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Panel I: Learning from Title VI

Looking Back, Moving Forward

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### Transcript

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Zulene Mayfield, Louis Morse, Sheila Foster, Michael Churchill, Gilbert Carrasco, and Mike Ewall

WEBVTT

Giovanna Di Chiro: So hello to everybody and welcome and I'd like to thank you for joining us today and spending part of your Earth Day with us, focusing on environmental justice. My name is Giovanni kiro and I'm professor of environmental studies and coordinator of the program on environmental justice and climate resilience here at Swarthmore college. Along with my two wonderful co organizers of this webinar Mrs. Elaine Mayfield and Dr Chris melee who will introduce themselves in just a moment. I'm delighted to welcome you to this one and a half day webinar titled looking back moving forward law policy and environmental justice.

So, to start off today's events I'd like to invite Oswaldo Morales SOLORZANO who is Swarthmore college is sustainability and engaged scholarship fellow to offer a land acknowledgement as well done.

Oswaldo M.S.: Thank you Joanna.

This webinar though virtual is being hosted in the Navajo King the ancestral home of the bay. Which land stretch classical which stretches across lands now called New York Pennsylvania Delaware in New Jersey, among others. We acknowledge and honor their and during relationship to this land and commit to serving as responsible stewards of a guided by knowledge and culture as we embark upon this journey thinking about environmental justice. Which is intrinsically linked to land and to place.

We invite you to think about the land, the you are on wherever you may be and join us to build a more inclusive and equitable learning space for present and future generations.

Giovanna Di Chiro: Thank you very much, as well to for that beautiful land acknowledgement. I would also like to acknowledge and extend our gratitude to our co-sponsors.

Giovanna Di Chiro: who have generously supported this webinar the Lang Center for civic and social responsibility. The environmental studies program and the office of sustainability at Swarthmore College and the Baldy Center for law and social policy and the digital scholarship studio and network at university at buffalo. We are also deeply grateful to the College staff and the students who helped to design and construct our website and who have helped to make this webinar run smoothly. So I want to give you just a very brief overview of the plan for the next two days.

In this morning's first panel, looking back learning from Title six our panelists will take a deep dive into thinking about and critically assessing the goals and the outcomes. Of the landmark 1996 environmental justice lawsuit circle versus safe. Then, after a lunch break, we will reconvene at 2pm Eastern time for the second panel what's happening today reshaping environmental justice law and social policy.

On this panel our speakers will describe current environmental justice efforts that they are organizing in Chester and elsewhere. With the focus on how they are using new dimensions of law and policy to advance their organization's goals and the goals of the environmental justice movement

more broadly. And finally, for the third panel which will start tomorrow Saturday April 23 at 10am Eastern time our panelists will help us to think about moving forward. And they'll be sharing with us some of their thoughts on what they see as the next steps and future visions for advancing environmental justice and for building adjust transition locally and beyond. Giovanna Di Chiro: You can find more details about each of these three panels and the bios of our panelists and additional resources, about the topics that will be discussing.

You can find this on the conference website that's linked in the chat, so I hope that you will join us over the next two days for all three of these exciting panels. So I'd like to turn the floor over to miss Julian Mayfield chairperson of Chester residents concerned for quality living and co-organizer of this webinar to welcome you and say and say hello to lean.

Zulene Mayfield: Good morning, everybody, I see a lot of friends in the. As attendees I'm glad that you all are here. Oh God just gave me you gotta let me know what you're doing a spa. We've just technology but welcome to everybody on us, we made your chair of just residents and Tom for quality living. Our Organization has been in existence since 1992. I hope that we learn a lot and forge new roads as we move forward and seeking environmental justice for communities like Chester Chester PA. After you did.

Giovanna Di Chiro: So we knew, say, but you can share that screen so Julian can just invite people to the march on Saturday.

Zulene Mayfield: And now. Tomorrow, we celebrate environmental justice day. We are having our second annual March, it will begin at Chester City Hall at one East worth street and Chester PA we've marched down to the move into incinerator. We will have speakers we're inviting everybody to come if you're part of a larger organization, please bring your banners just signs, we have a lot of signs already made. But it'd be upsides unique to your organization, please join us, we will was similar 1230 and a march will start at one, and that is tomorrow April to 23rd hope to see you there.

Giovanna Di Chiro: Great Thank you Susan. So now I'd like to send it over to Dr Chris melee.

Christopher Mele: hi everyone, my name is Chris Bailey and i'm a professor of sociology at the University of buffalo this year, I am in any age melon fellow. For digital publication, which means i'm basically working on a project or number of projects and initiatives in Chester city to facilitate folks sharing their ideas their knowledge locally constructed in digital ways and this conference being one of them. So I would like to again welcome everyone today and I look forward to great conversation we're going to begin panel one soon, but at first I want to. Turn it over to Nusseibeh to ask her to talk a little bit about the logistics of the panel for attendees as well as the panelists.

Nusaybah (she/her): Thank you, Chris and my name is penny saver and the silicon infinite engagement, though it's worth morning excited to hear.

Nusaybah (she/her): Both our panelists but also from our audience So if you have any questions throughout the panel, please feel free to drop them down in the Q amp a. tab down at the bottom and hopefully at the end when we have time we'll answer your questions, otherwise if we're unable to answer your question during the. Conference itself will be populating to those questions on to the Forum, which will add into the chat and a little bit. So you can see the answers to those questions we're also recording this conference, so that you can view it later afterwards, as well as to share it with friends who couldn't join us in a lifetime Thank you so I'll pass it back to you.

Christopher Mele: Great okay so. without further delay, I would like to start with the panel one looking back and first i'd like to just briefly. go through the panelists and who their affiliate their affiliations, and then I will talk a little bit about circle versus safe and then we will move to the panel and having discussions about the the case itself and, more importantly, the situation surrounding it, so our panelists today. Are Mr. Lee may feel the chairperson from circle, who we met two seconds ago Mr. Lewis Morse a Chester resident and board member of circle.

Christopher Mele: Mr. Michael Churchill and attorney at the public interest law Center in Philadelphia Professor Gilbert Carrasco professor of law at Willamette university law school. Mr. Mike he was director of the energy justice network and Dr Sheila foster professor of law at Georgetown university law school. Now this case circle versus cipher just a bit of kind of facts and details and background. From November 519 96 was submitted to the eastern district Pennsylvania court district court. For context, Mr. safe was at the time the secretary of the Pennsylvania department of environmental protection.

Now the case involves circle suing the EPA dp for issuing a permit to soil remediation service systems as far as the company that was planning to build a facility to clean petroleum contaminated soil. By burning off the contaminated contaminants the soil burner facility would have been this is significant sandwich between existing waste facilities, including the trash and sewage sludge incinerators.

In the case, the plan is argued that the existing permitting process for individual facilities did not factor in the clustering of these other polluting facilities and the increased dangers that each of these and collectively, cumulatively brought to Community health. The issue of permitting of permits, as it was at the time, created a waste cluster that has clear and obvious effect of subjecting particularly African Americans who comprise 70 plus percent of the adjacent residential population to racial discrimination.

The defendant's refusal to modify the waste permit program made the defendants, according to the case liable for violation of Title six. The suit again brought to the eastern District Court was brought under sections, but 61 and 62 of the Title six of the Civil Rights Act of 1964.

