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# ENVIRONMENTAL JUSTICE AND THE RACISM THAT SPAWNED A MOVEMENT

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This essay was originally submitted to POLS 351: Justice and Law with Dr. Siobhan Moroney in the Fall of 2017. The topic of this essay is environmental racism.

Conceptions of justice are visible throughout many aspects of American life. Historically, democratic ideas, economic distribution, and the criminal justice system have perpetuated notions of justice. In modern decades, a new area of justice has arisen: environmental justice. Environmental justice combines issues of political participation, inequitable wealth distribution, pressures against marginalized group, and the environment. From this, a more specific idea of environmental racism emerges. Since the beginning of American history, environmental injustices have occurred against African Americans in the area of environmental racism. Systematically, African Americans have been disenfranchised when it comes to voting and economically and racially segregated to certain areas where they might be more likely to face environmental and public health issues. It is these democratic inequities that have led to environmental racism and the environmental justice movement.

Before environmental racism can be understood comprehensively, environmental justice should be defined. The United States 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.” They also offer a way to achieve environmental justice. The EPA suggests “offering the same degree of protection from environmental and health hazards” and providing “equal access to the decision-making process to have a healthy environment in which to live, learn, and work” (United States EPA 2018).

While the environmental justice movement today encompasses several groups of people, including African Americans, Native Americans, and Hispanics, it has particular 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 for African Americans (Bullard & Wright 1992, 40). This helps 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 the environmental inequalities faced by the African American community as a direct result of environmental racism. According to the Commission for Racial Justice, “the privileges of whites [access to a clean environment] are created and institutionalized at the expense of people of color” (Bullard & Wright 1992, 41).

A protest in Warren County, North Carolina, in autumn of 1982 is often touted as the first major environmental justice protest. This protest was in response to a proposed landfill site that would store polychlorinated

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biphenyls (PCBs) in Afton, North Carolina, a town in Warren County. PCBs are synthetic compounds used in paints, adhesives, pesticides, plastics, and more, and they are toxic to human health (Geiser & Waneck 1996, 44). Warren County was one of the poorest counties in the state and had a population that was approximately 65% 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 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" (50-51). In other words, it was a possibility that the toxic PCBs would leach into groundwater that supplied drinking water to the area.

Even after city council meetings and court battles, the federal and state governments approved for the landfill to be built. Over the span of six-week as the contaminated soil to be dumped in the landfill arrived, almost 500 people participated in protests (McGurty 2000, 373). Groups such as the local chapter of the NAACP, the United Church of Christ, and the Southern Christian Leadership Conference were all in attendance, along with highly respected individuals in the black community like Reverend Ben Chavis and Floyd McKissick, a member of the Congress for Racial Equality, were in attendance at the protest (378). Protests marches took place from a local church to the proposed site of the landfill, according to Eileen Maura McGurty. The marches tended to mimic the marches that took place in the civil rights era as they used similar chants with words that were changed to fit the specific situation (379). By the end of the six-week period, the landfill had been filled and over 500 arrests had been made (WRAL 2012).

The case of Warren County raises various issues regarding social and environmental justice, as well as questions regarding the responsibilities of government. According to McGurty, the NAACP, through the litigation processes, filed an injunction before the landfill was constructed, claiming that many residents of the town mentioned that the town's poverty was a reason for their political powerlessness (377). It is commonly known that those with little education and less money tend to not be politically active comparatively, so the NAACP argued that the poverty levels were the reason that the town was chosen for the landfill. Additionally, blacks in America have obviously faced discrimination before in the form of slavery, segregation, and infringements on voting. 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" (380). This idea puts into context the fears that the African American community was facing. Not only would chemicals filter into their drinking water, and not only were many of them systematically rendered powerless in the political process, but also it was the white, powerful majority that would put them under these circumstances, again. While Warren County was not the first case of environmental racism, this 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 (Bullard & Wright 1992, 41).

Toxic waste hazards are one of the most prominent issues in environmental justice for African Americans even before the issue in Warren County. Another example of environmental racism against African Americans occurred in South Central Los Angeles, a community that was 52% African American and 44% Latino American. In 1985, the area was scheduled for the construction of a new solid waste incinerator known as the Los Angeles City Energy Recovery (LANCER) project. This was to cover an area of 13 acres and to burn 2,000 tons of solid municipal waste every day (Hamilton 1996, 208). 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 (209). 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, they have been the ones to stay home and be exposed to the toxicity (211).

Before the site to build LANCER was determined, South Central Los Angeles was reviewed by consulting firm Cerrell Associates. 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 (211).

In short, the site should be placed in a low-income, uneducated neighborhood because the people who lived there wield less political power to stand against the construction. These neighborhoods are ones usually made up of minorities because of systematic segregation and oppression, and in this case, it was African Americans and

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Latinos who would be affected.

The Concerned Citizens group banded together with other grassroots movements in order to fight the LANCER project, including Greenpeace, Citizens for a Better Environment, and the National Health Law Program. Additionally, they were backed by two white-majority groups based in the westside 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” (213). 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 (218).

