

MEMORANDUM

TO: Randall Woodfin, Mayor
Office of Peace and Policy

FROM: Rose Albert, Odion Ovbiagele, and Jake Lindahl

DATE: April 2021

RE: Call for Formation of Equity & Environmental Justice Committee

EXECUTIVE SUMMARY

Birmingham has been through many changes over its history--from industrial success following the Civil War, to its central role in the Civil Rights Movement. Today, Birmingham is a leader in medicine, public health, and economic development; however, racial disparity still persists in the city. The legacy of segregation and heavy industry can be found in the soil of North Birmingham, where elevated levels of lead and carcinogens such as arsenic and benzo[a]pyrene have left residents with chronic negative health effects. These effects include developmental delay in children, increased risk of cancer, and cardiovascular disease. Neighborhoods affected by this environmental injustice are predominately Black. As Birmingham continues to build its future, mistakes of the past must be corrected with equity and public health in mind. This involves consulting with affected communities and learning from other city and state initiatives that address environmental injustice. The City should create an advisory group for equity and environmental justice to assist policy makers in addressing the disproportionate health hazards in North Birmingham and other communities.

BACKGROUND

In the 1970s, researchers began to build a body of literature documenting instances of environmental justice in the United States, followed by studies focusing on the placement of hazardous waste sites. One of the studies, *Toxic Waste and Race in the United States*¹, recorded the discriminatory placement of toxic waste facilities across the country. This and several other studies confirmed that race is the most powerful predictor of the placement of toxic facilities and heavy industry.

Birmingham is not exempt from this phenomenon as zoning and land use ordinances around the 35th Avenue Superfund Site communities have resulted in the isolation of these neighborhoods and restriction of their amenities. Despite the 1917 Supreme Court Ruling *Buchanan v. Warley*, which overturned racial zoning ordinances and declared them unconstitutional, Birmingham continued to keep neighborhoods segregated for decades. These racial zoning maps were also used to guide the placement of heavy industry in Black neighborhoods, like the ERP Compliant Coke and ABC Coke plants. This decision has not only left North Birmingham residents with environmental pollution, but has significantly elevated their health risks. Carcinogenic soil and poor air quality have increased the prevalence of respiratory

¹ United Church of Christ. (1987). *Toxic wastes and race in the United States: A national report on the racial and socio-economic characteristics of communities with hazardous waste sites*. New York, N.Y: Public Data Access.

health diseases and disorders (i.e. chronic obstructive pulmonary disease and asthma), cancer, sleep disorders, and more.

In 2011, the United States Environmental Protection Agency (EPA) determined that “time-critical removal action” was essential to mitigate human health risks in the 35th Avenue Superfund Site, including Collegeville, Harriman Park, and Fairmont.² Despite this recommendation, environmental hazards continue impacting the predominantly Black 35th Avenue Superfund Site. These hazards include poor air quality, surface water runoff, and high levels of carcinogens in soil. These communities also suffer from denial of basic amenities such as stormwater management, road quality, and the availability of green space; the improvement of these amenities aligns with Mayor Woodfin’s commitment to neighborhood revitalization.³

BIRMINGHAM EQUITY & ENVIRONMENTAL JUSTICE COMMITTEE

The American Public Health Association (2019) recognizes health equity cannot be achieved without addressing environmental injustice and recommends partnerships to increase community engagement and environmental justice legislation.⁴ The EPA has stated that achieving environmental justice requires the meaningful involvement and fair treatment of all people - including resident collaboration, capacity building, and initiation of mutually beneficial community-driven programs.⁵ The creation of an environmental justice advisory board with North Birmingham/35th Avenue Superfund Site communities would enable a public participatory pathway to repair existing damages and promote equity.

The formation of an Equity & Environmental Justice Committee aligns with the mission of the Office of Social Justice and Racial Equity to “employ social justice as a core principle” for the City of Birmingham.⁶ Creating a commission to advise the Mayor and Council is listed as an objective for the Office (Objective #6) and would directly address the need for an equity lens (Objective #1) and community engagement (Objective #5).

