

# PURSUING A TOXIC AGENDA

## Environmental Injustice in the Early Trump Administration



**EDGI**

Environmental Data  
& Governance Initiative

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The [Environmental Data & Governance Initiative](#) (EDGI) is an organization comprised of academics and non-profit employees that promotes open and accessible government data and information along with evidence-based policy making.

"Pursuing a Toxic Agenda" is the second part of a multipart series on the early days of the Trump administration. In this series, EDGI authors systematically investigate historical precedents for Trump's attack on the EPA, consequences for toxic regulation and environmental justice, and changes to the public presentation of climate change. For the rest of the series see: <https://100days.envirodatagov.org>.

Transcription of the [interview with Mustafa Ali](#) was made possible by generous support from the Doris Duke Charitable Foundation. "Pursuing a Toxic Agenda" report image cover credit: Sam Hodgson. We selected this image because of its focus on agricultural workers and the physical protections required to reduce hazardous pesticide exposures. For more on EDGI's selection and discussion of data used in this report please visit <https://100days.envirodatagov.org/pursuing-toxic-agenda-data>.



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# I. ABSTRACT

Environmental justice (EJ) is at the nexus of many issues and institutions the Trump administration has promised to dismantle—climate science, environmental protections, and industrial regulation. “Pursuing a Toxic Agenda” shows how the Trump administration has already reversed decades of environmental justice work, including hard-won progress under the Obama administration. In this report, we examine how the new administration’s policies, proposed budget cuts, stated priorities, and political appointments will increase toxic burdens on environmentally impacted communities, including communities living near hazardous industrial facilities, and farmworkers at risk of pesticide exposure.

Specifically, EDGI identifies:

- Increased environmental risks for low-income communities from the Trump administration’s:
  - Support for the Dakota Access Pipeline
  - Reversal of a ban on the agricultural pesticide, chlorpyrifos, which is known to cause developmental damage in children
  - Changes to workplace safety regulations
- Dismantled environmental protections through:
  - Weakened lead remediation and education programs
  - Reduced funding for toxic cleanups
- Rollbacks in environmental data collection and access, necessary in struggles for environmental justice, by:
  - Limiting access to toxic emissions data
  - Cuts in funding and staff for toxics research and communication infrastructure

The Trump administration has not only moved to limit publicly available data on environmental contaminants and risks, it also restricted public feedback on

rules relating to toxics. Through proposed budget cuts and personnel reductions at agencies like EPA, including the proposed elimination of the EPA's Office of Environmental Justice, the new administration has crippled the government's ability to address environmental problems, including inequalities in toxic exposure. Rather—as Hurricane Harvey recently made excruciatingly clear—U.S. environmental agencies and organizations need *more* resources and support to address the inevitable, and inevitably unequal, effects of climate change and other environmental disasters.

## What Are EDGI's Recommendations?

It is important to admit the failures of current and past administrations to enact environmental justice in order to reimagine how the government and civil society can address climate change, toxic contamination and systemic racism from a framework of justice. This could be done by:

- Recognizing that environmental justice is about more than addressing the inequitable distribution of risks. It also encompasses equitable access to environmental goods: the right to clean water, clean air, healthy environments and civil rights, for this and subsequent generations.
- Uniting environmental and social justice/civil rights communities and organizations through a shared focus on Environmental Injustice.
- Connecting the environmental and labor movements through issues of workplace safety and toxic exposures.
- Addressing climate change as an environmental justice issue.
- Forming grassroots networks to continue to research and aggregate data on environmental injustices.
- Developing new open source, academic and community platforms for gathering and analyzing environmental health information.
- Mobilizing financial support for the continued development of open environmental justice and climate change research.

- Organizing public funding, local initiatives, and private capital to build sustainable local energy supplies and petrochemical-free food systems.

The federal government can strengthen its commitment to environmental justice by:

- Allocating more resources to environmental justice programs, policies, and offices.
- Growing capacity and making linkages across expertise and experience.
- Making environmental justice a component of EPA and other government employees' job performance standards.

Environmental data justice is a critical component of environmental justice more broadly. Collectively, we need to rethink society's relationship with data, including critical questions of why, how, and for whom data is collected—including who is (and is not) involved in the scientific process, and whose knowledge and expertise is valued (or devalued). Environmental data justice focuses not just on collecting data or managing already existing data, but imagines how justice, inclusion and accessibility might be incorporated into environmental knowledge practices through the following overarching tactics:

- Creating alternative environmental data practices aimed at activating state and industry responsibility for environmental injustice and developing ways to hold them accountable.
- Encouraging communities to determine the kinds of data collected about their conditions, while being mindful that a world where communities are left to research their own precarity is its own kind of injustice.
- Embracing the creation of infrastructures and practices aimed at the critical assessment of data.

## II. INTRODUCTION

Days after Hurricane Harvey made landfall in Texas, the east Houston neighborhood of Manchester began to smell of gas.<sup>1</sup> Manchester is a community of color, home to a huge refinery, a metal shredding facility, chemical manufacturing facilities, as well as other heavy industries that emit toxic pollution.<sup>2</sup> For decades, Manchester has been plagued with terrible air quality, and damage to chemical plants caused by Harvey has likely contributed to this toxic burden.<sup>3</sup> Hurricane Harvey has caused refinery explosions, and its flood waters are likely to leach chemicals from the region's large number of toxic Superfund sites.<sup>4</sup> The toxic effects of Harvey result from the intersection of climate change with an existing landscape of environmental injustice. They indicate some of the ways climate change will be experienced unevenly across the U.S., and the need for the government to recognize and address climate change as form of environmental injustice.<sup>5</sup>

Environmental justice (EJ) activists have, over many decades, pushed the government to adopt policies and practices to protect vulnerable communities from environmental harms. In 1991, in response to nation-wide mobilization of environmentally impacted communities, President George H. W. Bush created the Office of Environmental Equity (now Environmental Justice) at the EPA. President Bill Clinton issued an executive order in 1994 that requires all federal agencies to make environmental justice part of their mission. Under President

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<sup>1</sup> Tom Dank and Jessica Glenza, "Harvey shines a spotlight on a high-risk area of chemical plants in Texas," *The Guardian*, September 1, 2017,

<https://www.theguardian.com/us-news/2017/sep/01/harvey-shines-a-spotlight-on-a-high-risk-area-of-chemical-plants-in-texas>; Alexander Kaufman, "Houston Flooding Always Hits Poor Non-White Neighborhoods Hardest," August 29, 2017, [http://www.huffingtonpost.com/entry/houston-harvey-environmental-justice\\_us\\_59a41c90e4b06d67e3390993](http://www.huffingtonpost.com/entry/houston-harvey-environmental-justice_us_59a41c90e4b06d67e3390993); Union of Concerned Scientists, "Double Jeopardy in Houston: Acute and Chronic Chemical Exposures Pose Disproportionate Risks for Marginalized Communities," 2016, p. 5-6. <http://www.ucsusa.org/sites/default/files/attach/2016/10/ucs-double-jeopardy-in-houston-full-report-2016.pdf> (accessed August 30, 2017).

<sup>2</sup> UCS, "Double Jeopardy," 2016, p. 1.

<sup>3</sup> Ibid, 10.

<sup>4</sup> Dank and Glenza, "Harvey shines a spotlight on a high-risk area of chemical plants in Texas," *The Guardian*, September 2017.

<sup>5</sup> Cole, Luke W., and Sheila R. Foster. *From the ground up: Environmental racism and the rise of the environmental justice movement*. NYU Press, 2001; Bullard, Robert D., ed. *Confronting environmental racism: Voices from the grassroots*. South End Press, 1993.

Obama, the EPA deepened its commitment to environmental justice by issuing *Plan EJ 2014* and *EJ Action Agenda 2020*.<sup>6</sup>

“Pursuing a Toxic Agenda” shows how the Trump administration has begun to reverse decades of progress toward environmental justice. Significantly, the new administration’s proposed budget for 2018 eliminates the EPA’s Office of Environmental Justice entirely, a clear indication of this administration’s priorities. In this report, we examine how the current administration’s policies, proposed budget cuts, stated priorities, and political appointments will increase toxic burdens on environmentally impacted communities, including poor communities living near hazardous waste facilities and farmworkers at risk of pesticide exposure.

In his first few months in office, Trump signed multiple executive orders to deregulate toxic industries, prioritizing economic profit over environmental and public health.<sup>7</sup> Through proposed cuts to scientific research and environmental enforcement, the current administration threatens the government’s capacity to investigate and respond to the health effects of industrial pollution. Trump’s proposed budget also significantly reduces federal support for toxic waste cleanups, local air and water quality initiatives, and household lead reduction programs—all environmental problems that disproportionately affect socially and economically marginalized communities.

“Pursuing a Toxic Agenda” is the second installment in EDGI’s series of reports on the Trump administration, *The First 100 Days and Counting*. These reports feature collaborative academic work to provide timely, in-depth analysis of actions by the Trump administration that impact environmental health. Our first report drew from over 60 interviews with current and retired EPA and OSHA employees, and situated the current, dramatic changes at the EPA in

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<sup>6</sup> *Plan EJ 2014* and *EJ Action Agenda 2020* are both discussed later in this report. The Obama administration did not have a perfect or unblemished record on environmental justice. See David N. Konisky, ed. *Failed Promises: Evaluating the Federal Government’s Response to Environmental Justice*. (Cambridge, MA: MIT Press, 2015); Talia Buford, “Has the Moment for Environmental Justice Been Lost,” *Propublica*, July 24, 2017, <https://www.propublica.org/article/has-the-moment-for-environmental-justice-been-lost>.

<sup>7</sup> Moreover, Trump’s EPA has been easier on environmental violators in the first few months of his presidency, collecting 60% less in civil penalties than previous administrations had by the end of their first six months in office; see Environmental Integrity Project, “Civil Penalties Against Polluters Drop 60 Percent So Far Under Trump,” August 10, 2017, <http://www.environmentalintegrity.org/news/penalties-drop-under-trump>.

historical context. The report concluded that the Trump administration poses the most serious threat the EPA has faced in the agency's 47-year existence.

To situate this report, we begin with a brief chronology of environmental justice activism in the U.S., including how the EPA has adopted environmental justice principles—albeit unevenly and not without criticism from environmental justice advocates.

The bulk of the report examines some of the ways the new administration—in its first seven months in office—has already placed vulnerable communities at greater risk of environmental harm. We present specific examples, including:

- The administration's support for the Dakota Access Pipeline
- Reversal of a ban on the agricultural pesticide, chlorpyrifos, which is known to cause developmental damage in children
- Changes to workplace safety regulations
- Weakened lead remediation and education programs
- Reduced funding for toxic cleanups
- Attempts to limit environmental data collection and access

We conclude with concrete recommendations for communities concerned with environmental justice—from grassroots organizations to government employees to private sector actors to concerned members of the public. We also conclude with a statement of values and aspirations for “environmental data justice,” focusing on the important role of science, environmental monitoring, and data in the struggle to address environmental inequalities. Community involvement in environmental research (for example, in framing research questions and conducting studies) and access to government datasets (such as pollution reports, health statistics, and geospatial data on race and income) are essential tools for community activists and democratic engagement more broadly.

## What Is Environmental Justice?

Executive Order 12898, signed by President Clinton in 1994, directs all federal agencies,

"[T]o make achieving environmental justice part of its mission by identifying and addressing [...] disproportionately high and adverse human health or environmental effects on minority populations and low-income populations..."<sup>8</sup>

Only a few years before Clinton's executive order, which also created an Interagency Working Group on Environmental Justice, President George H. W. Bush had created an Office of Environmental Equity (now the Office of Environmental Justice<sup>9</sup>) at the EPA. These federal actions were hard-won outcomes of many years of grassroots organizing pushing the government to recognize the intersection of social inequalities and environmental problems.

In 1991, the National People of Color Environmental Leadership Summit met in Washington, D.C., and drafted seventeen "Principles of Environmental Justice." The Principles include "the right of all workers to a safe and healthy work environment," the need to "clean up and rebuild our cities and rural areas," and the right of communities to "participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement, and evaluation."<sup>10</sup> The Principles reflect the shared concerns of many different social groups at the Summit, stemming from civil rights, farmworker justice, and indigenous rights organizations.<sup>11</sup> According to legal

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<sup>8</sup> Executive Order 12898 of February 11, 1994, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, *The Federal Register* 59, no. 32, (2004): <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>.

<sup>9</sup> The same Office of Environmental Justice the Trump budget seeks to dissolve.

<sup>10</sup> Environmental Working Group, "17 Principles of Environmental Justice," October 7, 2007, <http://www.ewg.org/enviroblog/2007/10/17-principles-environmental-justice#.WY48ajOZNE4>, Charles Lee, ed. *The First National People of Color Environmental Leadership Summit: The Washington Court on Capitol Hill*, Washington, D.C., October 24-27, 1991 : Proceedings (The Commission, 1991).

<sup>11</sup> The legal scholars and environmental lawyers Luke Cole and Sheila Foster list multiple "tributaries" that came together to form the environmental justice movement, including the civil rights movement, anti-toxics activism, Native American struggles over land and sovereignty, and the labor movement. See Luke W. Cole and Sheila R. Foster, *From the ground up: Environmental racism and the rise of the environmental justice movement*. (New York: NYU Press, 2001). For a

scholars Cole and Foster (2001), “[un]precedented alliances were formed at the Summit and participants made conceptual linkages between seemingly different struggles, identifying common themes of racism and economic exploitation of people and land.”<sup>12</sup>

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sense of this broader movement, see [the Interview](#), and literature such as Joan D. Flocks, “The Environmental and Social Injustice of Farmworker Pesticide Exposure,” *Georgetown Journal on Poverty Law & Policy* 19, (2012): 255-282; Laura Pulido, *Environmentalism and Economic Justice: Two Chicano Struggles in the Southwest* (Tucson: University of Arizona Press, 1996); Elizabeth Hoover et al., “Indigenous Peoples of North America: Environmental Exposures and Reproductive Justice,” *Environmental Health Perspectives* 120, no. 12 (2012): 1645–49.

<sup>12</sup> Cole and Foster, 2001, p. 32

## 17 Principles for Environmental Justice

1. affirms the sacredness of Mother Earth, ecological interdependence of all species, and the right to be free from ecological destruction.

2. demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.

3. mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet.

4. calls for universal protection from nuclear testing, extraction, production and disposal of toxic and hazardous materials that threaten the fundamental right to a healthy environment.

5. affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

6. demands cessation of production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held accountable for detoxification and the containment.

7. demands the right to participate as equal partners at every level of decision-making, from assessment, and planning, to implementation, enforcement and evaluation.

8. affirms the right of all workers to a safe and healthy work environment. It also affirms the right of those who work at home to be free from environmental hazards.

9. protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

10. considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11. must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12. affirms the need for ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access to the full range of resources.

13. calls for the strict enforcement of principles of informed consent, and a halt to testing of experimental reproductive and medical procedures and vaccinations on people of color.

14. opposes the destructive operations of multi-national corporations.

15. opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16. calls for the education of present and future generations emphasizing social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17. requires that we make personal choices to consume as little of Mother Earth's resources as possible; and make the conscious decision to reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

Adopted October 27, 1991, in Washington, D.C. by the National People of Color Environmental Leadership Summit

**Figure 1:** "17 Principles for Environmental Justice", National People of Color Environmental Leadership Summit, Washington, D.C., October 27, 1991: see <http://www.ewg.org/enviroblog/2007/10/17-principles-environmental-justice>.

The civil rights movement was especially important in raising awareness and framing early discourse and debate. Even the term, “environmental justice,” and its sibling, “environmental racism,” come out of a civil rights struggle: the campaign against a toxic landfill in Warren County, North Carolina. In the 1970s and 1980s, black and white residents of Warren County joined with civil rights activists—some from Martin Luther King Jr.’s Southern Christian Leadership Conference—to protest the siting of a PCB landfill in their community.<sup>13</sup> The campaign relied on tactics used in civil rights protests, such as nonviolent direct actions by lying in the road to stop PCB dump trucks, marches, and picketing. Although unsuccessful in stopping the landfill, the campaign sparked a movement as well as subsequent research studies that revealed systematic racial and economic inequalities in toxic exposure.

During the 1980s, environmental justice organizing spread, and a field of policy and academic research developed on the topic. Quantitative, large-scale studies—importantly, relying on federal census data—led to reports such as a [1983 General Accounting Office \(GAO\) study](#), which found that 3 out of every 4 toxic waste facilities in the Southeast were located in majority black communities.<sup>14</sup>

In 1987, the United Church of Christ Commission on Racial Justice expanded the GAO’s report on a national scale in [“Toxic Waste and Race in the United States,”](#) which revealed nation-wide patterns in the location of hazardous waste facilities near low-income Black and Latino communities.<sup>15</sup> These and other developments inspired the 1988 Great Louisiana Toxics March, which drew attention to an 85-mile petrochemical corridor between Baton Rouge and New Orleans, known as “cancer alley.”<sup>16</sup>

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<sup>13</sup> Eileen McGurty, *Transforming Environmentalism: Warren County, PCBs, and the Origins of Environmental Justice* (Rutgers University Press, 2009).

<sup>14</sup> U.S. General Accounting Office, “Siting Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities,” June 1983, <http://www.gao.gov/products/RCED-83-168> (accessed May 10, 2017).

<sup>15</sup> United Church of Christ Commission on Racial Justice, “Toxic Waste and Race in the United States”, 1987.

<sup>16</sup> Barbara L. Allen, *Uneasy Alchemy: Citizens and Experts in Louisiana’s Chemical Corridor Disputes* (Cambridge, MA: MIT Press, 2003).

Louisiana Advisory Committee United States Commission on Civil Rights, “The Battle for Environmental Justice in Louisiana : Government, Industry, and the People,” (1993), <http://link.law.upenn.edu/portal/The-battle-for-environmental-justice-in-Louisiana/8APAGqPQicM/> (accessed May 24, 2017).

