Justice in Chester

"We don't have the complexion for protection."

Chester protest sign

Chester's Rise and Fall

In 1950, the city of Chester bustled with 66,000 residents working at steel mills, shipyards, aircraft engine factories and textile mills. It was proudly known as the oldest city in Pennsylvania, founded in 1640 and the site where William Penn first stepped foot in Pennsylvania in 1682. Chester's location along the Delaware River and its steady supply of newly-arrived immigrant labor made it an ideal place to make and ship goods.



Market Street looking south, Chester, c. 1930.

Just 50 years later, the population halved and all but two major companies closed or moved south. With the loss of employment, everyone who could afford to left, mostly white residents. Today, Chester is 82 percent black or Latino, with 36 percent living below the poverty level (2017 census data).



Downtown Chester, 2014

New industries moved in, including one of the largest waste incinerators in the country, a waste water treatment plant, two major chemical manufacturers and a paper factory. Chester now processes all the sewage and trash for Delaware County and incinerates all of Philadelphia's trash, plus large portions of the waste from New Jersey and New York. There is little buffer between industry and residential neighborhoods in Chester. The city's narrow five square miles is wedged

between the Delaware River and Interstate 95. Rail and transmission lines and flight paths also intersect the city.

According to data from the Southeastern Pennsylvania Household Health Survey, compared to the rest of Pennsylvania, Chester today has a 24 percent higher rate of lung cancer, a 64 percent higher rate of ovarian cancer and more than triple the rate of asthma.

Start of a Movement

When Westinghouse requested a permit in 1988 to build the new trash-to-steam plant, they told residents that the plant would lead to jobs that would create money, something Chester desperately needed. The plant opened in 1992 and brought with it hundreds of trucks a day that cracked home foundations, scattered trash and debris and poured thick black smoke into the air. Residents complained, but industry and government officials assured them that the facility met all federal and state regulations and that it was safe. They denied that it posed any risk to the community.

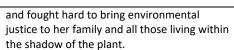
Residents felt they were being ignored and talked down to, and it motivated them to act. A local minister, Dr. Reverend Horace Strand



came up with the idea of organizing a new group call Chester Residents Concerned for Quality Living - CRCQL (pronounced circle.)

Chester resident Zulene Mayfield became the driving force behind CRCQL. She lived





On a cold day in December 1992, CRCQL held its first protest against the trucks carrying waste to the Westinghouse

incinerator. The protest was effective, and Westinghouse agreed to relocate the plant entrance to reduce truck traffic.

CRCQL then shifted its focus to the larger issue – the fact that their community was being targeted for



waste plants. Poor communities often don't have the resources to fight back and demand the safest possible standards for the health of their community; they're the path of least resistance. Between 1986 and 1996, the Pennsylvania Department of Environmental Protection (DEP) issued seven permits for commercial waste facilities in Delaware County – five fell within the 4.8-square-mile city of Chester.

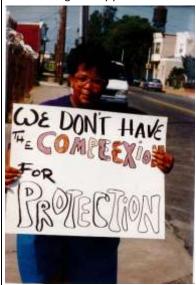
Over the next several years, CRCQL fought and won several battles:

- Convinced Pennsylvania's Commonwealth Court to revoke the permit of an infectious medical waste incinerator that operated next door to the incinerator, arguing that the permit was issued illegally.
- Filed a lawsuit accusing DEP of discrimination in issuing a permit to Soil Remediation Services (SRS). The suit alleged that DEP's permitting process violated Title VI of the Civil Rights Act of 1964 since it disproportionately impacted the predominately African-American residents of Chester. It was the first major case nationally to use the Civil Rights Act for environmental racism issues. By the time the case wound its way through the courts, SRS withdrew their permit application since their process of cleaning contaminated soil would have released more pollutants into the atmosphere.
- In 1997, CRCQL settled an environmental lawsuit with Delcora sewage treatment plant for \$320,000 for violations of the



Clean Air Act.

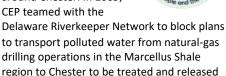
One person is often the driving force behind an organized group of people, and when that person leaves, if no one steps forward, the organization loses steam. Zulene Mayfield moved away from Chester in 2001, and CRCQL gradually petered out.



