

The Flint Water Crisis. A Case of Environmental Injustice or Environmental Racism

**Michael Mascarenhas
Associate Professor
Science and Technology Studies Department
Rensselaer Polytechnic Institute**

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Introduction

Contemporary notions of environmental and social justice largely hinge on how we come to think about water in the twenty-first century. Worldwide, it is estimated that approximately 1.1 billion people, or 18 percent of the world's population, lack access to safe drinking water (United Nations 2010: 710). And depending on how one counts, this number might actually be much higher than previously reported by international agencies (Mascarenhas 2017). In the case of the Flint water crisis, 100,000 residents were poisoned with lead in the public drinking water, 9,000 of them were children. To date, there have been 200 confirmed cases of lead poisoning (Sanburn 2016b). And 28 months after the infamous switch to the Flint River, the water in Flint is still unsafe to drink without a water filter. Similarly in Detroit, according to We the People of Detroit Community Research Collective, there are approximately 178,000 households in jeopardy of having their water shut off. Moreover, while the United States Environmental Protection Agency (EPA) guidelines indicate that the cost of water and sewage should cost no more than 2.5% of a family's income, in Detroit and other poor neighborhoods in Michigan are paying more than 10% of their income for water and sewage bills, making water unaffordable for many poor and people of color (We the People of Detroit Community Research Collective 2016). Providing universal, fair, and equitable access to safe drinking water, then, may be the most significant social problem of this century (Mascarenhas 2012).

In an effort to address the sensitivity and urgency of water's divisions in health and welfare the United Nations Agency, United Nations Educational, Scientific and Cultural Organization (UNESCO), officially designated 2003 as the International Year of Freshwater. UNESCO declared that 2003 "is a year for us to focus our attention on protecting and respecting our water resources, as individuals, communities, countries, and as a global family of concerned citizens" (United Nations Educational Scientific and Cultural Organization 2003: 710). Acknowledging its contribution for local and global social wealth and welfare, UNESCO's support for better treatment and a more equitable distribution of this precious resource is both timely and relevant to the Flint water crisis. Recent scholarship continues to highlight the fact that changes in water and other ecosystem services are particularly discriminatory towards the poor (ICSU-UNESCO-UNU 2008; United Nations Development Programme 2006), minority communities (Mackenzie, Lockridge, and Keith 2005; Mascarenhas 2012; Mascarenhas 2015; Mohai and Bryant 1992; Mohai and Saha 2006), and women (Katz 2001; Merchant 1980; Shiva 1988). In fact, a recent United Nations Human Development Report (2006) suggested that *power, poverty and inequality are at the heart of today's global water crisis*.

Conflicts over water rights and water markets have been divisive, emotional, and in the case of Cochabamba, Bolivia (where civilians protested against the privatization of water services in December 1999 and April 2000) fatal, as a seventeen year-old *boy was shot* and killed by police during a protest against the privatization of water services by the *Bechtel* Corporation of San Francisco. During the summer of 2000, Walkerton, a quiet

town in the heart of rural Southwestern Ontario, became the site of Canada's worst ever outbreak of drinking water contamination when bacteria including *Escherichia coli* O157:H7 and species of *Campylobacter* entered into the municipal drinking water supply. This contamination caused gastroenteritis, including bloody diarrhea and other associated illnesses, in more than two thousand people, of who twenty-seven developed haemolytic uremic syndrome (HUS) and seven died (Bruce-Grey-Owen Sound Health Unit 2000). The Flint water crisis is not without its death toll as well, as 12 deaths have been associated with an outbreak of *Legionnaires' disease* that resulted from the tainted water supply. Moreover, it has been estimated that the Flint water crisis may cost more than \$400 million in additional long-term social costs, in addition to the incalculable expense of diminished life and livelihood of those poisoned (Sanburn 2016a).

Cochabamba, Bolivia, Walkerton, Ontario, and Flint, Michigan, however, can be seen as more than the outcome of unfortunate events. All three cases can also be explained as the outcome of a series of recent changes in the governance of drinking water. These changes are characterized by an increase in private sector participation, a commercialization of water management activities, and a diminished governmental association; and in the case of Flint, in particular, the role of emergency management. In Flint, for example, local government was suspended while the emergency manager signed a long term contract for water supply and sewage management. Flint also sold off many of its assets, and adopted other commercial approaches to providing municipal services. Furthermore, recent deregulation in the water sector has done much to conform the management of water to global market conditions. And with the exception of a few stumbling blocks, most often in the form of well-organized and collaborative resistance campaigns (or in the case of Flint, the poisoning of 100,000 residents), water privatization and commercialization schemes have become firmly established in the United States, Europe, Africa, Latin America, and Asia.

This recent history has entailed significant bureaucratic restructuring of the systems, structures, and institutions that provide drinking water and other public services on a daily basis. However, in spite of its transformative character, the impacts of this institutional reform, particularly on historically marginalized communities, have not been well documented. And while the tragedies in Walkerton, Ontario, Cochabamba, Bolivia (ultimately, five people died in Bolivia's water riots), and Flint, Michigan serve to illustrate the extreme consequences of this form of governance, research on how these neoliberal water reforms impact and shape new social hierarchies of everyday life has not received serious scholarly or policy attention.

