Environmental Justice

Voices From the Grassroots

I heard words like “economic blackmail,” “environmental racism.” Somebody put words, names, on what our community was experiencing.

—Rose Marie Augustine (1993)

The ability to have one’s symbols accepted by others is an important source of power... The critical question becomes who controls the meaning of these key symbols, a battle with significant economic and social consequences. In this battle, language itself becomes a form of political action.

—Michael R. Reich, Toxic Politics (1991, p. 13)

In small towns and large cities, on Native American reservations, in the agricultural fields of California, at workplaces, in Appalachian communities, and in a heavily polluted industrial corridor in Louisiana called “Cancer Alley,” voices at the community level have been speaking against “sacrifice zones” and “environmental racism” and demanding “environmental justice.” On the front lines of such community struggles are
Farmworkers in Kettleman City, California, who formed El Pueblo para el Aire y Agua Limpio (People for Clean Air and Water) to fight the spraying of toxic pesticides near farmworkers in the fields

African American and white residents of Columbia, Mississippi, who organized as Jesus People Against Pollution to demand health studies and cleanup of an abandoned chemical plant that they believed had caused illnesses in their community

The Mothers of East Los Angeles, a Chicana group formed in 1984, who led opposition to a proposed hazardous waste incinerator in their neighborhood

Residents of West Virginia, who continue to oppose a form of coal strip mining called mountaintop removal, which threatens the safety of local communities

Navajos in Northern Arizona and New Mexico who successfully halted mining on Doko-oo-sliid, a mountain they consider sacred, for the pumice used to make stonewashed jeans

Perhaps nowhere have efforts been more evident to redefine the meaning and significance of environment than in these and other community-based, multiracial struggles for environmental justice. As used by community activists and scholars studying the movement, the term environmental justice refers to (1) calls to recognize and halt the disproportionate burdens imposed on poor and minority communities by environmentally harmful conditions, (2) more inclusive opportunities for those who are most affected to be heard in the decisions made by public agencies and the wider environmental movement, and (3) a vision of environmentally healthy, economically sustainable communities.

The first section of this chapter examines poor and minority communities’ challenging of the mainstream environmental movement and larger society, which too often define environment as a place apart from the places where people live and work. I will introduce some of the voices that not only have criticized abandoned toxic waste sites, industrial pollution, unsafe work conditions, contaminated water, and destruction of sacred lands, but also have charged that the disproportionate presence of these environmental dangers in low-income neighborhoods and communities of color is environmental racism. I’ll also examine the emergence of a discourse that articulates the values and vocabularies of both environmental protection and the struggle for social justice in a vision of environmental justice. In the second section, I’ll explore some of the impacts of the new movement, including its efforts to build a network, or “a net that works,” among grassroots groups facing similar struggles of environmental injustice. The third section of the chapter describes the recurring barriers faced by many residents in these communities when they voice their concerns about environmental problems. In expressing their opposition, members of low-income communities often are viewed as indecorous
or inappropriate because they fail to adapt to official discourses of technical reason and economic benefits. Finally, in the fourth section, I'll illustrate the problem of the indecorous voice by looking at a case study of Louisiana's "Cancer Alley," where residents of a rural parish opposed the construction of a large chemical plant in their community.

When you have finished reading the chapter, you should appreciate a more robust meaning of environment, one that includes places where people live, work, play, learn, and, in many indigenous cultures, bury their dead. You should have a better understanding of the barriers that citizens from poor and minority communities often face when they call attention to environmental concerns; and you should understand why, in the end, the movement for environmental justice is also a movement for a more democratically open and inclusive society.

**Whose Environment? Whose Voice?**

The environmental movement in the United States historically has been concerned with wild places and the natural world. In the 1960s, we saw the beginning of a broadened focus of the movement that included human health and environmental quality. Nevertheless, the movement continued to offer "disjointed and at times contradictory" accounts of humans' place in nature, accounts that assumed a "long-standing separation of the social from the ecological" (Gottlieb, 2002, p. 5). Partly in response, by the 1980s activists in minority and low-income communities had opened a new antagonism by challenging society's view of nature as a place apart from the places where people live. In Chapter 2, we defined the term antagonism as the recognition of the limits of an idea or prevailing viewpoint; recognizing a limit creates an opening for alternative voices to redefine what is appropriate or just. This opening for new voices also fueled efforts to ensure that processes for environmental decision making are more inclusive, democratic, and just.

**Challenging Environment as a Place Apart**

By the 1960s, concerns had begun to emerge in the United States about the ecological effects related to new developments in large-scale chemical manufacturing and disposal of toxic wastes. Some scientists and citizens were skeptical of public institutions' ability to safeguard citizens' health in this new petrochemical society. Rachel Carson’s (1962) best-selling book *Silent Spring* became the most visible text questioning the excessive use of powerful chemicals such as DDT by agricultural businesses and public
health agencies, and it set off a national debate over the practices of the pesticide industry. Two decades later, the small, upstate New York community of Love Canal became a metaphor for the nation’s consciousness of the hazards of its chemical culture.²

Increasingly, citizens had begun to feel themselves surrounded by what environmental historian Samuel Hays (1987) termed “the toxic ‘sea around us’” (p. 171).³ Many feared that the new synthetic chemicals were having devastating health effects—cancer, birth defects, respiratory illness, and neurological disorders—adding to the public’s fears of “an environmental threat that was out of control” (p. 200). Also, it quickly became evident that certain communities—largely low-income and minority communities—were most affected by toxic pollutants and the resulting health and social problems.

*Challenging Traditional Language About Environment*

Some attempts to call attention to the specific impacts of these environmental hazards occurred before a movement for environmental justice arose. In the late 1960s and 1970s, a few civil rights groups, churches, and environmental leaders tried to call attention to the particular problems of urban communities
and the workplace. Dr. Martin Luther King, Jr., went to Memphis, Tennessee, in 1968 to join with African American sanitation workers who were striking for wages and better work conditions—an event that sociologist and environmental justice scholar Robert Bullard (1993) called one of the earliest efforts to link civil rights and environmental health concerns. Also addressing the workplace environment was Congress’s passage of the federal Occupational Safety and Health Act (OSHA) in 1970. This landmark law helped “stimulate the budding workplace environmental movements . . . as well as community-based organizations of activists and professionals such as the various Committees on Occupational Safety and Health . . . that sprang up in the early to middle 1970s” (Gottlieb, 1993, pp. 283, 285).

Other early efforts included the 1971 Urban Environment Conference (UEC), one of the early successful efforts to link environmental and social justice concerns. A coalition of labor, environmental, and civil rights groups, the UEC tried “to help broaden the way the public defined environmental issues and to focus on the particular environmental problems of urban minorities” (Kazis & Grossman 1991, p. 247). Other attempts to forge diverse coalitions included the 1972 Conference on Environmental Quality and Social Justice at Woodstock, Illinois; the 1976 United Auto Worker’s Black Lake Conference, Working for Environmental and Economic Justice and Jobs; and the 1979 City Care conference on the urban environment in Detroit, jointly convened by the National Urban League, the Sierra Club, and the Urban Environment Conference.

