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978-0-521-66900-9 - *Chronicles from the Environmental Justice Frontline*

J. Timmons Roberts and Melissa M. Toffolon-Weiss

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Chronicles from the Environmental Justice Frontline

This book provides a rare look into the environmental justice movement as it plays out in four landmark struggles at the turn of the twenty-first century. Roberts and Toffolon-Weiss chronicle the stories of everyday people who decide to battle what they perceive as injustice when their minority neighborhoods are disproportionately threatened by industrial pollution. The four cases detailed here are epic struggles: conflicts between U.S. environmental and civil rights agencies over the siting of a chemical plant and a nuclear facility in ex-slave communities; a class-action lawsuit by 300 Cajun and Houma Indian residents over a huge oilfield waste dump built next to their tiny town; and an uphill political and legal battle for relocation by a middle-class African-American neighborhood built with federal assistance atop a reclaimed landfill.

The authors place these struggles into the historical context of inequality and race relations in the U.S. South and apply social science theory to reveal how situations of environmental injustice are created, how they are resolved, and what accounts for their success or failure. While the cases featured here take place in Louisiana, America's "pollution haven" and the "frontline" in the battle over environmental justice, a major portion of these battles are fought in Washington, D.C. These cases have set precedents and created quandries for government agencies as they handle conflicts occurring across the nation. The struggles have left behind subtle and profound changes in the individuals, firms, and communities involved.

Chronicles from the Environmental Justice Frontline is intended for general readers, policymakers, businesspeople, and scholars wishing to learn about these landmark cases and about environmental justice politics more broadly. It will also benefit environmental and social justice activists and students in environmental studies, law, planning, administration, communications, business ethics, sociology, geography, and political science.

J. Timmons Roberts is Professor of Sociology and Director of the Mellon Foundation Program in Environmental Studies at The College of William and Mary. Until mid-2001 he was Associate Professor of Sociology and Latin American Studies at Tulane University, where he served as Director of the undergraduate Environmental Studies Program and conducted research for this book. He co-edited *From Modernization to Globalization: Perspectives on Development and Social Change* (2000), and he is completing a book on environmental struggles in Latin America. His articles have appeared in such journals as *Social Problems*, *World Development*, *Sociological Inquiry*, and *Economic Development and Cultural Change*.

Melissa M. Toffolon-Weiss is a Visiting Assistant Professor of Sociology at the University of Alaska, Anchorage. She has published in the journals *Evaluation Review* and *Organization and Environment*. She recently completed her Ph.D. at Tulane University, examining corporate and social movement strategies and shifts in community power relations in two major environmental justice struggles involving the Shintech Corporation.

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Chronicles

FROM THE

Environmental Justice Frontline

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The College of William and Mary

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University of Alaska, Anchorage



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Preface

Chronicles from the Environmental Justice Frontline examines how local movements have succeeded and failed in Louisiana – a state that has been called a “pollution haven”: a place where companies come to exploit natural resources, cheap energy, nonunion labor, tax breaks, and lax environmental enforcement. We believe that the Louisiana cases chronicled in this book are particularly illustrative of processes at work *everywhere*; and the stakes in these cases were enormous and national. These cases have pushed politicians and policy at the Environmental Protection Agency, the Nuclear Regulatory Commission, the U.S. Commission on Civil Rights, the Department of Energy, and the Agency for Toxic Substances and Disease Registry. The combatants have brought their battles to these agencies in Washington, D.C., and to the UN Commission on Human Rights in Geneva, Switzerland.

The cause of protecting these tiny Louisiana communities has been taken up by rock stars, celebrities, politicians, international and national environmental organizations, and networks of environmental justice activists and lawyers. Their efforts have been resisted by powerful business lobbying groups in Washington and Baton Rouge, chambers of commerce across the state and nation, probusiness politicians, and highly placed government agency leaders. The cases are illuminating partly because so much of the coordination between business and government in advancing economic development over the complaints of citizens groups is publicly expressed in Louisiana. To give some idea of the imbalance between corporations and civil society in the state, legislative sessions have more than one hundred registered professional lobbyists working for polluting firms, whereas three part-time lobbyists and a dozen volunteers work for the cause of environmental justice.

How can any victories be expected in this context? Surprisingly in a state known for its disempowered citizens, Louisiana’s environmental coalition has been described as “exemplary” by Washington specialists.

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The shifting coalitions of labor, civil rights, and mainstream environmental groups have fought some epic battles over polluting facilities and legislation and have accumulated several landmark victories cited nationally as precedent setting. Some say it is because there are so many truly devastating environmental disasters occurring here; others see the roots in organizations born of civil rights and labor battles. Both are probably correct.

In this bleak setting, new forms of grassroots organizing and a landmark 1994 Executive Order by then-president Clinton on environmental justice have provided environmentalists and communities with leverage to sometimes tip the balance of power. That order required every department of the federal government to “make achieving environmental justice part of its mission.” Still, exactly what environmental justice *means* for this executive order remains contested. Former Environmental Protection Agency head Carol Browner and her staff were charged with leading the effort; the struggles described in this book persistently forced her and the EPA to decide if they constitute cases of environmental injustice. The EPA’s position has slowly been emerging, pushed in part by the need for clarification in the LES and Shintech cases, described in Chapters 4 and 5. The agency’s retreat under pressure from business and state governments is chronicled in Chapter 7, leading to the official June 2000 release of its *Guidance* on how to proceed in cases where environmental injustice is charged under Title VI of the Civil Rights Act.

