

| P R E F A C E |

We Speak for Ourselves

The Struggle of Kettleman City

El pueblo unido jamas sera vencido (“The people united shall never be defeated”)

—Chant and slogan from the farm-worker justice movement

Stories are one way we transmit our history, share our successes, and learn from our losses. Stories are also an important part of the movement for environmental justice, which has as one of its central tenets the idea “We speak for ourselves.” This book tells the stories of ordinary men and women thrust into extraordinary roles as community leaders, grassroots experts, and national policymakers. We invoke these stories to illustrate the human reality behind the numerous studies that chart the disproportionate distribution of environmental hazards, and the burgeoning grassroots movement for environmental justice that has sprung up around the country.

The first story is about Kettleman City, one of the defining struggles of the early days of the Environmental Justice Movement. The story is a classic David-and-Goliath tale, in which a small farm-worker town took on the largest toxic waste dumping company in the world—and won.

Kettleman City is a tiny farm-worker community of 1,100 residents in Kings County, in California’s San Joaquin Valley.¹ Ninety-five percent of Kettleman residents are Latino, 70 percent of the residents speak Spanish at home, and roughly 40 percent are monolingual Spanish speakers. They are primarily farm-workers who work in the fields that spread out in three directions from Kettleman City. Kettleman City is much like many other rural communities in the Southwest, and few people would know about it were it not for the fact that Kettleman City is also host to

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the largest toxic waste dump west of Alabama, a landfill that is owned and run by Chemical Waste Management, Inc, about three and a half miles from town, hidden behind some low hills. The dump was created in the late 1970s without the community's knowledge or consent.

People marvel that a gigantic toxic waste site can be placed just miles from a community without the community's knowledge. In California, under state environmental laws, government agencies are required to provide public notice in three ways: (1) through notices printed in a newspaper of general circulation, which in Kettleman City means a small box in the classified ads in the Hanford *Sentinel*, published forty miles away; (2) by posting signs on and off the site, which means on a fence post three and a half miles from Kettleman City; and (3) by sending notices through the mail to adjacent landowners.² The adjacent landowners to the Chem Waste facility are large agribusiness and oil companies such as Chevron.

Residents of Kettleman City found out about the dump in the early 1980s, after reading in the local paper about multimillion-dollar fines levied against the Chem Waste facility for violations of environmental laws. While residents were unhappy to find out their town was host to a huge toxic waste facility, they saw few ways in which they could challenge the dump.

Things changed in 1988, when Chem Waste proposed to build a toxic waste incinerator at the dump site. Residents in Kettleman City heard about this proposal not from Chem Waste, not from Kings County or state officials, but from a phone call from a Greenpeace organizer in San Francisco. Bradley Angel, Southwest campaigner for Greenpeace's toxics campaign, had received a phone call from the Kings County sheriff one afternoon in January 1988, asking him whether Greenpeace planned to demonstrate at the hearing in Kettleman City that night. After finding out about the hearing, Angel called one of the few people he knew in Kettleman City at the time, Esperanza Maya, and said, "Espy, did you know that there's a hearing tonight in your community about a toxic waste incinerator?" She said, "I haven't heard a thing about it."

Maya grabbed a few of her neighbors and went to the hearing. They were shocked to find out that Chem Waste was proposing to build an incinerator that would burn up to 108,000 tons—216,000,000 pounds—of toxic waste every year. That translates to about 5,000

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truckloads of toxic waste that would pass through the Kettleman area each year, in addition to the hundreds of daily truckloads bound for the existing toxic dump.

After the hearing, many Kettleman City residents began to do their homework about the dump, the incinerator, and the company, Chemical Waste Management. They formed a community group, *El Pueblo para el Aire y Agua Limpio* (People for Clean Air and Water). The group found out that the air in the San Joaquin Valley was already contaminated, that the Valley is considered the second-worst polluted air basin in the United States, ranking behind only Los Angeles. And, whereas Los Angeles has ocean breezes to cleanse it, the San Joaquin Valley, because of its unique bathtub shape, is a closed system, so pollutants stay put and fill the Valley.