Very briefly, six so one, provided that no person in the United States shout on the grounds of race color or national origin excluded from participation in or be denied the benefits of or be subjected to

discrimination under any program or activity receiving federal financial assistance. Success to authorize and directs agencies such as the EPA, which provides financial assistance to agencies like P http. To effectuate the provisions of six to one by wishing rules, regulations and orders of general applicability which I'll be consistent with the achievement of the objectives of the Statute.62 is referring in and we'll see a little bit later to the disparate impact that discrimination claim is making the District Court and its ruling did away with the first cause of action, citing Supreme Court precedent that will the 601 applies only to intentional discrimination and that circle fail to allege the PhD EP intentionally discriminated when granting the permit to srs.

Circle appeal the ruling to the third second, third circuit Court of Appeals focusing only on the second cause of action, the poor six a to claim discriminatory effects are disparate impact of discrimination against the federally funded permitting agency. The third court circuit reverse the district courts rolling and found that there is a private right of action under 602. PhD EP appeal that to the US Supreme Court, but by the time the case reached the highest score pgg had revoked the permit for srs. And that was the end of the permit challenge form the basis of the case, it was therefore rendered moot now, as I said, I don't want to spend time on drilling down into the details of this, so I want to share my screen very quickly and for those who are attending.

We have, of course, our Conference web page and our students at swarthmore in particular to spend an inordinate amount of time that and wonderful workflow here of putting up a lot of relevant information not only for this panel, but for panels, two and three, but referring to this panel, we have several sources related to the case background.

And just the case itself and the impacts of the case, so I encourage you to check out this page. For the purposes of familiarizing yourself with more of a detailed look at this case that I just provided.

So let's move quickly here. Why this case so within the context of the study of environmental law. Circle versus safe is considered an important significant case of it appears on most law school sell-by for environmental law courses. It's been the focus of multiple law review journal articles it's referenced frequently in studies of books and articles on environmental racism and environmental justice.

But our purpose this morning is not to drill down on the case itself, because that is been written about again quite a bit. But the story of the case for the perspective and the viewpoints of the principal actors, many of whom are assembled here today, the idea. Of today's objective is that law and legal avenues are best understood by knowing the details of the context, the situation that led to the use of law as a strategy in the struggle for environmental justice.

For the panelists assembled today hindsight, is most welcome, we have before us this unique opportunity of bringing together individuals intimately familiar with the case, but more importantly. The thinking, the mindset, the political circumstances and the environmental movement itself at the time in which this case is situated.

Christopher Mele: So, as this first part of this conference states, looking back what we're asking each of you to do is to share your stories your recollections of the movement at the time.

The obstacles and opportunities, it was facing and the insights insight on the decision to pursue the suit what happened after the suit and how that shaped movement strategies moving forward, in short, what was learned. So at that, at this point I'd like to turn it over to our first two panelists and I allow as the two of you to kind of decide, maybe a conversation and dialogue, as opposed to formal presentation, so to speak. For Lewis and soothing.

Louis Morse: Good morning, everyone.

First, let me just thank everyone who was responsible, everyone responsible for. This event new sega and Chris, thank you for your communications keeping me informed on what was going on into kibana for summarizing everything for me for today Thank you so much. Selena and I go back a very long-time and. As I looked back on the. The moment in time.

Where we came together as a community to do something that was. Unheard of really. As we were doing it, I didn't think of anything like that, at the time it was something that we knew needed to happen. But again, as I was looking back, I had to look at the city of Chester in the Community, the Community it's always been. pelted with lemons. And we've always survived the lemons that were pelted with that that were helping us we've never been there's never been an issue that this Community has not rose above. The crime, the poverty, the dysfunctional school system.

The Businesses that left no jobs, unemployment. Corrupt government. boarded houses homelessness we've survived all of these pelted. pelting of limits in our Community. But surviving. lemons relies on your ability to turn lemons into lemonade and we were able to do that with the ones that.

I for mentioned here, we were able to educate our children with a dysfunctional school system, we were able to keep kids off the street away from crime we didn't we didn't catch all of them, but we were able to do that we were able to put people into housing, who were homeless. But this one limit. This huge 11 that came into our existence without our. Knowing. This incinerator. Louis Morse: was forced on a Community.

And no one said anything to us about it. So when we got that limit. ruling came to me. With the energy that she has and I tell you something the energy that I felt that day from her when she said Lewis. And she said it just like that Louis, I need you. And I said, you need me for what. And then she explained to me what had been happening. And immediately. The energy transferred to me. And I want to tell you. Looking back on that, as I thought about this over the over the night as I'm. As I'm up all night. I thought about the things we did. We took our bodies. And we put ourselves. In harm's way. Stopping trucks and people.

Zulene Mayfield: Trying to kill us. Yes, i'm trying to kill. It killing. But anyway.

Louis Morse: We took ourselves, we put ourselves in harm's way because we knew that the Goliath we were fight. Was bigger than us, but we knew that we were a David. And it was our turn to throw some limits. We rallied every week. Shutting down streets.

Zulene Mayfield: are weak okay.

Louis Morse: Without bodies we shut down streets. We stood in front of trucks we stood in the middle of the street; we stopped them. Louis Morse: But Title six was our lemon. I don't sit was our lemon. We were able to sling that at this huge industry. And we wanted to see if they could make lemonade. And what we realized was that, and this is how I saw it Title six was our answer to a corrupt government. Title six was our answer to a government that that turned a deaf ear to the Community. titled six was our platform to fight.

Title six gave us the energy the enhanced energy to move more, and faster and bring more people into existence to fight this fight. We're here today because of the energy that still exists around that nucleus of people. Who stood in the battle. To fight. So, as I look back. And I see the transformation of our community. We're still fighting all of those issues that we've been fighting in the past. But this one. This one was bigger than them all. And we knew we had to do something different, we knew we had to stand a little taller we knew we had to give a little more. We had to sacrifice.

Zulene Mayfield: and

Louis Morse: So Title six. When Jerome met with us. He said you've got a shot. To take them down. And I don't know if you remember exactly. But the night we met in our office. To make a decision to shut them down. Or to do something different. It was an all night event for us. We were on the. On the edge of shutting this company down, we were we if we have walked out of that office that night with that decision in our heads that we were going to do that, that would have happened the next day.

But here, it goes, we had things that we've never really thought about. We had people from the from the incinerator coming to our office fighting us. Fighting us, because we were shutting them down.

Zulene Mayfield: A send the whole workforce.

Louis Morse: The whole workforce came to our office door and threatened to kill us if we shut this place down. In our board met. And I don't know if you can feel this right now. But we had a we had a decision to make that was going to transform the lives of many people on both sides. And so we had to be very critical about what we were going to do. And we had to make a decision that was going to be the right decision for justice for everyone. So we decided not to shut down. But to work with. And we decided that because we knew that people needed to work. So Title six just really. It elevated us. Because it gave us more. Fighting to give us more ammunition to fight.



Louis Morse: And more ammunition to fight even more, because we were now able to fight other battles, not just the incinerator but other battles that were coming at us left and right. So we did everything and moving forward, we knew that we had to work together, we had to strengthen our board, we had to strengthen our. People that were with us. Louis Morse: We had to keep them motivated and keep them actually moving forward with us. And Elaine was a very good leader, she she helped people understand and she's able to do that.

