

*The Coal Ash Community:
An Analysis of Environmental Racism in Uniontown, Alabama*
Ellie Bach

The Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) has failed to serve vulnerable communities suffering from systemic environmental racism through regulation reform and enforcement, and has instead dismantled communities' environmental justice demands while consequently supporting private sector perpetrators of environmental racism, by operating in a "colorblind" manner that stems from white supremacy and upholds white privilege. This failure is exemplified by the ECRCO's "resolving and closing" of the complaint filed by residents of Uniontown, Alabama in 2013, who continue to suffer from the storage of coal ash in nearby Arrowhead Landfill, despite clear violations of environmental regulations and civil rights law.

More than a billion tons of toxic coal ash containing arsenic, mercury, and lead were spilled into the Emory River in Kingston, Tennessee on December 22nd, 2008 (Engleman-Lado et al. 2019). Particles of coal ash are known to permeate the lungs, and exposure can lead to leukemia, lung and brain cancer (Engleman-Lado et al. 2019). Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the spilled coal ash was classified as hazardous in Tennessee, and the location of the spill was declared a superfund site (Engleman-Lado et al. 2019). A decade later, residents of Kingston, and the workers who sought to clean up the spill, are still pressing charges for the health consequences of the accident (Engleman-Lado et al. 2019). In 2010, the Alabama Department of Environmental Management (ADEM) approved the transfer of 4 million cubic yards of the ash from the spill to Arrowhead Landfill in Uniontown, Alabama (Engleman-Lado et al. 2019). Once in Uniontown, that very same ash was reclassified as nonhazardous under the Resource Conservation Recovery Act (RCRA) (Engleman-Lado et al. 2019). As of 2017, Kingston, TN was an 89.8% white community, with a median household income of \$48,616, that had risen from the previous year ("Kingston, TN"). Uniontown, Alabama, on the other hand, was composed of 7.54 times more Black residents than all other racial groups, with a median household income of \$14,094 (a decrease from the year prior) ("Uniontown, AL"). Over 40% of residents live under the poverty line, the vast majority of whom (89.2% to be exact) are Black ("Uniontown, AL"). These very same Uniontown community members banded together and petitioned the construction of the Arrowhead Landfill in 2007, before the coal ash was even spilled from the Tennessee powerplant, but the project was permitted nonetheless (Engleman-Lado et al. 2019). The disposal site now receives waste from 33 different states and even endorses receiving more coal ash from power plants, plus a plethora of other contaminated substances, in order to maintain business (Engleman-Lado et al. 2019).

In 2013, after unfruitful years of continually contesting the landfill's operations at local and state levels, 35 community members filed a complaint to the EPA's Office of Civil Rights (OCR), now the ECRCO, claiming that the ADEM's arrangement with the landfill violated Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and agency regulations, 40 C.F.R. Part 7; in other words, the ADEM (as an agency that receives federal financial assistance) violated the legal prohibition of discrimination based on race, color, or national origin in their endeavors (Engleman-Lado et al. 2019). The initial complaint fell on deaf ears, so to speak, and after consistently submitting additional proof of the toll of toxic coal ash storage on the community to the EPA, a second complaint was submitted in 2016 (Engleman-Lado et al. 2019). The follow-up

complaint was then followed by a lawsuit against community members for \$30 million, filed by Arrowhead Landfill (Engleman-Lado et al. 2019). The lawsuit was dropped thankfully, but was a clear attempt by the private sector to further silence the community, which was already a victim of neglect and impoverished living conditions. Finally, in 2018, the EPA published a 29-page letter that rejected the case under the assertion that there was “insufficient evidence” to find the ADEM guilty of violating Title VI or Arrowhead Landfill guilty of noncompliance with air and water quality regulations (Engleman-Lado et al. 2019; Environmental Protection Agency 2018, March 1; Environmental Protection Agency 2018, March 16). Such a conclusion by the EPA reinforces the systemic pathways through which environmental racism is perpetuated, contradicts the purpose of the agency (especially its ECRCO), and harms the predominantly Black community of Uniontown while profiting the private sector.