Members of *El Pueblo* also found out about a 1984 report done for the California Waste Management Board. That report, known popularly as the Cerrell Report, and paid for California taxpayers' dollars, suggested to companies and localities that were seeking to site garbage incinerators that the communities that would offer the least resistance to such incinerators were rural communities, poor communities, communities whose residents had low educational levels, communities that were highly Catholic, communities with fewer than 25,000 residents, and communities whose residents were employed in resource-extractive jobs like mining, timber, or agriculture.³ When members of *El Pueblo* looked around Kettleman City, they were startled. "The Cerrell report fit us to a T," says Mary Lou Mares, one of the leaders of *El Pueblo*. The incinerator proposal suddenly also made sense to Kettleman residents: "If there's a report that specifically tells them what to look for, of course they're going to target us," observes Mares.

El Pueblo also looked at California's other toxic waste dumps. California has three Class I toxic waste dumps—the dumps that can take just about every toxic substance known to science. The group found out that in addition to Kettleman (95 percent Latino), the two other dumps were in Buttonwillow, where 63 percent of the residents are people of color, primarily Latino, and in Westmorland, which is 72 percent Latino.⁴ "It seemed like a conspiracy," says Mary Lou Mares, "although it's logical if they are using the Cerrell report." Both Buttonwillow and Westmorland look just like Kettleman: they are small, predominantly Latino, rural

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farm-worker communities marked by high levels of poverty. People in Kettleman City began to put two and two together.

The Pattern

Then El Pueblo looked at the company, Chemical Waste Management, the largest toxic waste dumping company in the U.S. Chem Waste runs the largest toxic waste dump in the country (and, probably, the world) in Emelle, Alabama, which is in the heart of Alabama's black belt, in a community that is about 95 percent African American.⁵ Emelle actually looks a great deal like Kettleman City—small, rural, poverty-stricken—but the residents are black instead of brown.

Even more interesting were the locations of Chem Waste's other incinerators. At the time, Chem Waste owned three other toxic waste incinerators: one on the south side of Chicago in a neighborhood that is 55 percent African American and 24 percent Latino;⁶ one in Port Arthur, Texas, in a community that is about 80 percent black and Latino;⁷ and one in Sauget, Illinois, which is surrounded by neighborhoods that are 95 percent or more African American,⁸ including East St. Louis, an overwhelmingly African American community that has been called "America's Soweto."

The residents of Kettleman City started to see a pattern. "Our initial reaction was outrage," says Maricela Alatorre, a student leader during El Pueblo's struggle who has lived in Kettleman City her entire life. "We felt we were being targeted, that Chem Waste as a corporation was targeting these communities on purpose because their ethnic make-up would make people least likely to protest." Every single community where Chem Waste operated its toxic waste incinerators is a community of color, and substantially so: 79 percent in Chicago and Port Arthur, in the 90s in Sauget, and 95 percent in Kettleman City. They found out later that Chem Waste had planned to build an incinerator in Tijuana, Mexico, thereby hitting the 100 percent mark.⁹

The residents of Kettleman City then turned to Chem Waste's compliance record. At the Kettleman City facility, Chem Waste had been fined \$3.2 million for more than 1,500 incidents of dumping too much waste into its evaporation ponds.¹⁰ Chem Waste's incinerator in Chicago had blown up and been shut down by the Illinois EPA.¹¹ Illi-

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nois State Representative Clem Balanoff came to Kettleman City and told residents about Chem Waste's overfilling of the Chicago incinerator, which then spewed black smoke plumes, and about the fine Chem Waste faced for having turning off the incinerator's air monitoring equipment so that nobody would know what was coming out. And it did so once, not twice, but many times over a period of months.¹² In Vickery, Ohio, Chem Waste took in PCB-contaminated oil for disposal and then turned around and resold it to a company that used it to repave streets and as fuel oil in nearby communities.¹³ The residents took note of Chem Waste's actions in Louisiana, where the company was caught storing toxic waste in one of those store-yourself rental lockers.¹⁴

El Pueblo also discovered that Chem Waste and its parent company, Waste Management, had paid more than \$50,000,000 in fines, settlements, and penalties for price fixing, bribery, and related environmental crimes. "They could get away with all this because they were a multimillion dollar corporation," notes Alatorre. "These fines meant nothing to them." The company, they found out, was such an environmental bad actor that the San Diego District Attorney's Office had told the San Diego Board of Supervisors that "the company's history requires extreme caution by the San Diego County Board of Supervisors or any other governmental entity contemplating any contractual or business relationship with Waste Management" because of a pattern of continuing criminal behavior.¹⁵

Nor was Chem Waste's behavior ancient history. In the fall of 1992, as the incinerator project was under consideration, Chem Waste was fined a record \$11.5 million for a botched Superfund cleanup in Pennsylvania.¹⁶ In Kettleman City, Chem Waste was caught "sample packing." Ten trucks of waste would show up at the gate of the dump; by law Chem Waste was required to sample each truck to determine its contents to ensure that incompatible wastes were not disposed of together. What Chem Waste was doing, however, was taking ten samples from the first truck and then waving all the other trucks through.

