

MARKET ENVIRONMENTAL JUSTICE: A CASE STUDY ON THE EPA
ENVIRONMENTAL JUSTICE SHOWCASE COMMUNITIES PROJECT

A Thesis

by

TIANNA MARIE BRUNO

Submitted to the Office of Graduate and Professional Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

Chair of Committee,	Wendy Jepson
Committee Members,	Christian Brannstrom
	Ellen Feely-Kohl
	John Cooper
Head of Department,	David Cairns

August 2016

Major Subject: Geography

Copyright 2016 Tianna Marie Bruno

ABSTRACT

This research examines the state's approach to environmental justice activities. I examine the alignment of state agency environmental justice goals with those of environmental justice community organizers. While scholars understand environmental justice as the spatial unevenness of environmental burdens and its political and social production, few have examined state interventions that claim to support environmental justice goals. This study provides an assessment of the weaknesses, strengths, and contradictions of state intervention on behalf of environmental justice communities in the United States. I will explore how the state attempts to address environmental injustice and the outcomes in the EPA's Environmental Justice Showcase Communities project (EJSC).

Findings indicate that the EPA EJSC project was race-blind and market centric. While environmental justice issues are inherently centered on race and structural racism, none of the language or goals of the policy discusses or addresses environmental racism. Rather, the EPA focuses on economic stimulation, decentralization of responsibility, and partnerships with industry through environmental justice policy. I make the argument that the EPA operates, albeit unintentionally, to create market environmental justice, which aligns more with the demands of the market than those of the environmental justice principles.

DEDICATION

To my family and community members in Port Arthur

ACKNOWLEDGEMENTS

I would like to thank my committee chair, Dr. Wendy Jepson, and my committee members, Dr. Ellen Kohl, Christian Brannstrom, and Dr. John Cooper, for their guidance and support throughout the course of this research.

I also would like to express gratitude to the Human-Environment Research Group for all the guidance, advice, and input on this research. Thanks also to Mom, Yohanna, Joe, Jackee, George, Alsa, Aunt Debra, Aunt Lucy and Uncle Shorty for your love, encouragement, and support throughout this process.

Thanks go to my friends and colleagues and the department faculty and staff for making my time at Texas A&M University a great experience. I also want to extend my gratitude to the Society of Woman Geographers. This research was supported in part by the Society of Woman Geographers Evelyn L. Pruitt National Minority Fellowship.

Most importantly, I would like to thank the EPA staff members, Port Arthur community members, environmental justice advocates for being willing to participate in this research.

NOMENCLATURE

CBA	Cost Benefit Analysis
CIDA	Community In-Power and Development Association
CRJ	Commission for Racial Justice
CSR	Corporate Social Responsibility
EJ	Environmental Justice
EJSC	Environmental Justice Showcase Communities project
EJSEAT	Environmental Justice Strategic Enforcement Assessment Tool
EJSG	Environmental Justice Small Grants program
EO 12898	Executive Order 12898
EPA	Environmental Protection Agency
FDA	United States Food and Drug Administration
FOIA	Freedom of Information Act
GCHC	Gulf Coast Health Center
GIS	Geographic Information System
GTEC	Golden Triangle Empowerment Center
HUD	United States Department of Housing and Urban Development
IWG	Interagency Working Group
NEJAC	National Environmental Justice Advisory Council
OEJ	Office of Environmental Justice
PCB	Polychlorinated Biphenyl

SEP	Supplemental Environmental Project
TABE	Tests of Adult Basic Education
TRI	Toxic Release Inventory
TSA	Transportation Security Administration
TWIC	Transportation Worker Identification Credential

TABLE OF CONTENTS

	Page
ABSTRACT.....	ii
DEDICATION.....	iii
ACKNOWLEDGEMENTS.....	iv
NOMENCLATURE.....	v
TABLE OF CONTENTS.....	vii
LIST OF FIGURES.....	ix
LIST OF TABLES.....	x
CHAPTER I INTRODUCTION.....	1
CHAPTER II BACKGROUND AND SIGNIFICANCE.....	7
Environmental Justice.....	7
Environmental Justice and the State.....	11
Discourse on EPA Programs.....	18
Political Ecology, State-Society Interaction and Neoliberalizing Nature.....	21
Neoliberal Subjectivities and Policy.....	26
Private Sector, The State, and EJ Policy.....	32
Rise of Market Environmental Justice.....	36
CHAPTER III RESEARCH DESIGN.....	38
Research Objectives and Methods.....	39
Case Study: Port Arthur, Texas.....	43
Data Collection.....	48
Data Analysis: Transcribing and Coding.....	53
Challenges and Positionality.....	55
CHAPTER IV STATE APPROACH TO ENVIRONMENTAL JUSTICE.....	59
Background.....	60

EPA’s Journey to the Environmental Justice Showcase Communities Project.....	60
Overview of the EPA Environmental Justice Showcase Communities Project.....	69
Themes in EJSC Regional Projects.....	87
Discussion.....	91
Conclusion.....	92
CHAPTER V STATE CREATION OF NEOLIBERAL SUBJECTS.....	94
Making Market EJ Subjects in Port Arthur.....	95
Discussion.....	109
Conclusion: State as Convener and Adjudicator.....	110
CHAPTER VI THE STATE AND CORPORATE ENVIRONMENTAL COMPENSATION.....	113
State Responsibility and Corporate Compensation.....	114
Compensation in Port Arthur, Texas.....	115
Discussion: Failures of Compensation in Port Arthur, Texas.....	124
Conclusion.....	128
CHAPTER VII CONCLUSION.....	130
Conclusions.....	131
Recommendations.....	135
Concluding Thoughts.....	137
REFERENCES.....	139
APPENDIX A: FIGURES.....	151
APPENDIX B: ENVIRONMENTAL JUSTICE PRINCIPLES.....	162

LIST OF FIGURES

	Page
Figure 1: Power Dynamics between Neoliberal Culture, State, Industry, and EJ Community.....	151
Figure 2: Map of Environmental Justice Showcase Community Westside Port Arthur, Texas.....	152
Figure 3: Carver Terrace Fence-line Community near Motiva Refinery.....	153
Figure 4: Downtown Port Arthur 1 (Proctor Street).....	154
Figure 5: Downtown Port Arthur 2 (Proctor Street).....	155
Figure 6: Screenshot of GTEC Intake Process.....	156
Figure 7: Gulf Coast Health Center.....	157
Figure 8: Westside Development Center.....	158
Figure 9: “Thank You Motiva” Neon Sign.....	159
Figure 10: GTEC Storefront Sign.....	160
Figure 11: EJ Policy CBA Rationale.....	161

LIST OF TABLES

	Page
Table 2-1: EJ State-Society Relations.....	12
Table 3-1: EPA Documents.....	51
Table 3-2: Coding Themes.....	55
Table 4-1: EJSC Community Overview.....	72
Table 4-2: Policymaker Language and EJ Conception.....	89
Table 5-1: Decentralization of Responsibility and EJ Goals.....	109
Table 6-1: Compensation Advances and Detracts from EJ Goals.....	123
Table 6-2: Outcomes of Compensation in Port Arthur, Texas.....	124
Table 7-1: Case Study Conclusion.....	134
Table 7-2: Conclusion: Research Question.....	135

CHAPTER I

INTRODUCTION

“That’s Motiva. Motiva is the largest oil refinery in the Northern Hemisphere. But look at our downtown. Is it because we haven’t asked to be included in this wealth? We have to bear the brunt of them producing that much oil. But yet, how do we benefit from it? All we get is cancer. All we get is lung disease. All we get is bronchitis and asthma...” –Charlie (EJ1)

Charlie is speaking of his hometown, Port Arthur, Texas. Port Arthur, a small town on the border between Texas and Louisiana, is not only location of the Motiva Refinery, but also a Valero refinery, Total Refinery, and many other chemical plants. Low-income and minority populations on Westside of Port Arthur surround this industry laden area. This small town is also often discussed in environmental justice literature and media due to this proximity between the community and the industrial activity. Substantial air pollution, environmental degradation, poverty, and increased rates of respiratory issues and cancer are the typical topics of discussion regarding Port Arthur.

But, Port Arthur is not unique in its circumstances. Communities of color with disproportionate environmental burdens, and thus health issues, are common across the United States and the world. These proximal populations are often referred to as fence-line communities in the environmental justice scholarship because they share a fence with industrial facilities (Lerner 2010).

Some scholars have indicated that distribution of burdens is not the only issue in these communities. The lack of recognition and disenfranchisement of these populations regarding the environmental conditions under which they live is a larger issue, or rather the root of the issue of disproportionate burden. One finds that those populations most impacted by industrial facilities are the least involved in environmental decision-making or the benefits of such facilities, as Charlie highlights in his quote above.

Cole and Foster (2001) suggest that there are three prevailing explanations for environmental inequity and inequality. First, some suggest that overexposure is linked to lifestyle choices. This implies that the residents of Port Arthur suffer from overexposure to harmful pollutants because they chose to live and work in that area. Second and related to the first explanation is the market dynamics explanation. This explanation postulates that minority neighborhoods are near waste and industrial facilities because that housing was cheaper. Or vice versa: industrial firms chose to locate in that area because the area had lower costs.

Cole and Foster, along with other scholars, argue that the two previous arguments are, not only simplistic and naturalize inequality, but also they do not answer the questions of the underlying patterns and processes. The political and economic

processes and structures that allowed these communities to be marginalized are the target of much research. Many scholars find that inequalities in the decision-making processes are based on structural racism. These processes create the empirical explanations above.

This research rests on the understanding that the injustices in environmental justice communities stem from racialized impacts of seemingly ‘neutral’ policies. Working in the context of the United States, I refer to colorblind, market-centric policies as ‘neutral’ policies. While intentional racism may not be evident in the language of the policy, the impact or outcome of implementation is racialized, thus recreating and reinforcing a market-oriented racialized society where the plight of environmental justice communities persists.

The policies are found in many areas of the policymaking in the United States. For this research, I focus on official environmental justice policies from the United States Environmental Protection Agency (EPA). Because the EPA is tasked with creating, implementing, and enforcing environmental regulations, this agency naturally became the governing body concerning environmental justice policy. This task became formal in the 1990s.

Events such as the Polychlorinated biphenyl (PCB) dumping in Warren County, NC and the United Church of Christ study that substantiated claims of environmental racism coupled with the lasting effects of the Civil Rights Movement forced the concept of environmental justice into the concerns of policymakers in the 1970s and 1980s. In 1994, the Clinton Administration created Executive Order 12898, which formally

incorporated environmental justice into the focus of the U.S. Environmental Protection Agency (EPA), because it mandated that all federal agencies consider environmental justice in their actions and policies. Since the creation of this document, the U.S. EPA has created many funding opportunities, such as grants for environmental justice organizations, to change the burdens under which these communities live.

The entry point for my analysis of state environmental justice policy is the EPA Environmental Justice Showcase Communities project. While this was a national initiative, I concentrate on the EPA Region 6 project in Port Arthur, Texas. Through interviews, site and participant observation, and analysis of EPA program documents, I seek to understand what it means for a community to be an EPA Environmental Justice Showcase Community. In other words, I want to know if this EPA EJ program address environmental justice issues in the community. This research contributes to a broader examination of the state's approach to environmental justice in the urban setting. Particularly, I investigate the question of whether state EJ policy addresses the broader EJ concerns of community organizers or not. The EJSC project in Port Arthur is used as a case study for state-society relations regarding environmental justice because this program was meant to be a blueprint for future environmental justice projects.

Findings indicate that the EPA EJSC project was race-blind and market centric. While environmental justice issues are inherently centered on race and structural racism, none of the language or goals of the policy discusses or addresses environmental racism. Rather, the EPA focuses on economic stimulation, decentralization of responsibility, and partnerships with industry through environmental justice policy. I make the argument

that the EPA operates, albeit unintentionally, to create market environmental justice, which aligns more with the demands of the market than those of the environmental justice principles (Appendix B). I examine this discord by analyzing the ways in which EPA environmental justice policy aligns with political ecology's characteristics of a neoliberalization.

One such characteristic commonly discussed in political ecology neoliberalism discourse and present in the EJSC project is the individualization of responsibility. The decentralization of state responsibility was evident in the EJSC project through efforts to arm individuals with information to take action on their own and in the process of reconceptualizing the sources of pollution to a private issue. In chapter V, I explore the ways in which the EJSC project and neoliberal subjectivities align. I find that the trainings, environmental profile, and healthy homes project are acts of supplying individuals with information. I speculate that this arming of information creates the stage for community members to act as bootstrap citizens. Bootstrap citizens are ideal within a market-centric society because a market-based society functions under the false premise of equality (Davis 2007). One's success is determined by your individual effort to work hard with in the system and change your circumstances.

Further pushing forward market success, I find that much of the project focused on facilitating environmental compensation through environmental justice programs. This compensation can be seen through industry's provision of community and health centers in exchange for fine deferments. Further, actions such as these work to promote good public relations for industry. Thus, these policies benefit industry in many ways.

But without change in regulation, enforcement or environmental decision-making process, the plight of environmental justice communities continues.

A simple conclusion can be drawn that the EPA fails at producing effective environmental justice policy. But, it is worth noting that great effort goes into the creation of these projects from both EPA staff members and EJ activists. I argue that the concept of failure requires a bit of nuance. I argue that under the current market-based regime creating policy that strengthens regulation and shift power to marginalized communities are slim. It is worth noting that the EPA faces political and cultural backlash for most actions in the current American society. An example of this was seen in a recent presidential debate where a candidate referred to the EPA as the “Employment Prevention Agency”. Our market-centric culture criticizes political action that in any way impacts the economy. This is supplemented with industry capitalizing on ‘jobs v. environment’ discourse. These circumstances do no make it impossible for better regulation necessarily, but it does come at a high cost.

CHAPTER II

BACKGROUND AND SIGNIFICANCE

This study draws on two intersecting areas of human-environment scholarship: (1) environmental justice research and (2) political ecology theory. Environmental justice literature, not only identifies examples of environmental inequities and inequalities, but also there are scholars that engage the state's response to cases of environmental injustice. I pull literature from political ecology because it provides a framework for analyzing the broader context in which environmental justice policy is created. This literature supplies the language and theory for analyzing state-society relations within the neoliberal context. This section, first, broadly reviews the field of environmental justice. I, then, move into a review of political ecology theory on neoliberalizing nature. These bodies are bridged to create a lens through which to assess environmental justice policy. This is an area of study that has been neglected in geographic literature, and to which I intend to contribute.

Environmental Justice

Environmental justice is the study of the inequity of environmental amenities and burdens and inequality in the environmental decision-making process based on race or income. This framework expands the discourse beyond simply an issue of distribution

or colorblind environmental issues. It supports that there is political, social, and economic inequality that manifests as environmental inequity.

Environmental justice has expanded as an academic field since the 1980s after the Commission for Racial Justice study found the correlation between race and toxic waste facilities (UCCC 1987). Significant research in the field relies on quantitative approaches to validate or refine the causal mechanisms that lead to unequal distribution of environmental risk, pollution, and other burdens (Mohai et. al. 2009). Others employ qualitative or mixed methods to accomplish the same task of identifying instances of injustice (Bullard 1994; Lerner 2010). Still others use qualitative methods to examine the social, political, and economic processes at play in these communities to create the perfect storm for environmental injustice (Harrison 2014; Holifield 2004; 2012; Schlosberg and Carruthers 2010).

There are four approaches or perspectives on justice that inform how scholars study environmental disparities in the literature are: distributional, participatory, recognition, and capabilities (Figueroa and Mills 2003; Nussbaum 2011; Schlosberg and Carruthers 2010; Walker 2012). The first refers to the uneven distribution of environmental burdens and benefits based on race and/or income. A classic example of “outcomes” of institutional and structural social inequality is the uneven distribution of industrial facilities in low-income and minority communities (Bullard 1994; Figueroa and Mills 2003; Lerner 2006; 2010).

Participatory justice focuses on the unequal participation in the decision-making process as it relates to environmental aspects. Related to the participatory dimension is

recognition (Schlosberg 2004; Walker 2012; Young 2011). This dimension refers to the acknowledgement of groups when decisions are being made about their environments.

The capabilities approach refers to the abilities that populations lose due to environmental burdens or other injustices (Nussbaum 2011). Examples of lack of recognition and capabilities can largely be found in the indigenous struggles literature (Schlosberg and Carruthers 2010).

These dimensions of environmental injustice operate at many scales in the EJ scholarship. A significant amount of work addresses cases of environmental justice at local scales. Several authors describe local, small-scale case studies to ground and support the claims of environmental justice (Cole and Foster 2001; Lerner 2010). Not all environmental justice scholars use this approach. Over the past decade, environmental justice scholarship developed a globalized perspective (Low and Gleeson 1998; Okereke 2005; Walker 2005).

Walker (2009) has examined globalization in two forms: horizontal and vertical. On the one hand, environmental justice movements around the world, while the U.S. may have influenced them, are contextualized. Further, these contextualized movements may have similar struggle though in different locations and contexts (Horizontal). On the other hand, environmental decisions made in one location have impacts around the world (Vertical).

The Horizontal environmental justice addresses the multiple communities around the world that are struggling with a similar form of environmental injustice but in the context of their culture (Walker 2009). Horizontal globalization of environment justice

depicts a parallel in environmental justice movements around the world. An example to this form of globalization is the similarities between the environmental justice movement in the United States and the environmental justice movement in South Africa (Walker 2009). While in very different parts and different contexts of the world, the similar histories of social segregation and racial discriminations have resulted in similar struggles of the movement in their respective countries. Another example is the lack of indigenous participation in water governance in Chile and the same in South Africa.

Vertical globalization of environmental justice, which is very relevant to the discussion of neoliberalism, underscores the global processes that connect different places around the world. In vertical globalization of environmental justice, the multiples places are not sharing a similar struggle; instead different geographic areas are linked through various policies that result in one area suffering more than another, such as international agreements and relations result in environmental injustices and inequalities (Walker 2009; Low and Gleeson 1998; Newell 2007). Trade agreements and the international trade of waste are highlighted in the literature as forms of vertical globalization of environmental justice. Newell (2007) holds that trade liberalization in Latin America through agreements such as NAFTA up to the light of this framework to expose the environmental injustices and inequalities that occur as a result of this international agreement. Low and Gleeson look at the international trade of waste and the communities, especially in India, that are affected by this trade in an unjust and inequitable fashion (Low and Gleeson 1998). In addition to policies such as trade agreements, actions taken by transnational corporations from Shell Oil to The Nature

Conservancy create policies in which one area, typically the global North, benefits and governs and another area (global South) suffers environmentally. These corporations implement policies through which environments are regulated and/or exploited by those who do not live in these environments (Katz 1998). This extension of the environmental justice framework to include transnational and global scales not only broaden and contribute to the literature on environmental justice, but also establishes a connection between the liberalization of the market and environmental justice (Newell 2007).

Environmental Justice and the State

The interface of the state and environmental justice communities emerged in the 1990s when the EPA began intentionally pursuing environmental equity and justice. The interaction between the state and communities is often discussed in a historical and empirical dialogue. Most EJ literature seeks to prove instances of injustice or assess the methodology of the environmental justice framework. EJ scholars, however, do not often engage in discourse about state- society relations.

That is not to say that there has not been any previous work on state-society relations within the context of environmental justice communities. This section will review the ways in which previous literature has conceptualized these interactions. It would be overly simplistic to suggest that these works see the EPA- EJ community interaction as a binary: success or failure. Many works see this relationship fitting within multiple categories. Environmental justice literature discusses state-society relations within the following four themes: cooptation, highly regulatory, fragmented, or

good governance. This section reviews the current discourse in state-society relations regarding environmental justice, specifically EPA- EJ activists.

Table 2-1: EJ State-Society Relations

State-EJ Relation	Summary	Literature
Coopted	The State has changed the definition of EJ to something other than that of the EJ principles or that of EJ activists.	Bryson 2012; Harrison 2011, 2014, 2015; Holifield 2004, 2012; Lee and Mohai 2012; Pulido, Kohl, Cotton 2016; Rahm 1998; Vajjhala 2010
Regulatory	Under current regulatory regime, communities must prove discriminatory intent.	Essoka 2010; Gordon and Harley 2005; Harrison 2011; Holifield 2004; O’Neil 2007
Fragmented	The task of executing justice is split between the scales of government.	Gordon and Harley 2005; Holifield 2012
Good Governance	The State fulfills the goals set out by policy to address environmental justice.	Burda and Harding 2014; Fisher 1995; Solitare and Greenberg 2002

Cooptation

A predominant theme in environmental justice scholarship is that the state coopts environmental justice (Harrison 2015). Cooptation occurs when the state, along with other actors, transform environmental justice into something other than what EJ principles call for (Harrison 2015). Holifield provides an example of state cooptation through a case study in EPA Region 4. Holifield (2004) finds that a Superfund remediation project focused on “data analysis, public participation, and economic opportunity” (2004, p. 287). Community leaders were hired as remediation project managers. The language created a façade of empowerment while refocusing an environmental justice project on market and state initiatives. Placement of community leaders created an opportunity to implement neoliberal agents in the community. This language and placement of community leaders implied community empowerment, but Holifield argues that this approach swept the community into the neoliberal process under the guise of empowerment.

Harrison (2011), similarly, finds that the state has an alternative conception of justice than that of EJ activists. Harrison (2011) examines the relationship between state pesticide regulation and the communities impacted by pesticides. Slightly different from Holifield (2004), Harrison (2011) suggests that the state itself has been coopted by industry, which leads to a state cooptation of environmental justice. *Figure 1* (found in Appendix A) explains the dialectic between industry and state cooptation. In this instance, Harrison highlights the power of industry in a market-centric society. The influence of this power stretches well into the goals and language of environmental

justice policy. Industry possesses such political agency through lobbying power and existing in a culture the centers around economic stimulation. Within a neoliberal society, there exists a culture that prioritizes and depends on economy and the market to solve social issues and equalize (Roberts and Mahanti 2010). Under such a regime, policy cannot work in a way that hinders growth in the economy. Thusly, soft regulation of industry overshadows the goals of environmental justice activists.

Many others provide similar arguments about the misalignment of federal action and goals of environmental justice activists (Beihler and Simon 2010; Bryson 2012; Harrison 2014, 2015; Lee and Mohai 2012; Vajjhala 2010). These authors particularly focus on the unjust outcomes EPA programs. Bryson (2012) and Lee and Mohai (2012) suggest that EPA's Brownfield program, while spurring remediation projects and creating a cleaner environment, incites a process of gentrification in low-income and minority communities. Bryson (2012) argues that the state highlights that good 'ripple effect' of remediation, but does not give appropriate attention to the negative externalities of their policies. The agency suggests that healthy community members and environment will lead to a better local economy, which creates a positive feedback process. Bryson (2012) and Lee and Mohai (2012) hold that a these programs may results in some benefits, but may not be a net positive for environmental justice communities if they are eventually displaced by these improvements.

Regulatory

The regulatory relationship between EJ communities and the state is two-fold. It can be found in the state bureaucratization of environmental justice and the legal interactions between the state and the communities. Regulation can be seen the state's effort to bureaucratize environmental justice into a binary with thresholds. The state seeks to standardize the approach to environmental justice issues by setting EJ indicators and the use of GIS tools. Holifield (2012) suggests that the bureaucratization of environmental justice is an attempt to fulfill Executive Order 12898, which calls the EPA to create a standard to addressing environmental injustice. This is problematic because there is no standard in environmental injustice.

