

The Mobilization of the Environmental Justice Movement in Louisiana

EJ Disputes and Grassroots Organizing in the
Mississippi Industrial Corridor

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Introduction

The environmental justice movement in the U.S. has grown from a neighborhood- and community-level, grassroots effort that struggled for recognition, to a nationwide network of community groups working in concert with lawmakers and mainstream environmental groups to achieve environmental equity (Bullard & Johnson, 2000). The environmental justice movement emerged from the Civil Rights Movement to confront the disproportionate environmental burden experienced by minority and low-income populations (Holifield, 2001; Pulido, 2000). Over the course of the 1980s and 90s, many gains were made in promoting and achieving environmental justice (Bullard & Johnson, 2000). During that time, some of the most notable environmental justice disputes took place in Louisiana's Mississippi Industrial Corridor (MIC), which remains home to some of the most polluted communities in the U.S. (Allen, 2003; Bullard & Johnson, 2000; Schelly & Stretetsky, 2009; Taylor, 2014) In the environmental justice movement the MIC is synonymous with environmental racism; and the efforts of, and gains achieved by grassroots groups there are emblematic of those of the environmental justice movement nationwide (Bullard & Johnson, 2000; Visgilio & Whitelaw, 2003). The MIC gained notoriety in part because of the efforts of a coalition between labor, environment and community groups that came to prominence in the late-1980s and eventually brought a precedent-setting case, regarding the siting of a Shintech PVC plant, in front of the Environmental Protection Agency (EPA) (Allen, 2003; Bullard & Johnson, 2000; Kurtz, 2003).

In this paper, I ask what political and historical context led to the mobilization of the environmental justice movement in Louisiana's Mississippi Industrial Corridor. My findings show that a program of ignoring the experiences and complaints of minority communities along

the Mississippi in order to maintain the state's reliance on heavy petrochemical industry for economic development became untenable, forcing the intervention of the federal government in the late-1990s.

The Environmental Justice Movement in the United States

In the U.S., environmental justice (EJ) is closely linked to the broader struggle for civil rights that emerged in the mid-twentieth century. The environmental justice movement in the U.S. is wholly distinct from traditional environmentalist movements by its incorporation of issues like race, class, and gender, and its conception of the environment (Holifield, 2001). EJ can be seen to be complicated by its inclusion of a multitude of social justice issues, which subsequently requires connecting local environmental issues with a much larger program of structural racism, class-based discrimination, patriarchy etc. (Kurtz, 2003). However, this is necessary as Pulido states that EJ issues are part of the “dynamic, socio-spatial process that [racism] is” (2000). An environmental justice dispute over chemical plant siting is located among myriad larger processes like white flight, housing discrimination and procedural equity (Pulido, 2000). A frequent problem in environmental justice disputes is the issue of intent. An allegation of environmental racism in an EJ dispute often puts the burden of proof on affected communities (Kurtz, 2009). However, environmental racism is but one of many examples of structural racism stemming from slavery in the U.S. (Bullard & Johnson, 2000; Wright, 2005).

The rise of the environmental justice movement (EJM) in the U.S. has been contemporaneous with the growing ability of grassroots community organizations to confront

corporations and government (Berry, 2003). Grassroots organizations were the catalyst for the growth of the EJM and confronted issues that government, industry, and national conservation-driven environmental groups would not (Bullard & Johnson, 2000). Land uses for heavy industry and toxic waste storage affect people at the community and neighborhood level (as opposed to larger scales) and so necessitate a grassroots, community-driven response (Bullard & Johnson, 2000; Towers, 2000).

As the EJM has grown in the U.S, it has achieved large gains and official recognition by the Environmental Protection Agency and the Office of the President (Bullard & Johnson, 2000). Notable early-EJ disputes achieved limited success. For example, *Bean vs. Southwestern Waste Management*, the first case to cite civil rights law in opposition to an unwanted land use, was lost by a neighborhood group challenging landfill siting in 1979 (Bullard & Johnson, 2000). In Warren County, NC despite years of protest and media coverage, a PCB waste disposal facility was sited in a low-income, minority community there in 1982; however, the dispute got the attention of the U.S. General Accounting Office which conducted a landmark survey of the relationship between toxic landfills, race and class (Bullard & Johnson, 2000; Taylor, 2014). Through the 1980s, as the EJM gained visibility and grassroots EJ groups engaged in coalition-building with national environmental groups (i.e. Greenpeace), the EJM stimulated a response from the EPA, which formed the National Environmental Justice Advisory Council, made up of representatives from grassroots organizations and NGOs, as well as industry (Bullard & Johnson, 2000). In 1994, President Clinton signed Executive Order 12898, acknowledging the disproportionate environmental burden borne by low income and minority communities (Bullard & Johnson, 2000; Taylor, 2014).