Kettleman City residents felt justified in being a little alarmed by the prospect of having this company run yet another facility near their town. The residents figured that if the company can't run a hole in the ground correctly, it shouldn't be given the ability to do something worse.

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The Process

As part of the permitting process for the incinerator, Kings County issued an Environmental Impact Report (EIR). The Environmental Impact Report was about 300 pages long, with another 700 pages of appendices, for a total of about 1,000 pages. Kettleman City residents, 40 percent monolingual Spanish speakers, 95 percent Latino, said to Kings County, “Look, to include us in this decision, you need to translate these documents into Spanish.” Kings County was unresponsive. The County decision makers likely did not want to set a precedent; if they translated the EIR, they would have to translate documents in other situations, which is something the people of Kettleman City thought would probably be a good idea. Chem Waste, in a generous offer, translated a five-page executive summary and distributed that to every household in Kettleman City. English speakers in Kings County thus had about 1,000 pages of data to pore over, while Spanish speakers had five pages.

Despite being shut out by the lack of environmental review in their own language, Kettleman City residents nevertheless attempted to take part in the process. “We thought if we could get enough people to write and express their opinion, it would be important,” says El Pueblo leader Mary Lou Mares. Mares and her allies generated almost 120 letters from the tiny community, and more than two-thirds of all the comments by individuals on the EIR were from the people of Kettleman City—in Spanish. Residents wrote in saying, in effect, “Hey, translate this document. Include us in the process. Let us know what you are proposing to do up on the hill. If you say it’s safe, why won’t you let us know what you are doing? Why won’t you translate this document?”

The public hearing on the incinerator was scheduled not in Kettleman City but forty miles away, in the county seat of Hanford. It was held in the largest venue in Kings County, the County Fairground building, which is about the size of a football field. The hearing room was set up with a raised dais in the front, with a table at which sat the Planning Commission, looking down on the room. Then there was an open space; beyond that, two microphones set up for the public. Behind the microphones were about fifty rows of seats, and there were some bleacher seats at the back of the room. Behind the bleachers was empty concrete floor

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back to the very rear of the auditorium, about 300 feet from the Planning Commission.

Kettleman City residents showed up at the meeting in force. About 200 people came by bus and carpool from Kettleman City, and, as one of the their leaders made clear, “We’re here, we want to testify on this project, and we brought our own translator.” The chair of the Kings County Planning Commission looked down on the crowd and said, “That request has been denied. The translation is taking place in the back of the room and it won’t happen up here.”¹⁷ Residents looked at where the Planning Commissioner was pointing: they looked from the Planning Commission up on their dais, they looked at the open space and the microphones, they looked at all the rows of chairs, and they looked at the bleachers. And then they looked way back behind the bleachers, nearly at the rear of the room, where there was one forlorn man sitting surrounded by a little circle of about twenty-five empty chairs. The Planning Commission chair said again, “Why don’t you go back there? There are monitors back there. We are all in the same room.” The 200 people from Kettleman City looked around, and they looked at the back of the room at those twenty-five chairs, and they looked at the empty chairs up front, and they said, “Adelante, adelante” (“forward, forward”), and they moved up to the front of the room. Residents testified in Spanish, from the front of the room, that the last time they had heard about people being sent to the back of the room was when African Americans were sent to the back of the bus—a policy dumped in the dustbin of history a generation ago. They said they weren’t going to stand for that.¹⁸ “The incident summed up what the County felt for the people out here in Kettleman City,” notes Maricela Alatorre. “Our rights were second to this huge corporation.”

The public hearing on the project brought to a close the public’s ability to comment on the incinerator. Subsequently, the Planning Commission voted to approve the incinerator, and El Pueblo appealed that decision to the Kings County Board of Supervisors.

