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# **Environmental Justice and the Racism that Spawned a Movement**

[ MARGARET LENKART ]

Ideas of justice are visible throughout many aspects of American life. Historically, ideas of justice were perpetuated through ideas of democracy, economic distribution, and the criminal justice system. However, in modern decades, a new area of justice has arisen: environmental justice. The idea of environmental justice combines issues of political participation, unequitable wealth distribution, pressures against marginalized group, and the environment. From this stems a more specific idea of environmental racism. From the beginning of American history, environmental injustice has occurred against African Americans in the form of environmental racism. Systematically, African Americans have been disenfranchised when it comes to voting and economically and racially segregated to certain areas that might be more likely to face environmental and public health issues, and it is these democratic inequities that have led to environmental racism and the environmental justice movement.

Before environmental racism can fully be understood, the over-encompassing idea of environmental justice should be defined. The United States Environmental Protection Agency (EPA) defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The EPA also offers a two-pronged way of achieving environmental justice by “offering the same degree of protection from environmental and health hazards” and by providing “equal access to the decision-making process to have a

healthy environment in which to live, learn, and work.”<sup>1</sup> Environmental justice can be seen as a response to environmental racism, or the idea that people of color are subjected to a disproportionate amount of health hazards due to risk factors in their immediate environment.<sup>2</sup>

While the environmental justice movement today is encompassing all groups of people, including but by no means limited to African Americans, Native Americans, and Hispanics, it has its roots in the African American Civil Rights Movement of the 1960s. Robert D. Bullard and Beverly H. Wright argue that because the Civil Rights Movement was centered in the South, so has been the environmental justice movement regarding African Americans.<sup>3</sup> This helps to explain why African Americans have been at the forefront of the environmental justice and anti-environmental racism movements. Reverend Ben Chavis of the Commission for Racial Justice was one of the first to define environmental inequalities faced by the African American community as a direct result of environmental racism. According to this commission, “the privileges of whites (access to a clean environment) are created and institutionalized at the expense of people of color.”<sup>4</sup>

One protest in Warren County, North Carolina, in autumn of 1982, is often touted as the first major environmental justice protest. This protest was against a proposed landfill site that would store polychlorinated biphenyls (PCBs) in Afton, a town in Warren County. PCBs are synthetic compounds used in paints, adhesives, pesticides, plastics, and more, and they are toxic to human health.<sup>5</sup> Warren County was one of the poorest counties in the state and had a population that was approximately sixty-five percent black. After the state announced their plan to create a PCB landfill in the county, activist Ken Ferruccio formed the group Warren County Citizens Concerned about PCBs. According to Ferruccio’s wife, who was in

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1 “Environmental Justice,” United States Environmental Protection Agency, last modified August 8, 2017, [www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice).

2 “Environmental Justice & Environmental Racism,” Greenaction.

3 Robert Bullard, Beverly Wright, *The Quest for Environmental Equity: Mobilizing the African American Community for Social Change* (Washington State University, 1992), 40.

4 *Ibid*, 41.

5 Ken Geiser and Gerry Waneck, *PCBs and Warren County*, (Sierra Club Books, 1996), 41.

attendance at a citizens meeting regarding the landfill construction, “the results [of studies], which were quite conclusive, were that landfills inevitably leak; and that safe landfill technology is only a concept, not a reality.”<sup>6</sup> In other words, there was a possibility that the toxic PCBs would leach into groundwater that supplied drinking water to the area.

Despite city council meetings and court battles, the federal and state governments approved for the landfill to be built. In the six-week span, when contaminated soil to be dumped in the landfill arrived, almost 500 people participated in protests.<sup>7</sup> Groups such as the local chapter of the National Association for the Advancement of Colored People (NAACP), the United Church of Christ, and the Southern Christian Leadership Conference were all in attendance, along with individuals that were highly respected in the black community like Reverend Ben Chavis and Congress for Racial Equality member Floyd McKissick.<sup>8</sup> According to Eileen Maura McGurty, the protests took place in the style of marches from a local church to the proposed site of the landfill. They tended to mimic marches that took place in the civil rights era in that they used similar chants with changed words to fit their specific situation.<sup>9</sup> By the end of the six-week period, the landfill had been filled and over 500 arrests had been made (WRAL).

The case of Warren County raises various issues regarding social and environmental justice, as well as questions about the responsibilities of government. According to McGurty, the NAACP filed an injunction through the litigation processes before the landfill was constructed claiming that many residents of the town noted that the town’s poverty was a reason for their political powerlessness.<sup>10</sup> It is commonly known that lack of education and finances is associated with reduced political participation, so the NAACP argued that it is was for this reason that this mostly poor town was chosen for the landfill. Additionally, blacks have obviously faced discrimination before in the form of slavery, segregation, and infringements on voting.

