

ARTICLE

Dismantling Environmental Racism in the USA

ROBERT D. BULLARD

ABSTRACT *A growing body of evidence reveals that people of colour and low-income persons have borne greater environmental and health risks than the society at large in their neighbourhoods, workplaces and playgrounds. Over the past decade or so, grassroots activists have attempted to change the way government implements environmental, health and civil rights laws. A new movement has emerged in opposition to environmental racism and environmental injustice. Over the past two decades or so, grassroots activists have had some success in changing the way the federal government treats communities of colour and their inhabitants. Grassroots groups have also organised, educated and empowered themselves to improve the way health and environmental policies are administered. Environmentalism is now equated with social justice and civil rights.*

Introduction

Despite significant improvements in environmental protection over the past several decades, millions of Americans continue to live in unsafe and unhealthy physical environments. Many economically impoverished communities and their inhabitants are exposed to greater health hazards in their homes, in their jobs and in their neighbourhoods when compared to their more affluent counterparts (Alston, 1992; Alston & Brown, 1993; Bryant & Mohai, 1992; US Environmental Protection Agency (EPA), 1992). This paper examines the root causes and consequences of differential exposure of some US populations to elevated environmental health risks.

Defining Environmental Racism

In the real world, all communities are not created equal. All communities do not receive equal protection. Economics, political clout and race play an important part in sorting out residential amenities and disamenities. Environmental racism is as real as the racism found in housing, employment, education and voting (Bullard, 1993a). *Environmental racism refers to any environmental policy, practice or directive that differentially affects or disadvantages (whether in-*

Robert D. Bullard, Environmental Justice Resource Center, Clark Atlanta University, 223 James P. Brawley Drive, Atlanta, GA 30314, USA. Tel: (404) 880-6911. Fax: (404) 880-6909. Email: ejrc@cau.edu



FIGURE 1. Children playing in a park across the street from Shell Oil refinery, Norco, Louisiana (photograph courtesy of the Environmental Justice Resource Center).

tended or unintended) individuals, groups or communities based on race or colour. Environmental racism is just one form of environmental injustice and is reinforced by government, legal, economic, political and military institutions. Environmental racism combines with public policies and industry practices to provide *benefits* for whites while shifting *costs* to people of colour (Godsil, 1990; Colquette & Robertson, 1991; Collin, 1992; Bullard, 1993a).

From New York to Los Angeles, grassroots community resistance has emerged in response to practices, policies and conditions that residents have judged to be unjust, unfair and illegal (see Figure 1). Some of these conditions include: (1) unequal enforcement of environmental, civil rights and public health laws; (2) differential exposure of some populations to harmful chemicals, pesticides and other toxins in the home, school, neighbourhood and workplace; (3) faulty assumptions in calculating, assessing and managing risks; (4) discriminatory zoning and land-use practices; and (5) exclusionary practices that limit some individuals and groups from participation in decision making (C. Lee, 1992; Bullard, 1993b, 1994).

The Environmental Justice Paradigm

During its 28-year history, the US EPA has not always recognised that many government and industry practices (whether intended or unintended) have adverse impacts on poor people and people of colour. Growing grassroots

community resistance has emerged in response to practices, policies and conditions that residents have judged to be unjust, unfair and illegal. The EPA is mandated to enforce the nation's environmental laws and regulations equally across the board. It is required to protect all Americans—not just individuals or groups who can afford lawyers, lobbyists and experts. Environmental protection is a right, not a privilege reserved for a few who can 'vote with their feet' and escape or fend off environmental stressors.

The current environmental protection apparatus is broken and needs to be fixed. The current apparatus manages, regulates and distributes risks (Bullard, 1996). The dominant environmental protection paradigm institutionalises unequal enforcement, trades human health for profit, places the burden of proof on the 'victims' and not the polluting industry, legitimates human exposure to harmful chemicals, pesticides and hazardous substances, promotes 'risky' technologies, exploits the vulnerability of economically and politically disenfranchised communities, subsidises ecological destruction, creates an industry around risk assessment and risk management, delays clean-up actions and fails to develop pollution prevention as the overarching and dominant strategy (Beasley, 1990a, b; Austin & Schill, 1991; Bullard, 1993c).

Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, colour, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including racial, ethnic or socio-economic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal programmes and policies.

A growing body of evidence reveals that people of colour and low-income persons have borne greater environmental and health risks than the society at large in their neighbourhoods, workplaces and playgrounds. On the other hand, the environmental justice paradigm embraces a holistic approach to formulating environmental health policies and regulations, developing risk reduction strategies for multiple, cumulative and synergistic risks, ensuring public health, enhancing public participation in environmental decision-making, promoting community empowerment, building infrastructure for achieving environmental justice and sustainable communities, ensuring inter-agency co-operation and co-ordination, developing innovative public/private partnerships and collaboratives, enhancing community-based pollution prevention strategies, ensuring community-based sustainable economic development and developing geographically oriented community-wide programming.

The question of environmental justice is not anchored in a debate about whether or not decision makers should tinker with risk assessment and risk management. The environmental justice framework rests on an ethical analysis of strategies to eliminate unfair, unjust and inequitable conditions and decisions. The framework attempts to uncover the underlying assumptions that may contribute to and produce differential exposure and unequal protection. It also brings to the surface the *ethical* and *political* questions of 'who gets what, when,

why and how much'. Some general characteristics of this framework include the following.

- The environmental justice framework adopts a public health model of prevention (i.e. elimination of the threat before harm occurs) as the preferred strategy.
- The environmental justice framework shifts the burden of proof to polluters/dischargers who do harm, who discriminate or who do not give equal protection to people of colour, low-income persons and other 'protected' classes.
- The environmental justice framework allows disparate impact and statistical weight or an 'effect' test, as opposed to 'intent', to infer discrimination.
- The environmental justice framework redresses disproportionate impact through 'targeted' action and resources. In general, this strategy would target resources where environmental and health problems are greatest (as determined by some ranking scheme but not limited to risk assessment).

Endangered Communities

Numerous studies reveal that low-income persons and people of colour have borne greater health and environmental risk burdens than the society at large (Mann, 1991; Goldman, 1991; Goldman & Fitten, 1994). Elevated public health risks have been found in some populations even when social class is held constant. For example, race has been found to be independent of class in the distribution of air pollution, contaminated fish consumption, municipal landfills and incinerators, abandoned toxic waste dumps, the clean-up of superfund sites and lead poisoning in children (Commission for Racial Justice, 1987; Agency for Toxic Substances and Disease Registry, 1988; West *et al.*, 1992; Bryant & Mohai, 1992; Lavelle & Coyle, 1992; Goldman & Fitten, 1994; Pirkle *et al.*, 1994).

Childhood lead poisoning is another preventable disease that has not been eradicated. Figures reported in the July 1994 *Journal of the American Medical Association* from the Third National Health and Nutrition Examination Survey (NHANES III) revealed that 1.7 million children (8.9% of children aged 1-5) are lead poisoned, defined as having blood levels equal to or above 10 µg/dl. The NHANES III data found African-American children to be lead poisoned at more than twice the rate of white children at every income level (Pirkle *et al.*, 1994). Over 28.4% of all low-income African-American children were lead poisoned compared to 9.8% of all low-income white children. During the time-period between 1976 and 1991, the decrease in blood lead levels for African-American and Mexican-American children lagged far behind that of white children.

In California, a coalition of environmental, social justice and civil libertarian groups joined forces to challenge the way the state carried out its lead screening of poor children. The Natural Resources Defense Council, the National Association for the Advancement of Colored People Legal Defense and Education Fund (NAACP LDF), 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 programme. The lawsuit, *Matthews v. Coye*, involved the failure of the state of California to conduct the federally mandated testing for lead of some 557 000 poor children who received Medicaid (B. L. Lee, 1992). This historic agreement triggered similar lawsuits and actions in several other states that failed to live up to the mandates.