The Benefits and Burdens of Waste

California has a compensated siting law.¹⁹ Under the law, local governments can tax hazardous waste facilities up to 10 percent of their gross

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revenues. What does this have to do with the story? As Kettleman activist Mary Lou Mares sums it up, “When it comes to politics, the ones that have the money win out.”

Kings County, which is about 65 percent white, has five members on the Board of Supervisors. At the time of El Pueblo’s appeal, all the board members were white. Most white residents in Kings County live in one area, while most of the Latinos live in another part of the County. If this page were a map of Kings County, almost all the white people would live up in the upper right corner of the page, in and around the county seat of Hanford. And most of the Latino people would live at the bottom of the page—Kettleman City would be in the lower left of the page, and the Chem Waste dump would be next to it. Every single town in Kings County is majority white except for Kettleman City, which is 95 percent Latino, way down in the lower left of the page. Under the California law that provides for compensated siting, Kings County was receiving about \$7 million per year in revenue from Chem Waste’s preexisting dump. That \$7 million was about 8 percent of the County’s annual budget.²⁰ Most of the money is spent up near Hanford (in the upper right of the page), in the white community, and very little of it trickles down to the people of Kettleman City (down in the lower left of the page). The incinerator promised to almost double that tax revenue, so the County would be receiving about one-sixth of its annual revenue from this single company. “The County knew people in Hanford didn’t give a damn one way or the other,” points out Joe Maya, a leader of El Pueblo. Not surprisingly, the white Supervisors voted for the incinerator on a three-to-one vote.

The Lawsuit

Faced with this situation, the residents felt they had no choice but to file a lawsuit. The lawsuit was successful when the judge ruled that the Environmental Impact Report had not sufficiently analyzed the toxic waste incinerator’s impacts on air quality and on agriculture in the San Joaquin Valley and, most importantly, that the residents of Kettleman City had not been meaningfully included in the permitting process.²¹ As the Court eloquently stated: “The residents of Kettleman City, almost 40 percent of whom were monolingual in Spanish, expressed continuous

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and strong interest in participating in the CEQA [California Environmental Quality Act] review process for the incinerator project at [Chem Waste's] Kettleman Hills Facility, just four miles from their homes. Their meaningful involvement in the CEQA review process was effectively precluded by the absence of Spanish translation."

Kings County decided not to appeal the lawsuit, largely because of the political pressure the Kings County Board of Supervisors was receiving from Kings County residents and from their supporters across California. A postcard campaign targeting the Board of Supervisors and the local Farm Bureau, orchestrated by El Pueblo and Greenpeace, generated more than 5,000 postcards to the Board and the Farm Bureau, while a petition campaign in the San Joaquin Valley by Citizen Action generated more than 17,000 signatures in opposition to the incinerator. Chemical Waste Management did not fold as easily, however, and appealed the judgment.²² Rather than go back and do the environmental study right in order to respond to the judge's (and the residents') concerns, the company was more comfortable staying in court. But Kettleman City's struggle had become a national struggle. The residents of Kettleman City and their representatives were telling Kettleman City's story at meetings, conferences, symposia, and rallies across the country. "I think they thought we would go away," observes Mary Lou Mares, the Kettleman City housewife who appeared on national television to tell the Kettleman story. "But it was too dangerous to let an incinerator come in here—we had to do something about it." The press loved the story, and soon people all around the country knew about the struggles of Kettleman City.²³

The Community Is Heard

On September 7, 1993, Chem Waste announced that it was withdrawing its application to construct the toxic waste incinerator near Kettleman City.²⁴ Although Chem Waste cited changing economic conditions and a new public policy turn away from incineration,²⁵ the General Manager of the Kettleman Hills Facility personally hand-delivered the news to one of the leaders of the community group El Pueblo, acknowledging the group's role in the decision.²⁶ As the El Pueblo leader Espy Maya said, "I don't care how they word it; we won."²⁷

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Environmental hazards are inequitably distributed in the United States, with poor people and people of color bearing a greater share of pollution than richer people and white people. This intuitive idea—think for a moment about the most polluted parts of your region—has been borne out by dozens of studies completed over the past two decades.¹ The disparate impact documented in studies has given birth to the term “environmental racism.” When President Clinton signed an Executive Order on Environmental Justice in 1994, the phenomenon of environmental racism gained unprecedented recognition.² Fueling this recognition is a remarkable rise in grassroots activism communities across the country. Thousands of activists in hundreds of communities are fighting for their children, their communities, their quality of life, their health—and for “environmental justice.”