In 2005, Rev. Strand formed a new group, the Chester Environmental Partnership (CEP) as a watchdog group to work with the federal

Environmental Protection Agency, DEP, and other organizations that advocate for healthy living conditions in and around Chester. In 2009, CEP teamed with the

into the Delaware.



In 2008, a separate advocacy group formed, one more similar to CRCQL – the Delco Alliance for Environmental Justice, part of the national Energy Justice Network and later renamed Chester Environmental Justice (CEJ). CEJ believes that it's a mistake to collaborate with polluters, that the end goal should be to reduce waste to the point of eliminating incinerators so that no one needs to live downwind of a trash-burning facility.



Environmental Justice

The environmental justice movement has been championed primarily by people of color – African-Americans, Latinos, Asians and Pacific Islanders, and Native Americans – since communities of color, which are often also low-income, have been routinely targeted to host facilities with serious negative environmental impacts. People who are poor don't have access to the kinds of resources that people with more money have. Those who can afford to, live in places far away from oil wells, factories and toxic waste dumps.

Although some environmental justice protests took place as early as the 1960s, the first to bring national attention was in 1982, when North Carolina announced a plan to move soil contaminated with PCBs from the state's roadsides to a landfill located in an area with a majority black population. The decision triggered a wave of protests, one of which resulted in the arrest of U.S. Congressman Walter Fauntroy and dozens of other activists who tried to block the PCBladen trucks at the entrance to the landfill. Environmental advocates ultimately lost the battle, but the controversy crystallized the idea that the nation's environmental problems disproportionately burden its lowincome people of color.

At the request of Congressman Fauntroy, the General Accounting Office in 1983 confirmed that hazardous waste sites in three southeastern states were disproportionately located near black communities. Four years later, the United Church of Christ produced a landmark report

showing that three out of five Latino and black Americans lived near a toxic waste site.

For more details on key national events in the environmental justice movement, see the timeline on EPA's website:

<u>epa.gov/environmentaljustice/environmentaljustice-timeline</u>

The environmental justice movement in Pennsylvania started in Chester with Rev. Strand, Zulene Mayfield and CRCQL.

At the time the Chester protests started, DEP regulations only required that they look at each permit as a stand-alone entity. They lacked the regulatory ability to look at the total impact of clustering multiple facilities in the same area and consider the social and nuisance issues in a community.

DEP has now mapped all Pennsylvania communities to identify environmental justice (EJ) areas that require extra scrutiny during permit applications. An EJ area is any census tract where 20 percent or more individuals live in poverty, and/or 30 percent or more of the population is minority. Applications for certain industries in EJ areas — like landfills or coal mines — are on a 'trigger permit list' and now get more scrutiny.

The environmental justice movement at both the national and state levels brought attention to the fact that environmental problems disproportionately affect lowincome and minority communities and that these places require special attention.

Braddock – Another Pennsylvania Environmental Justice Community



88.2% of residents have left Braddook since 1940

6,700 air permit violations by the Clariton Coke Works between 2012 and 2015. 30.3% of current residents live below the poverty line.

90% of residents are at risk of exposure to fine particulate matter in the air. 73% of homes are at risk for lead paint.

35% of children who live near the Braddock and Clariton steel mills have asifma. The steel town of Braddock, just southeast of Pittsburgh, has one of the highest cancer rates in the country. And between 2008 and 2012, while white infants nationwide had an average infant mortality rate of 4.75 deaths for every 1,000 live births, the rate for black infants in Braddock was 13.73. One suspected cause is the steel mill which has been active since it opened in 1872. The mill is a major reason why Braddock has some of the most polluted air in the U.S. and possibly explains the area's high rates of sickness. According to the World Health Organization, air pollution contributes to the leading cause of infant mortality, as well as to low birth weight and premature births. In Allegheny County, there is a

huge disparity between black babies that have died due to below-normal weights and short gestation periods and white babies that have died under similar circumstances.

Source: Montgomery, David. 2018. "The Cumulative Toxic Assault on Braddock, Pennsylvania." CityLab. CityLab. August 2018.

rce: Montgomery, David. 2018. "The Cumulative Toxic Assault on Braddock, Pennsylvania." CityLab. CityLab. Augu lab.com/environment/2018/08/environmentalists-by-necessity/566480/.



Justice in Chester FAST FACTS



1644 Founded by Swedish settlers and named *Chester* by William Penn in 1683, making it the first named city in Pennsylvania.