On February 10, 2021, the Jefferson County Department of Health explicitly named racism as a public health issue.⁷ Specifically, the resolution calls attention to Birmingham’s history of racially discriminatory policies that “have had long term impacts on social determinants of health and resulting health disparities.” The decision to zone for heavy industry in low-income communities of color, for example, illustrates the way that racism has been institutionalized through social structures, politics, and business practices. This complex intersection of social justice issues

² “Evaluation of Surface Soil and Garden Produce Exposures,” *Agency for Toxic Substances and Disease Registry*, last modified July 22, 2015, [https://www.atsdr.cdc.gov/HAC/pha/35thAvenueSite/35thAvenueSite_HC\(PC\)_%2007-22-2015_508.pdf](https://www.atsdr.cdc.gov/HAC/pha/35thAvenueSite/35thAvenueSite_HC(PC)_%2007-22-2015_508.pdf).

³ “My Agenda,” Woodfin for Mayor, accessed March 18, 2021, <https://www.randallwoodfin.com/agenda>.

⁴ “Addressing Environmental Justice to Achieve Health Equity,” *APHA*, no. 20197 (November 2019): <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2020/01/14/addressing-environmental-justice-to-achieve-health-equity>.

⁵ “Environmental Justice,” *EPA*, accessed March 18, 2021, <https://www.epa.gov/environmentaljustice>.

⁶ “Office of Social Justice and Racial Equity,” *City of Birmingham, AL*, accessed March 18, 2021, <https://www.birminghamal.gov/socialjustice>.

⁷ “Board of Health Minutes 02-10-2021,” *Jefferson County Board of Health*, last modified February 10, 2021, <https://www.jcdh.org/SitePages/Misc/PdfViewer?AdminUploadId=1347>.

demonstrates the need for an organized body devoted to analyzing and advising policy recommendations for the City.

CASE STUDIES

Similar environmental justice commissions and task forces have been assembled on both the state and city level, demonstrating success in crafting and advancing social justice agendas.

Seattle's Equity & Environment Initiative⁸

After the introduction of the Race and Social Justice Initiative in 2004 Seattle, Washington has established policy, programs, and organizing bodies to combat institutionalized racism in the city. The Mayor reaffirmed the City's commitment to community involvement and racial equity in a [2014 Executive Order](#) and launched the Equity & Environment Initiative in 2015. The Equity & Environment Agenda is a blueprint and guideline for city-level decision making, such as the creation of Racial Equity Toolkits that must be incorporated into budget proposals and the Environmental Justice Fund that allocated almost \$350,000 to nine community-led projects in 2018. An Environmental Justice Committee was formed in 2017 to implement the Agenda and has since generated a Community Conversations Report with Priorities for the COVID-19 Response & Recovery, Principles of Public Space for Communities of Color Environmental Equity Assessment Pilot, and Community Suggested Actions for Equity & Environment Agenda.

Prince George's County Environmental Justice Commission⁹

Maryland adopted [HB-138](#) in 2018 to establish the [Prince George's County Environmental Justice Commission](#). From the December 2018 report, "the Commission is required to (1) study environmental justice issues in Prince George's County; (2) make recommendations regarding actions that should be taken to address environmental justice issues in Prince George's County and work to extend the duration of the Commission (3) report its findings and recommendations to the Prince Georges' County House Delegation." The commission defined environmental justice and injustice, identified social determinants of health, and specific environmental issues and conditions. The commission identified environmental justice hotspots, and recommended the use of geographic information systems in, "decision- making related to permitting, enforcement, and regulatory activities." It is important for policymakers to understand environmental injustice--its causes and effects--in all decision making concerning communities with a history of poor public health outcomes.

Oregon Environmental Justice Task Force¹⁰

The Oregon Environmental Justice Task Force (EJTF) was established in 2007 by [SB 420](#), which also established environmental justice guidelines for the state's natural resource agencies. The task force consists of twelve governor-appointed members who serve four-year

⁸ "Equity & Environment Agenda," *Seattle Office of Sustainability & Environment*, accessed March 18, 2021, <http://www.seattle.gov/Documents/Departments/OSE/SeattleEquityAgenda.pdf>.

