

**WRITTEN TESTIMONY REGARDING
H.R. 5986
THE ENVIRONMENTAL JUSTICE FOR ALL ACT
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My name is Dr. Robert D. Bullard and I am a distinguished professor of urban planning and environmental policy at Texas Southern University in Houston, Texas and co-chair of the National Black Environmental Justice Network.

Greetings. I want to state for the record why H.R. 5986, *The Environmental Justice for All Act*, is needed and why I support its passage. For the past four decades I have researched, written more than a dozen books, and assisted low-income and people of color communities that are disproportionately impacted by pollution and environmental health threats.¹

Environmental threats in vulnerable frontline communities are real.² The U.S. Environmental Justice Movement was born in the early 1980s and emerged out of the modern Civil Right Movement. Environmental justice embraces the principle that all people and communities are entitled to equal protection of environmental, energy, health, employment, education, housing, transportation, and civil rights laws.³

I wrote *Dumping in Dixie: Race, Class and Environmental Quality* (1990) thirty years ago that documented the connection between place, pollution, income and race.⁴ Environmental vulnerability maps closely with race and income. Many of the nation's environmental disparities have their roots in institutional racism and discriminatory zoning and land use practices—some occurring more than a century ago—such as racial redlining.⁵

Zip code is one of the most potent predictors of health and well-being in the nation. In the real world, all zip codes are not created equal.⁶

The 2007 *Toxic Waste and Race at Twenty* study found race is the best predictor of commercial hazardous waste locations; African Americans and other people of color make up most (56%) of those living in neighborhoods within two miles of commercial hazardous waste facilities; people of color make up over two-thirds (69%) of those living near clustered facilities; people of color are more concentrated in areas with commercial hazardous sites in 2007 than in 1987.⁷

People of color are overrepresented in populations who live within a one-mile radius (44%) and a three-mile radius (46%) of the nation's 1,388 Superfund sites. Studies now show some 60 percent of the nation's Superfund sites are threatened by flooding and climate change impacts.⁸ These threats were made real by Hurricane Harvey and the flooding of the San Jacinto Waste Pits and French Limited Superfund sites.⁹ The flooded French Limited Superfund site is in Barret Station, Texas, founded in 1889 by Harrison Barrett, a former slave.¹⁰

Discriminatory policies and unequal power arrangements place African Americans and other people of color at elevated health risks from waste and industrial facilities, chemical plants and refineries, and increased vulnerability from natural and human-made disasters.¹¹

African Americans are 79 percent more likely than whites to live where industrial pollution poses the greatest health danger. African Americans in 19 states are more than twice as likely as whites to live in neighborhoods with high pollution levels, compared to Hispanics in 12 states and Asians in 7 states.¹²

More than 68 percent of African Americans live within 30 miles of a coal-fired power plant—the distance within which the maximum effects of the smokestack plume are expected to occur—compared with 56 percent of whites and 39 percent of Latinos who live in such proximity to a coal-fired power plant.¹³

Half of the population that are at an increased cancer risk from oil refinery pollution (149 oil refineries in 32 states) are people of color.¹⁴ According to the 2014 report, *Who's in Danger: A Demographic Analysis of Chemical Disaster Vulnerability Zones*, the percentage of African Americans in the “fenceline zones” near chemical plants is 75 percent greater than for the U.S. as a whole, and the percentage of Latinos is 60 percent greater.¹⁵

Even money does not insulate African American communities from elevated pollution assaults. African American households with incomes between \$50,000 and \$60,000 live in neighborhoods that are more polluted than the average neighborhood in which white households with incomes below \$10,000 live.¹⁶

University of Minnesota researchers found African Americans and other people of color breathe 38 percent more polluted air than whites; people of color are exposed to 46 more nitrogen oxide than whites.¹⁷

Two million people live within three miles of the top twelve “dirtiest” coal fired power plants; 76 percent of these residents are people of color and the average per capita income is \$14,626, compared with the national average of \$21,587.¹⁸

One need not be a rocket scientist (or EPA scientist) to understand dumping pollution on poor people and communities of color with persistent health disparities can only make health matters worse. The National Academy of Sciences Institute of Medicine reported in 1999 residents in environmental justice communities are exposed to higher levels of pollution than the rest of the nation and experience certain diseases in greater number.¹⁹ Residents who live on the fence-line with polluting industries are paying a high price in the form of illnesses, higher medical bills and missed school and work days, and loss wages.