Despite these early attempts to bring environmental, labor, civil rights, and religious leaders together to explore common interests, national environmental groups in the 1960s and 1970s largely failed to recognize and address the problems of urban residents or poor and minority communities. Part of the difficulty lay in the prevailing languages about the environment itself. Some community activists—particularly women of color—complained of obstacles when they tried to speak with traditional environmental groups. For example, in her account of efforts to stop the construction of a 1,600-ton-per-day solid waste incinerator in a south central Los Angeles neighborhood in the mid-1980s, Giovanna Di Chiro (1996) reported, “These issues were not deemed adequately ‘environmental’ by local environmental groups such as the Sierra Club or the Environmental Defense Fund” (p. 299). Di Chiro explained that, when residents of the predominantly African American and low-income community approached these groups, “they were informed that the poisoning of an urban community by an incineration facility was a ‘community health issue,’ not an environmental one” (p. 299). Activists in other parts of the country similarly complained that “the mainstream environmental community [was] reluctant to address issues of equity and social
justice, within the context of the environment” (Alston, 1990, p. 23). (For other accounts of such barriers, see Austin & Schill, 1994; Bullard, 1993; Pulido, 1996; and Schwab, 1994.)

Faced with indifference on the part of established environmental groups, in the 1980s residents and activists in some low-income neighborhoods and communities of color started to take matters into their own hands. In the process, they began to redefine the meaning of *environment* to include the places “where we live, where we work, where we play, and where we learn” (Cole & Foster, 2001, p. 16).

*"We Speak for Ourselves"

A key event in the beginnings of a movement for environmental justice was the 1982 protest by community members against a PCB (polychlorinated biphenyl) toxic landfill in rural Warren County, North Carolina. In the late 1970s, the state discovered that PCB chemicals had been illegally dumped along miles of highways. To dispose of the toxics-laced soil, officials decided to bury it in a landfill in the predominantly poor and African American Warren County. Rather than accept this, local residents and supporters from national civil rights groups tried to halt the state’s plan by placing their bodies in the middle of the roads leading to the landfill, to block 6,000 trucks carrying the PCB-contaminated soil. More than 500 arrests occurred in what sociologists Robert Bullard and Beverly Hendrix Wright (1987) called “the first national attempt by Blacks to link environmental issues (hazardous waste and pollution) to the mainstream civil rights agenda” (p. 32; for background on Warren County as a symbolic birthplace of the environmental justice movement and its continued struggle against the toxic landfill, see Pezzullo, 2001).

Prompted by protests in Warren County and elsewhere, in the 1980s and 1990s federal agencies and academic scholars began to confirm patterns of disproportionate exposure to environmental hazards experienced by low-income populations and communities of color. For example, the U.S. General Accounting Office (1983) found that African Americans constituted the majority of populations living near hazardous landfills. In a follow-up study that looked at both commercially licensed and uncontrolled hazardous waste sites in the United States, the United Church of Christ’s Commission for Racial Justice (Chavis & Lee, 1987) discovered a similar pattern. Among its key findings were these:

- “Race proved to be the most significant among variables tested in association with the location of commercial waste facilities. . . . Although socio-economic
status appeared to play an important role in the location of [these] facilities, race still proved to be more significant.” (p. xiii)

- “Three out of every five Black and Hispanic Americans lived in communities with uncontrolled toxic waste sites. . . .” (p. iv)
- “Approximately half of all Asian/Pacific Islanders and American Indians lived in communities with uncontrolled toxic waste sites.” (p. xiv)

Other research on the racial and income characteristics of communities near environmental hazards soon followed. White (1998) reported that 87 percent of studies of the distribution of environmental hazards revealed racial disparities (p. 63). These studies concluded that minority and low-income populations not only are more likely to live near such hazards but also are “more severely exposed to potentially deadly and destructive levels of toxins from environmental hazards than others” (p. 63). There also
appeared to be some disparity in the enforcement of environmental laws. In a study reported in the *National Law Journal*, Marianne Lavelle and Marcia Coyle (1992) found that “there is a racial divide in the way the U.S. government cleans up toxic waste sites and punishes polluters. White communities see faster action, better results and stiffer penalties than communities where Blacks, Hispanics and other minorities live” (pp. S1, S2).

With the heavy concentration of hazardous facilities, especially in low-income neighborhoods or communities of color, there began to appear new narratives of environmental harm. In many cases, such stories spoke of frustration in dealing with local officials and the search for words to express anger and suffering. Reports from community activists with whom I’ve spoken suggested that people in such circumstances tend to undergo five stages of political awareness:

1. Residents discover that they have been exposed to an environmental hazard and that local authorities withheld this information.
2. They suspect that local health problems may be linked to this exposure and seek answers from local officials.
3. Residents are met with silence, denial, or confrontation on the part of responsible health or public officials.
4. Many residents become angry; their consciousness is politicized.
5. They begin to search for language to explain their situation and for a vocabulary of redress for these grievances.

Many in such communities charged that they were suffering from a form of environmental discrimination. They spoke of being poisoned and complained that their communities were being targeted as human “sacrifice zones” that ignored people and invited sites for polluting industries. Bullard (1993) coined the term *sacrifice zones* to describe two characteristics shared by these communities: “(1) They already have more than their share of environmental problems and polluting industries, and (2) they are still attracting new polluters” (p. 12).

One particularly powerful term used by activists to describe the experience of their communities was *environmental racism*. At a 1991 summit of activists from the environmental justice movement, Benjamin Chavis of the United Church of Christ’s Commission for Racial Justice searched for a way to describe “what was going on” in the persistent pattern of locating toxics in poor and minority neighborhoods: “It came to me—*environmental racism*. That’s when I coined the term”6 (quoted in Bullard, 1994, p. 278). Chavis described environmental racism as
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rational discrimination in environmental policy-making and the enforcement of regulations and laws, the deliberate targeting of people of color communities for toxic waste facilities, the official sanctioning of the life-threatening presence of poisons and pollutants in our communities, and the history of excluding people of color from leadership in the environmental movement. (quoted in Di Chiro, 1996, p. 304.)

While Chavis highlighted the “deliberate” targeting of people of color communities, others pointed out that discrimination also resulted from the **disparate impact** of environmental hazards on minority communities. The 1964 Civil Rights Act used the term **disparate impact** to recognize discrimination in the form of the disproportionate burdens that some groups experience, regardless of the conscious intention of others in their decisions or behaviors. In other words, racial (or environmental) discrimination results from the **accumulated impacts of unfair treatment**, which may include more than intentional discrimination or deliberate targeting.

Naming the problem as environmental racism was important. Residents in communities that suffered from environmental hazards often search for language to name their experiences. Rose Marie Augustine’s experience in Tucson, Arizona, was typical. After trying unsuccessfully to get local officials to recognize the problems of polluted well water and illness in her neighborhood, Augustine attended a workshop for community activists in the Southwest. She said that for the first time, “I heard words like ‘economic blackmail,’ ‘environmental racism.’ Somebody put words, names, on what our community was experiencing” (Augustine, 1993, n.p.). In other cases, activists themselves began to call the conditions imposed on low-income communities a form of economic blackmail. For example, Bullard (1993) explained, “The plantation owner in the rural parishes was replaced by the petrochemical industry executive as the new ‘master’ and ‘ overseer’” (p. 12–13); “You can get a job, but only if you are willing to do work that will harm you, your families, and your neighbors” (p. 23). (For a debate about of this pattern, see “Another Viewpoint: Are Disparities Due to Environmental Racism?”)