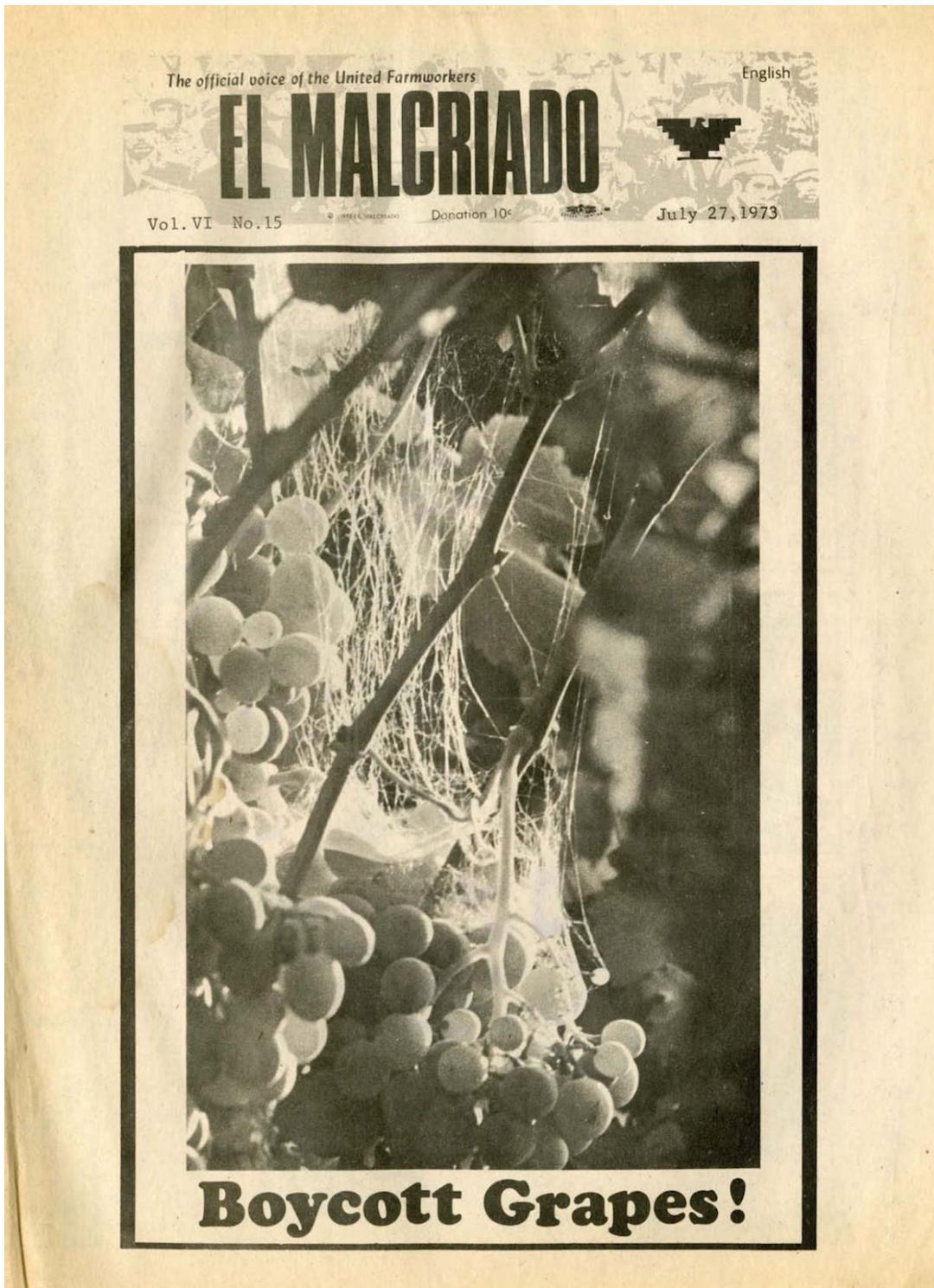


**Figure 2:** Delta Greens at the Great Louisiana Toxic March, 1988. Photo by John Clark.

Image from Library of Congress:

[https://commons.wikimedia.org/wiki/File:Water\\_Is\\_Life\\_Louisiana\\_1988.jpg](https://commons.wikimedia.org/wiki/File:Water_Is_Life_Louisiana_1988.jpg)

As these protests and research studies gained national attention, other, long-standing social movements adopted the environmental justice organizing frame. For example, in the 1970s, the United Farm Workers in California's Central Valley protested farm labor conditions by publicizing the health effect of pesticides used on lettuce and grapes—an early environmental justice campaign, although the organizers did not yet use those words. Today, the UFW's legacy is evident in many environmental justice organizations and political campaigns in the Central Valley, which have protested farmworker pesticide exposure, pesticide drift into nearby residential communities, and other environmental inequalities. Soon after the 1993 publication of *Toxic Wastes and Race* based on EJ arguments, the group El Pueblo para el Aire y Agua Limpio (People for Clean Air and Water) in the agricultural town of Kettleman City successfully stopped the building of a toxic waste incinerator near their community.



**Figure 3:** United Farm Workers' *Malcriado* Volume 6, No. 15, featuring the Grape Boycott, July 27, 1973. Image from University of California, San Diego's UFW Archives: [https://libraries.ucsd.edu/farmworkermovement/ufwarchives/elmalcriado/Ybarra/July%2027,%201973%20No.15\\_PDF.pdf](https://libraries.ucsd.edu/farmworkermovement/ufwarchives/elmalcriado/Ybarra/July%2027,%201973%20No.15_PDF.pdf).

These campaigns alerted environmental activists and supporters, and increasingly the general public, about a new framework for thinking about environmental contamination, from a perspective of equity and justice. Since the 1980s EJ groups have emerged to respond to a broad array of social structural issues: transportation, food, community development, parks and recreation, climate, housing, and reproductive rights.

## Empty Promises: Environmental Justice and the EPA

In an ideal world, justice and equity would be core and guiding components for the EPA and for all federal agencies. Yet government institutions reflect the broader societies they come from, often reinforcing rather than ameliorating social inequalities. In 2000, black residents in the Charlton-Pollard neighborhood of Beaumont, Texas, an hour east of Houston, filed air quality complaints with the EPA after the Exxon refinery changed to sulphur-heavy emissions and community members fell gravely ill.<sup>17</sup> In May 2017, 17 years after the initial complaint, the EPA issued a [letter](#) declaring the case resolved, suggesting Exxon-Mobil implement only minimal changes. After Harvey, Exxon-Mobil reported damages and a serious sulphur dioxide leak as well as an oil spill in Beaumont.<sup>18</sup> The story of environmental injustice in the Charlton-Pollard neighborhood brought to the fore by Harvey can be understood in relation to the ongoing water crisis in Flint, Michigan, which was first addressed in a [Title VI complaint in 1992](#). The Flint complaint opposed the placement of the Genesee Power Station near a low-income community of color stating, “The [hazardous] site selection is ruthless, insensitive, and only driven by purely econom[ic] factors,” and amounts to environmental racism.

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<sup>17</sup> Shannon Lerner, “Exxon Mobil is Still Pumping Toxins into a Black Community in Texas,” The Intercept, August 13, 2017, <https://theintercept.com/2017/08/13/exxon-mobil-is-still-pumping-toxins-into-black-community-in-texas-17-years-after-civil-rights-complaint>.

<sup>18</sup> Liz Teitz, “Exxon Mobil Beaumont refinery reports oil spill,” The Beaumont Enterprise, September 2, 2017, <http://www.beaumontenterprise.com/news/article/Exxon-reports-oil-spill-on-county-property-12169312.php>; Aleen Brown, “Harvey Victims Face Toxic Pollution as Recovery Begins,” The Intercept, August 31, 2017, <https://theintercept.com/2017/08/31/harvey-victims-face-toxic-pollution-as-hurricane-recovery-begins>.

The fact that the EPA took nearly 20 years to address these complaints, even partially, emphasizes how government environmental agencies often fail to advocate for the health of vulnerable residents across the country. Indeed, it suggests that these agencies respond more readily to economic and development priorities rather than to issues of environmental injustice.

The continuity of this pattern is partly due to the inefficacy of Clinton's Executive Order 12898, which remained vague on how to institute environmental justice and so was vulnerable to narrow court interpretations and shifting political agendas. A report by EPA's Office of the Inspector General in 2004, ten years after the order, found that the EPA had not yet "developed a clear vision or a comprehensive strategic plan, and has not established values, goals, expectations and performance measurements" for integrating environmental justice into the EPA's work.<sup>19</sup> Under President George W. Bush, the EPA even removed race and class from special consideration, effectively completely negating the meaning of environmental justice.<sup>20</sup>

Given the weakness of Clinton's executive order, environmental justice organizations also have attempted to use Title VI of the 1964 Civil Rights Act, which states, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Under Title VI, the EPA has authority to deny funds to projects or programs that have discriminatory impacts in "permitting decisions, service provision, enforcements, public participation practices, funding allocations, and planning activities," in short, to enforce civil rights in the realm of environmental policy.

Yet according to legal scholarship on Title VI and environmental justice, the EPA has a "dismal enforcement record" in this regard.<sup>21</sup> In 2016, the U.S.

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<sup>19</sup> Daniel J. Carroll and Steven J. Weber, "EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice," EPA Office of Inspector General, March 1, 2004, <https://www.epa.gov/sites/production/files/2015-10/documents/20040301-2004-p-00007.pdf>; David Konisky, "Federal Environmental Justice Policy: Lessons Learned." In *Failed Promises: Evaluating the Federal Government's Response to Environmental Justice*, ed. David Konisky, 233-257, (Cambridge, MA: MIT Press, 2015).

<sup>20</sup> Julie Sze and Jonathan K. London. "Environmental Justice at the Crossroads", *Sociology Compass* 2, no. 4 (2008): 1331–1354. DOI: 10.1111/j.1751-9020.2008.00131.x

<sup>21</sup> Lo Presti, "Realizing the Promise of Environmental Civil Rights", 2013: p. 767, see also Earthjustice, "What you need to know about Title VI," Accessed at <http://earthjustice.org/features/what-you-need-to-know-about-title-vi>.

Commission on Civil Rights found that “[t]he EPA has a history of being unable to meet its regulatory deadlines and experiences extreme delays in responding to Title VI complaints in the area of environmental justice.” Importantly, the Commission also found that in the 27 years since Clinton’s Executive Order was signed into law, 300 Title VI complaints have been filed, and yet, the “EPA’s Office of Civil Rights has never made a formal finding of discrimination and has never denied or withdrawn financial assistance from a recipient in its entire history, and has no mandate to demand accountability within the EPA.”<sup>22</sup> For these reasons, the EPA’s adoption of environmental justice has been critiqued by activists and scholars as a “failed promise.”<sup>23</sup>

## Small Improvements for Environmental Justice

While the full promise of EJ at EPA has been unmet, there are small but important ways in which the EPA has materially improved conditions for some communities. It is important to recognize that continued social movement advocacy *worked* in pushing the EPA to adopt a number of policies, practices, and new staff positions, all of which have created space within the agency for environmental justice considerations. For example, in addition to the Office of Environmental Justice, in 1993 the EPA established the National Environmental Justice Advisory Council (NEJAC), which consists of stakeholders from faith-based groups, universities, tribal governments, business and industry, state and local governments, and nonprofit organizations.<sup>24</sup> NEJAC meets once a year and acts as an advisory body to the EPA. According to Mustafa Ali, former head of the EPA’s Office of Environmental Justice and a NEJAC member, NEJAC “[gave people a conduit](#)” to the government, and a way to “move the conversation forward.”<sup>25</sup>

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<sup>22</sup> U.S. Commission on Civil Rights, “Environmental Justice: Examining the Environmental Protection Agency’s Compliance and Enforcement of Title VI and Executive Order 12,898,” (September 2016): p. 1, 90, 121.

[http://www.usccr.gov/pubs/Statutory\\_Enforcement\\_Report2016.pdf](http://www.usccr.gov/pubs/Statutory_Enforcement_Report2016.pdf).

<sup>23</sup> Koinsky, *Failed Promises*

<sup>24</sup> U.S. EPA, “Environmental Justice Fact Sheet: National Environmental Justice Advisory Council,” January, 2010,  
<https://swap.stanford.edu/20131015222711/http://www.epa.gov/environmentaljustice/resources/publications/factsheets/fact-sheet-nejac-2009.pdf>.

<sup>25</sup> Lindsey Dillon, [interview with Mustafa Ali](#), August 8, 2017. For example, NEJAC was instrumental in pushing the EPA brownfields program to incorporate economic equity considerations, such as the Brownfields Job Training Program. Many brownfields (or industrial properties requiring toxic

Environmental justice grants are another community-based recommendation adopted by the EPA. Small grants, collaborative grants, and tribal grants programs channel resources into underserved and underfunded communities, enabling people to address environmental problems in their own neighborhoods. Many have been highly successful. For example, Spartanburg, South Carolina in 2015 was plagued with a number of public health issues including proximity to Superfund and brownfield sites and lack of access to healthcare facilities. They were awarded a \$25,000 small grant, began a visioning process with the community and leveraged that small grant into nearly \$300 million in changes including community health centers, mixed-use affordable housing, and investments in community asbestos abatement training.<sup>26</sup>

Under the EPA administrators appointed by President Obama, the agency began to take environmental justice more seriously. For example, under Administrator Lisa Jackson the agency adopted an environmental justice strategy, *Plan EJ 2014*, which represented “significant steps to translate the intent of the executive order [12898] into specific policies and procedures in areas such as rulemaking, permitting, and enforcement.”<sup>27</sup> *Plan EJ 2014* also included a renewed emphasis on the EPA’s Title VI program. Under Administrator Gina McCarthy, who followed Jackson, the EPA adopted *Plan EJ 2020*, which built on *Plan EJ 2014*, incorporating community feedback.<sup>28</sup> In McCarthy’s last year in office, in 2016, the EPA had increased staff and resources for Title VI complaints.<sup>29</sup>

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cleanup) are located in poor communities that struggle with unemployment, and are at risk of being displaced by gentrification that often follows from environmental cleanup and greening projects. The Brownfield Job Training Program is an attempt to bring some of the benefits of environmental cleanup to the communities that have been most impacted by toxic waste.

<sup>26</sup> Gina McCarthy, “A Promise Fulfilled: Environmental Justice Work in Spartanburg, SC,” July 1, 2015, <https://blog.epa.gov/blog/2015/07/a-promise-fulfilled-environmental-justice-at-work-in-spartanburg-sc>.

<sup>27</sup> Koinsky et al p.6. Significantly, Lisa Jackson’s first public speech after being confirmed was at a major EJ organization, WEACT for Environmental Justice, in New York.

<sup>28</sup> *Plan EJ 2020* was criticized by many environmental justice activists “for continuing a long-standing pattern of putting process over substance”; see Kristen Lombardi and Talia Buford, “EPA Draft Plan Would Perpetuate Environmental Racism,” *Center for Public Integrity*, October 9, 2015, <https://www.publicintegrity.org/2015/10/09/18269/epa-draft-plan-would-perpetuate-environmental-racism-critics-say>.

<sup>29</sup> Lindsey Dillon, [interview with Mustafa Ali](#), August 8, 2017.

In this report's conclusion, we include specific recommendations for making environmental justice a central and guiding component to the EPA's work. We also acknowledge that the EPA, and government institutions more broadly, are not the only forums through which to advocate for environmental justice. As with the social movements for racial justice and LGBTQI justice, laws and institutions have changed only after significant cultural shifts, in the realm of civil society—through education, art, and music, for example.

In what follows, we detail some of the challenges to environmental justice presented by the current administration. We show how the current administration's policies have, over its first seven months in office, increased the material toxic hazards for vulnerable communities and reduced public information gathering on workplace hazards. The proposed budget builds on this alarming trend by cutting the office of environmental justice, which would systematically undo the small purchase marginalized communities have made in shaping policy.

Low-income minority communities' health would be further imperiled by cuts to investigation and cleanup of toxic contamination, ranging from lead in drinking water to disposal of hazardous waste. Beyond eliminating the voice of those at risk in policy making, and reducing provision of tools to protect communities from contamination, the budget seemingly seeks to stall EJ and health research entirely. Provisions in the budget that reduce federal data gathering and curtail future research could imperil the basic ability to make EJ arguments. In sum, this administration poses a present and future threat to environmental equity in the U.S. by catalyzing the already-widening gap between the haves and have-nots.

### **III. INCREASING ENVIRONMENTAL INEQUALITIES UNDER TRUMP**

#### **More Environmental Risks for Vulnerable Communities**

In Trump's first 100 days, three executive actions prioritizing the interests of powerful industries have increased vulnerable communities' risks of exposure to contamination from oil spills, toxic disasters, and a dangerous pesticide.

Trump's memorandum on January 24th resumed work on the controversial Dakota Access Pipeline (DAPL), which has become a rallying point for those opposing environmental racism, supporting tribal sovereignty, and promoting climate change mitigation and resilience. On March 29th, EPA Administrator Pruitt reversed EPA's own ban on chlorpyrifos, a neurotoxic pesticide.

Continued use of this pesticide would primarily harm agricultural workers and their families who live near and/or work with the pesticide. Finally, the Obama administration had put the Risk Management Program (RMP) in place so that communities that are home to industry or facilities trafficking in hazardous materials would develop strategic plans of action to protect workers and community members in the case of toxic disasters. The RMP was halted by Pruitt in his first few days in office. These three cases illustrate a concerning trend of promoting industrial profit and ignoring the environmental risk for Native Americans, workers, and immigrants.

#### ***The Dakota Access Pipeline Moves Forward***

On January 24th, just four days after the inauguration, Trump signed an executive order to advance the construction of Energy Transfer Partners' Dakota Access Pipeline, or DAPL. President Obama had blocked continued construction of the pipeline on December 4, 2016, following resistance by

15,000 “water protectors,” including 4,000 military veterans.<sup>30</sup> DAPL’s advocates argue for promoting energy independence and reducing the risks of oil train explosions. They also maintain that the pipeline would promote and sustain job creation within the U.S., despite the fact that Energy Transfer Partners’ own website estimates only 35 permanent jobs would be created.<sup>31</sup>

The pipeline project spans 1,170 miles and is projected to transport oil gleaned through hydraulic fracturing from North Dakota’s Bakken Oil Fields, through South Dakota, Iowa, and Illinois at the rate of around 500,000 barrels of oil per day.<sup>32</sup> Crude started flowing through the completed pipeline in early April, 2017 but leaked 84 gallons of oil before it was fully operational.<sup>33</sup>

The Standing Rock Sioux, along with other indigenous communities and environmental groups, have pointed out that the pipeline runs very near tribal land and risks contaminating sacred water supplies, as well as the entire water supply of the Upper Missouri River Valley. Pipelines frequently leak and contaminate surrounding water and soil for miles around the point of rupture.<sup>34</sup> Over the last 20 years, there have been nearly 3,000 significant pipeline-related incidents (ruptures, leaks, or spills of hazardous liquids) across the U.S.<sup>35</sup> Energy Transfer Partners is responsible for nearly 20 significant

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<sup>30</sup> Wes Enzinna, “Arrests and Anxiety at Standing Rock as Trump Pushes DAPL Ahead,” *MotherJones*. February 2, 2017, <http://www.motherjones.com/environment/2017/02/dakota-access-pipeline-standing-rock-trump>.