1950 Chester's population peaks at 66,000, a prosperous, wealthy manufacturing community with machinery, metal, locomotive, shipbuilding, and textile industries.

Mid-1960s Post-war economy leads to many industries moving out of Chester and population declining.

1992 Chester Residents Concerned for Quality Living (CRCQL) holds its first protest In December against trucks carrying waste to the Westinghouse incinerator. Westinghouse agrees to relocate the truck entrance.

1992 Westinghouse opens a trash to steam plant in Chester that brings trucks from Delaware, New Jersey, New York, Ohio and Pennsylvania. Hundreds of daily trucks crack home foundations and increase noise, and thick black smoke pollutes the air.

1994 President Bill Clinton issues executive order to focus on environmental and human health effects of federal actions on minority and low-income populations, with the goal of achieving environmental protection for all communities. Chester is chosen for a six-month health risk study.

1993 Thermal Pure opens a medical waste facility opposite Zulene Mayfield's home. CRCQL files lawsuit claiming the permit was granted illegally, which forces Thermal Pure's closure in 1995.

1996 The PA Department of Environmental Protection has now issued five permits since 1986 for commercial waste facilities in Chester, a town of only 4.8 square miles.

2015 DEP creates the Office of Environmental Justice to help ensure the fair treatment of all people with environmental policies, regulation, and laws.

2008 Believing that polluters can't be negotiated with, a second group, Chester Environmental Justice (CEJ) forms. CEJ and CEP disagree how to move forward.

1996 CRCQL files a lawsuit claiming that DEP's permitting process violates the Civil Rights Act of 1964 since it disproportionately impacts African-Americans – the first case in the country to use the Civil Rights Act for environmental racism issues.

2018 The collapse of the recycling market in China pushes recyclables to the Chester incinerator, which starts burning 200 tons of recyclables a day in a plant not designed to burn a large quantity of plastics.

2005 Rev. Strand forms Chester Environmental Partnership (CEP) to encourage government,

industry, academia and advocates

to work together.

1999 DEP creates a statewide environmental justice group.

1998 DEP denies a permit to a

demolition waste transfer station.

2019 Nearly four in 10 children in Chester have asthma, while the rate of ovarian cancer is 64% higher than the rest of Pennsylvania and lung cancer rates are 24% higher.

2001 With many successes under her belt, Zulene Mayfield moves out of Chester and CRCQL gradually peters out.

2000 Chester's population has dropped to under 37,000 with all but two major companies closing or moving south. Many who are able (mostly white, wealthier residents) move to the suburbs.



Justice in Chester

GUIDING QUESTIONS



These questions and answers are designed to aid discussion of three of the main ideas presented in the film, *Justice in Chester*.

- Environmental justice is an important human rights issue.
- Individuals can make a difference.
- Environmental laws and policies require constant attention as new issues arise.

Open ended questions to begin discussion:

What was the most surprising thing you learned from the video?

How does your community compare to that of Chester?

What similarities and what differences do you draw between Zulene Mayfield and yourself?

Environmental Justice

(3 questions)

What does environmental justice mean?

Simply put, environmental justice is giving everyone equal access to clean air and water regardless of their race or how much money they have.

Environmental justice embodies the principles that communities and populations should not be disproportionally exposed to adverse environmental impacts. Historically, minority and low-income Pennsylvanians have been forced to bear a disproportionate share of adverse environmental impacts. It is our duty to ensure that all Pennsylvanians, especially those that have typically been disenfranchised, are meaningfully involved in the decisions that affect their environment and that all communities are not unjustly and/or disproportionally burdened with adverse environmental impacts. Simply put, environmental justice ensures that everyone has an equal seat at the table.

PA Department of Environmental Protection

It will be achieved when everyone enjoys the same degree of protection from health and environmental hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Why is environmental justice important?

Pennsylvania's constitution promises:
"The people have a right to clean air, pure
water, and to the preservation of the natural,
scenic, historic and esthetic values of the
environment

 --Constitution of the Commonwealth of Pennsylvania, Article I, Section 27

Pennsylvania is one of only three states, including Montana and Rhode Island, with an environmental bill of rights that equals our political bill of rights.

Communities of color, which are often also low-income, are routinely targeted to host facilities that have negative environmental impacts, like landfills, incinerators and industrial plants.

Do you live in an environmental justice area?