It is the intention of this testimony to support the Michigan Commission on Civil Rights as it deliberates the role of environmental injustice and environmental racism as it pertains to the Flint water crisis. *The question that needs to be clarified by the Commission is in what ways has emergency management specifically, and austerity type measures, more generally affected environmental justice outcomes, particularly as it pertains to racial inequality and justice?* I begin with definitions and a general history of the environmental justice literature.

Definitions

The environmental justice framework is a theoretical and methodological approach to examining the uneven ways in which pollution and other environmental hazards are distributed among particular social groups, communities, and regions. Environmental justice activists and scholars present a broad concept of the environment in which we live, work, learn, and play. The environment from this perspective is not a people-free biophysical system but rather the ambient and immediate surroundings of everyday life activities and relationships linking people with their immediate environs. These include, but are not limited to, residential environments, working environments, and recreation environments. Turner and Wu (2002: 1) described the environment as encompassing “the air people breathe walking down a city or country street, the water drawn from their taps or wells, the chemicals a worker is exposed to in an industrial plant or strawberry field, and the forests people visit to hike, extract mushrooms, and engage in spiritual practice.” This conception of the environment links labor and public health, recreation and housing, and culture and history. Furthermore, this understanding of the environment breaks the boundaries between nature and society, work environments and open spaces, and urban and rural places. Environmental justice activists argue that all people, regardless of race, ethnicity, or income should enjoy access to a safe and healthy environment (Principles of Environmental Justice 1991).

The U.S. Environmental Protection Agency (EPA; 2007, p. 1) defines *environmental justice* as follows:

[t]he fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental inequality (or *environmental injustice*), then, refers to a situation in which a specific group is disproportionately affected by negative environmental conditions brought on by unequal laws, regulations, and policies. A specific form of environmental inequality is the phenomenon of **environmental racism**, or the deliberate targeting of communities of color for toxic waste facilities, the official sanctioning of poisons and pollutants in industrial toxins and their generally unequal distribution based on race and ethnicity.

General History of the Literature

Beginning in the early 1970s, a substantial body of literature began to emerge in the United States documenting the existence of environmental inequalities among particular social groups, specifically minority, aboriginal, and poor communities. In 1982 a major protest was staged in Warren County, North Carolina, over the dumping of 120 million pounds of soil contaminated with polychlorinated biphenyls (PCBs) in a landfill in a majority African American town. Several hundred protesters (many of them high-profile civil rights activists) were arrested, and the issue of environmental justice was thrust into

the national spotlight and onto the political agenda. In 1983, one year after the Warren County protests, the U.S. General Accounting Office conducted a study in several Southern states of EPA's Region IV.¹ The study identified four licensed commercial hazardous waste facilities—Chemical Waste Management, Sumter County, Alabama; Industrial Chemical Company, Chester County, South Carolina; SCA Services, Sumter County, South Carolina; and the Warren County PCB landfill, North Carolina.

Using 1980 census data, the study compared ZIP codes in which these four facilities were located, and adjacent census tracts that have borders within 4 miles of each facility, and compared them with ZIP codes that had no hazardous waste treatment, storage, or disposal facilities (TSDFs). The study found that a disproportionate amount of landfills (three of the four sites—Chemical Waste Management, Industrial Chemical Company, and Warren County PCB Landfill) were located in predominantly black communities (US General Accounting Office 1983). The study also concluded that at all four sites the black population in the surrounding census areas had a lower mean income than the mean income for all races combined, and represented the majority of those below the poverty level, which was \$7,412 for a family of four in the 1980 census (US General Accounting Office 1983).

This regional study was followed in 1987 by the first national study, *Toxic Wastes and Race in the United States*, by the United Church of Christ Commission on Racial Justice (Commission for Racial Justice 1987). This study used the same unit-hazard coincidence methods as the GAO study (ZIP codes and census data) and also found that race was the most significant factor in determining where waste facilities were located in the United States. Specifically, the study found that ZIP codes with no TSDFs had 12.3% minority population, however, ZIP codes with one TSDF had about double that figure, and ZIP codes with more than one TSDF or with one of the five largest landfills in the US had the highest proportion of minorities, 37.6%. Among other findings, the study revealed that three out of five African Americans and Hispanic Americans lived in communities with one or more uncontrolled toxic waste sites and 50% of Asian/Pacific Islander Americans and Native Americans lived in such communities (Commission for Racial Justice 1987). The report was the first systematic and national study to expose the gross disregard for people of color in the United States regarding the persistent siting of toxic wastes in their neighborhoods. The report concluded that race was the primary predictor of where hazardous wastes would be located in the United States, more powerful than household income, the value of homes, and the estimated amount of hazardous waste generated by industry (Commission for Racial Justice 1987).