The aforementioned EJ dispute over PCB waste disposal in Warren County, NC, marks the beginning of the environmental justice movement in the United States. and closely ties the EJ movement to the South (Colten, 2005). The environmental history of the Southern U.S. is defined in part by the shift in reliance from agricultural industries to that of manufacturing industries (Colten, 2008). The general tenor of state policies has been to accommodate industry as much as possible in order to attract businesses to the South, and industrial pollution was considered the trade-off for job creation and other benefits of economic development (Colten, 2008). The development of extractive industries in the South (historically rural and dense with natural resources) is synonymous with environmental degradation there due to lack of enforcement of, or generally weak, environmental regulations. In fact, during the growth of manufacturing industries in the early-twentieth century, the work of developing pollution regulations was often handled by industry representatives (Colten, 2005). In the South, environmental degradation has often had a disproportionate impact on minority populations due to its “lawful disenfranchisement” of blacks that was not remedied until the 1960s (Wright, 2003). The South can evince a colonial mentality, where politically and economically marginalized groups are exploited by state-corporate collusion (Wright, 2005). While Southern elites have collaborated with industry interests in developing and enforcing lax environmental regulations, popular opposition to environmental degradation has been commonplace (Colten, 2005).

Environmental injustices can be seen as an inevitable consequence of development in areas with resource curses like so-called petro-states. As concern for the environment has grown in various forms, energy-intensive industries (i.e. fossil fuel extraction and refining) have become targets of social and political movements like EJ (Kennedy, 2012). Because extractive

industries, like petroleum production, are controlled by enormous multinational corporations, the burden of the environmental degradation resulting from their work falls far from those who profit most from it (Kennedy, 2012). States dependent on oil production evince desperate poverty, from Nigeria to Louisiana (Kennedy, 2012). Scholars also note that environmental injustices emerge as a result of the path of least resistance; that is, the inherent lack of representation of low income and minority communities (Schelly & Stretetsky, 2009).

Economic Development and Environmental Degradation in Louisiana

Even among southern states, Louisiana is seen as especially accommodating to industry (Colten, 2000). Its history of a “no politics” attitude toward industrial development and generous Industrial Property Tax Exemption Program (IPTTEP), compounded with its abundance of natural resources helped industrial development boom there from the 1920s to the 1970s—a period also marked by the disenfranchisement of black voters there (Allen, 2003, Colten, 2000, Keller, 2009). IPTTEP is written into Louisiana’s constitution, and its continued existence, the state declares, is in its best interest (Houck, 1986; Wright, 2003). Louisiana's subsidies to business are higher than the national average and direct money away from local parish governments, schools and other public services, toward industrial improvements (Markowitz & Rosner, 2002; Wright, 2005). Louisiana’s natural resources are central to the state’s economic development, with its petroleum resources being of highest importance (Allen, 2003; Colten, 2005; Wright, 2005).

Historically, three industries led pollution control efforts in Louisiana: paper, petroleum, and sugar cane refining (Colten, 2000). In 1940, the Stream Control Commission was formed to

address concerns over industrial effluent in the state's waterways. The SCC acted on recommendations from industry organizations like the Louisiana Petroleum Council (Colten, 2000). The SCC became the Louisiana Department of Environmental Quality after the establishment of the EPA and continued to take most of its recommendations from industry groups, like the heavily involved Louisiana Association of Business and Industry (Colten, 2000; Kurtz, 2003). Over the course of its existence, most of the LDEQ's secretaries, who are appointed by the governor, have worked in heavy industry in Louisiana before or after their term (Allen, 2003). The industry-led approach to environmental regulation, and the state's over-reliance on heavy, resource-intensive extractive industries put an incredible strain on the state's environment and population (Colten, 2012). Louisiana is consistently ranked lowest in reports of environmental quality in the U.S. (Allen, 2003; Taylor, 2014; Wright, 2005).

Contextualizing the Mississippi Industrial Corridor

The cluster of petrochemical plants along the Mississippi River, between Baton Rouge and New Orleans, is known alternately as the Chemical Corridor, the Mississippi Industrial Corridor (MIC), and Cancer Alley. The parishes that make up the MIC are rural and heavily segregated (Allen, 2003; Keller, 2009). The petrochemical plants sited along the Mississippi Industrial Corridor account for one-fifth of all petrochemical manufacturing in the United States (Taylor, 2014; Wright, 2005). Ten of the 12 parishes considered part of the MIC were host to 86% of Louisiana's EPA Toxic Release Inventory sites in 1995 (Wright, 2005). A number of GIS-based analyses have illustrated the relationship between race and industrial sites in the MIC

(Blodgett, 2006; Lam & Perera, 2011; Wright, 2005). However, the results of these and various other studies assessing public health in minority communities have been debated by the state's regulators and corporations (Allen, 2003; Wright, 2005). Non-expert, anecdotal accounts of the effects of pollution in the MIC, like reports of family illnesses and firsthand accounts of exposure to airborne pollutants, are not taken seriously by officials (Allen, 2003; Kurtz, 2003).