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6 Gelser, 50-51.

7 Maura Eileen McGurty, “Warren County, NC, and the Emergence of the Environmental Justice Movement: Unlikely Coalitions and Shared Meanings in Local Collective Action,” *Society & Natural Resources* 13, no. 4 (2000): 371.

8 Ibid, 378.

9 Ibid, 379.

10 Ibid, 377.

McGurty writes “[the] two issues of the initial opposition were translated into a language that resonated with past experiences of blacks in the county: Blacks had been victims of past transgressions at the hands of whites, causing excessive poverty, physical suffering, and even death. The landfill was the latest manifestation of their experience for the past several centuries.”<sup>11</sup> This idea puts into context the fears that the African American community was facing. Not only was it a possibility that chemicals would leach into their drinking water, and not only were many blacks systematically rendered powerless in the political process, but also it was again the white, powerful majority that would put blacks under these circumstances. While Warren County was not the first case of environmental racism, it was a landmark case for the environmental justice movement as it was the first time that blacks mobilized nationally and the first time that activists had been jailed for protesting a hazardous waste site.<sup>12</sup>

Toxic waste hazards are one of the most prominent issues in environmental justice for African Americans and go back further than the issue in Warren County. Another example of environmental racism against African Americans occurred in South Central Los Angeles, a community that was fifty-two percent African American and forty-four percent Latino American. In 1985, the area was slated for the construction of a new solid waste incinerator known as the Los Angeles City Energy Recovery (LANCER) project. LANCER was to cover an area of thirteen acres and to burn 2,000 tons of solid municipal waste every day.<sup>13</sup> To combat this, residents, mostly African American and Mexican American women, came together to form a group called Concerned Citizens of South Central Los Angeles.<sup>14</sup> Women played an important role in this case as many of them were mothers worried about the safety of their children. Additionally, women faced additional health risks by being in toxic environments because, historically, women have been the ones to stay home and get exposed to the toxicity.<sup>15</sup>

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11 McGurty, 380.

12 Bullard, Wright, “Quest,” 41.

13 Cynthia Hamilton, “Concerned Citizens of South Central Los Angeles,” (Sierra Club Books, 1996), 208.

14 Ibid, 209.

15 Hamilton, 211.

Before the site to build LANCER was determined, Cerrel Associates consulting firm reviewed South Central Los Angeles. The firm concluded that South Central Los Angeles would be the best place for the incinerator because, as they write:

Certain types of people are likely to participate in politics... all socioeconomic groupings tend to resent the nearby siting of major facilities, but the middle and upper socioeconomic strata possess better resources to effectuate their opposition. Middle and higher socioeconomic strata neighborhoods should not fall at least within one mile and five mile radii of the proposed site.<sup>16</sup>

In other words, the site should be placed in a low-income, uneducated neighborhood because it would mobilize less political power to stand against the construction. Because of systematic segregation and oppression, low-income, uneducated neighborhoods are more likely to be made up of minorities, and in this case, it is African Americans and Latinos who get affected.

The Concerned Citizens group banded together with other grassroots movements—including Greenpeace, Citizens for a Better Environment, and the National Health Law Program—in order to fight the LANCER project. Additionally, grassroots activists were backed by two white-majority groups based in the west side of Los Angeles. Similar to the case of Warren County, the organizers against LANCER borrowed tactics used during the Civil Rights era to fight back, including protests, demonstrations, and petitions. According to Hamilton, the group was able to create a sense of “unity of purpose across neighborhoods and racial lines.”<sup>17</sup> The fight against LANCER went on for two years, with women doing most of the work. In the end, it paid off and the plans to build the incinerator were cancelled.<sup>18</sup>

When it comes to toxic sites, African Americans and minorities are more likely to be exposed to chemical waste and toxicity. In 1980, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), otherwise known as the Superfund Act,

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16 Hamilton, 211.

