Johnson, a community organizer in the neighborhood, has dubbed the area a “toxic doughnut.” Others see their community as a “toxic soup,” where residents perform the role of human guinea pigs.

The Southeast Side neighborhood is home to 150,000 residents, of whom 70 percent are African American and 11 percent are Latino American. It also has 50 active or closed commercial hazardous waste landfills, 100 factories (including seven chemical plants and five steel mills), and 103 abandoned toxic waste dumps. Currently, health and risk assessment data collected by the state of Illinois and the federal EPA for facility permitting have failed to take into account the cumulative and synergistic effects of having so many “layers” of poisons in one community.

Altgeld Gardens residents wonder at what point government will declare a moratorium on permitting any new noxious facilities in their neighborhood. Can a “saturation threshold” be determined without the necessary studies (one such study would be mandated under the proposed Environmental Justice Act of 1992) that delineate the cumulative health impacts of all of the polluting industries in the area? All of the polluting industries (lead smelters, landfills, incinerators, steel mills, foundries, metal-plating and metal-coating operations, grain elevators, etc.) imperil the health of nearby residents and should be factored into any future facility permitting decision.

Environmental justice advocates have sought to persuade the various levels of government (federal, state, and local) to adopt a framework that addresses distributive impacts, concentration, enforcement, and compliance concerns. They have taken their fight to city halls, state capitals, and the U.S. Congress.

In 1990, New York City adopted a “fair share” legislative model designed to ensure that every borough and every community within each borough bear its fair share of noxious facilities. Public hearings have begun to address risk burdens in New York City’s boroughs. Proceedings from a hearing on environmental disparities in the Bronx point to concerns raised by African Americans and Puerto Ricans who see their neighborhoods threatened by garbage transfer stations, salvage yards, and recycling centers. The report reveals the following:

On the Hunts Point peninsula alone there are at least thirty private transfer stations, a large-scale Department of Environmental Protection (DEP) sewage treatment plant and a sludge
dewatering facility, two Department of Sanitation (DOS) marine transfer stations, a citywide privately regulated medical waste incinerator, a proposed DOS resource recovery facility and three proposed DEP sludge processing facilities.

That all of the facilities listed above are located immediately adjacent to the Hunts Point Food Center, the biggest wholesale food and meat distribution facility of its kind in the United States, and the largest source of employment in the South Bronx, is disconcerting. A policy whereby low-income and minority communities have become the “dumping grounds” for unwanted land uses works to create an environment of disincentives to community-based development initiatives. It also undermines existing businesses.24

In 1992, Chicago congresswoman Cardiss Collins offered an amendment to the bill reauthorizing the Resource Conservation and Recovery Act (RCRA), requiring “community information statements” that assess the demographic makeup of proposed waste site areas and the cumulative impact a new facility would have on the existing environmental burden.

In a similar vein, in 1992 Georgia congressman John Lewis, a longtime civil rights activist, and former senator Al Gore (now vice president) introduced their version of an Environmental Justice Act. (The 1993 version of the Environmental Justice Act was introduced in the House by John Lewis and in the Senate by Max Baucus, a Democrat from Montana.) The act (S. 2806 and H. R. 5326) was designed to “establish a program to ensure nondiscriminatory compli-ance with environmental, health, and safety laws and to ensure equal protection of the public health.”

Some communities form a special case for environmental justice and risk reduction. Because of more stringent state and federal environmental regulations, Native American reservations, from New York to California, have become prime targets for risky technologies. Native American nations are quasi-sovereign and do not fall under state jurisdiction. Similarly, reservations are “lands the feds forgot,” and their inhabitants “must contend with some of America’s worst pollution.”25

Few reservations have infrastructures to handle the risky technologies that are being proposed for their communities, and more than 100 waste disposal facilities have been proposed for Native American lands.26 Reservation inhabitants have among the worst poverty, unemployment, education, and health problems of all Americans. Targeting Native American land for disposal of wastes is a form of “garbage imperialism.”