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, passed Congress (United States EPA 2015). This act was brought about in the wake of citizen concern over toxic waste sites after a news story broke about a sites known as Love Canal in Niagara Falls, New York (United States EPA 2017). The act established guidelines for the proper way to dispose of toxic waste, gives liability to corporations responsible for cleaning up waste, and established a trust for cleanup of sites where no responsible party could be found (United States EPA 2015).

As of 2013, there were 1,388 Superfund sites either in the process of being cleaned up or still needing cleaned up. The minority population within one mile of these sites is 44% and is 47% within three miles (United States EPA 2015, 1). This is a larger than the minority population of the United States, which is around 37% of the population. For African Americans, the population within three miles of these sites is 14.9% compared to their U.S. share of the population, which is 12.6% African Americans. White people, on the other hand, only make up 68% of the population within one mile of the sites and 67.2% within three miles, despite making up 74% of the U.S. population (2). 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 U.S. population as a whole...As a result, these communities may have fewer resources with which to address concerns about their health and environment” (1). Political power and environmental racism go hand in hand because communities shape the environment they live in through political involvement and social action. 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 people’s life and health are put at risk. If one cannot be secure in their life and health, they have every right to protest for change, which communities such as Warren County and South Central Los Angeles did.

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 54% of it identifying as African American. This is much higher than the African American makeup of the country as a whole, which is currently a little more than 13%. The white population of Flint is the second highest, at 37%. Additionally, 41.2% of the population is under the United States poverty line (Data USA 2015). The population makeup 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, attempting to save millions of dollars for the impoverished city. The Flint River had once been used as a discharge point for local industry, which was a driving point 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 (Eligon 2016).

The people were right to complain about the water. In the August following the switch, some water tested positive for *Escherichia coli* and coliform bacteria, leading 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 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 team from Virginia Tech concluded that their

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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 2% 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 (Kennedy 2016).

Although water sources 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” (Kennedy 2016). 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 (Kennedy 2016).

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. They discuss how excessive lead levels in children especially can cause issues in the nervous system and cardiovascular system (3). Additionally, lead stays in the blood and can transfer through the placenta of women in contact with lead, thus affecting fetuses. This can lead to mental and developmental issues in babies once born (8). Overall, they determine that there was a 12% decrease in fertility and a 58% increase in fetal death rates after the switch (1). 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 (35, 36).

In sum, a decrease in births that can be caused by lead exposure can lead to less school funding and maintained

high healthcare costs down the line. This can have a detrimental impact 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, it already has had effects on fetuses. Additionally, the people in Flint can no longer feel secure in their life and health.

Hurricane Katrina is thought of as a natural disaster or, in legal terms, 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” in that the area of New Orleans most affected by the hurricane had experienced little demographic and economic growth since its settling (297).

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 weak levees, which then broke or leaked, leading to floods that covered 80% of New Orleans in water (Kroll-Smith et al. 2015, 17). After the storm retreated, nearly one million people were displaced with about half of those people coming from New Orleans alone (Elliot & Pais 2006, 302). 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 1.5 times more likely to evacuate after rather than before the storm compared to whites. They also found that about 5% 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 (308). These results point to a conclusion that higher income, non-black residents had more means to evacuate before the storm even hit than the lower income, black residents.

They 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 (312). One “troubling” finding from their research is that the findings indicate that black workers in New Orleans were four times more likely to lose their jobs than white people in similar positions after the storm. If income before differences are factored in, this disparity jumps to blacks being around seven times more likely to lose their jobs over whites (317). This in turn affects who can return to the city and rebuild from the ground up

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rather than moving somewhere safer from future weather events.

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 Administration when applying for disaster loans (74). He also says that black neighborhoods were cleaned up at a much slower rate, if at all, compared to white neighborhoods. This led to pollution and public health issues in these communities. Black neighborhoods were also more likely to be in discussion for "sacrifice" for restoring wetlands while similar low-lying white communities were not (75). There was also no commitment to rebuilding public housing destroyed by the hurricane, which housed a high population of black and low-income people (76). Similarly, there was a delay in rebuilding and reopening New Orleans schools, which was made up of 93% African American children. Finally, elections in the aftermath of the storm were "held without appropriate Voting Rights Act safeguards" (78). This is an example of African Americans being unable to exercise their democratic voice in their own communities, 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" (83). 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 in Hurricane Katrina, systematic political power played a major role. It is well documented that 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, this has an effect on local and state zoning laws that allow things like toxic 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 handled throughout 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 (Taylor 2014, 2). It 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 38% of the United States population, only about 16% of the employees at the studied organizations were minorities (4). Few preservation and conservation organization had a diversity manager position, and none of the grant-making organizations did. Additionally, many environmental organizations hire people through word-of-mouth and informal recruitment, which is less likely to reach minorities or lower socioeconomic circles (5). All of these 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 minorities 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 as those with less money are likely to be less likely to participate in things such as protests and even voting. For this reason, environmental racism especially among African Americans has continued 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.

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