⁹ "HB-183 - 2018," *Prince George's County Environmental Justice Commission*, last modified February 25, 2019, <https://www.princegeorgescountymd.gov/DocumentCenter/View/27132/Environmental-Justice-Commission-Report-Final-PDF>

¹⁰ "Oregon Environmental Justice Task Force Handbook," *Oregon.gov*, last modified January 2016, https://www.oregon.gov/gov/policy/environment/environmental_justice/Documents/2016%20Oregon%20EJTF%20Handbook%20Final.pdf.

terms. The duties of the task force include advising the Governor and natural resource agencies with recommendations from environmental justice communities and identifying the areas and populations most impacted by those decisions within the state of Oregon. The ENTJF outlines meaningful involvement as a guiding principle in their environmental justice work such as providing full information in plain language, utilizing Citizen Advisory Committees, and prioritizing transparency and outreach. The ENTJF also provides a federal and state legal framework requiring jurisdictions to properly respond to environmental justice issues. In 2010, the EJTF was one of five environmental partnerships to receive the National Achievements in Environmental Justice award from the EPA for effectively implementing environmental justice legislation and incorporating environmental justice principles into state agency programs.

RECOMMENDATIONS

Given the environmental injustice in North Birmingham, we propose the Mayor establish an Equity and Environmental Justice Committee.

Proposed Objectives of the Equity and Environmental Justice Committee :

- Advising Mayor and Council on decision-making to promote equity and justice goals
- Providing opportunity for meaningful involvement of affected constituents through a public forum for residents to express issues. Comments must be processed and acknowledged within 6 weeks.
- Setting agendas for social justice and sustainability initiatives
- Analyzing effectiveness of current programs addressing environmental justice
- Proposing legislation and policy recommendations to promote environmental justice
- Conducting annual community needs assessments
- Partnering with community groups with shared goals for social and environmental justice
- Developing a Birmingham-level equity, environment, and sustainability plan

We propose this 20-member committee be comprised of:

- Heads, managers, or other representatives, of city agencies, departments, & offices such as:
 - Department of Transportation
 - Department of Public Works
 - Housing Authority of the Birmingham District
 - Department of Planning, Engineering and Permits
 - Office of Social Justice and Racial Equity
- Jefferson County Health Officer
- Executive Directors and CEOs of nonprofit advocacies such as:
 - GASP
 - Alabama Rivers Alliance
 - The Nature Conservancy

- Ten (10) community liaisons who are affected constituents/residents of environmental justice communities

Recommendations for oversight and maintenance include¹¹:

- Committee meetings every month for the first year with published meeting minutes
- Involvement of community to develop of clear mission and vision for the committee
- Initial meetings prioritizing agenda-setting for incorporation of environmental and equity priorities
- Creation of work groups to address selected issues such as environmental health and sustainable development through community engagement, legislation, and policy
- Progress reports every 6 months made available to the public

ADVANTAGES

The formation of an Equity & Environmental Justice Committee will amplify community needs and to improve health outcomes and quality of life in Birmingham. The committee aligns with:

- (1) Mayor Woodfin’s goal of creating “safe, secure, and sustainable neighborhoods¹²,”
 (2) the Jefferson County Department of Health’s resolution to “advance health equity,”¹³
 (3) and the Office of Social Justice and Racial Equity to “employ social justice as a core principle.”¹⁴

The American Public Health Association and many cities have made and implemented similar recommendations, so adoption of these models by Birmingham will be a preliminary movement toward becoming a leader for environmental and social justice. True environmental justice is not the redistribution of environmental burdens, rather, it is the *complete* elimination of these hazards. An Equity & Environmental Justice Committee will provide a voice, coordinated body, and commitment to action for communities impacted by unjust social and environmental conditions.

¹¹ Rebecca Rehr and Sacoby Wilson, “The Maryland Commission on Environmental Justice and Sustainable Communities: a review,” *J Health Care Poor Underserved* 24, no. 1 (February 2013): 129-39, 10.1353/hpu.2013.0040.

¹² “A Strategic Plan for Progress,” *City of Birmingham*, accessed March 18, 2021, <https://www.birminghamal.gov/strategy>.

¹³ “Board of Health Minutes 02-10-2021.”

¹⁴ “Mayor’s Office,” *City of Birmingham*, accessed March 18, 2021, <https://www.birminghamal.gov/about/mayors-office/>.

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