TOXIC WASTE TIME BOMBS

The hazardous waste problem continues to be one of the most “serious problems facing the industrial world.”27 Toxic time bombs are not randomly scattered across the urban landscape. In New Jersey (a state with one of the highest concentrations of uncontrolled toxic waste dumps), hazardous waste sites are often located in communities that have high percentages of poor, elderly, young, and minority residents.28

Few national studies have been conducted on the sociodemographic characteristics of populations living around toxic waste sites. Although the federal EPA has been in business for more than two decades, it has yet to conduct a national study of the problems of toxic wastes in communities of color. In fact, the United Church of Christ Commission for Racial Justice, a church-based civil rights organization, conducted the first national study on this topic.29

The Commission for Racial Justice’s landmark study, Toxic Wastes and Race in the United States, found race to be the single most important factor (i.e., more important than income, home ownership rate, and property values) in the location of abandoned toxic waste sites.30 The study also found that (1) three out of five African Americans live in communities with abandoned toxic waste sites; (2) 60 percent (15 million) African Americans live in communities with one or more abandoned toxic waste sites; (3) three of the five largest commercial hazardous waste landfills are located in
predominantly African American or Latino American communities and account for 40 percent of the nation’s total estimated landfill capacity; and (4) African Americans are heavily overrepresented in the populations of cities with the largest number of abandoned toxic waste sites.\(^{31}\)

In metropolitan Chicago, for example, more than 81.3 percent of Latino Americans and 76 percent of African Americans live in communities with abandoned toxic waste sites, compared with 59 percent of whites. Similarly, 81.3 percent of Latino Americans and 69.8 percent of African Americans in the Houston metropolitan area live in communities with abandoned toxic waste sites, compared with 57.1 percent of whites. Latino Americans in the Los Angeles metropolitan area are nearly twice as likely as their Anglo counterparts to live in a community with an abandoned toxic waste site.\(^{32}\)

The mounting waste problem is adding to the potential health threat to environmental high-impact areas. Incineration has become the leading technology for disposal of this waste. This technology is also becoming a major source of dioxin, as well as lead, mercury, and other heavy metals released into the environment. For example, millions of pounds of lead per year will be emitted from the nation’s municipal solid waste incinerators in the next few years. All of this lead is being released despite what we know about its hazards to human health.

Hazardous waste incinerators are not randomly scattered across the landscape. A 1990 Greenpeace report, Playing with Fire, found that (1) the minority portion of the population in communities with existing incinerators is 89 percent higher than the national average; (2) communities where incinerators are proposed have minority populations 60 percent higher than the national average; (3) average income in communities with existing incinerators is 15 percent less than the national average; (4) property values in communities that are hosts to incinerators are 38 percent lower than the national average; and (5) average property values are 35 percent lower in communities where incinerators are proposed.\(^{35}\)

Environmental scientists have not refined their research meth-

odologies to assess the cumulative and synergistic effects of all of society’s poisons on the human body. However, some health problems cannot wait for the tools to catch up with common sense. For example, the nation’s lead contamination problem demands urgent attention. An environmental strategy is needed to address childhood lead poisoning. It is time for action.

**THE POLITICS OF LEAD POISONING**

Why has so little been done to prevent lead poisoning in the United States? Overwhelming scientific evidence exists on the ill effects of lead on the human body. However, very little has been done to rid the nation of lead poisoning—a preventable disease tagged the “number one environmental health threat to children” by the federal Agency for Toxic Substances and Disease Registry.\(^{44}\)

Lead began to be phased out of gasoline in the 1970s. It is ironic that the “regulations were initially developed to protect the newly developed catalytic converter in automobiles, a pollution-control device that happens to be rendered inoperative by lead, rather than to safeguard human health.”\(^{33}\) In 1971, a child was not considered at risk for lead poisoning unless he or she had 400 micrograms of lead per liter of blood (or 40 micrograms per deciliter [µg/dl]). Since that time, the amount of lead that is considered safe has continually dropped. In 1991, the U.S. Public Health Service changed the official definition of an unsafe level to 10 µg/dl. Even at that level, a child’s IQ can be slightly diminished and physical growth stunted. Lead poisoning is correlated with both income and race (see table 1.1).\(^{36}\)

A coalition of environmental, social justice, and civil libertarian groups are now joining forces to address the lead problem. The Natural Resources Defense Council, the NAACP Legal Defense and Education Fund, the American Civil Liberties Union, and the Legal Aid Society of Alameda County, California, won an out-of-court settlement worth $15 million to $20 million for a blood lead-testing program. The lawsuit, Mattheus v. Coxe, involved the failure of the state of California to conduct federally mandated testing
TABLE 1.1
Estimated Percentages of Children (Living in Cities with Population over 1 Million) 0.5–5 Years Old with Blood Levels Greater than 15 μg/dl, by Race and Income (1988)

<table>
<thead>
<tr>
<th>Race</th>
<th>Income</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&lt;$6,000</td>
<td>$6,000– $15,000</td>
<td>&gt;$15,000</td>
</tr>
<tr>
<td>African American</td>
<td>68%</td>
<td>54%</td>
<td>38%</td>
</tr>
<tr>
<td>White</td>
<td>36%</td>
<td>23%</td>
<td>12%</td>
</tr>
</tbody>
</table>


for lead of some 557,000 poor children who receive Medicaid. This historic agreement will probably trigger similar actions in other states that have failed to live up to federally mandated screening requirements.37

**CONCLUSION**

Despite the recent attempts by federal environmental and health agencies to reduce risks to all Americans, environmental inequities still persist. Some children, workers, and communities are disproportionately affected by unhealthy air, unsafe drinking water, dangerous chemicals, lead, pesticides, and toxic wastes.