Impetus for Policy Shift

The impetus behind the environmental justice movement did not come from within government or academia, or from within largely white middle-class nationally based environmental and conservation groups. The impetus for change came from people of colour, grassroots activists and their 'bottom-up' leadership approach. Grassroots groups organised themselves, educated themselves and empowered themselves to make fundamental change in the way environmental protection is performed in their communities.

The environmental justice movement has come a long way since its humble beginning in rural, predominantly African-American, Warren County, North Carolina, where a polychlorinated biphenyl landfill ignited protests and where over 500 arrests were made. The Warren County protests provided the impetus for a US General Accounting Office (1983) study, *Siting of Hazardous Waste Landfills and their Correlation with Racial and Economic Status of Surrounding Communities*. That study revealed that three out of four of the off-site, commercial hazardous waste landfills in Region 4 (which comprises eight states in the South) happened to be located in predominantly African-American communities, although African-Americans made up only 20% of the region's population.

The protests also led the Commission for Racial Justice (1987) to produce *Toxic Wastes and Race in the United States*, the first national study to correlate waste facility sites and demographic characteristics. Race was found to be the most potent variable in predicting where these facilities were located—more powerful than poverty, land values and home ownership. In 1990, *Dumping in Dixie: Race, Class, and Environmental Quality* (Bullard, 1994) chronicled the convergence of two social movements—social justice and environmental movements—into the environmental justice movement. This book highlighted African-Americans' environmental activism in the South, the same region that gave birth to the modern civil rights movement. What started out as local and often isolated community-based struggles against toxics and facility siting blossomed into a multi-issue, multi-ethnic and multi-regional movement.

The First National People of Color Environmental Leadership Summit (1991) was probably the most important single event in the movement's history. The Summit broadened the environmental justice movement beyond its anti-toxics focus to include issues of public health, worker safety, land use, transportation, housing, resource allocation and community empowerment (C. Lee, 1992). The meeting, organised by and for people of colour, demonstrated that it is possible to build a multi-racial grassroots movement around environmental and economic justice (Alston, 1992).

Held in Washington, DC, the day Summit was attended by over 650 grassroots and national leaders from around the world. Delegates came from all 50

states, including Alaska and Hawaii, Puerto Rico, Chile, Mexico and as far away as the Marshall Islands. People attended the Summit to share their action strategies, redefine the environmental movement and develop common plans for addressing environmental problems affecting people of colour in the USA and around the world.

On 27 October 1991, Summit delegates adopted 17 'principles of environmental justice' (see Box 1). These principles were developed as a guide for organising and networking, and relating to non-governmental organisations (NGOs). By June 1992, Spanish and Portuguese translations of the principles were being used and circulated by NGOs and community groups at the Earth Summit in Rio de Janeiro.

Federal, state and local policies and practices have contributed to residential segmentation and unhealthy living conditions in poor, working-class and people of colour communities (Bullard & Johnson, 1997). Several recent cases in California bring this point to life (Lee, 1995). Disparate highway siting and mitigation plans were challenged by community residents, churches and the NAACP LDF, in *Clear Air Alternative Coalition v. United States Department of Transportation* (ND Cal. C-93-0721-VRW), involving the reconstruction of the earthquake-damaged Cypress Freeway in West Oakland. The plaintiffs wanted the downed Cypress Freeway (which split their community in half) rebuilt further away. Although the plaintiffs were not able to get their plan implemented, they did change the course of the freeway in their out-of-court settlement.

