Chronicles
FROM THE
Environmental
Justice Frontline

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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.
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.

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.
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, including 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 Pellor, Barbara Vincent, Mike Meuser, Jerry Speir, Jim Elliot, and especially Willie Fontenot for thoughtful comments on earlier drafts of the manuscript.

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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.
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 clamped 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. 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 illnsses, 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 counter-motions 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 Tremé 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 fronts. 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 Tremé, an historic Creole neighborhood, long the cultural and business centers of New Orleans' black community. 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. The courtesy of public hearings about the highway was never given to Tremé, nor were studies of the impact on the black neighborhoods ever conducted.

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.

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 fishermen have ducked into the thick willows by foot or flatboat. A watchful passenger might notice dozens of egrets and ducks, while motorboaters 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. 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."

About halfway between New Orleans and Baton Rouge, exit signs alert the driver to the towns of Grammency, 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 1999 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. Off to the north is Allen, 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.

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. This equals over one-sixteenth of the entire emissions in the United States of America. 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. Currently, a majority of state politicians are heavily dependent on donations from the oil and chemicals 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, 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 underlay 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— influene 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.” 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. 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. 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. The goals of the movement included broader social justice issues, such as economic and cultural liberation for all people of color. 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. 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 sitting and industrial development.

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, descendants of slaves, have never enjoyed the same level of political power as whites in their communities. In fact, in some parishes, the descendants of plantation owners still control the local government, and poor, uned-

ucated black voters are often manipulated by promises of money or jobs or threats of violence. By not sharing in political power, these black neighborhoods have little input into the decision making that affects land use near their homes. Wealthier, whiter, and more politically connected neighborhoods have been more successful at keeping hazardous facilities away.

To fully understand the term environmental justice, it is necessary to define the term environmental injustice. Florence Robinson, a longtime African-American activist from Aiken, South Carolina, and biology professor at Southern University, says that “an environmental injustice occurs whenever a person or persons . . . are impinged upon by an environmental burden for the alleged good of this society, that the rest of the society does not bear. An environmental injustice may impact a person of ANY race, class or income level as long as the environmental insult is through no fault of their own.”

Environmental injustice can apply to unequal impact to groups by race, class, or ethnicity; however, there is a specific term for the injustice that exclusively affects people of color – environmental racism. The struggles of all other oppressed groups fall under the umbrella of environmental justice. Bullard argues that poor whites in Appalachia, who have had little voice or control in the decisions relating to their communities, experience environmental injustice. However, he is careful not to lose focus on racism. He proposes that “A lot of people say it’s class, but race and class are intertwined. Because the society is so racist and because racism touches every institution – employment, housing, education, facility siting, land use decisions – you can’t really extract race out of decisions that are being made by persons who are in power and the power arrangements are unequal.” Based on much of the history that follows, we agree with Bullard that racism – both individual and systematic and intentional and unconscious – is driving much environmental injustice in America. We also believe that for mobilizing participants, social movements often have to make simple and powerful claims that resonate with their followers, and the feeling of having been done an injustice due to racism is an effective motivator of participants, both black and white. Even though claims of environmental racism have motivated and focused African-American community members, the term environmental justice succeeded in bringing other ethnic groups into a bigger tent.

All the struggles that we explore in this book involve grassroots, poor, and people-of-color groups who are fighting against environmental in-
justice. This is not surprising since the cultural, political, and economic history of Louisiana has created a situation in which the populations most affected by the negative effects of development are poor people of color. The proposed uranium (LES) and PVC (Shintech) plants would have had the greatest impact on the poor rural black communities closest to the facilities (Chapters 3 and 4). The massive oilfield waste pits in Grand Bois most endanger the poor people of Houma Indian and Cajun descent who live right next door (Chapter 5). The Agricultural Street Landfill's potential risk is to the low- and middle-income blacks whose homes were built directly atop it (Chapter 6).

WHO ARE THE PLAYERS?

Three groups typically face each other in grassroots struggles over environmental justice: residents, businesses, and the government. Each group has different strengths, divisions, and vulnerabilities, and each draws upon a changing set of allies and resources to try to shift the rules of the struggle to their advantage. This section seeks to provide the tools to understand the roots, direction, and outcomes of environmental justice disputes. Three core points will guide us. First, residents, businesses, and governments are three profoundly unequal players, and the evidence here shows that the balance is tipped even further because local government almost always comes down on the side of businesses over community groups.

Second, governments are actors with their own interests, seeking to build highways, incinerators, landfills, airports, drainage projects, and the like in neighborhoods that don't want them there. At the same time, the government is an "arena," where conflicts are worked out based on who plays the game most effectively. For governments the problem is keeping their constituents' trust while meeting the demands of industries, which often impinge on the lives of local people. Third, the communities involved in these struggles are often divided on whether there is an environmental injustice at all and, if there is one, how it should be resolved. Different groups of residents respond differently to news of pollution, depending not only on their race but also on the benefits they believe they might receive from the facility, their past work experiences, their gender and age and family connections, and the distance they live from the plant. This divisiveness can

ENVIRONMENTAL JUSTICE STRUGGLES IN PERSPECTIVE

heighten the stress for residents fearing for their health, and weaken their ability to struggle against the other players, businesses, and government.

The job of the economic development arm of a state government is straightforward: to court new companies. The state environmental agency's job is to decide if the operation is polluting within the limits of the law or if an existing factory or waste pit presents a hazard to the neighbors or environment nearby. The Louisiana state constitution says, "The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The Legislature shall enact laws to implement this policy." The state agencies' work becomes political because both of these "booster" and "protector" agencies have leaders who are appointed and serve at the pleasure of the same person: the governor. If the governor has stated that "everyone must be on board in the all-out push for jobs," then both the development and environment departments must play that game. In aggressively supporting firms when they run into local resistance, as occurs in the following cases, the state agencies of development and environment are both seen as creating and perpetuating situations of environmental injustice.

Why do state governments have such a predominant focus on economic development? After all, this is what sometimes makes citizens wonder if elected officials and state agencies are really protecting their best interests, health, and safety. Government officials and lower-level employees dealing with environmental justice issues are caught in this dilemma. Even if they are not appointed directly by someone elected, chances are that one of their supervisors was. So, like politicians, they have two masters. One is the citizens, who if well organized and informed can hold them accountable at the ballot box. The "pluralist" view of the government that we were taught in junior high civics class is that these officials must, therefore, ensure that the social welfare needs of the people are met and that their civil rights are protected. However, to get elected in this age of multi-million-dollar election campaigns, big corporate donors are the ones who can make the difference.

Those who make large contributions to campaigns, of course, do so for a reason: to have access to politicians once they are in office, making decisions that affect their business. And even more immediately
when in office, government officials need corporate tax payments to meet their payrolls and expand their programs to meet voter demands. Politicians like to claim credit for job creation. So to do these things, James O’Connor pointed out, they need to “grow the tax base.” This makes decisions favoring development over protection essentially nondecisions: it’s a matter of political survival.  

A coalition that works to foster development emerges in most communities and states. Sociologists Harvey Molotch and John Logan call this coalition of entrepreneurs who seek to make profits on property and local business “the growth machine.” The core of the coalition is made up of real estate developers, land speculators, and landlords. Many local business owners, government officials, local newspapers, TV stations, utility companies, museums, theaters, expositions, professional sports clubs, organized labor, and corporate CEOs and owners also see the growth of their enterprises tied to local urbanization and industrialization. Political scientist Clarence Stone proposed that growth regimes develop because mayors and governors, in fact, have little power on their own, so they work with private businesses to promote development that will help to build their tax base; thus, giving them more money and power. So the role of government in the growth machine is complex and sometimes can be contradictory because it is both an actor and an “arena” within which the struggles get battled out.

As everywhere, a growth machine exists in Louisiana at both the state and local levels, precisely as proposed by Stone, Logan, and Molotch. On the state level, governmental agencies, such as the Louisiana Department of Economic Development (LDED) and the Port Commission, work to attract development to the state by providing information and assistance on labor issues, potential sites, utilities, incentives, training, markets, environmental permitting, and transportation costs. Additionally, state-level incentive programs and tax breaks offer financial benefits to new businesses that locate there or existing businesses that expand within the state. The LDED web site plainly states that expanding economic development is a major goal for the state. There, the LDED outlines the “Top Ten Reasons” to locate in Louisiana. These reasons include a wealth of natural resources, productive workforce, proximity to markets, comprehensive transportation network, and low-cost energy. The LDED offers the assistance of location specialists to the new companies, along with advertising the private business support services that are available in the state. Incentives include a 10-year industrial tax exemption, inventory tax credits, job tax credits, Enterprise Zone benefits, tax credits/refund based on percentage of gross payroll, investment tax credit, and a tax exemption on goods in transit. Many of these tax exemptions pertain to specific industries, such as a tax exemption for oil and gas exploration or a sales tax exemption for shipbuilders. The 10-year tax exemption, which is available to manufacturing plants, waives property taxes for new facilities or expansions for ten years. The state’s Ten-Year Property Tax Exemption program and the Enterprise Zone program have generated controversy among social justice and environmental activists in the state. They question whether these incentive programs are hurting the people of the state, rather than helping them. The nonprofit Louisiana Coalition for Tax Justice reported that the state’s public schools are losing over $100 million each year due to the exemption. They report that, unlike many other southern states that have similar tax exemption programs (Alabama, Arkansas, Mississippi, Oklahoma, South Carolina, Texas), Louisiana is the only state that doesn’t allow local governments to approve the exemption so that they can protect revenue for education programs. Thus, the Ten-Year Property Tax Exemption program is a perfect example of the inherent contradiction that often exists within governmental policy that pits support for industry against support for human services for citizens.

Another important state incentive is the Enterprise Zone program. Throughout the state, areas where there is high unemployment, low income, and/or large numbers of residents who are receiving some form of public assistance are identified and labeled. The poorest 40 percent of the state are included in the program. If a company locates or expands in these zones and creates a minimum of five new jobs within the first two years, they qualify for certain incentives, such as a one-time tax credit of $2,500 for each new job that is filled by a Louisiana resident created in the first five years. These companies are also eligible for a full rebate on state sales tax and the return of a portion of the local sales tax for material purchased during construction of their facility.

The Enterprise Zone program is entirely consistent with the progrowth philosophy of the state, which espouses that impoverished areas need development to raise the standard of living of the residents. This philosophy, however, does not reflect the views of many local environmental justice advocates. Rather, they believe that these
zones actually create environmental injustice. In Louisiana, the individuals who are likely to live in qualifying zones are often black and poor. Additionally, the program does not delineate as to the type of industrial operations eligible to take advantage of the tax breaks. Combined with the fact that many parishes do not have zoning regulations for development, this creates a situation in which heavily polluting industry is effectively being encouraged to locate near poor communities of color who live in these depressed areas. Many African Americans note that the jobs created by these incentives are filled by commuters: firms take the tax breaks without hiring poor, minority locals.

So, who is watching out for the health of the people and the environment? The mission of the Louisiana Department of Environmental Quality (LDEQ) is to “maintain a healthful and safe environment for the people of Louisiana.” However, many activists feel that the state agency that is charged with protecting the environment is just another cog in the growth machine. Governor Foster has stated that LDEQ’s job is to “make it as easy as they can within the law” for companies to obtain permits. The person he chose to head the agency, Dale Givens, was quoted as saying, “My job is to write permits.” Gustave Von Bodungen, assistant secretary of Department of Environmental Quality, explained the role of LDEQ, stating:

We’re accused, I guess, of conspiring with industry because we always give them permits. But it’s kind of like getting a driver’s license. If you come in and you have all the information that meets the rules—we have to give you a permit. We can’t just arbitrarily and capriciously say “well, we’re going to give you one, but we won’t give you one.”

As will become apparent in the following cases, a significant amount of controversy has surrounded the activities of the LDEQ. Many citizens do not feel that the agency is doing enough to protect their health and safety. Although the 1998 levels of reported Toxic Release Inventory (TRI) emissions have decreased 76 percent from the first year that TRI data were available (1987), the state still has the second highest level of non-mining emissions in the country (180.6 million pounds per year). Additionally, the state’s industrialization has left a lasting legacy of pollution that has not been fully regulated. It was not until 1980 that the state began to monitor hazardous waste pits and industrial injection wells—before that, industry could dispose of waste as they saw fit. This has left much of the marsh, lake, and river water in the Mississippi River Delta Basin contaminated.

Environmental justice advocates claim that the Louisiana Department of Environmental Quality is not adequately enforcing environmental regulations throughout the state. In 1997, the EPA charged that the state agency did not sufficiently enforce financial penalties in compliance with the Clean Air Act, and they did not adequately enforce the handling of hazardous waste in accordance with the federal Resource Conservation and Recovery Act. Additionally, in 1998 the EPA criticized the state agency for an inadequate penalty policy, poor record keeping, and informal resolution of violations. A 1998 study by the Louisiana Environmental Action Network (LEAN) found that the enforcement activities of LDEQ were at an all-time low. The study examined the level of enforcement activity from 1988 to 1997. In 1997, the agency assessed only forty-two enforcement actions. The number of enforcement actions had steadily decreased since 1991, when the number of actions was at an all-time high of 162. Finally, a seven-month investigation by three local New York Times-affiliated newspapers found that even fined companies rarely pay their penalties.

Federal politics also create environmental injustice. A member of Congress might be courted by industry and given campaign contributions so that when legislative issues, such as deciding to classify oilfield waste as “nonhazardous,” are before them, they will vote favorably for the oil industry. This political move has a direct impact on the local communities that have to live next to and breathe the fumes from this “nonhazardous” waste. The resolution of many of these local struggles is decided in the arena of national politics. Grassroots activists, whose homes are being contaminated or who want to prevent a chemical plant from locating next to them, complain and ask for help from federal agencies like the Environmental Protection Agency. The EPA, which is under intensive pressure from legislators who are in support of wealthy national and transnational companies, is caught in the middle of a contentious political fight. Likewise, elected officials put pressure on state agencies, whereas protest groups, lobbyists, and corporate dollars try to sway opinions and influence decisions from the outside. What is seen first as a local struggle over land use becomes a political tug-of-war with contestants pulling from locations across the map.

Helping communities through these battles hundreds of times, Willie Fontenot from the Louisiana Attorney General’s Office has the most useful description we’ve found anywhere of the way local pollution issues become political games. He told us:
What we are doing here is playing a game. The problem is we don’t know whether or not the game is being played on this table or in another room and we don’t know who the players are necessarily and we don’t know what game we are playing. We think we are playing soccer, but the real game is baseball, because it may be some decision being made by a bunch of people sitting up in Washington, D.C. Or it may be some deal being cut on something that we are not even aware of – that is where the game is. It might involve players, maybe organized crime is involved in it and they don’t use public records necessarily. You go in and check the file and you don’t see the stuff you are looking for and is relevant to you being able to succeed because there are no records.

Fontenot’s words ring true through the twisting tales of environmental justice struggles that make up the core of this book. It does not mean that the game is unplayable, but it does mean that the game is always shifting and that creative, multiple strategies are needed to play it, along with a complex network of coalition partners. Likewise, the concept of Logan, Molotch, and Stone does not mean that the “growth machine” uniformly gets its way. These coalitions are sometimes held back in their plans by people interested in using the land, not just making money by selling or renting it. Those people are often interested in keeping it in the condition that they knew it before it was so heavily “developed.”

Politics is even involved when it comes to science – a discipline usually perceived as being based on concrete, unalterable facts. Most people would agree that it is important to acquire a scientific understanding of the level of exposure to pollutants and the effects of exposure on human health. However, this has proven to be a major point of contention between governmental officials and community residents. Once industrial plants or waste dumps have polluted their neighborhoods, if there is a scientific investigation, the process is controlled by experts, and the findings are often so technical that the residents feel excluded from the political process. Bob Kuehn, former director of the Tulane Environmental Law Clinic in New Orleans, described the effect of scientific risk assessment, stating, “Quantitative risk assessment … transforms disputes over values and politics into scientific disputes that are inaccessible to many citizens and may be particularly inaccessible for communities of color and lower incomes. …” His main concern is this: “Taking the struggle for environmental justice out of the community and into the domain of sci-

Entitists plays into the domain of risk producers because they have resources and access to scientists.”

As Jurgen Habermas said three decades ago, by focusing on “rational” questions that experts can answer, government officials have excluded vast issues that concern citizens, and this can cause a profoundly “irrational” outcome.

Here’s a striking example of what science can look like from the perspective of an outsider. In Mossville, Louisiana, residents living near huge chemical plants have been found to have abnormally high levels of persistent and toxic dioxin in their bodies. Experts have been called in to evaluate the situation. In a press release, a scientist critiqued an analysis of the blood work, writing in the technical language of biostatistics. “What you should have compared is the national mean to the mean of the samples from Mossville – maybe a single-tailed test of means at a 95 or 99 percent significance level.” The coordinator of the local environmental justice group, Mossville Environmental Action Now (MEAN), expressed her frustration in an e-mail message posted to the scientist and the statewide environmental listserv.

I, as an average citizen, do not know what half the words in the below sentence from your e-mail means. I do know that many people in Mossville are ill. I personally invite you to come to Mossville, meet the people, and discuss it with those who are affected. Then, perhaps you could go back and find a way to help us instead of playing with words. We are sick. We need help. We need medicine, doctors, tests, etc. Not a play with words. If you want to come, we have an open meeting every Monday night. E-mail me and I will give you directions on how to get here and certainly will let you ask questions. Then, perhaps, you will understand that we don’t know what you are talking about. We know that our children are sick, our young women are sick, our insurance companies are canceling insurance policies, many of our friends and relatives are dying of Cancer. Do I need to say more?

Often officials at the Department of Environmental Quality and other governmental agencies do not take these symptoms seriously. They have publicly attributed the poor health of these communities to unhealthy lifestyles (e.g., eating fatty foods, smoking, drinking alcohol, and doing drugs). Evidence to support the officials’ or activists’ claims is difficult to obtain, due to a lack of “baseline data” on the community’s health prior to the advent of industry. And much has changed in the world since those days. Additionally, doing comprehensive health assessments is expensive and lengthy, and the state
health agency has few funds and staff to do them. Even if there are resources to pay for these investigations, environmental justice advocates sometimes have such a strong mistrust of government officials that they refuse to participate in government-led health studies (see Chapter 5).

Under our current system, the resolution of many of these cases rests on identifying pollution levels and determining the physiological effects of exposure to contaminants. However, this will continue to be a contentious issue until accurate methods of data collection and definitive scientific findings that are acceptable to both sides in disputes (if that is even possible) are available. If citizens do not trust the professionals who are conducting these investigations, even the most accurate scientific findings will have little impact on resolving these disputes. Politics will.