In 1990, sociologist Robert Bullard published his now-classic book *Dumping in Dixie: Race, Class, and Environmental Quality*. This was the first major study of environmental racism that linked hazardous facility siting with historical patterns of segregation in the South. This study was also one of the first to explore the social and psychological impacts of environmental racism on local populations and to analyze the response from local communities against these environmental threats (Bullard 1990).

Canon, Commitment, and Controversy

Scholars have pointed to these three studies as the beginning of the modern environmental justice movement in the United States (Brulle and Pellow 2006; Szasz and Meuser 1997). These three ‘canonical’ works, while not the first studies to examine the unequal exposure to environmental hazards, forged an explicit link between research and social movements (Brulle and Pellow 2006; Szasz and Meuser 1997). These studies were significant to racial politics in the United States because they found race to be the most potent variable in predicting where commercial hazardous waste facilities were located.

In addition to the growing body of research, conferences, such as the Urban Environment Conference in New Orleans in 1983 and the University of Michigan Conference on Race and the Incidence of Environmental Hazards in 1990, brought together researchers from around the nation who were studying racial and socioeconomic disparities in the distribution of environmental contaminants. These conferences were attended by several leading “activist-scholars” who, while working closely with community activists, came together to present and debate their findings and implications (Brulle and Pellow 2006; Mascarenhas 2015; Mohai and Bryant 1992). The proceedings of the conference were forwarded to the U.S. EPA, and at the request of its Administrator, William Reilly, established the Environmental Equity Workgroup to review this growing body of evidence. In 1992, the EPA published its findings and recommendations in a report entitled *Environmental Equity: Reducing Risks for All Communities*. The 130 page report marked the first time in the environmental justice struggle that a government agency confirmed that racial minority and low-income communities bear a disproportionate environmental risk burden. Specifically, the report concluded that racial minority and low-income populations are disproportionately exposed to lead, selected air pollutants, hazardous waste facilities, contaminated fish tissue and agricultural pesticides (United States Environmental Protection Agency 1992).

The EPA’s report lent considerable legitimacy to environmental justice activists’ claims, and corroborated the evidence of the earlier reports by the General Accounting Office and the United Church of Christ. The report also signaled a major commitment by a branch of the federal government, who put forth a comprehensive set of policy proposals to address these issues identified in the report. It led to the creation of an Office of Environmental Justice in the EPA in 1992, later renamed the Office of Environmental Justice, as well as the National Environmental Justice Advisory Council (NEJAC). September 30, 2013, marked the 20th anniversary of the NEJAC, who through its 27 member committeeⁱⁱ has continued to provide advice and recommendations, in consultation with relevant stakeholders and communities, about issues and policy related to environmental justice. This commitment also inspired legislation in the United States that identified hazardous waste sites—commonly known as “Superfund sites”—and established a protocol for remediation.

In February 1994, in an attempt to remedy environmental inequality and injustice nationally, President Clinton established Executive Order 12898. The order required that

each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and

adverse human health or environmental effects of its programs, policies, and activities on minority populations, and low-income populations.

This order clearly charged all federal agencies with integrating environmental justice concerns into their operations in a concerted effort to reverse the historical trends of that have disproportionately affected minority and low-income populations (U.S. Environmental Protection Agency 1995).

Two decades have passed since the executive order, yet its effect on environmental justice programs such as Superfund is still rather ambiguous (Arquette, Cole, LaFrance, Peters, Ransom, Sargent, Smoke, and Stairs 2002; Holifeld 2004; Murphy-Greene C. and Leip L.A. 2002; O'Neil 2007; Sicotte 2009; Tesh 2001). Many policy, research, and advocacy groups attribute the lack of environmental justice milestones and reforms to the eight years of President George W. Bush's administration. For example, Bush's budget for the fiscal year 2002 slashed overall spending for environmental and natural resources agencies by \$2.3 billion, or 7.2 percent. This amounted to nearly a \$500 million reduction from the Environmental Protection Agency (Natural Resources Defense Council 2015)ⁱⁱⁱ. The U.S. environmental justice movement was largely stalled for the eight years of President George W. Bush's administration. Moreover, a Supreme Court ruling (*Alexander v. Sandoval*) in 2001 reversed earlier court interpretations of Title VI of the Civil Rights Act of 1964, which had previously allowed private parties to use the federal courts to enforce violations of federal agency regulations that had a disparate impact on people of color, regardless of intent. The Sandoval decision implied that those disproportionately impacted by federal agency regulations now had to prove intent for which no justification can be shown, effectively ending the EPA's ability to rely on Title VI for environmental justice.^{iv}

Michigan's Environmental Justice Plan

On November 21, 2007, then Michigan Governor Granholm issued Executive Directive No. 2007-23 charging the Department of Environmental Quality (DEQ) with developing and implementing a state environmental justice plan to promote environmental justice in Michigan. The State of Michigan (Environmental Justice Working Group 2009) defined environmental justice as

the fair, non-discriminatory treatment and meaningful involvement of Michigan residents regarding the development, implementation, and enforcement of environmental laws, regulations, and policies by the state.