The NAACP LDF has filed an administrative complaint, *Mothers of East Los Angeles, El Sereno Neighborhood Action Committee, El Sereno Organizing Committee et al. v. California Transportation Commission et al.* (before the US Department of Transportation and US Housing and Urban Development), challenging the construction of the 4.5 mile extension of the Long Beach Freeway in East Los Angeles through El Sereno, Pasadena and South Pasadena. The plaintiffs argue that the mitigation measures proposed by the state agencies to address noise, air and visual pollution discriminate against the mostly Latino El Sereno community. For example, all of the freeway in Pasadena and 80% of that in South Pasadena will be below ground level. On the other hand, most of the freeway in El Sereno will be above-grade. White areas were favoured over the mostly Latino El Sereno in the allocation of covered freeway, historic preservation measures and accommodation to local schools (Lee, 1995; Bullard & Johnson, 1997).

Los Angeles residents and the NAACP LDF have also challenged the inequitable funding and operation of bus transportation used primarily by low-income persons and people of colour residents. A class action lawsuit was filed on behalf of 350 000 low-income, people of colour, bus travellers represented by the Labor/Community Strategy Center, the Bus Riders Union, the Southern Christian Leadership Conference, Korean Immigrant Workers Advocates, and individual bus travellers. In *Labor/Community Strategy Center v. Los Angeles Metropolitan Transportation Authority* (Cal. CV 94-5936 TJH Mx), the plaintiffs argued that the Los Angeles Metropolitan Transit Authority (MTA) uses federal funds to pursue a policy of raising the costs of bus travellers (who

Dismantling Environmental Racism in the USA

The First National People of Color Environmental Justice Leadership Summit

24-27 October 1991, Washington, DC

Preamble

We, The People of Color, gathered together at this multi-national People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth, respect and celebrate each of our cultures, languages and beliefs about our natural world and our roles in healing ourselves; to insure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these principles of Environmental Justice:

- (1) *Environmental justice* affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
- (2) *Environmental justice* demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
- (3) *Environmental justice* mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
- (4) *Environmental justice* calls for universal protection from nuclear testing and the extraction, production and disposal of toxic/hazardous wastes and poisons that threaten the fundamental right to clean air, land, water, and food.
- (5) *Environmental justice* affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
- (6) *Environmental justice* demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
- (7) *Environmental justice* demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.
- (8) *Environmental justice* affirms the right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right to those who work at home to be free from environmental hazards.
- (9) *Environmental justice* protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
- (10) *Environmental justice* considers governmental acts of environmental injustice a violation of international law, the Universal Declaration of Human Rights, and the United Nations Convention of Genocide.
- (11) *Environmental justice* must recognize a special legal and natural relationship of Native Peoples to the US government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
- (12) *Environmental justice* affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for the full range of resources.
- (13) *Environmental justice* calls for the enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
- (14) *Environmental justice* opposes the destructive operations of multi-national corporations.
- (15) *Environmental justice* opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
- (16) *Environmental justice* calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
- (17) *Environmental justice* requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to insure the health of the natural world for present and future generations.

Box 1. Principles of environmental justice (Adopted in Washington, DC on 27 October 1994).

are mostly poor and people of colour) and reducing the quality of the service in order to fund rail and other projects in predominantly white, suburban areas.

In the end, the Labor/Community Strategy Center and its allies successfully challenged transit racism in Los Angeles. The group was able to win major fare and bus pass concessions from the Los Angeles MTA. They also forced the Los Angeles MTA to spend \$89 million on 278 new, clean, compressed natural gas buses.

Making Government More Responsive

Many of the nation's environmental policies distribute costs in a regressive pattern while providing disproportionate benefits for whites and individuals who fall at the upper end of the education and income scales. Lavelle & Coyle (1992) uncovered glaring inequities in the way the federal EPA enforces its laws:

There is a racial divide in the way the US 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.

This study reinforced what many grassroots activists have known for decades: all communities are not treated the same. Communities that are located on the 'wrong side of the tracks' are at greater risk from exposure to lead, pesticides (in the home and the workplace), air pollution, toxic releases, water pollution, solid and hazardous waste, raw sewage and pollution from industries (Goldman, 1992).