This book is about both the phenomenon of environmental racism and the movement that propelled environmental racism into national consciousness and forced action at the highest levels of government. The events and strategies chronicled here ultimately developed out of an alliance of grassroots activists, lawyers, other professionals, and concerned citizens whose efforts constitute the broad movement for social and economic justice known as the Environmental Justice Movement. The movement continues to shape environmental policy while creating increased opportunities for marginalized communities to speak out about their own disenfranchisement and the social and economic policies that subject them to daily environmental hazards.

We approach the subject from both an external and internal perspective. The internal perspective looks at the movement from the “ground up”—from the experience of communities that struggle daily with environmental degradation and with their disenfranchisement from the institutions and structures that control their living environments. The external perspective casts a critical eye on the political economy of envi-

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ronmental degradation, including the structure of environmental decision making in disaffected communities. We believe both perspectives are crucial to understanding the scope of the problem and the shape of solutions.

These perspectives—internal and external—also mirror our respective positions vis-à-vis the Environmental Justice Movement. One of us has spent more than ten years primarily working with, and providing legal representation to, grassroots groups in their struggles for environmental justice in their communities. The other author is a legal academic who has spent more than five years primarily studying and observing the phenomenon of environmental racism. Our goal in writing this book is to bring together, in one place, an analysis that reflects the disparate elements of the movement for environmental justice and that combines our individual and collective insights.

Our Perspective

In bringing our insights to bear on the subject of environmental racism, we are mindful of the lens(es) through which we view this problem. Both of us are lawyers by training, though our combined experience with communities struggling with environmental degradation has broadened our perspective. Our legal background thus undoubtedly colors, but does not unduly constrain, our analysis. We recognize, and call to our readers' attention, the rich body of existing literature on this subject, written from a variety of disciplines and viewpoints. However, since so much of environmental decision making is structured by legal institutions, it is important to understand the way in which environmental laws can both contribute to and mitigate the injustice experienced by many communities.

The law, however, is part of a larger social structure. Understanding environmental racism and injustice requires a broader, structural perspective. This broader perspective, what we call the “political economy” of environmental racism, is crucial both to framing the issue and to addressing the injustice so many communities experience. This perspective examines the relationship among economic, political/legal, and social forces as they influence environmental decision-making processes and environmental outcomes. Part and parcel of a political economic perspective on the issue of environmental racism is an understanding of the

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experience of people in those communities that bear the disproportionate impact of environmental hazards.

The Importance of Grassroots Experiences

The stories of communities like Kettleman City (profiled in the Preface) are spread throughout the book. These stories, or case studies, are not intended to be representative of all aspects of the grassroots movement for environmental justice (though we chose case studies with regional, racial, organizational, and strategic diversity in mind). Rather, our case studies are illustrative of some of the facets of this diverse, complex, and evolving movement, which has its roots in previous social justice grassroots movements. In chapter 1, we trace the origins of environmental justice activism to various social reform movements, such as the Civil Rights and the anti-toxics movements. These movements have sought self-determination and power for different groups and communities much like those profiled in this book.

Grassroots experiences are critical to our understanding of environmental racism and justice for both our internal and our external perspectives. For our internal perspective, grassroots accounts tell a crucial narrative that “reveals the particular experiences of those in social locations, experiences that cannot be shared by those situated differently but that they must understand in order to do justice to the others.”³ Grassroots struggles can help us understand, and “unmask,”⁴ the way in which individuals in disenfranchised communities experience the very social and structural constraints upon which, as we argue in chapter 3, the environmental decision-making process relies. For our external perspective, grassroots struggles are a window into the social relations and processes that underlie distributive outcomes. A view from the ground (or the field) allows us to see the many dimensions of power struggles, the relationships of actors within these struggles, and the role of the legal and regulatory framework in structuring those relationships.

