Environmental justice theorizes that minority and impoverished communities suffer disproportionately from pollution. Numerous academic studies have come to conflicting conclusions about the theory.

Meanwhile, attempts by EPA to investigate environmental justice complaints have languished while agency officials struggle with how to conduct the investigations.

The environmental justice issue came to a head in Louisiana in 1998 over Shintech Inc.'s plans to build a $700 million polylvinyl chloride plastics production complex in St. James Parish.

EPA chose the Shintech complaint as its national test case, but the agency has yet to determine whether state officials violated civil rights law by issuing permits to Shintech.

If found guilty, the state Department of Environmental Quality could lose its federal funding.

Shintech's permits were put on hold during the investigation; however, in the midst of the delay last year, Shintech decided to build a smaller plant on the border between Iberville and West Baton Rouge parishes.

Meanwhile, Congress cut off funding to EPA for any new environmental justice investigations until the agency adopts a document called a final guidance, a document outlining, basically, the nuts and bolts of how to investigate the complaints.

EPA was to have adopted the final guidance last year, but officials were sidetracked by objections from state officials, business groups and environmental activists.

Ann Goode, who heads EPA's Office of Civil Rights, said recently that the agency is still working on the document.

EPA is sitting on 25 complaints under review for possible investigation. It agreed to investigate 19 complaints.

EPA has never upheld an environmental justice complaint. It dismissed four complaints after investigating them and refused
to investigate 42 other complaints. In the current hull, the Louisiana civil rights advisory committee is planning a follow-up to its own 1993 environmental justice report.

That 144-page document, adopted by a 6-1 vote, urged EPA to use civil rights law to enforce environmental justice complaints.

In 1999, another report — issued by Gov. Mike Foster's 14-member Mississippi River Corridor Task Force — discussed ways of protecting communities from pollution while not discouraging economic development.

The governor's task force recommended protecting whistle-blowers who report breaches of environmental laws, requiring more comprehensive environmental impact studies, providing more job training to residents living near polluting projects and adopting stronger zoning laws.

The Louisiana civil rights advisory committee is planning a similar review, but addressing it from a national perspective and in one forum, said Bob Ford, one of the 11 state advisory committee members.

Civil rights committee members will meet from 1 to 6 p.m. Tuesday at the Four Points Hotel, 333 Poydras, New Orleans, to plan the logistics of the forum.

“What we hope to do is in real time, in a dynamic process, make a critical review of the issue,” he said Friday.

“There are others working in this arena who have not had a chance to have a voice in a broad arena,” said Ford, a chemistry professor at Southern University who is one of the founders of its Center for Environmental Studies.

The eight-member Commission on Civil Rights is an independent, bipartisan federal agency. The president appoints four of its members and Congress appoints the other four.

The commission, which issues public reports on civil rights issues, has advisory committees for each state and the District of Columbia.

State committee members are nominated for two-year terms by the commissioners or by the regional directors.


Baker is the LSU law professor who cast the lone no-vote against the 1993 report. Wright directs the Deep South Center for Environmental Justice at Xavier University in New Orleans.

For more information on Tuesday’s meeting, contact Farella Robinson, civil rights officer, at the commission’s central regional office in Kansas City, Kan., at (913) 551-1405 (TDD 913-551-1414).