17 Ibid, 213.

18 Ibid, 218.

passed Congress.<sup>19</sup> This act was spawned by strong citizen concern over toxic waste sites after a news story broke about one of these sites known as Love Canal in Niagara Falls, New York.<sup>20</sup> The act established guidelines for the proper way to dispose of toxic waste, transferred liability to corporations responsible for cleaning up waste, and established a trust for cleanup of sites where no responsible party could be found.<sup>21</sup>

As of 2013, there were 1,388 Superfund sites either in the process of being cleaned up or still in need of cleaning up. Within one mile of these sites, minority dwellers comprise forty-four percent of the population, and within three miles the percentage increases to forty-seven.<sup>22</sup> The ratio of minority dwellers around the Superfund sites is disproportionately high, since on average minority dwellers make up only thirty-seven percent of the US population.. For African Americans, the population within three miles of these sites is fourteen-point-nine percent compared to their US share of the population, which is twelve-point-six percent African Americans. White people, on the other hand, only make up sixty-eight percent of the population within one mile of the sites and sixty-seven-point-two percent within three miles, despite making up seventy-four percent of the US population.<sup>23</sup> The EPA report about the population make up around these sites even admits that “this population is more minority, low income, linguistically isolated, and less likely to have a high school education than the US population as a whole...As a result, these communities may have fewer resources with which to address concerns about their health and environment.”<sup>24</sup> Political power and environmental racism go hand in hand, as it is political involvement and social action that would allow these communities to shape the environment they live in. These cases of toxic sites also infringe on the natural right of life and liberty. If Superfund sites and other toxic areas cause health problems for nearby residents, those peoples’ livelihood and health are put at risk. If one cannot be secure in their life and health, the affected residents have every right to protest for change, which communities such as Warren County and South Central Los Angeles did.

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19 US EPA Superfund.

20 “Superfund Site: Love Canal Niagara Falls, NY,” United States Environmental Protection Agency.

21 US EPA Superfund.

22 “Population Surrounding 1,388 Superfund Remedial Sites,” United States EPA,” 1.

23 “Population Surrounding,” 2.

24 “Population Surrounding,” 1.

Toxic waste sites are not the only environmental issue that minorities struggle with disproportionately. Flint, Michigan, for example, has been heavily covered in the news cycle for about three years now due to issues with the city's water supply. Flint's population is about 99,000, with fifty-four percent of it identifying as African American. This is much higher than the African American make up of the country as a whole, which is currently a little more than thirteen percent. The white population of Flint is the second highest, at thirty-seven percent. Additionally, forty-one-point-two percent of the population lives under the US poverty line.<sup>25</sup> The population make up provides an important backdrop for the events that took place in Flint and that are still occurring today.

In April of 2014, the city officials of Flint approved of a plan to switch sources of water for the city from a Detroit water supply to the Flint River in order to save millions of dollars for the impoverished city. Ironically, the city manager who approved the plan was black. The Flint River had once been used as a discharge point for local industry, which drove in the economy in decades past. Soon after the switch, people began to complain of rashes, lost hair, and sicknesses that they believed to be from the water. Despite their complaints, memos in the Republican administration of the state headed by Governor Rick Snyder waved them off as not an important enough health concern.<sup>26</sup>

The people were right to complain about the water. In the August following the switch, some water tested positive for e. coli and coliform bacteria, causing some neighborhoods to enact a boil order. In October, one of the largest factories in the area, GM Motors, stopped using water from the municipality for fear of corrosion to their machines. In January 2015, the city was found to be in violation of the Safe Drinking Water Act due to elevated levels of trihalomethanes (TTHM), prompting the state to provide bottled drinking water for government employees. Levels of TTHM eventually went back down to safe levels, but the government continued to use bottled water in their offices. The next month, high levels of lead were found in some homes. According to the EPA, fifteen parts of lead per billion is an acceptable level, but some homes tested

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25 "Flint, MI," Data USA.

26 John Eligon, "A Question of Environmental Racism in Flint," *New York Times*, 2016.



at 104 parts per billion. This is likely due, as discovered in April of 2015, to the lack of corrosion control treatment that was supposed to take place during the water treatment process. After multiple months of botched data and apathy on the part of government officials, a Virginia Tech team concluded that their preliminary tests revealed extremely high levels of lead in Flint homes. On September 25, a study showed elevated levels of lead in children up to five years old, with almost two percent more children showing high levels of lead in blood than before the switch in water sources. The next month, Flint switched back to the Detroit water supply, which fell under the Great Lakes Water Authority.<sup>27</sup>

Although water supply changed back to the original source, it was too late. In December of 2015, the mayor of Flint declared a state of emergency. Later that month, an official report said that the way officials in charge of the switch dealt with the water crisis “was often one of aggressive dismissal, belittlement, and attempts to discredit these efforts and the individuals involved.” In the early months of 2016, city officials and the governor were called to testify about what led to the crisis. Additionally, Governor Snyder and then President Barack Obama declared a state of emergency in that county. By July of 2016, nine city officials had been criminally charged for corruption, tampering of evidence, misconduct in office, and willful neglect of duty.<sup>28</sup>

There are lasting consequences to the Flint community still today, although it is too soon to tell how long the consequences might last. In a study from August 2017, Daniel S. Grossman and David J. G. Slusky determined that in the period after the switch to the Flint River water, fertility among women decreased and fetal deaths increased. The authors discuss how excessive lead levels in children especially can cause issues in the nervous system and cardiovascular system.<sup>29</sup> Additionally, lead can affect fetuses in that it stays in the blood and can transfer through the placenta of women in contact with lead. This

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27 Merrit Kennedy “Lead-Laced Water In Flint: A Step-By-Step Look At The Makings Of A Crisis,” (NPR, 2016).

