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**STATEMENT OF MR. HILARY SHELTON
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BEFORE THE HOUSE ENERGY & COMMERCE COMMITTEE
SUBCOMMITTEE ON ENVIRONMENT & HAZARDOUS MATERIALS
“ENVIRONMENTAL JUSTICE AND THE TOXICS RELEASE INVENTORY
REPORTING PROGRAM: COMMUNITIES HAVE A RIGHT TO KNOW”**

October 4, 2007

Good morning Chairman Wynn and members of the subcommittee. I thank you for the opportunity to testify before you today.

My name is Hilary Shelton, and I am the Director of the Washington Bureau of the National Association for the Advancement of Colored People, the NAACP. The Washington Bureau is the public policy advocacy branch of our Nation's oldest, largest and most widely recognized grassroots civil rights organization. I have been invited here today to discuss environmental justice and communities' right to know.

It is sad but true that today, more than forty years after Dr. King spoke to us in his “I Have a Dream” speech of one Nation in which we all lived together under God, and despite the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1967 we are still a much too segregated society. Centuries of legal segregation and Jim Crow and a continuing America in which the amount of education you receive and the salary you make is determined in large part by the color of your skin have resulted in many Americans still living in communities marked by a concentration of people who look alike.

Even sadder, it is communities of color, neighborhoods with large concentrations of racial and ethnic minority Americans, which bear a disproportionate share of the Nation's air, water and toxic waste pollution problems. And since the places where people live and work have an enormous impact on their health, this disproportionate exposure to pollution leads to more racial and ethnic minority Americans suffering from ill health – both physical and mental.

And perhaps the saddest part of this all is that the government, our American government, has a proven track record of being less responsive to the needs of communities of color when pollution is a problem. As a seminal study on the National Law Journal in 1992 stated, there is a “...racial divide in the way the

United States government cleans up toxic waste sites and punishes polluters. White communities see faster action, better results and stiffer penalties than communities where Blacks, Hispanics and other minorities live.”

There have been several conclusive studies that demonstrate, beyond a shadow of a doubt, that communities of color are disproportionately targeted by polluters. Perhaps the most famous of these studies, by the United Church of Christ, is the 1987 study *Toxic Wastes and Race in the United States*, and the more recent follow-up, *Toxic Wastes and Race at Twenty 1987 – 2007*. Both the 1987 and the 2007 UCC reports found race to be the most significant independent predictor of commercial hazardous waste facility locations when socio-economic and other non-racial factors are taken into account. In fact, as I am sure we will hear from more than one source today, in the 2000 study the UCC study found that neighborhoods within 3 kilometers of commercial hazardous waste facilities are 56% people of color whereas non-host areas are 30% people of color.

So what is the impact and cost on communities of color of these disparities? Perhaps most importantly, it has been effectively argued that disparities in pollution are a leading cause of the health disparities among America’s populations. Many of the principal causes of death in the United States today (cancer, chronic lung disease and diabetes) have significant environmental causes. Furthermore, the environmental effects of non-lethal conditions (including birth defects, asthma, learning disabilities and nervous system disorders) are also well documented.

The NAACP recognizes that one of the major hurdles facing this committee, as well as the federal government, is the fact that many of the zoning laws and regulations which determine who is exposed to hazardous pollution are made at the local level. This however does not, and should not, absolve the federal government from taking action to try to mitigate environmental injustices and help communities help themselves.

The NAACP strongly supports the two bills that are the subject of today’s hearing, H.R. 1103, the *Environmental Justice Act of 2007* and H.R. 1055, the *Toxic Right to Know Protection Act*. If enacted, these bills will provide communities with powerful tools in their struggle against pollutants. By providing communities with details about the quantity and quality of pollutants in their air, water or soil, they can make informed decisions and demands of their elected officials. An informed community is an empowered community, and bills like H.R. 1103 and H.R. 1055 will provide individuals and neighborhoods with much-needed tools in their struggles to safeguard themselves and their families.

H.R. 1055 corrects a January 2007 regulation by the U.S. Environmental Protection Agency (EPA) which would allow up to ten times more pollution to be released by a facility before that facility is required to submit to EPA a detailed report of its emissions. EPA collects such reports in a publicly accessible

database known as the Toxic Release Inventory or "TRI." TRI has proven to be an effective tool for raising public awareness of the amounts and kinds of toxic pollution released by a variety of facilities, and providing support for public advocacy that has reduced toxic pollution levels. Without H.R. 1055, communities that are disproportionately burdened with toxic pollution will not have the vitally important information needed to protect their health and environment.

For example, African Americans living in Mossville, Louisiana have been documented by EPA and a federal government health agency as having elevated levels of dioxin, an extremely toxic chemical that can cause cancer and harm the normal development of the unborn and children. Using TRI reports that were collected by EPA prior to its January 2007 rule change, the residents of Mossville were able to identify the industrial facilities operating near their community that release the same unique dioxin compounds that have been detected in their blood and environment. Without TRI reports, the people of Mossville would not have the ability to find the sources of their dioxin exposures, and call on EPA to take action that protects their health and the health of future generations.

By requiring TRI reports to provide more complete information about toxic pollution, House Bill 1055 supports the right of communities to access reliable information regarding the pollution that affects their health and environment.

H.R. 1103 also takes tremendous strides towards ensuring environmental justice. By codifying executive order 12898, H.R. 1103 will strengthen compliance and enforcement of environmental justice goals at the federal level. This Executive Order reinforced the promise of the Civil Rights Act of 1965, which prohibits discrimination in programs receiving federal funds. In the years since Executive Order 12898 was issued, the EPA and other federal agencies have adopted commitments to environmental justice. Yet numerous studies have concluded that significant action is still needed for EPA to integrate equity concerns into their operations in a way that will end this form of injustice for minority and low-income groups. H.R. 1103 would ensure that Executive Order 12898 is carried out faithfully and without delay.

I would like to close my statement with a few examples of why H.R. 1103 and H.R. 1055 are necessary and the good they can do. For the record, I would like to include in my written testimony an excerpt from this month's *Crisis Magazine*, the Magazine of the NAACP. The cover story of the July / August edition is on Environmental Justice, and within the articles are several good examples of individuals and communities who have fought against polluters and pollution.

Included in these articles is the story of Peggy Shepard, the co-founder of WE ACT, a community group focusing on cleaning up communities of color in New York City. Despite a strong organizational structure which was able to harness public outrage into demonstrations and effective legal strategies, Ms. Shepard

reports that “science, technology and research are also indispensable tools for a community in its struggle to create a safe and sustainable environment. Its lack is a void that contributes to communities of color being excluded from decision-making positions.”

I would also like to thank Congressman Wynn, Congresswoman Solis, Congressman Pallone and the other members of this subcommittee for all of your efforts on this important issue. I would also like to thank Leslie fields of the Sierra Club’s Environmental Justice Department for her assistance in preparing this statement, as well as the input of the group Advocates for Environmental Human Rights.

I will happily take your questions.