African American and Latino children are three to five times more likely than White children to be hospitalized from asthma.²⁰ African American children have an asthma death rate ten times that of White children.²¹

A 2018 U.S. EPA report found in 46 states people of color live with more air pollution than whites.²² I have worked with many of these environmentally “overburdened” communities all

across this country using laws, regulations and executive orders to help achieve equal protection for all—as guaranteed under the U.S. Constitution. However, many of the legal, regulatory and administrative tools have been weakened by the courts and by rollbacks that render them nearly ineffectual.

That’s why the country needs the passage of the *Environmental Justice Act for All* to remedy many of the shortcomings and environmental health burdens that fall disproportionately on low-income and people of color and children.

We need the **Civil Rights Act of 1964**, Title VI, strengthened to prohibit discrimination based on disparate impact and overturn the Supreme Court decision in *Alexander v. Sandoval* to permit private citizens, residents, and organizations to seek legal remedy when faced with discrimination. This law has been used to challenge various forms of environmental discrimination, including siting, permitting and provision of services and funding of waste facilities, highways, pipelines, hazardous mitigation, flood protection, disaster recovery, etc.

Since many low-income and people of color communities are confronted with multiple environmental threats and polluting facilities, the time is long overdue to require **cumulative impacts** consideration in permitting decisions under the Clean Water Act and the Clean Air Act and ensures that permits will not be issued if the project cannot demonstrate a reasonable certainty of no harm to human health.

Environmental justice leaders and their allies fought long and hard in the 1970s, 1980s and 1990s to get the **Executive Order 12898**, “*Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*,” signed by President Clinton in February, 1994. It’s time for elements in the Executive Order to be codified, updated, strengthened and fully implemented. After some 26 years Executive Order 12908 has never been fully implemented.²³

Environmental justice communities need a stronger not weakened **National Environmental Policy Act (NEPA)**. A weakened NEPA with “fast-tracking” permits is a recipe for more pollution in low-income and people of color communities and expansion of environmental “sacrifice zones.”²⁴ Many frontline environmental justice communities view “fast-tracking” permitting as a “quick trip to the emergency room and the cemetery” for their residents. NEPA has been used as the foundational law of many successful environmental justice challenges to proposed projects communities deemed harmful to their health and the environment. Strengthening NEPA is a “win-win” scenario for environmental justice communities and the entire nation.

Public Health has always been a core principle in environmental justice. The equity framework emerged in the early 1980s to address environmental threats where people live, work, play, and learn, as well as threats in the physical and natural world.²⁵ Using a cross-cutting health equity lens, proponents built a movement on the principle that all Americans have a right to equal protection of the nation’s environmental, housing, transportation, employment, and civil rights laws and regulations. **Health equity** is when everyone has the opportunity to be as healthy as possible. Environmental justice and health equity research grant programs are needed to investigate the links between chemicals and adverse **health impacts**, whether chemical emissions from smokestacks or chemicals in consumer products.

Outdoor Access for All. America is increasingly unequal when it comes to access to parks and green space, with deepening fissures across race and class forming a pattern akin to “outdoor apartheid.”²⁶ Research shows low-income and people of color have fewer opportunities to reap the benefits of green spaces, such as parks, playgrounds, and residential greenery—infrastructure that can promote mental and physical **health**, and reduce morbidity and mortality, alleviate stress, stimulate social cohesion, support physical activity, and reduce exposure to heat stress, and air pollution.²⁷ Grant programs that ensure more equitable access to parks and recreational opportunities for underserved urban communities will make us a more just and healthier nation.

Environmental Justice Grant Programs – The federal government has played a major role in funding grants to support basic environmental and health research. Environmental justice research is severely underfunded. The federal government needs to do much more to support research, education, outreach, development, and implementation of projects to address environmental and public health issues in environmental justice communities.

As the nation moves to a clean energy economy and transition away from greenhouse gas-dependent economies, it is imperative that this new economy is not built on existing inequality.²⁸ Thus, a **Fair and Just Transition** is needed to support communities and workers, especially low-wage and people of color workers who historically have been left behind by economic transitions.

ENDNOTES

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⁴ Robert D. Bullard, *Dumping in Dixie: Race, Class and Environmental Quality*. Boulder, CO: Westview Press, 1990. <http://www.ciesin.org/docs/010-278/010-278chpt2.html>

⁵ Robert D. Bullard, *Unequal Protection: Environmental Justice and Communities of Color*. Sierra Club Books, 1994.

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- ⁸ U.S. GAO analysis of Environmental Protection Agency, Federal Emergency Management Agency, National Oceanic and Atmospheric Administration, and U.S. Forest Service (2019) <https://www.gao.gov/multimedia/GAO-20-73/interactive/>.
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