An important final aspect of this core issue of power and the growth machine is determining who speaks for the community. The word community is often used to describe a group of people who have shared interests, live in the same place, share an ethnicity, and so on. However, it is often used to sweepingly describe a group of people as if they were a unit— a unit that shares the same point of view. This usage is particularly problematic when one is discussing struggles over development. Should community decisions be made by the elected leaders in the parish seat or the state capitol or by a referendum voted on by all community members? Should those who will live closest to the proposed industrial site have the last word? If so, how big a radius should be included? This is a pivotal point of contention in most environmental justice struggles because communities are often split on whether to welcome or resist a facility. These divisions can be along lines of economic class, race, gender, distance from the plant, and many other factors. Sometimes they rip old friendships and even families apart.

Many parishes in Louisiana do not have zoning regulations, and development issues are handled by the parish government. The president of one rural parish told us that it was the responsibility of elected officials to make development decisions, and if the residents don’t like the decisions, then they should vote them out. In the same parish, the director of economic development said that she listens to the community residents when it comes to development decisions. However, when asked if a formal mechanism exists to determine their opinion, she said, "No." Because poor people are usually short of money to fi-

nance campaigns and of power to play the game more generally, this ad hoc system for deciding land use issues has the potential to exploit poor and minority groups.

The visions of the elected officials on what the area’s future should look like may not be shared by the residents whose health and land values may decline if industry becomes their neighbor. A dramatic example of this can be seen in the town of Alsen, the predominantly African American town just north of Baton Rouge. Environmental justice activist Florence Robinson first became aware of institutional racism through learning of how development decisions were made for her town. She described it this way:

The first plant came about 1955. As a matter of a fact, it was in 1955 that the Louisiana legislature passed a resolution and in that resolution they designated industrial zones around the state. For East Baton Rouge Parish they designated five industrial zones. Four of those zones were in Alsen or contiguous with Alsen. What is really significant about that is in 1955 we [African Americans] couldn’t vote. We were systematically denied the right to vote. So, that was taxation without representation. . . . Alsen is a classic example of what the 1969 civil rights commission called “institutionalized racism.” So this place was zoned without the permission of the people who lived here, without the support of the people who live here— it was zoned industrial.

For Alsen residents, this had meant the transformation of their town into one of the most contaminated places in the country.

Environmental justice advocates complain that poor individuals and people of color have always been effectively shut out of political decision making about development in their communities. One of the Principles of Environmental Justice “affirms the right to participate as equal partners at every level of decision making including needs assessment, planning, implementation, enforcement and evaluation.” Although this principle sounds ideal, there is not currently a mechanism for ensuring that it is carried out. Even if hearings and public comment sessions are held, residents’ views are commonly dismissed at decision time, and how can a resolution be reached if citizens have differing opinions? In both the Shintech and LES facility siting struggles described later, the local officials and a group of residents wanted the plant to locate in the parish, whereas another group of citizens opposed the plant. Each citizen group claimed that they spoke for the community. Even conclusions from a poll of parish residents differed.
these connections, and they might perceive the plant as an alien presence in the community. Unable to control the risks around them, people are more likely to experience the world in a negative way, as sinister and out of their control. Some studies have shown that this feeling leads to depression, anxiety, and even risky health choices like smoking and drinking.55

Overwhelmingly, activists in these grassroots community groups are women. The female activist role often stems from the traditional woman’s socialization to be the caretaker of the family. Those women who do not work outside the home may also have more adaptable work schedules, allowing them to attend daytime hearings and protest events. Even if they do work outside the home, unlike their husbands, they are less likely to work for the offending company or industry. Thus, fear of retribution for their protest activities does not affect them as much as it affects their husbands.56

The effort and time required to attend public hearings, launch letter writing campaigns, research environmental permits, and track down elected officials is unpredictable, and sometimes it is unimaginably high. These women often have to work at a job and feed and care for the kids, while waging a time-intensive battle with both the company and the state agencies that are supposed to protect them. During these struggles, there is often just a small core of activists who do most of the work. Many men and women drop out of the battle because they just can’t juggle their job and family responsibilities and attend protest events. Many of these women have told us that, if it were not for understanding and supportive husbands, they never could have carried on with the battle.

One thing that helps many environmental justice activists cope with the constant worry, fear, and anxiety is their unwavering devotion to their religion. Many protest meetings are opened and closed with prayers and gospel hymns ring out during workshops and conferences. If you ask any one of these activists what is the most important thing that keeps them going during their long, exhausting struggles, many will answer that they are doing the Lord’s work — that the Lord is guiding them. After one of the struggles chronicled in this book, a black activist and a white activist stood together and told us very earnestly “I’m saying this in all sincerity: God led us. We had divine guidance. We tell that to everyone who interviews us, but it never ends up in print.”57

Although many of the struggles can cause divisions within a com-
community, women and men in these protest groups often find a surprising unity and camaraderie with their fellow activists that they have never experienced before. Shared hard work, triumphs, and defeats create long-lasting friendships and bonds. Some women drop out of the movement after their community's conflict has been resolved and return to their families and resume their old lives. Others continue the fight and come to the aid of other communities that are facing similar threats.

The people on the other side of the struggles, who work for growth machine businesses and government agencies, are also men and women with families and lives. They also experience stress, sometimes intensively. The major difference between them and the activists is that they are in the struggle because it is their job. They can go home at night to a place they don't fear is killing them. They are paid to write environmental permits, to grow a business, to lobby, or to be a politician. The state and federal agency employees may be working in disorganized, understaffed offices where unintentional oversights and misplaced files serve to inflame the actual injustice issues. The private businesspeople are fighting for their professional careers and the anticipated windfalls that the new development will bring. Politicians are constantly calculating how their actions will impact their chances for reelection and the promises they have made to their powerful constituents. For many, they are just trying to earn a living and to promote economic development, which they view as bringing jobs and tax dollars to their communities. For many, their beliefs about the right way to address the problems of poverty, development, and even racial inequality are as fervently held as those of the activists they face at public hearings. So, when it comes right down to it, these are all individuals trying to do their jobs — as protectors of their children or as government workers or businessmen.

The core of this book is the four chapters where we describe the struggles of communities fighting long and fascinating battles against environmental injustice. Our goal in presenting these cases is to provide readers with a sense of what it is like to endure these fears and the battles and how they are being resolved. They each reflect on the three themes posed: of politics and who gets their way, of who gets to speak for communities, and of the impact of the hazards and battles on the residents. We return to those questions in Chapter 7, where we also recount the fierce backlash from these cases and other environ-

mental justice battles around the country. It becomes clear there that the ripples from these four cases go on and on and on. But to understand them, we first need to provide the context in which they grew: a state with an important history, policies, and social movements.

WHY LOUISIANA? WHY THESE CASES?

Readers might be wondering about limiting the cases in this book to Louisiana. Many readers in other parts of the United States or Europe where environmental protections are stronger, and enforcement not so subject to governmental corruption, might say the place is merely a unique “outlier,” and that these things couldn't happen in their communities. A closer look suggests they do all the time; virtually no community is exempt. But Louisiana is important because the state serves as something of a haven for polluting industries, and so the struggles are more common, the social and political scene is more polarized, and the debate is right on the surface. We believe that Louisiana is illustrative of typical interactions in our nation’s economic and political system, especially of the alliance between industry and the local government. Since inequality is so extreme here and civil society is so weak, politicians and business leaders say openly what is often said only in private elsewhere: if industry doesn’t want something, then it doesn’t happen. If Louisiana is not typical in this regard, it provides a cautionary tale to the rest of the nation because, in many ways, such as extreme inequality, the nation has been growing more similar to Louisiana.

Louisiana is also part of a national movement toward “flexible” environmental protection. Firms have been strongly pressuring local and state governments across the country to weaken environmental enforcement and provide tax breaks to create a “good business climate.” Louisiana’s governor has been advertising it as a state that “bends over backwards for business,” as his 1995 Wall Street Journal advertisement read. Some critics argue that Louisiana has been battling with Mississippi and Texas in a “race to the bottom” of environmental protection, which in turn may pressure other states whose industries are threatening to relocate.

Some local critics call Louisiana an “American Banana Republic” because it has an economy like that of those Central American coun-
tries that are dependent on a few commodities extracted from nature and where the political system is based on disempowerment of the masses and rule with a relatively "iron fist." We do not use the term lightly. As U.S. District Judge Tucker Melancon said from his bench to Dale Givens, the state's lead environmental enforcement official:

I used to get upset when big newspapers referred to Louisiana as a banana republic or Third World country. Regrettably . . . I have to conclude that [Louisiana's] enforcement actions when violations of federal and state laws, permits or regulations are known to have occurred on a repeated basis for an extended period of time, resembles more closely what one would find in a Third World country rather than in the richest and, by most standards, the most health conscious country in the world.

Serving at the pleasure of the governor's office, the state's environmental agency DEQ has been repeatedly blasted by citizens and environmentalists for not protecting their health and environment, for leading the race to the bottom.

The claims of ruling with an iron fist may seem like exaggeration, but Chapter 7 describes a series of ways in which industrial lobbying groups in Louisiana curtailed the means for civic groups to fight polluters, especially by limiting the lawsuits they could file and curtailing their access to legal aid. The pointed question at stake in the struggles chronicled in this book is precisely this: whether the rest of the nation will feel the need to join this race to the bottom, or whether popular movements within the state, combined with pressure from without, will pull this "pollution haven" up to the levels of the "developed world."

Many books written on the environmental justice movement tell the story of struggles that occur across the country. We have chosen to focus on struggles that have occurred within a single state for two important reasons. First, Louisiana is situated in the Deep South — a region that continues to be a central battleground in the environmental justice movement. This is because it combines a legacy of racism, inequality, and political exclusion with polluting industries that have grown explosively since World War Two. With its huge petrochemical industry on old plantation lots, Louisiana is the epicenter of this explosive conflict. Second, to understand fully how environmental injustice comes to be and how it is negotiated in a society, it is important to understand its context well. To understand what is happening in one struggle, we need to appreciate how local history and other recent struggles in the state set and changed that context. In Chapter 2, we briefly describe how the unique history of the state has contributed to creating cases of environmental injustice and how the environmental justice movement has developed over the last twenty-some years. Each struggle builds on the others, as people learn of a victory on the news, the reaction to one class-action lawsuit changes the rules for the next, local activists gain battle experience, and so on. We see this lack of local context as a major deficit in the literature.

That said, it was still very difficult to select the cases for this book; there were dozens to choose from. The first two cases, the LES and Shintech siting struggles, were selected because they represent watersheds that changed the landscape for all future environmental justice cases. The LES case (Chapter 3), in which a community group blocked the siting of a uranium-enrichment facility, represents the first actual victory for environmental justice activists using an important Executive Order issued by President Clinton in 1994. The Shintech case, where a coalition of local residents and state and national groups prevented the siting of a multi-million-dollar chemical plant (Chapter 4), is considered a path-breaking victory for environmental justice forces. However, this landmark case caused a major backlash at the state and national level that has limited the opportunities available to future grassroots protest groups (Chapter 7).

The other two cases describe conflicts over existing contamination. We wanted to include ongoing contamination cases because they present substantially different challenges for protestors as compared to the siting of a new facility. Due to the notorious history of poorly regulated dumping of toxic waste in the state, we had to select from literally hundreds of contamination cases. We chose the Agriculture Street landfill case (Chapter 6) because, similar to the Love Canal struggle, the toxic waste threat could not be more direct or personal — it seems to be seeping up from the ground and invading these residents' homes, the very place most people go to feel safe and secure. Similarly, in the Grand Bois case wafting fumes from nearby oilfield waste pools caused illness and fear in local residents (Chapter 5). As this book goes to press, these two cases remain unresolved, and it appears extremely unlikely that the communities' demands for relocation (at Agriculture Street) and closure of the waste pits (at Grand Bois) will be granted. All these cases provide observers with accounts of how environmental
injustice is experienced, endured, challenged, and sometimes resolved. We examine the state and national political repercussions from these cases that have sent shock waves through the activist community in Chapter 7, where we attempt to draw some conclusions and discuss the future of the movement.

Roots of Environmental Injustice in Louisiana
In Louisiana, race and economics have always been intricately intertwined. Struggling to occupy and profit from its vast territory along the Mississippi, the French Crown in 1717 granted a monopoly called the Company of the West to a Scot named John Law. His company parcelled out land along the river and financial support to those who would develop tobacco and rice farms there. Two years later the first major shipment of enslaved Africans arrived, and over the next decade their population grew sevenfold, going from half the population of white Europeans to over twice their numbers.

Where slaves outnumbered owners by a large margin, repression was intense. Slaves were brutally treated upon their capture, in transit, and upon their arrival in Louisiana, many dying each year from maltreatment and disease. Slave ship captains sailed with orders to bring rice from Africa and slaves with experience in growing it and the dye plant indigo. For these reasons slaves from the Senegambia region of West Africa were prized in Louisiana.

After France ceded control of Louisiana to Spain in 1763, the Spaniards poured energy and resources into its new colony. In the next quarter century, the numbers of slaves grew fourfold. This was the period in which the Acadians (later dubbed the derogatory “Cajun”), French speakers who had been exiled from Canada, began to arrive. During this time, Spain and France went to war, and revolution swept over the British colonies nearby and, more importantly for Louisiana, over France. In 1795, buoyed by stories of a slave revolt in Haiti and a belief that the Spanish unlawfully kept them in bondage after French revolutionaries had freed slaves in all their colonies, slaves and a few white supporters planned a revolt along the Mississippi River. Fifty-four slaves were arrested at Point Coupée near Baton Rouge, of which twenty-three were hanged. Their heads were marched through the towns and plantations along the river and posted on poles all the way to New Orleans. Historian Gwendolyn Midlo Hall ties that rebellion...
and the experience of escaped slave colonies in the swamps around New Orleans to the particularly brutal repression of slaves and distrustful racism that comes with American rule after the Louisiana Purchase just seven years later.7

The appetite of the American planters for slaves was voracious, as sugar took off as the region’s new crop. Even though the import of slaves ended in 1807, their numbers skyrocketed (by purchase from other states) to 331,726, a third of a million people were doing the back-breaking work of hacking cane, running the sugar mills, cutting firewood, digging levees and canals, and building the glamorous plantation houses now visited by thousands of tourists each day.8

With few options after slavery was abolished, many exslaves continued to work on the plantations as wage laborers or sharecroppers.9 Very few managed to secure their own farms, so for many, the period after the Civil War was scarcely better than the time before it. Sharecroppers were advanced provisions at rates set by the landowner, and once they were in debt to him, state law prohibited them from moving.10 Wage laborers couldn’t even get one dollar a day, and generally their wages were withheld until the harvest came in. Either way, most lived on what is called debt peonage, essentially a form of semi-slavery. Living hand to mouth, many exslaves were able to secure a small lot for a house and garden on the margin of the giant plantation tracts. They built small communities along a dirt lane off the river road, stretching from the levee to the “back marsh” behind the dry land along the river.

With freed and disgruntled blacks nominally given the right to vote after the Civil War, however, new innovations in their repression were needed. To blatantly keep blacks off the voting rolls might draw interference from the North, so whites simply terrorized them. Henry J. Heogey, the editor of the New Orleans Daily States newspaper wrote bluntly in 1899: “We bulldozed the negroes [flogged them, threatened to kill them from voting]; we killed the worst of them; we killed carpetbaggers [Northern meddlers]; we patrolled the roads at midnight; we established in many localities a reign of terror.”11 The statistics bear him out: between 1882 and 1932 at least 335 blacks were lynched in Louisiana.12 His description described the modus operandi for decades to come as the Ku Klux Klan boomed through the 1920s when its official membership reached 25,000 in the state.

In 1896 Louisiana’s policy of strict racial segregation in schools, restaurants, and trains was given national legal basis by a 7:1 vote of the U.S. Supreme Court in the landmark Plessy vs. Ferguson case.13 Homer Adolf Plessy, one-eighth black, was excluded because of his race from riding in a white-only East Louisiana Railroad carriage out of New Orleans. The “separate-but-equal” standard would be the law of the land for another sixty years. And by 1898 when a new state constitution was passed, the fear of Northern interference was gone. Blacks were more directly excluded from voting with a poll tax and a literacy test and by parish registers, officials who were empowered to exclude anyone they wished.14 Black registration plummeted from 128,150 in 1888 to just 1,342 in 1904.

At the beginning of the 1900s, a new boom economy took off; oil was being drilled all over the south of the state for the exploding demand of industry. The building of the Standard Oil refinery in Baton Rouge in 1909 launched the state on a transition from agriculture and fishing to petrochemicals. The Mississippi River provided easy transportation for oil production operations and a high-capacity sewer for disposal of chemical waste.

Bettsie Baker-Miller, of the Louisiana Chemical Association, described the oil refinery as the “anchor” for bringing in chemical plants. She stated, “Once you have an anchor, and Standard Oil was at the time, you develop. Other people see opportunities for processing and the feed stock chain falls into place.” Between 1909 and the early thirties, ten to twenty chemical plants located in Louisiana. Then, in the forties when Indochina cut off exports of natural rubber, local companies worked to develop synthetic rubber.15

During this era, the state government set out to actively encourage more industrial development.16 To attract more industry to the state, in 1936, the legislature exempted new manufacturing industries from paying property taxes for their first ten years of operation. The program, still in effect today, set the state on a path toward heavy industrialization. By the 1970s, the previously agricultural parishes between Baton Rouge and New Orleans were producing a significant portion of the country’s chlorine, nitrogen fertilizer, and vinyl chloride.17 By 1995, the state was producing 25% of the nation’s chemicals,18 and 16.9 billion gallons of gasoline a year.19

As the state was industrializing, the agricultural sector was declining. Once the “king” cotton production fell from two million acres in the 1930s to 322,000 acres in 1966. In the two decades after 1940, the total number of farms in the state was cut in half, with the number of black-owned farms dropping by two thirds. In 1940, one in four of the
state's workers was tilling the land. By 1960 it was one in thirty. Due to mechanization, there were sometimes precipitous drops in the number of agricultural jobs.

When large chemical plants and oil refineries searched for land to develop, they were delighted to see large plots of plantation land available for the taking. It was much easier to buy out a single plantation landholder than to negotiate with many owners of smaller plots. This conversion of plantations to industrial facilities has contributed to a pattern in which poor, black communities are located close to large industrial plants. The communities founded by freed slaves who had settled on the edges of the plantations have thus become the reluctant neighbors of large industrial operations. Often the chemical plants start at the center of the plantation lots far from the communities, but they slowly add on and get closer and closer.