Minority communities in the MIC abut chemical plants and are criss-crossed by pipelines (Allen, 2003; Lerner, 2005; Wright, 2005). The close proximity of minority communities to industrial plants is a result of the unique land ownership scheme deployed in these parishes during Reconstruction. When the region was first settled by exiled French-Acadians, the present-day MIC was divided into narrow strips extending inland from the river and subsequently hosted plantations (Allen, 2003). During Reconstruction, a Freedman's Bureau program divided portions of the plantations and sold them to recently freed slaves while white plantation owners often held on to the most valuable plots closest to the river (Allen, 2003). When the petrochemical industry began growing to meet increased demand for plastics and other petroleum-derived products, the white landowners sold out to industrial developers seeking access to fresh water and river transport (Allen, 2003).

By the late-80s, petrochemical companies in the MIC began a program of buying out residents and relocating them in response to complaints by residents about the effects of exposure to industrial pollution. Three major resettlements of MIC communities have occurred: Reville town by Georgia Gulf in 1987; Plaquemine by Dow Chemical in 1990; and Diamond by Shell in 2002 (Allen, 2003; Lerner, 2005; Markowitz & Rosner, 2002; Wright, 2005).

The “Non-Adversarial” Louisiana Department of Environmental Quality

The Louisiana Department of Environmental Quality is appointed by the Louisiana governor's office and charged with permitting industrial pollution and siting, and monitoring environmental conditions throughout the state (Allen, 2003; Burby 2000; Markowitz & Rosner, 2002). It routinely ignored citizen concerns in the 1980s and 90s, instead favoring concerns of industry, reflecting the policies of Louisiana's government as a whole (Allen, 2003; Burby, 2000; Markowitz & Rosner, 2002, Taylor, 2014). In the MIC community of Alsen, for example, widespread protests in opposition to waste incineration and its effect on public health and quality of life was ignored when the LDEQ permitted an incineration facility frequented by petrochemical plants to burn new types of toxic waste (Taylor, 2014). The MIC communities of Diamond and Norco were subject to routine but unnecessary flaring of waste gases that were rarely fined by the LDEQ until EPA intervention in the 1990s (Lerner, 2005). In the 1990s, when MIC citizens and advocacy groups started exploring the connection between pollutant exposure and elevated cancer rates, the response from the LDEQ (in a report written with the collaboration of the Louisiana Chemical Association and the governor's office) was that no connection actually existed and elevated cancer rates in the MIC are solely attributable to lifestyle (Markowitz & Rosner, 2002). Governor Mike Foster, in office at the time of the Shintech siting dispute, sought to make the LDEQ a better ally of the petrochemical industry and rolled back penalties on polluters by 90%, in addition to his attempt to end Affirmative Action (Markowitz & Rosner, 2002). The LDEQ works closely with the state's Department of Environmental Development and trade groups to create a “non-adversarial” regulatory

environment to attract manufacturers to Louisiana (Kurtz, 2003). Before the LDEQ presents them to the public, industry permits are evaluated for months or years, during which strong industry-office bonds can develop, making public concerns an afterthought (Allen, 2003).

The Lack of Opportunity Presented to Minority Residents of the MIC by Petrochemical Development

Louisiana governors, economists, and industry groups have all argued the necessity of polluting industries to job creation in the state (Allen, 2003; Kurtz, 2003; Markowitz & Rosner, 2002). However, the petrochemical plants of the MIC are largely automated and only require highly specialized manpower (Allen, 2003). Hires at new plants are so few that they wind up costing millions of dollars in state subsidies per job created (Allen, 2003; Lerner, 2005; Markowitz & Rosner, 2002). Any pollution control measures or attempts to rein in the IPTEP are seen as potentially harmful to job creation by the LDEQ and other state agencies (Allen, 2003). However, Templet finds the reverse to be true: Louisiana's unemployment rate is directly proportional to its pollution rate (Allen, 2003; Templet 1995). Allen reports deliberate obfuscation by employers and the LDEQ of job qualifications in order to gain popular support for plant siting in the MIC (2003). The few entry-level positions created by new plants in the MIC are mostly temporary construction jobs (Allen, 2003; Lerner, 2005). In Diamond, a historically black community in the MIC that is adjacent to a Shell facility, residents have been

frustrated by the unfulfilled promise of the plant as just 3% of its residents work there in janitorial positions (Lerner, 2005). Plant chiefs often cite the lack of education and productivity of MIC community residents as a hurdle to their employment, while receiving money that would otherwise fund education in those communities via the IPTEP (Allen, 2003; Lerner, 2005; Markowitz & Rosner, 2002).