Government has been slow to ask the questions of who gets help and who does not, who can afford help and who can not, why some contaminated communities get studied while others get left off the research agenda, why industry poisons some communities and not others, why some contaminated communities get cleaned up while others are not, why some populations are protected and others are not protected, and why unjust, unfair and illegal policies and practices are allowed to go unpunished.

Struggles for equal environmental protection and environmental justice did not magically appear in the 1990s. Many communities of colour have been engaged in life and death struggles for more than a decade. In 1990, the Agency for Toxic Substances and Disease Registry (ATSDR) held a historic conference in Atlanta. The ATSDR National Minority Health Conference focused on contamination (Johnson *et al.*, 1992). In 1992, after meeting with community leaders, academicians and civil rights leaders, the US EPA (under the leadership of William Reilly) admitted there was a problem, and established the Office of Environmental Equity. The name was changed to the Office of Environmental Justice under the Clinton Administration.

In 1992, the US EPA produced one of the first comprehensive documents to examine the whole question of risk and environmental hazards in their equity report, *Environmental Equity: reducing risk for all communities* (US EPA, 1992b). The report, and its Office of Environmental Equity, were initiated only

after prodding from people of colour, environmental justice leaders, activists and a few academicians.

The EPA also established a 25-member National Environmental Justice Advisory Council (NEJAC) under the Federal Advisory Committee Act. The NEJAC divided its environmental justice work into six sub-committees: Health and Research, Waste and Facility Siting, Enforcement, Public Participation and Accountability, Native American and Indigenous Issues, and International Issues. The NEJAC is comprised of stakeholders representing grassroots community groups, environmental groups, NGOs, state, local and tribal governments, academia and industry.

In February 1994, seven federal agencies, including the ATSDR, the National Institute for Environmental Health Sciences, the EPA, the National Institute of Occupational Safety and Health, the National Institutes of Health, the Department of Energy and Centers for Disease Control and Prevention sponsored a National Health Symposium entitled 'Health and research needs to ensure environmental justice'. The conference planning committee was unique in that it included grassroots organisation leaders, affected community residents and federal agency representatives. The goal of the February conference was to bring diverse stakeholders and those most affected to the decision-making table (National Institute for Environmental Health Sciences, 1995). Some of the recommendations from that symposium included the following:

- Conduct meaningful health research in support of people of colour and low-income communities.
- Promote disease prevention and pollution prevention strategies.
- Promote inter-agency co-ordination to ensure environmental justice.
- Provide effective outreach, education and communications.
- Design legislative and legal remedies.

In response to growing public concern and mounting scientific evidence, President Clinton on 11 February 1994 (the second day of the National Health Symposium) issued Executive Order 12898, 'Federal actions to address environmental justice in minority populations and low-income populations'. This Order attempts to address environmental injustice within existing federal laws and regulations.

Executive Order 12898 reinforces the 30-year-old Civil Rights Act of 1964, Title VI, which prohibits discriminatory practices in programmes receiving federal funds. The Order also focuses the spotlight back on the National Environmental Policy Act (NEPA), a 25-year-old law that sets policy goals for the protection, maintenance and enhancement of the environment. The NEPA's goal is to ensure for all Americans a safe, healthful, productive and aesthetically and culturally pleasing environment. The NEPA requires federal agencies to prepare a detailed statement on the environmental effects of proposed federal actions that significantly affect the quality of human health.

The Executive Order calls for improved methodologies for assessing and mitigating impacts and health effects from multiple and cumulative exposures, the collection of data on low-income and minority populations who may be disproportionately at risk, and impacts on subsistence fishers and wildlife

consumers. It also encourages the participation of the affected populations in the various phases of impact assessment, including scoping, data gathering, alternatives, analysis, mitigation and monitoring.

The Executive Order focuses on 'subsistence' fishers and wildlife consumers. Not everybody buys their fish at the supermarket. There are many people who are subsistence fishers, fishing for protein, who basically subsidise their budgets and their diets by fishing from rivers, streams and lakes that happen to be polluted. These sub-populations may be underprotected when basic assumptions are made using the dominant risk paradigm.