As this development was occurring, Jim Crow laws were still in effect in Louisiana, and most of the African American population was disfranchised. Although these African Americans were nominally free, these laws limited their capability to participate in the political arena, obtain adequate healthcare and education, and earn a living. It was not until 1942 that white-only primaries were outlawed in the South, and voter registration was opened up. For example, in 1940 only 400 blacks in New Orleans were registered to vote.20

In the changing economy, blacks were consistently on the bottom rung of the economic ladder. As opportunities decreased in agriculture, industrial employers only hired blacks for low-wage, unskilled jobs. When there were layoffs, blacks were the first to go. Additionally, white-dominated unions often encouraged discriminatory practices at the workplace and often excluded black workers as members. Blacks composed almost half of the population in New Orleans in 1950, but they constituted only 0.015 percent of utility workers, 0.054 percent of city government employees, and 0.015 percent of phone workers.21

The major areas of employment growth for blacks occurred in the post office and the schools. In Baton Rouge in 1940, 60 percent of blacks worked in manual jobs, one quarter more than whites. The percentage of blacks living below the poverty level in the state at that time was 50 percent, as compared to only 11 percent of whites.22 Thus, the pattern of blacks receiving little benefit from economic development continued a hundred years after the abolition of slavery. In spite of all the economic growth, the situation in the 1990s was no better. In Louisiana's metropolitan areas, 11 percent of whites lived in poverty, whereas 43 percent of blacks did. Rural areas were worse: 18 percent of whites and 53 percent of blacks lived in poverty. That is, in 1995 nearly half of urban and rural blacks in Louisiana were living on less than $7,763 for individuals, and less than $15,569 for a family of four.23 For families, that's less than $3,892 per person per year, or just under $75 a week for everything. In 1996, Louisiana was the state with the second-highest proportion of African Americans (32 percent), so one in six Louisianans today is black and poor.24 To understand the environmental justice struggles that follow, one needs to appreciate this chasm between the life experiences of whites and blacks in the state.

This brief history of the intersection between race and development in Louisiana provides a compelling backdrop for the development of a protest movement by the state's poor and people of color who had enough of widespread societal inequality and political corruption. To truly understand the cases that we present in this book, one must have a basic knowledge of the events that led up to these conflicts, the precedents that had already been set, and the organizations that had been established to support local groups. This chapter seeks to paint, using broad brush strokes, a picture of the development of the toxic and environmental justice movements in the state. This overview will also highlight key national events that have had an impact on the statewide movement. Although it is impossible to include all the events and actors that have contributed to the creation of the vital and energetic movement that exists today, we have hopefully included some of the most important.

In response to the abysmal environmental record of the state of Louisiana, combined with a long brutal history of slavery and oppressive civil rights violations, it is not surprising that a strong, energetic environmental justice movement flourished in the state. This movement has been intricately intertwined with the antitoxics movement. In fact, the environmental justice movement was active in the form of the antitoxics movement before the label "environmental justice" came into use. Activist Florence Robinson explains, "You have to be very careful about these problems — talking about environmental justice. Environmental justice is a relatively new word. But, there had been people fighting for environmental justice before the term was coined. And these people were not always black — I think that point gets lost."

One must realize that even though labels are very important to a social movement because they create a sense of identity, attract partici-
pents, and convey a message to the general public, different people may not use them in a similar manner. In Louisiana, events that one person considers to be part of the antitoxics movement may, to another, be considered a crucial part of the foundation of the environment justice movement. However, to the local residents who comprise the grassroots protest groups, the label that is used to describe their struggles is not foremost in their minds. Rather, their main concern is to protect their families and communities from environmental hazards.

THE BIRTH OF A MOVEMENT

One of the first incidents to draw Louisiana's attention to the human cost of prioritizing economic development over the environment occurred in 1978, the same year as the Love Canal struggle. Nineteen-year-old Kirtley Jackson died of inhalation of fumes as he emptied his eighteen-wheeler truckload of toxic waste into a hazardous waste pit owned by Environmental Purification Advancement, Inc., near Bayou Sorrel. The fumes from the pit, combined with Jackson's load of high-sulfur-content waste, formed a deadly vapor of hydrogen sulfide that left the young worker dead in the cab of his truck (see Chapter 5). News of the incident and the slow response of state officials to regulate such waste pits set off protests from angry residents from the nearby community. They burned a wooden bridge that had to be traversed to get to the waste pits. Although residents in the state had been complaining about toxic dumping for years, this highly visible incident galvanized their efforts, and the media and public officials were forced to take notice.

The very next year, 1979, the state government opened the Office of Environmental Affairs (OEA) which was quickly placed under the Department of Natural Resources (DNR). In 1980, state government officials also formed the Environmental Control Commission (ECC) by merging the Stream Control Commission and the Air Control Commission. The OEA served as staff support for the ECC. Initially, the environmental agencies were primarily concerned with developing regulations for hazardous waste. By 1984, the Louisiana Department of Environmental Quality was established and became a freestanding cabinet-level agency.

In 1978, an official in another arm of the state government was also interested in protecting the environment. At that time, Attorney Gener-
cus to work with communities poisoned by environmental polluters. Its executive director, Pat Bryant, was a son of a Baptist minister and grew up in public housing himself, coming to New Orleans as something of a civil rights missionary for the Southern Organizing Committee.\textsuperscript{34} Bryant and several other local activists took part in the 1983 Urban Environmental Conference, entitled, "Taking Back our Health," which was held in New Orleans. Sociologist and activist Robert Bullard identified this conference as one of the first events in which people of color and progressive whites came together to discuss environmental justice and coalition building.\textsuperscript{35}

The next year, Bryant and a white activist, Darryl Malek-Wiley, organized a busload of like-minded activists to attend a Sierra Club conference in Atlanta. The conference, which was held on an election year Super Tuesday, took place at the same hotel as a series of presidential debates. Malek-Wiley remembers that an "ad hoc" minority caucus formed at the conference. He stated,

Reverend [Benjamin] Chavis [future NAACP head] was there, along with Charles Lee [of the United Church of Christ's commission on environmental justice] and Joseph Lowry of the Southern Christian Leadership Coalition — who was the closing speaker. When he closed the conference he said that he was going to walk over to see those Republicans because they didn't come to the conference. Basically, there was an en masse march through the conference center to where the Republicans were going to come through. So, actually the Republicans had to come through us to get to the reception area. It was intense.\textsuperscript{36}

This experience gave birth to the idea for the First Great Toxics March, which came to life four years later.

As the statewide infrastructure for an environmental justice movement was evolving, several community groups throughout Louisiana were waging intense battles against polluters and proposed industrial facilities. One of the most dramatic and most visible was the African-American community of Alsen, which began organizing against Rollins Hazardous Waste Treatment and Disposal Facility and several other polluters in 1980. Willie Fontenot from the office of the attorney general worked with a coalition of farmers, residents, and workers who were being affected by noxious chemical fumes. Workers at the nearby Allied Signal Chemical Plant scrambled to don gas masks every time the wind blew toxic fumes from the Rollins facility in their direction. A local farmer, Katherine Ewell, who lived just north of Rollins, kept

a diary in which she recorded noxious fumes and cattle deaths that she believed were related to Rollins and two Petro Processor waste sites in the area.\textsuperscript{37} The Alsen area had numerous polluting facilities, including two Superfund sites and a large concentration of petrochemical industries.

Residents complained of sinus problems, headaches, asthma, rashes, chronic fatigue, cancer, and spontaneous nosebleeds. In 1980, the resident's group attended a monthly meeting of the Environmental Control Commission and for the first time in the state demonstrated that workers, farmers, and residents could come together to protest environmentally related health problems. The next month the environmental affairs office presented the first-ever state report on toxic waste, which showed that the Rollins site was an environmental mess and that the company was guilty of countless violations of state law.\textsuperscript{38}

In 1981, residents filed a class-action suit against Rollins that resulted in a $3,000 settlement awarded to each plaintiff in exchange for releasing the company from all future liability of health-related problems.\textsuperscript{39} In the mid-1980s, residents from the area and neighboring Baton Rouge successfully prevented the same company from burning PCBs. In the mid-1990s, residents successfully protested Rollin's request for a ten-year industrial tax exemption from the state. In 1998, residents protested the expansion of the Exxon Polyolefins Plant. Currently, a group in the community is waging a war against the proposed siting of an industrial landfill operation.\textsuperscript{40}

On a tour of the heavily industrialized community of Alsen, activist Florence Robinson described an example of the lack of concern for public safety on the part of industry in the early years when the state did little to regulate hazardous waste disposal. She pointed out a waste pit on the side of the road saying, "Some guy from Texas came over and said 'you got a hole in the ground — you got a gold mine here.' He told them [the owners] to start dumping chemicals in the pit. That became the first waste pit here." Walking a little farther, she pointed at a house:

See that light through the trees? There was a family of people. The man brought his family down here from Mississippi. He has seven or eight or more kids and those kids used to come over here and swim in this pit. Then, when they started dumping those chemicals in, they didn't put a fence around it or a sign that said that you shouldn't come and swim. They [the children] would still come and swim in this pit. They would get these black balls — these tar-like balls and
they would throw them and play with each other. One of them says you used to go in there and swim and when you came out you were dirtier than when you went in. There’s a lot of neurological problems in that family.41

The state is peppered with similar hazardous waste pits and other toxic dump sites. An eleven-parish area at the lower end of the Mississippi River has approximately 2,000 oilfield waste pits, hazardous waste sites, injection wells, and surface impoundments. Other waterways in the state are severely polluted; this includes the Devil’s Swamp area in North Baton Rouge, the aquifer that supplies Caciscau Parish with drinking water, and the Amite River and Lake Maurepas Northwest of New Orleans. Low-income individuals who supplement their diets through fishing are at high risk for exposure to pollution if they fish in these contaminated waterways. Over a dozen waterways were recently listed as containing hazardous levels of mercury, a dangerous neurotoxin.42

NEW COALITIONS: LABOR, ENVIRONMENTALISTS, AND NEIGHBORS

When the world’s second-largest chemical manufacturing firm decided to begin a union-busting campaign and lock out its own workers at a plant in Geismar, Louisiana, they got more than they bargained for. What began as a labor issue between BASF Wyandotte, a German chemical producer, and its workers ended up strengthening the state’s environmental activist network. Rather than quietly sitting by the plant gate holding signs, after a year of being locked out of their jobs, the union took an about-face in strategy. They pioneered a revolutionary and savage attack on their own firm, which the management would later refer to as a “sorched earth campaign.”43 The Oil, Chemical, and Atomic Workers union (OCAW, now called PACE for Paper Allied-Industrial, Chemical and Energy Workers International Union) built networks of new allies, nationally and internationally. These included members of the German parliament, victims of the Bhopal disaster in India, and environmentalists around the world. By one account, “the most important of the union’s far-flung allies was Louisiana’s grassroots environmentalist network, starting with environmental activists in Ascension Parish and spreading out to national groups like Greenpeace, the Sierra Club, and the National Toxics Campaign.”44

Locked-out workers had time on their hands, and many took on the tasks of doing research about the plant’s toxic emissions and safety lapses.45 Many of the lapses were traced to the use of contract workers during the lockout. LA WATCH, Louisiana Workers Against Toxic Chemical Hazards, was formed and worked with Loyola University’s Institute for Human Relations.46 Working with the Sierra Club, they showed that fifteen plants in the Geismar area had dumped 76 million pounds of toxics into the Mississippi in just one year.47 They highlighted the links between contaminated marshes, drinking water, and cancer and miscarriage rates in the parish. Huge billboards went up along Interstate 10 asking motorists, “Is BASF Chemicals the Gateway to Cancer Alley?” Another read: “BASF: Bhopal on the Bayou?” It continued: “Stop BASF before they stop you.”

With time to do “outreach” to the community in which they worked, and realizing the importance of local support, the union helped in the creation of a group called the Ascension Parish Residents Against Toxic Pollution. Richard Miller, a union organizer sent in from the union’s central office in Denver, described the difficulties of the work. “Organizing was frightening for many of the people, this industry is economically very powerful in Louisiana. The communities’ needs are great, and their resources are few. Often it forces them to accept the companies’ money and sing to their tune. When I got there, I looked around for allies. I thought, ‘who are the other victims?’ The residents of Geismar are the first ones I saw.”48

A local protest group from Geismar, with the help of the chemical workers’ union local and student lawyers from Tulane University’s law school, filed a lawsuit in 1986 to make the state Department of Environmental Quality raise the fines assessed on BASF for releases of toxics. They won. In 1988 they pushed the DEQ to ban the unchecked injection of hazardous wastes underground, a surprisingly common practice in the state. This coalition has changed the face of environmentalism in the state: the beleaguered workers looked to environmentalists and forged a new alliance that makes the Louisiana environmental coalition one of the strongest and most unique in the nation.49

The OCAW also helped to create two initiatives that have provided extensive support for environmental justice struggles: Labor Neighbor and Louisiana Citizens for Tax Justice. Labor Neighbor is an OCAW
program that provides support to community groups that want to address community issues and problems. They have assisted many community residents in the river parish area form groups and fight to protect the health of their families and environment. The Louisiana Citizens for Tax Justice is an advocacy group that analyzes and compiles statistics on the state’s industrial tax incentive programs in an effort to inform citizens on the use of their tax dollars.

The weakness of the labor movement found strength in the environmental movement, as Richard Miller, Labor Neighbor’s chief organizer said, “What we’ve discovered is that our strength here comes more from coalitions with the community rather than from the labor movement. We’re trying to institutionalize these gains so that this local union will never again be left naked to a union-busting company.”

With the increasing information about the dangers these plants might pose, people began to draw new connections. Chris & Kay Gaudet, white pharmacists in St. Gabrielle, Louisiana, were startled by the number of women they saw coming in who had experienced miscarriages. Kay started a list of miscarriages, which in the small town (population 2,100) grew to sixty-three in just a year. She estimated that one third of all pregnancies resulted in the death of the fetus. Kay contacted the DEQ and Office of Public Health (OPH), requesting a systematic health study, but there was no response. Then the Sierra Club financed her travel to Washington, D.C., to talk to members of Congress and hold a press conference. Nearly immediately the state agencies began to act. The Louisiana Department of Health and Hospitals (DHH) contracted a study to be federally funded by the federal Agency for Toxic Substances and Disease Registry (ATSDR) and to be conducted by the Tulane University School of Public Health. The study found no higher miscarriage rates than national averages. Community groups were angry that the study had not been designed to link environmental exposures to fetal loss. Kay Gaudet railed that the study was inconclusive by its very design and expressed the widespread distrust of residents against such studies. “Beware of community health studies... no study has ever proven a link between adverse health effects and industrial emission. ... Federal and state governments are not ready to take responsibility and admit what they’ve done to us.”

During their struggle, the Gaudets heard that chemical plant managers told their employees to avoid shopping at their pharmacy, and

they were subsequently driven out of business. They later mused, “Why should they be afraid of us, we’re ordinary citizens. I mean we’re not eloquent. We know the facts, but I think that’s what they’re afraid of. It’s that ordinary citizens are coming out and bringing up problems, highlighting them, raising up for everybody to see.”

In 1986, one of the missing links in the environmental justice and toxics movement came into being – an activist umbrella group called the Louisiana Environmental Action Network (LEAN). LEAN’s mission is “to foster cooperation and communication among individuals and organizations to address the environmental problems of Louisiana. Its goal is the creation, maintenance, and preservation, of a cleaner and healthier environment for all inhabitants of this state.” LEAN has been able to create an infrastructure to support community groups throughout the state by providing financial, technical, and organizational resources. Board member Florence Robinson described the activities of the organization, stating that LEAN’s form of help is that of empowerment.

LEAN doesn’t come into your community and say “I’ve got all the answers.” LEAN comes to try to teach, to help you, to provide you with information, to help you develop your own skills, to support you so that you can go to workshops to develop your skills. LEAN does technical work for you – that kind of thing.

LEAN’s executive director was Mary Lee Orr, who feared her own children’s health was being damaged by pollution. She said that she knew from the start that the people they were going to advocate for would be the disenfranchised people who didn’t have a voice or the financial resources to fight for their communities. The organization is funded by foundations and individual member donations. Orr described her role as one of support for community groups and leaders. She stated, “People call here at the end of their rope and we try to help them.” She stated that this work can be psychologically, financially, and emotionally draining and if LEAN staff can alleviate some of the stress for the people in the trenches – that is what they are there for. She stated, “It goes back again to respect. It goes back to seeing people’s personal resources and commitment and respect, you know learning from one another. And I think what LEAN is really effective at is bringing together people who feel like that.” LEAN has been tremendously effective at bringing people together. Currently eighty-five
groups throughout the state are members of LEAN. They have helped hundreds more. Their board of directors and membership reads like a Who's Who of toxic struggles in Louisiana.

In 1989, another important player entered the Louisiana environmental justice movement – the Tulane Environmental Law Clinic. As part of the Tulane Law School, the clinic’s mission is primarily educational – to train environmental lawyers through a “hands-on” program where students serve as lawyers under the watchful eye of a supervising attorney. Since its founding, the clinic has provided over 170 groups – ranging from very small groups to groups affiliated with national organizations – with free legal assistance. And in 1991, Sierra Club Legal Defense Fund (SCLDF) set up its regional office in New Orleans. Though extremely selective in what cases they could take on, SCLDF played a major role in some of the landmark struggles in Louisiana, as we’ll see later. Before the clinic and SCLDF were established, there was almost no place to turn for citizen groups who could not afford to pay for legal assistance. Now they have some of the best in the world.60

THE MOVEMENTS COME TOGETHER: THE GREAT TOXICS MARCH AND THREE EXTOWNS

One of the defining events for the environmental justice movement in Louisiana came in 1988 with The First Great Toxics March. March organizers realized that there were many toxic struggles raging in communities from Baton Rouge to New Orleans.61 The organizers wanted to have a march that would serve as an organizing tool to tie together different struggles in the industrial corridor. Darryl Malek-Wiley, a white Sierra Club organizer, and Pat Bryant, the African-American head of the tenants’ organization, approached foundations to raise money for the march. Malek-Wiley stated, “Pat Bryant and I flew to New York to talk to foundations. It was one of the first times that they saw an African American and a white man come in talking about the environment in Louisiana – so we raised sixty to seventy thousand dollars.”62 The march was a pivotal event because it brought very diverse groups, such as labor, church, environmental, and tenants’ rights groups, together against the same enemies. The main sponsors were the Oil, Chemical, and Atomic Workers Local 4-620, the Gulf Coast Tenants Leadership Development Project, the Sierra Club, Baton Rouge Youth Group, and the Louisiana Environmental Action Network.63

The march coincided with the Louisiana leg of Greenpeace’s six-month boat trek down the Mississippi River, which was aimed at drawing attention to the pollution problems in the Mississippi River Valley. The march, which lasted ten days, covered 80 miles of the industrial corridor between Baton Rouge and New Orleans. March organizers let community groups in each parish dictate which industrial facilities would be protested during the march. These groups were charged with finding the marchers a place to stay (mostly at churches) and to cook for them as they passed through their parish.

The march had some similarities to the civil rights marches that had covered some of the same southern roads. During the civil rights movement, Louisiana parishes tried to deter marches by requiring participants to purchase permits to march. Several parishes that the toxics march went through still had these laws on the books. In St. James Parish the fee was $10,000 and in St. Charles it was $100,000. Officials in these parishes waived the fees. However, this did not occur in Jefferson Parish where the permit fee was $340. One of the most intense moments occurred in Jefferson Parish when Sheriff Harry Lee, considered extremely racist by many local African Americans, stopped the march. Malek-Wiley described what happened when they gathered in the parish to march on that cool Friday morning in December:

We had a brass band playing and the local community folks were there. These deputies were there and they said, “If you walk in Jefferson Parish, we are going to arrest you.” So, the crowd kept growing because the music was going and the people saw all the police cars and wanted to find out what was going on. The television and radio was there. It was a real carnival atmosphere. The deputies kept saying that if you walk we are going to arrest you.

