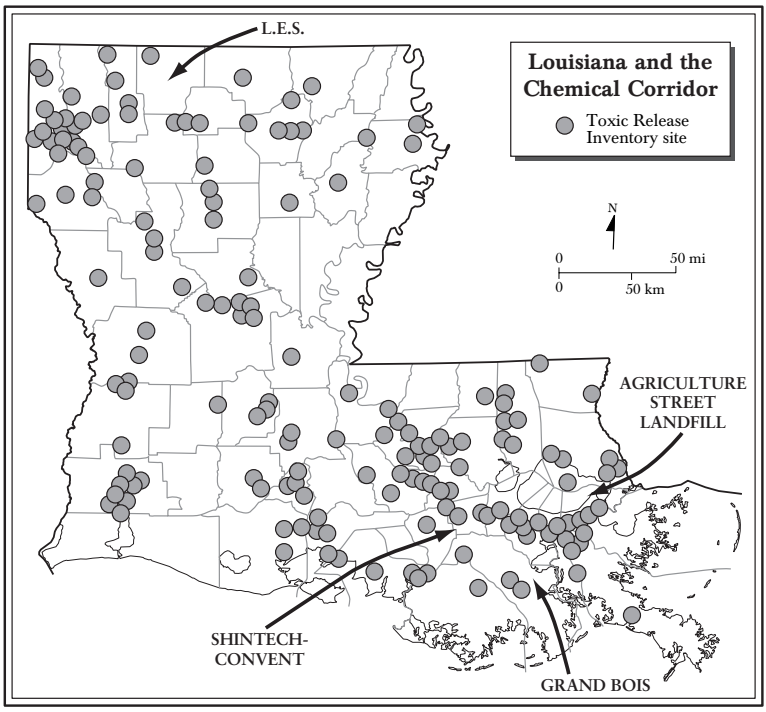
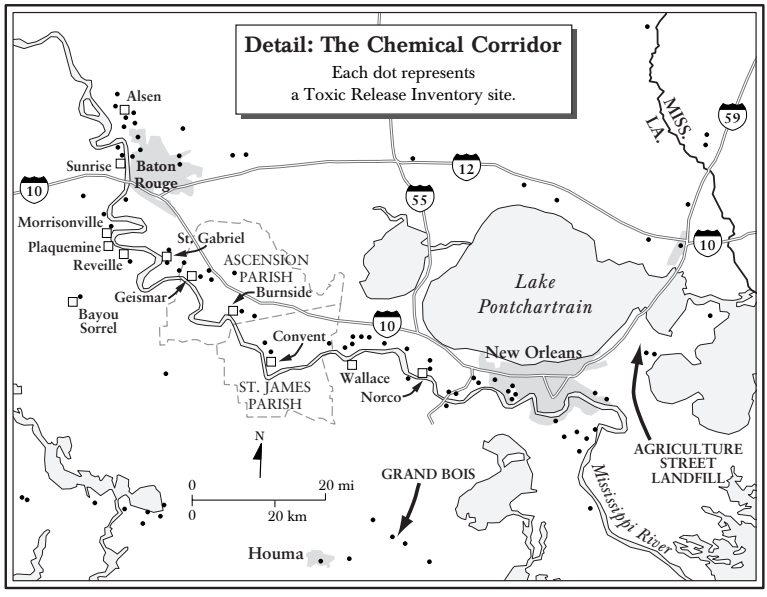
I

Environmental Justice Struggles in Perspective





Top: Map: Louisiana and the four case studies.

Bottom: Map: detail map of the Chemical Corridor with conflicts mentioned in Chapters 1 and 2.

SILENT BATTLEFIELDS IN A FRAGILE LANDSCAPE

Driving along Interstate 10 from east New Orleans to Baton Rouge, the traveler first climbs steeply over the Industrial Canal between the Mississippi River and the Intracoastal Waterway and then drops just as precipitously, rumbling past dingy railroads and industrial land before passing signs for the French Quarter. The Industrial Canal has barges backed up waiting their turn to go through a century-old shipping lock. Today it is the site of a bitter struggle between the U.S. Army Corps of Engineers who want to spend twelve years expanding the lock and residents of the neighborhood who fear it would release toxics from contaminated soils, block traffic, and rattle their homes for over a decade. The predominantly African-American neighborhood claims that choosing to expand the lock rather than siting it in wetlands to the south constitutes environmental racism and has sued the Corps and placed a restraining order to prevent the beginning of the project.[1]

Just past the Canal, off to the left of the highway, is the Agriculture Street Landfill neighborhood, where a middle-class black subdivision was built directly on top of the old city dump in the late 1970s with Federal Housing Authority money. Noxious odors, illnesses, and sinking houses alerted neighbors to the risk, and the Environmental Protection Agency (EPA) put the site on the Superfund "National Priority List" for cleanup in 1994 after conducting soil tests that uncovered 150 toxins in the dirt. They are afraid of toxic materials found in their yards atop the landfill, and the homes they've been paying on their entire adult lives are now nearly worthless. In protests, vigils, and trips to Washington and the UN Commission on Civil Rights in Geneva, Switzerland, the neighbors have clamored for the EPA to move them out, but they have consistently been denied the relocation they seek. Their fear and endless frustration in gaining relocation from the EPA is analyzed in Chapter 6.