Environmental Justice Disputes in the Mississippi Industrial Corridor

In 1975, a death at an illegal toxic waste dump — just as a proposed toxic waste facility operated by Rollins Environmental Services was approved in the MIC parish of Iberville — prompted the parish to ban all toxic waste disposals there (Houck, 2012). The ban was overturned by the Louisiana State Supreme Court because of the toxic waste facility's importance to Louisiana's thriving chemical industry (Houck, 2012). East Baton Rouge Parish was also involved in a dispute with Rollins in the early-80s. A Rollins facility's PCB emissions and waste storage had disturbed subsistence farming of nearby residents, resulting in popular opposition to the facility's permits that led to the deferment of Rollins' \$2.5 million in IPTEP subsidies for 1984 (Houck, 1986, 2012; Taylor, 2014). In the mid-1980s, a coalition formed between labor and environmental groups in the MIC when a BASF Chemical plant in Geismar locked out its union employees (Markowitz & Rosner, 2002). The employees' union assisted in the formation of a number of environmental justice and tax justice groups during its five year dispute with BASF (Markowitz & Rosner, 2002; Templet 1995). In 1988, the union of BASF

employees joined a number of other grassroots organizations like the Louisiana Environmental Action Network to organize the Louisiana Toxics March, for a nine-day, awareness-raising walk down the MIC (Allen, 2003; Markowitz & Rosner, 2002).

The MIC's most notable EJ dispute arose in response to a proposal, by Japanese plastics company Shintech, to site what was to be their largest chemical manufacturing facility in the MIC community of Convent (Allen, 2003; Kurtz, 2003; Markowitz & Rosner, 2002). Convent is in St. James Parish, which by the mid-1990s had nine petrochemical plants already located there, and was ranked third in the state for toxic releases (Bullard & Johnson, 2000; Markowitz & Rosner, 2002). The community's response was immediate (Markowitz & Rosner, 2002). Louisiana Citizens for Jobs and the Environment, a grassroots group formed by Convent residents, raised awareness in the parish of the lack of opportunity presented by the Shintech plant (which claimed to create over 150 jobs, though many were temporary construction positions) and the dangers of PVC production (Allen, 2003; Kurtz, 2003; Markowitz & Rosner, 2002). Louisiana Environmental Action Network and the Tulane Environmental Law Clinic assisted the group in devising a strategy that used a Title VI complaint to prove a disproportionate environmental burden borne by minorities in St. James Parish (Allen, 2003; Kurtz, 2003; Markowitz & Rosner, 2002). Title VI of the Civil Rights Act in combination with President Bill Clinton's Executive Order 12898 forces offices that receive federal funding, like the LDEQ, to consider the impact pollution has on minority communities, as opposed to proving racist intent of the industry authorities and government agencies (Bullard & Johnson, 2000; Markowitz & Rosner, 2002). The EPA intervened and placed Shintech's pollution release permits on hold while they investigated the impact of the plant's proposal; in the meantime, a

series of public hearings, newspaper editorials and other media coverage culminated in Shintech's 1998 withdrawal of their permit applications (Allen, 2003; Bullard & Johnson, 2000; Markowitz & Rosner, 2002).

Conclusion

The disregard for black communities in the MIC over the course of industrial development there in the mid-to-late 20th Century is emblematic of the “profits over people and the environment” approach taken by governments and corporations the world over. The situation in the MIC is at odds with the state and industry's assertions that chemical manufacturing is good for the people of Louisiana. Lives in the Corridor have been changed for the worse by the alliance between the chemical industry and the state: daily exposure to large quantities of pollutants, lack of protection and representation by policymakers, and the disassembly of entire communities are just some of the blatant injustices that have occurred there. The injustices in the MIC are rooted in the greater historic oppression of black people in the southern U.S. and Louisiana, who have only just recently gained the means to address environmental problems politically. The Shintech dispute is just one of dozens of instances of Title VI being invoked in an environmental justice claim and it would be worth exploring other Title VI claims to evaluate the effectiveness of applying the Civil Rights Act in future EJ cases.

Despite the precedent-setting Shintech case, environmental equity remains a problem for the MIC parishes; while the scope of this paper is limited to the situation in the MIC from the 1970s to the late-90s, the EPA's 2011 Toxic Release Inventory noted that out of Louisiana's 64

parishes, the 11 parishes of Cancer Alley accounted for 63.5% of the state's toxic and hazardous chemical disposals (Taylor, 2014). This indicates there is still work to be done there, though now that the communities and their grassroots support have made their case it's up to the state's government to lead the way on lessening environmental and social impact of polluting industries in Louisiana.

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