**Another Viewpoint: Are Disparities Due to Environmental Racism?**

An objection to the thesis of environmental racism is made by adherents of a market dynamics hypothesis. They pose the question, “Which came first, the environmental hazard or the racial/class makeup of the neighborhood?” (quoted in Cole & Foster, 2001, p. 60).
Adherents of the market dynamics theory argue that “the dynamics of the housing and job markets’ led people of color and the poor to ‘come to the nuisance’—for example, to move to areas that surround waste facilities because those neighborhoods offered the cheapest available housing” (Cole & Foster, 2001, p. 60). These adherents argue that this “move in” hypothesis better explains the presence of low-income communities near polluting facilities. (For example, see Been, 1994; Anderton, et al., 1994; and Lambert & Boerner, 1997.)

Yet, the empirical evidence for this “move in” explanation of the racial and economic disparities among residents near hazardous facilities is decidedly mixed. For example, Vicky Been (1994), one of the early supporters of this view, has reported empirical research indicating that market forces do not lead people of color to “come to the nuisance.” More importantly, Cole and Foster (2001) argue that the “move in” hypothesis assumes that individuals’ choices about housing and residential locations are volitional instead of constrained by well-documented discrimination in housing and job markets.

As protests mounted against such patterns and the failure of the mainstream environmental movement to address the problems, activists began to insist that people in affected communities be able to “speak for ourselves” (Alston, 1990). In her book We Speak for Ourselves, social justice activist Dana Alston (1990) argued that environmental justice “calls for a total redefinition of terms and language to describe the conditions that people are facing” (quoted in Di Chiro, 1998, p. 105.). Indeed, what some found distinctive about the environmental justice movement was the ways in which it transformed “the possibilities for fundamental social and environmental change through processes of redefinition, reinvention, and construction of innovative political and cultural discourses” (Di Chiro, 1996, p. 303). Environmental justice attorney Deehon Ferris put it more bluntly when she said, “We’re shifting the terms of the debate” (Ferris, 1993, n.p.).

One important attempt to shift the terms of debate occurred in 1990 when the SouthWest Organizing Project in New Mexico publicly criticized the nation’s largest environmental groups, specifically those who belonged to the “Group of Ten.” Called “the single most stirring challenge to traditional environmentalism” (Schwab, 1994, p. 388), the letter ultimately was signed by 103 civil rights and community leaders. The letter accused the mainstream environmental organizations of racism in their hiring and
environmental policies. A particularly stinging passage stated the signers’ grievance with the mainstream groups:

For centuries, people of color in our region have been subjected to racist and genocidal practices including the theft of lands and water, the murder of innocent people, and the degradation of our environment. . . . Although environmental organizations calling themselves the “Group of Ten” often claim to represent our interests . . . your organizations play an equal role in the disruption of our communities. There is a clear lack of accountability by the Group of Ten environmental organizations towards Third World communities in the Southwest, in the United States as a whole, and internationally. . . . (SouthWest Organizing Project, 1990, p. 1)

Coverage of the letter in the New York Times and other newspapers “initiated a media firestorm” and generated calls for “an emergency summit of environmental, civil rights, and community groups” (Cole & Foster, 2001, p. 31).

The First National People of Color Environmental Leadership Summit (1991)

A key moment in the new movement came when delegates from local communities and national leaders from social justice, religious, environmental, and civil rights groups met in Washington, D.C., for the First National People of Color Environmental Leadership Summit in October 1991. The summit is generally considered to be important for three reasons. First, it was a “watershed moment” in the history of the nascent environmental justice movement (Di Chiro, 1998, p. 113). For three days, activists from local communities shared stories of grievances and attempted to compose a collective critique of the narrow vision of the environment and the exclusion of people of color from decisions that affected their communities. Second, summit participants agreed upon the “Principles of Environmental Justice” that would powerfully shape the vision of the emerging movement. Finally, many viewed the meeting as a declaration of independence from the traditional environment movement. One participant declared, “I don’t care to join the environmental movement, I belong to a movement already” (quoted in Cole & Foster, 2001, p. 31).

For the first time, different strands of the emerging environmental justice movement met together and, with leaders in the U.S. environmental movement,8 challenged traditional definitions of environmentalism and composed a new discourse of environmental justice that would merge the values of social justice and environmental protection. For example, U.S. representative for the District of Columbia Eleanor Holmes Norton insisted, “We will not be defined
out of any issues . . . The way not to be defined out is to define these issues ourselves for [our] own communities.” Referring to the title of the meeting, the People of Color Environmental Leadership Summit, she explained, “we have all the names we need in there” (*Proceedings*, 1991, p. 13–14).

Most importantly, summit participants were able to insert their experiences of toxic poisoning into earlier narratives of the U.S. civil rights movement. Running on a monitor during the summit was a powerful example of such a critical rhetoric (Chapter 7). The video showed images of industrial pipes disgorging pollution into the air and water, along with scenes of African American residents of Reveilletown, Louisiana, a community established by freed slaves after the Civil War.9 The historic community had become so badly polluted by wastes from a nearby chemical factory that it had to be abandoned in the 1980s. Janice Dickerson, an African American activist working with similar communities, provided a running narration as the video showed documentary film images of the Ku Klux Klan burning crosses in the 1960s:

From the perspective of the African American, it’s a civil rights matter; it’s interwoven. Civil rights and the environment movement are both interwoven. Because, again, we are the most victimized . . . There’s no difference in a petrochemical industry locating two, three hundred feet from my house and killing me off than there is when the Klan was on the rampage, just running into black neighborhoods, hanging black people at will. (Greenpeace, 1990)

By drawing on the “morally charged terrain” of the American civil rights movement, summit participants believed that they would be able to insert a powerful moral claim of justice into the public debate about the environment (Harvey, 1996, p. 387). In so doing, many activists believed that they could contest and/or redefine the meaning of environment itself.

Many of the speakers at the summit also urged participants to demand political representation and to speak forcefully to public officials, corporations, and the traditional environmental movement. At the summit, Chavis explained, “This is our opportunity to define and redefine for ourselves . . . What is at issue here is our ability, our capacity to speak clearly to ourselves, to our peoples, and forthrightly to all those forces out there that have caused us to be in this situation” (*Proceedings*, 1991, p. 59). On the last day, participants did so in a dramatic way by adopting 17 “Principles of Environmental Justice,” an expansive vision for their communities and the right to participate directly in decisions about their environment.

The principles began with the deeply ethical statement, “Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction”
The principles developed an enlarged sense of the environment to include places where people lived, worked, and played and enumerated a series of rights, including “the fundamental right to political, economic, cultural, and environmental self-determination of all peoples” (p. viii). (For a copy of the principles, see http://saepej.igc.org/Principles.html.)

The inclusion of the right of self-determination in the summit’s “Principles of Environmental Justice” was especially important to the emerging movement. Many of the summit’s participants had criticized the officially sanctioned decision making in their communities for failing to provide meaningful participation “for those most burdened by environmental decisions” (Cole & Foster, 2001, p. 16). In adopting the principles, they insisted that environmental justice not only referred to the right of all people to be free of environmental poisons but that at its core is the inclusion of all in the decisions that affect their health and the well-being of their communities. One delegate remarked that the “Principles of Environmental Justice” represented “how people of color define environmental issues for ourselves, as social and economic justice” (Proceedings, 1991, p. 54).