Nearly one-third of Pennsylvanians live in environmental justice (EJ) areas. These areas are defined as a census block group with a 30 percent or greater minority population OR 20 percent or greater population at or below the poverty level. You can find your location on a map and see if you live in an EJ area: pade-1.maps.arcgis.com/apps/webappviewer/inde-x.html?id=f31a188de122467691cae93c33394

Some tips for using the maps:

- You can enter your address into the search block or just zoom in and out on the map
- Light pink indicates an EJA census block; dark pink is the half mile buffer around each EJA block
- Click on the block to see if it is designated and EJA because of poverty and/or minority status
- Click on individual facilities within the block to see what industries are included. Residents in EJAs receive enhanced public participation opportunities during DEP's permitting process with certain major permit applications, in addition to the normal course of public involvement. EJ communities have the opportunity of an informational public meeting, a summary of the proposed application, increased outreach and access to information on permit applications, and the involvement of a regional coordinator to facilitate communication between the industry, DEP, and the community.

Individuals Make a Difference

(2 questions)

What did Chester residents do to bring attention to the problems?

People started working together to figure out how they could bring attention to the what was happening in Chester. They came up with great ideas. They blocked trucks from entering the Westinghouse plant. They enlisted the help of lawyers who came up with novel ways to force changes. They gathered in front of the county government building with signs that said, "We Deserve Clean Air" and "Save Chester, Stop the Incinerator." They marched from the county seat back to Chester, and they brought giant inflatable rats to City Council meetings. Chester become a national example of how a community can come together to defend itself against polluters.

How can you make a difference in your world?

I don't think I was an agitator. I think I was a person who has a right to stand up for themselves. This was a very personal fight for me.

Zulene Mayfield

Use Zulene Mayfield's story to inspire your own life. Get involved in issues in your community about which you feel passionate. Here are some ideas:

Find out what's happening with environmental justice in your area: Search hashtags #environmental justice or #ej4ma. Write a story, host a twitter conference, or produce a video.

Share what you learn with your family and community. Make it relatable to what people care about.

Host a volunteer project: Work with the Pennsylvania Parks and Forests Foundation to host a volunteer project in partnership with a friends group or in a state park or forest. paparksandforests.org

Read more about Pennsylvania's conservation heroes on the Conservation Heritage website, paconservationheritage.org. Write an essay for a local person who has made a difference and submit to the website.



Current Environmental Justice Issues

(2 questions)

What are some of the current issues affecting environmental justice communities today?

Climate change

Although debate continues about how to manage our changing climate, scientists overwhelmingly agree that our climate is changing, with consequences for the earth and people. Global air temperatures near earth's surface rose almost 1.5 degrees Fahrenheit in the last century. Eleven of the last 12 years have been the warmest on record, and earth has warmed twice as fast in the last 50 years as in the 50 years before that. As the temperature rises, the amount of carbon dioxide, or CO², in the air rises. And as CO² goes up, the temperature goes up even more. CO² is a greenhouse gas. It traps heat from earth's surface and holds the heat in the atmosphere. Temperature and CO² levels in the air are closely tied. Since 1950, CO² levels have increased at an alarming rate, primarily due to our use of fossil fuels.

We're already seeing effects: melting polar ice caps, more extreme storms, rising sea levels. Some of our infrastructure faces threats, like the extra burden on the energy grid from high temperatures. Climate change also threatens agriculture and food security.

Many of the communities most vulnerable to climate change are those facing increased flooding from rising sea levels. South Florida, coastal Louisiana and even Manhattan are just some areas that are being threatened, and many of these places include mostly poor and/or minority communities.



Higher than normal tides have been flooding low income communities in Miami. Areas that weren't flooding 30 years ago now flood at least six times a year. The Union of Concerned Scientists projects that by 2045, these high tide floods will be happening 380 times per year. Middle- and low-income households tend to be less resilient to shocks such as flooding — it's these communities that feel the consequences of climate change

and sea-level rise most severely.

Compared to other states, Pennsylvania has only small areas of tidal coastline affected by rising sea levels, but you can check to see which areas are most vulnerable; many are EJ communities:

statesatrisk.org/pennsylvania/coastalflooding. And check out these comparison photos showing how much of Philadelphia could be flooded by 2100:

philly.curbed.com/2018/1/10/16873494/phil adelphia-flooding-climate-change-2100photos

Collapse of recycling markets
In 2018, the recycling market crashed in the
United States. China, the country that had
been taking most of our recycled waste,
tightened down on the percent of
contamination it would accept, and
recyclables from the U.S. no longer met the
standard. Since January 2018, China stopped
accepting two dozen different recycling
materials, such as plastic and mixed paper,
unless they meet strict contamination
guidelines. The imported recycling must be
clean and unmixed – a standard very difficult
for most U.S. cities to meet.