<sup>31</sup>Energy Transfer Partners. “Dakota Access Pipeline Facts.” *About the Dakota Access Pipeline*, <https://daplpipelinefacts.com/about-the-dakota-access-pipeline/>.(accessed July 03, 2017).

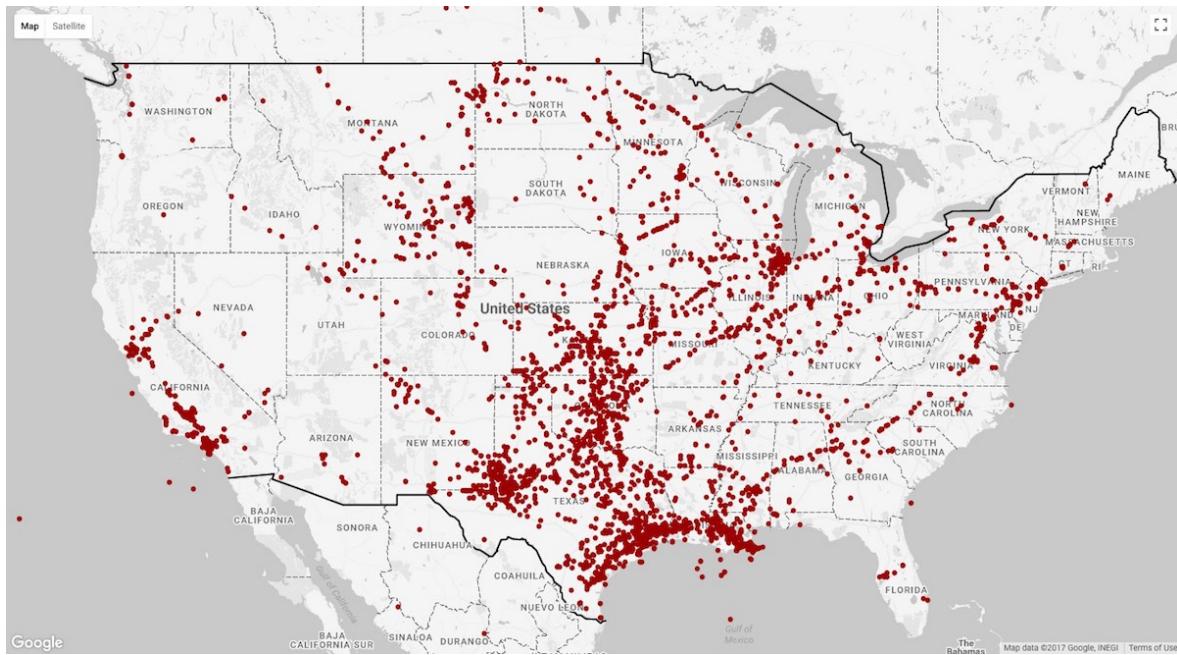
<sup>32</sup> Ibid.; U.S. Army Corps of Engineers. “Dakota Access Pipeline,” <http://www.usace.army.mil/Dakota-Access-Pipeline> (accessed May 1, 2017).

<sup>33</sup> Shannon Marvel. “S.D. Looking into Dakota Access Oil Pipeline Leak in Spink County.” *Watertown Public Opinion*, May 10, 2017, [http://www.thepublicopinion.com/news/local\\_news/s-d-looking-into-dakota-access-oil-pipeline-leak-in/article\\_d5cc89d6-3589-11e7-8289-bb5fd634f2d1.html](http://www.thepublicopinion.com/news/local_news/s-d-looking-into-dakota-access-oil-pipeline-leak-in/article_d5cc89d6-3589-11e7-8289-bb5fd634f2d1.html).

<sup>34</sup> Kevin Hardy, “Spills Plague Dakota Access Pipeline Builders, Environmental Groups Find,” *Des Moines Register*, February 6, 2017, <http://www.desmoinesregister.com/story/money/business/2017/02/06/spills-plague-dakota-access-pipeline-builders-environmental-groups-find/97552658/>; Derek Hawkins, “Pipeline 150 Miles from Dakota Access Protests Leaks 176,000 Gallons of Oil,” *Washington Post*, December 13, 2016, <https://www.washingtonpost.com/news/morning-mix/wp/2016/12/13/pipeline-150-miles-from-dakota-access-protests-leaks-176000-gallons-of-oil/>; Steve Mufson, “The Company behind the Dakota Access Pipeline Is in Another Controversy,” *Washington Post*, April 27, 2017, <https://www.washingtonpost.com/news/energy-environment/wp/2017/04/27/the-company-behind-the-dakota-access-pipeline-is-in-another-controversy/>.

<sup>35</sup> U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration, “Pipeline Incidents by System Type: Significant,” <http://bit.ly/2wrGhBk> (accessed August 18, 2017).

incidents since 2010.<sup>36</sup>



**Figure 4:** Hazardous Liquids Pipeline Leak Incidents, 2002 - present, U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration. Shaquilla Singh, EDGI. Data from:

<https://www.phmsa.dot.gov/pipeline/library/data-stats/distribution-transmission-and-gathering-liquid-and-liquid-accident-and-incident-data>.

The portion of pipeline that crosses Lake Oahe, sacred to the tribe, is a half mile upstream of the northern boundary of the Standing Rock Sioux reservation. While Energy Transfer Partners argues that the pipeline is technically not on tribal land, Oceti Sakowin scholars have demonstrated that the pipeline does indeed occupy sacred land that the 1851 Treaty of Fort Laramie later expropriated.<sup>37</sup>

<sup>36</sup> U.S. Department of Transportation Pipeline and Hazardous Materials Safety, "Administration, Distribution, Transmission & Gathering, LNG, and Liquid Accident and Incident Data," <https://hip.phmsa.dot.gov/analyticsSOAP/saw.dll?Portalpages> (accessed August 18, 2017); see Hazardous Liquid Accident data 2010-present; open in Excel, look to "Name" Column.

<sup>37</sup> Energy Transfer Partners. "Dakota Access Pipeline Facts." *Addressing Misconceptions About The Dakota Access Pipeline*, 2017. <https://dapipelinefacts.com/common-misconceptions/>; Estes, Nick. "Fighting for Our Lives: #NoDAPL in Historical Context," *The Red Nation*, September 18, 2016, <https://therednation.org/2016/09/18/fighting-for-our-lives-nodapl-in-context/>; Ostler, Jeffrey, and Nick Estes, "Opinions: 'The Supreme Law of the Land': Standing Rock and the Dakota Access Pipeline." *Indian Country Today*, January 16, 2017, <https://indiancountrymedianetwork.com/news/opinions/supreme-law-land-standing-rock-dakota-access-pipeline>.

After months of protest and injuries to over 300 protesters, the pipeline construction was finally halted in December of 2016.<sup>38</sup> As one of Trump's first executive orders resumed construction, it shows that he prioritizes fossil fuel interests above the health and wellbeing of indigenous and other minority communities. EarthJustice, an environmental law nonprofit, has since brought a suit against the Army Corps of Engineers for permitting the continued DAPL construction. On June 21, 2017, a U.S. District Court in the District of Columbia found that among other things, the Army Corps of Engineers' environmental justice analysis "was unlawful because it adopted a half mile buffer to assess oil spill risks, when studies have shown that, on a river like the Missouri, oil spills could reach far beyond a half mile."<sup>39</sup> The Court also found it unreasonable to only consider environmental justice implications within half a mile, when the Standing Rock reservation lies 0.55 miles from the pipeline. The case is ongoing and could result in shutting down the pipeline until the Army Corps makes a new assessment.

The Trump administration is comprised of many people with deep ties to fossil fuel companies, Scott Pruitt and Secretary of State Rex Tillerson chief among them.<sup>40</sup> According to the BBC, Trump held stock in Energy Transfer Partners he has since sold. It remains unclear whether he still retains stock in Phillips 66, which holds a 25% share in the DAPL project (Trump's last financial disclosure was in May 2016).<sup>41</sup> In an upcoming report, as part of *The First 100 Days and Counting*, EDGI analyzes the resurgence of fossil fuels under the new administration.

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<sup>38</sup> Julia Carrie Wong, "Dakota Access Pipeline: 300 Protesters Injured After Police Use Water Cannons," *The Guardian*, November 21, 2016, <https://www.theguardian.com/us-news/2016/nov/21/dakota-access-pipeline-water-cannon-police-standing-rock-protest>.

<sup>39</sup> Jan Hasselman, "DAPL Ruling: What Was Decided, What's Next?" *Earthjustice*, June 21, 2017, [http://earthjustice.org/features/dapl-ruling-what-was-decided-what-s-next?amp%3Butm\\_source=crm&utm\\_content=HTMLLink1&autologin=true](http://earthjustice.org/features/dapl-ruling-what-was-decided-what-s-next?amp%3Butm_source=crm&utm_content=HTMLLink1&autologin=true).

<sup>40</sup> Dennis, Brady and Steven Mufson, "Thousands of Emails Detail EPA Head's Close Ties to Fossil Fuel Industry." *The Washington Post*, February 22, 2017, [https://www.washingtonpost.com/news/energy-environment/wp/2017/02/22/oklahoma-attorney-generals-office-releases-7500-pages-of-emails-between-scott-pruitt-and-fossil-fuel-industry/?utm\\_term=.0056861b5fee](https://www.washingtonpost.com/news/energy-environment/wp/2017/02/22/oklahoma-attorney-generals-office-releases-7500-pages-of-emails-between-scott-pruitt-and-fossil-fuel-industry/?utm_term=.0056861b5fee).

<sup>41</sup> "Donald Trump: A List of Potential Conflicts of Interest." *BBC News*, April 18, 2017, <http://www.bbc.com/news/world-us-canada-38069298>.

## ***Reversing a Proposed Ban on Pesticides in Agriculture***

In one of Scott Pruitt's first formal actions as head of the EPA, he reversed a ban on agricultural use of the toxic pesticide chlorpyrifos, a broad-spectrum pesticide that was banned 17 years ago for residential use.<sup>42</sup> In making this decision, Pruitt rejected the EPA's own scientific conclusions that because of drinking water contamination, the pesticide posed serious risks to children's developing brains, and therefore should also be banned from agricultural use.<sup>43</sup>

This decision clearly increases the burden of toxic hazards on already vulnerable communities. Agricultural workers are the demographic most likely to be affected by chlorpyrifos through application of the pesticide, cultivating crops that have been sprayed with the pesticide, and consuming the pesticide on sprayed fruits and vegetables.<sup>44</sup> Over 73% of farmworkers in the U.S. work with vegetables, fruits, and nuts,<sup>45</sup> specialty crops on which chlorpyrifos is often used.<sup>46</sup> Moreover, agricultural workers are predominantly immigrants from Central America, living under the poverty line and in close proximity to the fields they tend.<sup>47</sup> A series of studies found that concentrations of

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<sup>42</sup> Andrew C. Revkin, "E.P.A., Citing Risks to Children, Signs Accord to Limit Insecticide," *The New York Times*, June 9, 2000.

<http://www.nytimes.com/2000/06/09/us/epa-citing-risks-to-children-signs-accord-to-limit-insecticide.html>.

<sup>43</sup> Ibid.; "Chlorpyrifos: Tolerance Revocations." *Federal Register* 80, no. 215 (November 6, 2015). <https://www.gpo.gov/fdsys/pkg/FR-2015-11-06/html/2015-28083.htm>; Lipton, Eric. "E.P.A. Chief, Rejecting Agency's Science, Chooses Not to Ban Insecticide." *The New York Times*, March 29, 2017. <https://www.nytimes.com/2017/03/29/us/politics/epa-insecticide-chlorpyrifos.html?mcubz=0>.

<sup>44</sup> Fenske, R. A. "Pesticide Exposure Assessment of Workers and Their Families." *Occupational Medicine (Philadelphia, Pa.)* 12, no. 2 (June 1997): 221–37.; Harnly, Martha E., Asa Bradman, Marcia Nishioka, Thomas E. McKone, Daniel Smith, Robert McLaughlin, Geri Kavanagh-Baird, Rosemary Castorina, and Brenda Eskenazi. "Pesticides in Dust from Homes in an Agricultural Area." *Environmental Science & Technology* 43, no. 23 (December 2009): 8767–74.

doi:10.1021/es9020958.; Lu, Chensheng, Golan Kedan, Jennifer Fisker-Andersen, John C. Kissel, and Richard A. Fenske. "Multipathway Organophosphorus Pesticide Exposures of Preschool Children Living in Agricultural and Nonagricultural Communities." *Environmental Research* 96, no. 3 (November 2004): 283–89. doi:10.1016/j.envres.2004.01.009.

<sup>45</sup> U.S. Department of Labor, "The National Agricultural Workers Survey, Employment & Training Administration (ETA)." November 15, 2015, p. 86.

[https://www.doleta.gov/naws/pages/public-data/docs/CodeBook\\_PA\\_2003-2014\\_508.pdf](https://www.doleta.gov/naws/pages/public-data/docs/CodeBook_PA_2003-2014_508.pdf) (accessed August 18, 2017).

<sup>46</sup> National Agricultural Statistics Service, "Agricultural Chemical Use Database," <http://www.pestmanagement.info/nass/> (accessed July, 21, 2017).

<sup>47</sup> U.S. Department of Labor, National Ag Workers Survey," 2015, p. 100.

chlorpyrifos in house dust were elevated in agricultural workers' homes more than one quarter of a mile from farmland. Chlorpyrifos residues were also detected on work boots and hands of many agricultural worker families, while not on nearby non-agricultural families, showing that farmworkers bring the neurotoxic pesticide home with them.<sup>48</sup> Chlorpyrifos is an endocrine-disrupting chemical (EDC), and human exposure to EDCs during fetal growth and puberty increases risk of reproductive issues, endocrine-related cancers, diabetes, learning disorders, and many other problems.<sup>49</sup> Acute exposure can lead to psychiatric symptoms including anxiety, depression, and confusion.<sup>50</sup>

In 2015, the Pesticide Action Network (PAN) brought a lawsuit against the EPA,<sup>51</sup> which resulted in a human health assessment and EPA's subsequent decision to ban chlorpyrifos. EPA scientists in the Office of Pesticide Programs (OPP) confirmed previous studies, finding a link between neurological disorders, memory decline and learning disabilities in children and exposure to the chemical through diet.<sup>52</sup> The impact of toxic exposure to this compound will be experienced for generations by farmworker families. And chlorpyrifos is just one of myriad hazardous chemicals used in food production.

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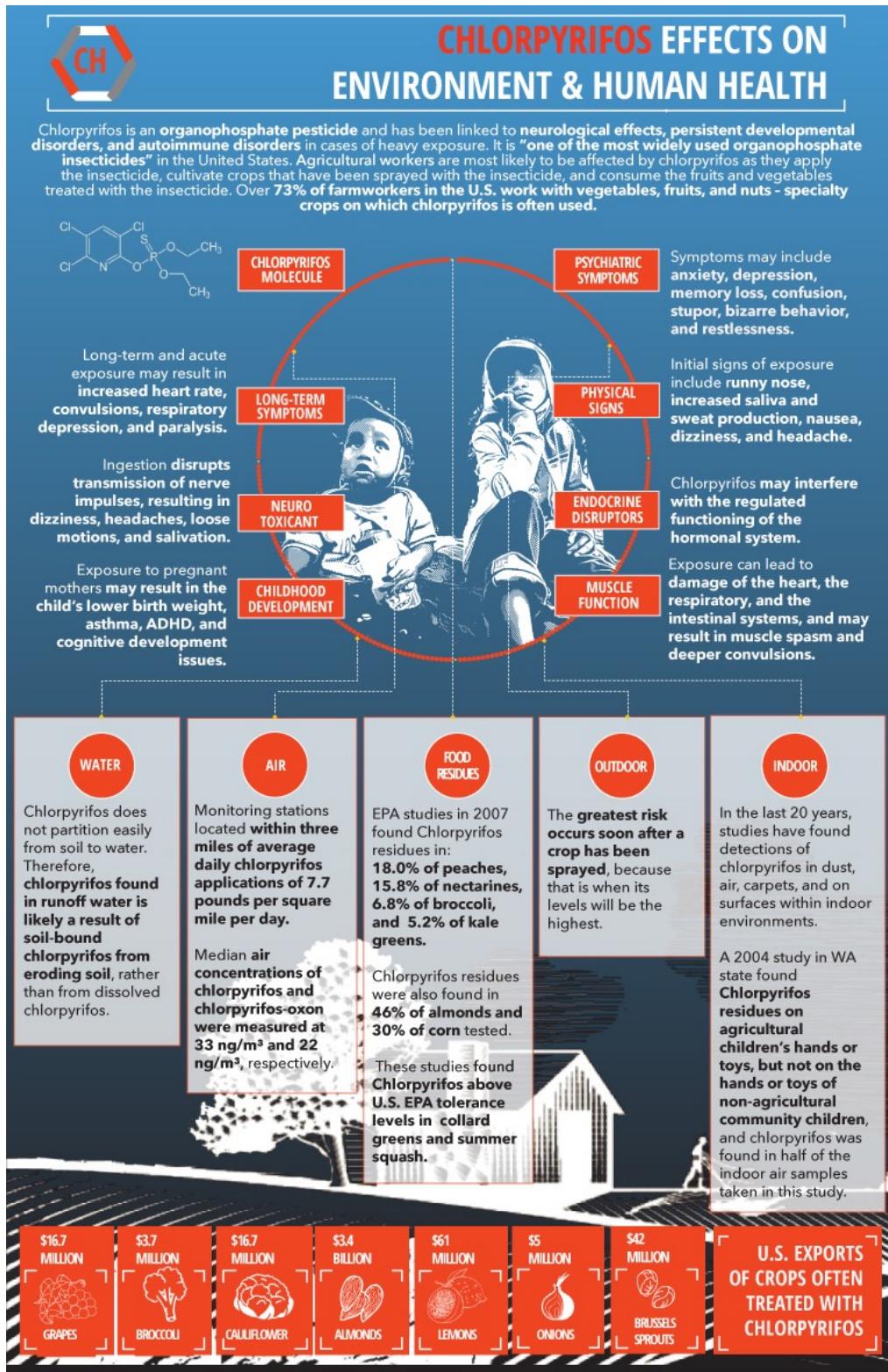
<sup>48</sup>Harnly et al., "Pesticides in Dust from Homes in an Agricultural Area."; Lu et al., "Multipathway Organophosphorus Pesticide Exposures of Preschool Children Living in Agricultural and Nonagricultural Communities.", Curwin, B. D., M. J. Hein, W. T. Sanderson, C. Striley, D. Heederik, H. Kromhout, S. J. Reynolds, and M. C. Alavanja. "Urinary Pesticide Concentrations Among Children, Mothers and Fathers Living in Farm and Non-Farm Households in Iowa." *Annals of Occupational Hygiene* 51, no. 1 (June 23, 2006): 53–65. doi:10.1093/annhyg/mel062.; US EPA, "Chlorpyrifos," 2017.