Granholm's Executive Directive established the Environmental Justice Working Group comprised of several state agencies, environmental justice advocacy groups, academia, tribal representatives, research professionals, and representatives of economic development and business organizations. The Working Group met for two years to compose the Draft Environmental Justice Plan.

"This plan recognized that the two "pillars" of environmental justice are the fair

treatment of all people and providing for meaningful public involvement in government decision making” (Environmental Justice Working Group 2009: iii). The Draft Plan incorporated *comprehensive measures* for including the public in legal and policy decisions related to environmental justice issues, *a methodology* for identifying the circumstances under which the DEQ must consider and apply environmental justice principles to certain activities and actions, and *an interdepartmental petition process* for members of the public, communities, and groups to assert adverse or disproportionate social, economic, or environmental impacts.

The Draft Plan was made available for public and received 45 commenters. There were a number of comments that suggested that the Draft Plan, if implemented, would adversely effect economic growth in urban areas and slow down the permitting process. There were also concerns about the petition process, and several comments about stating that the plan did not adequately address Native American concerns. The Draft Plan was revised and on December 17th, 2010, DNRE Director Rebecca Humphries issued the final *Environmental Justice Plan for the State of Michigan and Department of Natural Resources and Environment* (2010). The Plan noted that current economic conditions might constrain the ability of state departments to implement agency-specific environmental justice plans, and that the principles embodied in the Plan must have general political and public acceptability. Conspicuously absent from the Plan was the petition process outlined in the Draft Plan of 2009. The petition process was replaced with a *matrix tool* that provided guidance to departments in responding to environmental justice concerns (Department of Natural Resources and Environment 2010: 15).

Environmental Justice and White Privilege

Before I turn to the subject of Flint, I want to be clear on another related component of environmental justice: White privilege. Peggy McIntosh (1988) defines white privilege as unearned race advantage and conferred dominance. White privilege is a form of racism that both underlies and is distinct from institutional and overt forms of racism. It underlies them in self-guarding the privileges of white people but is also distinct in terms of its motivations. In this form of racism, privilege is preserved not through intentional or hostile acts or by government regulation or coercion but rather by consenting to everyday policies and practices that work to the benefit of white people at the expense of minority populations.

This form of racism is particularly powerful and pervasive, in part, because, we are taught that racism is something that puts others at a disadvantage. However, McIntosh (1988) argues, we are not taught to see one of institutional racism’s corollary aspects, White privilege, which puts Whites at an advantage. While many White Americans may not see themselves as privileged. However, by virtue of the historical application of particular governmental mechanisms and legislative devices— what Michael Omi and Howard Winant (1994) have coined *the racial formation*—Whites have been able to accrue unearned social, economic, and environmental privileges at the expense of the health and welfare of African Americans, in particular, and people of color, more generally. Moreover, most people have been taught to see racism only in terms of

individual discriminatory acts of intention directed at particular groups or individuals and not social systems of dominance conferring privilege to one social group at the expense of another. A focus on White privilege helps us to build “a more structural, less conscious, and more deeply historicized understanding of racism” (Pulido 2000: 13).

Today evidence of White privilege in the United States abounds. Regarding the uneven distribution of environmental pollution in the United States, Sylvia Tesh (2001: 4) wrote, “in 1993 over 40 percent of the Hispanic population, and over 25 percent of the Asian/Pacific population was exposed to poor air quality.” Moreover, “Three out of every five Black and Hispanic Americans live in communities with uncontrolled toxic waste sites.” In a national-level study using 2000 Census data and the location of commercial hazardous waste facilities, Robert Bullard and his colleagues (2007: p. xi) concluded, “significant racial and socioeconomic disparities persist in the distribution of the nation’s commercial hazardous waste facilities.” A key finding of their report (Bullard, Mohai, Saha, and Wright 2007: p. xi) was that “race continues to be an independent predictor of where hazardous wastes are located,” stronger “than income, education and other socioeconomic indicators.” Their report concluded, “African Americans, Hispanics/Latinos and Asian Americans/Pacific Islanders alike are disproportionately burdened by hazardous wastes in the U.S” (Bullard, Mohai, Saha, and Wright 2007: p. xii).

The Elements of Environmental Injustice

Originally forged from a synthesis of the civil rights movements, anti-toxic and waste campaigns (often referred to as NIMBY or not-in-my-back-yard), and environmentalism, environmental justice advocates and scholars have focused on the class and racial inequalities of pollution. The strategy of environmental justice scholars and advocates has been to correlate the scientific analyses of demographic variables with the distribution of pollution in an effort to prove disproportionalities associated with the correlation of race and toxic chemical risk. *Environmental justice advocates frame environmental protections as civil rights* that must be protected for all people regardless of “race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (EPA).