28 Kennedy, “Lead-Laced Water.”

29 Daniel Grossman, David J. G. Slusky. “The Effect of an Increase in Lead in the Water System on Fertility and Birth Outcomes: The Case of Flint, Michigan” 3.

can lead to mental and developmental issues in babies once born.<sup>30</sup> Overall, they determine that there was a twelve percent decrease in fertility and a fifty-eight percent increase in fetal death rates after the switch.<sup>31</sup> They also indicate that these are preliminary findings, as lead stays in the blood for long after exposure stops, thus the results may be an underestimation. They also conclude some social effects of lead exposure to a community:

An overall decrease in fertility rates can have lasting effects on a community, including school funding due to a decrease in the number of students. Alternatively, if the decrease in births truly decreased the number of less healthy babies, it may reduce the health expenditures of the community. However, given the research demonstrating a substantial increase in blood lead levels among children in the community, an overall decrease in health expenditures in both the short and long-term seem highly unlikely.<sup>32</sup>

In other words, a decrease in births that can be caused by lead exposure can result in less school funding and maintained high healthcare costs down the line. This can have especially detrimental impacts on cities like Flint that are already disenfranchised based on race, socioeconomic standing, and education levels. Like in the toxic waste site cases, the lack of access to safe drinking water can infringe on people's right to life. Based on Grossman and Slusky's study, environmental injustice already has had effects on the life of fetuses. Additionally, the people in Flint can no longer feel secure in their life and health, which is violates their right to be secure in themselves.

Hurricane Katrina is often thought of as a natural disaster or an "act of God." However, the situation surrounding the devastation of the hurricane and the emergency response afterwards provide yet another example of environmental racism. As Elliott and Pais point out, "the region devastated by Hurricane Katrina is very different from say, San Francisco prior to the massive earthquake of 1989, or Miami prior to Hurricane Andrew of 1992, or Los Angeles prior to the brush fires of 1993, or Chicago prior to the heat wave of 1995"

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30 Grossman, 8.

31 Ibid, 1.

32 Ibid, 35-36.

in that the area of New Orleans most affected by the hurricane had experienced little demographic and economic growth since its settling.<sup>33</sup>

Katrina hit ground on August 29, 2005 as a Category 3 hurricane, with winds reaching up to 125 miles per hour. Surges from the ocean and excess rainfall pushed against already weak levees, which broke or leaked, leading to floods that covered eighty-percent of New Orleans in water.<sup>34</sup> After the storm retreated, nearly one million people were displaced, with about half of those people coming from New Orleans alone.<sup>35</sup> In their study following the events of Hurricane Katrina, Elliot and Pais surveyed more than 1500 people about the emergency response they faced during and after the hurricane. They found that blacks were one-and-a-half times more likely to evacuate after rather than before the storm compared to whites. They also found that about five percent of those surveyed did not evacuate the city at all. Additionally, they found that those with a lower income were less likely to evacuate before the storm.<sup>36</sup> These results point to a conclusion that higher income, non-black residents had more means to evacuate before the storm even hit than lower income, black residents.

The authors also asked the respondents about stress levels following the hurricane and found that blacks felt more stress than their white counterparts with no relation to class.<sup>37</sup> One “troubling” finding from their research is that black workers in New Orleans are four times more likely than whites in similar positions to lose their job after a hurricane, but if adjusted for income differences, that disparity jumps to blacks being around seven times more likely than whites to lose their jobs.<sup>38</sup> This in turn affected who could return to the city and rebuild from the ground up rather than move somewhere safer.

In Bullard’s book, *The Wrong Complexion for Protection*, he lists and describes twenty ways in which the black communities in New Orleans were destroyed in the aftermath of Hurricane Katrina. He cites that blacks were much more likely than whites to not receive FEMA grants and much more likely to be rejected by the Small Business

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33 James Elliott, and Jeremy Pais. “Race, Class, and Hurricane Katrina: Social Differences in Human Responses to Disaster,” (Social Science Research, 2006), 297.