A recurring argument within the environmental justice literature is that the relationship between the state and environmental justice activists so exceedingly regulatory that the state inhibits itself from achieving justice by bounding its abilities with legalistic regulations. The state essentially cannot reach into a sphere of equality or justice because it goes beyond the bounds of computations and technical analysis. Many scholars explicitly and implicitly argue that the sole purpose of the state is to serve as a regulatory body (Fisher 1995; Revesz 1999).

The highly regulatory nature of the interaction requires an expert to represent a community. When a community is able to get legal representation, winning a case is very rare. Legal action most commonly taken by EJ communities is filing of Title VI Violations. Title VI of the 1964 Civil Rights Act outlaws discrimination in any federally funded action, program, or agency. Gordon and Harley (2005) inform the Office of

Civil Rights has never found “a federally funded entity has violated Title VI, nor has the EPA imposed a sanction of any kind against any entity” (p. 159). This suggests that it is highly unlikely that a community will win any case where there are allegations of environmental injustice.

Much of the literature attribute the low success rate to the fact that a community must prove intentionality regarding environmental racism (Essoka 2010; Gordon and Harley 2005; Fisher 1995). Essoka (2010) explains why this is problematic.

‘The legally narrow 'discriminatory intent' standard now accepted for proving environmental injustice claims often cloaks gentrification and other EJ-related inequities within in a purely race-neutral economic context. But this approach does not consider the underlying history and institutional (hidden) character of racism’ (p. 311).

Essoka (2010) critiques the current policy that places the burden of proof on the violated community. The burden of proof became officially placed after the 2001 *Alexander v. Sandvol* case. In this case, it was determined that disparate impact does not prove discrimination. One must prove intent of discrimination. With most cases of environmental injustice stemming from structural and institutional racism as opposed to individual racism, one would be pressed to find proof of intent (Cole and Foster 2000). Determining intent in structural racism is a difficult task because it occurs through seemingly “neutral” policies that have racialized impacts. Some in the literature

recommend that activists should steer away from environmental racism and focus on disparities based on class because this may bring more to the movement and decrease factions (Holifield 2004).

Fragmented

The EPA operates at two main scales: national and regional. Environmental justice initiatives originate from headquarters, which is the national office. Implementation is typically seen at the regional offices. These roles have swapped and returned as the EPA has changed administrations (Holifield 2012). Fragmentation in the state conception and approach to justice has stemmed from these cycles in the life of the EPA since the 1994 Executive Order 12898. Holifield (2012) and Gordon and Harley (2005) suggest that fragmentation stems from a lack of clear guidance from the top down.

While few in the field make overt arguments about fragmentation, evidence of fragmentation is present in the literature. Gordon and Harley (2005) state that there not uniformity in the state approach to environmental justice because states have not received official guidance on state responsibilities on the matter. Holifield (2012) describes how there has been a fluctuation in which office takes the lead regarding addressing environmental justice issues. This fluctuation gave rise to fragmentation. Given the place-based nature of many environmental justice cases, further explicit discussion of fragmentation of state power could be beneficial to the field and environmental justice communities.

Effective State and ‘Good Governance’

Some scholars find the state has set out and completed its environmental justice goals (Burda and Harding 2014; Fisher 1995; Solitare and Greenberg 2002). These scholars argue that the state has performed good governance over EJ areas and issues. Fisher (1995) provides suggestions on how EJ activists would be able to work the regulatory system in their favor. The other works do not state generally that the state is effective in addressing environmental justice. Rather, these works focus on particular programs and assess if they contribute to environmental justice. Burda and Harding (2014) assess the Superfund program through quantitative analysis. They found that the Superfund programs does provide more aid to low-income and minority communities. Solitare and Greenberg (2002), also using quantitative analysis, had similar findings regarding the Brownfields project. This paper determined the Brownfields project to be environmentally just because low-income and minority communities receive most funding from the program. This ‘good governance’ scholarship argues that these programs are empirically just based on a distributional definition of justice.

Discourse on EPA Programs

Previous literature on non-environmental justice EPA programs support that the EPA has failed to fulfill Executive Order 12898. Holifield (2012) holds the same conclusion. Holifield (2012) suggests that there have been three waves in the EPA’s attempt to fulfilling EO 12898 and standardize its approach to environmental justice. The first wave begins with Clinton’s executive order. Before the executive

order, environmental justice was more similar to environmental racism (Holifield 2012). The executive order brought low-income populations into the environmental justice discussion by overtly mandating that federal agencies address environmental and human health effects in minority and 'low-income' communities (EO 12898). The inclusion of low-income populations is what marks Holifield's first wave. Dissimilar to the first wave, the second wave was marked by the inclusion of all communities as environmental justice communities. Under the George W. Bush administration, environmental justice took on a different meaning. Holifield quotes Administrator Whitman, "...the environmental justice program is not an affirmative action program or a set-aside program designated specifically to address the concerns of minority communities and/or low-income communities" (Carroll and Weber 2004). This statement expresses the distinction between the first and second wave. The end of this approach was to disconnect environmental justice from race and socio-economic stance. This break from race and income status also broke the EPA definition of environmental justice from that of the Executive Order of 1994 (Holifield 2012).

The third wave returned to the environmental justice definition of the executive order by reincorporating race and income. This wave was also marked by a change in the scale of approach. The task of formulating a means of identifying environmental justice communities was shifted to the national office and away from the regional offices (Holifield 2012). This shift is a source of fragmentation. The standardized national approach to environmental justice is exemplified in the GIS tools that created thresholds for environmental justice indicators, such as classification of minority status or low-

income status. Holifield speculates that the conflicts that the agency is facing in using the EJSEAT tool could result in a second redefinition of environmental justice depending on what indicators are used to identify environmental justice communities (Holifield 2012). Holifield also points out that the use of the census tract data for the GIS tools does not consider the place-based processes that are at play in environmental justice communities. This standardization renders environmental justice placeless.

Holifield (2012) places the EPA environmental justice efforts into a context and organizes the process that the EPA has gone through to standardize its approach to environmental justice. I argue that there is another process occurring concurrently with the stages to standardization that environmental justice is going through in the EPA. This placelessness and deracialization of environmental justice in the EPA during these waves created the perfect storm for market based and controlled environmental justice efforts -- or market environmental justice. The market would prove to be a solution to a placeless, faceless issue that focuses on impacts because jobs and revitalization of the business sector would seem to be able to solve this problem. I propose that the EPA has entered a fourth wave or stage in its journey to standardize environmental justice. This stage is mark by this market environmental justice.

According to Harrison (2014), there is a rift in the state's and mainstream agri-environmentalists conception of environmental justice and that of environmental justice activists. While EJ activists hold an equity based conception, California EPA and mainstream environmentalists have a market-based conception of justice. One of

Harrison's main argument is that environmental justice issues not only stem from the conventional sources of environmental injustice, but also from the conception of justice.

A study on federal government programs has the ability to identify this trend on a broader scale and contribute to a necessary shift in environmental justice literature that deviates from the traditional case studies of injustice discourse. A qualified discussion of the state and environmental justice should incorporate elements from political ecology. Political ecology supplies a broader political economic discourse that is left out of case study environmental justice literature. The next section will, first, discuss history and values of a neoliberal state and review political ecology literature related to the state's transformation of the human relationship to nature.

Political Ecology, State-Society Interaction and Neoliberalizing Nature

In recent history, there has been a transition from a Keynesian model of political ecology a new marketization logic called neoliberalism. Neoliberalism began in the Thatcher/Reagan era, pivots on the idea that the market can respond more effectively than the state to some of the world's issues that Keynesianism failed to ameliorate, such as depletion of resources or environmental degradation. The neoliberal logic is that competition will result in only the best services for people and a means of rationing resources through market logic. The role of the state is to support markets, enforce contracts, and facilitate decentralization.

There is a consensus in the geographic literature that rollback neoliberalism entails government downsizing, fiscal austerity, and reform in public services (Peck

and Tickell 2002; Bakker 2004; Prudham 2004). Moreover, there is a subsequent 'rollout', which refers to the reregulation. Reregulation concerns the soft regulation that is created after deregulation (Peck and Tickell 2002). Neoliberalism operates to enhance competitive globalization (Peck and Tickell 2002). With a free market and government support of the market, the firms and services most fit to serve the desires of the people will survive. While this approach began in the highly industrialized world, namely the United Kingdom and the United States, it has spread to many countries around the world (Bakker 2005; Peck and Tickell 2002). Many scholars argue that this approach has been the source of many social transformations and injustices (McCarthy and Prudham 2004; Heynen and Robbins 2005).

Neoliberal policies have transformed how humans related to their environment; and the reordering of the environment transforms society (Heynen and Robbins 2005). This idea supports that society establishes the human relationship to nature and that it can be changed. This relationship to nature is the lens through which we perceive nature.

The analyses over the past decade argue that the neoliberal approach has been a mechanism that has modified man's relationship to nature. This literature collectively looks at how the modification of the human relationship to nature is reflected in these processes under neoliberalism.

As Heynen and Robbins (2005) suggest, neoliberalism provides the context that we interact with the nature and other humans; it sets the way in which we perceive nature. A goal of much of this literature is to prove how neoliberalism is an

environmental project. The main argument to support this concept is that the discourse on how neoliberalism transforms environmental governance (Heynen and Robbins 2005; Himley 2008; McCarthy and Prudham 2004). Environmental governance refers to who has access to and control over resources (Himley 2008). The governing body makes the decisions about management of the resource. The way nature is governed reflects how nature is perceived. Governance of natural resources under neoliberalism is given to those who have access to the market and agency within the market. If we view nature as an economic good, this entails that it can justly be withheld from those who cannot pay for it and that market competition will weed out environmentally irresponsible corporations. Castree (2008) suggests that there are four reasons for this form of governance under neoliberalism: 1) free market environmentalism, 2) owning nature for profit exploitation, 3) justification of environmental degradation, and 4) the avoidance of 'wasted' resources. This form of governance implies that nature is viewed as an economic good.

Neoliberal nature literature has organized ideas on how the neoliberal political approach is an environmental project through the two forms of market environmental governance: privatization and enclosure. Privatization refers to the transition from state control to private sector control of a resource or good (Bakker 2005). This transition entails that a public good becomes controlled, usually with pricing. It is enrolled in market relations. There are many examples in the literature of the failures and contradiction of privatization under the neoliberal approach (Mansfield 2004, McCarthy 2004; Heynen 2005 Prudham 2005; Bakker 2010, 2013, and many more).

Privatization refers to the transition from state control to private sector control of a resource or good (Bakker 2005). This transition entails that a public good becomes controlled, usually with pricing. It is enrolled in market relations. If an individual or population has an inability to participate in the purchase of this good, whether due to citizenship or lack of resources, then those resources are withheld from that group (Bakker 2010).

There are many examples in the literature of the failures and contradiction of privatization under the neoliberal approach (Bakker 2010; McCarthy 2004; Prudham 2005). Prudham (2005) presents the failure of privatization under the neoliberal political approach in Walkerton County in Ontario, Canada. In this neoliberalization, the lack of regulation that stemmed from government downsizing, fiscal austerity, and public service reform resulted in a water contamination crisis in the county. In her discussion of the human right to water, Bakker (2010) suggests that water privatization cannot justly supply water to all people because there will be groups that cannot afford privatized water. Also, some people will not be serviced water because they live in an economically poor region that will not bring profit to the water companies. While these works illuminate the failures of privatization, Bakker (2005) points out that although privatization may fail in certain geographic areas that does not necessitate that this approach is a failure in all cases. In the England and Wales example that Bakker discuss, privatization of water resulted in clean water for the municipality. These successes and failures under neoliberalism address another rationale behind neoliberalism, which is market environmentalism.

Enclosure is a mode of privatization. It refers to the enclosing of an environmental process or natural resource that was formally a common good shared by a population (Heynen and Robbins 2005). Enclosure implies that a certain group is restricted access the resource or environmental process, which gets at another aspect of the change in the perception of nature (McCarthy and Prudham 2004). Fitting within this discussion is Harvey's accumulation by dispossession. This is the collection of resources for survival (Harvey 2006). The issue that rises is that one has to exclude or dispossess certain people in order to build up resources. Government actors and social powers direct the process of appropriation of the surplus (Harvey 2006).

In neoliberalizing nature, nature is appropriated by economic means. Within the neoliberalizing nature literature, there are many example of enclosure of commons (Bakker 2007; Mansfield 2004; Robbins and Lugibuhl 2007; St. Martin 2007). Bakker (2007) discusses the transition from commons to commodity on a global scale as opposed to specific cases as these previous articles have. In this article, Bakker argues that governance of the commons is a strong counterargument to privatization (Bakker 2005).

The neoliberalizing nature literature teases out the many ways in which neoliberalism causes reshaping of the relationship between man and nature. Other works in political ecology suggest this is not the only relationship that is molded to fit the neoliberal ideal. Inherent to the success of neoliberalism is the shift in the state- society relationship. The following section focuses on the state formations of subjects through social policies, including environmental justice policy.

Neoliberal Subjectivities and Policy

Central to the success of the market is shifting responsibility away from the state to individuals. The state must produce individuals that do not depend on the state or social programs for provision, thus taking responsibility for their provision and protections. I assert that the state has furthered this agenda through environmental justice policy. In other words, environmental justice programs also create neoliberal subjects. While neoliberal subjectivities are widely discussed in previous political ecology literature, there are no examples in the environmental justice literature that explore the state creation of the neoliberal subject through formal environmental justice policy. With few exceptions, there is not a large amount of analysis of neoliberal subjectivities within environmental justice literature (Holifield 2004). Holifield (2004) analyzes the neocommunitarian approach the EPA Superfund project in Georgia. Holifield informs that while the neocommunitarian approach seems on the surface to be empowering the community, it actually produces neoliberal agents through the waste site remediation managers. This analysis focuses on the Superfund program. While the Superfund program does have environmental justice implication, the EPA does not consider it a formal environmental justice program. In other words, the creation of that program is not rooted in the agency's goal to of "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income" (EPA 2015). This distinction is worth noting because it tells us what programs are overt attempts to establish environmental justice. Currently, there are not many analyses of formal EPA environmental justice programs (exceptions: Harrison 2015, Vajjhala 2010).

Within that small amount, there are not yet any that discuss the production of neoliberal subjects.

While this is true of environmental justice literature, state creation of the subjects is not a new topic. Human geographers have long written about the state's production of neoliberal subjects. This literature makes it clear how the neoliberal state must first manipulate the conduct of its citizens so that it aligns with the neoliberal agenda (Bondi 2005, Ekers and Loftus 2008). Prior to neoliberalism, citizens depended on the state for protection through regulation and provision through social programs (Peck and Tickell 2002). The neoliberal regime desired to phase in an era of rollback neoliberalism, which is marked by fiscal austerity, weakening regulation, and privatization (Prudham 2004). Marston and Mitchell (2004) explain that the transition in policies was accompanied by a shift in the notion citizenships and the responsibility of the state to the citizens. The success of these market-based policies hinges on a shift in responsibility from the state to the individual (Jepson and Brown 2014). The neoliberal citizen, also called the bootstrap citizen, refers to the state production of self-governing individuals. Armed with facts, these individuals can basically do lots the things that the state once did for them (Maniates 2001). As shown in Holifield (2004), policies that create this shift in the individual are rather subtle and are seemingly well intentioned (O'Reilly 2006, O'Reilly and Dhanju 2014). O'Reilly (2006) provides a similar case. O'Reilly (2006) examines the how neoliberal subjects are created under the guise of empowerment and development policy. Women in Rajasthan are tasked with transitioning their village to a new commoditized water regime, effectively shaping the village women into neoliberal

agents as well (O'Reilly 2006). Not only does the crafting of the neoliberal subject access citizens through well-intentioned social programs, but also everyday practices (Brand 2007, Jepson and Brown 2014). Jepson and Brown (2014) analyze the production of neoliberal subjects through the purchasing of bottled water in South Texas, which faces water insecurity issues. Processes such as the privatization of water fit within the rollback neoliberalism framework. These examples from the literature discuss many of the methods through which the neoliberal state creates neoliberal subjects in the rollback phase.

An interesting concept that the literature explores well is the creation of the neoliberal citizen during rollout neoliberalism. Distinct to rollout neoliberalism is soft re-regulation (Peck and Tickell 2002). This soft reregulation can be seen in public health and other recent social programs. Conventionally, social programs are thought of as fiscally liberal programs established to address social issues in a community. Welfare policies in this era superficially appear the same. Under a more critical lens, it can be seen that the impact of these well-intentioned programs aligns well with the goals of rollback initiatives. These social programs provide the state access to produce subjectivities. Brand (2007) suggests, "the neoliberal premise of 'less government' does not necessarily mean fewer state institutions and less government programmes, but, rather, more governmentality." Under rollout neoliberalism, social programs may still exist, but they are set to promote the self-governing citizen that does not rely on the state, but takes responsibility for their circumstances and their future. State responsibility subsides, and personal responsibility becomes the center for discourse

(Feldman 2011). Brown and Baker (2012) explain this process of emphasizing personal responsibility in policy through their analysis of recent health care policies. Under a market-based regime, clients are taught to take responsibility for themselves and their health rather than burden the health care services. Rather than address the broader social issues that play into an individual's health, health care policy places the responsibility on the individual to take exercise and make wiser choices (Brown and Baker 2012). Biehler and Simon (2010) have a similar finding in their paper on indoor political ecology. Pest management programs are aimed at placing the responsibility on individual households to make better decisions about pest management, such as having a cleaner house or choosing the correct pesticide. These healthy homes programs that purport this form of personal responsibility neglect the larger injustices in which these communities are located (Biehler and Simon 2010). These programs that are meant to address social issues effectively transmit a new common sense. The new common sense is that there are things that you can do to make your life better, and you are responsible for getting those things done. These reviewed works allow for an understating of how the neoliberal subjectivities are subtly produced through well-intentioned social programs.

I seek to incorporate a neoliberal subjectivities discussion into the analysis of domestic environmental justice programs. The discussion of how EJ policy creates neoliberal subjectivities shows are new facet that the state employs to further individual responsibility. This study brings a new area of policy to light by analyzing formal environmental justice policy. Further, it can speak to the continued failure of the state to

address the concerns of environmental justice communities through the production of subjectivities.

Subject of Color

This previous literature makes it clear that individualism is inherent to neoliberal governance. Inherent to privatization is individual ownership of property. Inherent to enclosure is exclusion. A prominent thread in the political ecology literature is the creation of citizens that take responsibility for their circumstances and their future in this new form of equality. ‘Equality’ under neoliberalism stems from the idea that everyone has equal opportunity and the market selects winners and loser. Thus, there are no social forms of discrimination that are at play and historical discrimination is no longer a factor. Roberts and Mahtani (2010) state:

“Within a neoliberal theorization of society, the success of the individual is directly related to his/her work output. Modalities of difference, such as race, do not predetermine one’s success as each individual is evaluated solely in terms of his or her economic contribution to society. What becomes clear is that this ideal relationship is not equally realized by all members in society.”

As Roberts and Mahtani clearly indicate, there is an underlying presupposition of equality in the neoliberal citizen discourse. It suggests that if we are all responsible for our circumstances and futures, then if an individual is unsuccessful, then there is no one

to blame beyond the individual. These ideas downplay and discredit any claims of racism. With this, it can be seen that neoliberalism and racism are coproduced and simultaneously push each other forward. The equality purported masks “racially coded economic disadvantage and reassigns identity-based biases to the private and personal spheres.” (Davis 2007). While there are structural issues that factor into the circumstances of marginalized communities, the focus on individual responsibilities shapes wider society’s view of these communities, reinforcing racialized stereotypes. Mansfield (2012) highlights a similar issue. The FDA ignored racial variability in her case study, which led to an actualization of racial difference. The EPA on the other hand acknowledged race, but offered a solution that placed blame and responsibility on individuals, rather than broader issues. Thus, the contradiction: neoliberal policies produce race and reinforce racism by deracializing social issues.

As Roberts and Mahtani (2010) also point out, there is a lack of literature that discusses how neoliberalism shapes a race is experienced and viewed. While there are some that look at the racialized implications of neoliberalism, the literature has not directly engaged with way neoliberalism constructs race and deepens racism. This lacuna is even larger one in the environmental justice literature. I seek to address this gap and suggest policy reforms through my discussion of market-based environmental justice policy.

Private Sector, The State, and EJ Policy

In light of liberalization, policies have leaned towards market-based solution for environmental injustice. A market-based solution must align with the needs and desires of the market. Thusly, I will discuss the relationship of the private sector and environmental justice communities within a neoliberal society. To depict that state policy aligns with the goals on industry, one must lay out the goals of industry regarding social and environmental issues.

Role of the Private Sector

The shift in governance under neoliberalism from the state to the market increases the responsibility of the private sector. That not only concerns to the responsibility of corporations geographically proximal to environmental justice communities, but also those involved in vertical globalization of environmental justice discussed in Section 1. Corporate social responsibility (CSR) refers to this recent wave of corporations' policies that seek to address social issues that may be related to their actions. Business ethics literature provides the majority of the assessments of CSR. Gouldson (2006), in agreement with Castree (2008), describes CSR and its genesis, "...in an era of globalization and liberalization, the governance of corporate behavior often depends not on the often limited regulatory capacities of the state but on discursive struggles between corporations and their stakeholders." We see that these policies are not simply created in compliance to state regulations, but rather they are an attempt to become more palatable to consumers and investors. CSR policies typically

guarantee things such as community employment or environmental protection actions. The nature of CSR policies is determined by a multitude of factors. Gouldson (2006) goes further to say, “[CSR initiatives] can be driven by personal values and corporate cultures, by the presence of a ‘business case’ for CSR, by the demands of market actors such as investors, trading partners and consumers, or by the demands of civic or social actors...”

This quote teases out one of the complicated aspects of CSR. The responsibilities, in this case, are not necessarily determined by an external, centralized entity (the state). They are also not determined solely by the community, but rather many stakeholders shape the expectations of CSR policies (Monsma 2006). This ambiguity in who sets corporate expectation leaves a large opportunity for power dynamics to come into play. It is possible that in some cases investors will likely have a stronger voice in shaping the policy than a local community. The lack of regulation of these policies creates a void in accountability. This gap in accountability gave reason for reregulation, which Castree (2008), among others, identifies as another characteristic of neoliberalism.

State Alignment to the Private Sector

Contrary to popular belief, industry may not always be out to swindle a community. It is evident from CSR discussion that this may not be in the best interest of firms due to branding and marketing. Some scholars describe this as green washing. There is a façade of community improvement for the purpose of branding. Soft state

regulation that aligns with good marketing and provides a competitive edge is conducive to green washing in the private sector.

Further aligning with private sector management, state policies are generated through an economic framework: cost-benefit analysis. The signature cost-benefit analysis (CBA) of the state was mandated, also by President Clinton, under the Executive Order 12866 in 1993, which was later reaffirmed by President Obama in 2011 in Executive Order 13563. These documents call for regulatory agencies to quantify the costs and benefits of any regulation and adopt regulation where benefits justify its costs. This policy language restricts the state to a neoliberal framework.