In the decade following the First People of Color National Environmental Leadership Summit, the new movement for environmental justice would extend the new antagonism of questioning the view of environment as a place apart from the concerns of those places where people lived and worked. In doing so, the movement also began to see some successes. Urban planning scholar Jim Schwab (1994) observed that, “the new movement had won a place at the table. The Deep South, the nation, would never discuss environmental issues in the same way again” (p. 393). But the movement for environmental justice also would confront new obstacles and a need to identify new ways to communicate to pursue the vision put forward in the “Principles of Environmental Justice.” The remaining sections of this chapter describe some of these successes and the challenges for an environmentalism that builds healthy, democratic communities.

**Act Locally!**

**Do Groups Experience Different Environmental Burdens in Your Area?**

In Chapter 3, we learned that Environmental Defense's Scorecard website (www.scorecard.org) allows you to locate pollution in local communities throughout the United States. It also shows the levels of...
environmental burdens felt by the different racial and income groups in each county in the country.

Specifically, Scorecard profiles the different environmental burdens in every community, identifying groups that experience any of four types of disproportionate burdens:

- toxic chemical releases
- cancer risks from hazardous air pollutants
- cancer risks from proximity to Superfund sites
- polluting facilities emitting smog and particulates

Data on environmental justice impacts are also available from Scorecard in Spanish.

Spend some time investigating the different environmental burdens in your community, state, and region. Do different groups suffer disproportionately from toxic chemical releases or other forms of hazardous air pollution or from living near chemically contaminated sites?

Building the Movement for Environmental Justice

One year after the 1991 summit, organizers of the large Southern Organizing Conference for Social and Economic Justice in New Orleans alluded to the “new definition of the term ‘environment’” and invited community activists to “to build a new movement” using the “Principles of Environmental Justice” adopted at the summit (letter, June 2, 1992). Indeed, many community activists and others from national civil rights and social justice groups left the 1991 summit to continue building the communication tools, resources, and networks that would be required to change practices in both their own communities and in government agencies.

Opening the Floodgates

The decade of the 1990s saw clear gains for the growing environmental justice movement. Dehon Ferris (1993) of the Lawyers’ Committee for Civil Rights in Washington, D.C., observed that, “as a result of on-the-ground struggles and hell-raising, ‘environmental justice’ [emerged as] a hot issue; . . . floodgates [opened] in the media” (n.p.). Ferris called the early 1990s “a watershed,” and the National Law Journal reported that the
movement—often led by women—had gained “critical mass” (Lavelle & Coyle, 1992, p. 5). A follow-up to the 1991 summit was held, the Second National People of Color Environmental Leadership Summit, in Washington, D.C., October 23–26, 2002. Highlighting women’s roles as leaders in the movement, the second event was even larger, attracting more than 1,400 participants. (For information about this event, see www.ejrc.cau.edu/EJSUMMITWelcome.html.)

The “critical mass” of the movement began to be felt: Achievements since the first summit have included expanded media attention, new coalitions with environmental and civil rights organizations, networks offering training and coordination of the growing number of grassroots and community groups, a presidential Executive Order on Environmental Justice, and the beginnings of awareness by state and federal agencies.

In 1993, the movement convinced the Environmental Protection Agency to establish a National Environmental Justice Advisory Committee to ensure a voice for environmental justice networks and other grassroots organizations in the EPA’s policymaking. The committee—often referred to simply as NEJAC—was chartered to provide advice from the environmental justice community and recommendations to the EPA administrator on environmental justice. For example, NEJAC has produced advisory reports on the cleanup of “brown fields” (polluted urban areas), mercury contamination of fish, and new guidelines for ensuring participation of low-income and minority residents in decisions about permits for industries wishing to locate in their communities. (For more information, see www.epa.gov/compliance/environmentaljustice/nejac/.)

Finally, the movement achieved an important political goal when President Clinton issued Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” in 1994. The Executive Order on Environmental Justice instructed each federal agency “to make achieving environmental justice part of its mission by identifying and addressing . . . disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States” (Clinton, 1994, p. 7629). We’ll return to the Executive Order below when we consider a case study of the barriers to environmental justice in the “Cancer Alley” region of Louisiana.

Building a “Net That Works”

In his remarks at the 1991 summit and in workshops on environmental justice, southwestern organizer Richard Moore called for a new effort to build “a net that works” (Moore & Head, 1994, p. 191). By this, Moore meant
that the new movement needed to find ways to bring together the diverse communities that were suffering from similar environmental harms. Indeed, the environmental justice movement arose initially from local struggles in which communities were isolated from one another. To encourage communication among the different communities and groups, environmental justice leaders worked to establish regional networks to provide information, training, and the means for organizing political support for projects and campaigns.

One of the first attempts to unite activists was the Southwest Network for Environmental and Economic Justice. SNEED grew out of a multiracial dialogue begun in 1990 in the region by Latino/a Americans, Asian Americans, African Americans, and Native Americans. Its mission was “to build, along with others, a multiracial movement that addresses toxic contamination issues as part of a broad agenda for social and economic justice, one that is fully inclusive of people of color” (Moore & Head, 1994, p. 193). Other regional networks formed in the 1990s were the Asian Pacific Environmental Network, the Indigenous Environmental Network, the Southern Organizing Committee, and North East Environmental Justice. Today, numerous local and regional groups have been formed to promote environmental justice. Additionally, groups such as Urban Habitat started media to disseminate news and information about environmental justice, including the journal Race, Poverty, and the Environment (www.urbanhabitat.org). (See also “FYI: Environmental Justice Bibliography Database.”)

Finally, Pezzullo and Sandler (forthcoming) observe that there is today “greater awareness of, and sensitivity to, environmental justice issues by at least some environmental organizations” (n.p.). In some cases, vigorous dialogue between leaders of the mainstream green groups and the environmental justice community has led to collaborations between these groups with poor and minority communities.10 Among the larger, national environmental groups, Greenpeace, Earth Island Institute, Sierra Club, and Earthjustice (a legal advocacy group) have been particularly active in their attempts to support environmental justice concerns.

FYI: Environmental Justice Bibliography Database

The Environmental Protection Agency’s Office of Environmental Justice maintains a searchable database called The Environmental Justice Bibliography Database (EJBib). Its Web page declares,
EJBib is a fully-indexed bibliography of published materials relating to environmental justice as well as such related topics as risk assessment and social justice. Intended as a research tool, the database is a project of the U.S. Environmental Protection Agency’s Office of Environmental Justice. One aim of the bibliography is to identify significant references to environmental justice in a wide range of literature.

The database represents an ongoing effort that already contains more than 2600 records documenting the environmental justice dialogue. Currently, materials included in EJBib come from various Internet databases of legal, medical, engineering, urban planning, and science periodical articles and books, as well as materials in non-print formats, such as documentary videos, interactive programs on CD-ROM, and other electronic media.

To search the database, go to EJBib online at http://cfpub.epa.gov/ejbib/.