Focusing on the structural dynamics of grassroots struggles, particularly as these struggles interact with the state/public apparatus, also shifts the attention away from individual actors and the fruitless search for clearly identified perpetrators. As we explain in chapter 3, the insistence on establishing a linear, causal connection between disproportionate

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outcomes and a “single bad actor” permeates our society’s legal and social understandings of racism and injustice.⁵ This prevailing understanding obscures the forces at work in producing environmental racism, however, by disaggregating communities and institutions and by isolating them from their social settings. By looking at the political economy of distributional outcomes, we hope to articulate a broader causal analysis and understanding of environmental racism. This broader analysis, in turn, forces us to go beyond framing the problem as merely a distributive one—certain communities get an unfair environmental burden—and to reconceptualize grassroots activism as more than an attempt to disrupt the decisions of private corporations and state agencies. Instead, grassroots struggles are a crucial arena in which to restructure social relations through systems of localized environmental decision making.

We map out some of the processes of struggle, in chapter 5, as way of giving context to the grassroots accounts. In mapping these processes, we do so with both our own experiences working with and observing grassroots efforts in mind and with the benefit of countless struggles memorialized in the impressive, and growing, body of environmental justice literature. The processes of grassroots struggle involve the formal and informal mechanisms of environmental decision making and the various obstacles experienced by community residents after they discover that a private company or government official has made the decision to locate an environmentally hazardous facility in their neighborhood. These processes also involve a community’s decision to organize and become involved in the decisions that shape its lives and health. In their efforts to take control of their environment, grassroots groups inevitably run up against a system of environmental decision making that was not designed with their full participation in mind, as our case studies in the following chapters illustrate. Understanding the structure of environmental decision making, particularly on the state and local levels, where these struggles occur, is crucial to understanding the motivation, stages, and strategies of grassroots activism.

Transformative Politics

In portraying and analyzing environmental justice grassroots activism, we do not intend to reduce grassroots struggles to a new consciousness

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on the part of the poor and people of color about environmental concerns, even as that term is broadly construed. What is important about the communities that we portray, and the grassroots movement as a whole, is the self-representation and agency inherent in “speaking for ourselves.” As Giovanna Di Chiro writes, what is “new” about the Environmental Justice Movement is not the “elevated environmental consciousness” of its members but the ways that it transforms the possibilities for fundamental social and environmental change through redefinition, reinvention, and construction of innovative political and cultural discourses and practices. This includes, among other things, the articulation of concepts of environmental justice and environmental racism and the forging of new forms of grassroots political organization.⁶ These exciting developments are what we call the transformative politics of the Environmental Justice Movement. This transformation takes place on a number of levels—the individual, the group, the community—and ultimately influences institutions, government, and social structure.

Individuals are transformed through the process of struggle by learning about, and participating in, a decision that will fundamentally affect their quality of life. Using lawyers and other technicians, residents in embattled communities both build upon their knowledge of their community’s environmental problems and acquire knowledge about the substantive and procedural aspects of environmental decision making. Their home-grown, and acquired, expertise empowers local residents and helps them to develop a grassroots base to influence environmental decision making.

The community is transformed by the grassroots environmental justice groups established in the midst of environmental struggles. These groups help to transform marginal communities from passive victims to significant actors in environmental decision-making processes. Grassroots groups are often fighting against a decision already made to place a toxic site in their neighborhood without any negotiation or consultation with those most affected by that decision—community residents. The groups rightly challenge, first and foremost, the legitimacy of the decision-making process and the social structures that allow such decisions to be made without the involvement of those most intimately concerned.

Part of what also empowers individuals and communities to demand

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participation in decisions that fundamentally affect their lives is the realization that power relationships within a decision-making structure are fluid and open to contestation. Once this realization takes hold, community residents can move from a reactive mode to one in which they take the initiative and decision makers begin to respond to their concerns. In this way, decision-making bodies—government institutions and corporations—are also transformed. This mutually transformative power dynamic in disaffected communities reveals an important facet of environmental justice politics. That disaffected communities are both vulnerable to disproportionate siting practices and, simultaneously, often successful at halting those practices suggests a paradoxical combination of socially oppressive sociopolitical constraints and self-determining capacities at work in these communities.

The transformation of environmental justice participants, and their local communities, ultimately lies in the forging of coalitions and the networking of grassroots organizations across substantive areas. Environmental justice groups are networking with other groups to provide information and technical expertise to grassroots constituencies on various issues of interest to disenfranchised communities, beyond environmental justice. Because of these networks, residents in marginal communities will continue to shape environmental policy, both locally and nationally, as well as create more opportunities for community input into the spectrum of policy making that affects their material conditions.