Most understandings of environmental justice, however, are limited to the issue of equity, or the distribution of environmental ills and benefits. The understanding has been reinforced by efforts to scientifically prove disproportionality and then to demand new regulations and/or the equal enforcement of existing environmental regulations in communities of all income strata and racial composition. However, defining environmental justice as equity alone is incomplete, as activists, communities, and non-governmental organizations (NGOs) call for much more than *just distribution* (Schlosberg 2004). For scholars and advocates alike the concept of environmental justice must also encompass issues of *recognition* and *participation* in addition to matters of distribution of environmental ills and benefits (Schlosberg 2004). This understanding of environmental justice is based on the notion that injustice is not based solely on inequitable distribution but also a function of the social, cultural, symbolic, and

institutional conditions underlying poor distributions in the first place (Young 1990). The claim here is that recognition and/or respect are inherent preconditions for distributive justice (Fraser 1997; Fraser 2000; Schlosberg 2004; Young 1990). Additionally, the construction of inclusive, participatory decision-making institutions is also at the center of environmental justice demands.

“Environmental justice activists call for policy-making procedures that encourage active community participation, institutionalize public participation, recognize community knowledge,” and utilize procedural formats that cultivate and enable the diversity of community interests and concerns (Schlosberg 2004: 522). Environmental justice activism thus shares with the broader civil rights movement a principal conviction that “race-conscious policies and practices are necessary, specifically to target and address the sources and causes of racial disparities” (Omi and Winant 2015: 257).

Is Flint an Environmental Injustice Issue? Why or Why Not?

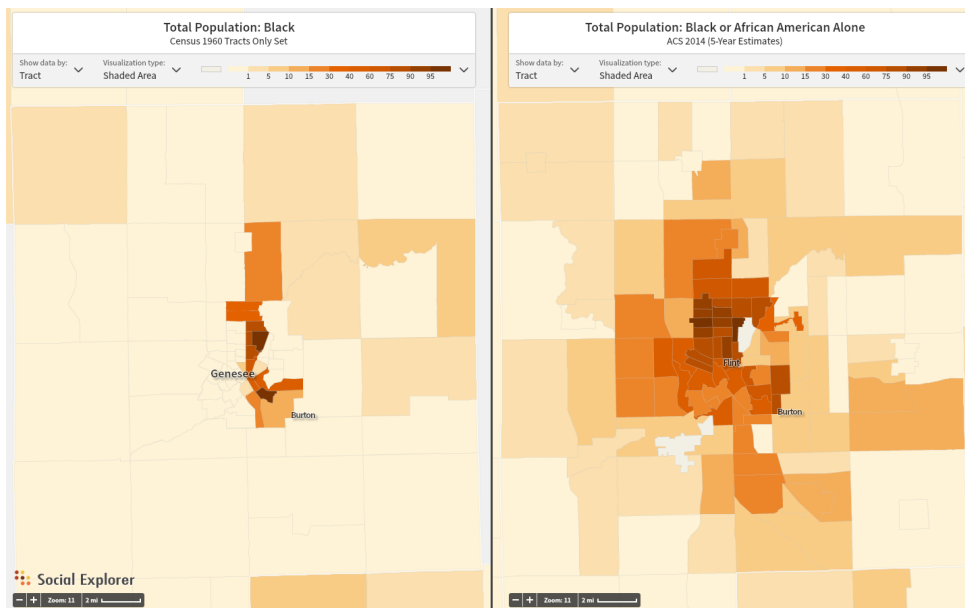
As mentioned above a specific form of environmental injustice is the phenomenon of **environmental racism**, or the deliberate targeting of communities of color for toxic waste facilities, the official sanctioning of poisons and pollutants in minority communities, and the systematic exclusion of people of color from leadership roles in decisions regarding the production of environmental conditions that affect their lives and livelihoods. It is also important to recognize that communities of color have multiple forms of environmental racism, including water, air, toxic waste, housing, education, and security. Forms of inequality that are not simply additive, but intersecting. For example, Freddie Gray and Korryn Gaines, two African Americans from Baltimore killed by police, both had health problems related to early lead exposure. The dangers of lead ingestion, which can lead to learning disabilities and neurological problems in children and hypertension and cardiovascular disease in adults, have figured prominently in recent national discussions around protecting Black lives (Mock 2016).

Moreover, safe and affordable drinking water is rapidly becoming one of the leading and most contentious areas of environmental justice research and policy as the exposure to lead, *E. coli*, and perfluorooctanoic acid (*PFOA*) are becoming all too frequent in minority and low-income communities. Elevated lead levels in Washington, D.C. drinking water was first discovered in 2001, and in 2010, the U.S. Centers for Disease Control and Prevention (CDC) reported that 15,000 homes in the Washington, D.C. area might still have water supplies with dangerous levels of lead. A recent investigation in the Guardian newspaper revealed that testing regimes similar to that of Flint, which concealed dangerous levels of lead, were in place in at least 33 cities across 17 US states (Milman and Glenza 2016). Similarly an investigation by the Associate Press of federal lead sampling data found that 39 of 1,082 water systems in the state of Connecticut exceeded federal lead levels at least once since January 2013 (Haigh 2016). And most recently in the West Calumet Housing Complex in East Chicago, high concentrations of lead in the soil surrounding their homes, has resulted in their forced relocation as city officials have decided to demolish their housing complex. In an attempt to answer the

above question I will focus on the three elements of environmental justice—distribution, recognition, and public participation—as it applies to the case of Flint, Michigan.