If this nation is to achieve environmental justice, the environment in urban ghettos, barrios, reservations, and rural poverty pockets must be given the same protection as that provided to the suburbs. All communities—African American or white, rich or poor—deserve to be protected from the ravages of pollution.

The current emphasis on waste management and pollution con-

control regulations encourages dependence on disposal technologies, which are themselves sources of toxic pollution. Pushing incinera-
tors and risk technologies off on people under the guise of economic development is not a solution to this nation’s waste problem. It is imperative that waste reduction programs mandated by federal, state, and local government be funded that set goals for recycling, composting, and using recycled materials.

An environmental justice framework needs to be incorporated into a national policy on facility siting. In addition to the standard technical requirements, environmental justice proposals will need to require implementation of some type of “fair share” plan that takes into account sociodemographic, economic, and cultural factors of affected communities. It is clear that current environmental regulations and “protectionist” devices (zoning, deed restrictions, and other land use controls) have not had the same impact on all segments of society.

The federal EPA needs to take the lead in ensuring that all Amer-
icans are protected. It is time for this nation to clean up the health-
threatening lead contamination problem and prevent future genera-
tions from being poisoned. No segment of society should be al-
lowed to become a dumping ground or be sacrificed because of economic vulnerability or racial discrimination.

In order for risk reduction strategies to be effective in environ-
mental high-impact areas and for vulnerable populations, there needs to be sweeping changes in key areas of the science model and environmental health research. At minimum, these changes must include a reevaluation of the attitudes, biases, and values of the scientists who conduct environmental health research and risk assessment and the officials who make policy decisions.

Acceptance of the public as an active and equal partner in re-
search and environmental decision making is a first step toward building trust within affected communities. Government agencies and other responsible parties need to incorporate principles of environmental justice into their strategic planning of risk reduction.

We need a holistic methodology in documenting, remediating, and preventing environmental health problems. Prevention is the
key. Environmental justice demands that lead poisoning—the number one environmental health problem affecting children—be given the attention and priority it deserves. It is the poorest among the nation’s inhabitants who are being poisoned at an alarming rate. Many of these individuals and families have little or no access to regular health care.

The solution lies in leveling the playing field and protecting all Americans. Environmental decision makers have failed to address the “justice” questions of who gets help and who does not, who can afford help and who cannot, why some contaminated communities get studied while others are left off the research agenda, why some communities get cleaned up at a faster rate than others, why some cleanup methods are selected over others, and why industry poisons some communities and not others.

Finally, a national environmental justice action agenda is needed to begin addressing environmental inequities that result from procedural, geographic, and societal imbalances. Federal, state, and local legislation is needed to target resources for those areas where societal risk burdens are the greatest. States that are initiating fair share plans to address interstate waste conflicts need also to begin addressing intrastate environmental siting imbalances. It is time for environmental justice to become a national priority.

Crisis at Indian Creek

MICHAEL HAGGERTY

A CDC doctor goes to Triana, Alabama, to investigate a case of DDT contamination. Once a boon to world health, DDT poses a threat for the future.

Clyde Foster, the mayor of the tiny (pop. 600) town of Triana, Alabama, got a call one night in November of 1978 from an anonymous reporter. “Mayor Foster,” the voice said, “I don’t want to alarm you, but I have information leaked to me from an executive report of the Tennessee Valley Authority, and I believe you should know about it. The TVA has found fish in Indian Creek that contain forty times the DDT level considered safe by the federal government.”

Foster was incredulous. Indian Creek flowed into the Tennessee River some three hundred yards from where he sat. It had once been the town’s local water source. The people in Triana ate fish from that creek every day. “How long has it been contaminated?” he asked. The reporter hung up.

Foster was working late in the town’s spanking new municipal building after a full day as director of equal opportunity employment at Marshall Space Flight Center at nearby Redstone Arsenal. The news left him shaken. Triana, a poor, almost totally black rural community surrounded by woods and cotton fields that hug a bend in the Tennessee River, had been doing so well. The people were excited by their new city hall and were hoping to win federal funds for