

## A CALL TO ACTION!

### WHAT ARE THE DISPARATE IMPACTS OF ENVIRONMENTAL POLLUTION ON DISADVANTAGED COMMUNITIES AND WHAT CAN YOU DO ABOUT IT?

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#### WHAT KIND OF IMPACT DOES POLLUTION HAVE ON INDIVIDUAL COMMUNITIES?

The burning of fossil fuels like coal, petrol, diesel and others is a major source of air pollution and exists as one of this world's greatest silent killers.<sup>1</sup> When talks begin of rising greenhouse gas emissions, melting glaciers, or rising sea level temperatures globally, the problems of climate change can seem remote or at least problems for the future to address, but on an individual community level every person in a community has to breathe the air.<sup>2</sup> New studies have shown that fossil fuel combustion is a key contributor to mortality and disease. Links between pollution from the burning of fossil fuels can cause a wide range of serious health problems, such as cardiovascular disease, cancer, lung tissue damage, and asthma, just to name a few.<sup>3</sup> According to the research, "exposure to fine particulate matter, or PM 2.5,<sup>4</sup> from burning fossil fuels was responsible for about 8.7 million deaths globally," however, some figures put the annual global mortality rate much higher near 10 million deaths.<sup>5</sup>

This is more people each year than the number who die from HIV, tuberculosis, and malaria combined;<sup>6</sup> and just as the death brought by those diseases ravaged individual communities and families, so to does the death caused by air pollution. The only real difference is that a death certificate will report that a person dies of HIV, whereas the burning of fossil fuels continues to go unnamed. Instead it sits back as a specter, the true cause that looms behind a myriad of named illnesses.

#### DOES ENVIRONMENTAL POLLUTION HAVE A BIGGER IMPACT ON LOW-INCOME COMMUNITIES? IF SO, WHY?

Broadly speaking the burden of breathing polluted air is not one shared equally by all groups. Poorer people, disadvantaged people, and people in low-socioeconomic positions face

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<sup>1</sup> Karn Vohra et al., *Global mortality from outdoor fine particle pollution generated by fossil fuel combustion: Results from GEOS-Chem*, 195 ENTVL. RES. (Apr. 2021), <https://www.sciencedirect.com/science/article/abs/pii/S0013935121000487>

<sup>2</sup> Clara Chaisson, *Fossil Fuel Air Pollution Kills One in Five People*, NRDC (Feb. 19, 2021), [https://www.nrdc.org/stories/fossil-fuel-air-pollution-kills-one-five-people?utm\\_source=Adwords&utm\\_medium=RT&utm\\_campaign=CleanAir&gclid=CjwKCAjwtdFBhBAEiwAKOIy5zqSZ26Or5a3icAjN0AkDJ6\\_R1qxXO7GVUk7wOAJF6wmoqOd7S0nlBoCm3QQA\\_vD\\_BwE&gclsrc=aw.ds](https://www.nrdc.org/stories/fossil-fuel-air-pollution-kills-one-five-people?utm_source=Adwords&utm_medium=RT&utm_campaign=CleanAir&gclid=CjwKCAjwtdFBhBAEiwAKOIy5zqSZ26Or5a3icAjN0AkDJ6_R1qxXO7GVUk7wOAJF6wmoqOd7S0nlBoCm3QQA_vD_BwE&gclsrc=aw.ds)

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (PM 2.5 is any airborne particle that is up to 2.5 microns in diameter—or about one-thirtieth the width of a single human hair.)

<sup>5</sup> Vohra, *supra* note 1.

<sup>6</sup> Chaisson, *supra* note 2.

greater exposure to harm from air pollution because they are overall more likely to live closer to major sources of air pollution, such as major traffic highways, fossil fuel refineries, and industrial plants.<sup>7</sup> As well the poor have less access to health care, grocery stores and poorer job opportunities that lack adequate health insurance, dirtier workplaces, and must spend more time in urban centers with higher levels of air pollution.<sup>8</sup>

Due to rising housing costs around the nation, as well as historic discrimination against the poor, low-income neighborhoods tend to be clustered around industrial sites, and other pollution hotspots.<sup>9</sup> Low-income people also tend to have lower educational attainments and are afflicted by the numerous other systemic issues that come with generational poverty.<sup>10</sup> Therefore, these communities tend to have less resources and/or political clout to oppose the siting of unwanted facilities.<sup>11</sup> Ultimately, the placement of dangerous pollution emitting facilities in low-income communities just becomes the path of least resistance for profit seeking industries.

ARE THE NEGATIVE IMPACTS OF ENVIRONMENTAL POLLUTION  
TARGETED TOWARDS PEOPLE OF COLOR?  
IF SO, HOW?