Distribution

With respect to distribution, many have noted that a majority of predominately African American cities in Michigan are under some form of emergency management. The question they don't ask is, why are they predominately African American cities in the first place? In Flint more than half of the population is Black in a state that's nearly 80 percent White. In the case of Flint, we might want to ask how did a place that once headquartered General Motors Corp transform into a cash-strapped city in need of emergency management? Disinvestment in Flint and other industrial towns in the Midwest began in earnest in 1994 with the introduction of NAFTA. Over one million U.S. jobs have been out-sourced to foreign countries and some 60,000 U.S. manufacturing facilities have been shut down as a result of Free Trade. What happened in Flint is indicative of a wave of deindustrialization that hit the Rust Belt as manufacturers moved their production, first to the suburbs, then later to the Sunbelt states and overseas. GM, Ford and Chrysler have all built auto plants in Mexico and moved the U.S. jobs there.

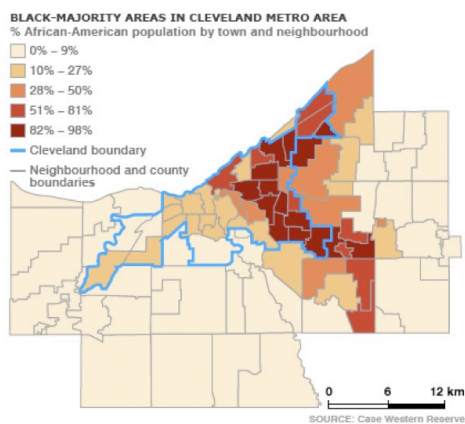


This map also illustrates the degree of White flight has accompanied deindustrialization, as federal housing programs, commonly know as redlining, helped whites move to the suburbs with attractive loans and subsidies, creating white suburbs surrounding large metropolitan areas that were explicitly prohibited for African-Americans. Taken in aggregate, Free Trade policies—a hallmark of neoliberal reform—combined with federally financed white suburbs, have crippled manufacturing, and cities like Flint, Detroit—along with swaths of Buffalo—the latest municipality to have lead in its

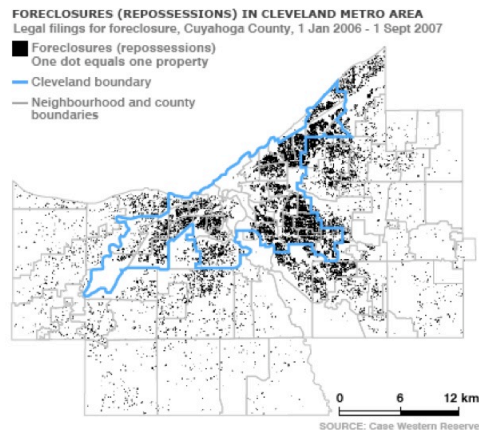
drinking water—Cleveland, Chicago, Pittsburgh, and other industrial cities, and the people who were forced to live there, have paid the price.

We also have to consider the impact of the subprime housing crisis and the discriminatory actions of lending institutions like Countrywide who routinely discriminated against Blacks and Hispanics by charging them higher interest rates and fees than equally qualified White customers. This racial lending practice resulting in the fact that African-American and Hispanic borrowers were more than twice as likely to be placed in subprime loans than non-Hispanic White borrowers who had similar credit qualifications. Across the country more than 240,000 African American families lost homes they had owned, while Latinos lost about 335,950 between 2005 and 2008. This is truly a racial formation as even high-income black borrowers, for example, were 80 percent more likely to lose their homes to foreclosure than their white counterparts, while Latino borrowers were 90 percent more likely.

