Lecture #25: Return of the Repressed: Toxic Torts and Environmental Justice

Suggested Readings:

Jerry Jenkins et al, *Acid Rain in the Adirondacks: An Environmental History*, 2007.
Hugh Crone, *Chemicals & Society*, 1986; Samuel Epstein, *Hazardous Waste in America*, 1982.
Adeline Levine, *Love Canal*, 1982; Lois Gibbs, *Love Canal: My Story*, 1982.
Jonathan Harr, *A Civil Action*, 1995
Luke Cole & Sheila Foster, ed., *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement*, 2000.
Christopher Foreman, *The Promise and Peril of Environmental Justice*, 2000
Joni Adamson et al, *The Environmental Justice Reader: Politics, Poetics, & Pedagogy,* 2002.
Robert Bullard, ed., *The Quest For Environmental Justice: Human Rights and the Politics of Pollution*, 2005.
Eileen McGurty, *Transforming Environmentalism: Warren County, PCBs, And the Origins of Environmental Justice*, 2007
Gregg Mitman, *Breathing Space: How Allergies Shape Our Lives and Landscapes*, 2007.
Kate Orff & Richard Misrach, *Petrochemical America*, 2012 (amazing graphical analysis of lower Mississippi)

Outline

I. Fixing Pollution, Moving Pollution: The Coming of Acid Rain

relative success of government legislation in dealing with several aspects of 1960s pollution: auto emissions fall, DDT banned and declines, water pollution down
but solving pollution in one place sometimes means simply moving it elsewhere
note high stack solution to local air pollution: move to upper atmosphere, transport away
acid rain a perfect instance of this, result of several converging factors
midwestern coals from Ohio, Illinois, Indiana, Kentucky particularly high in sulfur
high stacks inject sulfur dioxide and nitrous oxide pollutants higher into atmosphere
combine with precipitation to form sulfuric and nitric acid, carried by prevailing winds to be deposited as acid fog or rain on lakes and trees in NE US, eastern Canada
long-term decrease in pH in lakes, death to fish populations, damage to forests
major political cause in Canada, which has taken much more aggressive steps to solve than US, source of considerable diplomatic friction between two countries
(note also the benefit for Quebec hydropower from higher cost electricity in Midwest)
acid rain as symbol of difficulty of solving pollution, toxicity of ordinary landscape: what one tries to throw away often returns to haunt one in new guises

II. Hiding Pollution: Long-Term Toxicity at Love Canal & Times Beach

1942-52, Hooker Chemical Co. filled abandoned canal in Niagara Falls with 21,000 tons of toxic chemicals, 20-25 feet deep; then covered over, sold to city for school at $1
neighborhood in vicinity plagued with chemical odors, sludge in basements, health problems
1976, first govt investigations of possible problems at site, catalog of toxic chemicals with serious health implications emerges, families terrified, property values fall
Lois Gibbs emerges as local leader, politicized by school board's refusal to move son to new school after he came down with severe asthma and convulsions; led neighborhood petition campaign that eventually brought state & congressional action for relocation
1976 Resource Conservation and Recovery Act 1st attempt to deal with toxic waste problem; 1980, in wake of Love Canal, Congress passes Superfund legislation to fund cleanups
1983, EPA (under much political pressure) moves to purchase houses in Times Beach, Missouri, because contaminated with dioxin, $33 million to buy out residences, town erased
1980, Anne Anderson organizes citizens' group (FACE, For A Cleaner Environment) in Woburn, MA, in response to childhood leukemia cases in neighborhood near industrial waste sites, files lawsuit that becomes basis for *A Civil Action*, resulting in 1986 jury decision that W. R. Grace had negligently dumped chemicals (Beatrice acquitted); elaborate wranglings about evidence and judicial procedure continued long after trial
increasing list of toxic dumps around country, esp NE: legacy of earlier industrial eras
insidiousness of threat: invisible, striking at homes, potentially lethal, source of fear
politicization of ordinary neighborhoods, especially women with children, over threats

III. Manufacturing Pollution: Bhopal, Coal, Cotton, Asbestos

problem of toxicity from chemical-based industry could be dramatic or very quiet
most horrific single instance: Bhopal accident in India, December 3, 1984: leak of methyl isocyanate gas killed 2500 within week, blinded thousands more, injured 150,000

but toxicity of industrial substances a familiar feature of working-class life for long time: black lung disease among coal miners; brown lung (byssinosis) in textile mills