Understand that the importance of what we were doing transferring that to them so that they could feel. The mission, they could get a hold of the crusade. I get a little emotional about it, because my mother was out there, my mother's 84 years old now. And she's still on the battlefield. she's still fighting. And she always asked me what's happening now, and I can't really give her a full a full dissertation as to what's happening now, because i'm not fully involved right now, because of work situations and so forth. But. I see it, i'm always hit my ears always there my eyes are always there and i'm fighting battles elsewhere. i'm in communication with the link, so I know what's happening. We have a lot to do, Title Title six gave us our platform. And we we worked it. And we were able to be successful, with it. And I think it's and I think we needed it.

I know that Now I know we needed it. Without it, I don't know what we would have done or how we would have done it. But that's really what I see right now, you know we did. We did a lot with the whole. And Some people aren't with us anymore that we're fighting. yeah. Some people have passed on, but we still have people who are strong we're still following we're still fighting and we thank all of you for coming in, when you did whenever you did to continue this effort. Because it's not over. it's getting stronger. it's getting stronger and stronger and I feel something coming on horizon.

Zulene Mayfield: We have.

Louis Morse: We have something going on right now it's going to have to make some changes in the city of in city of Chester because it's going to change.

Zulene Mayfield: Absolutely.

Louis Morse: it's going to change with that I say thank you, I hope, i've given you something to. to nourish your soul and think about. I don't know what else.

Zulene Mayfield: Well, you got me crying this morning early in the day morning so anyhow um Thank you Louis so much. Like he said we've been friends, a long time, and I thank God for the longevity of friendships you know I think if you. get to the end to determine you still got friends in life. All the stuff we go through friends that you lived a good life. yeah. When we when we were approached by Jerry balter from pill cup at the time. I knew a little bit about Title six and but you know a lot of Members in the Community had no idea what it was what it meant.

Zulene Mayfield: And why we should do it a lot of times on these type of battles people think, as soon as you get an attorney that's the magic solution, everything will be right, everything will go away. And, and you can transfer all of your burdens to that attorney and but I realized that it was nothing but another spoken wheel, that we need it. It was another tool, it was another avenue to engage in to try to level the playing field, because there was no playing field for us, we had our digit already been built for us, we have been thrown in that ditch. And at the time when the suit was initiated, I think we had four permits that we were actually battling against for at one time poor, with no technical assistance i'm. Zulene Mayfield: really just a basic. Knowledge of the technology or no knowledge of the technology. and very little assistance. But we had a desire to learn. And with some of their senior folks where they didn't understand the technology, it was our role to break it down into a level where they could understand.

The same thing applied to this lawsuit. Because people were like well why we wanted to do that. And, and like I said, some people like well why did you want to do that other. Community Members were like okay great, this is the solution to all of our problems, but we knew that it was just an avenue, we knew that it was not the magic solution for everything. But it leveled. The field with these entities that were making decisions that impacted our lives hold on one, second, please. i'm sorry everybody, but that's what it didn't it as Lewis said it gave us a little more energy a little more on. Another day to go on another day to Okay, yes, this battle is worth it. Another day you know. That our seniors were like okay now i'm still hopeful. And that's what it meant to me that's what it meant for them. I don't think that the time we realized. The history that we were making. We just assumed it everybody was doing this and I didn't know it until I have went to Atlanta, and I was approached by a group of black attorneys. Who basically got me in a corner and said well you know your attorney is nuts. He shouldn't do this. it's the wrong move and i'm looking at all of these you know educated. Black attorneys. And i'm like okay well where you guys been.

You know about us we had absolutely no knowledge of you will and where y'all been at. So don't tell me that my attorney is crazy because i'm crazy to we were like the perfect match for each other. And we rather die together, whether it's right or wrong we're going to move forward with this suit. Because they were trying to convince me to have him withdraw the losses. And i'm like. I don't see the logic behind that i'll listen to you, however, Jerry falters, are do we trust him. I didn't always liking many times.

Oh no oh no, we would go at it, but I trusted him I trusted that he knew the law and he spoken he he tried to break it down to us as best he could we would take and interpret debt for the other Community members and we went for with it we stepped out on boldness and on faith. That what we were doing was the right thing. Even with the realization, even if they could not help us that somewhere along the line somebody else could be helped. By using the same avenue so. It was hard to engage some members of the Community. And it just took a little bit longer time to do it. i'm sorry by I had a sunlight and doing some work. i'm triple dip in the day.

Zulene Mayfield: However, that's that's what it meant to me and and for us as a Community, it was just another leveling tool, but I can tell you what did happen after we filed this suit. It got a little bit more quiet in Chester. The permits people stopped applying for permits to come to the city of testing, so you have to. Look at what is the wind. versus what other people view as being a win. But it stopped it and it stopped a cold, yes, so that was a big win for us. So. Back to you, Chris.

Christopher Mele: Thanks to the Michael and Gil if you would like to please jump in. Give us some of your recollections.

Michael Churchill: or up, first of all I want to just say it's a pleasure to be able to participate in this conference, because it's my way to honor zoom name. and her colleagues and my beloved former colleague Jerome boulder I was the back office person Jerry was the person that was really up has the stories and i'm sorry that I don't. But what they accomplished in protecting the health to the Chester Community for some of the most egregious racial targeting and noxious profiteering deserves really to be honored. Their successes uncommon and it came from zillow leads tireless efforts and her energy is Louis described it as an advocate and jerry's creative commitment to try, whatever would help in her organizing efforts. It really is important to set the context, as Chris said a Chester was not really a pre existing hazardous waste waste site like love Canal.

Instead, it was a site being carpet bombing bombed by new polluting site of permits, because it was a 65% minority enclave in a county which was 91% white. In the 10 years prior to the site case. While to minor permits for about 1400 tons of wasted have improved in the county outside of Chester more than 2 million tons of waste processing had been approved in Chester. The Westinghouse incinerator processes, all of the solid waste collected in the county and dumps it in Chester city 840,000 tons a year. there's an avenue a recycling permit for 370 5000.tons and Dell core sewage treatment plant has. A waste permit for 17,000 tons of sludge, an important piece of the context was in the 1993 thermal pure systems that have received the permit. For 140 6000 tons of infectious waste to be treated there you have to realize that that amount was four times the amount of all of the infectious ways generated in the entire State of Pennsylvania. And the plant hook, to be a destination for infectious waist up and down the I 95 east coast quarter That was their plan, so the Community with jerry's help challenge that a permit up.

In State Court and it originally was successful come with Court up a. rented injunction and, but that was rejected by the Pennsylvania Supreme Court in 1995 which held at the plant, which was going to sterilize a waste, rather than dispose of it didn't need any waste permit. And it was a signal that the State Court said little interest in protecting minority communities or maybe even any communities, fortunately, thermal purell did not proceed with that permit and we'll discuss that in a minute.

Also, in May of 1995 EPA issued a draft environmental risk study for the city of Chester which was intended as EPA first cumulative risk study. And that was done because again Jerry and zillions of nudging of of the.

Michael Churchill: EPA in the dp it found a 60% of the children had lead levels above recommended threshold. And quote cancer and non cancer risk from the from the pollution sources and Chester exceed levels with us EPA believes acceptable nevertheless those no program about what they would do about it. Instead, that was when the EP gave so remediation services a permit to incinerate the 900 tons per day of oil contaminated soil that Chris describe. It did not appear to Jerry that the srs permit violated the Clean Air Act, the mission limitations. Which don't recognize the injury to the Community from the noise, the vibrations the stress the constant truck tractors that all this permits puts in nor the the additional amounts that are concentrated, but very sad and discussed with. With the Community why couldn't a minority community be protected from the discrimination of being the only area not protected by D dp from the ravages of these pollution permits.