34 Steve Kroll-Smith, et al. *Left to Chance: Hurricane Katrina and the Story of Two New Orleans Neighborhoods*, (University of Texas Press, 2015), 17.

35 Elliot, Pais, “Race, Class,” 302.

36 Ibid, 308.

37 Ibid, 312.

38 Ibid, 317.

Administration when applying for disaster loans.<sup>39</sup> He also claims that black neighborhoods were cleaned up at a much slower rate, if at all, compared with white neighborhoods. This discrepancy resulted in more pollution and public health issues in black communities. Black neighborhoods were also more likely to be in discussion as “sacrifice” for restoring wetlands, while similar low-lying white communities were not.<sup>40</sup> There was also no commitment to rebuilding public housing destroyed by the hurricane, which housed a high population of black and low-income people.<sup>41</sup> Similarly, there was a delay in rebuilding and reopening New Orleans schools, made up of ninety-three percent African American children. Finally, elections in the aftermath of the storm were “held without appropriate Voting Rights Act safeguards.”<sup>42</sup> This gets to the issue of African Americans not being able to have a voice in their own communities and allegedly democratic political units, which is an ongoing theme in every case looked at thus far. A progress report from the Louisiana Family Recovery Corps in 2008 found that “there is a great disparity in the progress towards recovery, disruption from the storms, and levels of progress between black and white households, even for those with similar incomes.”<sup>43</sup> The fact that there is a discrepancy between the treatment of white people and the treatment of African Americans directly from government agencies, such as the Small Business Administration and FEMA, could constitute a case regarding equal protection under the law. If there is a violation of this ideal, which given the evidence there seems to be, the United States is practicing against its own standards.

In all of these cases, whether it be dealing with toxic waste in the Warren County and LANCER cases, clean water access in Flint, or natural disaster relief following Hurricane Katrina, systematic political power played a major role. It is well documented that historically and currently, African Americans are less likely to vote, whether it be from lax enforcement of the Voting Rights Act, voter ID laws, education level, or restricted access to voting stations during election cycles. In turn, political disenfranchisement of blacks has an effect on local and state zoning laws that allow things like toxic

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39 Robert Bullard, and Beverly Wright, *The Wrong Complexion for Protection: How the Government Response to Disaster Endangers African American Communities*, (New York University Press, 2012), 74.

40 *Ibid*, 75.

41 *Ibid*, 76.

42 *Ibid*, 78.

43 *Ibid*, 83.

waste landfills to be built in certain neighborhoods or water sources to be switched from a clean one to a corrosive one. A similar effect is seen at the federal level in the form of access to FEMA and federal loans after a natural disaster. If African Americans had better access to voting, perhaps that would allow more diversity in American politics, which would allow for more equitable decisions in how environmental detriments are spread out through communities.

There is a similar lack of diversity in big environmental organizations, which historically have been made up of middle to upper class white men. These groups, such as The Natural Resource Defense Fund, Greenpeace, and the Sierra Club, play a major role in lobbying for federal and state environmental policy, as well as promoting more local and regional campaigns. In a 2014 study on the state of diversity in environmental organizations, 191 conservation and preservation organization, seventy-four governmental agencies, twenty-eight grant-making organizations were studied for diversity.<sup>44</sup> The study found that when it comes to gender equality, gains have been made specifically by white women. It also found that despite racial and ethnic minorities making up around thirty-eight percent of the United States population, only about sixteen percent of the employees at the studied organizations were minorities.<sup>45</sup> Few preservation and conservation organizations had a diversity manager position, and none of the grant-making organizations did. Additionally, it is through word-of-mouth and informal recruitment that many environmental organizations hire people, which is less likely to reach minority or lower socioeconomic circles.<sup>46</sup> All of these factors result in less representation of minority voices in large environmental groups, thus less top-down political and bottom-up grassroots power to minority communities.

Representation in government and environmental organizations can give power to minority residents who want to enact a change or prevent certain changes to their communities. However, systematic blocks to voting and other forms of political participation can prevent marginalized groups such as African Americans from having that power. Socioeconomic factors also play a role in this process as

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44 Dorceta Taylor, "The State of Diversity in Environmental Organizations," 2.

45 Ibid, 4.

46 Ibid, 5.

those with less money are less likely to participate in protests and even voting if they have jobs that they must go to in order to survive. For this reason, environmental racism especially among African Americans has remained firmly in place, mostly when it comes to the placement of toxic facilities and access to basic supplies for survival. The environmental justice movement has brought to light a lot of these issues, but there is still plenty of work to be done before all communities are treated fairly despite race and socioeconomic status.