The EPA defines environmental justice as, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies,” and goes on to proclaim that, “this goal will be achieved when everyone enjoys: 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” (“Environmental Justice” 2019). The EPA’s Office of Environmental Justice, then called the Office of Environmental Equity, was created in 1992 and environmental justice became increasingly prioritized in an agency-wide manner during the following twenty years (“Environmental Justice” 2019). Interestingly, a study published in 2007 called “Toxic Wastes and Race at Twenty” (endorsed by the EPA), concluded that “people of color are found to be more concentrated around hazardous waste facilities” than was previously thought (“Environmental Justice” 2019). In 2010, during the Obama administration, the first White House Forum on Environmental Justice was held, at which a variety of agencies and offices were present, and this event represented a peak in federal commitment to “federal protection from environmental and health hazards” for all Americans (“Environmental Justice” 2019). Over the subsequent five years, the EPA’s environmental justice division continued to develop protocols and increased efforts to make information about federal environmental justice programming more visible and accessible to the public, but after August 2016, virtually no accomplishments are listed on the EPA’s official timeline of the agency’s involvement in the Environmental Justice Movement (“Environmental Justice” 2019). Intriguingly, the end of achievements coincides with the initiation of the Trump administration; the president himself criticized the agency while campaigning and his first budget proposal cut all funding for the EPA’s Office of Environmental Justice, with approval from the head of the EPA at the time, Scott Pruitt, a move that was described as “racist” by leaders in the field (Lockhart 2018). The Uniontown coal ash case was concluded under Trump’s administration of the EPA, and the outcome may have been impacted by the near overhaul that the agency has undergone during his time in office.

The removal of toxic waste from the coal ash spill in the predominantly white Kingston, Tennessee community and its imposition onto the predominantly Black and largely impoverished community of Uniontown, Alabama, by storing said waste in the local Arrowhead Landfill, contradicts the EPA’s definition of environmental justice and was an act of environmental racism. The transplant of coal ash from the Kingston spill to Uniontown was not necessarily motivated by racial animus, but violated the civil rights of Uniontown residents regardless. Laura Pulido (2015), in her analysis of environmental racism sustained by Exide (a battery recycling facility) on the Latinx community surrounding Los Angeles, explains that regulatory noncompliance (which it seems that, by all accounts other than the EPA’s, Arrowhead Landfill is

guilty of) and “uneven patterns of regulatory enforcement,” create and propagate environmental racism against communities of color (Pulido 2015, p. 810). In her analysis, Exide was processing 88 chemicals in its facility, surrounded by neighborhoods comprised largely of low-income immigrants, and was not complying with regulations for decades, such that the community consequently faced a greater risk of cancer and poisoning by lead and arsenic (Pulido 2015). She argues that Exide as the polluter is primarily responsible for its actions, and is “fully aware of what it is doing and does not wish to harm its neighbors, but the financial well-being of the institution, which overwhelmingly benefits whites, is prioritized,” meaning Exide perceives the surrounding community of color, which is additionally of low socioeconomic status, as “racially expendable” (Pulido 2015, p. 814). Furthermore, the state has been either unwilling, unable, or both, to demand that Exide complies with regulations for the sake of the environment and the community, which “illuminates a larger regulatory culture that is mutually constituted by the racial formation” (Pulido 2015, p. 810). Together, the state and Exide (which in this case may represent industry or the private sector), forced the Latinx community to remain at a low socioeconomic status and suffer from declining health, and upheld the popular and detrimental narrative of “people of color as undeserving and responsible for their own poverty” that is accepted by many whites (Pulido 2015, p. 811). Exide’s case, as discussed by Pulido, is a clear parallel to the Uniontown people’s conflict with Arrowhead Landfill and the ADEM.

In Uniontown, it seems obvious that Arrowhead Landfill understood that its storage of coal ash was harmful for the Black community, as evidenced by its attempt to sue Uniontown’s residents into silence about the issue, but the profit produced by conducting business with majority white communities outside of Alabama was of greater importance to the company than its integrity and the lives of its neighbors. Additionally, the ADEM at the state level, and the EPA at the federal level, literally invited coal ash into the community knowing the harms of improper storage on people’s health and well-being. Toxic living conditions in Uniontown have only made it that much more difficult for Black residents, many of whom, as mentioned, already live below the poverty line, to receive the care they deserve *and* have made the community that much more vulnerable to exploitation by polluting industry and negligent agencies. In fact, the EPA failed to adequately investigate the wrongdoings of both Arrowhead Landfill and Alabama’s environmental management; no investigation of the environmental, economic, and health consequences of the coal ash was conducted by EPA personnel, and instead the ECRCO relied on inappropriate data (collected from monitoring sites too far from the landfill and Uniontown to demonstrate any pollution), thereby allowing the agency to conclude that sufficient evidence lacked (Engleman-Lado et al. 2019). This methodology promotes the spread of “toxic uncertainty,” as in it spreads doubt within the community about the legitimacy of its experience in toxic living conditions because the EPA labels the environment as “safe,” and thus serves to dismantle organized community members and their claims of injustice (Bruno & Jepson 2018). Such dereliction of EPA, and specifically ECRCO, investigation protocol and of the people of Uniontown (from the conception of the landfill through the closing of the case), provide sufficient evidence that Black residents were considered “racially expendable” by the state and industry in this instance.