Toxic Tours and Human Sacrifice Zones

One particularly striking form of communication used more and more by environmental justice groups to connect local communities and wider publics is what grassroots activists call toxic tours. Communication scholar Phaedra Pezzullo (2004) defines these as “non-commercial expeditions organized and facilitated by people who reside in areas that are polluted by toxics, places that Bullard (1993) has named ‘human sacrifice zones’ . . . Residents of these areas guide outsiders, or tourists, through where they [residents] live, work, and play in order to witness their struggle” (p. 236). Like other forms of environmental advocacy tours, toxic tours are intended to provide “an occasion for community members to persuade people . . . to better appreciate the value and, thus, the fate of their environment” (p. 236). Although for the last century environmental advocates have taken reporters and others into natural areas such as Yosemite Valley and the Grand Canyon to build support for their protection, use of toxic tours is more recent.11

I had the opportunity to join Dr. Pezzullo and other environmental leaders on a toxic tour in Matamoros, Mexico, just south of the U.S. border near Brownsville, Texas, in 2001. Part of the maquiladora zone, or manufacturing area, this area has large numbers of industrial plants that have relocated from the United States under the North American Free Trade
Agreement (NAFTA). Some of the problems associated with this concentration of largely unregulated plants are severely contaminated air and water, unsafe drinking water, poor sanitation, and the prevalence of rare illnesses in the population. (See Chapter 6 for a discussion of the high rate of anencephalic births in the *maquiladora* zone.)

The tour through the crowded, makeshift housing for workers and their families was organized by the Sierra Club and its Mexican allies to introduce some of the leaders from U.S. environmental groups to the threats to human health from pollution in the area. As we walked through the unpaved streets by the workers’ homes, we felt overpowered by the sights, smells, and feel of an environment under assault. Strong chemical odors filled the air, children played in polluted creeks by their homes, and young children scavenged in burning heaps of garbage for material they could sell for a few pesos.

![Figure 8.3](http://www.tandf.co.uk) Toxic Tours help visitors to appreciate how close some people live to polluting facilities. 

Speaking of such experiences, Pezzullo observes that being in a community harmed by such hazards opens our senses of sight, sound, and smell and that this awareness builds support for the community’s struggle: “Odorous fumes cause residents and their visitors’ eyes to water and throats to tighten . . . , a reminder of the physical risk toxics pose” (p. 248). She shares one toxic tour guide’s observation that toxic tours give visitors “firsthand” evidence of “the environmental insult to residents [of having polluters so close to their homes], as well as the noxious odors that permeate the neighborhood” (p. 248). (For more information and a description of a toxic tour in Louisiana’s infamous “Cancer Alley,” see Pezzullo, 2003).

As toxic tours testify, the movement for environmental justice continues to confront real-world, on-the-ground challenges to building sustainable, healthy communities. Indeed, the vision of environmental justice has always been more than simply the removal of the disproportionate burden on communities. Beyond this goal, the National Environmental Justice Advisory Council (1996) insists that the environmental justice movement also embodies “a new vision borne of a community-driven process whose essential core is a transformative public discourse over what are truly healthy, sustainable and vital communities” (p. 17).

Important to the nurture of such a “transformative discourse” is the democratic inclusion of people and communities in decisions affecting their lives. Yet, as we will see in the next section, some community groups have fewer resources—for example, less education, time, money, expertise, and influence—with which to participate in such decision making and may face subtle barriers to speaking in official forums.

**Indecorous Voices and Democratic Inclusion**

An important theme emerging from the discourse of the movement for environmental justice is the challenge to norms of official decision making and the right of affected communities to be heard. In Chapter 3, I introduced Senecah’s (2004) Trinity of Voices (TOV) model of public participation to describe some of the barriers to the ability of citizens to participate and be heard in matters affecting their communities. One important element of the TOV model was a citizen’s interpersonal standing—not standing in the legal sense as a plaintiff in court but “the civic legitimacy, the respect, the esteem, and the consideration that all stakeholders’ perspectives should be given” (p. 24). It is this sense that often seems at risk as community members struggle to speak and to be respected in official forums. Environmental scholar
Robert Gottlieb (1993) has summed up this challenge as the need to embrace “an environmentalism that is democratic and inclusive,” as well as one that respects equity and social justice (p. 320; emphasis added).

This section examines one important barrier to a democratic and inclusive environmentalism that arises when agency officials construct the voices of the poor or residents of minority communities as indecorous or inappropriate when they attempt to speak of their concerns in technical forums.12 We’ll also examine a case study of the barriers that one state placed in the path of a rural community as residents tried to speak of their fears of yet another polluting facility in “Cancer Alley.”

“Hysterical Hispanic Housewives”:
Constructing the Indecorous Voice

Let me begin by illustrating what I mean by “construction of an indecorous voice.” By this, I simply mean the symbolic framing by some public officials of the voices of members of the public as inappropriate to the norms for speaking in regulatory forums and for the level of knowledge demanded by health and government agencies. Believing, for example, that a resident of a low-income community has violated these norms is a way of dismissing the public as unqualified to speak about technical matters. Rose Marie Augustine’s story is typical of such dismissal by public officials.

*Rose Marie Augustine’s Story*

On the south side of Tucson, Arizona, where Latino/a Americans and Native Americans are the main residents, chemicals from several industrial plants had seeped into the groundwater table. This contaminated the wells from which some 47,000 residents drew their drinking water. One of the residents, Rose Marie Augustine, described her own and her neighbors’ fears: “We didn’t know anything about what had happened to us. . . . We were never informed about what happens to people who become contaminated by drinking contaminated water. . . . We were suffering lots of cancers, and we thought, you know, my God, what’s happening?” (Augustine, 1991). Environmental Protection Agency officials later confirmed the severity of the toxic chemicals that had been leaching from nearby Tucson industrial plants into their well water and listed this site as one the nation’s priority “Superfund” sites for cleanup (Augustine, 1993, n.p.).

Prior to the EPA’s official listing, however, residents from the south side struggled to make local officials listen to their fears and concerns. For
example, Augustine (1993) reported that when residents met with local officials in 1985, the officials refused to address questions about the health effects of drinking well water. She said that when residents persisted, one county supervisor told them that, “the people in the south side were obese, lazy, and had poor eating habits, that it was our lifestyle and not the TC [toxic chemicals] in the water that caused our health problems.” Augustine said that one official “called us ‘hysterical Hispanic housewives’ when we appealed to him for help” (n.p.). (Augustine’s account is typical of the narratives I described earlier, as community activists experience a heightened political awareness.)

Dismissal by public officials of community residents’ complaints about environmental illness has occurred in other cases. For example, Roberts and Toffolon-Weiss (2001) reported that local officials in Louisiana’s “Cancer Alley” dismissed complaints about illness from pollution as due to lifestyle or to eating high-fat food (p. 117). Earlier, Hays (1987) found that when community members offered bodily evidence of illness, they were often “belittled as the complaints of ‘housewives’” (p. 200). As we saw in Chapter 1, such notions of the public sphere mistakenly assume a rational or technical mode of communication as the only permissible form of discourse in public forums. Therefore, I want to describe here some of the ways in which the complaints of certain peoples and communities are routinely dismissed as inappropriate to public discussions about the environment.

**Decorum and the Norms of Public Forums**

The Tucson official’s dismissal of Rose Marie Augustine’s complaints suggests that Augustine had violated a norm or an expectation of appropriateness in speaking with government officials. This may appear strange at first, as it is the official’s rudeness that surprises us. But the concerns of poor and minority residents are sometimes treated less seriously due to implicit norms for what counts as appropriate or reasonable in matters of environmental health and regulatory responsibilities. It is precisely this subtle barrier that environmental justice advocates continue to oppose as they work to build more democratic and inclusive communities.