<sup>49</sup> Mnif, Wissem, Aziza Ibn Hadj Hassine, Aicha Bouaziz, Aghleb Bartegi, Olivier Thomas, and Benoit Roig. "Effect of Endocrine Disruptor Pesticides: A Review." *International Journal of Environmental Research and Public Health* 8, no. 12 (June 17, 2011): 2265–2303. doi:10.3390/ijerph8062265.

<sup>50</sup> Roberts, James R., and J. Routt Reigart. *Recognition and Management of Pesticide Poisonings*. 6th ed. Washington, D.C.: U.S. Environmental Protection Agency Office of Pesticide Programs, 2013.

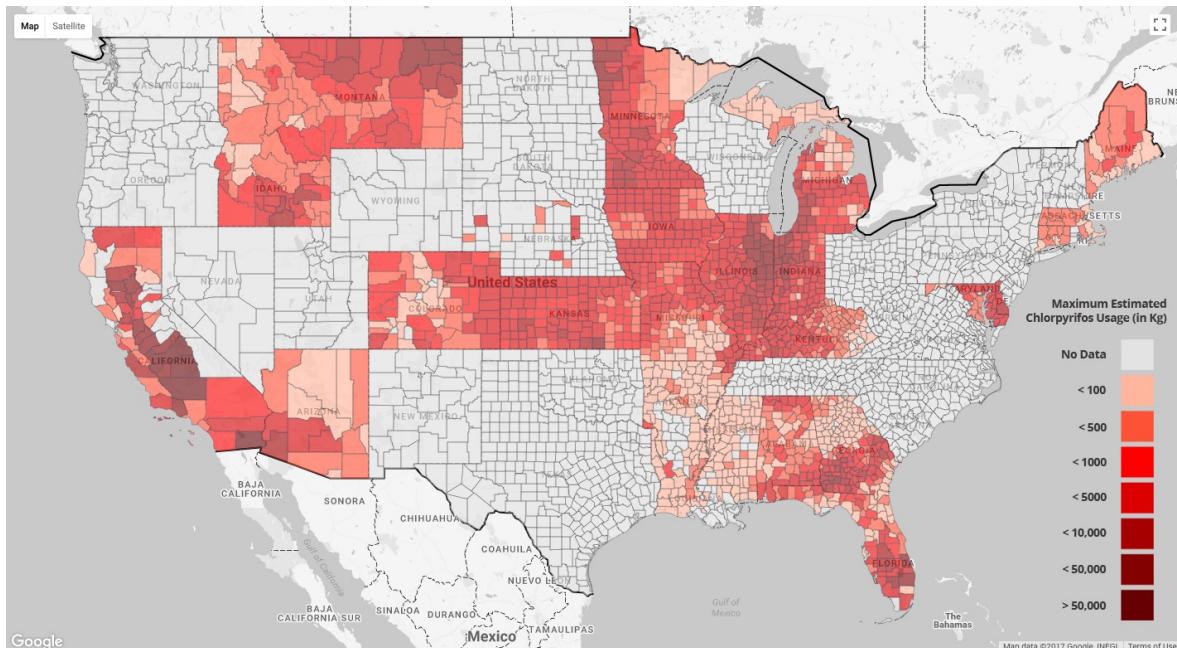
<sup>51</sup> Goldman, Patti A., and Boyles, Kristen L. In "Pesticide Action Network North America and Natural Resources Defense Council, Inc., Petitioners, v. U.S. EPA," Respondent. No. 14-72794, No. Petition for a Writ of Mandamus to the Environmental Protection Agency Argued and Submitted June 1, 2015 — Seattle, Washington (United States Court of Appeals for the Ninth Circuit August 10, 2015).

<sup>52</sup> U.S. EPA. "Chlorpyrifos: Revised Human Health Risk Assessment for Registration Review." Washington, D.C., November 3, 2016.; U.S. EPA. "The Frank R. Lautenberg Chemical Safety for the 21st Century Act." *Assessing and Managing Chemicals Under TSCA*, <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safe-ty-21st-century-act>. (accessed July 20, 2017).; Lipton, "E.P.A. Chief Chooses Not to Ban Insecticide"; U.S. EPA. "Chlorpyrifos," April 26, 2017. <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>.



**Figure 5:** "Chlorpyrifos Effects on Environment and Human Health," Annie Liang, EDGI, 2017.

Pruitt's reversal of the EPA's proposed ban on chlorpyrifos for agricultural use demonstrates the Trump administration's disregard for the wellbeing of immigrant and minority populations and their children. Farmworkers are vital to the U.S. economy and contribute to feeding people across the globe, yet they are chronically and erroneously characterized by the administration as villains preying on America's goodwill. By unilaterally dismissing his agency's exhaustive study of this chemical, Pruitt imperils future generations of farmworkers and demonstrates that scientific evidence no longer guides decision-making at the EPA.



**Figure 6:** Maximum Estimated Agricultural Usage of Chlorpyrifos (in kilograms), 2014, Department of the Interior, U.S. Geological Survey, National Water Quality Program. Shaquilla Singh, EDGI. Data from: <https://water.usgs.gov/nawqa/pnsp/usage/maps/county-level/PreliminaryEstimates/EPest.county.estimates.2014.txt>.

## ***Increasing Risks for Workers and Communities Living Near Hazardous Facilities***

This worrying trend of increasing the burdens borne by vulnerable populations extends far beyond the EPA. Since taking office, the Trump administration has curbed requirements for providing public information on workplace risks by rolling back revisions to the Risk Management Plan rule and the Fair Pay and Safe Workplaces rule. These revisions required the provision of information necessary for improving the safety of chemical processing, improving information access for first responders to industrial accidents, and protecting local communities.<sup>53</sup> Such plans are vital in the context of decaying public infrastructure coupled with the increasing frequency and severity of catastrophic weather events brought by climate change.

Workers, especially those laboring in facilities that refine, store, or manufacture with toxic chemicals, are disproportionately subjected to environmental risks and can be considered an “environmental justice community.” At the very end of the Obama Administration, the EPA published a substantial package of revisions to the RMP rule, which requires facilities that use extremely hazardous substances to develop a Risk Management Plan (RMP).<sup>54</sup> Specifically, it directed facilities to conduct root cause analyses following catastrophic toxics releases, third-party audits following RMP-reportable accidents for a subset of industries, safer technology and alternative analyses as part of five-year process hazard analyses, and enhanced emergency response activities.<sup>55</sup> The RMP amendments listed a number of catastrophes that could have been prevented had these companies conducted and learned from such analyses, including the nationally reported

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<sup>53</sup> Environmental Data & Governance Initiative (EDGI), “Public Comment on Proposed Rule: Accidental Release Prevention Requirements: Risk Management Program Under Clean Air Act: Further Delay of Effective Date,” May 19, 2017.

<https://envirodatagov.org/wp-content/uploads/2017/05/RMP-Amendments-Proposed-Delay-Public-Comment-Submission.pdf>.

<sup>54</sup> Stephen M. Richmond, Mark N. Duvall, and Jayni Lanham, “EPA Stays RMP Rule Amendments and Grants Petition for Reconsideration,” Law, : *Environmental and Natural Resources Law, Attorneys, Beveridge & Diamond*, (March 15, 2017). <http://www.bdlaw.com/news-2034.html>.

<sup>55</sup> U.S. EPA, “Correction: EPA Extends the Effective Date of Risk Management Plan Rule\*,” Speeches, Testimony and Transcripts, <https://www.epa.gov/newsreleases/correction-epa-extends-effective-date-risk-management-plan-rule>. (accessed April 27, 2017).

explosion of the BP Texas City Refinery in West, Texas in 2005, which killed 15 people, injured 180, and forced 43,000 from their homes. Overwhelming nearby neighborhoods, the explosion caused over \$1.5 billion in damages.<sup>56</sup>

On March 13, 2017, Pruitt put the RMP amendment on hold, citing an investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives determining that the West Texas explosion was an act of arson, rather than an industrial accident, which he argues was skipped over in the public comment period for the RMP amendment.<sup>57</sup> However, the cause of the explosion clearly does not invalidate the need for emergency response plans.

In the wake of Harvey, the Arkema chemical plant in Colby, Texas, just beyond East Houston, exploded, sending a 30 foot plume into the air.<sup>58</sup> Fourteen first responders sustained injuries. This incident underscores the need for the revisions to the RMP to be upheld to protect vulnerable communities living near RMP facilities.

Furthermore, this incident highlights the Trump Administration's close ties with industry. According to documents reviewed by the *International Business Times*, Arkema and its affiliated trade association, the American Chemistry Council, which represents the chemical industry that has spent tens of millions of dollars to influence federal, state, and local elections, lobbied vigorously to convince the Trump administration to put the RMP revisions on hold.<sup>59</sup>

A week after the stay RMP revision, the Republican-controlled U.S. Congress

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<sup>56</sup> EDGI, "Public Comment," May, 2017.

<sup>57</sup> Bureau of Alcohol ,Tobacco, Firearms and Explosives Houston Field Div., "ATF Announces \$50,000 Reward in West, Texas Fatality Fire," May 11, 2016, <https://www.atf.gov/news/pr/atf-announces-50000-reward-west-texas-fatality-fire>; Richmond, Duvall, and Lanham, "EPA Stays RMP Rule Amendments and Grants Petition for Reconsideration."; Markwayne Mullin, "H.J.Res.59 - 115th Congress (2017-2018): Providing for Congressional Disapproval under Chapter 8 of Title 5, United States Code, of the Rule Submitted by the Environmental Protection Agency Relating to 'Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act'.," webpage, (February 3, 2017), <https://www.congress.gov/bill/115th-congress/house-joint-resolution/59>.

<sup>58</sup> ABC13 Houston Investigative Team, " More explosions expected at Arkema plant in Crosby," Septermber 2, 2017, <http://abc13.com/more-explosions-expected-at-arkema-plant-in-crosby/2369548>.

<sup>59</sup> David Sirota, Alex Kotch, Jay Cassano and Josh Keefe, "Texas Republicans Helped Chemical Plant that Exploded Lobby Against Safety Rules," *International Business Times*, August 31, 2017, <http://www.ibtimes.com/political-capital/texas-republicans-helped-chemical-plant-exploded-lobby-against-safety-rules>.

repealed the Fair Pay and Safe Workplaces rule, which required applicants for governmental contracts to disclose violations of labor laws, including those protecting safety and health. Without this rule, federal funds can now support companies with some of the worst records of worker protection.<sup>60</sup> The U.S. Congress has also repealed a rule set forth by the Obama administration promoting the Occupational Safety and Health Administration (OSHA)'s longstanding practice of requiring businesses to keep a minimum of five years of records on occupational injuries and accidents. Now only six months of records are required. While five years of record-keeping had illuminated persistent patterns of danger and pointed to more effective solutions, this shortened record-keeping period makes it nearly impossible for OSHA to set record-keeping standards that can effectively identify ongoing workplace conditions that are unsafe or even life-threatening.

As in places like Crosby, Texas, threatened with severe weather that can cause industrial accidents, communities near potentially hazardous industrial sites stand to suffer from the stay of the rule's revisions. Workers themselves will also be at higher risk, along with conscientious employers who must now compete with those who cut corners with workplace safety.<sup>61</sup> Business groups have also successfully pushed for a delay and possible reconsideration of an Obama administration rule requiring electronic submission injury records that would then become publicly accessible.<sup>62</sup> As the Trump administration has

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<sup>60</sup> U.S. House of Representatives, *Disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation*, March 27, 2017. 115th Cong., Public Law 11, Res., 37. p. 131.

<https://www.congress.gov/bill/115th-congress/house-joint-resolution/37/text?overview=closed>; Department of Defense, General Services Administration, and National Aeronautics and Space Administration, “[Federal Acquisition Regulation: Federal Acquisition Circular 2005-90; Introduction](#),” *Federal Register* vol. 81, no. 165 (August 25, 2016).

<sup>61</sup> U.S. Congress. *Disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness"*, February 21, 2017. 115th Cong., Public Law 21, Res. 83, p. 131.

<sup>62</sup> Juliet Eilperin, “OSHA Suspends Rules Requiring Firms Report Injury, Illness Data Electronically,” *Washington Post*, March 27, 2017, [https://www.washingtonpost.com/politics/osha-suspends-rule-requiring-firms-report-injury-and-illness-data-electronically/2017/05/17/5b26d964-3b35-11e7-9e48-c4f199710b69\\_story.html?utm\\_term=.104175eedbd8](https://www.washingtonpost.com/politics/osha-suspends-rule-requiring-firms-report-injury-and-illness-data-electronically/2017/05/17/5b26d964-3b35-11e7-9e48-c4f199710b69_story.html?utm_term=.104175eedbd8).

Lisa Nagel-Piazza, “OSHA Delays Electronic Record-Keeping Rule,” *Society for Human Resource Management*, May 24, 2017, <https://www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/OSHA-Delays-Electronic-Record-Keeping-Rule.aspx>.

already rewarded industries' and businesses' focus on the bottom line at the cost of worker safety, the new administration may well be inclined to make these worker injury records unavailable.

## Dismantling EPA Programs that Protect Disadvantaged Communities

Beyond these decisions which are already adversely impacting communities and workers, the EPA's proposed 2018 budget reduces or eliminates key programs at the EPA that support disadvantaged communities. This includes eliminating the Office of Environmental Justice. In its justification, the EPA's budget proposal states, "Environmental justice will continue to be supported in the work done by the agency, *when applicable*"<sup>63</sup> (italics inserted), which indicates the ways EJ is even more peripheral to the EPA's work than before. The proposed budget also eliminates many programs that protect disadvantaged communities, including the Small Minority Business Assistance program, the Alaska Rural and Native Village infrastructure grant program, and many programs along the U.S.-Mexico Border aimed at protecting environmental and public health. It also eliminates many programs aimed at reducing pollution in air, water, and land, which, as environmental justice activists have long demonstrated, disproportionately affect low-income communities of color. These include:<sup>64</sup>

- The Targeted Airshed grants program (aimed to reduce air pollution in the top five polluted areas in the country)
- State and tribal assistance to address underground storage tanks (storing toxic waste)
- The Leaking Underground Storage Tanks Prevention and Grants program

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<sup>63</sup> U.S. EPA, "FY 2018 Budget Congressional Justification," May, 2017, p. 151, <https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf> (accessed June 2, 2017).

<sup>64</sup> The Environmental Protection Network, "Analysis of Trump Administration Proposals for FY2018 Budget for the Environmental Protection Agency," March 22, 2017, [http://www.4cleanair.org/sites/default/files/Documents/EPA\\_Budget\\_Analysis\\_EPN\\_3-22-2017.pdf](http://www.4cleanair.org/sites/default/files/Documents/EPA_Budget_Analysis_EPN_3-22-2017.pdf).

- The Urban Waters program
- The Endocrine Disruptors program
- Multiple programs supporting environmental and public health programs in Tribal areas
- The EPA's own Environmental Education program
- The EPA's own Office of Public Engagement

In what follows, we focused on the proposed elimination of lead remediation and education programs, and reduced funds for toxic cleanups.

## ***Weakening Lead Remediation and Education Programs***

Addressing lead contamination is important environmental justice work. Indeed, the EPA's own budget document states that "The Lead Risk Reduction Program has worked to reduce disparities in blood lead levels between low-income and non-low-income children."<sup>65</sup> Trump's proposed EPA budget would eliminate the Lead Risk Reduction Program (which had been funded at over \$13 million, with 72 full-time jobs), and significantly reduces its Lead-Based Paint programs, including a grants program to states and tribes to administer training and certification for lead paint professionals.<sup>66</sup> These actions will affect enforcement of federal safety standards for lead-based paint and education on lead-paint risk and abatement—further exposing residents of older housing stock to lead poisoning.<sup>67</sup>

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<sup>65</sup> U.S. EPA, "FY 2018 Budget Justification of Appropriation Estimates for the Committee on Appropriations", May 2017, <https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf>.

<sup>66</sup> Dennis and Eilperin, "Trump's Budget Takes a Sledgehammer to the EPA," May 8, 2017.; U.S. EPA, *Memorandum on FY2018 Presidential Budget*, by David A. Bloom, Memorandum 20460, U.S. EPA (Washington, D.C.), March 21, 2017, <https://www.washingtonpost.com/apps/g/page/politics/epas-spending-cut-plan/2188>.

<sup>67</sup> See "Analysis of Trump Administration Proposals," Environmental Protection Network. HUD funding also has many proposed cuts that will affect lead remediation. HUD is the primary agency that deals with lead paint, the primary source of lead poisoning. This is important because a key aspect of EJ has been to push the concept of the "environment" beyond the common conception of that term, to include things like housing.