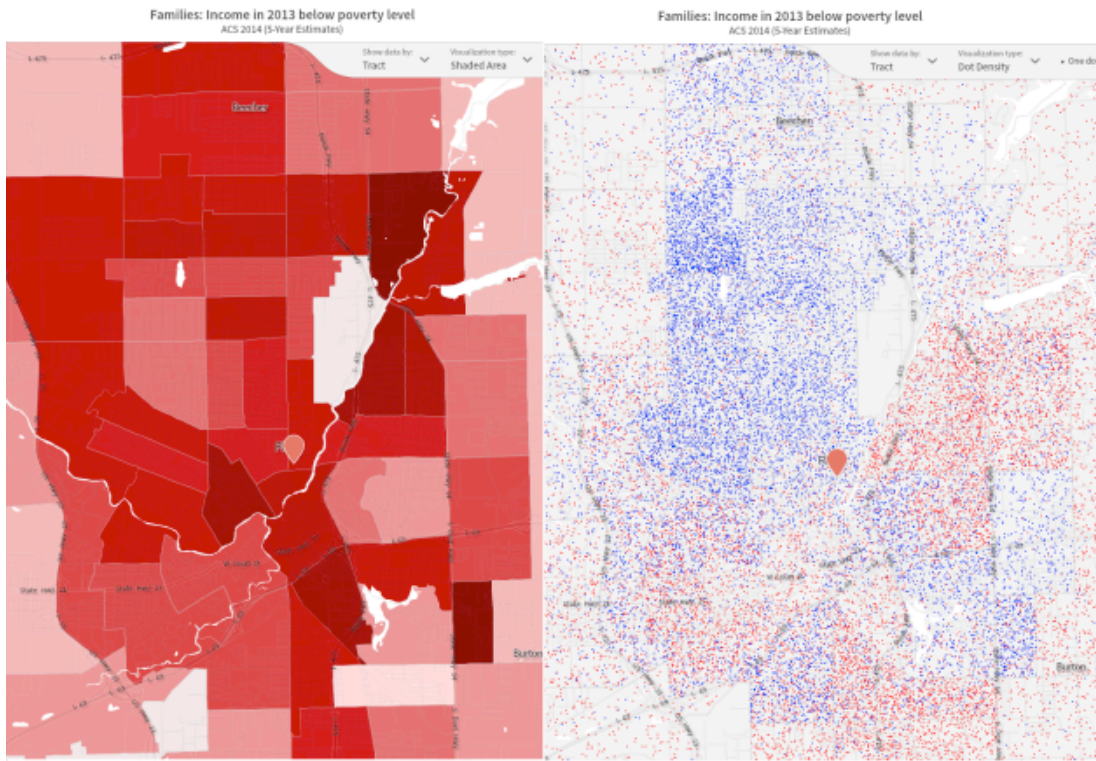
Black Majority Areas



Foreclosures

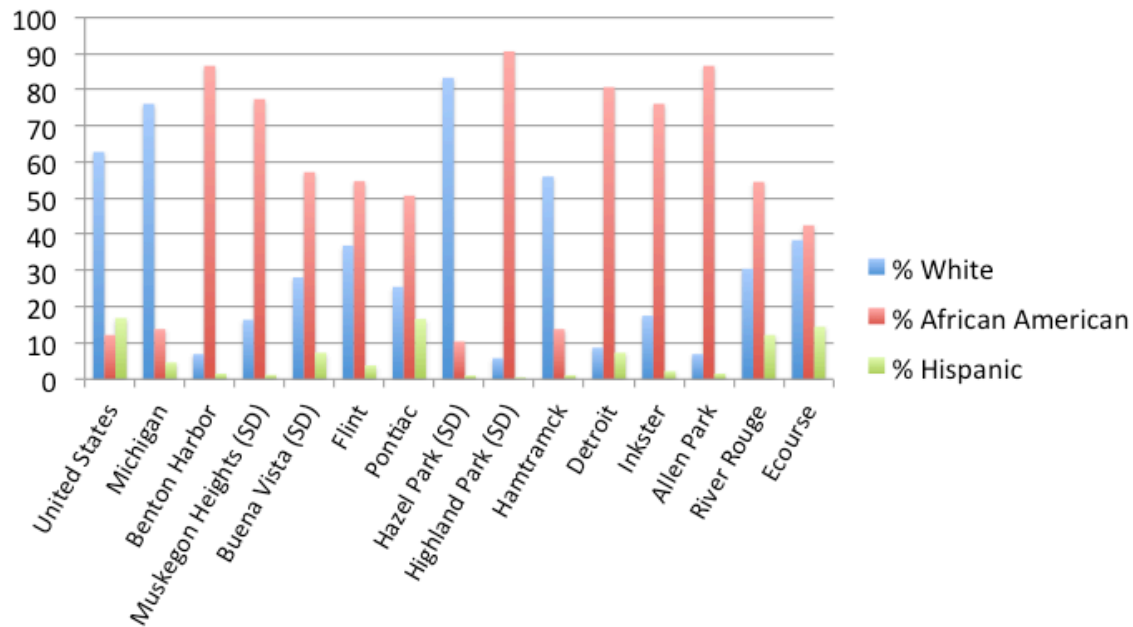


These numbers underscore the epic collapse of Black wealth that has resulted from de-regulation of the financial sector, deindustrialization, and accompanied White flight, which are at the root of why so many cities are under serious financial stress. The map below compares income below poverty level in Flint, MI (2013) with race, where the blue dots represent the African-American population and red represents White.



But we cannot reduce this crisis to cities, and their fiscal insolvency. Without also acknowledging who live in municipalities under emergency management. This figure provides the racial composition of Michigan Municipalities and School Districts under Emergency Manager Law. With the exception of Hazel Park SD and the City of Hamtramck, these municipalities are predominantly communities of color. This racial formation is also true of the 13 municipalities across the country that have filed for Chapter 9 bankruptcy since the recession of 2008.

Michigan Municipalities, Emergency Management, and Race



In the past decade, over half of African Americans in Michigan—compared with only 2 percent of whites—have lived under emergency management. Moreover, while about 14 percent of Michiganians are African-American, cities under emergency management are on average 71 percent African-American. By contrast, in a state that is majority White (79%), cities under emergency management had populations on average that were only 21% White. The Emergency Management Law is supposed to take over cities based on a neutral evaluation of financial circumstances—but white-majority municipalities with similar money problems, Livingston County, for example, have not been taken over. The pattern that emerges is clear: most of the cities who have had governor-appointed emergency managers have been majority African-American.