The broader failing of the state to has been attributed to the rise of neoliberalism that has weakened the state due to the fiscal austerity, deregulation, and privatization (Peck and Tickell 2002; Prudham 2004). This weakness fosters a dependence on industry for funding and power. This dependence is what Harrison (2011) describes as a cooptation of the state by industry. This relationship manifests as a soft and unenforced regulation on corporations and scantily funded social and environmental programs. Under this regime, the market is charged with filling the role formerly taken up by the state. It is important to note that the state does not become nonexistent in this case; it just works along the needs of the market. Castree (2008) lists market proxies as a characteristic of neoliberalism, “Market proxies in the residual public sector (that is, the state-led attempt to run remaining public services along private sector lines as ‘efficient’ and competitive businesses).”

In Chapter VI, I analyze the ethics behind state-led social programs that are ‘run along private sector lines’. Particularly, I give attention to state-controlled material compensations from industry for environmental burdens within the context of environmental justice communities. Cohen and McCarthy (2015) discuss something similar to this in their analysis of the rescaling of environmental governance under neoliberalism. This rescaling has resulted in concrete artifacts – “highly material, highly elaborated, with competing metrics, methods, certifying authorities, labels, and more” (Cohen and McCarthy 2015).

EJ Policy: Private Sector and The State

EJ scholarship on corporate social responsibility investigates whether or not firm CSR policies contribute to more justice in communities. One such work is Monsma (2006). Monsma (2006) argues that CSR policies may result in more action taken by corporations than federal policy can do because of the shareholders and other stakeholders. Bloomfield (2014) has a similar finding. Whereas, Gouldson (2006) suggest that is it possible that even within CSR policies one can see the impact of discrimination with lower standards in poorer areas. It is clear that there is some discussion of CSR and environmental justice. But there is no literature in the state’s struggle with cost-benefit analysis and environmental justice within the literature.

Rise of Market Environmental Justice

The overlaying of these factors forms the appropriate lens through which to analyze the United State's current environmental justice policy. The policy enact is created and implemented by a federal agency under a neoliberal regime or what Essoka (2010) calls a cloak of "a purely race-neutral economic context" that "does not consider the underlying history and institutional (hidden) character of racism". The methods employed to address injustice are regulated private sector provisions and creating responsible citizens in marginalized communities that are suffering a disproportionately large amount of environmental burdens and/or some form of environmental disenfranchisement. Because of the multifaceted nature of the injustice these communities are facing, I suggest that the framework through which scholars assess that state's actions in environmental justice communities must be equally multifaceted. It must incorporate the state's agenda and abilities within a market-based society, while comprehending the intersecting injustices faced by environmental justice communities, which include (but are not limited to) racial injustice, economic injustice, and health disparities.

I attempt to establish such a framework by coupling the knowledge of state-society relations from the neoliberalizing nature literature with the ethics and principles of environmental justice literature, resulting in market environmental justice. Market environmental justice refers to the state's attempt to address environmental injustice through market measures. Literature on market environmental justice will empower the marginalized communities that are impacted by the neoliberal approach to

environmental governance and social justice. Most of the literature in neoliberalism in geography focuses on the environmental impacts, but there is not much literature in the how the state engages in creating social justice under a neoliberal regime. Market EJ has the ability to do both. Further, it is imperative to have a market environmental justice discussion because current state environmental governing bodies, i.e. EPA, employ policy that aligns with the market and attempts to direct populations perceived as socially deviant, due to race, income, unemployment levels, into the mainstream. This is seen through a focus on job trainings and the creation of a green economy in the recent EPA environmental justice policy.

In this study, I analyze the state's attempt to address environmental injustice while existing within a market-based society. In the following chapters, I will explore execution of environmental justice policies in a Texas community. Particularly, I focus on how this policy seeks to create neoliberal subjects and how the state facilitates private sector provision of compensation.

CHAPTER III

RESEARCH DESIGN

Scholarly literature commonly describes the relationship between the state and the environmental justice movement and activism as antagonistic (Harrison 2011; 2014; Holifield 2004; Pulido et al 2015). Yet, the state has adopted, at least discursively, the language of justice goals. Therefore, my research analyzes how the state frames and pursues an environmental justice agenda, paying attention to how it aligns or subverts community-based environmental justice goals. To accomplish this, I examine the US Environmental Protection Agency's (EPA) Environmental Justice Showcase Communities project in Port Arthur, Texas. My project frames federal environmental justice actions in broader political economic processes to describe how the state, which operates under a neoliberal cost-benefit logic, attempts to incorporate and address unquantifiable issues, such as injustice or equity, into its policy. I conducted interviews and archival analysis to examine the relationship between the state and society within the larger discursive space of environmental justice. In this chapter, I outline research objectives, describe the study region, and specify the methods used to collect and analyze data.

Research Objectives and Methods

My **research question** is: How does state environmental justice policy advance or detract from the goals of environmental justice movement and organizers?

The **working hypothesis** is: State agencies advance a market-based definition of environmental justice and suite of policies and practices through narrowly defined projects that ultimately undermine goals of environmental justice community organizers.

The research objectives are designed to address this broader question of state-society relationships within environmental justice struggles using qualitative methods commonly practiced in human-environment geography research. Qualitative research allows investigation of the processes that build environmental justice policy and the processes incited by environmental justice policy. Understanding the state-society relations surrounding environmental justice policies mandates the use of qualitative methods because these methods grant engagement with respective perceptions that cannot be grasped outside of interaction with the groups that I am studying: the state agencies and society. I am able to document and interrogate more effectively through interviews, ethnography, and other qualitative methods.

Interviews with community organizers provide research with the marginalized perspective that is often left out of the discussion or formal documents, which makes qualitative methods the most fitting for this study. Interviews allow researchers to gather more in-depth information that may not be available for documents or other data. Valentine (1997, 111) describes interviews as “sensitive and people oriented, allowing interviewees to construct their own accounts of their experiences by describing and

explaining their lives in their own words.” An issue that has been raised in human geography, among other fields, is that of local knowledge versus expert knowledge. Many marginalized communities are subjects of research, but are left out of the nexus of research and policy decisions (Corburn 2007). The firsthand knowledge of community members has great value in understanding environmental injustice; therefore, an answer to my research question required interviews with community organizers about the creation, process, and impacts of environmental justice policy.

Identifying how the state envisions Executive Order 12898 within a market-based state necessitates critical engagement with archives and those involved and impacted by this policy. While a superficial reading of the documents provides one with factual information, coding and critical analysis through a lens provided by previous literature allows one to gain an understanding of this policy, the goals, and the impact.

I conducted archival research, participant observation, and 14 semi-structured interviews with EPA staff members and environmental justice community organizers in Port Arthur, Texas, an EJSC project site. These data and methods are standard in the political ecology and environmental justice fields qualitative data has the ability to provide evidence for and substantiate the claims made in this field (Harrison 2014; Holifield 2004; Holifield 2012).

My study aims to accomplish three objectives:

Objective One: Examine how the EPA defines and executes environmental justice goals.

I used three methods to examine how the EPA defines and executes environmental justice goals. First, I developed an online survey for EPA staff. Online surveys are less conventional, but have become more common recently. These online surveys allowed me to collect more data than the conventional in-person surveys, although they do come with their disadvantages, such as low response rates and an inability to validate all responses (Evans and Mathur 2005; Wright 2005). Second, I conducted semi-structured interviews with EPA staff in regional office and federal office administrators. These interviews gave insight into how EPA staff members conceptualize environmental justice and environmental racism and their perspectives on the efficacy of their positions within the state agency. Third, I collected EPA documents related to environmental justice actions and decisions. These documents were collected through web search and Freedom of Information Act requests sent to the EPA Headquarters, Region 5, and Region 6 offices.

Objective Two: Compare how the EPA supports or challenges market-based initiatives to remedy environmental justice claims and concerns in the communities in the EPA Environmental Justice Showcase Communities project

I pursued this objective by analyzing EPA archives, interviewing EJSC collaborators and community organizers, and observing EPA and community interactions. Documents contained comments that highlighted the market-based trends in the EPA Office of Environmental Justice. Interviews with EJSC collaborators and community organizers provided information on how the state's definition of

environmental justice is reflected in projects and rolled out in the community. I also conducted participant observation in community meetings sponsored by the EPA concerning environmental issues. I took detailed field notes while attending this meeting. I also participated in breakout groups at this meeting.

Objective Three: Describe the outcomes of the EJ Showcase Communities project a case study community

Document collection, interviews with community organizers, and site observation provided information on the impacts of this program in their respective communities. Interviews with environmental justice community organizers allowed me to access to local knowledge and information on how the project was implemented and if community organizers considered the project a success. The interviews provide narratives and explanations that help describe, from the community's perspective, positive project outcomes and if the project expected goals. I visited the community to observe some of the project outcomes. I wanted to know if the EJSC cleaned Brownfield sites or directly addressed and remedied EJ claims remedies through better environmental regulatory enforcement. This material outcome is important for assessing the general effectiveness of the EJSC project. I make this claim because material environmental improvement, not only provides conspicuous impact of policy, but it also would likely have a more powerful impact on community relations with the EPA than with a purely discursive change would. Moreover, the site visits also allowed me to examine the social processes behind the program and projects, such as who cleaned the

site and who has a say in what is built there in the future. Interviews granted me insight into the material information gathered through sit observation.

Case Study: Port Arthur, Texas

The entry point for my analysis of how the state seeks to address environmental injustice was the EPA EJSC project. In 2009, the US EPA set aside \$1 million for this two-year project, which aimed to “help alleviate environmental and human health challenges” in ten urban environmental justice communities (EPA 2012a). There is one selected community per EPA region. Regional EPA staff selected the communities based on previous experience and existing projects. In this case, the EPA collaborated with, at least, seven Port Arthur non-profit organizations with history of community and grassroots activity (EPA 2011b; Lerner 2010, 73). Further, the EJSC project allowed the agency the opportunity to create a framework for the standardization in the agency’s collaborative approach to environmental justice issues, which was a main goal of my research.

I chose to examine this EPA program because it aims for standardization extends the impact of my findings because these same approaches will likely be used in future environmental justice policy endeavors. In other words, the EJSC project was meant to be an example of what future interactions between the state and environmental justice communities. The findings of my study, not only speak to the case of Port Arthur, but also many other places and scales. I also wanted to study a case region in close proximity because of my qualitative research design required several trips.

I focus on the EJSC project in the EPA Region 6, Port Arthur, Texas Westside community. While the project aimed to focus on Westside Port Arthur, many projects applied to the city in general. Also, due to the permeable nature of air, water, and land pollution, environmental impact is not exclusive to Westside. Particular to Westside is poverty, unemployment, and social justice issues that will be discussed in this section.

I purposefully chose Port Arthur out of the other Showcase Communities based, not only on its proximity, but also this community is commonly discussed in environmental justice literature (Barzyk et. al. 2011; Lerner 2010, 73-98; Sullivan et. al. 2008). The focus on financial issues in the Port Arthur project also made this community ideal for my study, although the presence of these patterns were not discovered until after the study had already begun. Port Arthur is a small town on the Texas-Louisiana border. While founders intended to create a tourist resort town, Port Arthur has been an industrial center since 1901 when the famous oil geyser of Spindletop, not far from Port Arthur, was discovered (Storey 2010). The Port Arthur Canal allowed the world access to the region's oil resources and products. Many oil companies set up shop in the area due to the proximity to oil activity and the port (McDonald 2008). The town became the second largest source of refining by 1914 (Storey 2010). Currently, Port Arthur is a petrochemical hub. There are three major refineries in Port Arthur, along with numerous chemical plants (EIA 2014). It may seem that with this level of oil and gas activity Port Arthur should be a wealthy community, but that is not the case. After social unrest that resulted from the Civil Rights era and unemployment stemming from automation in the oil industry, much of the population of

Port Arthur moved to suburban areas and retail businesses followed (McDonald 2008). Port Arthur suffered an economic downfall (Echols 1999, Storey 2010). 30% of the population in Port Arthur lives below the poverty level (U.S. Census 2010). At the time of the EJSC project, the city unemployment rate was at 11.2% (BLS 2015). The community of focus within the city, Westside community, had a 25% unemployment rate at the time of the project according to an EPA official.

The environmental and social justice issues in the Westside Community of Port Arthur stem from the history of the city. Like most towns in Texas, Port Arthur comes out of a history of racial divide. Echols (1999) makes this point about Port Arthur, “blacks and whites in Port Arthur lived strictly separate lives... Segregation was the rule; indeed, to avoid integrating the high school, the town built another one outside city limits.” Although the federal government outlawed segregation in the 1950s, Texas and other southern states resisted (De Leon and Calvart 2010). Port Arthur did not roll out complete integration until the late 1960s (McDonald 2008). But, racial divisions have persisted in Port Arthur since this time.

This division some suggest is where the environmental justice issues in Port Arthur stem. The railroad tracks were and are the dividing line. East of the tracks is the white side of town, and west is the black side of town. Much of the industrial activity was placed on the west side of the tracks during the times of official residential and other forms of segregation, and this is where many of the industrial facilities still are. According to an EPA staff member on the EJSC project in Port Arthur, there are six

chemical and refining facilities on the Westside of Port Arthur. One is Motiva, which is the largest refinery in North America (EIA 2014).

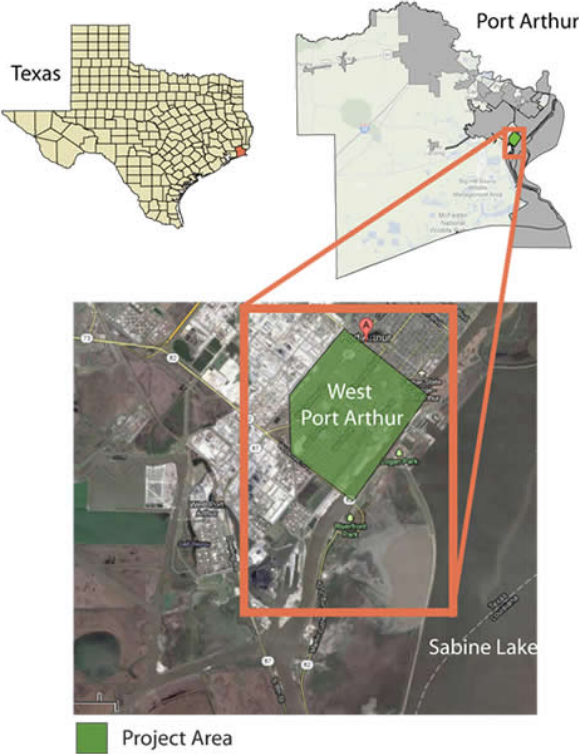
EPA Region 6 selected the Westside Community because it is considered a low-income, minority fence-line community that borders many industrial facilities, such as the Motiva oil and gas refinery (EPA 2011e; Lerner 2010, page 73). At the time of EJSC community selection, 44% of the population of the community lived below the national poverty line (EPA 2012g). The geography of Port Arthur, not only explains some of the race relations in the community, but it also explain another risk of the community, which is hurricanes. Communities in the Gulf of Mexico are constantly impacted by hurricanes and tropical storms. Poverty increases the lack of resilience in the community. In addition to environmental burdens, there are brownfield sites and concern about the economic vitality of the area.

Poverty is not the only challenge Port Arthur residents face in their everyday life. Extreme health disparities exacerbate community's distress. Port Arthur suffers from very high asthma and elevated cancer risk compared to statewide statistics. A study on the health impacts of proximity to industrial facilities in Port Arthur found that "80 percent of those residents he interviewed in West Port Arthur reported cardiovascular and respiratory problems compared with much lower levels (approximately 30 percent for cardiovascular and 10 percent for respiratory problems)" (Lerner 2010, page 82; Morris et. al. 2004).

Local knowledge suggests that seafood quality is threatened by environmental pollution. Residents, who traditionally consume local seafood and fish as an important

part of their diet, voiced concerns about the contaminated fish and wildlife in one community meeting with the EPA (EPA 2012g, 2). Health issues suspected to be associated with the presence of these facilities, compounded with high unemployment and poverty rates, among other factors, brought the EPA to title Port Arthur an Environmental Justice Showcase Community.

Figure 2: Westside Community in Port Arthur, Texas



Source: <http://www3.epa.gov/environmentaljustice/grants/ej-showcase-r06.html>

Data Collection

I use qualitative methods to examine the discursive and material impact of environmental justice policies and programs in local organizations and communities. I conducted interviews, collected documents, and observed how EPA staff and community organizers interact with and receive each other through participant observation in a community meeting sponsored by the EPA.

Participant Selection

The process to select participants differed between community organizers and the EPA staff. I selected community organizers based on previous involvement with EPA environmental justice programs and self-identification as an ‘environmental justice advocate.’ I discovered most groups discovered through EPA document analysis. Others organizations were snowball interviews. I identified the groups by participation in a community meeting or recommended to me from other interview participants or community members. I selected initial contacts because they are noted in previous environmental justice literature.

I selected EPA staff members based on affiliation with official environmental justice programs, particularly the EJSC project. Most connections with EPA staff interviews were snowball interviews. Because the project rolled out five years prior to my research, many staff connected to the project had moved to other positions or were no longer with the EPA. While EPA headquarters led the initiative for the EJSC project, headquarters delegated the project selection and implementation to the regional offices.

Due to the regional manner of the EJSC project, many community organizers and EPA staff were not very familiar with the project in Port Arthur. I recruited EPA staff members that have a connection with environmental justice, community outreach, or any knowledge of the EJSC project. I reached out to staff in the Region 6 office as well as the national headquarters office in Washington D.C.

Interviews

To fulfill objective one, which examines how the EPA defines and executes environmental justice, it is imperative that I describe the perspective of EPA staff members on goals and efficacy of environmental justice policy. I interviewed four EPA staff involved in the selection and enacting of EPA environmental justice policy office, with particular attention to their role in the EJSC project. While the questions may be similar to the online survey, the semi-structured interview allowed for fuller responses by EPA staffers who were more closely connected to the EJSC project. I further addressed how staffers and administrators envisioned the EPA's role and their role in relation to EJ goals, the definition of environmental justice and methods to correct environmental injustice. The themes of these interviews included: definition of environmental justice, causes and solutions of environmental injustice, and justification for selection of EJSC project and project communities.

I interviewed EPA staff, collaborators in the EJSC projects, and environmental justice community organizers in the respective communities to understand how the EPA supports or challenges market-based initiatives to remedy environmental justice claims

and concerns in the project communities, which is my objective two. The questions address following themes: identification of EJSC programs in the community, justification of methods employed in communities, alignment of EPA EJ claims and community claims; and perceived effectiveness of EPA EJSC policy. Community organizers explained how they understand and interpret the environmental justice claims of the community and if the market solution posed by the government could address their claims and concerns. Environmental justice community organizers were asked questions regarding the environmental justice issues that persist in their community and the efficacy of the program in addressing the goals of the program in a semi-structured interview. Also, I interviewed the managers of facilities where the EPA had conducted EJSC sponsored activities, such as the job training facilities. I addressed the following themes in these interviews: efficacy of methodology of EPA, environmental change in the community, and environmental governance in their community.

Documents

In order to gather institutional information about the EJSC project, I procured EPA documents through the Freedom of Information Act (FOIA) process and exploration of EPA online archives. I downloaded public documents from online EPA sources whereas FOIA documents are mostly from the regional offices in Region 5 and Region 6. These documents include EPA press releases regarding environmental justice, program analyses, tracking tools, event agendas, and other documents. I also collected press releases and other public documents, such as EPA environmental justice fact

sheets, regarding environmental justice actions and goals from the EPA. Table 3-1 contains the documents that have been collected from EPA regional and national offices. These documents allowed me to identify the goals of the EPA’s environmental justice policy. Also, information regarding selection processes and specific projects within the EJSC project were found in these documents.

Table 3-1: EPA Documents

EPA Office	Region 5 and Region 6 Offices	National Office-- Headquarters
Position in Policy Cycle	18 Documents types	6 Document types
Policy Formation	Community project announcement and Fact Sheet, EJ Showcase Community Action Plan and Checklist, project maps, Implementation plan	Press releases, Staff memos, Administrator speech transcriptions, EJSC Implementation Plans
Policy Implementation	Project update (2010 and 2011), Award Certification; Port Arthur Environmental Profile Results, EPA tour trip summaries, EPA-community meeting notes	Environmental Justice and Sustainability Reference Deskbook
Policy Assessment	Program analyses, tracking tools, program overview, Port Arthur EJ Initiative Plan and Workgroup Accomplishments, Lessons Learned report, Yearly reports, project overview, Successes report	EJ Consolidated Reporting Form

Participant and Site Observation

While this study was not of the appropriate length to perform true ethnographic research, I employed methods typical in ethnographic studies. Most common in ethnography is participant observation, which is when the researcher integrates oneself into the community being studied. Participant observation method was chosen because it provides first-hand information of community happenings. This approach also has proven to be effective in previous studies on the alignment of stakeholders' claims and concerns (Curran and Hamilton 2012). Some ethnographic works suggest that a true ethnography is no less than a year of observation and integration into the community (Duneier et. al. 2014). The length of the Master's research precluded this time commitment. However, I made four field visits. I attended one community meeting. In addition to the community meeting, I visited the environmental amenities, such as parks and waterways to interact with the community and gain a sense of whether community members were aware of the EJSC project. Further, I asked questions about the water and air to gather an understanding of the community's outlook on their environment. This was the case with community activities. Whereas with community meetings with the EPA, I made it know that I was a graduate student that does research on the EPA and environmental justice communities. I participated in all the activities at the community meeting as if I was a community organizer. At parks and other outdoor activities, I participated as a community member. I did not practice deception. If asked, I did not withhold my identity or project information. As previously discussed, Duneier et. al.

2014 informs that true participant observation will occur over years. Thus, these methods are only a modification of true participant observation.

In addition to participant observation, I conducted site observation. While for the Port Arthur community, there were no goals in the project that would directly produce physical changes in the community, such as an urban agriculture initiative. Instead, I investigated the outcomes of the project. I conducted a visual assessment of the Port Arthur community to assess whether environmental conditions were indirectly improved through the outreach, documents, and job trainings that were produced by the EJSC project. While redevelopment is discussed in the Port Arthur project, the EPA did not take action in this effort beyond creating assessments on the Brownfield and Superfund sites in Downtown Port Arthur. These assessments provided information on the contamination of the land, and what measures the city could take to remediate. I took photographs and extensive field notes while conducting these site observations.

Data Analysis: Transcribing and Coding

I transcribed and coded all documents, interviews, and field notes. I entered documents in coding software, *Atlas.ti*, to highlight the reoccurring concepts and the goals in regards to environmental justice, following other researchers (Minkler et al. 2008). Other works in qualitative research employ this software for similar purposes. Coding methodology stems from that suggested in Weblar et al 2009. Initial codes were created based on characteristics of neoliberal reforms found in neoliberalizing nature literature. Preliminary analysis of documents, such as EJSC press releases and project

updates, indicated three themes: (1) Green jobs (20); (2) Green Economy (10); and (3) Green Development (12). I replicated the analysis with other documents, from both the national office and regional offices, to examine definitions as well as compare and contrast between levels within the agency and existing projects.