Lead is a neurotoxicant with no safe exposure level, and it is particularly damaging for children.<sup>68</sup> Lead-based paint was banned in 1978, but it remains a primary exposure pathway in homes built before that date.<sup>69</sup> A recent estimate showed approximately 37 million homes and apartments still have some lead paint on their walls or woodwork, and 23 million residences have potentially hazardous levels of lead in soil, paint chips, or household dust.<sup>70</sup> Studies of children's blood lead levels by socioeconomic status have shown that children with elevated blood lead levels are more likely to be low-income, from communities of color, and live in rental housing.<sup>71</sup>

Policy interventions such as changes in standards for lead in gasoline and restricting the amount of lead in paint have resulted in a decline in children's blood lead levels. These efforts are a public health success story. Given the continued threat lead poses to broad swaths of the American public, such programs need continued and increased support, not elimination.<sup>72</sup> While the U.S. population as a whole shows decreasing blood lead levels, crises such as the one occurring in Flint, Michigan are a reminder that continued vigilance is necessary to protect public health.<sup>73</sup> In the wake of Flint, now a well-known site of environmental injustice, it is critical to note that many EJ groups pushed to test water in their local communities and found that water in thousands of

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<sup>68</sup> David C. Bellinger, "Lead Contamination in Flint — An Abject Failure to Protect Public Health," *New England Journal of Medicine* 374, no. 12 (March 24, 2016): 1101–3, doi:10.1056/NEJMmp1601013.

<sup>69</sup> Mooney and Eilperin, "Trump's EPA Moves to Dismantle Programs That Protect Kids from Lead Paint," *Washington Post*, April 5, 2017,

[https://www.washingtonpost.com/news/energy-environment/wp/2017/04/05/trumps-epa-moves-to-d  
efund-programs-that-protect-children-from-lead/](https://www.washingtonpost.com/news/energy-environment/wp/2017/04/05/trumps-epa-moves-to-defund-programs-that-protect-children-from-lead/).

<sup>70</sup> Michael Wines, "Flint Is in the News, but Lead Poisoning Is Even Worse in Cleveland," *The New York Times*, March 3, 2016,

[https://www.nytimes.com/2016/03/04/us/lead-paint-contamination-persists-in-many-cities-as-cleanu  
p-falters.html](https://www.nytimes.com/2016/03/04/us/lead-paint-contamination-persists-in-many-cities-as-clean-up-falters.html).

<sup>71</sup> B. P. Lanphear et al., "The Contribution of Lead-Contaminated House Dust and Residential Soil to Children's Blood Lead Levels. A Pooled Analysis of 12 Epidemiologic Studies," *Environmental Research* 79, no. 1 (October 1998): 51–68, doi:10.1006/enrs.1998.3859.; M. Feingold and R.L. Anderson, "Lessons and Tactics to Lead the Charge against Lead Poisoning," *Contemporary Pediatrics* 21, no. 4 (2004): 49–50, 52–54.; Bruce P. Lanphear, "Prevention of Lead Toxicity in US Children," *Ambulatory Pediatrics* 3, no. 1 (January 2003): 27–36, doi:10.1367/1539-4409(2003)003<0027:POLTIU>2.0.CO;2.; Bruce P. Lanphear, "Childhood Lead Poisoning Prevention: Too Little, Too Late," *JAMA* 293, no. 18 (May 11, 2005): 2274, doi:10.1001/jama.293.18.2274.

<sup>72</sup> J.L. Pirkle et al., "Exposure of the U.S. Population to Lead, 1991-1994," *Environmental Health Perspectives* 106, no. 11 (November 1998): 745–50.

<sup>73</sup> Man-Fung Tsui et al., "Continual Decrease in Blood Lead Level in Americans: United States National Health Nutrition and Examination Survey 1999-2014," *The American Journal of Medicine* 129, no. 11 (November 2016): 1213–18, doi:10.1016/j.amjmed.2016.05.042.

locations across the country contain high lead levels.<sup>74</sup> Even so, the EPA recently announced it is delaying action on lead in drinking water.<sup>75</sup>

## ***Reducing Funding for Toxic Cleanups***

As of September 2, 2017, in the wake of the destruction wrought by Hurricane Harvey, the EPA said it had reviewed aerial imagery confirming that 13 Superfund sites in Texas had been flooded by Harvey and threatened to leach hazardous materials into wider areas of ground and water sources.<sup>76</sup> However, even if the EPA finds the contaminants have spread, it is unclear how these would be remediated as Trump's proposed budget also deeply reduces funds or cuts programs for toxic cleanups.

The Superfund Program is the federal government's program to clean up hazardous waste sites across the country. It was established in 1980 by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to investigate uncontrolled hazardous waste sites identified by the EPA, and to help fund, oversee and enforce the removal of pollutants from contaminated sites.<sup>77</sup> Individual states and local governments assist in this process in varying degrees.<sup>78</sup> Despite the ambitious and necessary goal of the Superfund Program, it has received less funding over the years even as sites are added to the EPA's National Priority List and very few are removed. A [2015 GAO Report](#) showed that while the program received \$2 billion in 1999, it had

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<sup>74</sup> Gerald Markowitz and David Rosner, *Lead Wars: The Politics of Science and the Fate of America's Children*, 1 edition (Berkeley, California: University of California Press, 2013).; M. B. Pell and Joshua Schneyer, "Reuters Finds Lead Levels Higher than Flint's in Thousands of Locales," *Reuters*, 2016, <http://www.reuters.com/investigates/special-report/usa-lead-testing/>.

<sup>75</sup> Brett Walton, "Undermanned EPA Delays Action on Lead in Drinking Water," *Circle of Blue*, August 17, 2017, <http://www.circleofblue.org/2017/water-policy-politics/undermanned-epa-delays-action-lead-drinking-water>.

<sup>76</sup> The Associated Press, "AP EXCLUSIVE: EPA surveys toxic waste sites," September 2, 2017, <http://www.thestate.com/news/article171011597.html>.

<sup>77</sup> U.S. EPA, "Superfund: CERCLA Overview," <https://www.epa.gov/superfund/superfund-cercla-overview> (accessed May 15, 2017).

<sup>78</sup> U.S. EPA, "Summary of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)," <https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act> (accessed 25 July, 2017).; U.S. EPA General Accounting Office, "Superfund Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites," September, 2015, <https://www.gao.gov/products/GAO-15-812>.

decreased to less than \$1.1 billion in 2013.<sup>79</sup>

Trump's budget further reduces the EPA's Superfund enforcement capabilities. It eliminates financial support to the U.S. Department of Justice "to assist the EPA in initiating and prosecuting civil, judicial, and administrative site remediation cases to ensure that responsible parties perform cleanup actions."<sup>80</sup> This revocation of funding would affect the program's ability to identify corporations and other entities responsible for polluting communities, and hold them accountable for cleanup. It also curtails the program's directive to ensure that polluters responsibly and thoroughly clean the contaminated sites. More glaringly, it reveals the Trump administration's close ties to industry and leniency on behalf of industrial interests. The budget also proposes a 30% reduction for the Hazardous Substances Superfund Account for remediation and reduction programs relating to toxics.<sup>81</sup>

The Superfund Program and its related programs are an integral part of the EPA's environmental justice initiative, since low-income communities of color are often affected by hazardous waste crises and heavily serviced through Superfund.<sup>82</sup> At least 53 million people live less than three miles away from a Superfund site. Approximately 46% of those living near Superfund sites identify as Black, Native American, and Latino and 15 percent live below the poverty line.<sup>83</sup> Superfund services like Technical Assistance Grants (TAG) are vital for identifying contamination and polluters and following through on the cleanup process for sites often located in systematically disadvantaged communities that frequently do not have the funds or authority to initiate such resolutions. As of 2015, 55 communities across the country had TAG

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<sup>79</sup> U.S. EPA General Accounting Office, "Superfund", 2015, p. 2.

<sup>80</sup> U.S. EPA, Budget for FY 2018, May, 2017. p. 352.

<sup>81</sup> Ibid, p. 54.

<sup>82</sup> Tony Barboza, "EPA Environmental Justice Map Highlights California's Pollution Ills." *Los Angeles Times*. June 10, 2015.

<http://www.latimes.com/local/lanow/la-me-ln-environmental-justice-map-20150609-story.html>; Paul Mohai and Robin Saha, "Which came first, people or pollution? Assessing the disparate siting and post-siting demographic change hypotheses of environmental injustice." *Environmental Research Letters* 10, no. 11 (2015): 115008.; Sylvia Carignan, "Majority of Superfund Sites Near Low Income Housing," *Bloomberg BNA*, May 9, 2017,

<https://www.bna.com/majority-superfund-sites-n73014450645/>.

<sup>83</sup> EPA Office of Communication, Partnerships and Analysis, "OSWER/Office of Communications, Partnerships, and Analysis Population Surrounding 1,388 Superfund Remedial Sites," <https://www.epa.gov/sites/production/files/2015-09/documents/webpopulationsuperfundsites9.28.15.pdf> (accessed August 10, 2017).

assistance.<sup>84</sup>

The Ringwood Mines Landfill Superfund site in New Jersey is an example of the Superfund's ongoing work to correct environmental injustices. This Superfund site is on Ramapough Lenape Nation residential land and is the only site listed twice on the National Priorities List (NPL).<sup>85</sup> In the 1950s and 1960s, the Ford company dumped tons of toxic paint sludge on tribal land. In the 1970s, the state built affordable housing for the Ramapough on the dump site. The Ramapough who had worked at the nearby Mahwah Ford plant and lived very near, or now on the dump site, were plagued by illnesses, from lead poisoning to leukemia, and suffered high rates of infant and young adult mortality.<sup>86</sup> Then in 1983, the site was first listed on the NPL. It was then taken off in 1994 when 12,000 tons of toxic sludge were removed, and then added back on in 2006 when the EPA discovered that approximately 53,000 tons of contaminants remained in the soil.<sup>87</sup> The cleanup efforts continue today.<sup>88</sup> This example demonstrates how the toxic legacy of this kind of contamination is borne for generations and suggests that instead of cutting Superfund budgets, the money going toward these efforts should increase.

Trump's proposed cuts extend far beyond the Superfund Account—for example, the EPA budget proposed a 23% cut in federal funds provided to states and Native American tribes for local water and air cleanup efforts and toxic substance exposure management.<sup>89</sup> The budget proposed to eliminate funds for large-scale local cleanup and waterway restoration efforts.<sup>90</sup> It also

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<sup>84</sup> U.S. EPA, "Technical Assistance Grants,"

<https://www.epa.gov/superfund/technical-assistance-grant-tag-program> (accessed August 1, 2017).

<sup>85</sup> Ben McGrath. "Strangers on the Mountain". *The New Yorker*, March 1, 2010.

<http://www.newyorker.com/magazine/2010/03/01>

<sup>86</sup> Mary Jo Layton, "Toxic Legacy" *The Ringwood Record*, 2010. <http://toxiclegacy.northjersey.com/> (accessed July 1, 2017).

<sup>87</sup> S. P. Sullivan, "Environmental Groups, Community Leaders Pan Ringwood Superfund Plan," *NJ.Com*, July 1, 2014, [http://www.nj.com/passaic-county/index.ssf/2014/07/environmental\\_groups\\_community\\_leaders\\_pan\\_ringwood\\_superfund\\_plan.html](http://www.nj.com/passaic-county/index.ssf/2014/07/environmental_groups_community_leaders_pan_ringwood_superfund_plan.html); S.P. Sullivan, "The Most Toxic Sites in Each New Jersey County," *NJ.Com*, April 6, 2017, [http://www.nj.com/news/index.ssf/2017/04/the\\_most\\_toxic\\_sites\\_in\\_each\\_new\\_jersey\\_county.html](http://www.nj.com/news/index.ssf/2017/04/the_most_toxic_sites_in_each_new_jersey_county.html)

<sup>88</sup> U.S. EPA, "Superfund Site: Ringwood Mines Landfill," <https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=0200663> (accessed July 20, 2017).

<sup>89</sup> U.S. EPA, "FY 2018 Budget Congressional Justification," May 2017, p. 454.

<sup>90</sup> Wyeth, Gwen and Ruth Greenspan Bell. "The Trump Budget Aims to Cripple Environmental Protection," The Environmental Protection Network. p.3. June 12, 2017, <https://www.documentcloud.org/documents/3863053-EPN-Overview-of-EPA-FY18-Budget-Final-With.html#document/p1>.

cuts 37% of current funding from the Brownfields Program,<sup>91</sup> which addresses brownfields sites that, while less toxic than Superfund sites, still constitute environmental health hazards.

In March 2017, Pruitt told a gathering of the U.S. Conference of Mayors that Superfund “is an area that is absolutely essential.”<sup>92</sup> He has also claimed that EPA cuts will return responsibility for local environmental protection to state governments.<sup>93</sup> However, at present, most states are unable to supply the estimated \$427 million annual costs of local environmental protection tasks they carry out.<sup>94</sup> This discrepancy highlights the unlikelihood that it would be easy to restructure the EPA’s federal Superfund efforts to focus solely on the “most hazardous” sites while delegating less hazardous incidents of contamination to state entities.<sup>95</sup> Pruitt’s declarations that Superfund sites are an important concern for the EPA is countered with the agency’s decision not to maintain funding for Superfund cleanup, which was already at historically low levels. It reveals the administration’s lack of interest in the ability to identify, correct, and prevent industry behaviors that overwhelmingly affect already vulnerable communities.

## **Limiting Collection and Access to Environmental Data**

Environmental justice is deeply dependent on the quality and accessibility of federal data, in order to prove inequitable risk. Federal collection and publication of data on industrial emissions, air and water quality, and geospatial data on race, employment, and income builds the foundation for environmental injustice arguments. Actions that have been taken in the first six months of the Trump administration limit the accessibility of data

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<sup>91</sup> U.S. EPA, “FY 2018 Budget Congressional Justification,” May, 2017, p. 145

<sup>92</sup> Brady Denis, “EPA head says he wants to ‘prioritize’ Superfund cleanups,” May 11, 2017, [https://www.washingtonpost.com/news/energy-environment/wp/2017/05/11/epa-head-says-he-wants-to-prioritize-superfund-cleanups/?utm\\_term=.fe9a736c462f](https://www.washingtonpost.com/news/energy-environment/wp/2017/05/11/epa-head-says-he-wants-to-prioritize-superfund-cleanups/?utm_term=.fe9a736c462f).

<sup>93</sup> U.S. EPA, “FY 2018 Budget,” May, 2017. p 154-165.

<sup>94</sup> U.S. EPA, “EPA Budget Returns to its Statutory Mission,” May 23, 2017, <https://www.epa.gov/newsreleases/epa-budget-returns-focus-core-statutory-mission>.; Evan Halper, “The Environmental Protection Agency is targeted for some of Trump’s most brutal cuts,” March 16, 2017, <http://www.latimes.com/politics/washington/la-na-essential-washington-updates-a-dramatic-retreat-from-environmental-1489677751-htmlstory.html>

<sup>95</sup> Ibid.

necessary for environmental justice advocacy, policy, and practice.

## ***Reducing Access to Toxics Release Inventory***

The very first “open” dataset to be released online was the EPA’s Toxics Release Inventory, or TRI, which was established as part of the Emergency Planning and Right to Know Act (EPCRA) of 1986. EPCRA set requirements for U.S. federal and industrial facilities to produce emergency planning and “Community Right to Know” reports on certain toxic chemicals.<sup>96</sup> In the early 1980s, over 7,000 chemical disasters were reported across the U.S., resulting in 135 people dead and 1,500 injured.<sup>97</sup> The TRI and EPCRA were intended to empower U.S. residents. The EPA referred to the TRI as “environmental democracy in action,” and called a 1992 manual for using the data a “user guide” for the first, unique, open-access environmental database.<sup>98</sup> Despite the fact that the TRI is imprecise—it reports estimated and not actual emissions and toxic releases are self-reported by industries<sup>99</sup>—the dataset has provided important empirical evidence for many environmental justice studies and activist claims.<sup>100</sup> The EPA’s proposed budget for 2018 targets the TRI’s capabilities; it seeks to eliminate funding for the TRI National Training conference, the TRI University Challenge, the TRI Information Center, TRI tools, and other TRI communication initiatives. The budget proposal also states that it “reduces contractual resources for system data entry enhancements, quality control support, and training and help desk services. Operations and

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<sup>96</sup> U.S. National Library of Medicine and U.S. EPA, “Fact Sheet: TOXNETs Toxics Release Inventory (TRI),” 2016, <https://www.nlm.nih.gov/pubs/factsheets/trifs.html>. (accessed June 10, 2017).

<sup>97</sup> David Sarokin and Warren Muir, “Too Little Toxic Waste Data,” *New York Times*, October 7, 1985, p. A31.

<http://news.google.com/newspapers?nid=1320&dat=19851010&id=zSURAAAIBAJ&sjid=zukDAA AAIBAJ&pg=5768,2795544>. (accessed May 15, 2017).

<sup>98</sup> Frances Lynn, Jack Cartez and Cheryl Connelly, “The Toxics Release Inventory: Environmental Democracy in Action” US EPA, Office of Pollution Prevention and Toxics, January, 1992, <http://bit.ly/2gdhpa7> (accessed June 12, 2017).

<sup>99</sup> Charles A. Lo Presti and Robert F. O’Brien, “Characterizing Environmental Pressures Along the US/Mexico Border: An Application of the Toxics Release Inventory in Environmentrics,” *Chemometrics and Intelligent Laboratory Systems* 37, 1997: 95–111.