The 274 pages of emails released by Gov. Rick Snyder on Flint’s water crisis included no discussion of race. Instead, they focused on costs relating to the city’s water supply, questions about scientific data showing lead contamination, and uncertainty about the responsibilities of state and local health officials. But it is indisputable that in Flint, the majority of residents are black and many are poor. So whether or not race and class were factors in the State’s agonizingly slow and often antagonistic response, the result was the same. In terms of the *just distribution* measure of the environment justice framework, the water crisis in Flint, MI was a case of environmental racism.

Recognition

When Lee Ann Walters, Melissa Mays, and other concerned citizens began voicing their concerns at town hall meetings about the safety of their drinking water shortly after the switch to the Flint River, they were told that there was nothing wrong. In addition to not being taken seriously, Walters was told that her problem was strictly at her home, “and that it wasn’t a city wide problem” (Worth-Nelson 2015). At meetings, Walters recalled in an interview with the East Village Magazine, “officials from the MDEQ and Emergency Manager Jerry Ambrose called me a liar and they called me stupid.” “I am neither of those things, so I decided to go with the science. You can’t argue with science.”

Yet as the results of the collaborative research with Virginia Tech team of researchers and Flint residents exposed widespread problems with elevated levels of lead in Flint’s water, the Michigan Department of Environmental Quality (MDEQ) repeatedly attempted to discredit their findings and downplay the public health threat (Flint Water Study 2015). The now infamous response by the MDEQ Communications Director Brad Wurfel, that “this group specializes in looking for high lead problems,” and that “they pull that rabbit out of that hat everywhere they go,” has come to symbolize the lack of recognition and systematic refusal of community collaborative efforts to be recognized in defining the extent of this public health crisis. Even after Dr. Mona Hanna-Attisha and the Hurley Medical Center researchers had revealed that the rising levels of lead in Flint water had been associated with increased blood lead in Flint’s children, the MDEQ still dismissed the water controversy as “near-hysteria,” and characterized the Hurley study conclusions as “*unfortunate*” if not quite “*irresponsible*” (Flint Water Study 2015). Again, we see a concerted effort on behalf of the MDEQ and other government agencies to obfuscate, deny, and cover up the extent of the lead poisoning and discredit the authority, knowledge, and experiences of local doctors, scientists, and community members. In terms of the *recognition* measure of the environment justice framework, the water crisis in Flint, MI was a case of environmental racism, a racism most forcefully expressed in the conscious and discriminatory prejudice held by individuals like Brad Wurfel.

Public Participation

The construction of inclusive, participatory decision-making institutions is at the center of environmental justice demands (Schlosberg 2004; Young 1990). Environmental justice activists call for policy-making procedures that encourage active community participation, institutionalize public participation, recognize community knowledge, and utilize cross-cultural formats and exchanges to enable the full participation of community members (Schlosberg 2004; Young 1990). Yet communities like Flint, under Emergency Management Law have had their processes for public participation suspended. Moreover, in an effort to balance budgets and reduce deficits Emergency Managers effectively ignored agency-specific environmental justice plans, as they might constrain their ability

to manage. And absent of a set of *comprehensive measures* or an *interdepartmental petition process*, the State of Michigan's Environmental Justice Plan was of little use to the public, communities, or groups desperate to assert adverse or disproportionate social, economic, or environmental impacts from Emergency Management Law. At no time in the Flint water crisis was local participation taken seriously. Moreover, under Emergency Management Law public participation is not required in efforts of fiscal austerity.

Conclusion

Environmental racism is deliberate targeting of communities of color for toxic waste facilities, the official sanctioning of poisons and pollutants in minority communities, and the systematic exclusion of people of color from leadership roles in decisions regarding the production of environmental conditions that affect their lives and livelihoods. Flint is a community of color that was targeted for fiscal austerity. As a consequence of these decisions the community was poisoned with lead from public infrastructure. Even after raising concerns about their environmental conditions, Flint resident's claims were either denounced or discredited, and at no time in this crisis was their participation taken seriously. *The Flint Water Crisis is an example of environmental racism.*

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ⁱ EPA's Region IV consists of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

ⁱⁱ The membership is comprised of representation from academia, community groups, industry/business, non-government organizations/environmental organization, state/local governments, and tribal governments/indigenous groups, in addition to one Designated Federal Officer (DFO).

ⁱⁱⁱ Specific cuts included nearly \$500 million from the Environmental Protection Agency, nearly \$400 million from the Department of Interior, and nearly \$500 million from the U.S. Forest Service. In addition to this \$2.3 reduction, the budget would cut about \$450 million from the Department of Energy, concentrating reductions in clean energy programs and environmental cleanup programs (National Resources Defence Council 2015).

^{iv} Additionally, a tax levied on the petroleum and chemical industries to finance the Superfund program expired in 1995. The fund officially reached a zero balance by the end of 2003, and new funds for the program became linked to cost recovery lawsuits against responsible parties substantially influencing which sites were cleaned up by the EPA (O'Neil 2007).