Interviews were transcribed from beginning to end, including interviewer's questions. Following transcription, interviews were coded in coding software *ATLAS ti* similar to archival analysis. Statements in these transcriptions coded based on the three following criteria: interview question response, preliminary codes in document analysis, and new facet to a community definition of environmental justice. The resulting codes of the community organizer interviews were lack of jobs, revitalization, race, and lack of enforcement.

I transcribed field notes from participant observation analysis in coding software, *ATLAS.ti*, to highlight patterns and identify themes as well. The themes that arose from this objective were compared to those of the state. Specifically, the aim is to determine whether the community stakeholders support the use of the market as a root and solution to environmental justice concerns. I also transcribed and coded the site observation field notes in *ATLAS.ti*. Photos from the site observation can be found in Appendix 1.

Table 3-2: Coding Themes

Code Theme Examples	#	Example
Green Jobs	21	“About \$50K will be allocated to initiate green job training” –EPA 2009
Green Development	12	“To build partnerships... with potential resources that can be deployed in the particular communities to achieve the programs aims such as environmental and human health protection, particularly in the green development arena.” – EPA 2010
Green Economy	10	“A green economy would substantially reduce the pollution linked to these deadly health issues. A green economy would also reduce the economic burdens of hospital visits, medical bills and lost work and school days – especially in environmental justice communities where these problems are at their worst.”- EPA 2009
Environmental Compensation	9	“You run into the political machine that industry uses, local jobs and all that. Holding those jobs hostage against the communities right to clean air. It’s a big mess.” –EJActivist2

Challenges and Positionality

A common debate within qualitative research is the value and impact insider or outsider status on one’s research. Some contend that an insider can gather more in-depth information because they do not need a gatekeeper, a community member that vouches for researcher and allows research access to community. Insider status allows one to be privy to more information and one has a deeper contextual understanding (Ladner 1973). Others argue that outsider status has privilege as well (May 2014). Community

members may not assume that an outsider knows that things that an insider may know, thus the outsider can gather more information that participants may not have mentioned to the insider.

Being a Black woman with close family living in Port Arthur, it can be said that I have insider status in the Port Arthur community. Further, my status as an environmental justice scholar gave me further insider access with community organizers. Community organizers were open to establishing relationships and conducting interviews with me. As mentioned, a possible complication with insider status is that participants may not tell you things because they assume you already know. I did find that when discussing the racial layout Port Arthur, many respondents assumed that I was already very familiar with the dynamics. When asked to further explain the racial layout of Port Arthur that resulted from segregation, participants were willing to give me more information.

With the EPA, I was an outsider. Procuring interviews and building relationships with the EPA was not as easy as with community organizers. I was not about to schedule any interviews with EPA staff until I had the opportunity to attend an EPA community meeting in Port Arthur, where I was able to connect with multiple gatekeepers. Even with respondents helping as gatekeepers, finding contacts at the EPA was difficult. There was a low response rate to recruitment emails. The low response in recruitment emails brought me to the conclusion that an online survey would not yield very many results.

I developed a semi-standardized online survey using the university-licensed *Qualtrics* software. The survey addressed several themes: (1) staff role in program; (2) program city selection process; (3) major mechanism to change circumstances in environmental justice communities. In addition, I included questions that allowed respondents to reflect on agency definition of environmental justice, their own view of EJ and role in EPA, how the agency addresses claims of environmental injustice, and the types of remedies the agency can provide in relation to environmental injustice. The survey had Likert scale questions, free response, and multiple answer options. I planned to send this survey to EPA staff who developed, managed, or continue to manage the EJSC program.

Due to a low response rate from EPA staff regarding interviews, this survey was not incorporated into the study. Interviews scheduled in-person had a 100% response rate while any EPA staff contacted without an in-person interaction, did not respond to a recruitment email or responded, but did not follow through with an interview. Thus, I removed the survey from my methods regarding the EPA. Further, with some staff, I had to be vetted by public relations staff. Instances such as this highlight my outsider status with EPA staff. I argue that if I had more time to become more acquainted with EPA staff, I may have received more responses from EPA staff.

Not only does my positionality play a role in my relationships to interview participants, it also impacts my framing of questions and interpretation of responses. My epistemology as a critical geographer also shaped my interpretation of data. I actively

acknowledged my inherent bias during my analysis process. With this, I was as reflexive as possible during my research process.

The time restraints of a master's thesis presented a challenge in my data collection as well. More time may have allowed me to gain more trust and connection within the EPA staff community. Further causing a delay in this research process is the timeline regarding FOIA requests. FOIA requests sent to the regional offices were answered within a semester. FOIA requests sent to EPA headquarters took over a semester to get addressed. Additionally, time constraints played a major role in transforming this project from a comparative study to a case study. Originally this project was a comparative study between two EJ Showcase communities: Port Arthur, Texas and Milwaukee, WI. While it would have been possible to accomplish one trip to each city, there would not be any sort of in-depth connection with either with such an approach. By scaling the project down to a case study, I was able to build relationships and connections in the Port Arthur that would not have been possible otherwise.

CHAPTER IV

STATE APPROACH TO ENVIRONMENTAL JUSTICE

This chapter, focusing on Objective 1, broadly examines the EPA's engagement with environmental justice and the origins of the Environmental Justice Showcase Communities project to determine how the agency defines and executes EJ goals. In this chapter, I discuss bureaucratic and technical process that a federal agency uses to address environmental justice. Focusing on the Environmental Justice Showcase Communities project, this chapter investigates the process used for selection of communities, which will display this bureaucratic process. Also, status updates and results of the efforts of this project in these communities are presented.

In this chapter, I extend Holifield's framework that outlines three waves in EPA environmental justice policy. Adding to Holifield's work, I indicate how the state is incorporating market environmental justice in its path to create a uniform strategy to environmental justice. The third and most recent wave in his paper returns to the original focus of the 1994 Executive Order 12898 on low-income and minority populations, but there is a shift away from regional protocol towards national uniformity in the approach (Holifield 2012). This research will indicate if this is a partially accurate classification of our current wave and where the Environmental Justice Showcase Communities Project fits in this discussion.

Background

A recent environmental justice initiative of the EPA is the EPA Environmental Justice Showcase Communities project (EJSC). In 2009, the US EPA set aside \$1 million for this 2-year project, which aims to “help alleviate environmental and human health challenges” in 10 communities (EPA 2012). The US EPA regional officials selected the communities in their respective regions. The Environmental Justice Showcase Communities include: Bridgeport, CT; Staten Island, NY; Washington DC; Jacksonville, FL; Milwaukee, WI; Port Arthur, TX; Kansas City, Kansas/Kansas City, MO; Salt Lake City, Utah; Port of Los Angeles/Port of Long Beach; and Yakima, WA. The project provides these ten selected communities with \$100,000 each to contribute to initiatives to mitigate environmental justice concerns.

EPA’s Journey to the Environmental Justice Showcase Communities Project

The Environmental Justice Showcase Communities project is not the beginning of the EPA’s attempt to create a standardized approach to environmental justice. This process began in when certain events, such as the dumping of PCBs in Warren County, brought national attention to the uneven distribution of environmental burdens in the United States in the 1970s. Many factors, such as the Civil Rights movement, the CRJ study that discovered the connection between community race and environmental burdens and the Warren County case combined to drive many environmental justice grassroots movements that pushed environmental justice into the concerns of the EPA.

In light of the many grassroots movements bringing attention to environmental inequities and coining terms, such as environmental racism, the EPA began to incorporate environmental justice into its agenda (Holifield 2012). This incorporation began around 1990 when the EPA created an Environmental Equity Workgroup (EPA 2012b). Soon after the creation of this group, the EPA established the National Environmental Justice Advisory Council (NEJAC) (EPA 2012b). NEJAC is composed of representatives from academia, community groups, industry/business, NGOs, state/local governments, tribal governments/indigenous groups, and one designated federal government representative (EO 1994). This council submits recommendations to the EPA on how they can address environmental justice in the United States. The EPA commissioned NEJAC in 1993.

Soon after, President Clinton signed Executive Order 12898. This executive order further incorporated environmental justice into the focus of the EPA because it mandated that all federal agencies consider environmental justice in their actions and policies. Executive Order 12898 spells out how federal agencies should go about fulfilling this calling. First, federal agencies must formulate a means of “identifying and addressing disproportionately high and adverse human health and environmental effects of its programs” (EO 1994). In addition to this, EO 12898 mandated the creation of an interagency working group (IWG). The EPA should bring this group together, and it should consist of various listed federal agencies. The IWG has to advise other federal agencies on how to address environmental justice, assist in research on environmental

justice, have public meetings, and create environmental justice projects that show that the IWG is working on environmental justice (EO 1994).

The Order also states that every federal agency, those in the IWG and not, should create an environmental justice strategy. This strategy must delineate the programs, policies, planning and public participation processes, enforcements, and regulations regarding human health or the environment that should be changed in order to encourage environmental and human health regulation in environmental justice communities, facilitate more public participation, advance environmental justice research, and examine and identify uneven distribution of environmental amenities and burdens (EO 1994). The Order goes on to explain that agencies should address quality of fish and wildlife for consumption in these communities, which related to the environmental and human health of the community. The environmental and human health is a key theme in Executive Order 12898. Another frequent theme in the executive order is public participation and how federal agencies should minimize the obstacles to public participation in minority and low-income communities.

Brownfield and Superfund Programs

Prior to and since the Executive Order, the EPA has facilitated many programs that while they have environmental justice implications, they are not official environmental justice programs. I refer to those programs listed under the title environmental justice programs and explicit environmental justice goals as official EPA environmental justice programs. While the EPA does not specify their Superfund or

Brownfields program as a part of their environmental justice initiatives, there is an abundance of literature that analyzes the EPA's progress (or lack thereof) with environmental justice by the outcomes of these programs. The Superfund Act, created in 1979, was an action to clean up toxic waste sites (EPA 2014). Literature on the Superfund program found that race was an important determinant in the location of Superfund sites (Stretesky 1998; Maranville 2009). O'Neil (2007) found that the signing of Executive Order 12898 did not contribute to more equitability in the Superfund program. This lack of environmental justice in EPA programs was found in the Brownfields program as well.

The Brownfields Program, which began in 1995, was an action to redevelop abandoned contaminated sites (EPA 2012). Whereas Solitare and Greenburg (2002) find that the Brownfields program is environmentally just, many other scholars found otherwise. Much of the literature suggests that Brownfields redevelopment has unintended consequences, especially gentrification (Essoka 2010; Bryson 2012; Lee and Mohai 2012). The literature suggests the cleanup and rebuilding on Brownfields sites creates a paradox for community residents. This literature for the most part finds that these programs did not move towards creating more environmentally just communities in the US. This literature addresses the question of whether these EPA programs are conducive to environmental justice and brings attention to the environmental justice implications of these programs. However, it does not look at formal EPA environmental justice initiatives, such as the EJSC or EJSG programs, to

assess the success or failure that the EPA is having with in their battle against environmental injustice.

Supplemental Environmental Program

In this section, I will analyze market-based environmental justice through a utilitarian framework. I focus on this framework because it translates into the bureaucratic language of the state. In other words, I employ a utilitarian approach in order to align with the typical cost-benefit analysis that the state uses for assessment and policymaking (Revesz 1999). I find that this approach show that the current policy fails to bring justice to these communities.

The signature cost-benefit analysis (CBA) of the state was mandated, also by President Clinton, under the Executive Order 12866 in 1993, which was later reaffirmed by President Obama in 2011 in Executive Order 13563. These documents call for regulatory agencies to quantify the costs and benefits of any regulation and adopt regulation where benefits justify its costs. These mandates shape a justification for the state's utilitarian approach to environmental justice policy. Other than programs, such as trainings and community meeting, environmental justice policies revolve around the idea of environmental compensation, thus coopting justice. This version of environmental justice shifts away from language of race or equality and focuses on compensation. In the literature, the corporation acts as the compensatory body. I find that in the compensatory notion of justice has expanded into the state's approach to environmental justice.

Some projects within the EJSC initiative demonstrate the state's transition to compensation as a means of justice. While the EJSC project was a one-time program in only ten communities, compensatory projects are commonplace in the EPA through its Supplemental Environmental Project (SEP) program. The SEP program, which some aspects of the EJSC project imitated, is an example of this reregulation. The SEP policy allows corporations that have violated EPA standards to “voluntarily agree to undertake an environmentally beneficial project related to the violation in exchange for mitigation of the penalty to be paid” (EPA 2015). Through this process, the EPA can hold corporations accountable to compensating communities for environmental violations in a way that harmonizes with market efforts. Similar to CSR, SEP projects consist of concrete compensations for environmental burdens. Other examples of SEP projects include financial assistance for low-income housing assistance, finances for particulate matter monitoring, improved technologies for emission detection, etc. (EPA 2015). The nature of an SEP project is determined by the EPA, who usually has ties to the community in some way.

In my research, SEP projects are discussed in a favorable light and described as very successful by both EPA staff and most community activists. It is worth noting that the community activists considered SEP projects favorable in comparison to what they feel the circumstances would be like if not for the EPA. Within the current political institutions, the EPA is the only political agency doing anything for them. Because of this, they have a sense of gratitude, but they still feel like a system of injustice persists.

It is arguable that a system of justice based on quantified costs and benefits may find that that environmental justice policy repay community members for the environmental burdens that they suffered due to an instance of emission violations. The reasoning is as follows: corporation inflicted harm on the community. That harm is corrected by providing a good to the community. The corporation suffers a cost (fine) in response to the benefit accrued in the form of excess environmental emissions. Thusly, it seems that justice has been served, as depicted in the rationale in the Appendix Figure 11.

So far, this discussion has focused on instances of emission regulation violation. I have yet to address the broader issue of environmental justice – the uneven distribution of environmental burdens and benefits, along with uneven access to the decision-making process, based on race or income. While the regulatory process described above may mitigate further emission violations, environmental justice works with a broader temporal scale. Environmental justice communities constantly live in a space where there are emissions, within EPA standards or not and typically from multiple sources. With this being that case, how does one make up for the costs that the

community has been enduring over a large period of time, especially when it stems from some sort of discrimination? Further, how does one quantify the cost of being treated unequally? Both Clinton's EO 12866 and Obama's EO 13563 acknowledge that aspects such as equity, human dignity, fairness, and distributive impacts are "difficult or impossible to quantify", in which case a qualitative discussion is permitted (EO 12866, EO 13563). It is evident that cost-benefit analysis is not appropriate for EJ discourse that goes beyond simple distribution issues. Matters such as environmental racism or classism cannot be outside the scope of costs and benefits because these topics deal with basic human rights and equal access to quality of life.

Formal Environmental Justice Programs

While there is an area of research on the Brownfields and Superfund programs, there is a dismal amount of literature that discusses the EJSC project or EPA environmental justice policy in general, with one exception (Vajjhala 2010). There are very few programs that the EPA formally classifies as environmental justice programs. The EJSC is one. Another is the Environmental Justice Small Grants (EJSG) program. The EJSG program provides funding support to organizations and individuals that apply and are working towards environmental justice in their community. Grants from this program are \$20,000 or less (Johnson 1996). With the use of GIS, Vajjhala (2010) assesses the effectiveness of the EJSG program in assisting communities with a high amount of environmental burdens. Vajjhala (2010) looked at where the EJSG funds are awarded and data from Toxics Release Inventory (TRI) to

perform this assessment. The work found that only a portion of these grants is being awarded to community indicated in the TRI data (Vajjhala 2010). Also, the number of toxic releases had been increasing in counties that were receiving grants from this program (Vajjhala 2010).

As can be gleaned from Executive Order 12898 and the aims of the EJSC project, a main goal in regards to the EPA and environmental justice has been to create a standardized approach to environmental justice. Bureaucratization of environmental justice is intrinsic to this process of standardization. The EPA stated that a goal of the EJSC project was to, in essence, create a uniform blueprint in their method to environmental justice. The ten communities were test sites for the creation of this blueprint. The idea is that the successes in these communities will be recreated in other environmental justice communities in the future (EPA 2010c). This standardized approach is epitomized in the use of GIS tool to select communities. With the use of GIS tools, the regions can overlay standard indicators, which create uniformity across the nation identifying environmental justice communities. Holifield critiques this approach. The author scrutinizes EJSEAT, a GIS tool used by the EPA to identify environmental justice communities (Holifield 2012, 2014). A main issue with the use of these indicators is that they are formed using census data. But, there are environmental justice populations that do not participate in the census, such as migrant workers and indigenous populations (Holifield 2012). This may speak to why the focus of the EJSC project was urban areas, with the exception of Yakima.

Overview of EPA Environmental Justice Showcase Communities Project

When Administrator Lisa Jackson first took office, she sent a memorandum with seven priorities for the EPA, one of which was environmental justice (Jackson 2009). The other priorities included action on climate change, air quality, safety of chemicals, cleaning up our communities, protecting waters, and partnerships between the state and tribal communities. Administrator Jackson stated in a speech to community representatives from around the country that with President Obama in office and herself in office, there was a unique opportunity to bring environmental justice back into the conversation of the environment (EPA 2009b). With Administrator Jackson's move to shift environmental justice back in to the focus of the U.S. EPA, the Environmental Justice Showcase Communities Project was launched in late 2009. The agency chose this project because it employed a tactic that engaged the community and grassroots movements for environmental justice in specific areas (EPA 2011b). The EPA describes this project as a community-based approach in attempting to ameliorate environmental justice issues in these areas (EPA 2012a; EPA 2010c; EPA 2012b). In addition to utilizing a collaborative approach, the EJSC project allowed the agency the opportunity to create a framework for standardizing the agency's collaborative approach to environmental justice issues, which was a main goal of the EJSC project. The process used for standardization is similar to that process used in the Brownfields Showcase Communities Project, which was a blueprint for this project (EPA 2010c). There were guidelines for the implementation of the project in order to create this institutionalization of EPA environmental justice efforts.

The implementation strategy took form at two scales: national headquarters office and the regional offices. Headquarters' strategy included four steps: development of a Showcase Communities program, identify projects in each region, explore a specific set of tools for coordinated place-based work, and establish a reporting framework (EPA 2010c). With this strategy, EPA Office of Environmental Justice headquarters called upon the ten regional offices around the United States to select a geographical area in which to implement the EJSC project. Proposals from each region discussed the communities, a work plan, and partnerships (EPA 2010c). After approval, the Office of Environmental Justice (OEJ) would then distribute the project funds to the regional offices (EPA 2010c). Locations with previous environmental justice project in progress were preferred for EJSC selection (EPA 2010c). This preference stems from the increased ability generate results in these communities. Moreover, the area selected should have "high priority environmental justice concerns" (EPA 2010c). The following fall within that category, according to the agency: multiple, disproportionate environmental health burdens, population vulnerability, limits to effective participation in decisions with environmental and health consequences, opportunities for multiple federal, state and local agency collaboration, with a focus on green development as environmental justice concerns (EPA 2010c; 2012a). Office of Environmental Justice (OEJ) provided examples of possible projects to consider for the EJSC project. This list of examples included: geographic based targeting, clean-up and remediation efforts, job training and other training, etc.

Executive Order 12898 calls for the EPA to bring together other agencies together and oversee their process of creating EJ efforts. This project allowed the EPA to build partnerships with other federal agencies, achieve results in these environmental justice communities, and integrate new and old models into one initiative (EPA 2010c; 2010d; Holifield 2012). These broad intentions played out differently in the specific location of the project. Every geographic area had a specific work plan that should include community and federal agency input. Allocation of the project funds within these communities was based on concerns of future collaborations and partnerships. The implementation plan stated that the program will work in one location, include an interagency partnership, have clear goals, and be a one-time effort (EPA 2010c). The regional offices used a variety of methods to select the Showcase Communities, but mainly the offices relied on GIS tools for selection. The use of GIS also contributes to the standardization of the EPA approach to environmental justice because settings for the layers (minority percentage, cancer risk, etc.) chosen can be replicated in future projects.

Showcase Communities

Table 4-1: EJSC Community Overview

EPA Region	City	Selection Criteria	Project Task
1	Bridgeport, CT	Environmental burdens, health burdens, and previous partnerships	Remediation, New pier, and job training
2	Staten Island, NY	GIS overlay of environmental, health, and quality of life concerns	Contamination testing
3	Washington, D.C.	GIS overlay of environmental, health, and quality of life concerns	Trainings and partnerships
4	Jacksonville, FL	GIS overlay of environmental, health, and quality of life concerns	Aquatic contamination survey and partnerships
5	Milwaukee, WI	GIS overlay of environmental, health, and quality of life concerns	Remediation and trainings
6	Port Arthur, TX	Previous partnerships	Trainings, environmental profile, and partnerships
7	Kansas City, MO and KS	“Target area for Healthy Homes initiative”	Trainings and remediation
8	Salt Lake City, UT	Environmental burden and previous partnerships and data	Partnerships and trainings
9	Port of Los Angeles and Port of Long Beach, CA	Environmental stressors	Partnerships and new regulation
10	Yakima, WA	Health Stressors and groundwater issues	Assess quality of private wells

*This table: lists the communities for each region, community selection criteria, and project tasks.

Region 1: Bridgeport, CT

In Region 1, which includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and 10 indigenous tribes, the East End community in Bridgeport, Connecticut was selected as its Environmental Justice Showcase Community (EPA 2014). At the time of selection, 63% of the Bridgeport population was classified as people of color. Beyond having the four primary environmental justice concerns that OEJ spelled out, the East End area of Bridgeport was chosen because there a previous project at work in the community, meaning that the community already had ties to the EPA Region 1 Office (US Fed News 2009). This community had previously received funds and services from the EPA Brownfields project (OSEE 2013). East End Bridgeport possesses many contaminated and abandoned sites that were formally industrial facilities that manufactured weaponry during World War II (EPA 2010d) (OSEE 2013). Numerous sites like this leave the community underdeveloped and lacks access to services, which exacerbates the issues in the community, according the Kristen Dubay, former Director of Health and Human Service in Bridgeport, CT (OSEE 2013). In addition to this Brownfields remediation, EPA had projects concerning air quality, green jobs, recycling, asthma rates, and toxic exposure in this community.

In this community, the EJSC project funds were used for Brownfield remediation, hosting a community fair focused on asthma, forming a recycling program at two schools, storm water management training for 20 youth, job training for the water industry, greenscaper job training, and a new fishing pier, which increased this community's access to the harbor (US Fed News 2009; OSEE 2013; EPA

2014). Beyond these, there are further trainings that the city and other actors are encouraging (EPA 2014). As requested by the EPA, there was an interagency partnership in this community's project. The US Department of Transportation, the Department of Housing and Urban Development, and the Environmental Protection Agency were involved in the activities in this community. These actors are involved in projects that go beyond the one-time EJSC project in the community.

Region 2: Staten Island, NY

In Region 2, which includes New York, New Jersey, Puerto Rico, U.S. Virgin Islands, and 8 tribal nations, the North Shore of Staten Island, New York was selected for the EJSC project. Various data sources and GIS tools, including EJSEAT, were used to indicate the North Shore community of Staten Island for this project (EPA 2010d). At the time of this project, two thirds of the community population was African-American or Latino (EPA 2010d). This community has had a history of environmental burdens, such as numerous Brownfields sites and health problems stemming from truck and industry pollution (EPA 2010d) (Sherry 2010). In the past, this area was the location of many lead manufacturing facilities (Schumer 2009). Due to this, the community suffers for many cases of lead poisoning. The neighboring homes have a lead concentration that is higher than the EPA national standard (Schumer 2009). Health of the community children was a main concern when it came to the lead concentrations in the area. Similar to the Bridgeport community, there are leftovers from factories during World War

II. While in the process of developing the atomic bomb, companies used a site in the area for uranium storage (EPA 2012c). The remnants from that period of storage have lingered in this community (EPA 2012c). In addition to these contamination issues, the waterfront location of the community causes air pollution in the area as well.