<sup>100</sup> For example, see Rachel Morello-Frosch, Manuel Pastor Jr, Carlos Porras, and James Sadd, “Environmental justice and regional inequality in southern California: Implications for future research.” *Environmental Health Perspectives* 110, no. Suppl 2 (2002): 149; or Mohai, Paul, Paula M. Lantz, Jeffrey Morenoff, James S. House, and Richard P. Mero, “Racial and socioeconomic disparities in residential proximity to polluting industrial facilities: evidence from the Americans’ Changing Lives Study.” *American Journal of Public Health* 99, no. S3 (2009): S649-S656.

maintenance will be reduced to meet statutory requirements for industry reporting and public access to TRI data.”<sup>101</sup>

The TRI and environmental justice work have intertwined histories. TRI is vital to many local environmental justice efforts, as the database makes information available by zip code, facility or chemical, helping community researchers and activists gather information and ask important questions about localized toxic risks. Here we focus on the statement that the 2018 budget proposal “reduces contractual resources for system data entry enhancements, quality control support, and training and help desk services. Operations and maintenance will be reduced to meet statutory requirements for industry reporting and public access to TRI data.”<sup>102</sup>

In the beginning, the TRI implemented EPCRA by creating information access for greater public accountability and citizen involvement in oversight. There are multiple [success stories](#) of EJ groups’ use of TRI to draw attention to local conditions. In the Rubbertown neighborhood of Louisville, KY, TRI data proved a key element in checking further emissions from a sprawling industrial complex. This complex was originally a Standard Oil of Kentucky refinery, switched to rubber production during World War II, and subsequently became a site for numerous chemical processing plants. In 2006, the environmental justice group Rubbertown Emergency Action Community Taskforce (REACT) used the TRI data to prove environmental injustices to city officials, who then approved a new program that requires industrial facilities to reduce emissions of hazardous air pollutants. As REACT’s Tim Duncan explains, “the combination of the TRI numbers and local air monitor data provided a powerful combination of numbers for us to use to show that Hazardous Air Pollution levels were serious in our area.”<sup>103</sup> Similarly, in 2016, the Union of Concerned Scientists and the Texas Environmental Justice Advocacy Services (t.e.j.a.s.) produced a report titled, “Double Jeopardy in Houston Acute and Chronic Chemical Exposures Pose Disproportionate Risks for Marginalized Communities,” in which they utilized data from the EPA’s Risk Screening

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<sup>101</sup> U.S. EPA, “FY 2018 Budget Congressional Justification,” May, 2017, p. 190, <https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf> (accessed July 17, 2017).

<sup>102</sup> Ibid.

<sup>103</sup> OMB Watch, “The Working Group on Community Right-to-Know,” January, 2006, p. 1, [http://www.chej.org/ppc/docs/right\\_to\\_know/toxic\\_release\\_inventory/Right\\_To\\_Know\\_Toxics\\_Release\\_Inventory\\_Sucess\\_Stories.pdf](http://www.chej.org/ppc/docs/right_to_know/toxic_release_inventory/Right_To_Know_Toxics_Release_Inventory_Sucess_Stories.pdf) (accessed June 29, 2017).

Environmental Indicators (RSEI) program that draws from the TRI and found large disparities between the east and west Houston communities in terms toxic chemical exposures. The analysis showed that “toxicity levels from exposures in Manchester are more than 12 times higher than in higher income, predominantly white West Oaks/Eldridge.”<sup>104</sup>

However, other environmental justice groups steer clear of the TRI because it does not contain detailed or reliable data. A 1997 study found that 49% of year-to-year differences in a firm’s reported figures result from a facility’s failure to estimate the quantities of chemicals it released.<sup>105</sup> Reporting requirements change yearly, including the chemicals to report and the way the chemical names are entered, and the threshold quantities of chemicals that require a report, making long-term research difficult. There can be discrepancies in the names of chemicals and the facilities themselves.<sup>106</sup> Then, despite all of these inconsistent variables, the TRI does not provide a guide on its website to estimate measurement errors or to caution users about the data’s generalizability.

TRI supporters also realized early on that wholesale government information had little utility unless it could be enhanced with digestible formatting and contextualization. Over the years, the community has worked tirelessly to improve the availability and transparency of the data. At present, on the EPA’s TRI page, the data now come with several tools created by government agencies for access and analysis, including the TRI Explorer, a data element search tool, and the NLM’s TOXMAP.

While the TRI is far from perfect, it does provide the public easy entry to access and begin to assess toxicity risks in their community. As the EPA has promised less funding for the collection and upkeep of the data and tools to access it, maintaining only the minimal requirements on the data, environmental justice organizations like REACT and communities like East Houston will have increased difficulty in monitoring toxics risks and decreased capacity to identify and investigate discrepancies in toxics reported in the TRI.

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<sup>104</sup> UCS, “Double Jeopardy,” 2016, p. 9-10.

<sup>105</sup> Lo Presti and O’Brien, “Characterizing Environmental Pressures,” 1997.

<sup>106</sup> Ibid.

## ***Uncertain Funding for the Integrated Risk Information System***

The EPA's May 2017 Budget for Fiscal year 2018 cuts the Human Health Risk Assessment (HHRA) program by 31%.<sup>107</sup> The HHRA research program identifies and evaluates individual chemicals and chemical mixtures and enables the EPA to better predict and prevent risk. The HHRA includes Integrated Science Assessments (ISAs) of [criteria air pollutants](#) (those regulated by the Clean Air Act) and Community Risk and Technical Support (CRTS) for exposure and health assessments which would also be cut.<sup>108</sup> This cut to the HHRA would also affect the Integrated Risk Information System, or IRIS, a program within the EPA that provides toxicological assessments of environmental contaminants. The program was initiated in 1985, and was created primarily to develop consistency between chemical toxicity evaluations across the agency.<sup>109</sup> The process for finalizing chemical toxicity evaluation is detailed and layered, beginning with initial phases of draft development, agency review, and interagency science consultation, to a public comment and external review period, revision assessments, discussion, and final assessment.<sup>110</sup>

IRIS data are a key component of ongoing efforts to develop standards to determine safe levels of contaminants in drinking water. One such example of a harmful contaminant monitored by IRIS is hexavalent chromium which has been found in the drinking water supply of over 200 million Americans.<sup>111</sup>

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<sup>107</sup> U.S. EPA, "FY 2018 Budget", May, 2017, <https://www.epa.gov/planandbudget/fy2018>; There is also a shift within the HHRA budget, with more money than in the past going specifically to Superfund related assessments (and less to everything else: 40% reduction to everything else, 87% increase to superfund related HHRA). U.S. EPA, "FY 2018 Budget Congressional Justification," May, 2017.

<https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf> p. 100.

<sup>108</sup> U.S. EPA, Human Health Risk Assessment Program, <https://www.epa.gov/sites/production/files/2014-06/documents/hhra-strap.pdf> (accessed July 3, 2017).

<sup>109</sup> U.S. EPA Office of Research and Development, "Basic Information about the Integrated Risk Information System," <https://www.epa.gov/iris/basic-information-about-integrated-risk-information-system> (accessed August 18, 2017).

<sup>110</sup> Ibid.

<sup>111</sup> Michael Hawthorne, "Chromium Spill near Lake Michigan Brings New Attention to Cancer-Causing Pollutant," *Chicago Tribune*, April 12, 2017, <http://www.chicagotribune.com/news/ct-chromium-pollution-lake-michigan-met-2-20170412-story.html>.

Though the EPA and the National Toxicology Program discovered a link between hexavalent chromium and stomach cancer almost a decade ago, chemical industries have battled aggressively to prevent the development and implementation of national drinking water metal standards.

The IRIS database of publicly-available information on toxicity provides important information for communities located near plants and industrial sites that produce toxic waste, which are often low-income areas. Communities use this information both to promote awareness of issues and safety procedures and as a basis for advocacy. In April 2017, the U.S. Midwest Steel Plant reported that they had been responsible for a hexavalent chromium leak into the Burns Waterway adjacent to Lake Michigan. The EPA detected 300 pounds of the chemical in the waterway, 584 times the legal allowable limit.<sup>112</sup> Cindy Skrukrud, Clean Water program director for Sierra Club Illinois, said of the U.S. Midwest Steel spill, "We cannot bear cuts to the EPA staff and to its programs that protect the Great Lakes from pollution and cleanup legacy contamination sites. We are all depending on the EPA as we seek answers to the remaining questions about the impacts of the spill on the aquatic life in Burns Waterway."<sup>113</sup>

Pruitt has promised to return environmental governance to the states, many of which will be happy to minimize environmental regulation and practice. Even states with strong environmental programs often lack adequate resources and programs, and so depend heavily on IRIS expertise and data to formulate statewide cleanup criteria. IRIS supports systematic scientific review and consideration of public comments, with emphasis on smaller, more focused questions in order to avoid decades-long efforts.<sup>114</sup> IRIS works closely with the EPA's Scientific Advisory Board (SAB), half of whom were dismissed by the current administration.<sup>115</sup> These scientific posts have not yet been filled

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<sup>112</sup> Ibid.; Lauren Cross, "Documents: U.S. Steel toxic leak 584 times allowable limit," *Northwest Indiana Times*, May 5, 2017, [http://www.nwitimes.com/news/local/lake/documents-u-s-steel-toxic-leak-times-allowable-limit/article\\_693e3bbd-e1a3-591f-853f-5e629f0c5a21.html](http://www.nwitimes.com/news/local/lake/documents-u-s-steel-toxic-leak-times-allowable-limit/article_693e3bbd-e1a3-591f-853f-5e629f0c5a21.html).

<sup>113</sup> Cross, "Documents: U.S. Steel toxic leak 584 times allowable limit," May 5, 2017.

<sup>114</sup> U.S. EPA Office of Research and Development, "Basic Information about the Integrated Risk Information System," Collections and Lists, <https://www.epa.gov/iris/basic-information-about-integrated-risk-information-system> (accessed June 13, 2017).

<sup>115</sup> Ibid.

and as of the time of this report, there are no plans to do so.<sup>116</sup> The Trump administration's apparent gutting of the scientific posts at the EPA is poised to hamper progress at IRIS.<sup>117</sup>

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<sup>116</sup> Juliet Eilperin and Brady Denis, "EPA Dismisses Half of Key Board's Scientific Advisors; Interior Suspends More than 200 Advisory Panels", *Washington Post*, May 8, 2017, [https://www.washingtonpost.com/news/energy-environment/wp/2017/05/07/epa-dismisses-half-of-it-s-scientific-advisers-on-key-board-citing-clean-break-with-obama-administration/?utm\\_term=.50fee\\_e14aa49](https://www.washingtonpost.com/news/energy-environment/wp/2017/05/07/epa-dismisses-half-of-it-s-scientific-advisers-on-key-board-citing-clean-break-with-obama-administration/?utm_term=.50fee_e14aa49).

<sup>117</sup> Lisa Song, "Trump Administration Says It Isn't Anti-Science As It Seeks to Slash Science Offices", *ProPublica*, May 24, 2017, <https://www.propublica.org/article/trump-administration-anti-science-seeks-to-slash-epa-science-office>.

## IV. CONTINUING THE STRUGGLE FOR ENVIRONMENTAL JUSTICE

A few months after Trump took office, the EPA's top environmental justice official, Mustafa Ali, quit the agency. In an interview with *Democracy Now*, Ali explained that the EPA was no longer a place in which he could work for environmental justice. "I felt that it was time for me to take my skills and talents to a place where I knew that they would be valued," Ali said. He added, reflecting on Trump's early months in office, "When I took a look at some of the proposals for rolling back regulations that have played a significant role in helping to protect the environment and public health of our most vulnerable communities, I just couldn't be a part of that."<sup>118</sup>

Ali had participated in the influential People of Color Environmental Justice Leadership Summit in 1991 as a college student, and he joined the EPA soon after to work in the newly formed Office of Environmental Equity (later, the Office of Environmental Justice). Ali worked for the EPA for 24 years. Under President Obama, he headed the Office of Environmental Justice, and served as a senior advisor to EPA Administrator Gina McCarthy. Ali's departure in the early months of the Trump administration reflects a deep hostility toward environmental justice from the current administration—so much so that Ali, who has worked under U.S. Presidents and EPA Administrators of different political parties, found his position untenable. As this report has detailed, Trump and Pruitt's actions have already reversed decades of hard-won progress for environmental justice. The new administration's actions have also deepened and exacerbated existing environmental inequalities, prioritizing economic profit over environmental health—even in the face of the EPA's own scientific conclusions.

The widespread destruction caused by Hurricane Harvey shows how Trump's reversals are particularly concerning as the country faces social, economic, and

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<sup>118</sup> Kennedy, Miranda. "EPA's Chief Environmental Justice Official Steps Down." *NPR.Org*. Washington, D.C.: *National Public Radio*, March 13, 2017, <http://www.npr.org/2017/03/13/519954289/epas-chief-environmental-justice-official-steps-down>. Also read Ali's public letter of resignation, accessible at <https://www.documentcloud.org/documents/3514958-Final-Resignation-Letter-for-Administrator.html>

environmental effects of climate change. Climate change will affect the entire globe, yet its burden will fall hardest on the poor and other vulnerable populations. In a moment that calls for a greater awareness of the intersection of environment and inequality, and for concrete actions to mitigate these toxic entanglements, the policies and priorities of Trump's administration are especially disheartening.

## **The Importance of Environmental Justice Strategies Outside the EPA**

Trump's administration and the actions of EPA Administrator Scott Pruitt also indicate the need for different strategies for environmental justice activism in the years ahead. For example, pursuing civil rights protection from environmental harms through Title VI is not likely to produce any results from Trump's EPA or the Department of Justice. Although Title VI was never an especially promising avenue for environmental justice advocates, in the later years of Obama's presidency the EPA began to dedicate more staff and resources to this process, signaling new possibilities for Title VI complaints.<sup>119</sup> Today, under President Trump, this window of opportunity seems to have closed again.

From a more hopeful perspective, the current administration represents an opportunity for EJ organizations and advocates to rethink their strategies and lay the groundwork for political openings in the future. Advocates can work toward social change through increased voter participation (and running for office) and, in the realm of civil society, in education and the arts, and social movement mobilization. Mustafa Ali's new position at the Hip Hop Caucus, an organization that registers young voters and also promotes political awareness and increased voter participation through music and the arts, offers an example of these strategies. Education and youth empowerment are particularly important in building a new generation of voters, politicians, and cultural influencers who are more likely to approach environmental problems from a framework of justice and equity.

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<sup>119</sup> Dillon, [interview with Mustafa Ali](#), August 8, 2017; also see Tony Lo Presti, "Realizing the Promise of Environmental Civil Rights: The Renewed Effort to Enforce *Title VI* of the Civil Rights Act of 1964," *Administrative Law Review* 59, (June 28, 2013): <https://ssrn.com/abstract=2286529>.

The actions of the Trump administration also signal a new role for states, municipalities, and regional EPA offices. In January, California Governor Jerry Brown spoke out against Trump in his State of the State address: “California is not turning back” on environmental and climate issues, Brown said. In April, Brown also flew to China for a meeting on global warming with international leaders. According to the *New York Times*, the state is “pushing back on everything from White House efforts to reduce pollution rules on tailpipes and smokestacks, to plans to withdraw or weaken the United States’ commitments under the Paris climate change accord.”<sup>120</sup> California’s Attorney General Xavier Becerra has also joined with the states of New York, Massachusetts, Maryland, and Vermont, in a legal filing objecting to the EPA’s reversal on the pesticide chlorpyrifos.<sup>121</sup> In July, 2017, the coastal town of Santa Barbara wrote legislation to prohibit leases for new offshore oil pipelines, and passed a resolution that calls for a ban on new federal oil and gas leases in the Pacific, Atlantic, and Arctic regions, also in response to the new administration’s deregulatory impulse.<sup>122</sup> These cases of local and state governments, stepping up to protect human health and the environment, offer inspiring examples, and they point to the importance of political action at local and regional levels. At the same time, they do not amount to an argument for decentralizing environmental protection to the states—an outcome favored by Scott Pruitt. Decentralizing environmental protection would lead to regional environmental inequalities (with some states offering better environmental health protections than others) and a diminished capacity to address broad environmental problems. Similar to civil rights, equal environmental protections require authority and enforcement at the federal level.

Thus, we suggest the following ways local and state governments, communities, and organizations can reimagine how the government and civil

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<sup>120</sup> Coral Davenport and Adam Nagourney, “Fighting Trump on Climate, California Become a Global Force, *New York Times*, May 23, 2017, [https://www.nytimes.com/2017/05/23/us/california-engages-world-and-fights-washington-on-climate-change.html?\\_r=0](https://www.nytimes.com/2017/05/23/us/california-engages-world-and-fights-washington-on-climate-change.html?_r=0).

<sup>121</sup> Pesticide Action Network, “California’s Attorney General Asks EPA to Ban Brain-harming Pesticide,” June 6, 2017, <http://www.panna.org/press-statement/californias-attorney-general-asks-epa-ban-brain-harming-pesticide>.

<sup>122</sup> Kate Wheeling, “How One California City is Sending a Message of Environmental Resistance to Trump,” *Pacific Standard*, July 26, 2017, <https://psmag.com/environment/how-one-california-city-is-sending-a-message-of-environmental-resistance-to-trump>.

society could re-center themselves on an ethic of environmental justice to address climate change, toxic contamination, and systemic racism:

- Address climate change as an environmental justice issue. Those with the least power and wealth will be the most impacted by climate change. Climate change can and should be framed as an issue of environmental injustice.
- Recognize that environmental justice is about more than the inequitable distribution of risks, it is about the right to clean water, clean air, healthy environments and civil rights for this and subsequent generations.
- Unite environmental and social justice/civil rights communities and organizations through a shared focus on environmental injustice. A tactic might include creating shared campaigns, such as tracking chlorpyrifos crops and boycotting them.
- Form grassroots networks to continue to research and aggregate data on environmental injustice. Supported by academic institutions and NGOs, we should form lateral networks to gather data about environmental injustice and document shared systematic environment and human health threats.
- Develop new open source, academic and community platforms for gathering and analyzing environmental health information.
- Organize public funding and private capital to support the continued development of environmental justice and climate change research and share research through open source, networked databases.
- Mobilize public funding, local initiatives and private capital to build sustainable local energy supplies and petro-chemical free food systems.

## **Improving the Future for Environmental Justice at the EPA**

Current EPA employees and political organizers can prepare for future shifts in the political balance of power by developing specific, concrete proposals for bringing environmental justice to the center of the EPA's operations. Existing

documents, like the EPA's *EJ 2020 Action Plan*, while unlikely to be implemented under Trump's administration, can offer important guidelines in the future. Still, more creative and far-reaching changes are possible—and needed.