In some ways, the unstated rules that operate in many forums addressing environmental problems pose a challenge to those who speak that reflects something akin to the ancient principle of decorum. **Decorum** was one of the virtues of style in the classical Greek and Latin rhetorical handbooks and is usually translated as “propriety” or “that which is fitting” for the particular audience and occasion. For example, the Roman rhetorician Cicero spoke of
the “rare judgment” required for the wise speaker, one who is “able to speak in any way which the case requires” or in ways that are most “appropriate”; following the Greeks, he proposed, “let us call [this quality] decorum or ‘propriety’” (Cicero, 1962, XX.69).

However, within the context of efforts by members of poor and minority communities to speak about technical matters to public officials, the principle of decorum has taken on a much more constraining, even demeaning, role. The norms for what is and is not appropriate in regulatory forums often construct the lay public’s ways of speaking as indecorous or inappropriate to the norms of speaking and the level of knowledge demanded by health and government agencies. Although the members of an environmentally harmed community may speak at public hearings or at meetings with a local official, their standing, or the respect afforded them, may be constrained informally by the rules and expectations of agency procedures and norms for knowledge claims.

At this point, it might be useful to describe some of the informal requirements or expectations for speaking in regulatory and technical forums and the violations that encourage officials to construct an indecorous voice for many members of low-income communities.

Epistemic Standing and the Indecorous Voice

With the threat of exposure to chemical contamination, and with official denial or resistance, affected residents often become frustrated, disillusioned with authority, and angry. Ironically, such responses can be prompted by interaction with the very agencies whose official mandate is to help those who feel themselves to be at risk—for example, state or local health departments, the EPA, or state environmental offices. The individuals who become involved with these agencies often find themselves in a baffling environment of overlapping institutional jurisdictions, technical forums, and a language of risk assessment that speaks of “parts per million” of toxic substances. These are unfamiliar contexts for most of us, not simply for the residents of low-income communities. Environmental sociologist Michael Edelstein (1988) explained, “What is lost [for residents in these communities] is their ability to participate directly in understanding and determining courses of action important to their lives” (p. 118). They are, in a sense “captured by [the] agencies upon which they become dependent for clarification and assistance” (p. 118).

This “capture” is enabled by many agency officials’ tendency to frame the participation of the public within restricted parameters of agency procedures and norms. As we saw in Chapter 1, industry and government officials often
try to move the grounding of environmental discussions from the public to the technical sphere, which privileges more “rational” forms of argument. This is also journalist William Greider’s (1992) argument in his provocative book *Who Will Tell the People?* Greider wrote that technical forums too often exclude the lay public by their assumptions about what constitutes legitimate evidence in debates about environment and community health.

Nowhere is this more evident than in the very framing of the discourse that surrounds the category of acceptable risk discussed in Chapter 6. The idea of acceptable risk often stands at the center of a rhetorical struggle between aggrieved communities and regulatory authorities. Environmental educator Frances Lynn (1990) explained, “Public concerns may have as much to do with issues of equity, justice, and social responsibility as with a $10^\text{6}$ possibility of contracting cancer” (p. 96). As long as authorities construe citizen testimony on matters of risk in the bipolar terms of expertise versus ignorance, they obscure critical differences between the claims of technical disciplines and the cultural rationality (Chapter 6) of residents’ knowledge and experience.

The weight of past practices helps to explain why government agencies are sometimes reluctant to open public hearings or technical panels to more voices of aggrieved communities. Rosenblum (1983) reported that officials often use technical criteria to restrict the testimony of lay witnesses so that the agency’s decision making will not be hampered by what they regard as “an aroused and possibly ignorant public” (cited in Lynn, 1987, p. 359). Under such norms of decorum, for some citizens to speak is therefore to confront a painful dilemma. On the one hand, to enter discussions about toxicology, epidemiology, or the technical aspects of water quality is tacitly to accept the discursive boundaries within which concerns for family health or a sense of caution are seen as private or emotional matters. On the other hand, for worried parents or others to inject such private concerns into these conversations is to transgress powerful boundaries of technical knowledge, reason, and decorum and thus risk not being heard at all.

*Indecorous in Mississippi: “The Evidence Is in My Body!”*

Charlotte Keyes transgressed such a boundary. Keyes was a young African American woman in the small town of Columbia in southern Mississippi with whom I had worked in my role as president of the Sierra Club in the mid-1990s. Her story continues to motivate my own work now to document the obstacles to citizen involvement in decisions about their environments. Keyes and her neighbors had been living next to an abandoned chemical plant, owned by Reichhold Chemical, that had exploded.
years earlier. The explosion and fire spewed toxic fumes throughout the neighborhood. The residents also suspected that some of the barrels of chemicals abandoned by the company had leached into the yards of nearby homes and into tributaries of Columbia’s drinking water sources. Many of Keyes’s neighbors began to complain of unusual skin rashes and illnesses. Officials from the EPA and the mayor of Columbia initially dismissed the residents’ complaints as unsubstantiated. No health assessment was conducted. Reichhold spokesperson Alec Van Ryan later acknowledged to the local media, “I think everyone from the EPA on down will admit the initial communications with the community were nonexistent” (in Pender, 1993, p. 1).

Ultimately, Keyes organized her neighbors to speak at a meeting with officials from the federal Agency for Toxic Substances and Disease Registry (ATSDR), who had traveled to Columbia to propose a health study of residents. However, the ATSDR officials proposed only to sample residents’ urine and test it for recent, acute exposure to toxins. The residents objected. They explained that their exposure had occurred years earlier, when the plant exploded, and had lasted over a period of years. Having done their homework, they insisted that the appropriate test was one that sampled blood and fatty tissues for evidence of long-term, or chronic, exposure. Keyes urged the ATSDR officials to adopt this approach because, she said, “The evidence is in my body!” (Charlotte Keyes, personal correspondence, September 12, 1995).

The officials refused this request, citing budgetary constraints. In turn, the Columbia residents felt stymied in their efforts to introduce the important personal evidence of their long-term exposure to chemicals that they believed was evident in their bodies. The meeting degenerated into angry exchanges and ended with an indefinite deferral of the plans to conduct a health study.13

Unfortunately, the tension between the ATSDR and the residents of Columbia, Mississippi, is not unusual. Too often, agency officials dismiss the complaints and recommendations of those facing risk of chemical exposure who are from low-income communities, believing that such people are emotional, unreliable, and irrational. This is one of the dangers of the highly popular Sandman model of risk (risk = hazard + outrage) that I described in Chapter 6: the tendency of industry and government officials to dismiss citizen complaints as outrage or simply the emotional or hysterical reactions of untrained residents. For example, in a study of public comments on the EPA’s use of environmental impact analysis, political scientist Lynton Caldwell (1988) found that “public input into the EIA document was not regarded by government officials as particularly useful. . . . The public was generally perceived to be poorly informed on the issues and unsophisticated in considering risks and trade-offs. . . . Public participation was accepted as
inevitable, but sometimes with great reluctance” (p. 80). I have overheard agency officials complain, after hearing reports of family illness or community members’ fears, “This is very emotional, but where’s the evidence?” “I’ve already heard this story,” and simply, “This is not helpful.”