And it's described the Civil Rights Act of 1964 which prohibits discrimination in schools and public facilities and implement also covers up federally assisted programs and the Di T permanent program is such a federally assistant Program. And as, as noted up that both covers intentional and and and disparate impact. And there was not really any way to prove the EP intentionally located environmental permits in the city of chester's since they don't apply for where the locations are. But nevertheless, the question is, why does not constitute a disparate impact that is covered by the wrecks and so that's what the case. filed complained about it actually complained about both and we eventually dropped in to this particular. Case i'm gonna let Guild talk about the case and and what it did, but I want to go back to. couple of other points because, eventually, as was said the. The case wasn't successful all right, in the sense that it didn't have a real conclusion upholding or denying the permanent. It did set the way for future denials, the third circuit came back in a case also brought by the law Center on bombing the Department of Education and firm that. There was a cause of X prime that cause an action and then of the laws that are teamed up with camden legal services and sheila foster.

In 2001 the challenge and environmental permit for some men grinding plant and Canada judgmental ascii found the prime effects case and. Of disparate impact and enjoying the operation of the plant a great victory for the very same place that we, we will try and here. In Chester and two days later justice scalia did what everybody feared he issued an opinion in Sandoval declaring there was no private right of action. By by citizens, as opposed to the title six regulations. But nevertheless as Julio said Chester was successful. The thermal pure planted and go forward and of the srs plant did not go forward, how come. Well, what hasn't been said, and you can never be sure is that the other thing that Julian had and Jerry had done was get the city to pass a zoning ordinance which prohibited neutral facilities in the Community and less replacing existing ones. and deeply saddened to you had a valid zoning permits you couldn't get an air permit. Always couldn't construct it that ordinance had been written on behalf of the concern those residents and enacted by City Council because of the lobbying pressure those the ruling and the committee put on.

Michael Churchill: it's a wonderful example of finding a way to regulate environmental uses of land without the complications of environmental risk assessments or who's causing the harm and it would be I think I'd like to suggest a way that is politically possible in many communities. Because they are much smaller units of government than trying to deal with the state. But the, the problem with that, of course, is that it doesn't really focus on the up and bite on the racial injustice, the good part of the Title six.

Is that it really does require it provides an organizing tool, because what it focuses people on is in the racial injustice that lies behind the damage. Nevertheless, the basic problems that existed, then still exists today, which is the unwillingness of state agencies, charged with issuing permits polluting activities. To look at how to protect minority or poor communities from the unprepared unfair proportion of those facilities being dumped in their communities environmental agencies soon themselves as making chemical safety decisions of the world, not decisions about fairness of location. EPA has the power to for state agencies like to actually enforce the Civil Rights Act and advocates have been trying to make that happen with not great success for at least 20 years since like.

Maybe the new EPA equity Action Plan issue. Earlier this month, is going to help start that process to become a reality, but alternatively, I think, advocates need to develop other tools. Like zoning or health ordinance which deal directly with regulating or eliminating pulling polluting sources when there are health indicators that show that the populations are particularly vulnerable. Lawyers can help that do that they're harder in some ways to organize around because they don't focus on the harm to the Community, in terms of its racial and identities, but nevertheless. It is a way that advocates need to look at. But Title six is still there and part of the question is how useful, is it and I'm gonna let Gil talk about the problems we had using it, and what it could do now.

Gilbert Carrasco: Thank you, Michael and thank you all it's so good to see all of you from so many years ago 25 years ago and this Earth Day, and I just want to share a few reflections on my involvement in the case and. Of course, at the time I was a professor at Villanova law school and also the vice, Chair of the Board of Directors of the public interest law Center of Philadelphia where Michael was chief counsel and Jerry was a lawyer Jerry balter. And, of course, as a member of the board of directors, I was intimately familiar with the litigation in which the central was involved, and when this case came up. Jerry asked me about it and I, you know, I was a civil rights lawyer, not an environmental lawyer at all and. Michael Ian and Jerry asked me to write a couple of Memoranda of law and the civil rights dimensions of the case as and I did. And that case was filed in the District Court and the Federal district court judge dismissed the case. And we all, you know got together and we thought Well, this is not the end of this case this case should be appealed and so. I collaborated with Michael and Jerry and on the appeal and I was very gratified when they asked me to argue the appeal in the third circuit. And I still remember sitting on the bench Councils table there just before the argument and.

Gilbert Carrasco: I was reviewing a variety of the opinions, there are six different opinions in the central case that really drove the jurisprudence of the law of the of the case at the time the guardians Commission case versus the city of New York and. I was counting heads just before I got up to argue the case and. counted the heads that supported the idea that section 1983 might be the basis for the case as a cause of action and the central issue the jurisprudential issue in the case was whether. We could rely on the regulations which provided a and effects test rather than rely on the Statute, which required proof of intend to discriminate. And just before I got up to argue.

Jerry leaned over to me, and he said Gil don't forget what this case is about what this case is really about, and of course it was about Julian mayfield and the Chester residents for concerned. concerned for quality living that was that's what was what the case was really about. And that's, the first thing I opened with in my oral argument before the the three judges judge judges Cowan Roth and Lewis and. You know I emphasized, you know what was really an issue in the case at the outset, before I got into all the technicalities of private rights of action and Title six regulations and 601 and 602 and all of that. Interestingly, right out of the gate, the first question judge Roth, who was an African American African American judge from Oh, he wasn't oh. Absolutely not. there's Lewis Lewis.

Michael Churchill: says yes.

Gilbert Carrasco: gotcha Lewis, was an African American judge from Pittsburgh. He asked me well. I see your claim is that section 1983 could be the basis of the cause of action here, can you tell me what justices on the Court we're of that view and, as I mentioned, I just counted heads before I kind of to argue the case and I was you know, I was able to answer that question. right out of the gate which was really fortuitous frankly, but the argument went very well and The Chief judge, I think, was Cohen, was the presiding judge. He commanded both Council, the Council for the Department of environmental protection of Pennsylvania and and me for our arguments. And you know we didn't know what would happen that case but. I was confident that we were right there were a lot of cases decided by the courts of appeals that had ruled that there is a private private right of action of the regulations.

And I remember in the elevator going down from the the courtroom downstairs with. Michael and Jerry and I still remember one of the nicest compliments i've ever received as a lawyer. Michael turned to me and said, you know that was one of the best oral arguments I ever heard. And through you know. You know, as a lawyer it doesn't get any better than that because Michael Churchill in his own right is a tremendous lawyer, so that was always very meaningful to me. But before that argument I forgot to mention that I took this case very seriously and I really thought that we had to win this case. And I had worked previously at the civil rights division of the Justice Department in Washington DC and it done civil rights cases all over the country and I I arranged. For some lawyers to assemble both from the Environmental Protection Agency and for the civil rights division.