Finally, the deputies said that they would give the group a police escort to anywhere in the parish if they rode there on their bus. So, Pat Bryant, thinking quickly, rattled off the address of the Sheriff’s department. He was planning to conduct a sit-in at the department. Instead, Sheriff Lee came down to talk with the organizers. Malek-Wiley described the scene:

So, Pat is talking to the Sheriff with Rev. Clifton McFarland, he is a leader of the Southern Christian Leadership Conference on the West Bank, and Rosemary Smith, who was President of the Gulf Coast Tenants Organization. Rev. McFarland, who was a good Southern Baptist preacher, decided it was time to
pray for Sheriff Lee. So, he grabbed Sheriff Lee’s hand and put his other hand on his shoulder and proceeded to pray [out loud] for the man for twenty minutes. So, what happens when he starts praying is the whole crowd gathers around Sheriff Lee and puts out their hands [saying] ‘heal.’

When the Reverend finished his prayer, the sheriff was asked if he would still arrest them and he responded, “yes.” The group, however, didn’t end up getting arrested in Jefferson Parish because they went to an area of the parish that didn’t require a permit to march. Press photographers captured the dramatic prayer scene and the picture appeared in newspapers across the country.64

At the end of the march, the protestors met a similar obstacle in New Orleans. Although they had gotten a permit to march, they did not pay the required $370 per day for police protection. The New Orleans police allowed marchers to walk through the city to Louis Armstrong Park, where they arrested eight men whom they thought were the organizers. About 200 protestors showed up at the park for a rally, but they were instead met by police. When the arrests were made, the other marchers sat down on the stone pavement around the police paddy wagon and started chanting. The arrested marchers were eventually taken downtown to the central lock-up. State representative Reverend Avery Alexander, a veteran civil rights and environmental justice activist, got the protestors released without bond after about forty marchers conducted a rowdy demonstration in the lobby of the central lock-up.65

The march, especially after the police standoff and the arrests in New Orleans, generated considerable statewide press coverage and successfully placed the toxics issue in people’s minds. A public opinion survey sponsored by the Louisiana Chemical Association measured the impact of Greenpeace’s activities and the Great Toxics March. The study found that most of the 450 respondents who were surveyed thought that the march was organized by Greenpeace. Almost 23 percent of the respondents reported that their level of concern for environmental problems had increased as a result of Greenpeace activities, as compared to less than 2 percent who said that it had decreased. Similarly, a third of the respondents reported that Greenpeace increased public awareness of environmental problems.66 In the executive summary of the report, the chemical association’s consultants reported the grim findings: voters perceived environmental laws and regulations as inadequate, they blamed serious health and environ-

mental problems on chemical plant pollution, and they felt that chemical companies only comply with regulations because they are forced to by environmental organizations and state agencies.67

Greenpeace released a study in the late 1980s that concluded that the death rate along the Mississippi River corridor was significantly higher than the national average. They reported that, between 1968 and 1983, 66,000 additional deaths above the national average occurred in river corridor parishes. “Deaths linked to cancer are increasing in the river counties at a rate that is twice that of the rest of the nation and that increase is especially high in those parishes below Baton Rouge.”68 Though the chemical industry and state agencies responded with their own studies, attitudes were shifting. People believed that chemical plants were poisoning the river and that their dangers must be thought of in terms of cumulative effect rather than in terms of individual chemicals. And the movement’s term Cancer Alley was replacing the industry’s Chemical Corridor in popular speech.

As the public was becoming more and more aware through statewide protest events of the environmental degradation that was endemic to Louisiana, the struggle was continuing at the local level. In three locals battles, communities actually lost their lives. These poor, primarily black communities had to be totally relocated because chemical companies had built too close to their borders and residents were complaining that they were inundated by pollution.

In 1971, Georgia Pacific, a producer of chemicals and plastics, located just 200 yards away from Revilletown, a small unincorporated exclave town on the west side of the Mississippi River. The town, which was composed of 150 black residents, had an average income below the poverty level; the majority of residents were not high school graduates. Many homes did not have indoor plumbing, and the area did not have adequate municipal services, such as fire and police protection, recreational facilities, or access to a sewage system. As a result of a lawsuit against the company alleging property damage and personal injury from plant emissions and separate agreements with landholders, the town was completely bought out by the company.69 The company relocated twelve of the households that wanted to stay together to a subdivision called Revilletown Park. The company also built a new church in the subdivision to replace the 112-year-old church that the community had lost.70 The company, however, did not move the town cemetery. If residents want to visit the graves of their relatives, they must traverse company grounds to do so.
 Chronicles from the Environmental Justice Frontline

In the same parish, the town of Morrisonville, founded in 1790 by freed slaves, was voluntarily relocated by the Louisiana Division of Dow Chemical, USA, which produces chemicals, plastics, pharmaceutical, and agricultural materials. The town, which was 60 percent black and composed of poor and working-class individuals, had six businesses, two cemeteries, two churches, eighty-seven landowners, and thirty tenants. Due to expansions that encroached on the community, Dow finally offered in 1989 to relocate the residents. In a manner similar to Revilletown, the company established a subdivision called New Morrisonville for residents who desired to remain together. Almost all residents participated in the voluntary relocation. The community also lost its cemeteries to the confines of the company’s property. Morrisonville residents were assisted by several nonprofit organizations—the Gulf Coast Tenants Organization, Louisiana Environmental Action Network, and Citizens for a Clean Environment.

The third community was the town of Sunshine located in West Baton Rouge Parish, which borders Iberville Parish. The town, which was 83 percent black, was founded by former slave Alexander Baines in 1874. The majority of the ninety households earned incomes below the federal poverty level. The Placid Refining Company, which refines and markets oil, was less than 50 yards away from the community. The company bought out 90 percent of the residents as a result of both a company-initiated buyout program and an out-of-court agreement from a lawsuit brought by residents that alleged that the company’s pollution had caused health, economic, and psychological damages. The residents were assisted in their struggle by the Gulf Coast Tenants Organization and the nonprofit organization, Victims of a Toxic Environment United.

What do these cases mean? Who won these battles? The Louisiana Advisory Committee to the U.S. Commission on Civil Rights reviewed the cases of Morrisonville, Revilletown, and Sunrise and released a report in September of 1993. They concluded that “the impact of industrial development appears to fall on disproportionately or predominantly black areas of Louisiana.” Interviews conducted with Dow buyout participants from Morrisonville/Cut Off found that their feelings were mixed—they got away from the noise, trucks, and odors but lost their ancestral land and the community’s history. Peter Wayman, Senior Vice President of the New York-based consulting firm that designed the Morrisonville buyout for Dow, bluntly said, “It is cheaper to buy the real estate than pay for litigation, and pay the settlement, than buy real estate.” He warned firms to be responsible to communities where they operate, “Otherwise, you’re going to need more PR people and lawyers than you can shake a stick at.”

A strong critic of the environmental justice movement, Christopher Foreman reviewed these cases in his 1998 Brookings Institute book. He concluded that “at the very least these cases clearly portray communities far removed from the helpless victims of movement lore. . . . In no case did overwhelmed residents wind up with little or nothing to show for their interaction with the firms in question.” We believe that there is a certain dishonesty in not acknowledging that these are the success stories; Foreman has not considered the hundreds of unorganized or unsuccessful communities in Louisiana alone. Finally, the destruction of these communities did nothing to change the state or federal guidelines governing plant siting or expansion: a decade later there is still no law on “buffer zones” between plants and communities, and dozens of other communities continue to fight for relocation.

The National and State Movements Intersect

As community/industry battles continued to rage in Louisiana, several landmark studies were being released at the national level that lent credence to the claims of environmental justice activists. In 1983, the U.S. General Accounting Office released a study of hazardous waste landfill siting in the South. The study’s findings suggested that more than 90 percent of the population living on incomes below the poverty level. A few years later, the United Church of Christ’s Commission on Racial Justice released a now-famous study that examined the demographic patterns associated with commercial hazardous waste facilities and uncontrolled toxic waste sites. Their findings revealed a statistically significant relationship between race and the siting of commercial hazardous waste facilities: communities with the most facilities also had the highest percentage of nonwhite residents. When they controlled for socioeconomic status (income and education), race still played a role in the location of facilities—indicating that race is a
more significant factor than class in terms of where facilities are located. More studies followed.

By the beginning of the decade of the nineties, two very active environmental justice groups, the Gulf Coast Tenants Leadership Development Project and the Southwest Organizing Project from Albuquerque, New Mexico, were growing impatient with the lack of response of mainstream environmental organizations to environmental racism and injustice. In 1990, the two organizations sent a letter to the “Big Ten” national environmental organizations expressing their frustrations and charging that the organizations’ staff and advisory boards did not have adequate representation of people of color.

The very next year, Pat Bryant, the director of the Gulf Coast Tenants Organization, served on a steering committee for the landmark People of Color Environmental Leadership Summit. Bryant and Malek-Wiley took the steering committee on one of their infamous toxic tours of Cancer Alley. Many activist groups and government officials have taken this tour to see firsthand the effects that industrialization and inequality have on people-of-color communities. It is in these poor, black communities scattered throughout the Mississippi River Valley that one sees the stark reality of poverty and environmental destruction.

Thus, the voices and images of the people from poor Louisiana communities were able to influence and inform the landmark People of Color Environmental Leadership Summit. Soon after that conference, another large environmental gathering sponsored by the Gulf Coast Tenants Organization and the Southern Organizing Committee to discuss race was held at Xavier University in New Orleans, a traditionally black university. This and collaborative grant making by academics and activists led to the founding of the Deep South Center for Environmental Justice, headed by Beverly Wright at Xavier University. Dr. Wright, a sociologist, has written extensively on environmental justice and is considered to be one of the leading national activists in the movement. The center works in several different arenas to fight environmental injustice in the state. They develop curricula to teach students of all ages about environmental justice and train workers on hazardous materials. They conduct research in local communities to substantiate environmental injustice and have supported a community/university partnership that attempts to resolve injustice.

During the 1980s and early 1990s, two precedent-setting struggles signaled that a change in the balance of power is possible and can enable small community groups to sometimes defeat large corporate giants. One battle was fought by a white environmental community group called Save Our Selves (SOS) in heavily industrialized but rural Ascension Parish, and the other battle was waged just down river in St. John the Baptist Parish by a multiracial coalition of black residents, plantation owners, historical preservationists, and environmentalists.

In Louisiana, every battle over the siting of a new industrial facility is influenced by a May 1984 Louisiana Supreme Court decision. The decision results from a ultimately successful battle led by two young white Ascension Parish housewives who did not want the world’s largest hazardous waste treatment dump in their backyard. In 1980, when the two women, Teresa Robert and Ruby Cointment, walked into a room full of lawyers and officials they were opposing, they whispered to each other under their breath, “If we’re going to pray we’ll better start praying right now.” Robert attributed the endurance that was needed to pursue the battle and their ultimate success to the group’s strong faith and confidence that they were doing the work of the Lord. She stated, “And that’s what we did. We prayed our way through it for the next nine years, we worked harder than we’d ever worked on anything in our lives and we made up our minds we would never give up.”

The court ruling was on a lawsuit filed by their environmental group, Save Our Selves, against DEQ’s predecessor agency. The company was International Technology Corporation, and the site was 1,100 acres in Burnside, Louisiana. The Louisiana Supreme Court forced the state environmental agency to review the company’s permit and answer a series of tough questions about it, documenting whether alternative sites and solutions had been considered. These questions are now known as the IT Questions. They include such questions as: do the social and economic benefits of the plant outweigh the risks? And, have alternative sites and technologies been considered? Every major pollution emitter in Louisiana must now answer these questions as part of their permit application process. The hazardous waste facility was never built in Burnside.

In March 1989, Taiwanese plastics company Formosa Chemicals and Fibres Corporation planned to build a $700 million rayon plant,
which would have been the world's largest. The company bought the 1,800-acre site of the Whitney Plantation antebellum home in the predominantly black town of Wallace, a community three parishes upriver from New Orleans. The plant would bring 1,000 jobs to the parish at a time when virtually no new industrial projects had been built since the oil bust of the 1980s. In 1990, parish officials voted to give local tax breaks to the plant and to rezone the site for industrial use. To prevent the siting, a local group called River Area Planning (RAP) Group, Greenpeace, Sierra Club Legal Defense Fund, the Louisiana Coalition for Tax Justice, and Save Our Wetlands sued the parish over the zoning change.

A key element in the opposition's fight were two African-American members of RAP who owned small parcels of land that Formosa needed for building a dock on the river. These residents refused to sell their land to a company, they viewed as a health threat to their community. At a community meeting, one of the landowners, Wilfred Greene, reasoned with a man anticipating employment at the proposed plant. He said, "You don't need a job if you have to give every nickel you make to the doctor or the undertaker. You don't want that kind of job."

In response to opponents' demands and due to a similar struggle that was taking place in Texas, the EPA required that the company do an extensive study of how the plant would affect the community. Additionally, in May 1992, Matilda Gray Stream of New Orleans, who owned the Evergreen Plantation located next door to the proposed plant, sued the company, fearing noise and pollutants. Although the parish won the lawsuit against plant opponents, the firm announced in October 1992 that they were pulling out. In canceling the plant, Formosa blamed the Evergreen Plantation suit and the EPA's extensive permitting demands, which caused the case to drag on and delay their entry into the global rayon market. The plant was never built in another location.

Looking forward to the Shintech case described in Chapter 4, the Formosa struggle brought together many of the same coalition members on both sides, and the battle broke the once total dominance of industry in the chemical corridor. Gail Martin from Greenpeace said it this way, "If we can beat a plant in the middle of Cancer Alley, we can beat a plant anywhere." Natalie Walker of Sierra Club Legal Defense Fund said, "It is exactly what you are going to see more and more of." From another perspective, Jim Edmonson, director of the South Central Planning and Development Commission agreed. He argued, "If this was the first chemical plant along the river, it wouldn't have run into the opposition it did. But it gets progressively harder with every new plant. And that's partly because people are more educated about the downside."

STATE AND FEDERAL GOVERNMENT UNDER PRESSURE

As an infrastructure was developing in the state, and individual battles were being waged in many local communities, the state and federal governments were trying to figure out how to handle the red-hot political issue of environmental justice. As already mentioned, the U.S. Commission on Civil Rights conducted an investigation into the environmental problems in predominantly black communities in Louisiana. This marked the first time that the commission had reviewed race discrimination in terms of environmental policies and practices anywhere. They heard from state and federal officials, industry leaders, environmental and civil rights groups, elected officials, environmental experts, and individual residents, interviewing over fifty individuals during a six-month time period. The Advisory Committee concluded that "black communities located along the industrial corridor between Baton Rouge and New Orleans are disproportionately impacted by the present state and local government system for permitting and expansion of hazardous waste and chemical facilities." They reported that state and local governments have failed to regulate industrial operations in the region adequately in order to protect the residents from the risks associated with living close to these facilities. The commission's investigation revealed that black citizens and organizations do not trust Louisiana Department of Environmental Quality and other state agencies because they believe state officials are biased in support of industry.

The commission recommended that state officials specify adequate set back distance around industrial facilities to protect nearby residents from the effects of emissions. They also recommended that the state legislature pass a bill that would address environmental justice issues. Additionally, they recommended that state health officials develop database and risk assessment methodologies that address pollution emissions and exposure in terms of race, ethnicity, and income. Finally, they recommended that the EPA assess the state's permit and
siting practices in terms of civil rights issues and monitor the black communities identified in the report as disproportionately impacted by pollution. This final recommendation foreshadows the Title VI civil rights complaint filed by protesters in the Shintech facility sitting battle three years later.

In response to the Civil Rights Commission investigation, the state legislature requested that the Louisiana Department of Environmental Quality hold four public hearings throughout the state to gather information on environmental justice. Residents, nonprofit organizations, industry representatives, and university faculty attended these hearings, which were held in Baton Rouge, New Orleans, Lake Charles, and Ruston.

Their report, presented to the legislature, revealed the people's anger even through the bureaucratese language:

Individuals living near industrial facilities expressed genuine concern about risk in the event of an industrial accident. They also indicated that they believed that they are unreasonably burdened by emissions emanating from their industrial neighbors, but are denied employment opportunities and other benefits that are generally considered available as a result of having an industrial facility in the community. Also, many of the individuals who testified believe that neither government nor industry takes their concerns seriously. They expressed their collective belief that there is virtually no environmental justice for low-income minority residents who live next to industrial facilities or hazardous waste sites and insisted on immediate action to remedy the perceived inequities.

The LDEQ came up with several recommendations as a result of the hearings. These included drafting legislation to implement the mandates of the International Technology (IT) decision; strengthening state landuse planning requirements in relation to environmental justice issues; strengthening requirements on transportation of toxic materials; using tax incentives to reduce hazardous waste generation and disposal; and strengthening policies related to community emergency response. The report also included recommendations to increase LDEQ funding to create an Office of Environmental Justice and support programs to train local residents in emergency response and to encourage the employment of minorities at DEQ by supporting environmental sciences and engineering programs at historically black colleges and universities.

The LDEQ report signaled the beginning of the state's Environmental Justice Program — the first state program in the country. The LDEQ received a $75,000 grant from the United States EPA, Region 6 Office. The program instituted three community "Environmental Justice Panels" in which elected community members met with industry representatives to resolve environmental justice issues. The program also conducted workshops with community members on technical issues, claims of governmental discrimination, and emergency response procedures. Janice Dickerson and Roger Ward, program representatives, reported that "the program strives to teach people how to solve their own problems, for they, better than anybody else, understand the needs and problems that exist within the community."

In a 1995 report on the LDEQ Environmental Justice Program, Dickerson and Ward cited the accomplishments of the program that range from Cargill, Inc., providing a recreation area for the children of Lions, to having a community resident of Mossville placed on the Conoco community advisory panel, to industry supporting emergency response training for local residents. According to Dickerson and Ward, LDEQ is playing a peripheral facilitative role in helping communities and industry work together. The program representatives stated:

Once the [environmental justice] panels are firmly established and the benefits of participating on a panel are appreciated, it is hoped that the LDEQ can remove itself from the process and entrust the continuation of the panel to both the community and industry. Such a panel consisting of only industry and community meeting together as neighbors and partners, is the vision that the LDEQ Environmental Justice Group has for panels.

Some of the notable groups that are excluded from these panels are environmental or social justice groups. Dickerson feels strongly that "outside" environmental groups can be detrimental to the best interest of poor communities. She complained that traditional environmental groups have a history of exploiting communities in Louisiana. She stated, "Environmental groups would descend upon these communities, express concern for the people and the state of the environmental quality, bring in the media, get press coverage, receive donations for their groups, and then depart — leaving the community in no better condition than it was prior to the group's advent."