With no market for our recycled waste, haulers have had no option but to landfill or burn everything they've collected from our recycling bins. One result was that the Covanta incinerator in Chester, never built to



burn large quantities of plastics, started burning about 200 tons of recycling material a day, starting in October 2018 until May 2019. This was about half of Philadelphia's recycling. Covanta maintained that burning the recyclables didn't impact their ability to comply with strict air permits. Since May 2019, the city found other options to avoid incinerating their recyclables, but many other cities have not been able to come up with sustainable solutions.

The long-term answer to the recycling problem lies in reducing our waste. Measures like banning plastic bags and straws are gaining traction. Several organizations are working toward that goal, such as the

student-lead Post-Landfill Action Network - postlandfill.org/.

What can you do to help with some of these current issues?

Making a difference can be as small as refusing plastic straws or a larger effort such as composting your food waste instead of sending it to the landfill or incinerator.



Watch this video and list some of the issues raised by Rep. Ocasio-Cortez that are environmental justice issues. Start noticing which politicians talk about environmental justice issues. youtu.be/m5M8vvEhCFI

Plant trees. As trees grow, they help stop climate change by removing carbon dioxide from the air, storing carbon in the trees and soil, and releasing oxygen into the atmosphere. A Swiss study released in 2019 showed that planting a trillion trees globally could be the most effective way to fight global warming.

Reduce your waste, particularly your plastic waste: Take reusable bags with you everywhere you shop. Carry a refillable water bottle. Buy products with the least amount of packaging. Use beeswax wrap instead of plastic film to wrap food.

Look for ways you can help: Look for solutions you can be a part of at home and school.

Read case studies to understand more complex solutions.

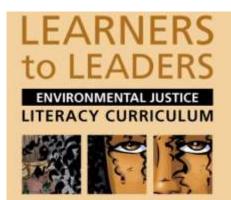
Share your projects and ideas! #JusticeinChester #PAConservationHeroes



Justice in Chester ACTIVITIES



Environmental Justice



groundworkusa.org/ej-literacy-curriculum

The curriculum was invented by youth and community leaders who do environmental justice work. It utilizes a variety of visual media, interactive and physical activities, readings, and auditory information and is adaptable to learners of all ages, from middle or high school students to adults.



nea.org/tools/72106.htm

A compilation of lesson plans from different sources that includes lesson plans from Duke University's environmental justice workshops (K-12) and Analyzing Environmental Justice from Teaching Tolerance (6-12).



Environmental Justice Toolkit

Service-learning project ideas related to environmental justice.

<u>learningtogive.org/resources/environmental-</u> justice-toolkit

Individuals Make a Difference



palandchoices.org

Ready, Set... Action!

This lesson focuses on the power and responsibility of each individual to become involved in improving his or her community through community action and leadership in conservation. (bit.ly/1RYIlun)

Suggested Activities



Participate in Students for Zero Waste Week: Students invite their local communities to "Go Green and Think Blue" by joining them in the annual Students for Zero Waste Week campaign.

Compost at home and school. Learn how to compost your food and yard waste and help your flowers grow!

epa.gov/recycle/composting-home

Grow your own food! Transform a schoolyard space into a garden.

actionforhealthykids.org/activity/schoolgarden/

Visit your local recycling facility. See how your recyclables are processed and learn what issues the recycler is facing.

Volunteer with friends and family. Work with the <u>Pennsylvania Parks and Forests</u> <u>Foundation</u> to host a volunteer project in partnership with a friends group or in a state park or forest, paparksandforests.org

Current Environmental Justice Issues



National Oceanic and Atmospheric Administration | Climate.gov

climate.gov/teaching

Scientifically and pedagogically reviewed resources for teaching about climate's influence on you and society and your influence on climate.



climatekids.nasa.gov/

Excellent resource for elementary age, with simple overviews and suggested activities.



kidsciencechallenge.com/year-four/zw.php Information and activities for students to design a package that never ends up in a landfill.



pbslearningmedia.org/collection/engineeringfor-good

Three-week, project-based unit for middle school science classrooms focused on developing solutions for negative impacts of plastics on the environment.