Mustafa Ali, in an [interview with EDGI](#), offered several recommendations for centering environmental justice goals with the federal government. Building from Ali's insights, EDGI recommends the following:

- Allocate more resources to environmental justice programs, policies, and working groups, and offices. Environmental justice is an historically underfunded and understaffed aspect of the government and federal agencies, including the EPA. For example, the EPA should provide more funding and support for its EJ grant programs, through which money and support is allocated to grassroots organizations. Grassroots organizations and activists often have the best ideas of how to promote environmental health within their communities.
- Grow institutional capacity, in part by creating institutional linkages across forms of knowledge and expertise. Achieving environmental justice takes many skill sets—including the expertise of environmental scientists, frontline communities, lawyers, organizers, city planners, educators, and others. Working toward environmental justice also requires a holistic approach to socio-environmental problems, and ought to bring together people with expertise in housing, transportation, food access, and other issues. No one individual has all these skill sets, and it is important to create institutional spaces to bring these forms of knowledge and expertise together. The [Federal Interagency Working Group on Environmental Justice](#) and the [National Environmental Justice Advisory Council](#) are two examples of governmental spaces where many kinds of knowledge and experience are brought together. Strengthening these spaces through more resources, staff, and enforcement authority is one example of “growing capacity.” Other structural arrangements that lead to more holistic and justice-based approaches to policy- and budget-making are also needed.
- Include environmental justice in employee performance standards. Beginning from the assumption that justice and equality should be at the center of all government policy, it should not be a stretch of the imagination to include an environmental justice component within job

evaluations. Job evaluation criteria reflect and send signals about an institution's values. People prioritize and respond to the criteria on which they are evaluated and promoted. Doing this would make environmental justice more central and apparent to all government employees. Within the EPA, for example, environmental justice work is perceived as separate or marginal, rather than an integral component to all of the agency's work.

- All civic environmental organizations should make justice and equity central to their concerns—including in their stated goals, priorities, and program areas. Better-resourced organizations can also offer resources and otherwise help lift up and support grassroots (and often underfunded) EJ groups.

None of these recommendations—alone or even taken together—represents a “solution” to environmental inequalities. Environmental problems like the current crisis in the Gulf Coast after Hurricane Harvey are caused by multiple factors, some of them generations in the making. These include racial segregation in housing and employment, the accumulation of over a century of industrial byproducts in the air, ground, and water and, the neglect of municipal infrastructure, and the ongoing devaluation of the lives of people of color in this country. Addressing the root causes of these environmental inequalities requires creative and far-reaching strategies. They require holistic approaches and the coming-together of many forms of knowledge and expertise. And they require a change in “business-as-usual” at all levels of government.

## Environmental Data Justice

The Environmental Data & Governance Initiative also seeks to put justice at the center of conversations around public data collection, storage, and access. Since November 2016, EDGI has worked to preserve existing federal environmental data, monitor changes to federal websites, and document changes at the EPA and OSHA [through interviews with current and retired employees](#). These projects developed, at least initially, as scholarly responses to the current administration. Moving forward, EDGI seeks to develop a

positive vision of “environmental data justice” (EDJ), and one that would apply to all administrations.

EDJ includes the public accessibility of environmental data and research, supported by networked, open-source data infrastructure, which can be modified, adapted, and supported by local communities. EDJ also includes continuity of research and data collection. For example, the budget cuts currently proposed for the EPA threaten important research projects within the agency’s Office of Research and Development (ORD). ORD projects include its “Sustainable and Healthy Communities” research, which helps provide important environmental data and tools for community-based solutions to improving air and water quality, and taking action on climate change.

The concept of EDJ builds on long-standing environmental justice concerns about the politics of evidence. For example, when government agencies failed to collect evidence of environmental exposure, community groups have relied on inexpensive air pollution monitors, seeking to democratize the scientific process, or at least make it more accountable.<sup>123</sup> Another concern is the government’s reliance on industry self-reported data, even though communities are able to use this data to document environmental racism. Moreover, EDJ recognizes that placing the onus on communities to prove systemic environmental injustice is yet another mode by which the powerful sustain patterns of inequality. To mitigate this, EDJ suggests applying decolonial and feminist perspectives to promote justice in environmental science. Interventions might include grassroots research projects through which communities define and develop their own health categories and statistical data—seeking to “measure what matters” to them, or any host of tactics where communities can participate in environmental data collection and research on their own terms.<sup>124</sup> EDJ fits within this critical tradition, by raising questions about what counts as data, what data is (and is not)

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<sup>123</sup> Jason Corburn, *Street Science: Community Knowledge and Environmental Health Justice*, 1 edition (Cambridge, MA: The MIT Press, 2005).; Gwen Ottinger, “Buckets of Resistance: Standards and the Effectiveness of Citizen Science,” *Science, Technology, & Human Values* 35, no. 2 (March 1, 2010): 244–70, doi:10.1177/0162243909337121.; Shannon Dosemagen, Jeffrey Warren, and Sara Wylie, “Grassroots Mapping: Creating a Participatory Map-Making Process Centered on Discourse,” *Journal of Aesthetics and Protest* 8 (2011).

<sup>124</sup> The Pacific Institute West County Indicators Report, “Measuring What Matters: Neighborhood Research for Economic and Environmental Health and Justice in Richmond, North Richmond, and San Pablo” (2009), <http://pacinst.org/publication/measuring-what-matters/> (accessed August 20, 2017).

collected, and the politics of data collection—including who is (and is not) involved in the scientific process, and whose knowledge and expertise is valued (or devalued). In short, these are questions about justice, inclusion, and accessibility.

The concept of EDJ, as EDGI defines it, also includes the assumption that not all data is neutral, or “good.” Data can also be used to foster ignorance and doubt, as in the tactics historically employed by the tobacco industry, and currently used by climate-change-denying organizations in order to maintain controversy, rather than acknowledge broad scientific consensus, on the issue. The Trump administration’s “illegal immigrant crime database”<sup>125</sup> is another example of the ways federal data—even when collected “in the public good”—can be used toward oppressive ends. Environmental data justice is therefore not simply about the governance of existing datasets, but about rethinking society’s relationship with data, and addressing critical questions of why, how, and for whom data is collected.

Thus, EDGI’s EDJ efforts attempt to foster justice, inclusion, and accessibility in environmental knowledge practices in the following ways:

- Draw attention to the state’s pervasive use of industry-produced data in decision-making related to the environment. In the best case scenarios, environmental monitoring as currently conceived may delay, but does not prevent environmental violence, biodiversity loss, or climate change.
- Hold the state, corporations, and polluters responsible for their practices that extend environmental injustice.<sup>126</sup> On the one hand, we can think about creating alternative environmental data practices aimed at activating lines of responsibility, such as better ways of collecting data that points to polluters and puts less onus on communities to represent the ways they have been harmed. On the other hand, we can also think

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<sup>125</sup> Department of Homeland Security. “DHS Announces Launch of new Office for Victims of Illegal Immigrant Crime,” April 26, 2017, <https://www.dhs.gov/news/2017/04/26/dhs-announces-launch-new-office-victims-illegal-immigrant-crime>.

<sup>126</sup> Jarrett Drake, “Liberatory Archives,” *Medium.com*, October 22, 2016, <https://medium.com/on-archivy/liberatory-archives-towards-belonging-and-believing-part-2-6f56c754eb17>; Laura Pulido, “Geographies of Race and Ethnicity II: Environmental Racism, Racial Capitalism and State-Sanctioned Violence,” *Progress in Human Geography* 41, no. 4 (August 1, 2017): 524–33. <https://nycstandswithstandingrock.files.wordpress.com/2016/10/pulido-2016.pdf>.

of watchdog practices, or even watchdog civic infrastructures, of monitoring the state and industry, such as EDGI's website monitoring project.

- Encourage communities to determine the kinds of data collected about their conditions, while being mindful that a world where communities are left to research their own precarity is its own kind of injustice that can be aligned with the current administration's interests in dismantling and decentralizing environmental protections.
- Respond to the vast domain of unmonitored environmental harms while opposing the proliferation of oppressive surveillance practices by the state, police, and corporations. Both refusal to monitor/regulate and surveillance are practices of environmental dispossession and racism. EDJ is not a call for increased state surveillance. It is instead a tactic to meet the power of the contemporary political-industrial system with the descriptive and rhetorical power of community-mobilized data.<sup>127</sup>
- Call for practices that avoid damage-based research, where communities bear the burden of data that represents them as damaged without much change to the conditions of environmental violence.<sup>128</sup>
- Offer a range of consent to participation in community-based data and research projects, both through feminist frameworks, but also frameworks from the [United Nations Declaration on the Rights of Indigenous Peoples](#). Consent here importantly includes refusal, and a range of options between the poles of consent and refusal.
- Emphasize that questions of archiving and stewarding data can be part of EDJ, but alone are inadequate. EDJ champions open and equitable access to information but also requires us to rethink the ways we

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<sup>127</sup> "A People's Archive of Police Violence in Cleveland," accessed August 30, 2017, <http://www.archivingpoliceviolence.org/principles>; Ottinger, Gwen. "Constructing Empowerment through Interpretations of Environmental Surveillance Data" *Surveillance & Society*, Volume 8 Number 2 (18 December 2010), <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/3487>.

<sup>128</sup> Eve Tuck, "Suspending damage: A letter to communities," *Harvard Educational Review* 79, no. 3 (2009): 409-428. [https://static1.squarespace.com/static/557744ffe4b013bae3b7af63/t/557f2fe2e4b043c28125cc27/1434398690240/Tuck\\_Suspending+Damage\\_HER.pdf](https://static1.squarespace.com/static/557744ffe4b013bae3b7af63/t/557f2fe2e4b043c28125cc27/1434398690240/Tuck_Suspending+Damage_HER.pdf).

organize the technical details of how we care and distribute of data into the future, for and with communities.

- Embrace the creation of infrastructures and practices aimed at the critical assessment of data as part of the project of “open access.” Beyond open access to data new infrastructures are required for assessing among other things how data is produced, for whom and by whom. Thus, for such a politics of critical assessment, EDJ requires many kinds of knowledges and participants beyond the technical.
- Embrace the positive projects , of reimagining systems, infrastructures, and modes of relating and not just preserving, critiquing or reforming the systems we already have, which have not worked to prevent regular incidents of toxic exposure or climate change.<sup>129</sup> EDJ asks how to yoke environmental data to more hopeful projects that are not limited to making current systems just bearable enough.

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“Pursuing a Toxic Agenda” has detailed some of the ways the new administration has reversed decades of progress toward environmental justice. Trump has thus far proved more accountable to industry profits than the public interest, and this extends to the realm of human and environmental health. A common thread running through the new administration’s actions has been to deregulate, reduce resources, and otherwise weaken the EPA and other environmental agencies, often targeting programs with social justice components. The proposed elimination of EPA’s Office of Environmental Justice is just one way the administration has prioritized profit for the few over the health of the many. The new administration’s attack on government programs that promote social justice also includes gutting the Affordable Care Act and cutting funds to groups that fight violent white supremacist and other hate groups.<sup>130</sup>

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<sup>129</sup> Shannon Mattern, "Infrastructural Tourism," *Places Journal* (2013).

<https://placesjournal.org/article/infrastructural-tourism/>; Bethany Nowviskie, “Speculative Collections”, 2016, <http://nowviskie.org/2016/speculative-collections>.

<sup>130</sup> Will Carless, “3 Ways the Trump Administration Has Downplayed White Supremacy,” *Reveal News*, August 13, 2017,

<https://www.revealnews.org/blog/three-ways-the-trump-administration-has-downplayed-white-supremacy>.

Although EDGI initially formed in response to Trump's administration, our larger goals, values, and priorities exceed the politics of any specific administration. EDGI does not, for example, advocate for returning to the Obama-era EPA, which too often ignored or obstructed the pursuit of environmental justice. Our hopes with this report and through our other activities are to promote deeper inroads between the government and communities that advocate for environmental and health justice, to bring these concerns into the center of the government's activities, and to support—through funding and other concrete resources—communities in making the world a healthier place to live.

## V. EDGI INTERVIEW WITH MUSTAFA ALI



*Mustafa Ali, a top official at the EPA and head of the agency's Office of Environmental Justice, resigned in March 2017. He left in protest of the Trump administration's plans to drastically reduce the EPA's programs, capacities and staff. Ali had worked at the EPA for 24 years. Today, he serves as a Senior Vice President at the [Hip Hop Caucus](#). On August 8, 2017, Ali spoke over the phone with [Lindsey Dillon](#), an EDGI member and assistant professor of sociology at UC Santa Cruz. The interview is slightly abridged and edited for clarity.*

**MUSTAFA:** I came to work at the Environmental Protection Agency as a student. I did an internship with the EPA. I was introduced to environmental equity then. I had gone to a conference [a few years] before, the [first National People of Color Environmental Leadership Summit](#) [in 1991].

I was super blessed. [Dr. Clarice Gaylord](#) and Warren Banks were beginning to work on environmental equity issues. William Riley was [EPA] Administrator at the time. Stakeholders were really pushing the agency to pay attention to issues that were

happening inside of communities of color and low income communities and indigenous populations.<sup>131</sup>

I met Dr. Gaylord and she told me about the work that they were going to be focusing on, and that they were going to try and create an office at the EPA. I was super blessed that she asked me to join them. To be quite honest, I had never thought about working for the federal government. I came out of a social justice background and hadn't really seen the federal government engage with communities.

I will always be grateful to Dr. Gaylord for that opportunity, and for all the stakeholders who had worked for about two years, getting recommendations together, engaging with the EPA; those types of things. That began not only my work, but also the work of the agency in the hopes and aspirations of environmental justice.

I never thought that 20 plus years later we would still be facing some of the challenges that many communities do. Back then, it was more about convincing people that these issues were real and that they were happening.

I remember one of the first meetings I went to. I was walking down the hall, and I was young back then so nobody was paying any attention to me. There were two gentlemen walking in front of me; they were middle managers at the agency at that time.

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<sup>131</sup> For example, the influential report, [Toxic Wastes and Race in the United States](#), which demonstrated national patterns in racially disproportionate exposure to hazardous waste facilities, was published in 1987.

I remember listening to their conversation. They said that they really didn't have any idea why they were going to this meeting [on environmental justice]. I remember getting into the elevator behind them and one of them said that these types of things couldn't possibly be happening in our country, that folks must be making it up or they were just misinformed.

Now, mind you, I'm still this bright-eyed student, listening to folks who had the responsibility of protecting public health and the environment of communities across our country. I remember following them, as we got off the elevator, and then walking into the room and sitting down at the table with a number of other folks, and them looking across the table and realizing that they had had that conversation in front of me. I appreciate them being truthful. It sets a benchmark for me, for how much work needed to happen both inside and outside the EPA at that time.

My hopes at the time were to help folks inside the federal family understand the urgency of this issue, to understand what was happening in communities across our country. If we could educate people, then there would be some enlightenment that these are real issues that we can work on, and we could make real change. In those early days, I was just hoping that we could get some of the basic infrastructure in place, to help to get people educated, and begin to properly engage with what communities were asking for, and start that long journey forward of helping to make positive change.

**LINDSEY:** How has the EPA's work in environmental justice changed over the course of your career?

**MUSTAFA:** It's been a long journey. I like to make sure that folks are clear about the early days [of environmental justice], because there are lots of different narratives about the early days. I was blessed to be a part of it.

I always try to make sure that folks realize that many of the most successful programs and relationships with [environmental justice] organizations came out of those early recommendations from stakeholders across the country. So many of the elements and programs in place now came from a lot of hard work from lots of different folks.

For example, the creation of the Office of Environmental Equity, which became the Office of Environmental Justice, this came from recommendations from folks [in communities, working on the ground, and in grassroots organizations]. They were saying: there needs to be a central place in the government where communities can go, and which can help them navigate this huge [government] bureaucracy that exists. There needs to be an intersection point so that they can engage with folks and begin to have conversations about environmental issues, and not only the impacts on our communities, but also to help make real change happen.

One of the developments over the years—and this is one of the critical pieces which is necessary to address environmental justice—is the [NEJAC, the National Environmental Justice Advisory Council](#). NEJAC also came out of those early recommendations [from grassroots stakeholders], and from engagement with Dr. Gaylord and the rest of us there in the Office [of Environmental Equity] in the early days. NEJAC was critical because it moved the conversation [beyond the federal government and local communities], it brought in business and industry, and tribal organizations, local and state governments, and faith-based folks into the conversation as well.

What NEJAC did was to say that we all have a role to play in this space. Because it was a federal advisory committee, it also shared important information about environmental justice concerns directly with the [EPA] Administrator. NEJAC gave people a conduit. It gave them a way to help move conversations, to frame conversations and activities in a way that would be more beneficial to communities, and to make sure the communities had an active voice in the process—especially our most vulnerable communities.

A great example is the [EPA's Brownfields Program](#). The Brownfields Program, when it first came out, was very business-focused. It was about cleaning up [toxic land] and getting business back into those places. NEJAC played a huge role in getting the voice of communities into [the brownfields program]. It made sure that [worker training programs](#) and other resources [that are important in helping communities get

engaged in the brownfields cleanup and redevelopment process] were in place.

Another example is EPA grant programs [for environmental justice work]. This grant program also came out of [early] recommendations [from grassroots stakeholders]. It worked with the Office of Environmental Justice and other offices in the early days, making sure resources were actually making it to communities, so communities themselves could be drivers of change. For example, helping to make sure that [brownfields] cleanups were happening in their communities; helping to make sure that education was happening in their communities, so they could understand the technical information [about toxic cleanups]; helping communities have a better understanding about asthma, and so forth. Other offices were not funding this kind of work, inside communities.

The Office of Environmental Equity, which became the Office of Environmental Justice, played a huge role in helping reframe some of the investments [going toward] communities. There was the [Environmental Justice Small Grants Program](#), and the [Collaborative Problem-Solving Grants](#) that were out there, and then they began to move into other offices. There was a pollution prevention grant that had a strong EJ component. There was the State Tribal Environmental Justice Grant Programs, which played a huge role in [getting] seed money [to states] for them to help get this program started.<sup>132</sup> We even had a [Community/University](#)

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<sup>132</sup> See, for example, U.S. EPA, “State Environmental Justice Cooperative Agreements”, <https://www.epa.gov/environmentaljustice/state-environmental-justice-cooperative-agreements-sejca> (accessed August 20, 2017).

[Partnership Grant Program](#) to help build relationships between academic institutions and community organizations to address issues inside the community.

Those early stakeholders, working in authentic collaboration with the Office of Environmental Equity, played a huge role in helping to build trust between our most vulnerable communities [and the federal government]. Before then, there had been a number of interactions [with the federal government] that was not always promising for communities. So there was a lack of trust in that space. It just hadn't been much of a focus [within the government].

**LINDSEY:** One thing I hear from you is that we need to recognize just how many years, even decades, of hard work it took for local communities to even have a seat at the table. It was the result of a lot of grassroots efforts, of pushing the government to recognize environmental injustices.