Race is in fact the biggest factor in determining the likelihood of whether a person lives near polluted water, air or contaminated soil.<sup>12</sup> Overall, minorities in the U.S. are more likely to be low-income with 20% of Blacks,<sup>13</sup> 18% of Latinos,<sup>14</sup> living in poverty, compared to just 10% for white families.<sup>15</sup> Asians are markedly less likely to live in poverty than other minority groups, with a 10% poverty rate similar to whites, however, Asian families often have 4 to 5 members of the family working.<sup>16</sup> Additionally, they often still live in segregated communities near other low-income minority groups. So, all of the same factors mentioned above, that help to drive higher pollution rates in low-income neighborhoods also cause the same environmental issues in minority neighborhoods.

It is important to note, however, that with race comes additional problems, and the uniqueness of how race is the core driving factor for the way fossil fuel pollution is targeted towards minorities has distinct impacts apart from income status. Multiple studies have found that Hispanics, Asians, and especially Blacks have a higher risk of premature death from particle

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<sup>7</sup> *Disparities in the Impact of Air Pollution*, AM. LUNG ASSOC. (last updated Apr. 20, 2020), <https://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities> [hereinafter AM. LUNG ASSOC.]

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Jim Erikson, *Targeting minority, low-income neighborhoods for hazardous waste sites*, Michigan News (Jan. 19, 2016), <https://news.umich.edu/targeting-minority-low-income-neighborhoods-for-hazardous-waste-sites/>.

<sup>12</sup> William Kemp-Neal, *Environmental Racism: Using Environmental Planning to Lift People Out of Poverty, and Re-shape the Effects of Climate Change & Pollution in Communities of Color*, 32.3 *Envtl. L. Rev.* 295 (2021) (upcoming publication, see <https://ir.lawnet.fordham.edu/elr/>).

<sup>13</sup> *Poverty Facts – The Population of Poverty USA*, POVERTY USA (2021), <https://www.povertyusa.org/facts>.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Ethnic and Racial Minorities & Socioeconomic Status*, AM. PSYCHOLOGICAL ASSOC. (2021), <https://www.apa.org/pi/ses/resources/publications/minorities>

pollution in the air than Whites do.<sup>17</sup> Some studies even demonstrating this disparity stretches past multiple income levels.<sup>18</sup> Even Blacks in higher income brackets often face greater pollution risks and have higher death rates than Whites in lower income groups.<sup>19</sup>

To highlight another distinction between race and income in terms of correlation to air pollution; low-income regions tend to have high Medicare enrollment, however, regions that have high levels of Medicare enrollment do not always correlate to regions with the most air pollution.<sup>20</sup> A stronger correlation to air polluted with the most fossil fuel emissions can be found by looking at where Blacks populations live. “Black people are 1 ½ times more likely than whites to be in places with pollution, including the Latino population.”<sup>21</sup> This has contributed to Blacks also having higher than average asthma rates and ultimately leading them to be more affected by deadly respiratory illnesses such as COVID-19.<sup>22</sup> “The COVID-19 pandemic has hit African Americans especially hard, killing them at twice the rate of their [W]hite counterparts.”<sup>23</sup>

#### ARE DISPARATE IMPACT POLLUTION PROBLEMS A CONSEQUENCE OF AMERICA'S RACIST PAST?

Environmental racism refers to any policy, practice, or directive that differentially affects or disadvantages, whether intended or unintended, individuals, groups, or communities based on race or color.<sup>24</sup> This definition includes disparate impact and the presence of environmentally racist policies in America is without a doubt a direct consequence of America’s racist past. From its founding American has always been a segregated nation and so to is the problem of environmental air pollution caused by the burning of fossil fuels and other toxic emissions.

Before the Revolutionary War started in 1775, Black slaves were forced to live in separate out-cabins or muddy slave quarters,<sup>25</sup> while Native Americans were pushed west off their lands or killed.<sup>26</sup> In the late 1860s Blacks were trapped in *de facto* slavery on sharecropping plantations.<sup>27</sup> In the 1930s through 1950s minorities were excluded from moving into clean White suburbs.<sup>28</sup> In this same period, Banks red-lined districts preventing Blacks and Hispanics

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<sup>17</sup> AM. LUNG ASSOC., *supra* note 7.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Babin S, Burkom H, Holtry R, Taberner N, Davies-Cole J, Stokes L, Dehaan K, Lee D., *Medicaid patient asthma-related acute care visits and their associations with ozone and particulates in Washington, DC, from 1994-2005*, 18.3 INT J ENVIRON HEALTH RES. 209, 219 (2008), <https://eds-a-ebsohost-com.fl.s.idm.oclc.org/eds/pdfviewer/pdfviewer?vid=1&sid=28bfde1b-1087-4bd6-a791-00a566de46ad%40sessionmgr4006>.