The Case of Citizens Against Nuclear Trash versus Louisiana Energy Services

Executive Order 12898 was put to the test in rural north-west Louisiana. Since 1989, the Nuclear Regulatory Commission had under review a proposal from Louisiana Energy Services (LES) to build the nation's first privately owned uranium enrichment plant. A national search was undertaken by LES to find the 'best' site for a plant that would produce 17% of the nation's enriched uranium. LES supposedly used an objective scientific method in designing its site selection process.

The southern USA, Louisiana and Claiborne Parish ended up being the dubious 'winners' of the site selection process. Residents from Homer and the nearby communities of Forest Grove and Center Springs—two communities closest to the proposed site—disagreed with the site selection process and outcome. They organised themselves into a group called Citizens Against Nuclear Trash (CANT). CANT charged LES and the federal Nuclear Regulatory Commission (NRC) staff with practising environmental racism. CANT hired the Sierra Club Legal Defense Fund and sued LES.

The lawsuit dragged on for more than 8 years. On 1 May 1997, a three-judge panel of the NRC Atomic Safety and Licensing Board issued a final decision on the case. The judges concluded that 'racial bias played a role in the selection process' (NRC, 1997). The precedent-setting federal court ruling came some 2 years after President Clinton signed Executive Order 12898. The judges, in a 38-page written decision, also chastised the NRC staff for not addressing the provision called for under Executive Order 12898. The court decision was upheld on appeal on 4 April 1998.

A clear racial pattern emerged during the so-called national search and multi-stage screening and selection process (Bullard, 1995). For example, African-Americans comprise about 13% of the US population, 20% of the Southern states' population, 31% of Louisiana's population, 35% of the population of Louisiana's northern parishes and 46% of the population of Claiborne Parish. This progressive trend, involving the narrowing of the site selection process to areas of increasingly high poverty and African-American representation, is also evident from an evaluation of the actual sites that were considered in the 'intermediate' and 'fine' screening stages of the site selection process. The aggregate average percentage of black population for a 1-mile radius around all of the 78 sites examined (in 16 parishes) was 28.35%. When LES completed its

initial site cuts, and reduced the list to 37 sites within nine parishes (i.e. the same as counties in other states), the aggregate percentage of black population rose to 36.78%. When LES then further limited its focus to six sites in Claiborne Parish, the aggregate average percentage of black population rose again, to 64.74%. The final site selected, the 'LeSage' site, has a 97.1% black population within a 1-mile radius.

The plant was proposed on Parish Road 39 between two African-American communities, just 0.25 miles from Center Springs (founded in 1910) and 1.25 miles from Forest Grove (founded in the 1860s just after slavery). The proposed site was in a Louisiana parish that has a per capita earnings average of only \$5800 per year (just 45% of the national average), \$12 800), and where over 58% of the African-American population is below the poverty line. The two African-American communities were rendered 'invisible' since they were not even mentioned in the NRC's draft environmental impact statement (NRC, 1993).

Only after intense public comments did the NRC staff attempt to address environmental justice and disproportionate impact implications, as required under the NEPA and called for under Environmental Justice Executive Order 12898. For example, the NEPA requires that the government consider the environmental impacts and weigh the costs and benefits of the proposed action. These include health and environmental effects, the risk of accidental but foreseeable adverse health and environmental effects and socio-economic impacts.

The NRC staff devoted less than a page to addressing the environmental justice concerns of the proposed uranium enrichment plant in its final environmental impact statement (FEIS). Overall, the FEIS and the environmental report are inadequate in the following respects: (1) they assess inaccurately the costs and benefits of the proposed plant; (2) they fail to consider the inequitable distribution of costs and benefits of the proposed plant between the white and African-American populations; (3) they fail to consider the fact that the siting of the plant in a community of colour follows a national pattern in which institutionally biased decision-making leads to the siting of hazardous facilities in communities of colour, which results in the inequitable distribution of costs and benefits to those communities.