When Governor Mike Foster came into office in 1996, he changed the name of the Environmental Justice Program to the Community Industry Relations (CIIR) Office. This name change may provide evi-
dence as to why office activities and statements generate opposition from some environmental justice advocates. For example, in the Shin-tech siting case (Chapter 4), environmental justice activists accused the office of siding with industry and actively creating a supportive proindustry residents' group in the parish. The root of the conflict between the CIR office and certain environmental justice groups may stem from a differing opinion on how to handle environmental justice cases. The CIR office attempts to get industry and community residents to work together. Conversely, some environmental justice activists feel that industry has unfairly exploited their communities and that there is no more room for negotiation or compromise. Furthermore, many activists believe that it is extremely difficult for residents and industry representative to meet on an equal playing field due to the dramatic difference in levels of resources and technical knowledge between the two groups.

At the same time that the state office of environmental justice was forming, President Clinton issued an executive order that helped to validate and invigorate the environmental justice movement nationwide. The executive order 12808 of 1994 decreed that "all communities and individuals, regardless of economic status or race are entitled to a safe and healthy environment." This order was instrumental in providing a legal basis with which to pursue state and federal regulations to protect poor and minority communities. In the nineties, community groups throughout the country cited this order and filed complaints using Title VI of the 1964 Civil Rights Act with the EPA claiming that they, as minorities, were being disproportionately impacted by pollution. Since the order was extremely broad and vague, it has taken the EPA over six years to issue regulations and instructions to state environmental agencies outlining how to handle environmental justice. In Chapter 7, we will explore the EPA's actions stemming from the executive order and the response of state and industry representatives.

RACIAL TENSION WITHIN THE MOVEMENT?

A discussion of the history of the environmental justice movement in Louisiana would be incomplete without an examination of how racial tension has influenced and shaped the movement. The antitoxic and environmental justice movements in the state were, at times, unwittingly pursuing conflicting goals. This occurred when white antitoxic groups, also called NIMBY (not-in-my-backyard groups), would successfully oppose a proposed hazardous landuse for their neighborhood, only to have it successfully sited in a community of color that did not have the resources, organization, or power to fight it successfully.

Another common complaint from people-of-color activists is that white environmental organizations are racist, ignore the needs of people-of-color communities, and do not hire or listen to African Americans. This complaint has been heard repeatedly in Louisiana. In fact, as we were writing this book, the DEQ coordinator of the CIR office said that she didn't think that white individuals could adequately tell the story of environmental justice in Louisiana. She believed that we would not mention in the book a meeting that environmentalists had during the David Duke/Edwin Edwards governor's race in which they discussed who to endorse for governor. Although Governor Edwards did not have a favorable environmental record, the thought that white environmentalists would even consider voting for avowed white supremacist David Duke enraged black activists.

These accusations against white environmental groups are not new. They hearken back to the 1990 letter written by environmental justice activists to the "Big Ten" national environmental organizations accusing them of not truly representing the interests of communities of color. Even now, ten years later, social justice activist Pat Bryant argued that environmental organizations are not employing people of color. He stated,

Environmental groups still have a problem with race. There is no rush to make sure that the people that represent them have racial balance and understand racial politics, or are taught to be effective. I don't see any outreach to the Hispanic community up and down the river. I don't see the first Spanish speaking person employed in the environmental community in the state. Planners of the summit focused on bringing people of color together to discuss their plight. Robert Bullard, a sociologist and national environmental justice activist stated,
The planners of the Summit expected the obvious: that religious, government, and national environmental leaders would find fault in any process in which people of color put their heads together to break up the genocidal games all the major institutions play on them. Delegates to the summit demonstrated to themselves that African Americans, Native Americans, Latino Americans, and Asian Americans must plot a course together and ask other progressives to join their vision and struggle for a just world.106

In Bullard’s writings, he expressed a certain hesitancy when he spoke of whites and people of color working together for environmental justice and viewed these coalitions with uneasiness. He stated,

Although these groups are beginning to formulate agendas for action, mistrust still persists as a limiting factor. These groups are often bifacial with membership cutting across class and geographic boundaries. There is a downside to these types of coalition groups. For example, compositional factors may engender less group solidarity and sense of control among black members compared to indigenous social action and grassroots environmental groups where blacks are in the majority and make the decisions. The question of who is calling the shots is ever present.107

It is not surprising that there is great mistrust between blacks and whites in Louisiana. The state’s history with slavery and civil rights has given blacks very little reason to trust whites. This attitude should not be surprising to people of either race. Additionally, the perceptions and interests of people of color and whites are often different, stemming from the fact that, due to racism and inequality, the two races have very different experiences in the same world.

One black environmental justice activist reported to us that he met resistance when he tried to promote activism on environmental issues in the black community and among state and local black social justice organizations. He said that ministers and other black leaders questioned his affiliations with environmental organizations and accused him of being an “Uncle Tom.” They dismissed environmental issues as “white people’s issues.” Part of this is tied to the fact, seen in two of the cases presented in this book, that sometimes black social justice organizations side with development forces in environmental justice struggles because they feel that poor black communities will benefit more financially than they will suffer environmentally from economic development projects.

Environmental justice advocates throughout the state voiced different opinions on the existence of racial tension within the movement.

Florence Robinson, a black activist who began fighting polluters in her community of Alsen, believes that the movement can overcome racial tension. She stated,

I think that racial tension has cropped up in the movement over the last four or five years. I think that it has been generated by a few individuals who for some reason seem to thrive on racial tension. I don’t think it does the movement any good at all. It’s something I really hate to see. I use the word “environmental racism,” and I can use the word “racist” with the best of them. When I do it, I have a real intention – you are not my target. The government is my target, the chemical company is my target.108

Bullard and many other environmental justice activists believe it is crucial to have people of color at the helm in the movement. Harold Green of the Southern Christian Leadership Conference agrees that it is important to have black leaders on board and in the front of the movement – a multiracial movement. He stated,

So, concerns of having more black people [leading the movement are real]. Yes, because the masses of uneducated with respect to the environment are people of color. Because the perpetrators are these big multinationals who [are exploiting] people of color. So, the people that are already in the communities – who have the credibility and that people respect – are the black leaders. So, we need them right there.

However, he warns against racial polarization in the movement. He states, “If we [racially] compartmentalize, then we are polarizing our own movement to our detriment. Even though I’m with the people of the black church, my obligation is to educate them and to bring them to a point where they see the big picture and know that it is not a black/white [issue] – it is us.”109

Marylee Orr, Director of LEAN, said that, even though the organization has black board members, a foundation that funds environmental justice organizations has questioned the fact that LEAN is not staffed by people of color. She said that she told the foundation, “If you can find us an African American chemist who gives six figures worth of time practically for free... and give us a chemical engineer who gets compensated very little when he could be doing something else, I’d take them in a heartbeat. But I haven’t found it.” She added,

I think that you have to be careful not to be divided by race and you have to be careful not to apologize. You should not have to apologize because you are white. If I were black, I wouldn’t have to apologize because I’m black. There’s
some level of respect that we need to reach as a society that's not there at many
levels. So, I've dealt with it [racial tension] so much in a very volatile way that
I've gotten pretty definite feelings about the race issue. The premise of LEAN
is that we are a family and what makes us unified or so strong is our diversity.
If we begin to apologize or to always notice the other's color, then, there is no
purpose in our diversity.110

Several activists, both black and white, have said that, although
there is significant racial tension within the state and, at times, within
the movement, the movement ultimately has the potential to bring the
races together. Albertha Hasten, a very vocal, dedicated, black envi-
nronmental justice advocate and LEAN board member proclaimed,

You don't have time when you're really committed and dedicated -- you don't
have time to have racial tension. The air does not have no color in it -- it's killing
everybody slowly. This water we drink don't have no color on it -- it's being killing
everybody slowly. And the food we eat don't have no color on it. But we put the
color into it. We say, "Well because I'm black maybe I might last a little
longer than you or because you are white, you might last a little longer than me." There's people putting the color into it. But, mother nature and industry
and large corporations didn't put no color in it.111

Hasten viewed the main problem for the movement as the color
green -- not black and white. She explained,

It's an issue of saying what is fair and equal justice for all. We have never got-
to that -- fair and equal justice. We have never gotten to it because we take
the rich and make them richer and we take the poor and make them poorer and
we take the working class people and put them in the middle. Which
whether you are white or black, hate it or not, you're in a trap. And because
you're white, you feel very inferior because you are now being deprived of the
pie some and if you are black, you've been deprived for over 200 years and
you're still seeing the pie, but you can say it's hurting you more, but really this
inequality is hurting all of us. Fair and equal justice for all through all the letter
E's of education, environment, economics have never empowered the people.
The system needs to be changed. It's a problem, and the problem is the green, the economics of the green, we
must face that.112

Hasten sees the movement as multiracial. She is chairperson of
Louisiana Communities United, an organization that brings together
and supports community organizations and grassroots groups in their
efforts to find solutions to their community's problems. She stated,

ROOTS OF ENVIRONMENTAL INJUSTICE IN LOUISIANA

It's important to show unity, because when you're showing unity and diversity,
people cannot take that. Unity is diversity -- those words are very powerful.
When you say Louisiana Communities United -- unity with diversity -- their
eyes see white and black pulling together -- that's nerve racking. That's power
and they [the power holders] can't deal with that. They can't take that power --
that's people power.

Florence Robinson agreed that a unified multiracial movement will
be most successful. She argued,

I think if people are really sincere and really interested in solving the problem,
it can go beyond race, and they will work beyond race. Gradually they will over-
come their prejudices. You know, people aren't all of a sudden going to change
their opinion about how they felt for generations -- that's not going to happen.
But, people can make progress and I've seen an awful lot of progress made.113

Orr, a white activist, echoed Robinson's prediction that the move-
ment can work beyond racial tension. She explained,

We can't limit ourselves if we really want to win. You've got to examine yours-
elves, too. If you really want to win for people's health and safety, then you
got to lay aside a lot of crap -- your ego and different kinds of things. We've
kind of demanded that with people and I've been pretty harsh with other lead-
ers and I think that's made me not popular to a degree -- because I don't want
to see us divided in that way.114

Harold Green of the Southern Christian Leadership Conference
(Martin Luther King, Jr.'s group) proposed that the movement is cur-
cently in a transitional phase. He places great faith in the potential of
the next generation of black youth. Green worked with the Deep South
Center for Environmental Justice to develop a curriculum on envi-
nronmental justice for children in grades K-12. He believes that the fu-
ture of the movement depends on the young blacks who are growing up
learning about environmental injustices. Darryl Malek-Wiley, a
white environmental justice activist, agreed that African-American
youth are the key to the success of the movement. He stated, "I think
the sleeping strengths [for the movement] are the African-American
colleges."

Even though many environmental justice activists whom we inter-
viewed disliked the occurrence of racial tension within the movement,
they did acknowledge that the racial tension in the larger society
causes environmental injustice and that sense of injustice drives the
environmental justice movement. Our point is that activists should not be surprised at the difficulty of reaching across a divide created by centuries of mistreatment and miscommunication. Although the cases in this book took place in the last decade of the twentieth century, they have been heavily influenced by the way Africans were brought here and treated for 300 years and more recently by the struggles that occurred, the organizations that were created, and the coalitions that formed since that birth of the toxics and environmental justice movements. The cases that follow have pushed the movement forward and have shaped the issue of environmental justice in Louisiana and the nation. We are left with an open question: Does this movement have the ability to rise above or alter the social toxins of the racist environment in which they exist?

3

The Nation’s First Major Environmental Justice Judgment

THE LES URANIUM ENRICHMENT FACILITY
INTRODUCTION

Given the extreme dominance of the oil and chemical industry with the state and federal governments, the ability of these four communities to gain any redress is fairly remarkable. Although not uniformly positive, the outcomes of the four cases detailed here show substantial gains for the environmental justice community in the 1990s. Others could be cited, such as the incinerators in Chester, Pennsylvania, or the refineries in South Los Angeles, but these Louisiana battles were among the most important cases in the nation for the period.

Having been surprised once, industry did not sit idly by. They fought back in several ways against the potential of environmental justice claims to create uncertainty in their planning. This backlash sought to change the game, making future struggles more difficult for communities. In this way, the Shintech struggle, especially, was like the Cuban Revolution; all later struggles will have to deal with its legacy – hardened positions on each side.

This chapter chronicles the backlash against environmental justice victories on the national and local levels in its first two sections. At its end, we survey the prospects for both sides and consider the future implications of the movement. There, we return to the three themes posed at the outset of the book. What is environmental justice? Who are they players, and what tools do they use to get their way? How do people experience environmental injustice? The first theme, what is environmental justice, has been addressed in each case study. Each group of residents fighting in the name of environmental justice has defined the concept in a way specific to them and their situation. In this chapter, we will see how the actors of the growth machine define the term or, at least, attempt to push policy and regulations to adopt their definition and way of handling it. One of the main points of this chapter is to emphasize that these struggles do not take place only at the local level; some of the most influential struggles do, in fact, occur at the state and national levels. Finally, we end the chapter by as-

Earthjustice lawyer Monique Harden outside Shintech/LES solidarity rally in 1994. [Photo by Timmons Roberts]
sensing the experience of individual residents in these battles and their role in the movement. There is a lot to sort out in these coming pages.

BACKLASH AT THE NATIONAL LEVEL: THE BATTLE OVER EPA'S INTERIM GUIDELINES

Before it was issued and immediately thereafter, industry groups have been pressuring against President Clinton's 1994 Executive Order on environmental justice (see Chapter 1). They have claimed that the order, and especially EPA's February 1998 Interim Guidelines to institute the order, could hinder efforts to bring economic development to the very communities which the government was trying to help with programs such as enterprise and empowerment zones. U.S. Chamber of Commerce president, Thomas J. Donahue, claimed that the guidelines would have "significant adverse impact on economic growth and job opportunities in low-income and minority communities."1 Ironically in a speech on Earth Day 1998, Donahue claimed that the policy would "drive existing good-paying jobs out of those areas ... this is not justice -- it's economic, social and environmental insanity." Pointedly reminding him that he represented these million three businesses, Donahue repeated these exact words in an open letter to President Clinton in the following weeks.2

The president of the Louisiana Association of Business and Industry (LABI), Louisiana's leading business lobby, editorialized that the Guidelines were the product of a misguided movement: "Environmental justice is largely the creation of activists who turned to civil rights when environmental doom-saying no longer yielded results."3 To support their position, the U.S. Chamber enlisted African-American leaders from the business community and local government -- the growth coalition we described in Chapter 1. They found Detroit mayor Dennis Archer and the president of the National Black Chamber of Commerce (NBCC) Harry Alford as important allies in the battle. Alford wrote for the NBCC:

Environmental racism is a claim that has been lingering around since the late 70's. As a strategy, Green Peace [sic], the Sierra Club and others have decided to fuel (fund) the concept and enlist newly recruited activists. These activists are quickly indoctrinated into thinking that this is a continuation of the successful Civil Rights Movement. The truth is it is a poor ploy. The recruited people scream and embellish their own resumes and their credentials do not correlate to their alleged specialties. What we have, from my experience debating these "activists," are some "half-cocked nut cases" who cannot hold a logical argument ... Their style is strictly to intimidate and disrupt.

Having laid waste environmental justice advocates, Alford went on to blast Clinton and the EPA secretary Carol Browner:

The Clinton Administration has given these extremists and opportunists some license via the official Environmental Justice Initiative. What the President and EPA Administrator Browner have created is a "monster." These activists don't fully appreciate the EPA although they gladly receive their grants. They want nothing short of shutting down all business activity.4

Critiquing Detroit mayor Dennis Archer when he made a similar point, Robert Bullard refuted the idea that the Guidelines would have any impact on development in poor neighborhoods, which are the focus of empowerment and enterprise zone incentives for businesses. "Archer is wrong because there are no Title VI complaints on brownfields [urban redevelopment of potentially contaminated sites] of all the fifty-one which have been filed."5 Facing critiques of business and state regulators before the Oversight Subcommittee of the U.S. House of Representatives just a week later, EPA's director of its Office of Civil Rights Ann Goode made the same point in her testimony.6

Industry lobbyists and chief executives made their dissatisfaction known. First, EPA was directly lobbied by industry through high-level business organizations addressing the agency and its top administrator directly. Detailed comments were filed by industry group lawyers with the EPA.7 In them, the lawyers argued that EPA lacked the authority under the law to force states to undertake these new policies.8 State environmental officials perceived EPA's Guidelines as a heavy-handed way of usurping their local authority: "It appears to be really aimed at influencing, if not intimidating, the state permitting agencies," said Donald Welch from Pennsylvania's environment agency.9 In testimony before Congress, Robert E. Roberts, the executive director of the Environmental Council of the States (ECOS),10 pointed out that states do three quarters of all enforcement on the environment: "With all due respect of my friends in the Environmental Protection Agency, and I am pleased to have many friends in that agency, environmental protection in America is done by States and local governments."11 Roberts and his colleagues wrote that the entire conflict over environmental justice had become "less about environmental pro-
tection and civil rights than it is about federal mandates, the rights of State and local governments to govern, and determining who is to decide environmental issues.” The issue, from their view, was a new battle over federalism, in essence, over “states’ rights.”

The battle riled the lower levels of government, in a way that some saw as quite similar to civil rights intrusions of Bobby Kennedy and other Northerners in the 1960s. The U.S. Conference of Mayors adopted a resolution late in June resisting the shift of “permit decision-making from local governments to the federal government.” The National Association of Counties sent a letter to EPA “strongly opposed” to the new Interim Guidelines. “Local governments cannot prevent residents from living in commercial or industrial areas or near an environmental facility, and invariably there are conflicts over mixed uses of property. These issues are properly issues of local concern, and should be dealt with locally.” They had concrete fears in mind: “a real possibility exists that nearly every new or expanded county landfill proposed to be located in an industrialized or rural area with a minority population will be subject to an additional set of citizen challenges and more litigation.” They concluded by appealing to fairness: “It is patently unfair for EPA to ask local governments to solve the nation’s long-standing difficulties in achieving racial equality through the permit process.” The letter was penned by Joel McCoty, council member of St. John the Baptist Parish, which adjoins St. James, where Shintech proposed to build. But Robert Bullard pointed out, this issue was just like earlier rounds of the civil rights struggles: states claimed their sovereign rights were being trampled when the heavy-handed federal government rides into town. He argued, “The states just have to deal with it.” Florence Robinson put it this way: “They said the same thing in the civil rights movement. ‘Our dairies are happy. Why are they coming in, stirring things up?”

Second, when the next Environmental Justice Title VI case came up for a decision in front of the EPA, industries used it to beat back the LES precedent and EPA attempts to handle the Shintech case. A company named Select Steel proposed to build a steel recycling mini-mill in Genesee Township, a poor minority community in Michigan. When Title VI environmental justice claims were made by Father Phil Schmitter and Sister Joanne Chiaverini of the St. Francis Prayer Center, EPA began to study the case. The Select Steel Corporation presented EPA with an ultimatum, that if they were not given their permits in 90 days, they would move elsewhere. Under pressure, EPA hurried them through. EPA ruled in favor of Select Steel, saying that, if they were meeting legal limits on emissions and in compliance with the national ambient air standards (NAAS), they could not interfere with permitting. This was a major step backward from the Shintech case, where “disproportionate impact” was considered regardless of whether the permitted discharges were within the letter of the law for single facilities. Select Steel decided to build in Ohio instead, but the specter of Shintech-style permitting analyses was apparently beaten back.

