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ENVIRONMENTAL UPDATE

PROGRAM REPORT

THE INTERSECTION OF RACE

and Environmental Pollution

In 1970, Congress declared a national environmental policy to encourage productive and enjoyable harmony between man and his environment and to stimulate the health and welfare of man. Almost thirty years later, this promise remains just a promise and not a reality in the communities of our nation where African-Americans reside.

A national survey in 1987 revealed that African-Americans are far more likely than white-Americans to live in communities containing waste processing or waste disposal facilities. This discrepancy has increased since 1987.

In 1992, the United States Environmental Protection Agency (EPA) found that people of color experience higher exposure to toxic pollutants than the general population. In 1994, President Clinton felt obliged to issue an Executive Order mandating all federal executive departments to take action to overcome "disproportionately high and adverse human health and environmental effects in minority and low income populations."

Unfortunately, all the research, reports and governmental policy statements have yet to result in any effective governmental action to end environmental discrimination.

OUR OWN BACKYARD

The City of Chester is twenty miles south of Philadelphia, has a population of 42,000, 70% of whom are African-American. Chester is located in Delaware County, which has a population of 500,000 (outside of Chester), 92% of whom are white-American. The mortality rate and cancer mortality rate in Chester is 40% higher than the rates in the rest of Delaware County; the infant mortality rate is almost double the rate outside Chester and the percentage of low birth weight babies in Chester is almost 90% higher than outside Chester.

Despite the poor health of the people of Chester, the Pennsylvania Department of Environmental Protection (PADEP), in the ten year period from 1987 to 1996, issued five permits for new waste facilities with total capacities in excess of 2,000,000 tons of waste per year in Chester; in the same ten year period only two waste facilities were issued permits with a total capacity of 1,500 tons per year in the rest of Delaware County.

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance, such as PADEP, from discriminating against people because of their race or color. However, rather than adopting policies to end the unfair and unjust distribution of waste facilities in Delaware County, PADEP has persisted in its waste facility permit policy which invidiously discriminates against African-American citizens.

Design by: Ennis Carter, Philadelphia

USING THE POWER OF THE LAW

The citizens of Chester have been struggling to overcome environmental racism in their community. Led by Zulene Mayfield and the Chester Residents Concerned for Quality Living (CRCQL) they have brought successful actions to end polluting emissions from existing facilities, and they are now fighting to prevent PADEP from issuing any more permits for waste facilities in Chester.

The Law Center has represented CRCQL for the past few years, prevent pollution from existing facilities and to block the construction of additional waste facilities. Unfortunately, these individual actions have not caused PADEP to change its overall permit policy.

Consequently, the Law Center has brought a civil rights suit against PADEP on behalf of the citizens of Chester, contending that its policies violate Title VI because it discriminates against African-Americans.

This lawsuit is critical to the entire national effort to stop environmental injustice. Though the problem of environmental injustice has been the subject of countless articles and law review papers, there has not been a single judicial finding or administrative determination of invidious environmental racism.

Chester residents' civil right lawsuit, therefore, is critical to the entire national effort to end environmental racism. This grossly unfair concentration of waste facilities in the City of Chester provides an exceptional opportunity to test the use of Title VI to overcome environmental racism. The Chester situation has attracted the Civil Rights Division of the United States Department of Justice, which is participating as friends of the court in support of the Chester community.

ENVIRONMENTAL CONFERENCE A SUCCESS

On April 3, 1997, the Law Center held its Conference on Environmental Racism, which featured comments by Zulene Mayfield, Peter Kostmayer and Law Center Board member Professor Gilbert Carrasco. The overwhelming message delivered by these compelling speakers is that Chester is first and foremost a community of neighbors, not a dumping ground; that the proliferation of waste facilities by the government threatens the health of an already imperiled community, and that the government has a legal and moral obligation to protect the community against any further health risks.

If you could not join us for the conference, we have prepared a videotape of the highlights. Please contact Heather Bendit at (215) 627-7100 for more details.



**PUBLIC INTEREST LAW
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