The outcome of the Arrowhead Landfill case is a prime example of not only the systematic racism that permeates industry in the United States, but also exposes the inherent racism of the very institution, the EPA, that is meant to regulate and right the wrongdoings of the private sector in the name of environmental justice. The EPA’s ECRCO does not consider nor mend all of the core aspects of a community’s environmental risk, including “health, justice, science, and community,” in its programming (Checker 2007). Bruno and Jepson (2018), studied

the EPA's environmental justice program as it took effect in Port Arthur, Texas, a similarly small and majority Black town also suffering from pollution spewed by an energy production facility (Bruno & Jepson 2018). The residents of Port Arthur are, much like in Uniontown, "economically distressed" and on the "fenceline," where they neither have control over their living conditions nor do they benefit in any way from the production that pollutes their home (Bruno & Jepson 2018). Instead of addressing the causal factor in environmental degradation and declining health in Port Arthur—that is to say, the industrial energy facility—the EPA trained individual community members on emergency preparedness and proper cleaning techniques in the home to theoretically reduce exposure to toxins (Bruno & Jepson 2018). The authors concluded that the environmental justice program operated via a neoliberal and "utilitarian view of compensation," in which human life is "reduced to numbers and dollars in order to accommodate a cost-benefit analysis approach," and therefore did not improve environmental regulation but dismantled environmental justice claims and served the private sector, quelling the community's requisition of justice (Bruno & Jepson 2018). In this way, the EPA deflects responsibility for "improved regulatory or monitoring actions" and instead focuses on "individual responsibility and market processes," implying that low-income Black residents are to blame for their own socioeconomic standing and for the poisoning of their air, land, and water (Bruno & Jepson 2018). In Uniontown, the EPA's denial of any environmental and health problems caused by coal ash provided even less structure and aid to community members than those in Port Arthur received, and likewise frames Uniontown citizens as culprits rather than as victims, thereby obligating Black residents to both individually and collectively raise awareness and remedy the situation through the formation of advocacy groups like Black Belt Citizens, without backing from the EPA ("Black Belt Citizens..." n.d.).

Finally, the Arrowhead Landfill case fits into a larger and long-standing narrative of environmental racism in the United States, that is perpetuated by colorblindness and white supremacy, and which reinforces white privilege. The notion of colorblind operations allows agencies and industries to continue business-as-usual under the guise of innocence. David Roediger (2008) illustrates that the claim is often made by the state, institutions, and/or industry that programs are "race-neutral," or colorblind, when realistically such programs adhere to "local racist practices" and their basis on "ordinary business principles" begets inequality based on race (Roediger 2008, p.178). The ECRCO at the EPA, which has often been perceived as a liberal agency due to its goal of advancing eco-social justice through government intervention, fails to acknowledge and investigate the impact of past and present institutionalized white supremacy, within other organizations and within itself, and in this way embodies "liberalism's complicity with the persistence of race" (Roediger 2008, p. 173). In reality, the EPA, the ADEM, and Arrowhead Landfill are built upon, and profit from, a foundation of white supremacy (Pulido 2015). By denying the existence and effects of white supremacy on "fenceline" minority communities, and officially operating in a colorblind manner that does not address the race-structured rates of poverty and subjugation to polluting industry that Black citizens face (particularly in Uniontown), the EPA consistently denies the civil rights of communities of color and only widens the socioeconomic gap between these communities and their white counterparts as a result (Roediger 2008). These white communities, in contrast, maintain their white privilege with tremendous assistance from the environmental justice branch of the EPA. As Peggy McIntosh (1990) lays out in her landmark essay on white privilege, there are at least 25 demonstrable ways in which whites are privileged by a systematically racialized society, essentially all of which become more deeply ingrained as racial minority groups are further institutionally disenfranchised (McIntosh 1990). Most notably, whites can make social systems

work to their advantage and expect positive change when they criticize the status quo; communities of color, conversely, cannot expect the same respect and results, as illustrated by the interaction between Uniontown residents, and the EPA and Arrowhead Landfill, when juxtaposed with the attention received by the white community of Kingston, Tennessee, following the coal ash spill (“Black Belt Citizens...” n.d.; Engleman-Lado et al. 2019; McIntosh 1990). It is crucial that the ECRCO, and the EPA at large, recognize and work to change the agency’s own racial biases so that it can effectively do its job of preventing and dismantling racially motivated and disproportionately harmful projects, in both the public and private sectors, that affect the environment. Only then can the positive advantages afforded to whites be shared with all racial groups, and the negative advantages be rejected across the board.