Just past this point, billowing flames engulfed the Interstate itself on September 9, 1987, as a CSX railway car holding butadiene, a petroleum byproduct, exploded just under the raised expressway. Almost two hundred city blocks of residents were evacuated in the middle of the night.[2] Many people reported breathing difficulty, rashes, and other problems; others claimed damage to their homes and mental anguish. This community took a private, class action approach with a team of lawyers, including a few locally famous trial lawyers. Their lawsuit focused on psychological stress and illnesses, as residents struggled to rebuild their lives after the explosion. Still, no one suffered permanent physical illness. Citing the carelessness of the rail and tank car companies in endangering people's lives, the jury of the original suit levied one of the world's largest penalties on the five defendant companies, $3.4 billion. Upon appeal, the amount was reduced to less than $1 billion, and several of the firms negotiated lower settlements. The legal battle of suits, appeals, motions, and countermotions has waged for thirteen years, and residents have yet to receive any compensation.

Then, on the left, skyscrapers loom for a moment with the names of internationally owned hotels and oil companies in the background; three-story brick buildings that look like army barracks – the Iberville public housing project – are nearer the road. Beautiful but falling-down old Creole cottages and storefronts stand just feet from the road on the right, the remains of the Treme neighborhood. This highway was originally planned to pass straight through the heart of the French Quarter, between historic Jackson Square and the Mississippi River it fronted.[3] In a struggle noted by many locally as the beginning of the environmental movement, preservationists fought to save the French Quarter. By rerouting the highway they were among the first in the nation able to force an interstate highway to change. But in winning, the white preservationists dealt a devastating blow to oak-lined North Claiborne Avenue and Treme, an historic Creole neighborhood, long the cultural and business centers of New Orleans' black community.[4] The expressway helped destroy the famed Storyville district – the city's zone for legalized prostitution from 1897 to 1917 – said to be the birthplace of Jazz and one of the most racially integrated places in the South during the Jim Crow era.[5] The courtesy of public hearings about the highway was never given to Treme, nor were studies of the impact on the black neighborhoods ever conducted.[6]

Moving through Gert Town, a working-class black neighborhood,

the I-10 passes a few blocks from the old Thompson-Hayward Chemical Company, where Agent Orange defoliant for use against the Viet Cong and other toxic pesticides were carelessly mixed in open vats in the 1960s and 1970s. The soil under the asphalt around the boarded-up plant is so toxic that no dump in the country could accept it. No signs mark the monitoring wells around the boarded-up factory, put on EPA's Superfund list in 1994. Residents sued the current Dutch firm that owns the plant; lawyers received the bulk of the out-of-court settlement, and locals are infighting about how to spend a small community trust fund that was left over.

Crossing a levee and a wide drainage canal into the suburbs of Metairie and Kenner, one might spot on one of the unpretentious brick square bungalows a Confederate flag, or a "Duke Country" sign, for the ex–Ku Klux Klan leader and perennial political candidate David Duke, who represented this district in the legislature. Just past the bungalows and suburban apartment buildings that stretch nearly to the airport is a levee, where suddenly the road lifts off the earth to a raised bridge that goes on for miles, over cypress and willow swamps and open marshes bordering Lake Pontchartrain. What drivers don't see here is an exit for the 50-mile outer loop "Dixie Expressway," a huge project blocked by environmentalists.[7]

The next thirty miles are punctuated by little more than a few pickup trucks pulled over on the side of the highway, where hunters and fishers have ducked into the thick willows by foot or flatboat. A watchful passenger might notice dozens of egrets and ducks, while motor boaters fish right under the elevated highway. Only driving the road at night do most people notice the flares from a distant refinery. Chemical plant construction along the Mississippi River took off in the 1930s when it was dredged to make Baton Rouge reachable by ocean-going ships. There are now over one hundred petrochemical plants along the river between the two cities, but from the highway, one sees only one refinery, the flares of the Shell-Motiva NORCO plant next to the Bonne Carre Spillway. On the fenceline of the Shell Chemical plant next door, the Black Diamond community, descendents of ex-slaves, is demanding that Shell pay for their relocation, saying they're too close to the chemical plant that has steadily grown larger and closer since the 1950s.