**Dismissing Indecorous Voices as NIMBYs**

In such settings, citizens who object to the construction of an environmentally hazardous facility or who attribute ill health effects to a polluting plant are often constructed as NIMBYs, or “not in my backyard” critics. The phrase usually is meant as a dismissal of critics who object to the location of an industrial facility. The NIMBY label implies that such critics are concerned only about their own community and are therefore selfish and irresponsible. Edelstein (1988) observed that public officials view the NIMBY syndrome as “something of a social disease, a rabid and irrational rejection of sound technological progress” (p. 171). This view undercuts the moral authority of communities who object to being dumped upon insofar as it creates the impression that they would not stand up against such polluting industries if the chosen site were somewhere else.

The charge of NIMBY first arose in the early 1980s as a pejorative label to describe the efforts of well-to-do suburban homeowners who wished to exclude low- or moderate-income housing from their neighborhoods (Williams & Matheny, 1995). However, some officials began to apply the label NIMBY to the motives of environmental justice activists who opposed the construction of hazardous facilities in poor or minority communities. Often, those officials retorted that, “it has to go somewhere.” The charge implies that opponents of such facilities fail to suggest an alternative policy (that is, the facility is just placed somewhere else). In response, some advocacy groups such as the Center for Health, Environment and Justice (formerly called the Citizens’ Clearinghouse for Hazardous Wastes) use the term NIABY, or “not in anybody’s back yard” to describe their approach to environmentally just, sustainable communities.

In short, the construction of an indecorous voice—whether as one who is too emotional or as a NIMBY—functions to dismiss the informal standing of certain citizens and their ability to question the claims of public agencies, industries, or expert consultants. To be clear, I am not suggesting that the indecorous voice is the result of rhetorical incompetence, that is, a failure of marginal groups to find the right words with which to articulate a grievance. Instead, I am suggesting that the arrangements and procedures of power may undermine the rhetorical standing, the respect accorded to such groups, by too narrowly defining the acceptable rhetorical norms of environmental decision making.
The result is that citizens from poor and minority communities sometimes face what environmental sociologist Michael Reich has called toxic politics (1991). This is the dismissal of a community’s moral and communicative standing, the right of residents to matter within the discursive boundaries in which decisions affecting their fate are deliberated. The phrase refers not only to the politics of locating or cleaning up chemical facilities, but to the "poisonous" nature of such politics on occasions. Perhaps one way to understand what is at stake in toxic politics is to examine the case of citizens in a predominantly rural African American community in "Cancer Alley," Louisiana, who tried to speak against a large chemical company.

Trying to Speak in “Cancer Alley”

Although federal agencies have made strides in implementing environmental justice strategies to enable wider public participation, most interactions about environmental matters occur elsewhere. Typically, states are the level of government most deeply involved in decisions about hazardous chemical facilities. Many state agencies have policies patterned on federal statutes for involvement of the public, also are accountable to the EPA, and must comply with its rules for public participation. Nevertheless, some states have come under fire for failing to facilitate the meaningful involvement of citizens who live near hazardous facilities in decisions about these facilities.

Sacrifice Zones in “Cancer Alley”

The small community of Convent in St. James Parish, Louisiana, serves as an example of the failure of some state programs to include low-income citizens in meaningful ways in environmental decision making. Convent lies within the area called “Cancer Alley" by environmental justice activists, dubbed so because of the large number of petrochemical plants that are located along the Mississippi River between New Orleans and Baton Rouge. Pezzullo (2003) notes, “Just as Louisiana’s multicultural history and convenient geographical location for water transportation are inviting to tourists, many argue that these features also are central to attracting polluting industries” (p. 227). By 1997, the predominantly African American community of Convent had been surrounded by 11 major industrial sites and ranked third in total toxic emissions in the state (Louisiana DEQ, 36, 1997).

In the early 1990s, the large Tokyo-based Shin-Etsu Chemical Company’s subsidiary Shintech announced it intended to build a $700 million polyvinyl chloride (PVC) plastics plant in Convent. Polyvinyl chloride production
poses particularly hazardous risks for toxic emissions into the air and water of nearby communities. According to the EPA, vinyl chloride emissions “cause or contribute to air pollution that may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. Vinyl chloride is a known human carcinogen which causes a rare cancer of the liver” (EPA, 1998, pp. 23785–23786). Shintech’s new plant in Convent would have been one of the world’s largest manufacturing facilities for vinyl chloride.

Following a brief but highly contentious period of public comment in 1996, Louisiana’s Department of Environmental Quality (DEQ) granted air and water permits to Shintech to begin construction on the proposed site. In May 1997, Tulane University’s Environmental Law Clinic (TELC) filed two administrative complaints with the federal EPA over the state’s handling of the permits. The first complaint alleged violations of the Clean Air Act; the second alleged violations of Title VI of the 1964 Civil Rights Act. (Title VI prohibits discrimination on the basis of race or national origin in connection with programs and activities receiving federal financial assistance and authorizes the appropriate federal agency to take steps to ensure the aims of this policy are met.) On July 16, 1997, the Law Clinic filed an amended complaint with EPA’s Office of Civil Rights that supplemented its original Title VI complaint.

The complaints were filed on behalf of a grassroots citizens’ group, the St. James Citizens for Jobs and the Environment, and five other environmental organizations. In addition to technical violations of air quality, the second complaint cited unjust, discriminatory effects in the DEQ’s administration of its regulatory program, particularly in the conduct of the public comment and hearing process (TELC, 1997). The complaint cited census data for 1990 showing that 81.6% of the residents in the Convent area surrounding the site were African American and poor (p. 2).

The environmental justice community viewed this dispute as an important test case of the EPA’s strategy for implementing the provisions of President Clinton’s 1994 Executive Order on Environmental Justice. What, then, happened in Convent, Louisiana, that would prompt this precedent-setting investigation?

Standing and Indecorous Voices in the Shintech Case

In February 1999, I had the chance to visit with some of the leaders of the St. James Citizens for Jobs and the Environment group in Convent and to review the complaints they had filed with the EPA. Although the Louisiana DEQ had a legal obligation to involve citizens at every level of
review of the Shintech permits, local residents believed that officials had engaged in systematic manipulation and distortion of the process of public participation in the granting of permits for Shintech. The community’s Title VI civil rights complaint alleged that the state DEQ had (1) limited citizens’ access to public documents relevant to the community’s well-being and safety; (2) restricted the communication between DEQ staff and community members in a way that dismissed residents’ concerns; and (3) conducted the principal public hearing on Shintech’s permits in a manner that greatly lessened the opportunities for opponents of the plant to be heard. Let me cite a few examples of evidence for these charges.

**Limited Public Access**

Under the procedures established by the state’s Department of Environmental Quality, citizens had 30 days to review thousands of pages of technical proposals for Shintech’s air permit. In contrast to this, the DEQ had allowed residents in another community as many as 100 days to review fewer than 100 pages in a simple case of a proposed expansion of sewer lines (TELC, n.d.). The citizens’ complaint alleged that the level of resources, education, and constraints on time (including family and job commitments) limited the residents’ ability to comment on the extensive Shintech material. It stated, “Complainants did not have the qualifications or resources to adequately review the information in such a short period of time” (TELC, *Amended Complaint*, 1997, p. 5).