The legacies of Select Steel remain uncertain. “Ann Goode had to show that EPA was not ‘anti-business,’” said Eunice Sullivan from Michigan’s Sugar Law Center for Economic and Social Justice, about the Select Steel decision. She argued that EPA chose Select Steel because it was a weak case with few lawyers involved. In terms of the outcome, the community group lost because they were not well prepared for that fight: “the difference is who got organized.”

To beat back the Interim Guidelines more globally, however, another approach was required. Industry brought out its big guns in lining up influential congressional committee chairs to threaten the agency’s blood supply—its congressional appropriation. Congressional Republicans placed into the massive VA-HUD Appropriations Bill in 1998 a one-year moratorium on the EPA’s using any of its funds “to implement or administer the interim guidance” for Title VI complaints filed after October 21, 1998. The moratorium was extended for another year in 1999. Proclaiming their victory upon its passage, William Kovacs, vice president for environmental policy of the U.S. Chamber of Commerce, said, “These appropriations provisions are central to our efforts to stop the worst excesses of the environmental movement. . . . This will block the worst kind of environmental lunacy masquerading as civil rights.”

Meanwhile, some environmental justice advocates argued that the Guidelines did not go far enough. For example, Luke Cole of the Center on Race, Poverty and the Environment said that minorities in polluted neighborhoods could be experiencing discrimination not only in terms of exposure to pollutants, but also by changes in land values, the stigma of living near toxins, and a lowered quality of life. Shintech and Chester, Pennsylvania, were the two cases repeatedly cited by both sides in the debate over the Guidelines, but these broader criteria had never been used in Title VI hearings. Several of the cases we have studied (including the Agriculture Street landfill in New Orleans), and
much of the environmental sociology literature, suggest that, in fact, this broader approach is necessary to redress the problems of toxic communities.

Seeing the handwriting on the wall, the EPA sought to bring legitimacy to its effort to clarify the Interim Guidelines by establishing a twenty-five-member committee to revise them. The committee included eight representatives from nongovernmental organizations (NGOs) and eight from state and local governments, five academics and four industry representatives. If Logan and Molotch were correct that local governments tend to side with the businesses that fund their campaigns and pay their taxes, then the committee is weighted heavily for the growth coalition. If academics on the committee — such as environmental justice scholar-activist Robert Bullard of Clark Atlanta University — side with environmental activists in the NGOs, then the panel is almost exactly split down the middle with twelve or thirteen votes for each side. This split was confirmed by the committee’s own statement after a series of long tough meetings that “Environmental justice advocates, including grassroots community representatives, and Committee members from the academy, are somewhat more satisfied with the Interim Guidelines than their industry and government colleagues.”

The group was planning to publish a revised version of the guidelines for comment in 1999; however, the process has been extremely contested. The committee was forced to redefine its mission after it became clear that “the diverse constituencies represented by the Committee [were] unable to reach consensus on the most important of these issues.” Instead, the committee decided to defer to EPA and present a report of diverging opinions and a structure for future decision making.

Industry’s bold opposition to the Guidelines placed the Clinton Administration in a delicate political situation. State environmental agency heads from around the country met in New Orleans in March 1998 and drafted a blistering resolution to the EPA to annul the Guidelines. In speaking on the same Earth Day as U.S. Chamber president Donahue, then–Vice President Al Gore said that federal agencies needed to reemphasize the administration’s policy on environmental justice. “There have been strong expressions of concern from community leaders that our efforts to date have not been sufficient.” In this case, doing not enough was still doing too much.

After two years of intense pressure, committee meetings and internal machinations at EPA, the Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits was finally released on June 16, 2000. The Revised Guidance ties civil rights violations to “an unjustified adverse disparate impact” on “a group of persons based on race, color, or national origin” (p. 9). This impact would have to be “significantly adverse to be considered significant” (p. 15). Much hinges upon that word: it would be up to the state environmental agencies like DEQ to decide what counts as a significant disparate impact. The Revised Guidance sets the bar very high: demographic disparity — that is, how many more African Americans would be affected by the pollutants than would have if the facility were sited in an “average” location — would have to be highly significant statistically: two to three standard deviations away from the mean (p. 19). Only the very worst cases would count under these criteria.

With a sixty-day public comment period, the Revised Guidance sought to walk the political tightrope between angered communities, industries, and state and local governments. The Revised Guidance included sections for those making complaints, a section suggesting ways for the states to run their environmental justice programs, and a long series of responses directly to the protests of the three angry parties. In these responses, EPA confronted industry by defending its constitutional right to enforce Title VI. It directed states that they have to do something to address these complaints. But it does so in a way that gives tremendous flexibility to state regulators. The language is vague, and not directive, with phrases such as “EPA believes you may wish to consider. . . . You are not required to adopt such activities or approaches.” The agency went on to warn states that their responses to complaints will determine how EPA rules on their efforts. After a tremendously lengthy process, EPA could eventually pull their federal funding and revoke their “delegated authority” to enforce environmental laws.

The Revised Guidance pushed informal resolution of environmental justice disputes, including “emission offsets,” such as we saw with Dow reducing emissions to match Shintech’s new pollutants in Plaquemine. EPA administrator Carol Browner repeatedly suggested informal resolution in statements to industry and the press before the Revised Guidance was released, suggesting that it is better for all sides in these disputes. Among the informal solutions are “emissions caps for areas of concern” (which have yet to be applied anywhere but which have been suggested for places like Louisiana’s “Cancer Alley”).
and improved emergency response measures, a persistent demand of local groups (p. 22).

Nowhere in the Revised Guidance was the issue of broader effects of contamination, such as stigma, property values, and stress addressed. This suggests that the demands of community groups for the EPA and state agencies to deal with these issues has been entirely ignored.

Back in Louisiana, in a sneak attack at the very end of the fiscal-only state legislative session in late May 1998, state representative N. J. Damico introduced a “concurrent resolution,” HCR 94, which called on the state to block any further environmental justice efforts. The resolution noted the Shintech case and blamed EPA for moving ahead on environmental justice issues. A similar resolution was passed earlier in the year by state environmental agency heads (ECOS) calling on the EPA to waive the Interim Guidelines. Louisiana’s Department of Environmental Quality secretary Dale Givens testified for the resolution, believing the Guidelines were developed improperly, “without participation by co-regulators and the public.” The Louisiana resolution requested that the state’s congressional delegation “take appropriate steps in Congress to declare that these ‘Interim Guidance’ standards were unconstitutional, and should be formally withdrawn by the EPA.” It passed out of the House Environment Committee, the vote was called while two vocally opposed black committee members (Kip Holden and Avery Alexander) were out of the room. It then was passed on the House floor 67 to 27, but representatives from eight predominantly black districts in the state had their districts “exempted from any sentiments in the resolution.”

This seemingly arcane parliamentary procedure was important because, when it got to the other side of the capitol building, the Senate Environment Committee passed the resolution and with a motion by Senator Max Malone, stripped off the House amendments exempting the eight minority districts. This action was considered dirty pool in the etiquette of the legislature, and after lobbying by LEAN, Sierra Club, the League of Women Voters, and Citizens For A Clean Environment (CPACE), the resolution was left to die on the Senate calendar without ever being voted. This was one of only three legislative losses listed by business lobby LABI on their list of twenty-four bills on which they lobbied in the 1998 session. Still, the EPA had been vilified in Baton Rouge and the effort had succeeded in educating lawmakers and galvanizing the business community on the perils of environmental justice and especially the Interim Guidelines.

Just three days later, citizens from Forest Grove and Center Springs (see Chapter 3) boarded a bus and traveled the five hours to get to the Pilgrims Baptist Church in Convent, to have a joint celebration of their victories with Shintech opponents. Citizens Against Nuclear Trash stood in the church’s all-purpose room and told their story to the embattled members of Saint James Citizens for Jobs and the Environment (see Chapter 4). Greenpeace’s Damu Smith, Monique Harden of Earthjustice Legal Defense Fund, and Albertha Hasting of LEAN brought the groups together as part of their emerging strategy: if communities expect help in their struggles, they must support other communities. As the meeting ended with prayers and songs, Harden packed the scorecard in the car. Formosa and LES were crossed out, Shintech was next.

BACKLASH AT THE STATE LEVEL: JUSTICE FOR SALE AND LEGAL REPRESENTATION DENIED

Industries in Louisiana have long been frustrated with the frequent successes that students from the Tulane Environmental Law Clinic have enjoyed in their battles with industry. In an attempt to disarm the clinic, several prominent firms and the chemical industry association had threatened to withhold donations to the university and encouraged alumni to do the same. Since this approach was relatively unsuccessful, clinic opponents moved on to other approaches. The state’s secretary of economic development Kevin Reilly ordered an investigation into the tax filings of the clinic and other environmental groups and sent a letter to the president of the university asking him to investigate the actions of the clinic. The governor publicly threatened the tax breaks for the university, and the state Board of Regents considered not providing millions in matching funds for the university’s endowment (see Chapter 4).

But the breakthrough strategy came in May 1997 in a closed-door meeting between the New Orleans Business Council and Governor Foster. The new approach was reportedly suggested by the CEO of Entergy Corporation, the local utility which owned the land upon which the Shintech plant was proposed. Entergy also stood to make $70 million a year selling electricity to the plant. The idea was to have the area’s business groups (the New Orleans Chamber of Commerce, the Louisiana Association of Business and Industry and the Business
Council of New Orleans) ask the State Supreme Court to investigate the "cases, positions, and stands" taken by law clinic faculty and students. Subsequently, the three groups fired off letters to the chief justice of the State Supreme Court, Pascal Calogero. The letter written by the Louisiana Association of Business and Industry accused the clinics of activities bordering on soliciting, name calling, and intentionally trying to obstruct all industrial development. The letter also accused the clinics of representing clients who were not really indigent.

The law clinics, which are overseen by the Louisiana Supreme Court, work in the areas of civil, criminal, juvenile, and immigration law. For approximately twenty years, clinics at three state schools (Tulane, Loyola, and Southern University) have provided services to low-income clients. Although the clinics employed federal poverty guidelines to determine eligibility, they also accepted hardship cases on behalf of individuals who earn more than the income level but still could not afford to pay for services. The Tulane Environmental Law Clinic, founded in 1989, allows third-year law students to represent clients in state courts and before state agencies. The clinic typically has twenty-five students during the school year and four supervising attorneys (including the director). All cases are reviewed by an independent board of nine attorneys, who determine whether each case should be accepted. The major goal of the clinic is to train students through a hands-on program where the students serve as attorneys. In 1998, the clinic had 44 active cases.

The Supreme Court responded to the business groups' request by ordering a review of all the law school clinics in the state. The court demanded that the clinics fill out detailed questionnaires regarding their activities, and two Supreme Court staff attorneys conducted on-site interviews with clinic administrators. Even though the court investigated all the law school clinics in the state, it was quite clear that the focus of the investigation was the Tulane Environmental Law Clinic (TELC). The court staff attorneys spent two and one-half days at Tulane as compared to one day each at the other law school clinics. They found no violations at any of the Tulane clinics.

However, as in many states, judges are elected in Louisiana. Chief Justice Calogero was up for reelection, this time to his last possible ten-year term before his retirement. He faced an ambitious conservative who was a darling of the business community. As CBS's Sixty Minutes 2 and PBS's Frontline would later describe it, the business community was beginning to wage a campaign to villainize Calogero as being too liberal for Louisiana. Both programs deduced that Calogero badly needed to throw the business community a bone.

In June of 1998, the Supreme Court announced a change for Rule XX, the rule that governs the activities of student lawyers, ordering three major changes that threatened to severely affect the operation of student law clinics. First, the Supreme Court prohibited law students from representing clients or groups affiliated with national organizations. Second, clinic clients would be required to meet the eligibility criteria used by the Legal Services Corporation. If a community group was to be represented by the clinic, at least 75 percent of its members had to meet the indigent eligibility criteria. Lastly, no students or staff of a law clinic could represent a community organization that they assisted in creating or incorporating. An editorial in the moderate New Orleans Times-Picayune was entitled "High Court Reins in Lower Class." Local columnist James Gill said that the rule change amounted to class warfare.

These new rules caused an uproar among clinic advocates, national law organizations, and nonprofit groups throughout the state. A coalition of groups organized protest marches, one from a national law professors' convention to the Supreme Court building in the heart of New Orleans' business district, which drew 150 law professors from around the country and 50 community members. On his weekly radio interview show, Governor Foster responded, "I still can't believe the picket bit . . . maybe they'll go out to the French Quarter and forget about picketing." The Louisiana attorney general, the deans of Loyola and Tulane law schools, the executive director of the state American Civil Liberties Union chapter, the Association of American Law Schools, and the Louisiana State Bar Association all denounced the rules as substantially limiting access to the legal system for poor individuals and groups. In one of his last appearances in a long life of defying racist authority in Louisiana, civil rights leader and state representative Avery Alexander stated that the rule change "denies poor, working African Americans and people of color aggressive legal representation available to the rich and affluent in our society." He likened the change to a rule passed during the Jim Crow era that required the NAACP to make public their membership lists. Harold Green, of the Southern Christian Leadership Conference said "they simply changed the rules of the game so that big business always wins."

Also noting the NAACP ruling, Robert Kuehn, director of the TELC at the time, predicted that the income requirement would have a
“chilling effect” on group formation, if individuals were required to make public their income level to receive clinic services. He stated, “I don’t think there’s any question that the attack on the clinic through the court is an attempt to mute the voices of those who disagree with his [the governor’s] environmental politics.”

Kuehn recalled hearing the year before that a student lawyer won against at least eight Shintech attorneys. He explained, “The sad commentary is that the governor and the court are trying to say that eight licensed attorneys against one student attorney are not good enough odds. They now want to make it 8 to 1.”

Members of the pro-growth coalition were elated at the court’s decision. Governor Foster stated that the court “is finally tightening up on that bunch of outlaws trying to shut everything down.” The president of LABI stated, “The Supreme Court’s ruling should not, in any way, impede TELC’s mission of representing truly indigent individuals who have no other recourse for legal representation. But it will and should deter the faculty and staff from using the clinic as a soapbox to promote their anti-economic development agenda.”

After the protests and a request to rescind the rule change was filed by the deans of Tulane and Loyola law schools, the Supreme Court slightly modified the ruling. They lowered the level for the percentage of indigent members a community group must be required to have to be eligible for clinic services from 75 percent to 51 percent. Additionally, the court raised the income eligibility level for clients from 125 percent to 200 percent of the federal poverty level. This would be equivalent to $33,600 for a family of four. The clinic would also be able to represent groups that were affiliated with a national organization, but only if they met the income requirements. Very few of the clinic’s previous clients could prove that they met these requirements.

According to clinic supporters, the rule changes did not go far enough. The very day these changes went into effect, they filed a suit in federal court accusing the state court of violating the U.S. constitution by imposing the changes to Rule XX. They stated that the rule changes violated the academic freedom of the professors, the rights of clients to representation, and the rights of students to an adequate education. The suit asked for the rule change to be declared unconstitutional. At least twenty-four organizations or persons signed on to the suit.

In July 1999, federal judge Fallon threw the lawsuit out on the basis that the actions of the Louisiana Supreme Court were not illegal or unconstitutional. He stated that “Non lawyers have no constitutional or legal right to represent individuals or organizations in courts or before administrative tribunals.” He went on, in a language so blunt as to be remarkable: “In Louisiana, where state judges are elected, one cannot claim complete surprise when political pressure somehow manifests itself within the judiciary.” So he stated that law clinic’s effort to overturn the rule “would more properly be focused on the political rather than the legal system.” He expanded, “The aim of the law clinics and the dedication of their staffs and students are indeed laudable. . . . However, unfairness does not always automatically rise to the level of unconstitutionality. Indeed, it rarely does.”

As this book goes to press, the Tulane Environmental Law Clinic and other law school clinics are functioning under the new rules and having to turn away clients that do not meet the income guidelines. At the end of 1998, the director of TELC stated that Tulane clinics turned away 148 of 236 applicants due to the rule changes. “So there’s been a lot of legitimate fear about what the future holds for the clinic and for the students.” It must be noted, however, that the local and national media attention on the Louisiana Supreme Court for the Rule XX change has been almost uniformly critical. The business lobby has also suffered some bad public relations attention. Meanwhile, the Tulane Environmental Law Clinic has won national awards.

**BLIPS OR PRECEDENTS? PROSPECTS FOR THE FUTURE**

Between defusing the *Interim Guidelines* and declawing the Tulane Environmental Law Clinic, the empire has struck back decisively in response to the groundbreaking environmental justice cases chronicled in this book. Business groups have put substantial energies behind turning back the tide, to keep these cases from becoming precedents. Why has the environmental justice movement drawn such intense resistance, seemingly beyond that faced by mainstream environmentalists a generation ago?

Several possible reasons need to be considered. First, mainstream environmentalism was mostly reformist and made compromises, and thereby worked with government agency personnel and corporate managers, who were at least of the same race and often the same economic class. Second, they and not-in-my-backyard (NIMBY) toxic activists often were mollified when firms simply went away to other backyards outside their realm of perception. That meant increased tox-
ins and nuisances in “pollution havens,” whether within their own states (but in poor or minority neighborhoods), in the lax states of the western U.S. Gulf Coast, or in poor nations overseas with weaker regulations and enforcement.\textsuperscript{57} It is possible that environmental justice claims are so disturbing to industry precisely because they might take away that ability to use geographical mobility to avoid tough regulations; that is why they prefer to let states do the permitting of industrial sites. The words of many firms and industry groups are clear: they fear any precedent as sending us down a slippery slope where almost any siting of any unwanted facility could be questioned by community groups. This would be a new arrangement in the United States, one that they apparently want very much to avoid.

A third explanation must also be considered. That is, chemical and waste firms and their lobbyists have learned tough lessons since the wave of laws and regulations in the 1970s and 1980s saddled them with red tape and cleanup expenses (for example, the Clean Water Act, the Clean Air Act, and the solid waste bill – RCRA).\textsuperscript{58} On the one hand, citizens of this nation and the world now respond differently to toxic contamination spills since the horrors of Love Canal in 1979 and Bhopal in 1984. On the other hand, firms have learned that they can stay ahead of regulators by being prepared when these disasters strike and by playing their cards very carefully. They established during the conservative decade of Reagan and Bush that “voluntary” standards can often be put forward to counter citizens clamoring for new or tightened regulations. They have also discovered the ability of environmental advertising to “green” their corporate image and thereby diffuse many attacks by environmentalists. Hundreds of millions of dollars a year are spent by firms on lobbyists and public relations firms to improve their position in the public mind.\textsuperscript{59} Industry organizations like the Chemical Manufacturers of America (now the ACC, American Chemistry Council) and the U.S. Chamber of Commerce are working full-time to represent their interests and beat back new policy or regulations, such as those which environmental justice claims might impose.

