

AND ENVIRONMENTAL JUSTICE FOR ALL: NRDC ON THE FRONT LINES

Anyone who doubts the urgent need for environmental justice in the United States need look no further than the public health crisis that is unfolding in Flint, Michigan. In 2014, city and state officials decided to start supplying residents with water pumped from the Flint River instead of continuing to buy municipal water from nearby Detroit, and it wasn't long before people began to express alarm. The water didn't taste right, and it smelled funny. Soon more ominous complaints began to mount — of rashes, hair loss, vomiting and other health problems. Through it all, residents were told by officials not to worry; the drinking water was fine.

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It wasn't. Medical studies conducted more than a year after Flint switched its water supply found the number of children living with dangerous levels of lead in their bloodstream had skyrocketed. Why? The water from the Flint River was corrosive, and this had been causing lead from the city's old pipes to leach into the tap water. As if that weren't bad enough, both city and state officials had been aware for months of test results that showed Flint's drinking water was contaminated with shockingly high levels of lead, yet they'd neglected to take any meaningful action to address the crisis.

The people of Flint had good reason to fear they were especially vulnerable to lead exposure. The city's population is predominantly African-American, and average blood lead levels are higher nationally in African-American children. Nearly 90 percent of the housing stock in Flint was built before high-lead paint was banned by federal law. On October 1, 2015, less than a week after doctors reported a doubling in the proportion of children under the age of five in Flint with elevated blood lead levels, NRDC joined with local, faith-based organizations and other advocacy groups to demand that the federal Environmental Protection Agency step in and take emergency action to secure safe drinking water for Flint residents. In November, working in concert with the American Civil Liberties Union of Michigan and local

advocates, NRDC notified the city and state of its intent to file suit on behalf of residents whose escalating concerns about the safety of their drinking water had been dismissed or ignored.

“All too often, it's places like Flint — communities of color or low-income neighborhoods struggling economically — that suffer first and suffer *most* from the pollution that poisons our air, water and food,” says NRDC President Rhea Suh. “For families on the front lines, the consequences can be devastating. But they are standing up for justice as never before — and when they call on NRDC to provide legal firepower, we're ready to partner with them. We never lose sight of who has the most at stake. In Flint, as everywhere else we work, it's local communities, living on the front lines of pollution, who not only have the courage to organize but the vision, resolve and tenacity to see justice done.”

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Perhaps no case epitomizes the struggle for environmental justice like the one launched by Sheila Holt-Orsted in Dickson, Tennessee, about 40 miles outside of Nashville. “I came home for Christmas in 2002,” she remembers, “and my father had cancer, my aunt who was my dad's sister-in-law had cancer, I had an uncle who had died of cancer, neighbors with cancer — and I kept saying, ‘This is strange. Why does everyone here have cancer?’ ” It was a question that would continue to haunt Holt-Orsted, who was herself diagnosed with stage-two breast cancer only three months later. As she fought to recover, she also began searching for answers.



Rhea Suh (right) and other NRDC staff meet with local activists in Chicago.



Clockwise from top left: Sheila Holt-Orsted at the gravesite of her father, who died in 2007; a boy plays in the shadow of the Port of Los Angeles; Nalleli Cobo and her mother, community organizers against oil development in Los Angeles; a pile of petcoke looms over homes in Southeast Chicago; Pala Indian children protest the Gregory Canyon dump.

county governments and private companies that had contributed to the pollution at the landfill. NRDC attorneys spent 8,000 hours preparing for Holt-Orsted's day in court. But on the night before trial in 2011, the authorities capitulated, agreeing in a settlement to spend \$5 million to identify areas at risk of TCE pollution, connect every home and business in that area to public water and close all the wells in endangered zones.

Nearly a decade after her crusade began, and four years after her father passed away, Holt-Orsted and her family finally found justice, both for themselves and for their neighbors. “I wouldn't wish this on my worst enemy, what we've been through,” says Beatrice Holt, Sheila's mother. “And now, because of what NRDC has done, maybe no one else will have to.” Al Huang, the director

of NRDC's Environmental Justice Program, puts the win in perspective: “Those are the moments we fight for, and we savor them,” he says. “But we also know this isn't a Hollywood movie — the big courtroom win, then the credits roll. Environmental justice victories often require years of vigilance to make sure polluters follow through on their commitments.”

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Case in point: the Port of Los Angeles, among the busiest shipping ports in the world. The staggering amount of goods transported by huge, diesel-powered container ships, trains and trucks is matched



That same commitment to staying the course has been the hallmark of the Pala Band of Mission Indians. For 20 years they have been waging a campaign to stop developers from building a 300-acre garbage dump in Gregory Canyon, an ecologically sensitive gem north of San Diego that is home to endangered species, critical drinking water sources and sacred sites used by the Pala for hundreds of years. NRDC attorneys have been working hand in hand with the tribe since 2009 to block this reckless plan, taking on the San Diego Regional Water Board and the Army Corps of Engineers.

Fourteen-year-old Nalleli Cobo wasn't even born when the Palas' battle began, but she and her family have found themselves caught up in an entirely different fight in South Los Angeles, where an oil well sits literally across the street from their apartment building. According to residents, the oil operation has made them sick, triggering a host of problems from heart palpitations and stomach pains to frequent nosebleeds and asthma. Nalleli, who herself has spoken out at government meetings and made a personal appeal to Pope Francis about the dangers of oil development in her neighborhood, has emerged as a new face of the next generation of environmental justice activists. “We're fighting for a community,” she says.

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That's a refrain heard all across the country, including from working-class neighborhoods of Chicago's Southeast Side, where enormous piles of harmful black petroleum coke, a waste product of oil refining, began appearing three years ago, some mounds eventually growing five stories tall. Looming over homes, schools and parks, these open-air piles are part of petcoke handling operations that have sent plumes of oily, coal-like dust through the neighborhood. Local residents, who have long organized against an array of other environmental burdens, chose to fight back. Partnering with NRDC, they raised an outcry in the media and public hearing rooms and threatened legal action. The resulting political pressure led first to more stringent regulations for the dust and then to announcements by the corporate owner — KCBX, which belongs to the Koch brothers — that it would permanently close one petcoke storage site and remove piles from another — a critical win as residents continue fighting for a community that is entirely petcoke-free.



Maribel Baez with her son, Anthony, in her New York apartment infested with mold, 2012.

For residents living in New York City's public housing, however, the health threat has all too often come from *inside* their homes. The problem: persistent mold and excessive moisture from leaking pipes, which exacerbate asthma and other respiratory problems. “Home should be a place where you are safe, not a place that hurts you,” says Maribel Baez, who lives in the South Bronx, echoing the frustration of many of the city's 400,000 public housing residents, a population disproportionately affected by asthma. In the past, the New York City Housing Authority would often take months to respond to residents' complaints, but today the agency is required to respond within 7 to 15 days, thanks to a 2013 settlement in a class action lawsuit brought by NRDC on behalf of affected residents. The suit itself broke new ground:

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by using the Americans with Disabilities Act, which classifies asthma as a disability, NRDC's legal team argued that when the housing authority allowed mold to go unchecked, it violated the rights of asthma victims to breathe clean air.

“It's a legal approach we're now exporting to help residents battling similar neglect in public housing across the country,” says Rhea Suh. “We're not afraid to get creative, to be innovative and to use whatever legal tools we can to hold polluters and government agencies accountable. We believe in justice for all — that all people have the right to live, work and play in a healthy environment. It's at the heart of what we do.” ■