The funds from the EJSC project mostly went to validating concerns of contamination at twenty-one sites in the area. Investigation of home lead rates and other contamination testing was done as well. With this information, local and state actors will unite to create a health strategy for the community (EPA 2012c). This health strategy will include a means of communicating information to the community and testing children for lead poisoning (EPA 2010d). This project incited as local coalition of environmental, environmental justice, civic, and tenet associations. A portion of the EJSC funds went to support the efforts of this coalition (EPA 2010d; 2012c).

Regions 3: Washington DC

In Region 3, which includes Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia, Wards 7 and 8 in Washington D.C. were selected as the showcase community in the region. GIS screening along with demographics, environmental data and possible partnerships indicated this community as the focus for the project (EPA 2010d). The community was composed of mostly minorities at the time of selection. Also at the time of selection, this community had some of the worst poverty and unemployment in the city (EPA 2010d) (Sheffey). Wards 7 and 8 are along the Anacostia River, which is heavily polluted (Sheffey). Also in this

community, there were many abandoned contaminated sites. There are 12 brownfield sites along the river, one of which is a recently decommissioned power plant (Sheffey). Some members of the community depend on fishing as a livelihood (EPA 2010d). The contaminated river affects their health and livelihood. The EPA stated that this community suffered from degraded infrastructure and a lack of access to environmental amenities (EPA 2010d).

The EJSC project allocated \$50,000 of the \$100,000 for the community to green job training (EPA 2010d). The remainder of the funds were planned to be used for the projects that the partnerships that were formed through the EJSC project. An aim of the project in this community was to create partnerships that included academia, government, business, and community members (EPA 2010d). There were forums held with this stakeholder in the community during the first year of the project. The three critical concerns that arose from the stakeholders' forum were green economy, children's environmental health, and contaminated sites (EPA 2012d). The green economy concern will be addressed by training members of the community to be cleanup workers in the contaminate sites (EPA 2012d). The children's environmental health focus will be addressed through a healthy home, school, and childcare initiative.

Region 4: Jacksonville, FL

Region 4 consists of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and six Native American tribes. Health Zone 1 in Jacksonville, Florida was selected for the EJSC project. The EPA EJSEAT GIS tool

narrowed the options down to a few communities by overlying the following indicators: priority watersheds, non-attainment areas, Brownfield sites, active community-based organizations, Toxic Release Inventory (TRI) emissions, poverty level information, and human health statistics (EPA 2010d). From those communities, the Regional Administrator selected Jacksonville Health Zone 1 as the EJSC project community (EPA 2010d). At the time of selection, 41% of the population belonged to minority classification. There was around an 11% unemployment rate (EPA 2010d). The environmental burdens of this community consist of several superfund and brownfield sites. In 1998, this community was a part of the EPA Brownfields program (EPA 2010d). A leading concern of the community was the water quality. There was a concern about whether or not the aquatic life in the surrounding water was of a standard to be consumed

Due to this concern, a portion of the EJSC project fund went to a study of the fish and shellfish in the two local streams (EPA 2012e). This survey ended with 24 postings of advisory signs concerning fish consumption (EPA 2012e). Along with this survey of the streams, there were many workshops and forums hosted. The EPA stated that the project consisted of a federal, state, local government, and community member partnership. These partners attended workshops and forums, such as a community-industry forum. The main industries in Jacksonville, Florida are the military and transportation industries (Forbes 2014). The partners created the Community Action Plan that suggested the focuses of the human and environmental health efforts (EPA 2011c). The health concerns in the community, besides those surround the aquatic life,

are asthma and lead poisoning, especially in children (EPA 2011c). Due to this fact, an aim of the EJSC project was to decrease the exposure to lead and asthma rates in children in the community.

Region 5: Milwaukee, WI

Region 5 consists of Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin and 35 indigenous tribes. The community selected for this program was the 30th Street Industrial Corridor in Milwaukee, Wisconsin. EJSEAT GIS tool indicated Milwaukee as the community for this project. In this community, 95% of the community population was classified as minority and 39% were below the poverty line (EPA 2010d). In addition to the EJSEAT GIS tool indication, this community had previous partnerships with the city, state, and the EPA in the Brownfields programs and other commitments. The environmental burdens of this area consist of many brownfields sites as well as high asthma and lead rates in the community (EPA 2010d). The community was once the home of many industrial facilities, including properties of Eaton Corp., Harley-Davidson, and Master Lock. With the loss of these facilities, there was a great loss of employment, according to the EPA Region 5 Office (EPA 2011d). While the presence of those industries was correlated to an increase in job, they were also associated with an increase in pollution in the community (EPA 2011d). The former and current industrial facilities are suspected to be contributing to the high asthma and lead poisoning rates in children. In the city of Milwaukee in 2005, 8.1% of children under six

years of age had lead poisoning. Within the 30th Street Industrial Corridor, that statistic rose to 15.7% with lead poisoning (EPA 2011d).

These burdens brought about the focus of the EJSC project in the 30th Street Industrial Corridor community in Milwaukee. A main goal identified by the EPA was to improve human and environmental health with the redevelopment of the brownfields in the community (EPA 2012f). The three main focuses of the project were reduce exposure to environmental pollution, increase understanding of environmental health triggers and access wellness care, and provide job and skill training (EPA 2011d). In order to address the first focus, Region 5 Office used a GIS tool to inspect and assess industrial facilities. To address the second two, the project offered many workshops and job trainings. The planned EJSC project funding allocation in 2010 was \$15,000 for Schools Chemical Cleanout. \$10,000 was to be dedicated to a Community Health Fair. \$15,000 was allocated for Training for Lay Community Health Workers. \$15,000 was expected to be used for the creation of urban gardens and a healthy food network. The urban agriculture aspect of the project took place on remediated brownfield location. One of the gardens was dedicated to the Hmong population in the community (EPA 2012f). Finally, \$40,000 was allocated to assist and support community organization (EPA 2010e). Beyond this one-time project, there continue to be projects in the remediation of the brownfields in this community.

Region 6: Port Arthur, TX

In Region 6, which consists of Arkansas, Louisiana, New Mexico, Oklahoma, New Mexico, and 66 indigenous tribes, the Westside community of Port Arthur, Texas was selected for the project. The Westside community was selected because of it is considered a low-income, minority fence line community that borders many industrial facilities, such as the largest refinery in the United States, Motiva (EPA 2011e). At the time of selection, 44% of the population of the community lived below the national poverty line (EPA 2012g). In this community, there are very high asthma and cancer rates compared to other Texas rates. There was concern about the quality of the fish and wildlife consumed from the waters in the community since seafood is a large part of diet in the community (EPA 2012g). In addition to these environmental burdens, there are brownfield sites and concern about the economic vitality of the area. This community is also frequently affected by hurricanes (EPA 2010d). The EPA held forums with Port Arthur stakeholders (community, local government, and industry) to construct a plan for the EJSC project that formed six focuses of the EJSC project in Port Arthur. These six foci—environmental quality and response, unemployment and skill development, downtown and Westside revitalization, community health, housing, and energy efficiency—were assigned to workgroups. Work groups composed of industry representatives, community organizer, and EPA officials were established based on the six focuses.

The EJSC project in this community aimed at addressing the six foci. There were four activities funded by the EJSC funds. First, \$14,800 was used to support the

construction of the Golden Triangle Empowerment Center, although funds from other sources contributed to the construction of this center. The non-profit Digital Worker Academy partnered with Motiva, Contex, and others in the construction of this center (EPA 2012g). The purpose of the center is to provide job training for the industrial boom in Port Arthur. It was thought that this center would ameliorate the unemployment in the community, and it would contribute to the livening of the downtown and Westside areas in Port Arthur (EPA 2012g). \$14,799 went to the Healthy Homes Outreach project in the community (EPA 2012g). The Healthy Homes Outreach project involved collaboration between CIDA, which is a local environmental justice organization that is headed by Hilton Kelley, who is a member of NEJAC, and the University of Texas Medical Branch. This resulted in the outreach and education of 60 community residents (EPA 2012g) \$14,550 was allocated for an after school program at Tekoa Charter School (EPA 2012g). This after school program focused on grades 5-8. The program involved a curriculum that center environmental quality and community involvement in environment. The bulk of the funding for this community (\$46,776) was allocated for a contractor that created an environmental profile document for Port Arthur (EPA 2012g). The remainder of the funds was used for facilitation of meetings, forums, and trainings.

In addition to these aspects, some boasts of the Port Arthur EJSC project are the building of a partnership between industry and community that resulted in \$1 million for the building of a health clinic for the community. Also, the project supported the redevelopment of brownfield sites in the community. Further, there was energy

efficiency job training and education for 100 families in the community according to the project final report (EPA 2012g). This is an example of green jobs being fostered in the community. Emergency response and chemical cleanout training was given to community representatives. These are the results of the one-time project in the Westside Port Arthur neighborhood. Other projects have continued in the project since the EJSC.

Region 7: Kansas City, Kansas/Kansas City, MO

Region 7 stretches across Iowa, Kansas, Missouri, Nebraska, and 9 indigenous tribes. The community selected for the EJSC project was a collection of eleven neighborhoods in Kansas City. These neighborhoods stretch from the Kansas side to the Missouri side. The boundary around these neighborhoods is set by zip codes (EPA 2010d). At the time of selection, around 44.2% of Kansas City, Kansas was classified as minority and 17.1% classified as low-income. Kansas City, Missouri had 39.3% classified as minority and 14.3% lived below the poverty line (EPA 2010d). The Region 7 office chose this community because it matched the desired target area for another environmental justice plan of the EPA, the Healthy Home Community Initiative (EPA 2010d). The concerns of the community included water quality, air quality, and brownfields and waste disposal sites. In addition to this, high asthma rates and lead poisoning concern the community, especially in the children in the community.

Community members that attended a meeting hosted by the EPA pushed for environmental education and awareness and youth engagement (EPA 2012h). The

resulting areas of focus from the meeting were urban water, healthy communities, and urban agriculture. The urban water focus would address water quality. Fish consumptions concerns fit under this focus. The Healthy Community initiative addressed healthy home issues, provided emergency preparedness training, and offered youth environmental education (EPA 2012h). The urban agriculture initiative reused brownfields sites for urban agriculture. Community members were given advice from parties in the Kansas City EJSC partnership on site design, selecting plants, and business plans for urban agriculture (EPA 2012h). There were 30 community members at that meeting. In order to attain some of these goals, Region 7 office put on many workshops and trainings.

Region 8: Salt Lake City, UT

The EPA Region 8 office serves Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, and 27 indigenous nations. Salt Lake City, UT was chosen as the environmental justice showcase community. Only six neighborhoods in the city are a part of the project. Glendale, Jordan Meadows, Poplar Grove, Rose Park, State Fairpark and Westpointe are the neighborhoods in this project (EPA 2012i). 39% of the community fit under the minority classification. In addition to this, the city hosts a refugee resettlement (EPA 2010d). The refugees in this community have come from countries such as Somalia, Iraq, and Burma (SLC 2014). At the time of selection, half of the community population did not speak English, which present participation issues (EPA 2010d). Water and ground pollution are environmental concerns of the

community. According to the EPA Office of Environmental Justice, this community was chosen because of this environmental burden. In addition to this, the agreement and general willingness of the State and local governments to participate, health and environmental data, community-based efforts in environmental justice were reasons for selection (EPA 2010d). Also, this community was an area that the EPA Region 8 has not provided assistance to the community in the past (EPA 2010d).

The goals of the EJSC project in Salt Lake City were to assist the community in addressing environmental burdens and cultivate partnerships and collaborations in the community (EPA 2012i). The successes that the Region 8 Office lists are development of a healthy community model, development of an environmental health needs assessment, collected community environment and health data, which led to a map, foster a group of community stakeholders, and hosted an event that promoted children's health (EPA 2012i).

Region 9: Port of Los Angeles/Port of Long Beach, CA

Region 9, which includes Arizona, California, Hawaii, Nevada, Pacific Islands, and 148 tribal nations, selected the Port of Los Angeles/Port of Long Beach community for the EJSC project. Around 70% of the community population was classified as minority in 2009 (EPA 2010d). This area is the most effected by environmental burdens in the state. The pollution in this area stems from the goods movement through the port and industrial activity along the port (EPA 2012j). This port is the entry point of 40% of imported goods (EPA 2010d). These compounding factors attribute to the poor

environmental quality in the community. The effects of this poor environmental quality can be seen in the community. According to the Office of Environmental Justice, there are approximately 1,200 premature deaths as a result of the pollution in the area (EPA 2010d).

Aspects such as these demonstrate why the community was chosen for the EJSC project. The aim of the project in this community was inspection and enforcement of regulation of the facilities and activities in the area (EPA 2012j). Also, the project was used as an opportunity to foster relationship between the community and local government to bring the voices of the community to light. The project supported grassroots actions that were already at play in the area. Beyond this, there were inspections that resulted in redefining the regulations for the facilities in the area (EPA 2012j). Regulations such as safe school zones and anti-idling signs were created as a result of this project. Beyond this one-time project, grassroots actions have continued the action that was occurring during the EJSC project.

Region 10: Yakima, WA.

Region 10 consists of Alaska, Idaho, Oregon, Washington, and 271 Native American tribes. The community of Yakima, WA was chosen for the EJSC project. The demographics, environmental burdens, and previous resource commitments from the EPA were why this community was selected (EPA 2010d). This community is majority Hispanic or Native American. The Hispanic population is mainly composed of migrant workers (EPA 2010d). Region 10 Office stated that, “poor education

opportunities, inadequate housing, immigration status, and high poverty levels all combine in Yakima County to create a situation in which many families are at a greater risk of exposure to environmental stressors and a greater risk of the health impacts correlating to such exposure” (EPA 2010d). These demographics, along with its rural setting, make this community distinct from the other EPA environmental justice showcase communities. Due to the rural nature of the community, an environmental concern is air, water, and ground pollution from pesticides for crops. The Yakima River has had some of the country’s highest concentrations of DDT. Concentrations of other pesticides have been found in homes and children in the community (EPA 2010d).

The EJSC project in the community focused on improving the water quality and reducing exposure to contaminants in private well drinking water. The project funded assessments of the private wells in the community. Region 6 boasts that 600 private wells were tested for nitrate contamination. The project also funded a study of crops, dairies, and sewage treatments in attempt to determine the source of the nitrate contamination (EPA 2012k). A GIS tool was used to determine the source of nitrate contamination. Funds were contributed to supply well water filter to 166 community members EPA 2012k).

The aim of this project was the water quality of private wells. There was not information provided on how access to private wells is granted and what issues may surround private wells in relation to non-citizens like migrant workers and indigenous communities. Also, no information was provided on what firms govern water in the

community. The regulation of those firms was not discussed either. These aspects may address environmental justice in this community as well.

Themes in EJSC Regional Projects

Since the EPA is a federal agency that creates, implements, and enforces regulation, one might expect that many of these projects would end in some sort of regulation or greater enforcement. But, this was not the case. Only one project (Region 9) results in new regulations.

Two themes appear in nine of the ten communities: trainings and partnerships. Most of the projects consist of some sort of job or community trainings. These trainings not only serve as a means of conveying information, but they also mold members of these communities into mainstream society's norms. These trainings mostly focus on green jobs, which was a dominant theme in my document analysis.

The dependence on green jobs as the solution to environmental injustices displays the new wave of market environmental justice. Administrator Lisa Jackson stressed the importance in green jobs and a green economy to environmental justice communities in her speech to environmental justice stakeholders from around the country (EPA 2009b). She explained how these jobs have the capability of decreasing poverty in these communities, decreasing crime, decreasing other adverse impacts in these communities (EPA 2009b). In a separate speech given at a NEJAC meeting, Jackson discussed how this green employment is an opportunity for the community to become more engaged with their environmental circumstances (EPA 2009c). If

community members work in the improvement of their community, the decisions made about their environment would be of higher importance to them. At a conference on environmental justice, air quality, goods movement and green jobs, Jackson expounds on how investments in these communities bring jobs and play a role in making better places purchase homes or establish a business (EPA 2010a). She goes on to connect a polluted community and the economy, "...unhealthy air means an unhealthy atmosphere for investments..." (EPA 2010a). When discussing environmental and economic challenges, Jackson states, "Fortunately there is a solution that address all of that: a growing green economy" (EPA 2010a). These statements from the EPA administrator from 2009 to 2013 get at the dependence on the market for solutions to environmental injustices.

Table 4-2: Policymaker Language and EJ Conception

EPA statement	Market Solution to EJ	Failure to address EJ
<p>“The green economy is the only [solution] that presents numerous and significant opportunities for positive externalities. A green economy is the only one that offers not only new jobs, but cost savings, health benefits, and stronger national security.”</p>	<p>Green Economy</p>	<p>Fails to address maldistribution, political inequality and structural racism in policies.</p>
<p>The residents want more job opportunities, particularly from local industry. Some commenters were interested in reestablishing a local brownfields to help with Westside redevelopment (such as removal of blight, vacant property reuse, economic rebirth).</p>	<p>Redevelopment and Revitalization</p>	<p>This economic redevelopment fails to change the environmental inequity, but focuses on employment and the economy. This alone will not create justice.</p>
<p>“As we see this new economy growing – green jobs, green collar, green energy – some communities who may feel separate from environmental issues suddenly have a real stake in the debate because they have a chance to get those jobs.”</p>	<p>Green Jobs</p>	<p>This statement, not only underestimates the EJ communities members’ awareness of their environmental burdens, but it also suggests the green jobs are a silver bullet for environmental injustice.</p>

The EJSC project also epitomizes this wave. An aim of the EJSC project was to create green jobs. Creation of green jobs or training for green jobs was a goal and success in most communities in the EJSC project. The empirical analysis of the project

provides a grounding of this new wave. Through the exploration of each community, one can see what green jobs are and how the state guides that market in its attempt to environmental address environmental justice. The EPA provided funding to host job trainings, such as the water management job training in Bridgeport, CT or training community members to be cleanup workers in brownfields sites in Wards 7 and 8 in the District of Columbia. The Port Arthur Showcase Community shows an example of a break from the green jobs to simply jobs in general. The project in this community supported the Golden Triangle Empowerment Center. This center trained workers for industry as opposed to remediation or landscape work. This implies a dependence on the stimulation from more jobs to correct the environmental justice issues in the community. In addition to the green (and other) jobs, a large portion of the \$1 million dedicated to the EJSC project played a role in the green redevelopment in the selected communities. This redevelopment is expected to incite a revitalization of these communities.

‘Partnerships’ is the other theme in the projects. It relates to the document analysis theme ‘Green Economy’, found in Table 3-2. The objective was for the EPA to use its power as a regulatory agency to bring industry, local government, and community activists together to form new connections. The description given of these projects only depicts a ‘partnership’ as a discussion at a forum, but Chapter VI will discuss concrete outcomes of these partnerships.

These partnerships mark a wave of market environmental justice in two ways. First, it highlights the devolution in the state responsibility under neoliberal regime.

These collaborations are meant to get other bodies together to form solutions because the state has dwindling power to effect change. Other bodies can be different scales of government, non-profit organizations, and the private sector. Second, partnerships highlight how policy must work according to what works for the economy under this regime. The common rhetoric that state regulation drives down the economy illuminates cultural derived power that the market, and thus industry. Environmental justice “solution” created through partnerships show that the state can no longer implement and enforce regulation as a central regulating body, but it must consult the market. Further, considering the power flow in Figure 1, we see that industry has more political power in a neoliberal society than an environmental justice community. Thus, it is more likely that “solution” will be tolerable for communities and beneficial for industry. Thus, while many parties may be a part of a ‘partnership’, some members will have more power than others within these partnerships.

Discussion

The inherent bureaucratic nature of a federal agency orients this policy to a blueprint that can be repeated uniformly in many communities. Here, we see the regulatory state-society relation rise in EPA environmental justice community. A complex issue that has differing histories, causes, and solutions based on place and social and political structures is simplified and bureaucratized to fit within the norms of a state approach mandated by policy and previous actions.

The themes in the EJSC project indicate the market-oriented nature of the EPA's approach to environmental justice issues. This alternative conception of environmental justice aligns with the cooptation of environmental justice described in state-society relations literature. Regarding economic, the environmental justice principles calls for the "the fundamental right to political, economic, cultural and environmental self-determination of all peoples." This principle calls for equality in participation and recognition, rather than partnerships with industry. Importantly, partnerships within a society where industry inherently has greater power exacerbates dependence and inequality. This fact bleeds through the fact that many environmental justice communities persist in poverty although there are partnerships with industry. Thus, this policy coopts environmental justice to what fits within and promotes the neoliberal society.

Further the race-blind nature of the policy continues this cooptation because the environmental justice movement and environmental justice research holds the race is integral to understanding environmental inequality. Ignoring the role that race plays disqualifies many of the arguments the environmental justice advocates and researcher make about environmental racism. Thus, we can see that environmental justice is taken from advocates and recreated into a race neutral issue.

Conclusion

The importance of economic stimulation in the Environmental Justice Showcase Communities project, along with Administrator Jackson's praise and hope in a green

economy, demonstrate the rise of the market environmental justice wave in the EPA's approach to environmental justice. This strategy still fits within the EPA's attempt to standardize its approach to environmental justice because it uniform across the board to hand over environmental justice to the market, while stimulating and softly regulating the market. This standardized approach to an issue that is place-based is an issue on its own. The expectation that an increase in remedial cleanup jobs and high-end environmental redevelopment will level the playing field for environmental justice communities brings other issues. There is the possibility for unintended consequences in this approach. In the following chapters, I explore these themes through an in-depth case study in my study region, Port Arthur, Texas.

CHAPTER V

STATE CREATION OF NEOLIBERAL SUBJECTS

In this chapter, I describe how the state's environmental justice policies actively undermine the necessary collective and community political action through (1) perfunctory participation, (2) erasure, (3) enclosure of the problem. These highlight the emphasis of individual responsibility and market in the EPA environmental justice initiatives in Port Arthur.

The EJSC program provided significant resources to programs that effectively deflected attention from the state's role in regulation and enforcement of environmental laws while emphasizing the role of individuals as part of the remedy. In this chapter, I review three programs within EJSC: community trainings and workshops, the Environmental Profile, and Healthy Homes. Each one of these programs is created to arm the individual with information to mitigate the effects of petrochemical pollution rather than provide them with the necessary training or tools to fundamentally transform their relationship to industry. In affect the state align with political ecology's description of neoliberal subjects by narrowing its environmental justice policy on informing individuals on ways to make their own lives better. This individualization by the state does no adequately address the mechanisms that create environmental injustice. In fact, I argue that in ways, this approach perpetuates the struggles of these communities.

Making Market EJ Subjects in Port Arthur

In the following section, I argue that the EJSC project, through the support of the Community Trainings, and the Environmental Profile, Healthy Homes project realigns how communities relate to both industry and state through the individualization of responsibility in both the outdoor and indoor environments of the Port Arthur Westside population.