These cases were important in strengthening people’s movements and swaying public opinion toward the idea that something is indeed wrong and that something must be done about it. Recent polls indicate that attitudes about a jobs/environment tradeoff are shifting, and that even Louisianans don’t want “development at any cost.”\textsuperscript{60} National polls have shown that the oil and chemical sector is held in the lowest regard of any industry, except tobacco.\textsuperscript{61} As Florence Robinson was quoted in the industry magazine as saying, all industry skeptics have to do to oppose the public relations campaigns of the industries is bring a dozen people with signs and stand outside their factories.

The movement in the state has grown in important ways. At this writing in 2000, the Louisiana Environmental Action Network has several full-time staff in Baton Rouge, Labor Neighbor supports a large coalition of citizens’ groups between New Orleans and Baton Rouge, and Louisiana Communities United provides day-to-day support for residents fighting against industrial facilities. In the academic arena, the Deep South Center for Environmental Justice at Xavier University in New Orleans continues to receive grants to support their research efforts. Over eighty local community groups are members of LEAN, several groups have web pages, and there are e-mail lists, phone trees, and other relatively new resources. The movement receives periodic support from national and international environmental groups like Greenpeace, the Sierra Club, Citizens for a Better Environment, and Earthjustice Legal Defense Fund; from civil rights groups like the Southern Christian Leadership Conference; and from environmental law groups in Dallas, Atlanta, Washington, and New York. Press coverage has also been important, sometimes intense, and generally favorable to their cause.

WHAT HAVE WE LEARNED ABOUT THE POLITICAL GAME?

So we are well on our way in discussing how chronicling these four cases and the backlash informs the questions we posed at the outset of this book. All four cases revealed how poor and minority communities can be invisible to planners because they lack representatives on local planning boards and chambers of commerce and in the mayor’s and governor’s office.\textsuperscript{62} Some of these communities do not even appear on most maps. Existing policies, even some designed to help minority communities (for example, Enterprise Zones, Brownfields, and Superfund designations), can have unintended negative consequences for these communities. That is, decision makers assume that any development in these communities is good, but residents might feel otherwise. The needs of these local people are often ignored or misunderstood by decision makers and, many believe, by environmentalists. They are often used and ignored by outside agents on both sides to meet their political needs.
This last point raises two important issues for environmental justice activists. First, can government do its job of protecting the people from contamination? In all four cases, people turned initially to local and state governments for help, and all were bitterly disappointed by the responses they received. Once trust in government agencies was lost, it was difficult, if not impossible to regain. Local politicians such as the parish councilors, the mayor’s office, and the state departments of environment, development and health were widely considered traitorous and “in the pocket of industry” by environmental justice activists.\(^{65}\) Sometimes the EPA and other federal agencies were considered more trustworthy and seen as the only ones who could deliver adequate protection for the community, but often their efforts failed to provide the outcomes residents desired. In both the Grand Bois and Agriculture Street Landfill cases, the EPA was bound by rules of how it could spend its money and, therefore, disappointed residents. However, in the Shintech case, the federal agency could do something—it was threatening to revoke the authority it delegated to the DEQ to enforce major national environmental laws, partly for its failure to address civil rights complaints. In fact, the state agency is still under investigation for its actions in other cases and could lose its federal funds if found guilty.\(^{64}\)

Overall, then, most governmental agencies appear to residents as unwilling or unable to do their jobs as protectors, especially the local and state governments.\(^{65}\) To return to the points of Chapters 1 and 2, local governments are extremely focused on growing the local economy; in fact, they are likely to have direct or indirect economic interests in the very sites they are deciding. If not, they are caught in the “fiscal trap,” needing to boost tax revenues to fund their programs and the government offices they oversee. This suggests that decentralizing decision making to local governments risks supporting only the interests of elites, and not those of poor and minority residents.

The other side of this uncomfortable question is whether larger state, national, and international environmental and environmental justice organizations are using local groups to serve their own interests. Certainly this can be the case, even though they still provide some important services to those local groups. Should environmental justice groups seek to develop coalitions, or do they get led in the wrong direction by so doing? As Willy Fontenot said in Chapter 2, where the battles were fought and where they were really decided are often two different things. Different groups in the state have taken different approaches, and some groups have been far more successful in locating and sustaining the resources in the wider environmental and civil rights movements.

Without repeating the points made in those initial chapters, the four environmental battles described in this book showed that their cross-class, cross-race alliances were crucially important. In the case of LES activists learned quickly that the struggle would be decided elsewhere, and their links to NIRS, the Sierra Club Legal Defense Fund, and Greenpeace proved crucial. The anti-Shintech group had dozens of coalition partners, most notably the Tulane Environmental Law Clinic and Greenpeace. The Concerned Citizens of Agriculture Street Landfill also got some help from The Deep South Center for Environmental Justice, Greenpeace, and Sierra Club, but each group was unable to exert enough pressure on the important pressure points: the city, the EPA, and HUD. It was Greenpeace’s Damu Smith who organized their trips to Washington, D.C., and Geneva, Switzerland, to attempt to fight the bigger battles there, and those were the times that the residents seemed closest to moving the agency.

Finally, the Grand Bois families were successful in gaining some national and local press attention, but changing a prized law of the national oil industry (the exemption of oilfield wastes from the category hazardous) proved too difficult a mountain to move. The group got some support from state and national environmentalists, but nothing on the order of the Shintech case. National groups did not come through for them, perhaps because their campaign against oil companies did not link well with those of international groups. One could speculate that if they were fighting a firm targeted for major human rights abuses elsewhere, such as Texaco or Shell, then some international groups would have come forward. In the end, they were left relying heavily on their lawyer to move their case. As Nathalie Walker of Earthjustice said about the value of the legal approach, “Class action lawsuits, we have very few positive cases.” Monique Harden continued, “Lawyers need protests and activism to keep the lawsuits moving. This is a classic mistake communities make—leaving it up to the lawyers. Litigation is not what drives things.” She suggests that a crucial component in law school training is missing: “Communities don’t know their rights. They don’t work together, and lawyers don’t have the skills on how to deal with communities.” Finally, class-action lawsuits are often settled out of court, and these settlements are sealed, so future cases cannot build upon them.\(^{66}\)
Why then are we stuck with a system where people so often sue, rather than taking their complaints to state agencies or to the legislature or Washington to solve these problems? In the heat of the battle over EPA’s Interim Guidelines, three representatives for environmental officers in state governments across the country wrote in 1998, “If people do not like actions taken by their state agencies, their redress of grievances runs directly through their state legislative representative to the agency’s budget and procedures and through the voting booth to the agency’s ultimate boss, the governor.” This book shows just how badly this “pluralist” view – the one we were taught in junior high school civics class – ignores important realities. Specifically, with the current state of lobbying and campaign finance, this statement may be true for only millionaires in America today. In fact, even they would have trouble changing their representative over one issue and thus getting redress. So, when nothing else works for “common” people, there is an option available, as a lawyer for the NAACP Legal Defense Fund and environmental group NRDC pointed out. “You can lobby, you can have petitions, write letters and nothing happens, but file a 60-day notice of intent to sue,” and things change.

In Table 1, we attempt to determine the most influential factors in deciding the outcome of these cases. It is probably not just one factor that leads to success or failure for a protest group. Rather, a combination of factors serve to raise the group’s power to levels that can challenge the growth coalitions they battle. The factors we consider range from characteristics of who the community group was fighting to their choice of legal strategy. Because they were seen in both victories and nonvictories, whether the protesters’ opponent was a private company and whether the community was divided did not appear to be an important factor in their success or failure. However, the other factors might be related to case outcome.

One factor that perfectly corresponded to whether these cases were a victory or a loss for the environmental justice group was whether it was a new siting or an existing contamination. In the two siting cases, protesters successfully blocked the building of new facilities. Conversely, the results in the two cases in which there was existing contamination have been less than favorable for environmental justice advocates. This may simply be due to the political opportunity that the president’s executive order afforded environmental justice activists fighting siting cases. Here was an executive order that was vague enough to require time-intensive efforts at interpretation and development of regulations on the part of the EPA and NRC, effectively delaying the siting of potentially offending plants. Protestors at existing contamination sites, on the other hand, did not have available legislation that was very favorable to their cause. And crucially, the delay strategy that proved so crucial in the LES and Shintech cases was not useful to those fighting existing contamination. So time is only on the side of those fighting new facilities.

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<th>Factor</th>
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<th>Shintech</th>
<th>Grand Bois</th>
<th>Agriculture Street</th>
<th>Deciding Factor?</th>
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<tbody>
<tr>
<td>Was opponent a private company?</td>
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<td>Was it a new siting (Not an existing company)?</td>
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<td>Was the community unified in their opposition?</td>
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<td>Did they get strong support from national organizations?</td>
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<td>Did they receive extensive national press coverage?</td>
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<td>Were they represented by a private lawyer and enter into a class-action lawsuit?</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Were they represented by public interest lawyers and appeal to federal government?</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>Was the case a victory for EJ group?</td>
<td>+</td>
<td>+</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
Directly connected to this political opportunity was the strong support given to these local groups by outside organizations and the extensive national press coverage they received. National organizations benefit from working on causes that are "cutting edge," and, of course, the media is interested in reporting on such cases. The implications of the president's executive order were certainly breaking new ground in terms of civil rights and regulating private interests. Table 1 supports these findings. The protest groups in the siting cases that were successful received more outside aid and national press coverage than the protestors in the contamination cases.

Interestingly, the legal strategies chosen by the two groups were also consistent with failure or success. The protest groups in both the Shintech and LES cases tried to pressure federal agencies to develop environmental justice policy and regulations. The groups requested that state and federal agencies enforce existing regulations, the president's executive order, and Title VI. Although the government didn't directly decide in the residents' favor, this strategy resulted in substantial delays for the siting of the two plants that caused the companies to decide to not build or build elsewhere. The residents fighting battles related to existing contamination had little success in their attempts to get their state representatives to pressure the EPA or the state legislature to remedy their situation. In these cases, the protestors needed to change existing regulations or procedures to get relief. Finally, when this avenue yielded little success, the residents in the Agriculture Street and Grand Bois struggles sought repair and relief by hiring private lawyers to pursue a class-action lawsuit. This strategy got them only so far.

HOW WAS THE COMMUNITY DEFINED AND WHO SPOKE FOR THEM?

To return to the question of what is community and who its voice, we can see from each struggle that there is often no consensus on what "the community" consisted of, of who's in and who's out, and especially over who knows best or gets to decide whether they have a potentially polluting facility there. Only in one case was there a single voice of the community: Grand Bois, where every single one of the 30 residents in the tiny isolated town joined the class-action lawsuit. The literature out there on these contaminated communities suggests that this kind of unity is extremely rare.69

Far more common in these cases are "corrosive communities," where there is sharp disagreement on the nature of the risk and what should be done about it. The cases in this book suggest that factors like race, occupation, class, gender, and political power are all crucial in determining who believes the risk is acceptable or is outrageous. In the case of the LES uranium plant, people in the Claiborne parish seat town of Homer believed it was going to locate in their "community" and (probably unconsciously at first) ignored the wishes of the two communities that were the really closest: Forest Grove and Center Springs. The giant private consortium and Senator Johnston all believed that they had cleared the way with the important people: the "city fathers," those who ran the local chamber of commerce and made the political decisions around there. In the Shintech PVC factory case, the definition of community was even more complicated. One African-American neighborhood nearby had many people in favor of the project, but another opposed it. Parishwide, there was a slight majority of support for the project.

Finally, in the case of people living atop the old Agriculture Street Landfill, race was constant across the three groups, but they disagreed sharply about the EPA's proposed cleanup (instead of relocation). Although many of the homeowners were vehement in their cry for relocation, taking their demands to Washington and Geneva, a majority of those in the retirement home considered the risk worth taking, for the known comfort of their community. This is important but not surprising: psychologist Michael Edelstein found a similar difference in Legler, New Jersey, among suburban whites when confronted with the knowledge that their drinking water was contaminated.70 At Agriculture Street, many of the low-income residents of the subsidized housing of Press Park were making comparisons of their current homes above the landfill with different risks in the Desire housing project, just six blocks away. So they were making complex decisions of costs and benefits and were not strong supporters of the protest group pressing for relocation.

Chemical plant owners and government officials have often called lawyers, students, and activists from environmental groups "outsiders" as they attempted to help these community protest groups. "Quite frankly, a lot of it is being fed by people who have a particular agenda," said Dale Givens, the head of Louisiana's DEQ.71 However, local groups don't like being told they are being manipulated. Convent activist Pat Melancon put it this way:
It wasn’t outsiders coming in. It was us reaching out and saying come, can you help us with this, this and this. This is why any group is successful. They get together, network, and it’s a coalition effort. There’s no way we could have gone up against Shintech, all its allies and money, had we not had help from others, and we would have been fools not to take it.72

Damu Smith, now nine years fighting in Louisiana, says the “outsider” label is deceptive:

All one has to do is research the ownership of most of the big corporations in Louisiana, and you’ll find most are foreign-owned: Taiwanese, Japanese German, If you want to talk about outside interlopers, check out the chemical industry first. They are outside forces, and they work in collusion with DEQ, with the governor, and they do that unapologetically.73

Some in the movement believe that local groups have not used the national and international groups enough, and that they need to do so to establish long-term relationships with top-ranking federal agency personnel and their representatives in Washington.74 But to do so, of course, often runs against the nature of grassroots groups.75

So who should get to decide? This is an extremely delicate question. It has often been said that, historically, in the United States wealthier communities exert much more control over their environment than poor communities. The novelty of the environmental justice movement is that it has been fairly successful in giving some control to communities that were previously ignored, railroaded, or cheaply bought off. We can see from these four cases some of the limitations of that control. For example, the only totally successful communities were those fighting new sitings as opposed to existing facilities.

There are probably a lot of reasons for this, but we see two things quickly happening after a facility’s construction is begun. First, the economic knots grow increasingly complex and most people in the town are touched in one way or another, either from jobs, family members employed, donations to their schools or charities, sales in their stores, or tax revenues for their roads or police or ambulance.76 In fact, this may be a way in which Louisiana’s chemical industry has been short-sighted: the depth of its tax breaks and the shallowness of its efforts to employ locals has made opposition like that to Shintech’s Convent plant more likely. The second thing that happens is more basic still: people simply get used to seeing the factory there, even smelling the fumes, and they begin to not notice it anymore.
value for all communities to address the risks they face more broadly. But there are two problems with this argument. First, people of all types will object to imposed risks, while taking on seemingly huge amounts of voluntary risks. The core difference, of course, is control. Given more control over their own life course (such as their opportunities for a good education, jobs, not being singled out for discrimination by police or others, their physical safety), people will begin to take a closer look at the high-risk behaviors they are taking in their own lives. In this way, environmental justice is a logical product of social inequality and disempowerment: people will make what may seem unreasonable demands on the system when they are excluded from it.

Second, like governments or corporations, social movements have their own needs. That is, instead of profits, they need activists, members, a broad support group, and public attention. To gain these things, and to mobilize people, the environmental justice movement had to focus on race. As pointed out by Robert Bullard, the issue of income and exposure to pollution had been made in the 1970s by the EPA and others, but it stirred little passion. But when the issue was tied to race, it took off because the issue of justice in this country has never been strongly linked to class and economic inequality. A race-based social movement found a way to get people energized. For awhile, it has even brought in some much-needed grants for these organizers. Now, around the end of its second decade, the movement continues to draw support from a wider base periodically. Its opposition appears far better organized in the wake of the Shintech and Chester, Pennsylvania, struggles, but they have also suffered some diffusion of attention and defections by companies not wishing to be associated with the extreme positions of the U.S. Chamber of Commerce and LABI in Louisiana.

Looking ahead, the environmental justice movement is showing positive and negative signs as it enters its third decade. From the movement side, there is an optimistic view that each struggle helps the next: “The grassroots get mowed down, then the roots get stronger, and they come back stronger each time.” Others see the movement diffusing and suffering devastating attrition as activists and supporters burn out, inevitably having to go back to their lives and jobs. Meanwhile, industry lobbyists and managers are always on the job, always there to attend to these issues. They are paid to attend long meetings, and they don’t have to miss work to make it to a hearing or protest: it is part of their work. Some insiders complain that the movement lacks a national agenda, and that its leadership is exclusive. Even so, the movement has long suffered from divisive internal battles. Some of these battles are over who gets to claim credit for victories and use the cases for fund-raising.

Surveying these wrenching battles, and surveying this important movement, which has sought to bring social justice and environmental protection to people and places ignored by businesses, governments and environmentalists alike, we are reminded of an important fact. We cannot simply weigh their outcomes in “wins and losses,” of sitings or no sitings, of relocation or permits or enforcement events. These struggles changed these communities forever. Individuals on both sides bear invisible psychological scars, and in some cases there has been family tension from disagreements over the issues or over the time and energy the struggles have drawn from their relations. Some friendships have been damaged or destroyed. But the positive impacts seem to outweigh those very real negatives. Some communities have emerged far stronger, tighter than most in our atomized nation. New social groups have been formed, and many of these have been friendships across class and race lines, changing the face of race relations in these communities forever. Certainly this is only the beginning of addressing the subtleties of racism here, but it may point to a broader trend. By participating in the protest groups, some people have learned tremendous amounts about the political system, and felt empowered to challenge authority on many other issues that came later.

Although we have recounted a backlash to the successful environmental justice cases, this may not be as detrimental to the movement as it appears on the surface. A social movement may actually be strengthened in the face of severe adversity. Events like the Rule XX change that are perceived as a gross injustice to activists can serve to energize and compel them to fight yet another round in their struggle. In fact, efforts by governments to compromise and concede small concessions to protestors may be more detrimental to movements than the construction of blatant roadblocks.

Of course, it is impossible to predict the future of any movement. One thing that can be said with certainty is that, in our highly technical and industrialized world, struggles over environmental injustice will not go away any time soon and are likely to grow more intense. Firms may change location, moving from the developed world to less challenging developing societies, but social movements are spreading across the world, and they may find no refuge from them there. As community groups across the globe continue to fight these battles, no
matter if they win or lose, they leave a lasting legacy, of public opinion and awareness, of citizens with experience as activists. A persistent change is that participants in environmental justice struggles continue to form networks among local, state, national and international groups, sharing their knowledge, energy, and organizational resources. As something of a counterbalance to the globalization being led by huge firms and international agencies, the work and networking of the environmental justice movement is spreading new visions for how they believe the world should work on several counts: equality, environment, and democracy.