Gilbert Carrasco: and go through a moot court with me actually they did to mccourt's with me so in preparation for the oral argument in the third circuit, I actually presented the case to these lawyers as a dry run as a rehearsal basically and. You know, having worked at the department. You know these are really there are a lot of really good lawyers there, and so that prepared me to answer the questions from the bench when I got there, because they drilled me with a lot of questions that were difficult and probes the outer reaches of the argument. And you know. When we won that case we won that case in the third circuit. That was a huge win for environmental justice, I mean it might have been the biggest win at the time for environmental justice and it's still on the map as one of the biggest cases, one of the most significant cases in the environmental justice movement, and you know.

The celebration was short lived, though, because. The Department of environmental protection appealed to the US Supreme Court. And the Court granted to petition for a red assertion or in the case they agreed to hear the case which is a very unusual step that the Court only agrees to hear just a fraction of the cases that are petition for. And that was one of them, and you know we all thought, this is not a good time. For the Supreme Court want to hear this case and, as I recall, Michael and correct me if i'm wrong, I think that we consulted lawyers around the country, both in the environmental field and in the civil rights field. To see how to go forward to to consult because whenever you have a case in the Supreme Court there's always a risk of making bad law.

Even in the Court of Appeals there's a risk of making bad law and it's better never to have brought the case then to make bad law. And that's why it's so important to select your plaintiffs carefully and your facts carefully, if you want to do a reform case, as I, as I tell my students today, and so, in any event. The srs company. decided to withdraw their permit and shortly thereafter dp revoked the permit and those are both really good events, because that was the That was the focal point of the litigation that particular permit was the focal point. And so we were able to submit something to the Court, which they call a suggestion of moodiness. And we told the Court, you know what you don't need to hear this case this case is move because you have to have a live case or controversy.

For the Court to have jurisdiction over a case, and so the Court agreed with us and we dodged a bullet, the Court dismissed the case. As mood and so it didn't go forward in the Supreme Court, and we all suspected what happened just four years later in the Alexander vers versus on devolve case. And that is exactly what Michael described earlier that the Court determine that there is no private right of action under the title six regulations, you have to show intend to discriminate under the Statute or for go litigation, because there is no way to go forward under the regulations. Except There is one exception that remains a vehicle for litigation under the title six regulations and the effects test. And that is the ability of the Environmental Protection Agency to assert a disparate impact based on environmental justice and other concerns involving Title six of the Civil Rights Act of 1964. And as Michael mentioned just this month.

Gilbert Carrasco: The Environmental Protection Agency. released its equity action plan under executive order 13985. and As it happens, and in that in that action plan, they specifically referenced the effects test under the title six regulations, so they themselves recognize that they still have the power to assert rights notwithstanding any lack of proof of intent to discriminate proof of intent discriminate. Now, as it happens. A colleague of mine has become the point person for environmental justice at the EPA and working very closely with Michael Regan the secretary of the of the EPA. And so she's an environmental justice person that's her expertise and so. I just want to put out there, that, to the extent that there is an issue in Chester or elsewhere. with which I can help, I am happy to facilitate a communication with. With my friend at the PA and. facilitated contact.

Zulene Mayfield: i'm ready gail.

Christopher Mele: Yes, yes.

Zulene Mayfield: i'm ready this building and building bridges create.

Gilbert Carrasco: bridges. And so i'm just about out of time here, but I just want to mention that another part of the action plan is a commitment to reach out to. communities with environmental justice concerns as they put it, and so they have really come to the conclusion that there needs to be input from Community activists like the Chester residents for concern for quality living and so. You know it at this point, I just want to end with one. quotation a brief one. From something that Robert Bullard wrote years ago and I also want to acknowledge Sheila Foster's great work. and her seminal article called intention incoherence that was published shortly after our case was decided, but Robert Bullard says, and I quote. Changing the dominant environmental protection paradigm did not come from an effort made by regulatory agencies, the polluting industry, academia, or the industry built around risk management.

Instead impetus for the change came from a movement led by a loose alliance of grassroots and national environmental and civil rights leaders. who questioned the foundation of the current environmental protection paradigm, and that is so true and I think the case in Circle K versus Safeway. Is such a good example of that you know combination of grassroots organization and lawyers who know something about environmental law and civil rights and putting it all together for a great victory and. You know, I hope that we can continue to have you know the the strength to move forward, notwithstanding any of our. You know shortcomings or or setbacks, like the Supreme Court decision and Alexander, because where there's a will there's a way and it is possible to fight City Hall that's let's move forward.

Christopher Mele: Great Thank you so much Gail and Michael that. is very important context and providing a lot of great dimensions that we did not know about, but this is just I didn't know about, which is fantastic Thank you so much, we have. About 25 minutes officially left for this panel, and we have two remaining panelists Mike Wall and Chill Foster so I just have to keep the timing in mind so i'll turn it over to Mike for some comments.



Mike Ewall: Thank you, so this is going to sound a little cynical, but I promise it gets positive, then, so I want to kind of. run through some of the legal history this local forward worker, where some of this is going. So, like was described already the Chester cases very novel and using the Civil Rights Act to sue for environmental racism. And, like other decisions before it it reestablished that you don't need to prove intentional discrimination you just have to approve that there's a discriminatory effect. And when the Supreme Court. decided it was moved they overturned that press and they set it aside and said, basically, you have to start over. That happens soon after in camden in a different very similar community but different industry with some of the same attorneys were involved. And again, that Court was agreeing is saying yes, you don't have to prove and prove that discrimination is intentional. You have a private right of action is what they call it to sue even if you're just saying the effect is discriminatory.

In the course of that camden case playing out is when that Supreme Court decision or totally different issue, I think, was an English only driver's license case out of Alabama. called Alexander vs San of all that came down the middle of the campaign case and basically said there's no private right of action. And they can decrease basically got shut down in the process of that, and you heard it tossed out earlier, this idea of a 1983, which is a different civil rights law. And whether that can be used, and this decision, basically shut down that channel to so essentially unless you're the government's doing themselves.

If you're an individual if your nonprofit if your private corporation you don't have a right to sue over this unless you can prove that discrimination was intentional, which is much, much more difficult to prove. So where this when is that people can now file or groups can file a civil rights as complaints with EPA his office of silver civil rights.

The track record of that has been beyond miserable there was a report put out in 2015 by the Center for public integrity. That looked at this and found the EPA is office of civil rights rejected or dismissed 95% of the environmental justice complaints filed between 1996 and mid 2013 when they did that report and that same pattern has continued. To give i'll give a few examples of how EPA is handled some of these complaints and then we'll get into more productive happiness, but in 1998. I think this is the first decision made under this officer civil rights, it was a decision car selects do this is over a new steel mill that they were trying to build in Michigan. And what they held was EPA was taking a position that there can be no civil rights violation. Because they're going to follow the environmental laws or they haven't haven't even built the plan, yet they don't know if we're going to follow the environmental laws, but they're presenting that you know. Are in the state, in most cases, a State Agency gives out environmental permit us to stay within certain limits. And they're basically saying well as long as you're Within those limits, then it can't be a Civil Rights Act violation which is not true. And the Court, the Federal Court in the south camden case agreed that there can be adverse effects from the permitted legal amount of pollution.