Hawk's Nest Incident 1930-32: construction of water power tunnel through Gauley Mountain, WV, exposed almost 5000 workers to heavy silica dust, over 700 died within 5 years from silicosis (lungs' inability to absorb or remove silica)

asbestos essentially kills in similar way, began to emerge as problem during 1930s especially in shipyards and other pipefitting activities where used as insulation

asbestos companies suppressed early evidence of health problems, substance became widely used in shipbuilding, plumbing, insulation, building construction, auto brakes, etc.

by 1960s, Irving Selikoff's research indicated clear links of asbestos to silicosis-like asbestosis and rare cancer mesothelioma, increasing litigation against manufacturers

1982, Manville Co. files for bankruptcy to escape liability; EPA proposes ban 1986

IV. The Geography of Toxicity: Class and Race

illnesses with possible environmental causes are by no means evenly distributed geographically

e.g., deaths from all cancers in U.S. for white males highest in lower Ohio and Mississippi Valleys, but deaths from breast cancer for all women highest in industrial Northeast and Great Lakes

potential causes of such concentrations are so numerous as to be almost impossible to analyze: populations whose gene pools carry different susceptibles by class, race, ethnicity; different geography of industry, uses of chemicals,features of natural environment; etc., etc. (statistical causality again)

pesticide use greatest in corn belt and California's chief agricultural areas; United Farm Workers increasingly concerned by late 1960's about pesticide exposure of migrant workers, moved on from Cesar Chavez's organizing campaign for better working conditions to attack on pesticides

American linkage of class and race means that poorest Americans--often people of color--frequently dwell in shadow of major industrial sites where real estate values are lowest and there's little competition from other groups; furthermore, some evidence that industries choose to site in such neighborhoods on assumption that they'll meet little political resistance of the kind associated with upper-middle-class white environmentalists

(but note difficulty of disaggregating class and race as causal factors)

Cf: California's dirtiest zip code, 90058, between South Central and East Los Angeles, state's largest Latino and Black Neighborhoods: 1 square mile of land with 4500 residents, 59% black, 38% Latino, 33 million pounds of toxic discharges into environment

Warren County, NC: PCB landfill site protests started in 1982, lasted 20 years, 100s of arrests, among most significant civil rights protests in South since 1960s, launched environmental justice movement

1987, United Church of Christ Commission for Racial Justice publishes report, "Toxic Waste and Race in the United States," which argued that people of color suffered environmental disproportionate risk: claimed 60% of African-Americans and Latinos and 50% of Asians and Indians lived in communities with at least one uncontrolled toxic waste dump

report also declared that 40% of nation's toxic landfill capacity was concentrated in just three counties: Emelle, Alabama with 79% African-American population; Scotlandville, LA, 93% African-American; and Kettleman City, CA, 78.4% Latino

Reverend Benjamin Chavez, then Commission's executive (later head of NAACP) coined phrase "environmental racism" to describe this phenomenon

1991: First National People of Color Environmental Leadership Summit convenes in DC, prepares formal statement offering 17 "Principles of Environmental Justice," including "sacredness of Mother Earth"; environmental protection "free from … discrimination or bias"; "fundamental right to political, economic, cultural and environmental self-determination of all peoples"; "cessation of the production of all toxins"

New groups devoted to merging causes for environmental protection and anti-racist social justice: environmental justice movement, critiquing "mainstream" groups for ignoring affected people of color

Exemplary case study: “Cancer Alley” along Lower Mississippi River in Louisiana between Baton Rouge and New Orleans: displacement of historic black communities by growing number of petrochemical facilities

Florence Robinson: one-woman war against oil refineries in Cancer Alley: professor of biology at Southern University, living in Alsen near Devil’s Swamp where “borrow pit” for toxic wastes created in 1964; starting in 1993, Robinson led citizen science efforts to gather scientific data about health effects of petrochemical processing and toxic waste dumping in Louisiana communities along Mississippi

V. Refusing Pollution: Not in My Backyard

emerging crisis of toxics as challenge not just to env & health, but to political economy & community: boundary between waste and non-waste as boundary of moral responsibility

persistent effort to make waste someone else's problem: the NIMBYs (Not in My Backyard): boundaries of class and race almost always just beneath the surface here