Words Have Power: A Note on Our Terminology

We use the terms “environmental racism” and “environmental injustice” interchangeably in the book. While “environmental racism” is the better-known term, “environmental injustice” is broader and encompasses both the racial and the class aspects of the political economy at work in communities that face toxic assault.⁷

We use the term “environmental justice” deliberately. Some government agencies and industry groups prefer the term “environmental equity,” because they feel it “most readily lends itself to scientific risk analysis”⁸ and avoids those sometimes controversial terms “racism” and “justice.” We use the term “environmental justice” because it both expresses our aspiration and encompasses the political economy of environmental

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decision making. That is, environmental justice requires democratic decision making, community empowerment, and the incorporation of social structure—for example, existing community health problems, cumulative impacts of preexisting environmental hazards, the effect of segregative housing patterns—in environmental decision-making processes.

Most important in our concept of environmental justice is the element of democratic decision making, or community self-determination. Current environmental decision-making processes have not been effective in providing meaningful participation opportunities for those most burdened by environmental decisions.⁹ “Meaningful,” in this context, means substantive dialogue among administrators, experts, and affected communities along with the opportunity for affected communities to influence the decision-making process.¹⁰ This means early, direct, and collaborative public participation. More important, it presupposes a power-sharing process in which government is but one party to the ultimate decision or agreement.¹¹

We refer to the “environment” in a broader context than many environmental groups traditionally have defined it, using the Movement definition: the environment is where we live, where we work, where we play, and where we learn.¹² Historically, poor communities of color have been marginalized within the environmental movement. These communities view traditional environmentalism as associated with the preservation of wildlife and wilderness—concerns that are just not central to the everyday survival of poor communities and communities of color.¹³ The Civil Rights Movement, the movement most closely aligned with these communities, also has not viewed environmental concerns as a priority. Consequently, until recently there has been a noticeable dearth of knowledge regarding environmental policy and processes of decision making in disaffected communities. Grassroots environmental justice activists recognize this neglect and are constructing a new meaning of “environmentalism” that links environmental preservation to their material environment and community.

The notion of “environment” for environmental justice groups and networks has come to mean home and community.¹⁴ These are the places that need to be preserved and protected from pollutants and other harms. This community preservation principle¹⁵ recognizes that the harms that result from the disenfranchisement of the most vulner-

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able communities from environmental decision making are not only health related but include other, broader consequences, such as the reduction of community cohesion, the feeling of powerlessness, and socioeconomic damage that result from the loss of businesses, homes, and schools.

A Final Note: The Focus on Waste

The movement for environmental justice seeks much more than merely to *stop* the siting of waste facilities, and other locally undesirable land uses in low-income communities and communities of color. Waste facility siting battles are but one aspect of the movement for environmental justice, which also concerns itself with the cleanup of contaminated industrial sites, the elimination of occupational hazards, lead abatement, enforcement of existing environmental regulations, and the guarantee of representation in the environmental decision-making process. The movement for environmental justice is also about creating clean jobs, building a sustainable economy, guaranteeing safe and affordable housing, and achieving racial and social justice.¹⁶

Given the diversity of various community struggles, and the complexity of issues represented in environmental decision making, it is difficult to capture, in one place, the multifacetedness of the Environmental Justice Movement. We do not pretend to attempt such a feat. Our structural analysis and profiles of grassroots struggles in this book focus, in large part, on decisions regarding commercial waste facilities. The distribution of hazardous, or potentially hazardous, facilities is important enough to environmental justice issues, and central enough to grassroots struggles, that it deserves the focus of our stories and analysis.

Waste facility siting is also the arena in which a great deal of grassroots action takes place. It is no coincidence that some of the first major environmental justice studies to chart disproportionate impact focused on commercial waste facilities. These facilities can pose great risk to human health and the environment and are the subject of ongoing public scrutiny and concern. Moreover, the siting of hazardous waste facilities is at the heart of the anti-toxics movement, a movement that, as we explain in chapter 1, is an important predecessor to the Environmental Justice Movement.

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The stories, analysis, and lessons contained here are equally applicable to other types of environmental justice struggles, and indeed to social justice struggles in general. On one level, the issues are the same—community empowerment, the structure of institutional decision making, policy reforms that address our most vulnerable communities. It is our hope that the lessons learned in the communities we profile, and the analysis offered here, can be translated into, and replicated within, other struggles for justice.