Mike Ewall: That can still have a discriminatory effect, these are separate legal obligations, but each case position has been kind of backwards on that one. In 2011 there was a decision now a California on on a case called Emsley to see where they had. actually won, but even when you when you lose they were suing on it actually started, they were suing for the cancer, they were filing a complaint with EPA. Over methyl bromide pesticide spraying near grade schools that are predominantly Lennox communities and EPA took 12 years to decide if. They secretly to negotiate a settlement with the California State Agency didn't involve the plaintiffs and they settled for additional monitoring and our reach. And ultimately, they ended up switching to a more dangerous pesticide anyway. And EPA supposed to withhold federal funds highway funds, that is, the penalty for violating violating the Civil Rights Act you're supposed to have a big hammer. and say hey we're going to take away your federal funds if you're going to discriminate and even though they found discrimination they have never gone that far. And it seems like they don't have any intention to, but they will settle in secret for crumbs even when they find there's a civil rights violation.

A year later, there was another case out of California and. Over the three hazardous waste landfill those that are all in that next communities. No income ones at that, and they argue discrimination around that and another shocking. bad decision basically was premised on the idea that the State Agency that made the decision, they didn't decide where the facility should go, they just decided, yes or no to permit it. that's how almost all of this works it's very rare that a State Agency is the one actually doing a sighting usually a company says we want to build a here. apply to a State Agency and they say Agency says yes or no, so to let the agencies off the hook on all facilities there that they are saying yes to and communities like trust trust or just It makes no sense, but that was yet another way EPA is dodging responsibility. So there are still groups that are filing civil rights as complaints with EPA. It is good to get a press release on if you want to make an issue out of it, and maybe you'll get something goodness settlement. But there's not going to be a private right of action, yet again, unless law has changed and send her Tammy Duckworth has a bill Centerville he said to. The environmental justice for all X has to walk sponsors and it's been sitting for over a year in a Senate Committee and are going anywhere.

i'm not optimistic about that kind of legislation passed me, but you know you're walking the contacts or senders and try to get that moving. There are also controversies around Biden's EPA doing EJ mapping tools that don't even include race as a criteria which just blew the mind of everyone working on this right you serious. But they are so skittish because a Trump administration aid Steve Miller is going, after all, federal agencies that tried to use race in any way. And the Biden administration is very skittish about being sued over this, especially with the characterization or the character of the current Supreme Court and where that command. So that's i'm getting some positive things, but I still have a few minutes on the clock so actually i'm. gonna go transition, so the environmental justice principles don't ask for equity, if you read the 17 principles nowhere in there does it say spread the rent spread the damage around better and we're cool with it.

Mike Ewall: poison people equally it's not in there at all it says much more radical things like basically stop poisoning people period redesign or whole industrial. Economy how our decisions are made, and I think that's important to understand because almost everything that was called an environmental justice policy. is really an equity policy and other justice policy and it's a week effort at that a lot of times they they don't even touch the existing damage on the ground. And for new proposals they say well just do a report or have more public participation or have in the best case it's like New Jersey passed along, about a year ago. That gives the state of discretion to say no to permits and select types of facilities in certain communities. But it's still giving them discretion, but doesn't go as far as saying you thou shall say no, if you're trying to build a new big waste facility in a place like Chester that just doesn't exist there are not those kind of teeth in any policies we have so far.

So what I would recommend is for when we're talking about bad things like waste facilities that communities get polluted by. government agencies need to follow the Civil Rights Act and stop permitting more damage in communities of color but, in any Community really they just don't have the legal power to do that yeah. But we also we need to have policies that apply across the board if we have a bill passed that says we're banning incinerators period everywhere, for everyone guess who's going to benefit most from those policies. guess who's going to benefit from us from any policy that says we're going to get rid of a bad activity equally across the board. And then you don't run into these things where these colorblind judges on the Supreme Court. are going to say Oh well use races or criteria so regard straight down that victory that policy you just pass, which is a serious barrier.

Now for good things like funding for parks or all kinds of good things that are getting funded the bite administration has this justice 40. concept, where they want to make sure that 40% at least of funding for good things ends up. In the most impacted communities well people color are now about 40% of the US population, so that, basically, is saying we're not going to be a racist anymore. But it's not saying we're going to have justice it's not saying we're going to undo the existing damage on the ground or make up for that disparity by going beyond what equal would be. So i'm basically out of time, but I have a list of actual strategies that we're doing I know we're part of the next panel.

I got switched from So if I look for folks to ask questions about what we're currently doing and how we can use the frameworks that we do have to make progress because we're winning a lot in slug speak so. Thank you Mike so sheila we asked you to.

Christopher Mele: bring us home.Thank you much.

Sheila Foster: Your first of all it's wonderful to be here, and it seems like a lifetime ago that Jerry bolter and Mike Churchill and Gil and all of us were working together with Julian.

In Chester and it's really sad and devastating that not much has changed in terms of the ability of the people in power, our government to do

right by communities like Chester. there's not much to say. Because you guys have been so thorough, but I do want to. Just clean up by kind of talking about the bigger picture to your and underlined and highlighted some things i'm going to drop in the chat. piece that I wrote a very short chapter which goes through all my thoughts on the limits of the law in this area, because I don't have time to go through all that. But let me make three points right and in each of these points, has to do with the different terrain, on which we've been playing or struggling around the limits of the law in this area and let's start with the Supreme Court right. ``Three things have haunted I think.

The jurisprudence or the courts. Consistent interpretation of the guarantees of the equal protection clause of the Constitution and our civil rights act, including Title six. And those three things aren't getting better they're getting worse right, and so the first we've already talked about this requirement that to prove something is racist or racial discrimination, one needs to show. What I call specific intent that the decision makers out to harm, a community.

By, for instance, giving a permit for more waste or the kind of thing that happened in flint when a government official makes the decision that's clearly unforeseeable Lee harmful to a African American or the bypass Community this idea that you have to prove intent has now. been written into our laws, both as a matter of constitutional and, as a matter of civil rights law. So that's one thing that haunts right The second thing is even when we have a disparate impact standard, as the title six regulations do we now have this second requirement that was reaffirmed in a supreme court case in.

Around title eight of the Civil Rights Act, which is the housing discrimination part that has a disparate impact standard, even when we're talking about disparate impact or intent courts force you. To prove what's called causation that even if we know something's going to have a disparate impact on a minority community. that the cause of that impact is solely attributable to the decision maker that's rarely the case. Because of the interaction of a lot of legacy issues, historical and present discrimination in the market by other actors so even when these cases find their way into Court on the merits.

This causation requirement often is and we saw that in camden right, you mentioned the camden case when we were litigating the camden case after the circle case. And we won at first in the district court, the District Court judge held that not only was your private right of action under Title six. Right, but that the Environmental Agency had two legal duties one was a duty not to discriminate and the second was a duty to enforce environmental regulations. And then Sandoval came down literally five days after that victory and took away the private right of action and we read litigated under Section 1983 but the point is is that. Even when those cases get to court as disparate impact cases are under Section 1983 and we then later litigated under. Title eight under the fair housing the causation requirement made those cases very difficult to.