The examination of the cases in this book allows a test of the arguments put forward by Christopher H. Foreman, Jr., in a Brookings Institution book entitled *The Promise and Peril of Environmental Justice*. Foreman portrays the environmental justice movement as irrational and misguided because it draws the attention of minorities and the poor away from important community issues like crime, drugs, and lifestyle habits that are undermining their health (e.g., smoking, drinking, or eating poorly). We acknowledge that there are problems in the movement while we attempt to understand and reveal the logic of the communities facing hazards and how they have driven real, national change in environmental protection. One of our central goals is to uncover the deciding elements that led to a community’s choice of strategies and what determined their level of success or failure. And we attempt to chronicle some of the impacts the battle itself has had on the individuals who fought it and on their communities.

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This volume is written for general lay readers, policymakers, and scholars wishing to get quickly up to speed on these cases and on environmental justice politics more broadly. It is also intended for environmental and social justice activists and for students in environmental studies, planning/administration, communications, sociology, geography, and political science. Our goal therefore has been to make the case studies as engaging as possible, keeping the academic jargon to a minimum while addressing some important broader issues in the book's introduction and conclusion. We hope that the book will be useful as a companion to core texts in undergraduate or graduate courses on environmental issues, including environmental communications, community planning, environmental sociology, environmental politics, environmental law, and courses on social movements, race and ethnicity, or regional studies.

The four case study chapters include recent and current struggles of chemical plants, uranium processors, landfills, and oilfield waste dumps. Chapters 1 and 2 place these cases into larger contexts of the national struggle over environmental justice, national and state environmental politics, the growing discussion of "contaminated communities," and changes in the environmental movement in the new millennium. Chapter 2 attempts to provide a brief history of race and development in Louisiana and of how its toxics and environmental justice movements have evolved. The backlash to these cases is chronicled and discussed in Chapter 7.

We acknowledge the limitations of this work, but we propose that our chronicling of these cases provides a unique window into what are among the most dynamic popular struggles at the turn of the millennium. We write in the old tradition of scholar-activists, as insiders in communication with communities and assisting them as we can. However we must acknowledge the important ways in which we are outsiders, as academics and as white, European-origin Americans whose ancestors were not brought here in chains and kept down by laws and practices for centuries. Certainly our perspective is colored by the experience we have been afforded due to the color of our skin. We acknowledge the difficulty of writing across ethnic and racial lines in this polarized nation, but we optimistically believe in the value of efforts at understanding and the critical need for mutual support. We also are outsiders because we are middle class and we have only lived in Louisiana a decade, our fathers did not work in manufacturing plants

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or cutting sugar cane, and we have not had to live in close proximity to toxic facilities. So our goal here has been to give voice to those who are fighting these battles as best we can: We have made a special effort to include their own words. They are the only ones who can truly understand and tell what has happened to them. To advance, social sciences need insider and outsider perspectives; sometimes astute outsiders provide new directions for thought and action on long-standing problems.

As social scientists with an interest in racial justice, social movements, and environmental issues, we have been collecting data for this book for the past eight years. We have conducted numerous interviews with activists, industry representatives, and government officials on each case and many others we couldn't fit here. We have attended numerous meetings, protest events, and hearings as participant observers. We have assembled more than seven hundred newspaper and magazine accounts on these local toxic struggles, the industries they battle, and the environmental justice movement in general. In these cases, these are some of the only written records. We have collected hundreds of social movement organization pamphlets and reports, company materials, and government documents. We have sought to publicize and clarify the important and sometimes bewildering human struggles we saw around us. No social science research is value-free, and we have been taught to be skeptical of anyone who claims theirs is. We admit some bias in that we are now convinced there is a problem of unequal burden of pollution by race and class, but we have sought to present a complete portrayal of the battles we chronicle. We believe our work's validity is as strong as the care with which it was researched and composed.

We would like to thank the dozens of people whose generous help made this book possible. None but the authors themselves are responsible for the accuracy of the material in this book. Amanda Leiker conducted tireless background participant research on the Agriculture Street Landfill case for two years and organized a mountain of clippings, pamphlets, and memos. Seth Willey conducted the background research and assisted in interviewing on the LES case. The Environmental Studies program and the Center for Bioenvironmental Research at Tulane (directed by John McLachlan) provided summer funding for both of them, and the Department of Sociology (chaired by Joel Devine) provided office space during the summer of 1999. Doctoral student Nicole Youngman did mountainous editorial work, in-

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cluding preparing the bibliography, the footnotes, and editing the document. Tulane's Dean of Liberal Arts and Sciences provided financial support for some of that final work. We would like to thank Tom Rudel, David Pellow, Barbara Vincent, Mike Meuser, Jerry Speir, Jim Elliot, and especially Willie Fontenot for thoughtful comments on earlier drafts of the manuscript.

Numerous universities, government agencies, businesses, organizations, and individuals provided us with interviews and access to their files, and we sincerely want to thank them all. Among them were the Louisiana Chemical Association, the Louisiana Department of Environmental Quality, Citizens Against Nuclear Trash, Earthjustice Legal Defense Fund, Senator J. Bennett Johnston, the Tulane Environmental Law Clinic, St. James Citizens for Jobs and the Environment, St. James Citizens Coalition, PROTEST, Save Our Selves, Inc., Shintech Louisiana LLC, the Labor Neighbor project of the PACE Union, Louisiana Communities United, AWARE, Sierra Club Delta Chapter, the Louisiana Office of Public Health, the Louisiana Environmental Action Network, the State of Louisiana Department of Justice, the Concerned Citizens of the Agriculture Street Landfill, and many others listed in the notes and bibliography and several who preferred to remain anonymous.

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Finally, we believe that people on all sides of this issue agree with the goals of the movement: to improve human health and environmental conditions for all people. We know that the disagreement is over how to get there. We humbly hope that these chronicles and the insights they afford can provide some measure of understanding and progress in that direction.