Much of the air, land, and bayous around these facilities are laced with heavy metals and other toxic chemicals that have been leaked and dumped over the decades. Some plants still simply pump millions of

pounds of toxics deep into the earth's crust and hope it doesn't resurface into the drinking water.[8] Many use the mighty Mississippi as their source for water and their sewer, and since the river here contains the effluent of a million square miles over half of a continent, it is difficult for EPA officials and environmentalists to pin particular spills on individual firms. One commentator in a *National Geographic* special issue on water called the river a "chemical soup," saying, "This river is our drinking water here in New Orleans. . . . It's just as if you put your child's mouth up against the tailpipe of a car."[9]

About halfway between New Orleans and Baton Rouge, exit signs alert the driver to the towns of Grammercy, Gonzalez, and Sorrento – chemical industry towns near Convent, a tiny community that for two intense years battled over whether a Japanese chemical company named Shintech could build a $750 million polyvinyl chloride (PVC) plastics factory. Shintech became the test case upon which the EPA was developing its federal policy on environmental justice. Here, if you get off the highway and travel along the Mississippi River Road, you will see bucolic, green pastures peppered with the vestiges of plantation houses, overseers cottages, and falling-down slave quarters. In places, sugar cane fields spread back from the road as far as the eye can see. Nestled amid the southern country landscape, huge smokestacks rise up from fertilizer, chemical, and metals plants, the hundred-year-old Colonial sugar refinery, tall grain elevators, and the enormous Motiva Enterprises petroleum refinery. Trucks lumber down the highway transporting their tanks of oil, trains pull away from the mighty plants loaded down with vats of chemicals, and large pipes cross the road overhead to deliver sugar, grain, and petrochemicals to barges and huge tankers waiting patiently on the other side of the big green levee in the Mississippi River.

Back on the interstate, it is not too long before the new suburban malls of sprawling Baton Rouge interrupt the reverie as the traffic snarls. Just past downtown the road rises to the river bridge and looking to the right one can see paddlewheelers and casino boats in the foreground, the state capital in the middle distance, and the huge Exxon refinery looming just behind it. The construction of that refinery in 1909 anchored the development of the petrochemical pole here, and some critics argue that the blue state flag featuring a mother pelican feeding her young, which flies over the capital, should be replaced by a flag with the Exxon tiger or the Texaco star. Around the capital, another series of struggles over "environmental justice" is raging. Just

beyond the Exxon refinery is the historically black Southern University, where students in 1998 protested the burning of leftover Vietnam-era Napalm at the Rhodia plant near the school.[10] Off to the north is Alsen, where Rollins dumped and incinerated waste for a generation over the protests of locals and where a company named Petro Processors polluted a now aptly named place called Devil's Swamp.[11]

In driving just ninety minutes, a motorist on I-10 has passed 156 facilities, which are the sources of 129.3 million pounds of toxic releases each year, as reported by the petrochemical firms themselves.[12] This equals over one-sixteenth of the entire emissions in the United States of America.[13] How did this "Chemical Corridor" (as the industry calls it) or "Cancer Alley" (as environmental justice activists call it) get to be this way? One explanation is that the proximity to rich gas and oilfields and the ability of the river to handle ocean-going tankers made industry keenly interested in the area. Another is that, due to their poverty and lack of political power, the poor rural communities along this Delta floodplain have had to welcome any firm wishing to utilize the long plantation lots that stretched back into the fields and marshes from the river's levees. Some observers point out that people simply didn't know what was coming into their communities, and, when they did come, they were simply unaware or misinformed of the potential health effects. Another common explanation is that a majority of Louisiana politicians, like those in most places dependent on oil, have always been more attentive to the needs of industry than those of average residents and corrupted by the concentrated wealth oil brings.[14] Currently, a majority of state politicians are heavily dependent on donations from the oil and chemical industries to pay their campaign bills.

But life along the corridor is no longer so simple, if it ever was: many residents have grown skeptical of industry and government promises of jobs, tax money for schools and roads, and safe production if they accept the plants. The economy is shifting away from oil toward tourism, health care, and transportation,[15] and a new coalition of activists is arguing that the focus on heavy manufacturing and attracting firms with lax environmental enforcement and tax breaks is backfiring for the state.

No one knows that the political climate in Louisiana is shifting better than the Japanese plastics maker Shintech, who wanted to build the plastics plant in Convent. After initially getting support from the governor and permission from the Louisiana Department of Environmental Quality (DEQ), they ran into strong opposition from local

black and white residents who had support from Greenpeace and legal representation from law clinic students at nearby Tulane University. The struggle has had huge local and national repercussions and is the subject of Chapter 4 and much of Chapter 7. After years of suits and protests, the firm decided to move upriver and build a much smaller plant next to a large Dow Chemical facility. Shintech faces opposition there, but they have hired effective public relations firms and have used Dow's long-standing community presence to help counter discontented residents and environmentalists.