These sites require that you attend training to obtain their lesson plan materials:



<u>Project Wild</u> offers hands-on K-12 activities designed to support state and national academic standards. <u>projectwild.org</u>

²⁰¹⁸ Indicates new activities added to the 2018 edition and not found in earlier editions.

Key activities for Environmental Justice:

Key activities for *Individuals Make a Difference*:

 <u>Habitat Heroes</u> ²⁰¹⁸ Design a project to improve wildlife habitat in their community or on school grounds.

Key activities for Current Issues:

Check the <u>DCNR Calendar of Events</u> (<u>bit.ly/21eBRE9</u>) for upcoming teacher workshops.



<u>Project WET</u> gives K-12 educators tools to integrate water education into every school subject, with field-tested activities and assessment strategies. <u>projectwet.org</u>

Key activities for *Environmental Justice*:

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Key activities for Current Issues:

Contact the <u>Project WET Coordinator</u> (<u>bit.ly/1PN1s5X</u>) for workshop information, or check the <u>DCNR Calendar of Events</u> (<u>bit.ly/21eBRE9</u> for upcoming teacher workshops.



<u>PLT Environmental Education Activity Guide</u> (bit.ly/29Ereli)

Key activities for *Environmental Justice*:

Key activities for *Individuals Make a Difference*:

Key activities for *Current Issues*:

Contact the <u>PLT Coordinator</u> (<u>bit.ly/1QyM4Ui</u>) at the PA Bureau of Forestry for workshop information, or check the <u>DCNR Calendar of Events</u> (<u>bit.ly/21eBRE9</u>) for upcoming teacher workshops.



Pennsylvania Supplement to Windows on the Wild (PA WOW) is an educator's guide to exploring Pennsylvania's biodiversity.

Key activities for Environmental Justice:

Key activities for *Individuals Make a Difference*:

Key activities for Current Issues:

• Future Worlds Students explore local, state and world-wide issues and decide which issue they think is the most important to address first.



<u>Project Wild Aquatic</u> uses the simple, successful format of Project WILD activities and professional training workshops but with an emphasis on aquatic wildlife and aquatic ecology. <u>projectwild.org/aquatic/</u>

Key activities for *Environmental Justice*:

Key activities for *Individuals Make a Difference*:

 Living Research: Aquatic Heroes and Heroines – Grades 7-12. Students research and interview local people who have made a difference in their community.

Key activities for *Current Issues*:

Contact the <u>Aquatic Wild Coordinator</u> (<u>bit.ly/1TbKSlk</u>) at the PA Fish and Boat Commission for workshop information, or check the <u>PFBC Calendar of Events</u> (<u>bit.ly/1XV5A2X</u>) for upcoming teacher workshops.



Justice in Chester LINKS

Links

Chester Environmental Justice, ejnet.org/chester

Chester Environmental Partnership, cepchester.org

Post-Landfill Action Network postlandfill.org/

PA Department of Environmental Protection – Office of Environmental Justice dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice

PA Department of Health – Environmental Public Health Tracking health.pa.gov/topics/envirohealth

NAACP Environmental & Climate Justice Program <u>naacp.org/issues/environmental-justice-2/</u>

Arbor Day Foundation arborday.org/trees/climatechange/

Pennsylvania Conservation Heritage Project paconservationheritage.org

Pennsylvania Parks and Forests Foundation paparksandforests.org

WITF witf.org

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AP NEWS. (2019). Best way to fight climate change? Plant a trillion trees. [online] apnews.com/8ac33686b64a4fbc991997a7268 3b1c5.

Video



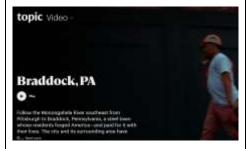
Justice in Chester pbs.org/video/justice-in-chester-ajz2de/

If you liked this video, others are available at Pennsylvania Conservation Heritage Project paconservationheritage.org

Additional Videos



"Chester Environmental Justice." YouTube, 8 Feb. 2008, youtu.be/5Opr-uzet7Q.



Topic Video: Bradford, PA topic.com/braddock-pa

Educator Guide | Pennsylvania Conservation Heritage Project