In conclusion, community members in the predominantly Black and impoverished city of Uniontown, AL, have been the victims of environmentally racist public initiatives and private operations following the powerplant malfunction and coal ash spill in Kingston, Tennessee. The Alabama Department of Environmental Management chose to enable profiteering by Arrowhead Landfill whilst endangering local residents in the process. The Environmental Protection Agency’s External Civil Rights Compliance Office upheld this decision and enabled its consequences for the community’s health and well-being, by ignoring residents’ complaints for years and then completely dispelling the community’s testimony of prolonged injustice. This case demonstrates the foundation of white supremacy upon which even federal and state agencies designed to advance racial equality stand, and exposes the severe harm of institutional colorblindness on communities of color, whilst highlighting the persistence of white privilege in an environmental context.

References

- Black Belt Citizens Fighting for Health and Justice. (n.d.). Retrieved from <http://blackbeltcitizens.org/>.
- Checker, M. (2007). “But I Know It’s True”: Environmental Risk Assessment, Justice, and Anthropology. *Human Organization*, 112-124.
- Engleman-Lado, M., Bustos, C., Leslie-Bole, H., & Leung, P. (2019, October 4). Environmental Injustice in Uniontown, Alabama, Decades after the Civil Rights Act of 1964: It’s Time For Action. Retrieved from https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--44--no-2--housing/environmental-injustice-in-uniontown--alabama--decades-after-the/.
- Environmental Injustice in Alabama’s Black Belt. (2019, October 16). Retrieved from <https://ejj.org/news/alabama-black-belt-environmental-injustice>.
- Environmental Justice. (2019, November 20). Retrieved from <https://www.epa.gov/environmentaljustice>.
- Environmental Protection Agency. (2018, March 1). Re: Closure of Administrative Complaint, EPA File No. 12R-13-R4. Retrieved from https://www.epa.gov/sites/production/files/2018-03/documents/2018.03.01_lefleur_1_re_letter_of_closure_of_administrative_complaint_fi.pdf.
- Environmental Protection Agency. (2018, March 16). U.S. Commission on Civil Rights Statement Regarding EPA Decision on Uniontown, Alabama. Retrieved from <https://www.usccr.gov/press/2018/03-16-statement-EPA.pdf>.

- Kingston, TN. (n.d.). Retrieved from <https://datausa.io/profile/geo/kingston-tn#demographics>.
- Lockhart, P. R. (2018, July 9). Environmental racism is dangerous. Trump's EPA doesn't seem to care. Retrieved from <https://www.vox.com/identities/2018/7/9/17542240/environmental-racism-justice-scott-pruitt-donald-trump>.
- Lombardi, K. (2015, August 5). Welcome to Uniontown: Arrowhead Landfill Battle a Modern Civil Rights Struggle. Retrieved from <https://www.nbcnews.com/news/nbcblk/epa-environmental-injustice-uniontown-n40283>.
- McIntosh, P. (1990). White privilege: Unpacking the invisible knapsack. *Independent School, Winter*. <https://www.pcc.edu/resources/illumination/documents/white-privilege-essay-mcintosh.pdf>
- Milman, O. (2018, March 6). Environmental racism case: EPA rejects Alabama town's claim over toxic landfill. Retrieved from <https://www.theguardian.com/us-news/2018/mar/06/environmental-racism-alabama-landfill-civil-rights>.
- Pulido, L. (2015). Geographies of race and ethnicity 1: White supremacy vs white privilege in environmental racism research. *Progress in Human Geography*, 39(6), 809-817.
- Roediger, D. R. (2008). *How race survived US history: from settlement and slavery to the eclipse of post-racialism*. London: Verso.
- Tianna Bruno & Wendy Jepson (2018) Marketisation of environmental justice: U.S. EPA environmental justice showcase communities project in Port Arthur, Texas, *Local Environment*, 23:3, 276-292, DOI: 10.1080/13549839.2017.1415873
- Title VI Laws and Regulations. (2019, October 30). Retrieved from <https://www.epa.gov/ocr/title-vi-laws-and-regulations>.
- Uniontown, AL. (n.d.). Retrieved from <https://datausa.io/profile/geo/uniontown-al>.