The struggles over the environment and racial justice are so common along this river that another author might highlight an entirely different set of cases. The net result of all these struggles is a patchwork quilt of land despoiled and protected, of communities where people feel perfectly safe, and of communities where citizens are terrified of leaks, explosions, or contamination. From this patchwork, we selected four struggles to address some questions with broad implications not only for local residents but also for the formulation of sweeping new national environmental and civil rights policy and heated academic debates.

Our goal in this book is to avoid overwhelming nonspecialist readers with heavy doses of social theory. Several such theories underlaid the questions we asked and the way we designed our research and laid out this book (such as those on social movements, the political economy of space, and some social psychology of risk and coping). We do not provide a review of social theories on environmental justice here, nor even a substantial analysis of that debate. To do this would take this book in a different direction and reach a different audience. The aim of this book is to focus on four environmental justice struggles in one state and to understand how they came to be; how residents, state and local government officials, and company representatives felt about the struggles; and how they were contentiously resolved. To understand these powerful cases, we need to develop an historical understanding of the place. There are three core questions.

The obvious first question is, *What is environmental justice?* This term has been thrown around but continues to be misunderstood and its definition debated. The second question is, *Who are the players in these struggles over environmental justice, and what tools do they use to get their way?* It has been observed that citizens' groups might win some battles, but that the coalition of industry and government officials interested in growing the local economy – what some social sci-

entists call "the growth machine" – inevitably win the wars. This is the one main conceptual tool we believe readers will benefit from in understanding why environmental injustice is created by the everyday decisions people make. Growth machine theory also clarifies why environmental justice is interpreted differently by different categories of people and helps to explain why these uncomfortable situations are resolved the way they are.

Third, we ask how people experience environmental injustice. That is, *What does it feel like to be consistently afraid of having your health endangered, especially when it seems to be related to the color of your skin, the amount of money you have, and your lack of political clout?* We argue that stress from hazards and social pressure – and how people cope with these – influence the form these struggles take and who wins in the long run. These questions frame the core of this book and help us understand why the battles start, why they end up the way they do, and what effects they are having on people and their communities. We begin with the first question.

WHAT IS ENVIRONMENTAL JUSTICE?

In 1982, during protests over dumping of highly toxic polychlorinated biphenyls (PCBs) in Warren County, North Carolina, Benjamin Chavez, the future director of the National Association for the Advancement of Colored People (NAACP), coined the term *environmental racism*. This racism can be conscious or unconscious, intended and unintended, and comes at two stages. It can be the "the great disparity in the siting of waste facilities, polluting industries, other facilities having a negative environmental effect."[16] It can also be the uneven "enforcement of environmental law between People of Color communities and White communities," as suggested by a 1992 study by the *National Law Journal*.[17] The study of 1177 Superfund toxic waste sites found that "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."

Many critics misrepresent this most central point: environmental racism does not solely refer to actions that have a racist *intent*, but it also includes actions that have a racist *impact*, regardless of their intent.

As several authors have described it, environmental justice embraces the concept that every individual, regardless of race, ethnicity, or class has the right to be free from ecological destruction and deserves equal protection of his or her environment, health, employment, housing, and transportation.[18] In 1991, the landmark People of Color Environmental Leadership Summit drafted seventeen core Principles of Environmental Justice. Holistic and universalistic, these principles emphasized that the movement was not just about environmental issues.[19] The goals of the movement included broader social justice issues, such as economic and cultural liberation for all people of color.[20] The principles stress the importance of increased participation of people of color as equals at all levels of decision making. Finally, the movement made clear that although pollution and environmental degradation didn't belong in communities of color, it also didn't belong anywhere else.[21] The movement thus dedicated itself to reducing environmental hazards for all people, and, to do that, its focus was on protecting those least protected.

As illustrated by these principles, environmental justice is not a simple or unidimensional concept. It does not just concern the preservation or conservation of the environment. Robert Bullard, a sociologist at Clark University and a leading environmental justice advocate, describes the wide swath that the environmental justice movement encompasses. He states,

> It basically says that the environment is everything: where we live, work, play, go to school, as well as the physical and natural world. And so we can't separate the physical environment from the cultural environment. We have to talk about making sure that justice is integrated throughout all of the stuff that we do. What the environmental justice movement is about is trying to address all siting and industrial development.[22]

The reason why the environmental justice movement did not focus only on the environment was because activists saw that the economic and social disparities that surround an individual's life are rooted in hundreds of years of economic and political inequalities. For example, in Louisiana there are numerous small, poor, black communities that have grown up on the outer edges of large plantations along the Mississippi River Road. African Americans in Louisiana, descendents of slaves, have never enjoyed the same level of political power as whites in their communities. In fact, in some parishes, the descendents of plantation owners still control the local government, and poor, uned-