Among the distributive costs not analysed in relationship to Forest Grove and Center Springs are the disproportionate burden of health and safety, effects on property values, fire and accidents, noise, traffic, radioactive dust in the air and water, and the dislocation from a road closure that connects the two communities. Overall, the CANT legal victory points to the utility of combining environmental and civil rights laws and the requirement of governmental agencies to consider Executive Order 12898 in their assessments.

In addition to the remarkable victory over LES (see Figure 2), a company that had the backing of powerful US and European nuclear energy companies, CANT members and their allies won much more. They empowered themselves and embarked on a path of political empowerment and self-determination. During the long battle, CANT member Roy Madris was elected to the Claiborne Parish Jury (i.e. county commission), and CANT member Almeter Willis was elected to the

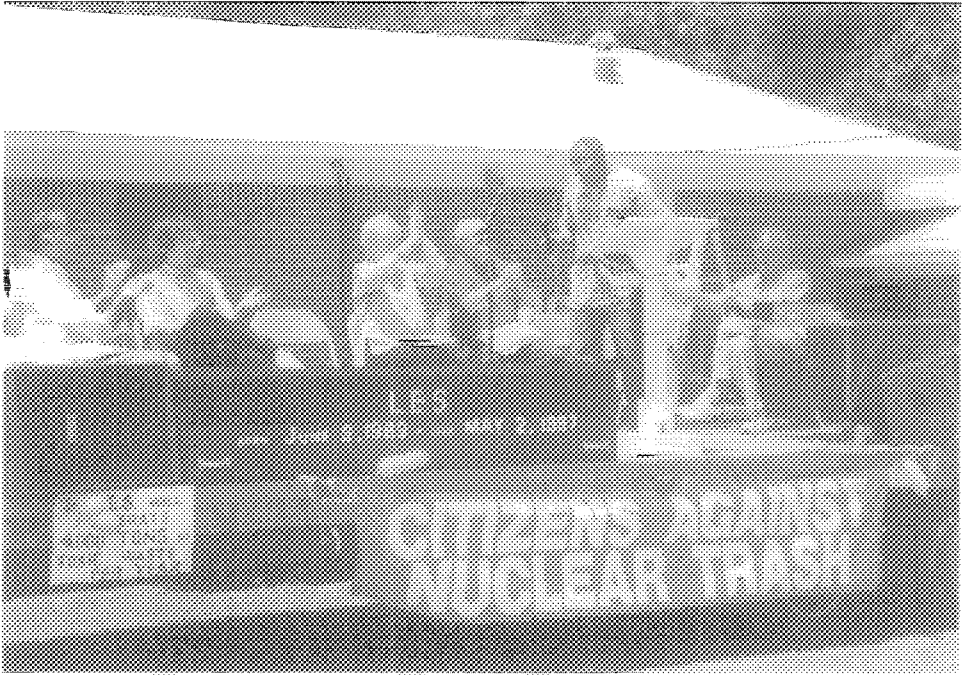


FIGURE 2. Citizens celebrate their victory over the LES plan to build a uranium enrichment plant in the African-American community, Forest Grove, Louisiana (photograph courtesy of the Environmental Justice Resource Center).

Claiborne Parish School Board. The town of Homer, the nearest incorporated town to Forest Grove and Center Springs, elected its first African-American mayor, and the Homer town council now has two African-American members. In autumn 1998, LES sold the land on which the proposed uranium enrichment plant would have been located. The land is going back into timber production—as it was before LES bought it.

Convent Residents versus Shintech Plant

Battle lines are now drawn in Louisiana on another national environmental justice test case. The community is Convent and the company is Shintech. The Japanese-owned Shintech, Inc. has applied for a Title V air permit to build an \$800 million polyvinyl chloride (PVC) plant in Convent, Louisiana—a community that is over 70% African-American and where over 40% of the residents fall below the poverty line. The community already has a dozen polluting plants and a 60% unemployment rate. The plants are very close to residents' homes. Industries are lured into the black community with the promise of jobs. But, in reality, the jobs are not there for local residents.