The Informing Solution – Community Trainings and Workshops

Trainings and workshops are commonplace with the EPA regarding environmental justice communities. They are the main form of interaction between the EPA and communities, according to an EPA staff member. These are the most overt measures that align with formation of the bootstrap citizen. Trainings and workshops are carried out to arm and empower citizens with information. An EPA staff member stated this regarding training,

“What we try to do here at the EPA is try to encourage their participation and empowerment, like the training that we did in Port Arthur. We try to do trainings in different places, not only around individual rules, but we try to... We did a training for people to see all the different tools that were available to them and help them understand how to use those tools effectively when they are communicating with the state. Within the scope of our authority in our

programs, I feel like making sure that the community's have access where they may not have had access before and giving them the tools they need to be as effective with their engagement...Use the tools that are available that helps them solve their problems..." –EPA2

The expectation is that citizens can use this information to campaign on their own behalf. While they serve to empower, these trainings and workshop function as perfunctory participation because the participation does not end in actualized changes for the community. Rather, in response to concerns raised about material harms, communities are supplied with information.

Workshops and trainings were majority of the actions taken during the EJSC project in response to the concerns raised by community members. In the project updates from the EPA Region 6 office regarding the EJSC project in Port Arthur, concerns raised by community members during a community forum are separated into four main themes: disaster preparedness and response, air, water, and land. The project employed many tactics to address these themes. The project used trainings to address the themes of disaster response and air quality.

Disaster Preparedness and Response

Disaster response was the first concern the EPA addressed. While disaster preparedness may not seem overtly to be an issue in a community whose most obvious, Port Arthur's geography helps one to understand why community members may bring

this concern up to state representatives. Port Arthur's coastal location leaves it opportune to many natural hazards, such as hurricanes and flooding. Vulnerability and adaptive capacity as it relates to disasters became widely accepted as environmental justice issues post Hurricane Katrina (Bullard and Wright 2010; Walker and Burningham 2011). Hurricanes Rita (2005) and Ike (2008), among others, have caused a lot of damage to low-income communities in Port Arthur and surrounding areas. The impact from these hurricanes can still be seen on the landscape in Port Arthur because many people could not afford to repair the damages their property. There are many abandoned homes and buildings.

All of the actions regarding Emergency Response were workshops and symposiums. These provided information on emergency preparedness, hazard plans, and community hazard emergency workshops. While information on preparedness may be useful, it misses the broader issue with disasters, such as infrastructure or adaptive capacity of the community. Information will not contribute much to the adaptive capacity of these residents.

Air Quality

The EPA responses to the other three themes were similarly ineffective in addressing the broader burdens of the community. Air quality concerns raised, the EPA informed residents about a state initiative to address air quality in Texas. 32 teachers were given School Chemical Cleanout training, which taught teachers how to properly dispose of chemicals used in the classroom. This training focuses on the indoor

environment and neglects the industrial sources of air pollution. Additionally, the Healthy Homes project was listed as an action in response to air quality concerns. This project is analyzed extensively in the following section.

Water and Land

Concerns regarding safe fish to eat, clean drinking water, and fish advisories were dealt with by informing residents in community meetings that drinking water meets EPA standards, and showed groundwater data for possible vapor intrusion.

The EJSC project's 'land quality' actions conflate many conflates a myriad of interpretations of 'land.' The trainings used to address land concerns included: job trainings, energy conservation education, a small business forum to address land concerns. While this information is valuable to an extent, it does not address the air quality, water quality, land degradation, and adaptive capacity of the community.

Discussion: Informing Solution

The EPA fails to advance the environmental justice through trainings in the EJSC Port Arthur. The numerous trainings of the EJSC project indicate that the main method of changing the circumstances and "alleviating" environmental justice is shaping EJ community residents into bootstrap citizens. Prepared with information, individuals have the responsibility to address their own concerns. Stronger regulation on polluting facilities, which may decrease the burdens on this community, is not a response to any of

the community's concerns. One EPA respondent expressed a desire to perform more inspections and have stronger regulation on industry stating,

“I would like to see a lot of targeted inspections around the facilities to make sure that they're staying in compliance. From the EPA's perspective, I think that is a big thing. I'd like to see some community monitoring. So not just what is going on on the fence-line, but also in those communities. I would like to see some partnerships between HUD, the small business administration, and EPA to look at opportunities for revitalization.” –EPA2

Under a market regime, where an industry as strong as the oil and gas industry has a lot of power, it is understandable why it is no simple feat for a federal agency to increase regulation.

Through a political ecological lens, community trainings and workshops do not bring justice or empowerment to these communities; rather, they seem to be a method of decentralized responsibility to the individual. As previously mentioned, these trainings act as a form of perfunctory participation. But one EPA staff member pointed out a silver lining in this ineffective process. EPA staff member 2 told me:

“We try to have the state and industry folks in with the people that we do the community specific training for, even though they are

really reluctant to be there. We find that the trainings provide a safe place for people to start actually working with each other...People at the trainings feel like they were heard.” –EPA2

This staff member went on to tell success stories of building connections between state, industry, and community members. Most of the community organizers articulated how difficult it is to gain credibility and communicate with industry and local government officials. Trainings as a means of bridge building may indicate that there is some level of success. These connections are beneficial, but multiple community organizers commented that when the EPA left, the communication between stakeholders went with them. Charlie, a community organizer, told me in exasperation: “They got involved when the EPA was here. Then after that then everyone went back to their silos. And then when you talk to them about it, they so busy” EJActivist1. Charlie’s statement shows how these trainings create a false sense of cooperation that fizzles out when the EPA leaves the community.

Environmental Profile and Superfund Assessments

The EPA dedicated half of the funding for the EJSC project to an in-depth environmental profile of Port Arthur. This resulted in “the most comprehensive environmental profile for the city of Port Arthur than they had completed for any city in the U.S.” (EJ4). This profile was created to further address the concerns of air, water, and land quality that community members brought up during a community forum.

The profile provides analysis of the land, water, and air of Port Arthur with the aim to substantiate the concerns raised by community members. Broadly, the EPA found that the land, air, and water in Port Arthur were not of concern to the EPA. Meaning that, all findings fit within what the EPA classified as little to no concern.

EPA staff member summarized the environmental profile as,

“The environmental profile basically showed that from an air, water, and land management perspective it was safe to live...I say safe...those media were certainly habitable and placed no one in any significant endangerment or in any way on a consistent at risk status. The air quality standards were stained and in accordance, with exception of a couple of water bodies that the Texas health department would sometimes issue fish warnings, but the water was safe. Those health advisories were issues by the Texas state health department generally based on a focus on aquatic life. But the water was fishable and swimmable. We found that profile showed that the managing of waste was also done consistent with environmental regs. All and all despite some of the concerns about living on the Westside as close as some people were and are still the overall environmental profile indicated that there were no conditions that could be termed life threatening or significant in terms of environmental impairment.”

The air meets health-based standards from the EPA according to this study. The drinking water meets standards, but the groundwater is contaminated. Also, the profile showed that there should be caution with the aquatic life in the surrounding water bodies. Of the 16 water bodies listed, only 4 are listed as ‘Yes’, indicating there is no known concern with the fish in this water body. The other 12 are listed as ‘Caution’. The contaminant of concern in these fish is polychlorinated biphenyls (PCB), with one exception. The chemical of concern in the Gulf of Mexico is mercury. I visited the surrounding bodies of water to determine if signage had been posted to inform Port Arthur residents of these findings. Upon my initial visit, which was five years after the profile was created, there were no physical signs or public advisories disclosing the finding of the profile to the public. Soon after my visit to the affected waterways and water management offices, some signs have been posted according to one community respondent. We see that in this case the state failed to follow through with its own method of creating justice, which is supply information. According to the profile, the land in Westside Port Arthur has no known contamination, although nearby industrial land does show contamination.

The findings in this profile were interesting because they suggest that there are minimal environmental burdens on this community. This is surprising because the typical concern with fence-line communities is the pollution from the nearby industrial facilities. Benjamin, a community organizer that participated in the facilitation of the EJSC project, stated:

“After completing that study, EPA reached the conclusion that effectively said that because of the emission reductions that the company, previously as well as on-going, they found that residents within the city of Port Arthur were at no more risk from an environmental perspective than residents living any metropolitan area of the U. S.” –EJ4

These findings may raise a few flags on the ‘EJ community’ classification of Port Arthur. EPA respondents found that while what Benjamin says is true, the proximal location of the Westside community causes residents to fall victim to the effects of ‘industrial upsets’. Industrial upsets refer to accidental emissions that exceed permitted standards. Upsets are illegal, but do occur. The accidents would, of course, not be recorded unless one occurred at the moment of surveying for the environmental profile. This indicates that while the environmental profile did provide valid information, it was incomplete and devoid of an understanding of upsets and other compounding factors in the Westside community do undermine the community’s ‘EJ community’ status.

A similar piece of the EJSC project was numerous Superfund assessments performed by the EPA in the Port Arthur Downtown area. As seen in Figure 4 and 5, the Port Arthur downtown area is desolate. There are a few new buildings, but most of the buildings in the downtown area are deteriorating and deserted. The EPA Superfund assessments examined the viability of the downtown area and tested for contaminants. The goal of these assessments was to know what needed to be done to make this land usable for future economic endeavors in the Downtown Port Arthur area. According to

an EPA representative, the EPA performed hundreds of these assessments in the Port Arthur area. These assessments were not provided in FOIA documents, nor were they available on the EPA website. It was found that Port Arthur has two Superfund sites and seventeen Brownfield sites. Brownfield and Superfund sites are area the EPA has found to be contaminated due to previous activities on the land. These lands are unusable until decontaminated. The results of these tests were handed over to the local government. To the knowledge of many community organizers and EPA staff, nothing has come out of the extensive assessment of Port Arthur because there is a lack of funds to clean those lands that were deemed toxic, nor is there private investment to build on the land.

Discussion: Environmental Profile and Superfund Assessments

The environmental profile detracts from environmental justice goals in two ways. On the one hand, it undermines the plight of the community and the fight of environmental justice organizers by painting an incomplete picture to of the environmental circumstances in the community. In other word, we see an erasure of community claims. Many grassroots organizations have found the environment, especially the air, in Port Arthur to be outside of the EPA's standards in the past. This profile suggests the environmental situation in Port Arthur has been remedied, while community members continue to find hints through local knowledge, such as elevated cases of respiratory issues and cancer, that this may not be the case.

And as other aspects of the project, it piles information of the community residents with the expectation for them to do something with that information. In the

case of the profile, the information provided suggested that all was well, and there concerns of injustice were unwarranted. The technical analyses performed by the EPA, Environmental Profile and Superfund Assessments, have not changed the injustices faced by Port Arthur residents. Residents have an accumulation of technical information into their hands, but are not empowered them to do anything with it. An EPA staff member recognized this fact and expressed frustration that doing anything further was beyond their political and funding capabilities.

Healthy Homes Project

The Environmental Justice Showcase Communities project in Port Arthur, Texas resembles the accounts previously mentioned in the literature. Notably, there was a Healthy Homes project, similar to that analyzed in Biehler and Simon (2010), which educated residents on how to properly clean their houses to mitigate indoor pollution stemming from pests. This project was directed to the residents of Carver Terrace and Prince Hall Housing Projects on the Westside of Port Arthur. 60 residents were trained in the Healthy Homes project. Recently, Healthy Homes projects have become common as state public health approaches issues of indoor pollution particularly in low-income urban populations (Biehler and Simon 2010). Charlie, a community organizer, described the Healthy Homes project as following:

“They talked to people in a very respectful manner on how to properly clean their home and how to properly clean the dust out of the ducts from

the air conditioning, how to protect themselves from pollution that comes from outside, how to properly wash clothing, how to properly clean your areas so you don't attract rodents. [It was about] teaching people to clean so they can remain healthy.” --EJ1

The aim is to address the high levels of asthma and other respiratory issues in these communities with the perspective that the source of these health issues can be found within the home, not the major outdoor sources of pollution, such as refineries and chemical plants. As Charlie indicated, the education in these projects included the promotion of personal-use pesticides and appropriate dusting measures. Charlie's quote also highlights a key part of the project. He states that the residents were taught to 'protect themselves,' confirming that this not a collective state action to address injustice. Instead, the program promotes individual action to create justice.

Discussion: Healthy Homes

Biehler and Simon (2010) found that these projects are counterintuitive and avoid broader environmental justice issues, such as the neglect that arises after disinvestment in public housing. Carver Terrace and Prince Hall were suffering from neglect. In fact, two years after the EJSC project, the Carver Terrace Housing Project, which was built in the 1950s, was set to be demolished and residents relocated, which may be seen as a from of justice for those relocated (PAHA 2014). Many other residents remain in Westside Port Arthur.

While the neglect of the Carver Terrace and Prince Hall Housing Projects was a problem, a more dire issue is at hand for these residents. As seen in Figure 3, these housing projects across the fence from the largest refinery in the North America, the Motiva Refinery. By pushing people to address their respiration issues by dusting and administering pesticides, this approach shifts responsibility and accountability away from regulators of outdoor pollution, which enters these homes due to the proximity, and toward individual renters in the housing projects. The project insinuates that the personal choices and ignorance of the Westside population are the cause of the respiratory circumstances in this community. It indicates that the solution is to supply residents with more information.

Another community organizer, Clyde, retorted when I asked about the Healthy Homes program: “You can tell people to wash their homes down inside out; it’s not going to help because it’s going to get right back in there. There is no solution, but a relocation solution. That’s it!” --EJ5. Clyde expressed frustration with the lack of state action on behalf of the community through relocation. Clyde’s thoughts also tease out the observation that the Healthy Homes project overlooks the permeable nature of the indoor environment. While roach droppings may trigger asthmatic episodes, the tons of pollution from the nearby refinery will also contribute to respiratory issues in these communities. This project neglects what Charlie referred to as the “major source of pollution” in the homes of Westside Port Arthur residents. It shifts the blame to sources of indoor pollution, which while they may exist, would be described as a minimal source of pollution for these community organizers.

Further, the deracialization of environmental justice that occurs through the individualizing of responsibility creates an embodiment of the social construct of race. The analysis of the production of race and the liberal subject in Mansfield (2012) articulates how the deracialization of policy fosters the racialization of society. The perception of difference is grounded and reinforced by actual difference that results from the environment pollution. The material environmental burden of minority populations in Port Arthur results in material effects in their bodies. Port Arthur's Westside community was 96% African American at the time of the EJSC project (EPA 2010). This information in conjunction with the higher respiratory disease cases in this area creates an actual difference based on race. The Healthy Homes project, by giving responsibility to the individual, tells the story that black people in Port Arthur have higher respiratory rates because they do not properly clean their homes.

It is evident how this approach detracts from environmental justice goals. Rather than addressing the broader issues of industrial pollution, fence-line proximity, or community marginalization, the project focused on individual private homes.

Table 5-1: Decentralization of Responsibility and EJ Goals

Project	Advances EJ Goals*	Detracts from EJ Goals*	Cost
Community Trainings	Safe space to build connections between community, state, and industry stakeholders.	Trainings arm the citizen with information with the expectation that for them to do something for themselves.	Project funds not used
Environmental Profile and Superfund assessments	Technical analyses available to the city for future development projects.	These analyses provide information without empowerment.	\$46,766
Healthy Homes	Community activists were connected to medical scientists, who can provide technical assistance to community environmental justice efforts.	Community members need to properly clean their homes to have better lives. This neglects the sources of outdoor pollution, which permeate the home.	\$14,799

*The goals referred to in this table are those of EJ principles and EJ advocates.

Discussion

This chapter suggests that each one of these projects furthers that marginalization and appearance of deviance within this community. Trainings function to create the bootstrap citizen. The environmental profile undermines that fight of environmental justice activists. The Healthy Homes project promotes the idea of dirty black bodies and homes. It asserts that these populations must be taught to properly take care of themselves, then their issues will be remedied. Training and information provided by

the state is expected to be translated into self- protection and action by community members. This functions on the false premise of equality, pushing forward the perception of racial difference. Environmental justice advocates and principles call for environmental protection through regulation, but rather the state has shifted to conversation to self-protection. This decentralization of state responsibility to the individual is an example of how the state has coopted environmental justice.

The devolution of responsibility makes sense within regulatory relationship between state and communities where the state attempts to act uniformly in communities. Promoting citizen responsibility creates a framework where the state can take the same action in each community and members who are familiar with their specific circumstances can take action on their own. While this may seem like a win-win situation, it is evident that there is a mechanism that prevents this win-win, which is inequality and power dynamics. In this society, the state must validate that argument of a community before action can be taken against industry, which implies the need for state responsibility.

Conclusion: State as Convener and Adjudicator

Table 5-1 synthesizes the successes and failures of the aspects of the EJSC project discussed in this chapter. These failures may have come with small successes. Community organizers and agency staff pointed out one triumph of this approach. That is the convening power of the EPA. As the case study shows, EPA EJ does not successfully mobilize community members. But, it does create a place for groups to

meet who typically do not come together. In the case of Port Arthur, industry and the local government, who previously many not have found community organizers to be creditable, and thus did not meet with, came to the table during the EJSC project. The EPA staff and some of the community organizers praised the ability of current policy to allow the EPA to work as an intermediary.

One example of this was highlighted with the Healthy Homes project. Through the project, environmental justice community organizers were connected with professionals that can assist with future technical analysis. At the closing of the project, the University of Texas Medical Branch in Galveston established future studies in Port Arthur to assess the health disparities and social determinants of health in the community (Prochaska 2014). So yes, the Healthy Homes project missed the mark on environmental justice, but the process capitalized on the EPA's ability to bring actors together. This is not to say that these future connections will bring justice or mitigate the large amounts of industrial pollution in the community.

While this success is noted and appreciated, the improvement of circumstances beyond this is slim. State policy fails to overcome the broader issues perpetuating environmental injustice. The major failure of these measures is that they supply information to the community, but does not take any action on behalf of the community to address the broader issues that create injustice, such as structural racism. This undermines the guise of empowerment for which these projects are meant.

Empowerment of marginalized communities and improvement of environmental conditions should be inherent to any environmental justice policy. One may not expect

to find that EJ policy pushes forward a neoliberal agenda. But, because the U.S. Environmental Protection Agency exists as a regulatory body within a market-centric state and society, this is the case. As a federal agency tasked with environmental issues in a neoliberal state, there are major limitation in their abilities. Many political ecology works highlight the defunding of social and environmental programs that occur under neoliberalism (Peck and Tickell 2004). This plays a role in shaping the EPA's approach. With slim funding, there are fewer personnel to deploy to areas of suspected violations and upsets.

But, broadly speaking the new common sense under neoliberalism shapes EJ policy. This new common sense places the responsibility of the individual. The cultural individualization affects policy makers on the personal level, but also it influences that political pressure placed on them by the elected officials that appoint them. Federal agencies suffer much scrutiny under the public eye. That scrutiny influences elected officials, which in turns affects policy makers. In this sense, the EPA is restricted on a social level. There is a dialectical relationship strapping the EPA into an approach that dodges the broader causes of environmental injustice. This relationship expresses the nuance of the current state environmental justice policy and why it focuses on individualization and little regulatory action.

CHAPTER VI

THE STATE AND CORPORATE ENVIRONMENTAL COMPENSATION

The EPA Environmental Justice Showcase Community project in Port Arthur, Texas consisted of many examples of the provision of social ‘goods’ in response to the environmental burdens suffered by the community. These social ‘goods’ including items such as: funding for an after-school program, a health clinic, and a job training program. The state or corporate-funded state project paid for these programs. Yet, I demonstrate that, although corporate actors and the EPA supported community activities, the program did not address the fundamental problems of inequality, soft regulation, or structural racism.

This chapter speaks to the compensatory nature of the state regarding environmental justice. In this chapter, I will discuss the benefits that EPA policy is currently providing for the community, then examine the ways in which the current policy continues to fall short and perpetuate injustice. First, I introduce and review the concept of environmental compensation. Then, I move forward to discuss how the social ‘goods’ provided by the EPA or industry are example of state facilitated environmental compensation. We will find in this chapter that, although some concrete compensation was provided to the community, there is no addressing of inequality, soft regulation, or structural racism.

State Responsibility and Corporate Compensation

Commonly, the environmental compensation discussion focuses on the jobs versus environmental dilemma (Bullard 1993; Hartley 1995). This dilemma concentrates on the compensation that corporations provide in exchange to the community's environment. This compensation is most often in the form of jobs. This discourse is very relevant in environmental justice communities because these communities are usually low-income. The argument becomes that a community should not protest the presence of a polluting facility because that facility will bring jobs. Bullard (1992) suggests that these jobs are a form of environmental blackmail, as jobs and the possibility of economic prosperity are held over the heads of communities at the cost of a clean environment.

Revesz (1999) and Hartley (1995) also problematize this compensatory approach to environmental justice, which views jobs as equivalent to a clean environment. Revesz (1999) argues that under current environmental regulation, human life, which is directly impacted by the natural environment, is reduced to numbers and dollars in order to accommodate a cost-benefit analysis approach. Hartley (1995) in his argument against environmental blackmail makes a similar point that a dirty environment does not equate to economic gains, especially low paying jobs that are typically exchanged for the environment. Hartley (1995) campaigns for a Kantian rights-based approach, which he highlights as being the framework adopted by most EJ scholars. Under this framework, all humans should have the right to a clean environment. Through this right, members of this community would be treated as an end rather than a means (Hartley 1995).

While Hartley (1995) and Bullard (1992) discuss environmental compensation as a dynamic between community and industry, I find that this dynamic can be seen in state-society interactions as well. Through environmental justice policy, the state uses its power as an adjudicator to facilitate environmental compensation for the communities.

Compensation in Port Arthur, Texas

There are three projects that stand out as highlights in the EJSC project as environmental compensation: Tekoa After-School program, Golden Triangle Empowerment Center Job Training program, and the Gulf Coast Health Center. These three provide examples of the different pathways through which state facilitated environmental compensation is funded: state only funded, state-industry partnership, and industry only funded. In the following subsections, I will give a description of these three projects.

Tekoa After-School Program

Tekoa Academy is a state-funded charter school in Port Arthur, Texas. Tekoa Academy submitted an application to the EPA EJ Small Grant program for an after-school program. In 2010, the EPA used EJSC funds to provide for this after-school program. The programs emulated the GLOBE program, which is a program that taught youth about the environmental and Earth systems. According to EPA documents, the students discussed what air quality means to them, the Clean Air Act, Community Right

to Know, and recycling. Regarding outcomes, the students put on an informational for the community on “maintaining clean air” and created two newsletters titled ‘Air Quality at Tekoa’ (EPA 2010). These documents were not provided for further analysis. The program began in September 2010 ended in January 2011.

Golden Triangle Empowerment Center (GTEC)

Golden Triangle Empowerment Center is located in once bustling, now deserted Downtown Port Arthur. This center is a result of a partnership with Motiva, other industrial and municipal actors in the area and a community member, Marvin White. Life skills and job training classes began at the facility in 2007. In 2010, the EPA, through the EJSC project, provided funds to support the existing job training program with this organization. GTEC job training focuses on placing community members in the industrial jobs in the area, thus job training centered on construction and industry job skills. While the storefront sign still hangs in Downtown Port Arthur as in Figure 10, according to a community respondent, the organization, “stopped training due to a lack of funding.”