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Sheila Foster: To win third The third thing that haunts I think this area at the Supreme Court is colorblindness and we're about to see that the Supreme Court, I think it was Mike that mentioned that the bindi administration has decided, even forward screaming. Not to use race under the justice 40 I think initiative, as well as ej screening because of the fear that, as it did with the relief to black farmers the courts will. invalidate that because it's rates conscious, you know, the Supreme Court has an affirmative action case in front of it right now we are moving more and more towards. A requirement that these remedies, even for discrimination be colorblind so that's what the Supreme Court, so the so the litigation and Chester and the camden litigation that came after Chester have all been caught up in these increasingly narrow.

interpret interpretations of what how we understand race discrimination, racism and in from a long perspective. from someone who's been involved in this movement for 25 years. it's been increasingly frustrating and it's going to get worse so Then we come to the Agency right environmental agencies such as the EPA and Mike I was going to go through some of this, but my did it, which is great. And that is that, after this lawsuit in Chester the the Agency created this Title six guidance where communities can file. Under the disparate impact regulations at the Agency a complaint right to to invalidate a permit a complaint of racist permission, that would be adjudicated just at the Agency. we've already been told that the agency took no action on those lawsuits in fact there was a loss of, or on those complaints, there was a lawsuit in Federal Court that had to force the Agency to act on it.

The bigger problem, as I say, in the piece that I gave you is that there has been an unsuccessful attempt, even under the Obama administration. Less so under the current one at the EPA to meld these kind of civil rights concepts of disparate impact on to the way that the environmental regulation regulates the environment, what does that mean. i've said it's like speaking two separate languages that just they speak pass each other and Mike recounted some of this, but when the EPA is applying a disparate impact Title six standard. To the permits that it has given out under environmental regulations, how much of a particular pollutant can come out of one smokestack. Or is this permit right does the agent, or does the company that is getting this permit meet the current environmental standards consistently what the Agency has done is read out of. right that analysis, the civil rights piece, which is to say, they would say yes, giving this permit has a disparate impact, but it's not an adverse disparate impact why. Because the company meets our environmental standards so that's basically reading Title six out of right environment regulation so.

So the reason that that Title six guidance has been unsuccessful at the EPA is because the Agency has a whole different way of thinking about harm, then we do under civil rights law and it's consistently following it's very technocratic. Analysis of harm to the Community which doesn't often consider cumulative or synergistic effects of all the ways in which these communities are exposed beyond the one point source right. It has a very narrow idea of that and the civil rights. laws or the disparate impact conception tries to expand that, but the Agency has read that out

so it's been really frustrating there notwithstanding new tools such as the vulnerability assessment and ej true Lastly, I would say.

Sheila Foster: You know loophole and I wrote about this, many years ago in our book from the ground up that you know we have to the the last kind of. start talking about the Supreme Court and the federal courts i've talked about the Agency and the last kind of terrain, on which we fight this and that. will remain the case is at the local level right, not just zoning laws, but social movements, the law piece has always been and we've written about this, an organizing tool. we've never thought we were going to consistently win these cases and the end the history is that because of the way courts have interpreted these guarantees we've been consistently losing them, and so the the the the sustainable wins have been because we pushed local and State governments to do the right thing.

So anyway, I would stop there, because we have four minutes left and there may be questions.

Zulene Mayfield: All right, I just want to say something, because. What we all have to understand is Lewis said earlier communities that are like tester and tester, we have to make lemonade out of lemons. There is no one silver bullet. And although. People in the legal realm of things may view circle versus site as a law. It had the effect. of being a win and the Community, so I think that what Community people come every day residents activists advocates, we can drive the law into the direction that it needs to go. We drive the law with enough pressure would be enough i'm gravity pulling on it and pushing it into the directions dead, it needs to go that would offer some relief for communities like Chester. So that's what I want to say.

Sheila Foster: that's exactly right and the wit and the law is a The point is, is that the law. doesn't save us right, the law is a tool that we use to push for the right result in in. And our conception of law can't just be about a case laws everywhere, and I think it's consistent with what you're saying dueling.

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Sheila Foster: That there are lots of wins and lots of legal wins they don't always show up in court opinions, but when we get court opinions, like this one, they are incredibly powerful and empowering right, even if they're short lived in the same thing happened in camden.

Michael Churchill: Even though another way to say it is the law is only as strong as the movement.

Christopher Mele: That it's working with something that's.

Zulene Mayfield: Great that's wonderful my that's wonderful.

Sheila Foster: That was loophole and is whole point I mean he had a whole analysis of power relationships and how the law can be disruptive of that and that's how we use the law and the struggles.

Zulene Mayfield: Chris we had a couple of questions.

Christopher Mele: I don't see any other questions being pushed forward to me to say, but she has any that.

Zulene Mayfield: And we have some with their hands up calm Nixon I don't have. We have Tom Nixon in it. would be good.yeah. Zulene Mayfield: So what somebody wants to unmute him or. Her favor can you unmute Tom Nixon please.

Nusaybah (she/her): Sure one SEC.

Thom nixon: Well, good afternoon everybody.

Zulene Mayfield: i'm Mr Nixon.

Thom nixon: was raised only. seen all of all this information on living in Chester and I never knew anything about all this.

Zulene Mayfield: And I will ask me I keep telling y'all that we we. we've been on this battle for a long time.

Thom nixon: And I lived in camden and I knew very little, at the same thing so it's just really understand to find all this out that's going on and. And you know, in terms of you know, I think, when the. When they came down to the waterfront everyone calls it called the trash to steam, and they made it seem like it was going to be a big producer of jobs brought to the city of Chester so in terms of now looking at 30 years out. What are some things that you think that we can move forward for in terms of.

Finding cabana and find our other things that are trying to come into our Community, now we have a new tunnel that wants to be built.I mean how's all the smaller city, going to be working with all these polluters. Knowing that the health disparities and all these things are there, it seems like the EPA, who has been supposed to protect the Community is fighting against the Community and more on the side of corporate America.

Zulene Mayfield: And what you're saying is true, but you know.

Zulene Mayfield: Our fight remains the same. As black people in this country. These agencies and entities and things that we know protect other communities. They don't work in and or for our communities, however, we have to hold them to the creed that they're supposed to have. It, for example, dp you know we have a constitutional right in Pennsylvania to breathe clean air. That right didn't say it stopped it of the zip code, but Chester 19013.But you hold people accountable you create transparency where you can you tell you true you tell their lives. And you hold them out on on on what it is that they're supposed to be doing there is no one magic solution all of these things work in conjunction with each other, it took a circle, a little bit longer to learn that. But we got it now.

Zulene Mayfield: You don't fight on one playing phil you gotta fight on all of them, because all of these things and entities and pollution. Polluters and and the government agencies that are supposed to protect you. They all work in coordination with each other. And many times against communities of color and Community poor communities like ours. So it's not one thing you have to learn how to walk and talk and chew gum at the same time. When many different fronts, but we are proof. Just a resident, and I know y'all hate that name because everybody bibles it I Bible it sometimes Chester resins concerning quality living.

Despite this being our 30th year anniversary. We are absolutely determined that we are worth this fight. We are worth it. And we got skin and blood in the game. As long as they understand that they will have a force to reckon with if they decide to come up into your Community that's your protection, we are the fucking calvary. Oh God, I thought I was going to get through here without custom it didn't happen, I tried, I tried my best, what we are our calorie and nobody will ride in and save lives.

We are it we are the front line the back line we got the six to 10 to three and then not. And long as we understand that. Long as we understand, we will not be prostituted for pollution or profits. No, no you're not. You will pay a mighty costs, there have been seven companies that are no longer in Chester. Because we stood up and said no. I cannot imagine what would be in Chester. Have we not come together as a group, they were going to have the largest tire burning company, the largest crematory adjuster they were going to burn soil, they were going to recycle the ash.