The Shintech case raises environmental racism concerns similar to those found in the failed LES siting scheme. The US EPA is bound by Executive Order 12898 to ensure that "no segment of the population, regardless of race, color,

national origin, or income, as a result of EPA's policies, programs, and activities, suffer disproportionately from adverse health or environmental effects, and all people live in clean and sustainable communities". The Louisiana Department of Environmental Quality is also bound by federal laws to administer and implement its programmes, mandates and policies in a non-discriminatory way.

Any environmental justice analysis of the Shintech proposal will need to examine the issues of disproportionate and adverse impact on low-income and minority populations near the proposed PVC plant. Clearly, it is African-Americans and low-income residents in Convent who live closest to existing and proposed industrial plants and who will be disproportionately affected by industrial pollution (Wright, 1998). African-Americans comprise 34% of the state's total population. The Shintech plant would be located in a parish, St James Parish, that ranks third in the state for toxic releases and transfers. Over 83% of St James Parish's 4526 residents are African-American. Over 17.7 million pounds of releases were reported in the 1996 toxic release inventory. The Shintech plant would add over 600 000 pounds of air pollutants annually. Permitting the Shintech plant in Convent would add significantly to the toxic burden borne by residents, who are mostly low-income and African-American.

After more than 18 months of intense organising and legal manoeuvring, residents of tiny Convent, Louisiana, and their allies forced Shintech to scrap plans to build the PVC plant. The decision came in September 1998, and was hailed around the country as a major victory against environmental racism. The driving force behind this victory was the relentless pressure and laser-like focus of the local Convent community.

Conclusion

The environmental protection apparatus in the USA does not provide equal protection for all communities. The current paradigm institutionalises unequal enforcement, trades human health for profit, places the burden of proof on the 'victims' and not on the polluting industry, legitimates human exposure to harmful chemicals, pesticides and hazardous wastes, promotes 'risky' technologies, exploits the vulnerability of economically and politically disenfranchised communities and nations, subsidises ecological destruction, creates an industry around risk assessment and delays clean-up actions, and fails to develop pollution prevention, waste minimisation and cleaner production strategies as the overarching and dominant goal.

The environmental justice movement emerged in response to environmental inequities, threats to public health, unequal protection, differential enforcement and disparate treatment received by the poor and people of colour. This movement has redefined environmental protection as a basic right. It has also emphasised pollution prevention, waste minimisation and cleaner production techniques as strategies to achieve environmental justice for all Americans without regard to race, colour, national origin or income.

Both race and class factors place low-income and people of colour communities at special risk. Unequal political power arrangements have also allowed poisons of the rich to be offered as short-term economic remedies for poverty of

the poor. However, there is little or no correlation between the proximity of industrial plants in communities of colour and the employment of nearby residents. Having industrial facilities in one's community does not automatically translate into jobs for nearby residents. More often than not, communities of colour are stuck with the polluting industries and poverty, while other people commute in for the jobs.

Governments must live up to their mandate of *protecting* all peoples and the environment. The call for environmental and economic justice does not stop at US borders but extends to all communities and nations that are threatened by hazardous wastes, toxic products and environmentally unsound technology. The environmental justice movement has set out the clear goal of eliminating the unequal enforcement of environmental, civil rights and public health laws, the differential exposure of some populations to harmful chemicals, pesticides and other toxins in the home, school, neighbourhood and workplace, faulty assumptions in calculating, assessing and managing risks, discriminatory zoning and land-use practices, and exclusionary policies and practices that limit some individuals and groups from participation in decision-making.

The solution to environmental injustice lies in the realm of equal protection for all individuals, groups and communities. Many of these problems could be eliminated if existing environmental, health, housing and civil rights laws were vigorously enforced in a non-discriminatory way. No community, rich or poor, urban or suburban, black or white, should be allowed to become a 'sacrifice zone' or dumping ground.

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Dismantling Environmental Racism in the USA

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