

ROHIT LEKHI AND PETER NEWELL

Poor people bear the brunt of environmental dangers – from pesticides to air pollution to toxics to occupational hazards – and their negative effects on human health and safety. At the same time, poor people have the fewest resources to cope with these dangers, legally, medically or politically. (Cole 1992: 620)

Work on environmental racism in the United States (US) shows that communities of colour are often targeted by firms engaged in the production of hazardous materials such as chemicals and toxics, because they anticipate a more compliant workforce that can be paid lower wages and where they expect political resistance to be less forthcoming. If these are the ‘drivers’ of environmental racism, its consequences include much higher levels of exposure to toxics and subsequently increased rates of illnesses related to exposure to these hazards among minority communities. Taking just one statistic to illustrate the point, the famous 1987 study by the United Church of Christ (UCC) Commission for Racial Justice found that three out of every five African and Hispanic-Americans live in communities with uncontrolled toxic waste sites (Commission for Racial Justice 1987).

Given the limitations of voluntary patterns of business-based self-regulation and state interventions to protect the rights of poorer communities – either excluded from mechanisms of corporate responsibility, or more often than not the victims of acts of corporate irresponsibility – there is growing interest in the role of community-based strategies for corporate accountability (Garvey and Newell 2005). Though it is often assumed that it is communities in the South that are more heavily reliant on strategies of self-help, in a prevailing context of a ‘weak’ state and a private sector not yet subject to the pressures and disciplines of corporate

social responsibility (CSR), we suggest in this chapter that important insights can be gained from the community-based struggles around environmental racism, principally in the US, which manifest many of the basic conditions confronting poorer communities the world over. Our aim is to review and consolidate insights emerging from these struggles in order to explore parallels with other campaigns for corporate accountability explored in this book (see chapters 8 and 10).

The purpose of this chapter is not to document the evidence of the poor being exposed to disproportionate levels of environmental degradation or to engage with debates that seek to establish whether the principal drivers of such patterns are race, class or some other hierarchy of social exclusion. Our enquiry is focused instead on the question of strategy: how poorer groups mobilise to defend their interests, to articulate rights claims and to secure a degree of accountability from the powerful economic actors that are located 'where we live, work and play', to borrow a phrase from the environmental justice movement.

Amid the many state-based, company-based and community-based factors that impinge upon the effectiveness of community-based strategies for corporate accountability, our enquiry centres on the potential and limitations of legally based strategies for corporate accountability. This reflects the fact that the strategic orientation the environmental justice (EJ) movement has been shaped, in large part, by the experiences of the civil rights movement. As a result, many of the strategies employed by EJ activists during the past three decades have sought to use and extend pre-existing frameworks oriented to addressing racial injustice. As a result, the EJ movement in the US has placed a great deal of strategic emphasis on the use of law as a primary mechanism for defending the interests and articulating the rights of poorer communities of colour.

This is not to suggest that the law is the only or even the best means of realising the rights of those communities, but rather that the orientation of the EJ movement has been shaped by the historic importance of the legal arena as the major location of challenges to racial discrimination in the US. Indeed, this emphasis on the law has generated numerous tensions within the EJ movement. As we note below, there are many within the EJ movement who argue that the limits of what can be realised through legal challenge necessarily requires an alternative strategic orientation towards grassroots mobilisation and the direct empowerment of local communities. Our aim in what follows is not to dispute that this may be the case. Instead, in seeking to analyse the use (and equally importantly, the limits) of law as a strategic tool, we hope to shed light on

those alternative strategies that may be more appropriately employed when those limits are reached.

In pursuing this aim, we hope to identify parallels, lessons and insights that may resonate with struggles defined in opposition to similar patterns of injustice elsewhere. Lessons generated from the experiences of the environmental justice movement in the US cannot be unproblematically imported into other settings. Even work from outside the US, from South Africa for example, suggests the importance of studying the interface between race and environment in particular settings (Ruiters 2002). Nevertheless, the patterns of exclusion and inequality which define struggles for environmental justice in the US resonate strongly with the experience of poorer groups the world over, even if the contours of injustice and the forms of accountability politics express different histories, cultures and politics.

The first part of the chapter explores the historical, political and conceptual contexts that have shaped the development of the environmental justice movement in the US in order to better understand the origin and evolution of particular rights-based claims and their relation to broader accountability struggles. In the second part, we construct a framework for understanding the factors that facilitate or inhibit the success of community-based organising for corporate accountability, based on the experience of the environmental justice movement. In the concluding part of the chapter, we discuss how accountability struggles in the US share similarities with, and offer insights for, poorer groups engaged in similar struggles in other parts of the world.

## The origins and development of the US environmental justice movement

### *Defining environmental racism*

For many, the origins of the environmental justice movement in the US can be traced back to the protests that took place in 1982 against the decision to build a toxic waste landfill for PCB-contaminated dirt in Warren County, North Carolina, which is a largely African American and extremely poor area of the state. In the course of these protests, involving the arrest of both local people and high-profile civil rights activists, the relationship between race and environmental impact was given national prominence for the first time. ‘While the protests did not succeed in keeping the landfill out of Warren county, an interracial movement was forged, linked to the larger civil rights and poverty