Online Resources on Environmental Justice Struggles

WEB SITES OF ENVIRONMENTAL GOVERNMENT AGENCIES, GOVERNMENT SITES, AND KEY DOCUMENTS

http://gladstone.uoregon.edu/~caer/17principles.html
also at http://www.ejrc.cau.edu/

Environmental Council of the States, Environmental Justice

EPA's Envirofacts Warehouse [data and custom maps of toxics and poverty, race, etc.]
http://www.epa.gov/enviro

Louisiana Department of Environmental Quality (LDEQ)
http://www.deq.state.la.us/

Louisiana Department of Natural Resources
http://www.dnr.state.la.us/

President Clinton's Executive Order 12898 on Environmental Justice
http://www.epa.gov/civilrights/docs/eo12898.html
also at http://www.ejrc.cau.edu/
http://www.fs.fed.us/land/envjust.html

U.S. Environmental Protection Agency, Office of Civil Rights
http://www.epa.gov/civilrights/

INDUSTRY GROUPS

Louisiana Association of Business and Industry
http://www.labi.org/
CITIZENS’ GROUPS

The Environmental Justice Resource Center (EJRC) at Clark Atlanta University
http://www.ejrc.cau.edu/

Community Coalition for Environmental Justice Links on the World Wide Web
http://www.halcyon.com/ccej/EJlinks.html

Louisiana Environmental Action Network
http://www.leanweb.org

Coalition Against Environmental Racism
http://gladstone.uoregon.edu/~caer/home.html

Environmental Justice Database
http://www.msue.msu.edu/msue/imp/modej/masterej.html

Environmental Defense’s “Scorecard” of Emissions
http://www.scorecard.org/

Facts on Louisiana Parishes (Government Information Sharing Project)
http://govinfo.library.orst.edu/cgi-bin/usaco-state?Louisiana

Witness to the Future: Interviews from “Cancer Alley” Louisiana
http://www.witnessstothefuture.com/meet/cancer.html

Environmental Research Foundation
http://www.rachel.org

Greenpeace, USA
http://www.greenpeaceusa.org/

The Good Neighbor Project
http://www.enviroweb.org/gnp/

ONLINE RESOURCES

Two Birds Films site on Environmental Justice
http://www.twobirdsfilm.com

Student Environmental Action Coalition
http://www.seac.org/

KEY LOUISIANA NEWSPAPERS

Baton Rouge Advocate
http://www.theadvocate.com/

The Gambit Weekly
http://www.bestofneworleans.com/frames/gwMain.html

L’Observateur (St. John The Baptist, St. Charles and St. James Parishes, Louisiana)
http://www.lobservateur.com/

New Orleans Times-Picayune
http://www.nola.com/t-p/

Houma Courier
http://www.houmatoday.com/

Thibodaux Daily Comet
http://www.dailycomet.com/

Shreveport Times
http://news.shreveporttimes.com/
Suggested Places to Start:
A Few Worthwhile Next Readings

ENVIRONMENTAL JUSTICE PRIMERS

Books

Online Bibliographies

TOXIC MOVEMENTS AND CONTAMINATED COMMUNITIES


NOTES FOR CHAPTER 1

1. The need for the new lock has recently been thrown into question because the project was based on unreasonably high projections of commerce along the waterway, but commerce has dropped sharply from 1993 to 1999 (May 2000).


6. The siting of highways and rail transport through minority neighborhoods can have devastating effects indeed, as Beverly Wright (1997) and Bullard and Johnson (1997) argued. Done without due process, it can be argued that it is a form of institutional racism. A decade of research has shown that the road not only had a devastating impact on property values and community but also that lead from gasoline drifted off the elevated road into poor neighborhoods. Lead poisoning is subtle and often difficult to detect, but it has been linked to aggressiveness, juvenile delinquency rates, and depressed academic performance (Howard Mielke, memo to Gerald White, July 22, 1998). Dillard University Sociologist Daniel Thompson said that the exclusion of blacks in the 1950s made any protest extremely unlikely (Raber 1990). See ch. 2.


8. Certainly their hope is based on research and monitoring wells, but there is significant debate about the safety of the process. In Jefferson Parish, just upriver from New Orleans, Cytec injects nearly 20 million pounds of toxics into deep wells (LDEQ 2000). For others who do the deep-well injecting, see EPA, DEQ, or EDF information at www.scorecard.org, www.epa.gov, or www.deq.state.la.us.

9. Ellis 1999. The quote is from Oliver Houck, professor of law at Tulane University.

10. The Navy tried to burn the Napalm in several other states but always met with protests, which were eventually successful. Students at Southern, an historically black university, wonder aloud why they are stuck with what no one else in the country wanted.

11. The Alsen case is discussed briefly in Chapter 2 and is documented elsewhere, such as in Bullard (1990) and Bullard and Wright (1992).

14. Kard (1997) makes this point forcefully at the national level, comparing Venezuela and other oil-dependent nations around the world.
19. See the website section at the end of this book for several locations where the Principles of Environmental Justice are posted.
20. On these points, see also Bryant (1993).
23. In Louisiana, parish is the term used to describe an area often referred to as a county in other areas of the country. See Chapters 2 and 4 for quotes from African-American leaders documenting these vote-buying practices.
27. The quote is from a Foster aide in the Shintech Tulane Environmental Law Clinic battle, see Chapters 4 and 7.
28. Sociologist James O'Connor (1973) termed this paradox, "the fiscal crisis of the state."
32. The state government's philosophy regarding development is reflected in the following statement from the web site: "Economic development is primarily a private sector phenomenon, the offshoot of an active free enterprise system. Actions taken by government should be designed to foster private development to supplant it." http://www.lded.state.la.us/new/topten.htm.
33. LDED web site. www.lded.state.la.us
34. Daugherty 1999.
35. Louisiana Coalition for Tax Justice 1995. The exemption is for five years, but is routinely extended another five years.
36. The state will provide an extra $2,500 for each position that is filled by a resident who was receiving state support through the Family Independence Temporary Assistance Program, a welfare-to-work initiative.
37. LDED, Business Incentives Division, 1999.
39. LDED web site.
41. Authors' interview with Gustave A. Von Bodungen, Assistant Secretary, Louisiana Department of Environmental Quality, June 1999.
42. LDEQ 2000, p. 25. Dunne 1999a; TRI definitions are shifting to include mining wastes.
43. LEAN 1998.
44. Myers 1998.
45. The average annual penalty assessed over the ten years of the study was $2,914,440 and the average amount collected annually was $1,184,598. In 1997, the amount of penalties assessed was $726,482 and the amount collected was $559,468 (LEAN 1998). These figures increased somewhat in 1999.
47. See also Gould, Schnalberg, and Weinberg, (1996).
49. Habermas 1970.
50. McQuaid 2000f.
51. E-mail posted on the Internet from Marlene Ross, coordinator MEAN, to Bill Myers, May 4, 1999.
52. Of course, even if zoning existed, there is immense room for "variances" where nonzoned uses are allowed. The state environmental agency could in fact direct proposed development elsewhere using the IT (named for the International Tank case) questions (see Chapter 2) or other mechanisms (W. Fontenot, personal communication).
53. Authors' anonymous interview with community advisory panel member of Dow Chemical Company CAP in June 2000.
54. See Roberts (1998), Freudenberg (1998), and Bandura (1997), among others.
58. This point was made repeatedly and openly in the 2000 fiscal session of the state legislature, see New Orleans Times-Picayune and The Gambit Weekly reports and commentaries from May and June 2000. The tax structure of the state is a clear reflection of the relative power of the industry vs. the people: Louisiana is fourth in the nation in sales taxes, currently including 4 percent taxes on utilities and food. The corruption scandals often make entertaining bits on the national news: former Governor Edwin Edwards was investigated by fifteen different grand juries, and finally convicted at age 75 on seventeen racketeering charges New Orleans Times-Picayune 2000.
59. Nationally syndicated columnist Cynthia Tucker was in New Orleans in the summer of 1998 for a conference of investigative journalists. Citing the case of the Clinton White House, she wrote about how the United States is becoming like Los Angeles has long been: no level of scandal can raise significant outrage among the public. We argue that this reflects a weakening of civil society and its ability to restrain manipulation of laws and even the erosion of basic democratic institutions.
60. For an interesting comparison of an environmental justice case in Louisiana and a struggle of workers on a Costa Rican plantation, see Thanos (2000).
61. Lussier 2000a. Melanie was ruling on the case of the largest operator of private sewer systems in the state, which for years had gotten away with hundreds of violations and subjected residents to truly disgusting conditions. The
judge had called the secretary of the Louisiana Department of Environmental Quality Dale Givens from Baton Rouge for a special message.
62. This issue will surface many times in the book. For a broad-ranging investigation of DEQ, see Lussier (2000a, 2000b, 2000c, 2000d, 2000e, 2000f).
NOTES FOR CHAPTER 2
2. Slaves numbered 333 in 1721, and Europeans numbered 1,082. By 1732, there were 3,600 slaves and 1,720 Europeans (McQuaid 2000e). Wilds et al. (1996) report that two ships brought 451 slaves in 1719.
5. 1763: 4,598 slaves; 1768: 20,678 slaves.
6. McQuaid, 2000b; Wilds et al. 1996.
7. Another rebellion in 1811 of hundreds of slaves brandishing hoes and pitchforks began in what is now Norco, Louisiana, ending with the killing of sixty-six slaves and sixteen leaders, who were tried and executed, and their heads staked along the levee (Wilds et al. 1996, p. 62).
17. Wright, Bryant, and Bullard 1994.
19. LDED n.d.
24. As many have argued before us, this poverty line is arbitrary and quite low (Delaker 1999).
27. Authors' interview with Willie Fontenot in July 2000.
32. Authors' interview with Willie Fontenot in May 1998.
33. See, for example, Bullard (1990).
36. Authors' interview with Daryl Malek-Wiley in April 1998.
37. Authors' interview with Willie Fontenot in May 1998.
38. Authors interview with Florence Robinson, April 2000.
40. Authors' interview with Barry Kohl in June 1999.
41. German activist Bernhard Doinig's trial over the mailing list went on for a year before he was cleared (Leonard and Nauth 1993).
42. Leonard and Nauth 1993, p. 41.
43. Authors' interview with Dan Nicolai in July 1999.
53. Tulane University School of Public Health and Tropical Medicine 1989.
70. Louisiana Advisory Committee to the U.S. Commission on Civil Rights 1993.
71. Louisiana Advisory Committee to the U.S. Commission on Civil Rights 1993.
72. Louisiana Advisory Committee to the U.S. Commission on Civil Rights 1993.
75. Foreman 1998.
78. There have been dozens of studies in the past fifteen years, with sometimes conflicting results. A substantial debate is over the unit of measurement one employs when looking at "proximity" to pollution sources. We refer readers to those references listed in the Reference section and to web sites listed. The most current studies are in academic journals, not in books. The debate is still open, but a majority of studies have shown race and income to be important predictors of proximity to hazardous facilities.
80. Daryl Malek-Wiley in an interview with the authors in April 1998, described the Summit Steering Committee tour as particularly effective because the members were able to have several hours of uninterrupted time, without phones or faxes, to get to know each other and discuss the reality of environmental justice.
81. Authors' interview with Pat Bryant, Gulf Coast Tenants Organization, in October 1998.
82. Authors' interview with Dr. Beverly Wright, Deep South Center for Environmental Justice, Xavier University, in July 2000.
84. Ferstel 1988b; Tallie 1986.
85. McMahon 1997b.
87. Authors' interview with Willie Fontenot in July 2000. Later the parish president was convicted of extortion related to the Formosa selection process and the purchase of the Wallace property.
90. Authors' interview with Willie Fontenot in July 2000. A Texas activist named Diane Wilson had conducted three hunger strikes at the Point Comfort, Texas, location of Formosa Plastics vinyl chloride plant. As a result of her efforts, the EPA required the company to prepare an Environmental Impact Statement (EIS) for the plant's proposed expansion. The site in Louisiana was similar in size to that of the proposed Texas plant; therefore, the EPA was pressured to require an EIS for the Louisiana plant.
96. Louisiana Advisory Committee to the U.S. Commission on Civil Rights 1993.
100. Dickerson and Ward 1995.
102. www.epa.gov; see "Online Resources on Environmental Justice Struggles."
103. Title VI of the Civil Rights Act of 1964, states that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
104. Authors' interview with Pat Bryant, Gulf Coast Tenants Organization, in October 1998.
105. Authors' interview with Pat Bryant, Gulf Coast Tenants Organization, in October 1998.
108. Authors' interview with Florence Robinson, North Baton Rouge Environmental Association, in April 2000.
110. Authors' interview with Mary Lee Orr, executive director of LEAN, in May 1998.
111. Authors' interview with Albertha Hasten, Louisiana Communities United, in March 2000.
112. Authors' interview with Albertha Hasten, Louisiana Communities United, in March 2000.
113. Authors' interview with Florence Robinson, North Baton Rouge Environmental Association, in April 2000.
114. Authors' interview with Mary Lee Orr, LEAN, in June 1999.

NOTES FOR CHAPTER 3
1. Authors' interview with Toney Johnson in May 1999.
2. "I mean, I've had complaints that I hadn't brought things to North Louisiana," From an authors interview with J. Bennett Johnston in June 1999.
3. Babcock and Morn 1995; Associated Press 1989. Johnston was a huge beneficiary of PAC (Political Action Committee) contributions in the period when LES was proposed. Between 1983 and 1989, Johnston had received more than $20,000 in campaign contributions and speaking honoraria from nuclear industry companies and electricity utilities.
NOTES TO PP. 186–196

leaves them vulnerable to questionable propositions such as the one offered by Richard Blackmore" (Gambit n.d.).

64. Schleifstein 1999b.

65. "Although the land-use plan, a replacement for a city blueprint adopted in 1980, would have no legal authority, it would heavily influence an effort under way to acquire the city's fragmented zoning code and would serve as the centerpiece of a master plan for city development." (Warner 1999a). In an attempt to attract light industry to the Agriculture Street site, Mayor Morial asked the Washington, D.C.-based Smith-Free Group consulting firm to prepare a plan that would "figure out how to bring some economic development opportunities to the Agriculture Street area and provide resources to buy out the residents." This was according to Robert Hickmott, former EPA and HUD senior appointee (Schleifstein 1999b).


67. Authors' interview with Eloida Blanco in May 1999.

NOTES FOR CHAPTER 7

10. The Environmental Council of the States (ECOS) is a group of state environmental agency directors.
13. McQuaid makes this point in his May 2000 special series in the Times-Picayune, citing several activists.
17. McQuaid 2000e.
24. EPA 2000b.
25. EPA 1999, p. 3.

34. Redman 1998a.
37. Reportedly this group included American Cyanamid, DuPont, Chevron, and the Port of South Louisiana.
41. Authors' interview with Audrey Evans, outreach coordinator, TELC, in March 1998.
44. Schleifstein 1999b.
47. Fairley 1999.
52. Schleifstein 1999d.
53. The director of Loyola's Poverty Law Clinic, Bill Quigley, decided to do exactly that. He ran against Calogero for the Supreme Court because he was so angry about the Rule XX changes, with a campaign slogan of "Justice for ALL." He lost, but received just over 14,000 votes. The election was covered in major pieces on CBS's 60 Minutes and PBS's Frontline.
54. Gyan 1999. The intervening segment of this quote is the following: They should be commended for their enthusiasm, hard work, and willingness to devote time and effort toward altruistic endeavors. The court recognizes the pronounced degree of anger, angst, and frustration they are experiencing as a result of this alteration in the practice rules. To them such a change appears unfair.
55. Authors' interview with Lisa Lavie, supervising attorney, TELC, in June 1999. She stated that an attorney in the Civil Clinic has had one of her clients challenged under the new rules: "She [the client] is going to be deposed now about that specific topic, that's bad news, you know that's bad news. Not many people want to go through that and then, of course, [if] somehow we've made a mistake and accepted a client who actually doesn't need the representation, we're open for sanction."
56. And, of course, there are many others like them across the country.
57. The debate over pollution havens is a complex and important one. It is not necessary to prove that firms fled only to avoid environmental regulations (labor costs are usually much more important: see, for example, Low and Yeats [1993]). Rather, once in a location with a weak government, firms often backslide in their pollution control spending. This is apparently true in both Louisiana and the so-called Third World.

58. See, for example, Szasz [1993].

59. Greer and Bruno 1996.

60. A majority of East Baton Rouge voters, for example, said that they favored limiting industrial expansion to control pollution (57 percent versus 34 percent). There was important variation in who held this opinion: three out of four African Americans agreed, compared with 49 percent of whites. And importantly, people’s concern was related to their distance from the facilities. Still, both the governor and DEQ secretary Dale Green saw no reason to limit industrial expansion (Dunne 1999a). Of course, we must consider that this study was done at a time of near record-low unemployment.


62. The National Law Journal study showed that nationally, minority communities are less likely to get cleaned up, and when they do, the cleanups take longer to occur. This study was conducted before the wave of activism in the mid- and late-1990s (Laelle and Coyle 1998).

63. Scientists and university doctors often ended up on both sides of these battles; either hired up by polluting companies or the state government on the other hand or consulting or volunteering for environmental groups on the other.

64. DEQ is still under investigation by the EPA from prior environmental justice complaints (Shintech, GTX, Alsen landfill, Industrial Pipe–Oakville, Supplemental Fuels–St. Gabriel) (Ferstel 1999). The source for the statement “The agency could lose its federal funds if found guilty” of civil rights violations is a confidential interview with an EPA employee in July 1999.

65. The one exception in some people’s minds is the unit in the Louisiana Attorney General’s Office headed by Willie Fontenot that provides information and support to residents who feel that their health and safety is being threatened by industrial facilities and other polluters.


68. The quote is from Deborah Van Dyken, quoted in Fried (1993).


71. McQuaid 2000e.

72. Authors’ interview with Pat Melanson, SJCJE, in March 1998.

73. McQuaid 2000e.

74. Authors’ interview with Jerald White in October 1999.

75. E.g. Freudenberg and Steinsapir 1992; Bullard and Wright 1992.

76. There is a substantial literature debating these points. Some of our points can be found in Roberts (1998).

77. Some of the key writings in the field of coping are those of Pearlman and Schoolder (1978), Lazarus and Folkman (1984), and Taylor, Repetti, and Seeman (1997).

78. See Brody (1988), J. Timmons Roberts and John E. Baughner unpublished manuscript, "Coping with Hazards at Work: The Impact of Coping Styles on Stress."


82. See, for example, Foreman (1998).


85. Authors’ interview with Audrey Evans, outreach coordinator, TELC, in March 1998.

86. We are currently completing a book entitled Trouble In Paradise, which examines these transnational social movements.
References


REFERENCES


REFERENCES

www.nytimes.com/yrmo/day/early/091098states-epa-dispute.html


2000a. “Sixth Implementation Advisory Committee.” http://www.epa.gov/ocrm/page/06fac.htm


REFERENCES


Foster, Mike. 1997. Interview by Louisiana Public Broadcasting, June.


REFERENCES


REFERENCES


REFERENCES


1991b. Nuclear Monitor 6 (9), September 23.


http://www.dnr.state.la.us/cons/CONSERIN/WastTrl/Isufinalreport.pdf


REFERENCES


REFERENCES


REFERENCES


Witness to the Future CD and web site. [Accessed July 9, 1999.]

http://www.witnessthefuture.com/meet/cancer/amos.html


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