They were doing. Medical waste. All on one little bachelor and Kimberly Clark, one of our entire. What would have happened, had we not as everyday people sitting up. We are work this by and you're not going to do this here. And I really don't think we're some extraordinary. I think we are survivalists. we've learned, we took the lemons and we're making eliminate. And we'll use whatever tool is necessary to get it done. So, but these agencies, they work, not on behalf of communities like Chester we know they work. They work EPA works in other communities.

They do the right thing. But we understand the political climate didn't the racial climate of this country. So that's where we are, but it can be done. victory is inevitable, inevitably, we will shut that incinerator down inevitably soon. Soon, I don't give a shit if it blows up today. pray don't nobody care. But that's where we are.

Christopher Mele: When asked if any of the other panelists have some closing comments or questions for each other at this point in a few minutes.

Zulene Mayfield: Though is where you at.

Louis Morse: right here is elaine.

Zulene Mayfield: He says dad like a beaten down husband, I know you're tired I know you're tired, I appreciate you today for being on here.



Louis Morse: Sure, no problem.

Zulene Mayfield: All right, I wish all men said that. i'd be all right.

Zulene Mayfield: You got any closing thoughts alone I.

Louis Morse: Know Adam i'm just happy to be able to be a part of this and to see that there is a bigger Community stepping forward to, and have has been there, stepping with us to make changes. To fight this battle to close this incinerator We really need to do that, we really need to do that.

Zulene Mayfield: we're. going to start we're going to strive.

Louis Morse: As a goal to do that. Well, you know Lewis, with the old books that long as you stay on the battlefield. that's right that'll a lot. of battles not lost. The battle is not at all and we won't stay on that field data is what's perplexing to that sure, with everything that we have going against us how freaking dare you all stand up to us right that's the attitude the local government. Would that's the attitude polluters. The regulatory agencies.and their supporters How dare you. You ought to be happy we killing y'all. y'all should be day as an industry.

Louis Morse: that's right.

Zulene Mayfield: Well, we there. And because we are, they are not. A whole lot of them, they are no longer there a whole lot of people told us well you know well as here now, you know you could do well they're not there any work and more about that. that's right. And apple devlin's coming down to. Georgia. And we got a march around seven times it's going come down. Okay.

Louis Morse: it'll be three years of hell for them.

Zulene Mayfield: That hey hey hey. it's been a while form. yeah every time we we stay in. It well why are marching marching for okay well you know.Building energy.

Louis Morse: that's right. Movement.

Zulene Mayfield: I got your back.

Christopher Mele: Okay well. I want to say that we. Javan has been and I when we put this together, we did not have a scripted sense of what was going to happen in this first session an hour and a half, but i'm. Just so thrilled that this connection between just looking at this one particular case, but how at multiple dimensions what's going on.

Christopher Mele: This really in the kind of resistance is occurring locally within the Community, back then, and continuing on to the present. But also the national implications of this suit and what it meant for cases moving forward and also our current.

Christopher Mele: Situation in terms of how the so called principle of race, neutrality is sticking its way back in again and making in the most

nefarious ways. up, so this is a real great conversation and dialogue and i'm quite certain that panels, two and three, will have a similar kind of of. Energy and movement in the kinds of discussion and conversations and dialogue that we're seeking to have at this conference, so I want to thank. : All the panelists today for their insights and for sharing the recollections and stories about the case of the time, and where we are now as well, so much appreciation for that.

For those attending, including the panelists we reconvene at two o'clock where we're going to be focusing on present efforts and DJ campaigns of the of the of the current time, so we hope to join us send us the link. It remains the same, the link that you use to attend this session remains the same for panels two and four three and. Any last minute.

Zulene Mayfield: One second quote Chris i'm. New safe Oh, can you are new big bigger a. Bigger I was a young man who was seen in the. Late two ways video he was the young man, it said he had the same time you bring this jobs, but at the same time you killing us he is now a mature to to an adult. And I might be fine adult bigger.

Bigga Dre: I just wanted to. Okay, very hot, can you hear me. Yes, I just wanted to say, you know a lot of times we make ourselves available for things because for monetary gain or just so that we can get a place in the spotlight. And I just want to say that I just want to give high kudos to all those where the right invested interest what really matters, so I just want to. that's why I stayed on I have other things to do it, of course, it's Friday, but I wanted to learn more so that when I engage and participate.

You know I can be informed, and I can share the insight that i've gathered with the community at large, but I wanted you know I probably won't be on it Rican be able to reconvene back to what I wanted to say. You guys did a great job, and thank you for the continuous work I did leave a comment in there, so i'll just said, for those who don't earn in the chat consistency outweighs resistance, so I appreciate everyone who has been consistent in this fight and. You know I look forward to things being resolved, so thank you, thank you for.

Zulene Mayfield: It do me a favor you have an event coming up, please drop it again.

Bigga Dre: yeah so I did share the link it's our event I don't like to put the spotlight on me because it's not about the spotlight is.

Zulene Mayfield: Like the spotlight on me, believe it or not.

Bigga Dre: But you are going to be on the panel and we and we like to have other members of the Community to come out, so I did share the link. um it's an upcoming event it's going to be on University of pins campus at 4014 walnut street from 4pm to 7pm.

Bigga Dre: And it's a it's called Chester a city late to waste revisit it I think people when you make an impression on a compete on a on a Community they like to see people who. are actually doing the work so

just to see you like you said you're coming up on 30 years still in 22 fighting, I think that makes an impact, and it will make people recognize like we do have a serious issue and if we can come together will probably can have more of an impact, and you can give them updates about. You know that the strides that we've we've covered, but that's what the event is about is that the Sunda if the admission is free.

You can give a donation or a free will, offering, but we did the goal is to connect with other the community at large and cut connect with other individuals and organizations. Who do similar work and we're doing it in at the rotunda because. As we know, we're talking a lot about Chester, but this is not a logistical thing this is happening in areas all around the country so we're hoping to invite others out and that link can be shared. On the capacity is because of covert it's only up to like 75 people, so if you do share the lake keep that in mind on but we look forward to a large turnout and we look forward to sharing ideas and and seeing what we can do to to make things better, and I will see you guys tomorrow.

Zulene Mayfield: Alright future leader, the future leader room my longtime when they come out alrighty we won't go get some grits and gravy or something for lunch Lewis you go get some rest.

Louis Morse: um it works, we don't I won't be getting residency.

Zulene Mayfield: cray cray I know I know. This is what everyday people do you know we work stay up all night. long and go to work again. It is, I like but we get it done with some way. Absolutely kibana Where are you. hi.

Giovanna Di Chiro: Here here's the thing. yeah thank thanks to everybody. For your commitment, for your words. for joining us for sharing and we hope to see you again this afternoon and tomorrow. The struggle keeps moving. One thing I just want want to say, because I have students and we have a student this at the panel this afternoon Sean tall, who is going to law school. I and and, and so I really think that and chantelle may say this herself, but she. gained she mentioned this in the chat gained a lot from hearing from lawyers who have social justice. on their minds and and in their hearts.

Zulene Mayfield: He wants to be one of you so. yeah I hope that you will pick up the mantle and try them integration lady do this process, I knew law school is hard. But we're going to we're going to import we can because she's one of my chair now.

Giovanna Di Chiro: All right, thank you to everybody. Chris do you have any final. final words.

Christopher Mele: No, I think we're good Thank you, Sir, thanks to everyone again.

Zulene Mayfield: let's go get some lunch.