The funding process of this job training introduces the new form of compensation where the state and industry partner in environmental compensation. An initiative in the EJSC projects around the country concentrated on fostering such partnerships between the many actors that play a role in environmental justice communities. An ironic and counterintuitive aspect about this job training program is that the program created a labor force for industry, which deepens the partnership

between the EPA and industry in the community. There are a few possibilities for this coincidence. It is possible that because there are not very many options for jobs in Port Arthur outside of services and industry.

Further calling for this action is the fact that one of the concerns raised by community members in a community forum with the EPA was the amount of unemployment in Westside Port Arthur. Many respondents agreed with what much of the literature states, which is that most of the industry jobs do not go to environmental justice community members, but to outside workers (Hartley 1995). One community activist, Clyde, expressed strong frustration about job training as a part of justice initiative.

“As far as job training goes, it’s just a sham. Ima tell you how they do...They run all of these ads about job trainings and all that, but when a young man goes and apply for certain jobs, they know they are going to cut him out. It’s just a matter of time. They [the young men] get frustrated after an amount of time trying and not being able to get in. Don’t get me wrong I don’t have anything against urinalysis. But they give them a urinalysis, and most of them can’t pass. And when that fails, they give them a math test. And for the life of me I don’t understand why they have to go and take a math test to go and use a shovel... That’s the way they disqualify. They disqualify them in such a way as to...they don’t have any...or they think that don’t have any recall. They [the young men] think

that there's nothing they can do. I didn't pass they test. So they walk away. Most of them that get the jobs are people that live out of town.”

The connection between a urinalysis and a job training program may be difficult to grasp. When Clyde mentioned urinalysis, I initially thought his claims were pretty far fetched. I went the GTEC website after this conversation to gain an understanding of what this activist was referring to. On this website under ‘intake process’, the organization lists the steps taken to screen participants (Figure 6). First, participants must take a Test of Adult Basic Education (TABE) test. This is the ‘math test’ that Clyde mentioned. After the TABE testing, participants are required to complete a drug-screening test, which is the basis for Clyde’s urinalysis discussion.

The connection between drug screening and job training is still not clear. To see this connection, one must understand the impact that the geography of the area on employment. Because Port Arthur is a port and the products leaving the area (oil and gas) must go through this port, there is increased security. After 9/11, Congress passed a law that requires workers at a port to obtain a Transportation Worker Identification Credential (TWIC) card (Emsellem et al. 2009). There are a number of offenses that can disqualify an individual from getting a TWIC card. Disqualifying offences include distribution, possession, and importation of a controlled substance (TSA 2016). The National Employment Law Project stated in a 2009 report,

“The high rates of initial denials [of TWIC cards] in the African American community are mostly a function of the unprecedented surge of drug arrests and convictions in communities of color since the “War on Drugs.” Indeed, drug “trafficking” is the single largest category of crime of the more than one million felony convictions handed down each year, representing over 20 percent of all felony cases. Thus, by broadly disqualifying anyone with a record of a felony drug sale, even low-level offenders, the TWIC program has had a serious disparate impact on the African American community of port workers.” (Emsellem et al. 2009)

Here, we see the relevance of the drug screening and criminal background checks for job trainings in Port Arthur, Texas. These factors expose how complicated it is to claim that a job training program in Port Arthur, Texas addresses the environmental justice issues in the Westside community.

Further complicating this form of compensation is that soon after the EPA’s involvement with the organization ended, the project ran out of funding. While I am unaware on to what extent industry participated in this project, it is evident the partnership with industry failed without the EPA present. This resembles the comments that a community activist had regarding the EPA’s convening power,

“They got involved when the EPA was here. Then after that then everyone went back to their silos. And then when you talk to them about it, they so busy.”

This example shows that the state fails to meet its own standards of compensatory justice because the impacted community is not effectively compensated due to social processes related to the geography of the area.

Gulf Coast Health Center

In another example of a state-industry partnership, Valero, who has a refinery in Port Arthur, supplied the community with a health clinic, Gulf Coast Health Center - Westside (Figure 7). According to their website, Gulf Coast Health Center, Inc. is a private, non-profit community based organization (GCHC 2012). There are multiple Gulf Coast Health Centers in the area. Valero funded the Westside location. There are two sides to the facility. One side is devoted to general medicine and the other side focuses on women's health.

This facility is an example of a Supplemental Environmental Project (SEP). In 2007, the Department of Justice and the EPA came to terms on fining Valero \$4.25 million and calling for \$232 million in facility upgrades at three of their locations, one of which was their refinery in Port Arthur, Texas (EPA 2016). Valero decided to undertake many SEP projects to tackle this fine. The EPA acted as a mediator between community and industry to find a need of the community. EPA also established the terms of how

the Valero would address that need. Valero not only paid for the construction of the facility, but the corporation will also cover the cost for running the clinic for a set number of years, according to an EPA official. This project covered \$1 million of the \$4.25 million settlement. While no EJSC funds were used to pay for this concrete compensation, the facility is listed as a success of the project due to the partnerships created through the EJSC project. This example shows how the state is literally facilitating and coordinating environmental compensation under environmental justice programs.

Former Administrator of the EPA Lisa Jackson is quoted in a local newspaper saying,

“This clinic is one example of how we can work together to address the impacts of pollution, and reach out to communities facing environmental challenges that affect not just their health, but their prosperity and their way of life.” (Shannon 2012)

EPA staff members were very proud of this accomplishment, while environmental advocates showed mixed emotions. Most appreciated a health clinic in the community and were pleased to finally see something beneficial happening for their community. When asked how he felt about the Valero health clinic, one activist, Leo, responded,

“That is a fabulous example of regulators, industry and community advocates working together to bring tangible community benefits. I understand SEP process is, not a compulsory process for the companies, but at least the fines behind them compulsory. From the companies standpoint it makes good PR sense to go the SEP route than to just pay the fine. I think not all SEPs are created equal, and certainly creating a health clinic in the community where the company is located is, in my opinion, an almost ideal example of SEP. I think that was a good example of everything going right...The Valero thing was one good example of a settlement, but it’s not going to change the broader issue of a lack of resources for enforcement. It doesn’t solve the problem of a lack of enforcement and attention in needed areas, particularly environmental justice communities.”

While this quote shows that appreciation that community advocates felt for the health center and the optimism regarding the SEP process, it also illuminates how this means of addressing EJ works according to the needs of the market. This activist’s offhand comment on how it is beneficial for a corporation to choose a SEP project over simply paying the fine highlights the similarity between the state’s approach to EJ and a company’s CSR policy.

One may wonder, “What is wrong with this approach? It seems to make everyone happy.” But, Leo ends by expressing the clinic does not address the broader

lack of enforcement in the community. The impacts of industrial upsets and other environmental burdens persist.

The health center is a part of the Westside Community Complex. This complex consists of the health center and a community development center. Motiva, a refinery owned jointly by Saudi Aramco and Shell, provided the development center (Figure 8 and 9). This, unlike the health center, was not a SEP project, nor was it explicitly a part of the EJSC project. But, this provision of material good is what is hoped will stem from the partnerships that the EPA intends to foster in Port Arthur.

Table 6-1: Compensation Advances and Detracts from EJ Goals

Project	Advance EJ Goals	Detract from EJ Goals	Project Funds Allocated (USD)	Ongoing?
Tekoa After-School Program	Furthers STEM education in Port Arthur	Does not address the broader EJ issues in the community	\$14,550	No
GTEC Job Training	Places some on the labor market and create	No impact on community's environment or regulation. Also, does not address unemployment.	\$14,800	No
Gulf Coast Health Center	Provides a much needed health clinic	Broader lack of enforcement continues	None	Yes

Discussion: Failures of Compensation in Port Arthur, Texas

These forms of compensations fall short in three major ways. 1. They do not address or perpetuates inequality. 2. They are forms of soft-regulation that do not enact change in the plight of the community in any significant or material way. 3. They do not address, perpetuate, and create new avenues of structural racism. I will discuss these three compensations in the light of these three failures.

Table 6-2: Outcomes of Compensation in Port Arthur, Texas

	Inequality	Soft Regulation	Structural Racism
Tekoa After-School Program	X	X	
GTEC Job Training	X	X	X
Gulf Coast Health Center		X	

Inequality

Inequality is inherent to all environmental injustice. As previously mentioned, environmental justice is the study of the inequity of environmental amenities and burdens and inequality in the environmental decision-making process based on race or income. Within Port Arthur, there is a major distribution inequity and economic and participatory inequality in the area. The ‘othering’ of minorities in this region creates opportunity for this inequality to persist. A community activist noted that while their counterparts in neighboring town reap many benefits from the presence of industry, the

residents of color in Port Arthur do not benefit economically, socially, or environmentally. In these aspects, they only suffer.

The EPA states on its Environmental Justice website that their goals for every community are: “the same degree of protection from environmental and health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work (EPA 2016)”. This informs us that equality is a goal of the EPA. But, the compensatory actions from the EPA did not address inequality. Compensation alone does not alter the situation in which this community exists. The provision of a short-term after school program may provide the community with a moment of environmentally focused education, but it does not address the inequality in educational experiences between the Port Arthur and some of its neighbors (EJ1). Not only does the job training not address inequality, it perpetuates it. The TWIC process under the job training program furthers inequality by disqualifying large portions of the population from employment.

Soft-regulation

Many, including EPA staff members and EJ advocates, have suggested that Port Arthur would benefit from stronger regulation and enforcement from the EPA. But, we see that stronger regulation was not a result of the EJSC project.

A weak compensatory state within a society where a federal agency cannot go against the needs of the market coupled has resulted in state facilitated environmental compensation in environmental justice communities. This regulation matches Peck and

Tickell's description of rollout neoliberalism. We are seeing weak reregulation that works according to the needs of the market and benefit the market.

State provision of the after-school and a job training programs function as a form of state compensation for the environmental burdens that the community suffers. Typically, industry provides compensation in reaction to the burden imposed by the industrial facilities. In the case of the school program, the state alone provides a form of compensation to the impacted community. These programs, while they may have benefits for the community, do not address the environmental injustices that the community is facing. Industrial upsets and limited environmental decision-making participation continue. Further, similar to state subject creation, this project supplies information to the community without power or support to do anything with it.

Differently, the health center is a direct result of soft regulation. The SEP program exists for fine deferment after a facility has violated environmental regulations. This regulation moves along the desires and needs of the market rather than along with the needs of the community.

Within the racialized and market-centric regime, a regulatory body is weak and limited in its actions. An EPA staff member commented that, while their action may not be much, it is something. More stringent regulation in this society may incite a backlash in mainstream society, thus placing unspoken and unwritten restraints on the EPA. But, with the limited funding available, the agency can provide an after-school or job training program in an environmentally burdened marginalized community. Also, within its

limited power, the EPA can offer industry the option of providing compensation to a community for penalty deferment.

Structural Racism

Structural racism refers to racialized impacts of “neutral” policies and the underlying processes that marginalized certain populations that stems from historicized roots (Pulido 2000). The ‘war on drugs’ policies are commonly referred to as an example of structural racism. The ‘war on drugs’ initiative consisted of stringent and harsh penalties for drug violations, with harsher penalties for those drugs that were more common in minority communities. These policies resulted in large percentages of the black and latino population being in arrested and jailed. These “neutral” policies seemed to only have a pejorative tone towards drugs, but outcome of these policies were very racialized.

Similarly, none of the programs under the EJSC project are intentionally racist, but they do have racialized impacts, particularly the job-training program. Though the job training program was intended to address the unemployment in Port Arthur, particularly Westside, this program aligns with structural racism discourse and the ‘war on drugs’ rhetoric. As Clyde pointed out, the job training program disqualifies many of the Port Arthur population from employment in Port Arthur with policies the continuously penalize those with any history with drug possession, importation, or distribution. Thusly, structurally racist aspects of the state policy shine through this environmental justice program.

The fact that this policy pushes forward inequality, soft regulation, and structural racism epitomizes the state cooptation of environmental justice because these are outcomes that completely oppose the goals of environmental justice advocates and principles. The regulatory and highly bureaucratic relationship to environmental justice creates an understanding of how this policy can have these outcomes. There is a set of approaches that the state can work within, and the state has to promote itself. This is seen through the job-training program. While the state may intend to create more jobs, its own structurally racist ‘war on drugs’ policies inhibit itself to reinforce structural racism with environmental justice policy.

Conclusion

The compensatory nature and market focus of state’s environmental justice actions are inadequate in addressing the root of injustice: inequality, soft regulation, and structural racism. These market-centric policies are soft on industry and cause the environmental justice community to persist in their unjust circumstances. While Westside Port Arthur community members now have a health center and had after school and job training programs, maldistribution of environmental burdens, inadequate regulations, and the economic and health issues that stem from these continue to be issues for community members. These processes are not particular to Port Arthur. Mechanisms such as the SEP program are tactics commonly used by the state to softly encourage industry to compensate communities. I do not argue that compensation is a

bad thing necessarily, but it is inadequate as the only measure to create environmental justice.

CHAPTER VII

CONCLUSION

Using qualitative research methods and political ecology theory, this research studied state-society relations and how the state engages in environmental justice activities in the urban setting in the United States. I analyzed how the state frames and pursues an environmental justice agenda, paying attention to how it helps or hurts community activists' environmental justice goals and the environmental justice principles through a case study of the US EPA's Environmental Justice Showcase Communities project in Port Arthur, Texas. Findings indicate that, while this program discursively aims to address environmental injustice, the EJSC project resulted in market-oriented language, programs that decentralize responsibility and align with the creation of neoliberal subjects, state-facilitated environmental compensation. This analysis speaks to why environmental injustice persists even though there is policy that is nominally aimed at alleviating these issues.

The qualitative research for this research included in-depth semi-structured interviews, analysis of program documents, and site and participant observation brought me to these conclusions. First, I analyzed and coded extensive amount so documents procured from the EPA through FOIA requests. Second, I conducted interviews with EPA staff and environmental justice advocates familiar with Port Arthur. Site observation involved making trips to physical locations that the project overtly intended

to impact, such as remediation of Superfund sites. I also visited other areas in the environmental to search for any sort of change on the landscape due to the EPA's efforts. Finally, participant observations included attending a community meeting regarding environmental justice and interacting with community members at local environmental amenities, such as a fishing pier. These methods provided insight into the relationship between the EPA and the community, landscape change, and EPA and community conception of environmental justice in Port Arthur.

Conclusions

Through these methods, I found that this EPA project resulted in four mechanisms of market environmental justice. First, policy aligned with what political ecology's neoliberal subjectivities. The policy resulted in decentralization of state responsibility to individuals through mechanisms that reconceptualize the sources of pollution to a private, in-home issue. Thus implying that health burdens stem from the failure of the citizen to protect themselves. I found three main projects that most aligned with subject creation: Community trainings that focused on things such as disaster preparedness or grant applications, an in-depth environmental profile of Port Arthur, which examined the waterways, land, and air of Port Arthur, and the Healthy Homes project. The Health Homes project focused on instructing Westside community members on how to properly clean their own homes in an effort to address respiratory issues. This project advanced justice by connecting community activists with medical scientists who can provide technical assistance. But it detracts from justice by ignoring

the major sources of pollution right outside the door of these now appropriately cleaned homes. This blames health issues on community members, neglects the permeability of indoor environments, and shift responsibility away from the state regarding citizen protection and regulation.

Second, we see state facilitated environmental compensation through compulsory fines resulting from various violations. Typically in the literature, we see that environmental compensation is discussed in the jobs versus environment dilemma. In Port Arthur, I found more concrete examples of compensation. After the Valero refinery was found to have violated air emissions regulation, as a part of a Supplemental Environmental Project, Valero provided Westside of Port Arthur with a Health Center. This was a \$1 million partnership in which not only does Valero provide the structure, but also the fund the facilitation of this health center for a certain amount of years. This is not an isolated event in Port Arthur. The EPA SEP program is common in many environmental justice communities.

Third, I found that this environmental justice policy focused on industry-community partnerships that often results in forms of voluntary compensation. I found that this program focused on the formation of partnerships with industry that resulted in other forms of voluntary compensation. Motiva, being the most obvious source of environmental burden for the community, provided a community development center in Westside Port Arthur across from Valero's health center. Also, in the years of this project Motiva and the EPA co-sponsored a job-training program for the community,

which failed to provide jobs for community members and further marginalized this community through structural racism.

Finally, I found that in this project the state acted as a neutral convener, meaning that the EPA used its power as a federal agency to bring many actors together that may not normally communicate. We see that there is some benefit because there is a moment of convention of parties.

Overall the project works according to what is conducive to the market and under a race-blind economic approach. If you look at what some see as the root of environmental injustice, that being structural racism and an unfair decision making process, then no, the project does not contribute to justice in this community. Finally, I would like to point out that compensation is not necessarily a negative. But compensation without remediation, harsher regulation, and greater enforcement is simply payoff and counters efforts of environmental justice progress.

Table 7-1: Case Study Conclusion

Does the EJSC contribute to environmental justice in these communities?				
	EJSC Example	State-Society Relations	Just?	
			Regulatory CBA	Structural Racism
Neoliberal Subjects	Healthy Homes, Environmental Profile	Coopted, Regulatory	Yes	No
Compensation	Health Center	Coopted; Regulatory	Yes and No	No
Partnerships	Job trainings, Community Center	Coopted	Yes	No
Convener	Forums and trainings	Good Governance; Regulatory	Yes	Yes and No

Returning to the research question: How does state environmental justice policy advance or detract from the goals of environmental justice organizers. It can be said that the collaboration efforts are advancing environmental justice goals. In this way, we can see that state environmental justice policy fits within a good governance description of state-society relations.

But, I would suggest, based on complaints that the collaboration did not have a lasting effect from respondents, that the EPA further improve its collaborative efforts within this society where industry inherently has a louder voice due to its role in the market. Aligning with a coopted environmental justice, I find that, overall, environmental justice policy detracts from justice by perpetuating structural racism, soft regulation, and inequality.

Table 7-2: Conclusion: Research Question

How does state environmental justice policy advance or detract from the goals of environmental justice organizers?			
	State-Society Relations	How and why?	Future research and policy recommendations
Advance EJ Goals	Good Governance	Increased communication through partnerships initiative	The EPA should challenge and critique their collaborative approach (Kohl AAG 2016).
Detract from EJ goals	Coopted, Regulatory, Fragmented	Perpetuating structural racism, soft regulation, and inequality, and thus environmental burdens	Policy: New initiatives in regulation, enforcement, or rights.

Recommendations

While there may be an understanding amongst EJ scholars that there should be a right to a clean environment regardless of race or income level, there are not many legal rights that are specifically environmental. As U.S. citizens, EJ community members indirectly have a right to air that fits within the spectrum determined in the Clean Air Act. This does not necessarily mean that there is a right to a clean environment. Industrial facilities are typically regulated individually, so if a community exists in the midst of many industrial facilities, which is usually the case, then this may not be considered a ‘healthy’ environment, but their rights are not being violated in this case. The Stockholm Declaration, unsigned by the U.S., calls for a human right to a

healthy environment. Many members of the global community have recognized this right while sixteen countries, including the United States, withholding.

While in the United States one does not have a right to a healthy environmental, one does have a right to justice and to be treated equally under the “promise of equal justice under law” in the U.S. Constitution. Additionally, Title VI of the Civil Rights Act of 1964 furthers the expectation of equality by stating: “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.” Most federal agencies have an office of civil rights to ensure this right is protected. Regarding the global community, the UN Universal Declaration of Human Rights Article 1 states: “All human beings are born free and equal in dignity and rights.”

Although these rights exist, environmental injustice persists. This stems from the burden of proof that is placed on community advocates. Additionally, the proving of intent of discrimination is difficult to prove even if the patter of disproportionate impact is racial. Claims of institutional racism have been prevalent in the history between the EPA and EJ communities. Title VI complaints have been brought against the EPA on behalf of EJ communities. Representatives have argued that there has been a delay in responding to the complaints of EJ communities because of their race (Earthjustice 2015).

To address these, it seems that environmental justice policy should include a legal right to a clean environment. The hope is that this approach would alter the regulatory

approach. Instead of communities having to prove that they are and have been suffering environmental harms, regulation may require a buffer zone between facilities and communities to ensure a clean environment. Moreover, facilities will be expected to have more protective and environmentally friendly technologies to ensure that rights are respected rather than prioritizing financial burdens of corporations over the livelihoods of communities.

Concluding Thoughts

Current EJ policy focuses on three main methods of attacking environmental injustice: grants, trainings, and facilitating compensation from corporations. This discussion concludes that grants and trainings shift the responsibility to communities, rather than the violating facilities. A rights-based approach has the ability to reshape EJ policy to a point where facilities would be required to take every measure not to infringe on a community's right to a clean environment, regardless of the communities race or income. Material forms of environmental compensation, such as the artifacts brought to a community in SEP projects, also fall short in addressing environmental injustice in both a utilitarian and rights-based discussion. Environmental compensation is inadequate in many ways, mainly due to the fact that one cannot quantify equality. Thus, one cannot equitably compensate someone for being treated in an unfair or unequal manner. This is not to say that one should not be compensated for an instance of harm. I am arguing that a compensation approach is not sufficient on its own. I suggest that EPA EJ policy should go further and not only enforce a more equitable and strict

compensation policy, but also create rights for environmental justice communities that ensure that a facility will take every measure to mitigate excessive pollution and contamination. Further, defining terms such as “excessive” should be a collaborative process with community advocates present and heard.

While my analysis is done in a United States context, the concepts of justice discussed throughout the thesis can be extrapolated to a broader scale. The environmental justice movement finds its root in the United States, but it is a global issue in that there are fence-line communities like Port Arthur, Texas all over the world. Also, there are examples of communities in developing countries suffering an inequitable distribution of environmental burdens due to the decisions and actions made in the developed world (Walker 2009). The global community and environmental policy would benefit from further research regarding equitable compensation and appropriate rights language in the context of the global environmental justice.

REFERENCES

- Biehler, D. D. & G. L. Simon (2011) The Great Indoors: Research Frontiers on Indoor Environments as Active Political-Ecological Spaces. *Progress in Human Geography*, 35, 172-192.
- Bondi, L. (2005) Working the Spaces of Neoliberal Subjectivity: Psychotherapeutic Technologies, Professionalization and Counseling. *Antipode*, 37, 497-514.
- Brand, P. (2007) Green Subjection: The Politics of Neoliberal Urban Environmental Management. *International Journal of Urban and Regional Research*, 31, 616-632.
- US Fed News Service (2009) Bridgeport Selected As Environmental Justice Showcase Community.
- Brown, B. J. & S. Baker. 2012. *Responsible citizens: Individuals, health, and policy under neoliberalism*. Anthem Press.
- Bryson, J. (2012). Brownfields Gentrification: Redevelopment Planning and Environmental Justice in Spokane, Washington. *Environmental Justice* 5(1): 26-31.
- Bullard, R. D. (1992) Environmental Blackmail in Minority Communities. *Race and the Incidence of Environmental Hazards*, 82-95.
- Bullard, R. D. & B. Wright. 2010. *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast*.