<sup>21</sup> Why Race Matters When We Talk About the Environment, An Interview with Dr. Robert Bullard by Lauren Reid, (Mar. 1, 2018), <https://www.greenpeace.org/usa/why-race-matters-when-we-talk-about-the-environment/> [hereinafter Bullard Interview].

<sup>22</sup> Kemp-Neal, *supra* note 12, at 306.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 299.

<sup>25</sup> Dennis J. Pague & Douglas Sanford, *Slave Housing in Virginia*, ENCYCLOPEDIA VA. (May 4, 2021), <https://encyclopediavirginia.org/entries/slave-housing-in-virginia>.

<sup>26</sup> *Pushing the Indians Westward*, LEGENDS OF AM. (2021), <https://www.legendsofamerica.com/na-pushwest/>.

<sup>27</sup> *Sharecropping – Slavery by Another Name*, PBS (1995-2017), <https://www.pbs.org/tpt/slavery-by-another-name/themes/sharecropping/>.

<sup>28</sup> Terry Gross, *A 'Forgotten History' Of How The U.S. Government Segregated America*, NPR (May 3, 2017), <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america>.

from obtaining property loans to secure safe housing.<sup>29</sup> The federal government paved large interstates through communities of color, tearing them in half or totally destroying them in the process,<sup>30</sup> as well as made deals to dump toxic waste facilities on Native American lands.<sup>31</sup> In the 1980s and 1990s, minorities, especially Black and Hispanic males, were incarcerated disproportionately due to the “war on drugs,”<sup>32</sup> leaving minority families broken, fatherless, living in prisons or in polluted neighborhoods next to fossil fuel refineries, and/or other hazardous waste facilities. Ultimately, due to literal centuries of residential segregation, Blacks and people of color generally tend to live where there are the greatest risks for exposure to deadly air pollution.<sup>33</sup>

#### ARE THERE ANY POSSIBLE SOLUTIONS TO THESE PROBLEMS THAT INDIVIDUALS OR LARGE COMPANIES CAN CONTRIBUTE TO?

The disparate impact that fossil fuel air pollution has on low-income, and minority communities are fundamentally issues caused by this country’s history of environmentally racist policies. “Environmental racism is a multifaceted systemic issue and therefore the solutions need to be equally robust.”<sup>34</sup> Solving many of the above problems will require substantive federal and state action in the form of new legislative and adjudicative proposals and implementation which I discuss more thoroughly in another paper *Environmental Racism: Using Environmental Planning to Lift People Out of Poverty, and Re-shape the Effects of Climate Change & Pollution in Communities of Color*.<sup>35</sup> However, on an individual level there is still much that can and needs to be done.

First, awareness needs to continue to be raised in support of environmental justice causes. Politicians respond when they can see lots of people motivated and animated about an issue.<sup>36</sup> So, individuals have a responsibility to educate themselves on many of the basic facts outlined in the above answers. Next, it is important to remember to always vote, and when possible help and encourage others to as well.<sup>37</sup> Not just in the big federal elections, but in state and local elections also. Vote for your town council members, your school board leaders, and vote in judicial elections and for the district attorney positions.

Another important aspect to fighting climate injustice is holding major polluters and obstinate politicians accountable. Companies need to stop taking the path of least resistance and building their hazardous industries near the most disadvantaged groups. However, realistically to encourage this move, there needs to be more legal options for low-income and Black and Brown

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<sup>29</sup> *Id.*

<sup>30</sup> Noel King, *A Brief History of How Racism Shaped Interstate Highways*, NPR (Apr. 7, 2021), <https://www.npr.org/2021/04/07/984784455/a-brief-history-of-how-racism-shaped-interstate-highways>.

<sup>31</sup> Kemp-Neal, *supra* note 12, at 305.

<sup>32</sup> The War on Drugs and Mass Incarceration, GEORGETOWN L. (last updated Apr. 12, 2021), <https://guides.ll.georgetown.edu/c.php?g=592919&p=4172706>.

<sup>33</sup> Am. Lung Assoc., *supra* note 7.

<sup>34</sup> Kemp-Neal, *supra* note 12, at 306.

<sup>35</sup> *Id.*

<sup>36</sup> Bullard Interview, *supra* note 21.

<sup>37</sup> *Id.*

individuals and communities to privately sue both the industries directly responsible for polluting their neighborhoods, and the municipalities that allow such things to occur.<sup>38</sup>

If you have educated yourself, you can make sure to always vote for people you trust to push these initiatives and tackle climate change with environmental justice policies in mind. Last but not least, individuals can also donate to organizations already fight the cause, they donate to politicians who they believe will help and if you are truly ambitious you can run for political office or organize an event yourself. It is one thing to say you support fighting climate change or other broad causes to reduce emissions or the like, it is another to actually take action. Now is the time for action.

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<sup>38</sup> Kemp-Neal, *supra* note 12, at 315.