Compounding this problem were attempts by state and local officials to withhold documents from the public record and therefore from scrutiny by community members. In their study of the Shintech case, environmental sociologists Timmons Roberts and Melissa Toffolon-Weiss (2001) reported that parish officials “appeared to be going out of their way at times to create roadblocks” (p. 121) for the opponents of the Shintech plant. In particular, the opponents had difficulty obtaining a complete copy of the public record of the case. They complained that when they requested public documents, a St. James Parish official raised the cost of photocopies to 75 cents per page, making it unaffordable (TELC, n.d., p. 4). On another occasion, a parish employee admitted to destroying a document related to the Shintech case (Roberts & Toffolon-Weiss, 2001, p. 121).

**Refusal to Talk With the Community**

In August 1998, a state judge noted obvious bias in the actions of a DEQ official charged with oversight of the Shintech permit. The official apparently
had ordered his staff not to meet with citizens’ groups and to regard the citizens as adversaries of the department. No such restrictions were placed on meetings between DEQ and Shintech or its supporters (TELC, n.d., p. 8). The Tulane Environmental Law Clinic uncovered evidence that state agencies actively met with business groups and Shintech itself to “try to push forward the [company’s] siting decision” (p. 121).

Restrictions on Public Testimony

By all accounts, the major obstacle in the opponents’ path was the “highly charged” public hearing on the plant’s air quality permit, which took place the night of December 9, 1996 (Roberts & Toffolon-Weiss, 2001, p. 122). The amended Title VI complaint alleged that the state DEQ conducted the public hearing “in a discriminatory manner, favoring the Shintech proponents and impeding African American residents from fully participating in the hearing process” (TELC, 1997, p. 7). This occurred both in the order in which residents were assigned to speak and in the amount of time different speakers were allowed during the hearing.

The manipulation of the hearing procedure appeared evident even before the hearings began. Pat Melancon, president of the St. James Citizens for Jobs and the Environment, testified that she had “arrived two hours early to an empty meeting to find 45 names of people signed up by Shintech who [weren’t] there yet” (TELC, n.d., p. 4). The community’s amended complaint explained,

The [DEQ] has a policy of allowing people to speak in the order in which they arrive and register at the hearing. . . . Before the citizens had an opportunity to reach the site, . . . Shintech submitted a stack of sign-in sheets for many of Shintech’s paid employees and contractors that Shintech flew in from [their plant in] Texas for the occasion. These sheets were accepted by . . . the LDEQ’s assistant administrator for permits, who then proceeded to transfer all of the names on the sheets to the speaking list. (TELC, 1997, p. 7)

Roberts and Toffolon-Weiss (2001) similarly reported that the company “inquired several weeks before the meeting as to the manner in which the order of speakers would be determined,” and then its supporters “showed up early and signed in” (p. 123).

This speaking arrangement resulted in Shintech’s officers, employees, and paid consultants being the only ones called to speak for the first hour of the meeting. Roberts and Toffolon-Weiss (2001) reported that, of those speaking in favor of Shintech that night, at least 15 speakers “were paid
employees, many of whom were flown in from [its] Freeport, Texas, plant”; other nonlocal speakers supporting the plant included “thirteen industry consultants, lobbyists, or employees of contractors of Shintech” (p. 122, 237, note 67). Of the citizens who were signed up to speak in opposition to the plant, at least 16 were excluded from the hearing. “These people’s names were called after 11:15 and [they] had already left the hearing because of jobs, family obligations, to eat, etc.” (p. 123).

Second, the citizens’ complaint alleged that, although the DEQ imposed a five-minute time limit for all public comments at the hearing, the presiding officer “selectively enforced this limit” (TELC, 1997, p. 7). The complaint detailed the sequence of events for the hearing: “The time limit was ignored for the first hour of the hearing when predominantly Shintech proponents were speaking. No speaker was interrupted or stopped, despite the fact that many went over the time limit. The DEQ choose to enforce the five-minute time limit for the first time on a citizen speaker” (TELC, 1997, p. 7).

Finally, when residents complained about the state’s conduct of the hearing, the DEQ refused to grant another opportunity for oral comments, suggesting instead that Convent residents submit written testimony. The citizens’ amended complaint objected that this had the effect of dismissing the views of those opposed to the plant: “For many of these people, written comments are not an option. Even those having the ability to write comments often do not feel comfortable expressing themselves that way. The only opportunity that they had to be heard was during the public hearing” (TELC, 1997, p. 8).

Such limitations and, in some cases, subversion of rules, reminds us that the processes for guaranteeing public participation that look good on paper may be co-opted or manipulated in opposition to citizen interests. This is the point I made at the end of Chapter 3 and in the beginning of Chapter 4, and you may wish to review those sections to understand the basis for the Convent complaint. However, in this case the local group’s appeal to the EPA succeeded. On September 10, 1997, EPA administrator Carol Browner granted the first petition, citing more than 50 technical deficiencies under the Clean Air Act, and reopened the public comment and hearing process for the air permits. Browner directed the Louisiana DEQ to rehear Shintech’s request for permits and ensure fair procedures for including citizens’ voices. The ruling deferred the related allegations of discriminatory behavior in the public participation process but noted that it was taking the Title VI claims of discrimination seriously and that the EPA Office of Civil Rights would investigate further. Although the EPA ruling centered on technical faults in the air permit, it also indicated that the state agency had to address the concerns of minority and low-income residents in the new permitting process.
On September 18, 1998, Shintech withdrew its plans for the polyvinyl chloride manufacturing plant at the Convent site. The struggle by citizens that had raged for two years ended abruptly. Although many local residents felt they had won, others found the ending inconclusive: A smaller version of the plant would be built elsewhere, and unfortunately there would be no “landmark precedent-setting decision from the EPA” (Roberts & Toffolon-Weiss, 2001, pp. 130–131). The environmental justice movement’s challenge to build democratic and inclusive communities would have to continue in other places.

Conclusion

As the multiracial, community-based environmental justice movement introduces new voices into the public dialogue about environmental policy in the United States, it has begun to challenge traditional views of the environment as a place apart—as wilderness or natural areas. In doing so, it reveals the limit of these views, an antagonism that allows other voices to be heard and other relationships to the environment to be voiced. In particular, the charge that poor and minority communities suffer from environmental racism has focused attention on the disproportionate presence of environmental harms in these communities, from east Los Angeles to the rural parishes of Louisiana. The discourse about the meaning of the environment as including the places where people live, work, play, and learn has nurtured not only a more expansive vision of environment but also a demand for environmental justice: (1) a call to recognize and halt the disproportionate burdens imposed on poor and minority communities by environmentally harmful conditions, (2) more inclusive opportunities for those who are most affected to be heard in the decisions made by public agencies and the wider environmental movement, and (3) a vision of environmentally healthy, economically sustainable communities.

Although the EJ movement has seen some successes in forestalling new environmental hazards—for example, Shintech’s PVC plant in southern Louisiana—the movement continues to face challenges. Foremost has been the effort to open public agencies and regulatory procedures to include the voices of people in affected communities. Unfortunately, the construction of what we have described as “indecorous voices” is still a feature of some regulatory hearings that privilege technical reason and dismiss the objections of community members as private and uninformed.

Finally, both EJ groups and the traditional environmental movement are beginning to discover ways to work together—a heartening sign. Nevertheless, as Robert Gottlieb (2003) observes, there remains a challenging question for