- Burda, M. and M. Harding (2014). Environmental Justice: Evidence from Superfund Cleanup Durations. *Journal of Economic Behavior and Organization* 107(PA): 380-401.
- Bureau of Labor Statistics (BLS) (2015). Unemployment Rates for Metropolitan Areas. *Local Area Unemployment Statistics*. U.S. Department of Labor.
- Castree, N. (2008) Neoliberalising Nature: The Logics of Deregulation and Reregulation. *Environment and planning. A*, 40, 131.
- Clinton, W. J. (1993) Executive Order 12866: Regulatory Planning and Review. *Federal Register*, 58, 51735-51744.
- Clinton, W. J. 1994. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. 59 FR 7629. February.
- Cohen, A. & J. McCarthy (2015) Reviewing Rescaling Strengthening the Case for Environmental Considerations. *Progress in Human Geography*, 39, 3-25.
- Davis, D.-A. (2007) Narrating the Mute: Racializing and Racism in a Neoliberal Moment 1 2. *Souls*, 9, 346-360.
- De León, Arnoldo and Calvert, Robert A. (2013), "SEGREGATION," *Handbook of Texas Online* accessed November 30, 2015. Texas State Historical Association.
- Dragu, I.-M. 2013. United Nations Universal Declaration of Human Rights. *Encyclopedia of Corporate Social Responsibility*, 2632-2638.

Earthjustice 2015. "EPA Must End Discrimination, Stop States from Permitting Polluters in Overburdened Communities of Color 10+ Years of Delays in Civil Rights Investigations Threatens Health of Communities Nationwide."

Echols, A. 1999. *Scars of Sweet Paradise: The Life and Times of Janis Joplin*. Macmillan.

EIA (2014). "Texas State Energy Profile." *U. S. Energy Information Administration*. U. S. Energy Information Administration.

Ekers, M. & A. Loftus (2008) The Power of Water: Developing Dialogues Between Foucault and Gramsci. *Environment and planning. D, Society and Space*, 26, 698.

Emsellem, M., L. Moskowitz, M. Neighly & J. Warner. 2009. A Scorecard on the Post-9/11 Port Worker Background Checks: Model Worker Protections Provide a Lifeline for People of Color, While Major TSA Delays Leave Thousands Jobless During the Recession. *National Employment Law Project*.

EPA 2001: U.S. EPA. Administrator Whitman Reaffirms Commitment To Environmental Justice. Newsroom. Environmental Protection Agency.

EPA 2009a: U.S. EPA. EPA Announces Environmental Justice Showcase Communities. Newsroom. Environmental Protection Agency.

EPA 2009b: U.S. EPA. Administrator Lisa P. Jackson, Remarks to the Environmental Justice Stakeholders Meeting in New Bedford, Massachusetts, As Prepared. Newsroom. Environmental Protection Agency.

EPA 2009c: U.S. EPA. Administrator Lisa P. Jackson, Remarks to the National Environmental Justice Advisory Council, As Prepared. Speeches By EPA Administrator. Environmental Protection Agency.

EPA 2009d: U.S. EPA. Administrator Lisa P. Jackson, Remarks to the Environmental Justice Steering Committee, As Prepared. Speeches By EPA Administrator. Environmental Protection Agency.

EPA 2010a: U.S. EPA. Administrator Lisa P. Jackson, Remarks to the Conference on Environmental Justice, Air Quality, Goods Movement and Green Jobs, As Prepared. Speeches By EPA Administrator. Environmental Protection Agency.

EPA 2010b: U.S. EPA. Administrator Lisa P. Jackson, Remarks at the Symposium to Strengthen Research and Policy on Environmental Justice, As Prepared. Speeches By EPA Administrator. Environmental Protection Agency.

EPA 2010c: U.S. EPA. Headquarters. EJ Showcase Communities Implementation Plan. 2010.

EPA 2010d: United States. Environmental Protection Agency. Office of Environmental Justice and Office of Sustainable Communities. Environmental Justice and Sustainability Reference Deskbook. By US EPA Office of Environmental Justice and Office of Sustainable Communities. 2010.

EPA 2010e: United States. Environmental Protection Agency. Region 5. Environmental Justice Showcase Community: Milwaukee Project. 2010.

EPA 2011a: U.S. EPA. Obama Administration Advances Efforts to Protect Health of U.S. Communities Overburdened by Pollution / Federal Agencies Sign Environmental Justice Memorandum of Understanding. Newsroom. Environmental Protection Agency.

EPA 2011b: United States. Environmental Protection Agency. Office of Environmental Justice. An Update on Ongoing and Future EPA Actions to Empower Communities and Advance the Integration of Environmental Justice in Decision Making and Research.

EPA 2011c: United States. Environmental Justice Agency. Region 4. EJ Showcase: A Project Update Newsletter from EPA Region 4.

EPA 2011d: United States. Environmental Protection Agency. Region 5. Draft Summaries of Successes/Lessons Learned from Ongoing Work in Environmental Justice Showcase Communities.

EPA 2011e: United States. Environmental Protection Agency. Region 6. Port Arthur Environmental Justice Showcase Community Project Update : OEJTA.

EPA 2012a: "Environmental Justice Showcase Communities Program." EPA. Environmental Protection Agency.

EPA 2012b: United States. Environmental Protection Agency. Office of Environmental Justice. Environmental Justice Fact Sheet.

EPA 2012c: "Region 2 EJ Showcase Community: Staten Island, NY." EPA. Environmental Protection Agency.

- EPA 2012d: "Region 3 EJ Showcase Community: Washington, DC." EPA.
Environmental Protection Agency.
- EPA 2012e: "Region 4 EJ Showcase Community: Jacksonville, FL." EPA.
Environmental Protection Agency.
- EPA 2012f: "Region 5 EJ Showcase Community: Milwaukee, WI." EPA. Environmental
Protection Agency.
- EPA 2012g: United States. EPA. Region 6. Final Report: Port Arthur-Environmental
Justice Showcase Communities Pilot Program Analysis.
- EPA 2012h: "Region 7 EJ Showcase Community: Kansas City Metropolitan
Area." EPA. Environmental Protection Agency.
- EPA 2012i: "Region 8 EJ Showcase Community: Salt Lake City, UT." EPA.
Environmental Protection Agency.
- EPA 2012j: "Region 9 EJ Showcase Community: Los Angeles, CA." EPA.
Environmental Protection Agency.
- EPA 2012k: "Region 10 EJ Showcase Community: Yakima Valley, WA." EPA.
Environmental Protection Agency.
- EPA 2014: "EPA." Region 1 (New England).
- EPA 2015. "Supplemental Environmental Projects (SEPs)." *Enforcement*.
- Essoka, J. (2010). "The Gentrifying Effects of Brownfields Redevelopment." *Western
Journal of Black Studies* 34(3): 299-315.
- Feldman, S., C. C. Geisler & G. A. Menon. 2011. *Accumulating Insecurity: Violence
and Dispossession in the Making of Everyday Life*. University of Georgia Press.

- Fisher, M. (1995) Environmental Racism Claims Brought Under Title VI of the Civil Rights Act. *Environmental Law*, 25, 285.
- "Jacksonville, FL." *Forbes*. Forbes Magazine, 2014.
- Goldberg, D. T. (2009) The Threat of Race: Reflections on Racial Neoliberalism.
- Gouldson, A. (2006) Do Firms Adopt Lower Standards in Poorer Areas? Corporate Social Responsibility and Environmental Justice in the EU and the US. *Area*, 38, 402-412.
- Hartley, T. W. (1995) Environmental Justice. *Environmental Ethics*, 17, 277-289.
- Holifield, R. (2004) Neoliberalism and Environmental Justice in the United States Environmental Protection Agency: Translating Policy into Managerial Practice in Hazardous Waste Remediation. *Geoforum*, 35, 285-297.
- Holifield, R. (2012). "The Elusive Environmental Justice Area: Three Waves of Policy in the US Environmental Protection Agency." *Environmental Justice* 5(6): 293-297.
- Holifield, R. (2014). "Environmental Reviews and Case Studies: Accounting for Diversity in Environmental Justice Screening Tools: Toward Multiple Indices of Disproportionate Impact." *Environmental Practice* 16(1): 77-86.
- Jackson. "Seven Priorities for EPA's Future." *Administrators Site RSS*, 2009.
- Jepson, W. & H. L. Brown (2014) 'If No Gasoline, No Water': Privatizing Drinking Water Quality in South Texas Colonias. *Environment and Planning A*, 46, 1032-1048.

- Johnson, J. (1996). Environmental Justice Grants 'Level the Playing Field'.
Environmental Science & Technology 30(1): 21A.
- Klepper, Christine (2014) Final Report Housing Mobility Program. *Port Arthur Housing Authority*.
- Lee, S. and P. Mohai (2012). Environmental Justice Implications of Brownfield Redevelopment in the United States. *Society and Natural Resources* 25(6): 602-609.
- Low, N. & B. Gleeson. 1998. *Justice, Society, & Nature*. Taylor & Francis.
- Maniates, M. F. (2001) Individualization: Plant a Tree, Buy a Bike, Save the World?
Global Environmental Politics, 1, 31-52.
- Mansfield, B. (2012) Race and The New Epigenetic Biopolitics of Environmental Health. *BioSocieties*, 7, 352-372.
- Maranville, A. R., T. F. Ting, et al. (2009). An Environmental Justice Analysis: Superfund Sites and Surrounding Communities in Illinois. *Environmental Justice* 2(2): 49-56.
- Marston, S. & K. Mitchell. 2004. *Citizens and The State: Citizenship Formations in Space and Time*. Sage: London, UK.
- Mohai, P., D. Pellow & J. T. Roberts (2009) Environmental Justice. *Annual Review of Environment and Resources*, 34, 405-430.
- National People of Color (1991) *Principles of Environmental Justice* ratified at the First People of Color Environmental Leadership Summit, Washington DC October.

- Noonan, D. S., R. M. R. Turaga, et al. (2009). Superfund, Hedonics, and the Scales of Environmental Justice. *Environmental Management* 44(5): 909-920.
- Obama, B. (2011) Executive Order 13563: Improving Regulation and Regulatory Review. *Federal Register*, 76, 3821-3823.
- Office of Safety, Energy and the Environment (OSEE). "Bridgeport, Connecticut." *Sustainable Communities*.
- Office of Senator Charles E. Schumer. Schumer, McMahon Announce Major Step Forward In Battle To Clean Up Lead Laden Seduttos Site-EPA Responded To Calls By Taking Action And Committing Funds To North Shore Of SI. *Senator Charles E. Schumer*.
- Okereke, C. (2006) Global Environmental Sustainability: Intragenerational Equity and Conceptions of Justice in Multilateral Environmental Regimes. *Geoforum*, 37, 725-738.
- O'Neil, S. G. (2007). Superfund: Evaluating the Impact of Executive Order 12898. *Environmental Health Perspectives* 115(7): 1087-1093.
- O'Reilly, K. (2006) "Traditional" Women, "Modern" Water: Linking Gender and Commodification in Rajasthan, India. *Geoforum*, 37, 958-972.
- O'Reilly, K. & R. Dhanju (2014) Public Taps and Private Connections: The Production of Caste Distinction and Common Sense in a Rajasthan Drinking Water Supply Project. *Transactions of the Institute of British Geographers*, 39, 373-386.
- Passavant, P. A. (2005) The Strong Neo-liberal State: Crime, Consumption, Governance. *Theory & Event*, 8.

- Peck, J. & A. Tickell (2002) Neoliberalizing Space. *Antipode*, 34, 380-404.
- Povinelli, E. A. 2011. *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*. Duke University Press Durham, NC.
- Prochaska, J. D., A. B. Nolen, H. Kelley, K. Sexton, S. H. Linder & J. Sullivan (2014) Social Determinants of Health in Environmental Justice Communities: Examining Cumulative Risk in Terms of Environmental Exposures and Social Determinants of Health. *Human and Ecological Risk Assessment: An International Journal*, 20, 980-994.
- Prudham, S. (2004) Poisoning the Well: Neoliberalism and The Contamination of Municipal Water in Walkerton, Ontario. *Geoforum*, 35, 343-359.
- Pulido, L. (2000) Rethinking Environmental Racism: White Privilege and Urban Development in Southern California. *Annals of the Association of American Geographers*, 90, 12-40.
- Pulido, L., E. Kohl & N.-M. Cotton (2016) State Regulation and Environmental Justice: The Need for Strategy Reassessment. *Capitalism Nature Socialism*, 1-20.
- Raco, M. (2005). Sustainable Development, Rolled-out Neoliberalism and Sustainable Communities. *Antipode* 37(2): 324-347.
- Rahm, D. (1998). Superfund and The Politics of US Hazardous Waste Policy. *Environmental Politics* 7(4): 75-91.
- Revesz, R. L. (1999) Environmental Regulation, Cost-Benefit Analysis, and The Discounting of Human Lives. *Columbia Law Review*, 941-1017.

- Roberts, D. J. & M. Mahtani (2010) Neoliberalizing Race, Racing Neoliberalism: Placing "Race" in Neoliberal Discourses. *Antipode*, 42, 248-257.
- Salt Lake County (SLC). (2014). Community Resources and Development. *Refugee Assistance*.
- Schlosberg, D. (2004) Reconceiving Environmental Justice: Global Movements and Political Theories. *Environmental Politics*, 13, 517-540.
- Schlosberg, D. & D. Carruthers (2010) Indigenous Struggles, Environmental Justice, and Community Capabilities. *Global Environmental Politics*, 10, 12-35.
- SCOTUS 2015: Supreme Court of the United States. "Equal Justice Under Law." *The Court and Constitutional Interpretation*.
- Shannon, James. 2012. EPA Chief Here for Westside Health Clinic Groundbreaking. *The Examiner:News*.
- Sheffey, Irv. "Environmental Justice and Community Partnerships." Washington, D.C. Sierra Club.
- Sherry, Virginia N. "EPA Names North Shore 'A Showcase Community'" *SIlive*. , 23 Sept. 2010.
- Solitare, L. and M. Greenberg (2002). Is the U.S. Environmental Protection Agency Brownfields Assessment Pilot Program Environmentally Just? *Environmental Health Perspectives* 110(SUPPL. 2): 249-257.
- Sparke, M. B. (2006) A Neoliberal Nexus: Economy, Security and the Biopolitics of Citizenship on the Border. *Political Geography*, 25, 151-180.

- Stockholm Declaration (1972) Declaration of the United Nations Conference on the Human Environment.
- Storey, John W. (2010), "Port Arthur, Tx," *Handbook of Texas Online*.
- Stretesky, P. and M. J. Hogan (1998). Environmental Justice: An Analysis of Superfund Sites in Florida. *Social Problems* 45: 268.
- U. C. C. C. (1987) Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities With Hazardous Waste Sites.
- U.S. Census (2010). Port Arthur (city) QuickFacts from the US Census Bureau. *U.S. Census Bureau*.
- TSA (2016). Disqualifying Offenses. Department of Homeland Security.
- Vajjhala, S. P. (2010). Building Community Capacity? Mapping the Scope and Impacts of EPA'S Environmental Justice Small Grants Program. *Research in Social Problems and Public Policy* 18: 353-381.
- Walker, G. & K. Burningham (2011) Flood Risk, Vulnerability and Environmental Justice: Evidence and Evaluation of Inequality in a UK context. *Critical Social Policy*.
- Walker, G. 2012. *Environmental Justice: Concepts, Evidence and Politics*. Routledge.
- Young, I. M. 2011. *Justice and the Politics of Difference*. Princeton University Press.

APPENDIX A

FIGURES

Figure 1: Power dynamics between Neoliberal Culture, State, Industry, and EJ Community

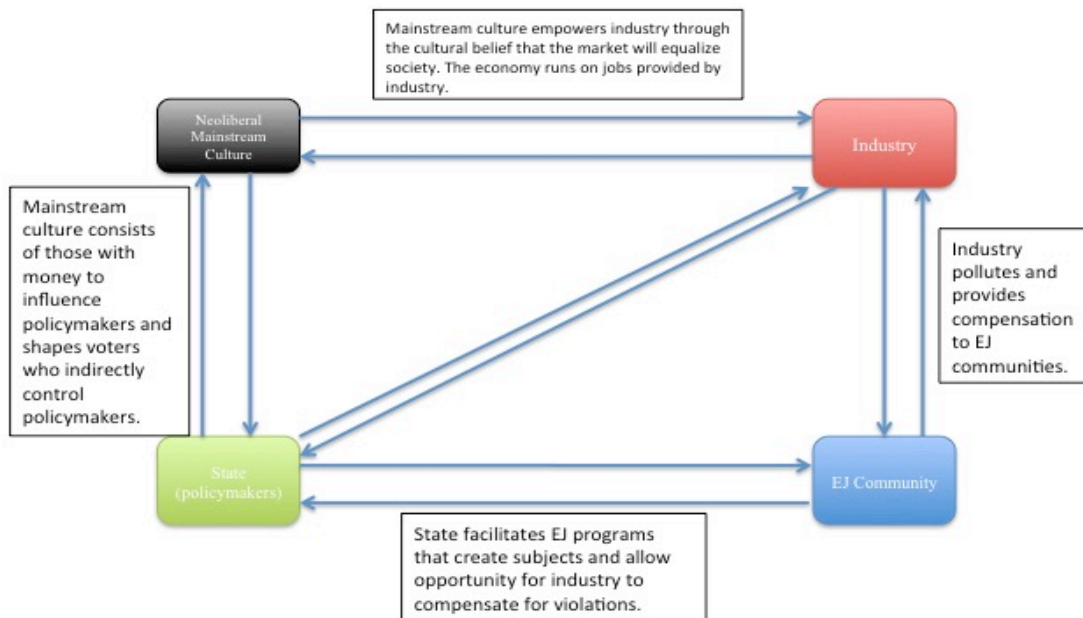
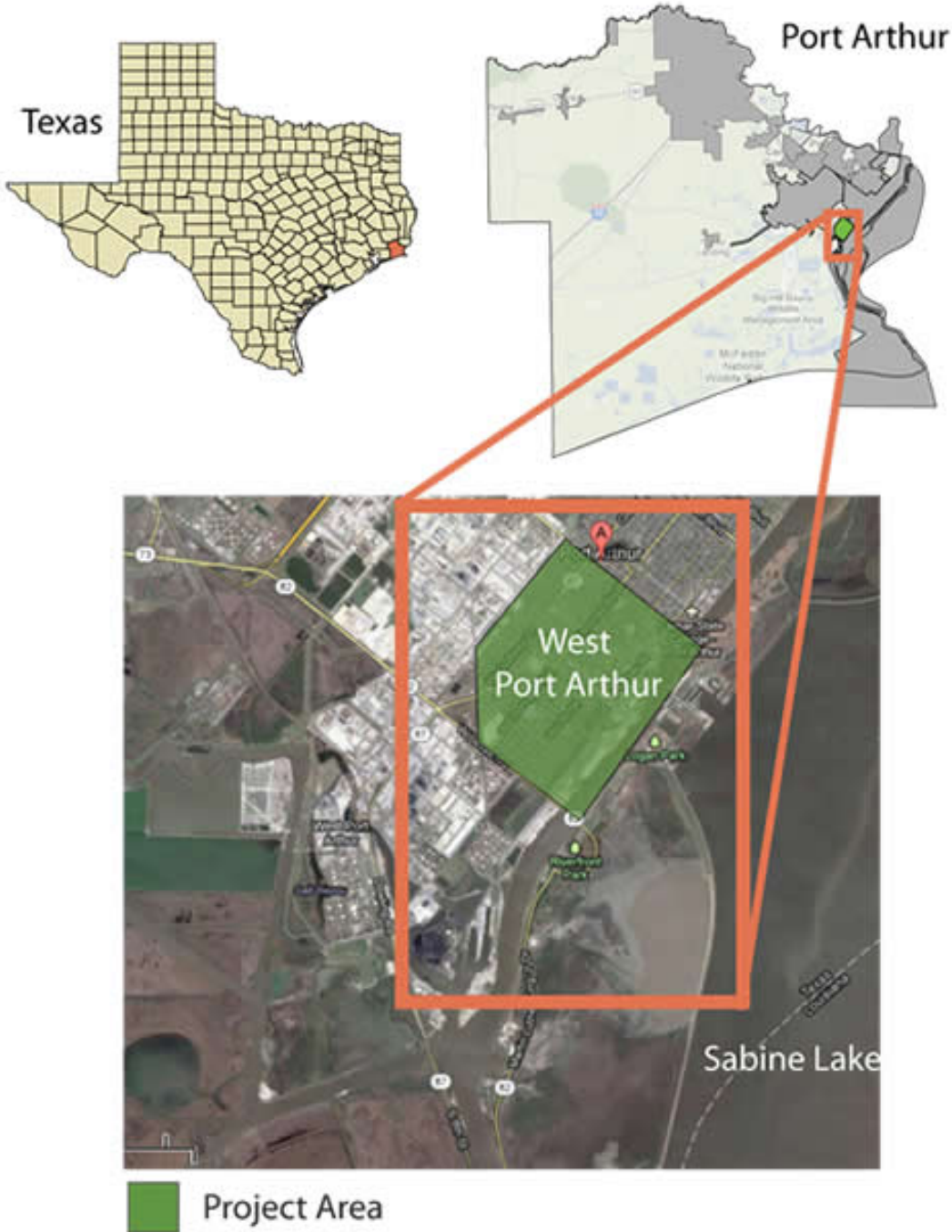


Figure 2: Map of Environmental Justice Showcase Community Westside Port Arthur, Texas



Source: <http://www3.epa.gov/environmentaljustice/grants/ej-showcase-r06.html>

Figure 3: Carver Terrace Fence-line Community near Motiva Refinery



Figure 4: Downtown Port Arthur 1 (Proctor Street)



Figure 5: Downtown Port Arthur 2 (Proctor Street)



Figure 6: Screenshot of GTEC Intake Process

FEATURED INFORMATION

WHAT IS GTEC FOCUS?

PHASE I

PRE-VOCATIONAL ACTIVITIES

Intake Process

T.A.B.E - Testing for Adult Basic Education

- o Drug Screening
- o Criminal Background Investigations
- o Counseling will be provided to participants needing support.
- o And Others...

Source: <http://www.gtec-triangle.org/Who%20is%20GTEC.html>

Figure 7: Gulf Coast Health Center



Figure 8: Westside Development Center



Figure 9: "Thank You Motiva" Neon Sign



Figure 10: GTEC Storefront Sign



Figure 11: EJ Policy CBA Rationale

Current CBA of EJ Policy

Corporation) Benefit: Regulation violation → Cost: Fine = environmental project
Community) Cost: Environmental burden → Benefit: environmental project

*Example of Compensatory environmental justice CBA rationale

APPENDIX B:

ENVIRONMENTAL JUSTICE PRINCIPLES

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

The Principles of Environmental Justice (EJ)

- 1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
 - 2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
 - 3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
 - 4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
 - 5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
 - 6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
 - 7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
 - 8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
 - 9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
 - 10) **Environmental Justice** 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) **Environmental Justice** 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) **Environmental Justice** affirms the need for urban and rural 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 provided fair access for all to the full range of resources.
 - 13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
 - 14) **Environmental Justice** opposes the destructive operations of multi-national corporations.
 - 15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
 - 16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.
 - 17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.
- More info on environmental justice and environmental racism can be found online at www.ejnet.org/ej/**

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted these 17 principles of Environmental Justice. Since then, the Principles have served as a defining document for the growing grassroots movement for environmental justice.

Source: National People of Color 1991