Under the Obama administration, there was some progress on environmental justice—for example, [Plan EJ 2014](#) and [EJ Action Agenda 2020](#)—but not everything was perfect either. You were in the agency at this time. What were some of the challenges and frustrations you had about the ways that things weren't moving forward on environmental justice?

**MUSTAFA:** As you said, some of the promising things [under Obama] were EJ 2014 and EJ 2020. On the intra-agency side, [President Obama signed a memorandum in 2011](#), recommitting to the [Federal Interagency Working Group on Environmental Justice](#). [The Interagency Working Group on Environmental Justice is important] because [grassroots leaders] have always asked for a holistic approach to problems within their communities. It's transportation, it's housing, it's the environment, it's jobs, public health, and so forth. When you don't [take a holistic approach], you leave gaps in the process. It's just not the way that you should do business.

The challenges under the Obama administration were traditional ones. First is priorities. With a number of different priorities that are out there, how do you keep environmental justice first and foremost in people's thoughts? Managers and other senior officials have a laundry list of things that they are trying to get done. It takes work and resources to make sure that that [environmental justice] is always there, or it's integrated into [the agency's activities]. There have never been a huge amount of resources put in place for environmental justice.

Second is capacity. The capacity to do [this kind of] work takes a real focus. The interesting thing about environmental justice is that not every [individual] can do it. It's not just training to be a scientist or engineer. In many instances, you have to be able to understand those complicated scientific issues, but you also have to be able to translate that into the voices of communities, to be comfortable with engaging with communities, and to understand

the challenges that communities face. Building that kind of capacity has always been a challenge.

There are 17 federal agencies that have responsibility for environmental justice, based on [Clinton's Executive Order \[12898\]](#), and yet, I was the only senior official in the federal government tasked with environmental justice. That creates all kinds of challenges. One challenge is in policy. If you only have that one voice who is supposed to have expertise in environmental justice, and they are [only] at the EPA, and yet we had environmental justice needs in other federal agencies and departments, then there is no voice advocating [for environmental justice] at the highest levels of government, as policy is developed.

The second challenge is around budget. Once again, if you don't have somebody in place, advocating for environmental justice as decisions are getting made, then you are creating an unnecessary sort of gap, if you will. That was always one of the things that I advocated for. We need to have other folks, at the same level as myself, who can help to make sure that our policy is as strong as possible [on environmental justice], and who can help to make sure [environmental justice] gets the right types of resources. Those were some gaps I saw—in capacity and resources.

If we're going to have a real conversation, there is [another challenge] in terms of experiences. If you don't have high level senior officials who come from [impacted] communities, it leaves gaps in policy-making.

I'm always looking for opportunities to strengthen things, and I think that we could have been even stronger if we would have had folks throughout the federal family, at the senior levels, who had expertise in this area [of environmental justice], including at the White House. There should have always been someone there who had expertise, no matter the administration. From the current administration all the way back to the beginning, we should always have had someone there who had a specific focus on these issues, to help the president and administration to build to navigate this very important work.

**LINDSEY:** From the beginning, environmental justice activists have raised the issue of the lack of diversity and experience in the federal government, and also in mainstream environmental organizations, like the Sierra Club. Did you see efforts to increase diversity in experience at the EPA when you were there?

**MUSTAFA:** I think so. Over the years, I saw a number of different training initiatives. I actually led some of those, to make sure that staff and management went through environmental justice training. I think we at one time had trained almost like 10,000 folks or something like that.

**LINDSEY:** Wow. Was that training voluntary?

**MUSTAFA:** Each office approached it in their own way. Some offices would made the training mandatory, and others highly suggested that folks took it. It took a lot of energy and effort, but we got it done, and we branched it out to other agencies and groups as well. We went on to develop online courses too.

That was one of the ways I saw folks trying to make sure the people [in the government] had a basic understanding of some of these issues. There was always work to be done—for example, to make sure we continue to hire folks who had these skill sets. We ran it through the [National Enforcement Training Institute](#), and we actually had one of the highest scores for trainings. That was one of the ways we knew that people appreciated what we were doing. I will always be thankful for that.

If you want to make sure that environmental justice is moving forward, and that it is prioritized at the EPA or government agencies and departments, we need to build it into the performance evaluation system. All of us go through evaluations, both midyear and then at the end of the year. You prioritize the things that you are being evaluated on. I think this is one of the ways that we can help make sure that middle managers and senior managers and staff are, one, getting the credit, and two, getting evaluated on how they are moving [environmental justice] forward.

**LINDSEY:** What I hear you say is that it's important to make sure that the government structures itself in a way that prioritizes environmental justice—through trainings and performance evaluations, for example. Do you have any other recommendations in this regard?

**MUSTAFA:** The budget itself. What types of resources and dollars are actually going to these issues?

Also looking at the regional structures and other teams that exist. It's not just EPA headquarters. As you know, we have regional offices as well, and regional teams. We need to evaluate those areas of the EPA as well.

We need to make sure regional offices and teams have what they need to be successful, because they are the ones who are really doing work on the ground. Although, many folks who work in the Office of Environmental Justice are out there [in communities]. I spent probably 70 to 80 percent of my time with communities. I don't know how you do environmental work and not be out in the communities which are being impacted by the environmental decisions getting made.

**LINDSEY:** In many ways, the Trump Administration represents a significant break with previous administrations. It feels as if there is so much that is vulnerable right now. Are there programs or projects you are most worried about?

**MUSTAFA:** I'm worried about all of them, to be quite honest with you. When we really look at it, they all touch communities—even if they don't have the lens or the title of environmental justice.

We currently have an administration that does not put much value on science, which is one of the backbones of the work that happens at the EPA. It's science and law, those are the two backbones.

I have real concern about the Office of Research and Development, about the great work they are able to do, and how that will play out for communities. [The Office of Research and Development] is one of the very strong science-based offices. I know over the last two years, they have been really trying to make strides in better engaging with vulnerable communities.

Of course, the Office of Air. Most of the clean air and climate programs are run through that office. Climate, or the warming of the climate, doesn't seem to be something that the new administration feels exists. The Office of Environmental Justice. Because there is no statutory mandate, I worry about that office. The Office of Water. We've seen some of the things that [the new administration] has put out in relationship to the clean water rule. The Office of Children's Health is another one of those offices—if we are not focused on the next generation, and making sure that we are placing resources in that space, what does that say about how you view the future of our country?

There's not too many places in the agency that I think this new administration has not placed some really tough times ahead of. It's going to be interesting. It's going to be an interesting time.

**LINDSEY:** When environmental justice groups file administrative or legal claims with government, they go through Title VI. I'm wondering what you think about the future of Title VI complaints under this administration?

**MUSTAFA:** I was going to mention that, and this is another one of the areas that our current administration doesn't seem to place a lot of value on. The EPA works with the Department of Justice on many of these issues, on both civil and criminal issues, and Title VI as well. There hasn't been a lot of support for civil rights, let alone, Title VI.

I believe in real talk. The agency over the years has had some real challenges in respect to Title VI. The last year before I left, the agency was beginning to step up, properly, and beginning to get a toolkit for Title VI complaints in place. [They started to pursue] a strategy engaging with a number of Title VI stakeholders, and trying to move forward [on this issue]. I saw some small progress in that space.

That's why it's so disappointing to see an administration come in who doesn't see a lot of value in civil rights. This sends a message to the states, who in many instances are the front lines on these

issues. Of course, folks have reached to the federal family when the states haven't been able to do the right things [on environmental justice]. So you're sending a message when you are not properly funding or supporting [these concerns]. For folks who have, in many instances, gone through every other process trying to get some relief, or some movement [forward on civil rights and the environment], and for this [support] not to be there—it sends a strong message.

Some of the other [federal] agencies have done a much better job [in this regard], like Department of Transportation and others. They have been able to utilize their Title VI programs [to move environmental justice forward in communities].

**LINDSEY:** What were the reasons Title VI was starting to move forward in your last year at the agency? Were there more resources, or more political will? How would you explain it?

**MUSTAFA:** For the last two EPA administrators that I worked with, I know they cared about Title VI, and were trying to the best of their ability to get some structural things in place in the office, and to hire folks who had expertise in that area. Getting the toolkit together, writing strategic plans, hiring folks who have expertise, these were things that probably should've always been happening. We made a lot of progress on environmental justice. We still have a long way to go. We hadn't made as much progress on the Title VI side though.

**LINDSEY:** This is, in many ways, a unique political moment. What are your thoughts about how environmental justice activists and allies should respond? Do we need new political strategies?

**MUSTAFA:** We've got some real challenges, but also, for the first time in the couple of decades that I've been doing this work, I've begun to see sort of silos breaking down. I've begun to see folks work together who have not traditionally worked together, which is very powerful. Many things are changing. Philanthropic organizations are beginning to shift their portfolios and resources toward this work, which is something that's always been needed.

There are some folks in business and industry who also understand that this work needs to happen, and know they need to get more engaged in this space. A number of the faith-based organizations have now built [environmental justice] in their platforms, and other priority structures as well.

The people have been doing this work are going to continue to do it. I've talked to many of the fellow leaders at the state level, and a lot of governors or other officials in the states. The folks who are sort of in the middle, I think are now beginning to lean a little bit more towards this work, and understand that it just makes sense to begin to address these issues. If you don't, there are ripple effects.

A lot more needs to happen. If we want to address climate, for example, we really need to focus on our most vulnerable communities, where many of the fossil fuel industries are located, and where many other dynamics are going on.

A lot of folks are beginning to understand the value and the power in their vote. Many organizations are beginning to make sure that folks are getting registered, and to engage in elections. Not just the general elections or the midterm elections, but also on local and county and state races. There are folks who are going to run for office now, and who will be supportive of these types of community issues. More and more folks are now starting to get engaged in things.

**LINDSEY:** I hear you say there is a lot of hope. There are a lot of good things going on.

**MUSTAFA:** There really are. Things that don't get covered much in the news. They're more the nuts and bolts kind of work, that doesn't get a lot of attention, but yields really, really positive results. We even have the artists and entertainers who are beginning to speak out on these issues, from Flint to Standing Rock to East Chicago. You know people like Jay-Z and others talk about social justice, talk about civil rights; Beyoncé and so forth. That's powerful, because when that starts to happen, there begins to be a cultural shift.

We have to ask the hard questions. Over the years, did folks actually value the lives of people of color and low income communities and indigenous populations? If the answer was "yes," then they would have been doing more. This is another component of [environmental justice work], that has to be a part of the overall analysis.

**LINDSEY:** Can you tell me more about the ripple effects you spoke of?

**MUSTAFA:** If you look at many of the communities that have environmental justice issues, or what folks label as communities with environmental justice issues, what you see is a disinvestment from those communities. The ripple effects come from those disinvestments. For example, because you are able to place certain things [like hazardous waste facilities] in those communities, their property values decline, and there are dynamics that [ripple] from that. It's a kind of extraction of wealth too. Then jobs begin to move away. Other things move in to fill that space [where jobs had been] for folks to try and survive and make a little bit of money.

Then you have law enforcement and others who say, "Well, we've got to police stronger in these areas." So they are ripple effects. If you really understand this issue, and really look at how [restrictive covenants and redlining](#) were used in many of these communities, then you begin to understand how some of these problems have been able to take root.

For me, it goes back to addressing the root causes, so that we don't create more communities with environmental injustices, and so that we can be focused on [the question], how do we help these communities move from surviving to thriving?

**LINDSEY:** In our conversation, I hear you say that things such as resources, and having more influence at the decision-making level, and putting environmental justice priorities front and center at the EPA and other agencies, are important recommendations in moving environmental justice forward. But how will these recommendations affect or change the root causes you spoke about? Like redlining, and its ripple effects?

**MUSTAFA:** I think there are a couple of different things that I've tried to push over the years. One is that we should not be creating policy that folks are not asking for. We need to take more time to properly engage with communities about what they are looking for. We should also not be creating policy that is not going to benefit our most vulnerable communities. Protecting our most vulnerable communities should be the template that we are working from. If we can protect them, then everybody else is going to be protected because they are the ones that are being disproportionately impacted.

It's also about more than just having people at the table. One of the reasons that I stayed with the Office of Environmental Justice

for as long as I did was so that the voice of communities was the driver in the design of our programs and activities.

I want to see communities play a much stronger role, not just in the work that the Environmental Protection Agency does, but in a number of the agencies and departments. Some really don't engage a whole lot with folks. You miss an opportunity to strengthen our country when you don't do that. If you give folks the opportunity, they will share with you what they're really looking for. If you really, really listen, there's a lot of innovation in what they're sharing. Then you just have to figure out how to translate that innovation into this crazy bureaucracy that we have, and to make it work.

If we can do these basic things, I think that we would then actually meet the mandate that people have placed in front of us. I also think folks in communities would have a much better understanding of what these government agencies and departments do, and their voice would be such a strong part of what [the government] is, what it looks like, and what it does.

**LINDSEY:** What would you say to people in the EPA right now, about how to keep working toward environmental justice?

**MUSTAFA:** I appreciate all of the folks who are still inside of the federal family, just pushing forward every day. The one thing I would say to them is something I [shared with the Administrator](#), as I was

leaving—to [remember your oath](#), and why you raise your right hand when you took that oath. And, if you are at the EPA, remember that your job is about protecting the health and the environment of folks. If you're one of the other agencies and departments, there are other missions, but primarily, it's about making sure that we are doing the right thing, and what we're doing is actually going to help folks and not hinder folks.

If you do that, then we can make sure that our most vulnerable communities are protected. That's what I would ask; to stay focused on the most vulnerable communities and making sure that we are doing everything in our power to help improve their lives and to stand up against injustice in whatever form or fashion that may present itself. When we raised our right hand, that oath that we took was to make sure that we were doing those things.

**LINDSEY:** That's beautiful. Well, I have just a few closing questions. First, what were some of your proudest moments or accomplishments in your time at the EPA, and what were your biggest challenges?

**MUSTAFA:** The most proud moments were when I was out around the country, and when one of the elders whispered in my ear and would say to me, "You are doing a good job," or give me a hug. Or just say, "Keep up the fight." That meant more to me than all of the awards and all of the stuff that I got over the years, because that's what it was always about for me.

The first conference I ever went to was at Xavier University, with Dr. Beverly Wright. There was an elderly African-American lady who was there. She came up to me at the end of the conference. I was just a student at the time. I remember her whispering in my ear, to “always remember what you heard and what you saw and do what you can to help.” I took that with me over the years. Any time that the community—which was always my focus—told me that we were moving in the right direction, then that meant the world to me.

The work I did with young people, with youth [was also important] because I always saw myself in them. Creating an opportunity for them, that was part of the mission, for me. Anyone who works on social justice knows that we are always trying to give back and to help prepare the next generation to continue to move forward with the struggle.

The challenges were helping people to embrace their humanity and to understand that the issues that folks are facing in our most vulnerable communities are real. They are going on every day, and they should not be going on. Also, that we can make real change. That was always the challenge.

The other challenge was always trying to get people out to these communities, to get other senior managers out there, because if I can get them there, then at least I knew they saw it firsthand. I hoped that when they came back to Washington, they would feel a responsibility to do whatever they could and in their capacity to improve the process, to make it more inclusive, to make it more

protective. That was always the challenge, of getting high-ranking folks to the spaces and places, and for them to sit down and spend real time with folks, and engage with them.

**LINDSEY:** My last question is; what kind of work will you be doing with the [Hip Hop Caucus](#)? Will you be working on environmental and climate justice there?

**MUSTAFA:** Definitely. I had lots of different opportunities when I left [the EPA]. Folks were like, "Well, why did you choose the Hip Hop Caucus?"

First, the work that they do is incredible. I knew I didn't have to convince anybody of how important [environmental justice] is, because they already have been focused in these spaces.

Right now I'm doing all kinds of work with the [Respect My Vote campaign](#). The Caucus has registered over 600,000 people to participate in the civic process over the years. This is incredible because lots of the folks the Caucus engages with are not necessarily the ones who other groups are trying to engage with. That's powerful in itself. It's important to help people to understand the power of their vote. Not telling people who to vote for, but getting them engaged in that process, and understanding how resources flow from your vote. How decisions are made based upon your vote. Then being a part of the [People's Climate Music campaign](#). Getting the chance to watch

and engage with all kinds of incredible folks like Common and Ne-Yo and Anthony Smith. Then on the rap side, folks like Wiz Khalifa and Vic Mensa.

I gave a speech the other day and I said: It's interesting that I can put 10,000 of the top scientists in front of folks, and share some information, and folks will say, "Oh, okay. That's great." But it probably wouldn't stick. Then, if I have someone like Jay-Z or Beyoncé or Vic Mensa or a number of the other folks share something, millions of people are paying attention to it. That's the beauty of being at the Hip Hop Caucus and working with so many cultural influencers who are socially aware and socially conscious.

We're also rolling out a new, powerful program—Revitalizing Vulnerable Communities. We're creating a Revitalizing Vulnerable Communities Institute in Spartanburg, South Carolina, [where the EPA had one of its more successful environmental justice projects.](#)

Being able to do that, and take young leaders down there and train them, and share with them what's going on, and to translate that back into their communities, and to take cultural influencers, artists, entertainers, and athletes there too, for them to see how change can happen. Then to take local, state, and federal officials there [to the Revitalizing Vulnerable Communities Institute, in Spartanburg] and others, and for folks to begin to understand that investing in these communities makes sense. Not does it just make sense, it yields positive results. This is the way we begin to shift how people think. That's just a few of the things that are

going on at the Caucus and why I'm so excited and blessed to be with [Reverend \[Lennox\] Yearwood and the rest of the family.](#)

**LINDSEY:** In getting people to vote, you're helping maintain hope. You're helping keep people from getting disillusioned, and instead to believe that in working together, they can make a real change. It's easy to get disillusioned and critical. Hope is powerful.

**MUSTAFA:** I often say it's reclaiming your power. It's all about reclaiming your power.

**LINDSEY:** It's important to stay in that space of hope, in this moment. I really want to thank you for making the time to talk with me, and for all of the work you've done. It's inspiring, and I'm sure you've inspired hundreds of thousands of people, and have changed many things about how the government works, in bringing environmental justice into the conversation. So a big, heartfelt thank you.

**MUSTAFA:** Thank you and I'm very thankful to all those leaders who embraced me years ago and helped me to learn and grow. So I always give it back to them because without them, none of this would've been possible.