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EPA Slams Door to Justice on Historic Black Community

To stay in one place is a privilege. I know this because when I talk to other immigrants, so many of us would just prefer to live at home. I left because the badge of a Western education seemed worth giving up a good life of river baths and my mother’s cooking. My mistake is not the subject at hand though. Not every immigrant makes a choice to leave, and not everyone who is forced from a home is an immigrant. Over the last two decades, an ever-expanding dump has forced the people of Ashurst Bar/Smith down in Tallassee, Alabama, off their land. Permitted to receive over a thousand tons of garbage per day, Stone’s Throw Landfill imposes such a vile presence in the community that residents leave their homes to buzzards. The loss is not just personal, though.

Ashurst Bar/Smith is one of the diminishing number of places in Alabama—and across the country—where black land ownership is the norm. The newly freed African-Americans who settled in Tallassee after the Civil War worked hard during Reconstruction to pass the land on to their children. Those children stayed on through Jim Crow, and today, many Black residents of the Ashurst Bar/Smith community can trace their history in Tallassee all the way back to the end of slavery. But broken down by the daily struggle of living across the street from an enormous dump, generations of African-Americans in Ashurst Bar/Smith have been forced to abandon their disintegrating community. The landfill’s 175 acres lays not only personal history to waste, but the longstanding dream of racial justice.

From the get-go, Black residents in Ashurst Bar/Smith community fought against the landfill’s presence. When the state of Alabama decided to give a permit to Stone’s Throw Landfill to operate in the historically black community in 2001, residents resisted. But to no avail—not only did the dump open up in the middle of the community, the state allowed it to start expanding only a couple years later. In 2003, the landfill applied to the state of Alabama for a permit expansion, and members of the community again banded together to assert their rights. The Ashurst Bar/Smith Community Organization (ABSCO) filed a civil rights complaint with the U.S. Environmental Protection Agency (EPA) alleging that Alabama Department of Environmental Management (ADEM) was discriminating against the predominantly Black community by siting landfills in black neighborhoods. Black residents also raised concerns about contaminated water, disease-carrying rodents, and uncovered piles of waste.

At the time of the 2003 expansion, communities across Alabama had already complained that four out of five solid waste facilities in the county—including Stone’s Throw Landfill—were in predominantly Black neighborhoods. Communities alleged that ADEM was discriminating on the basis of race, and in fact, ADEM was doing nothing to collect or assess racial data to make sure landfills weren’t sited in Black communities. In the Ashurst Bar/Smith community specifically, the discriminatory impact was just as stark: 98% of residents were Black – or about 2% White, while the area serviced by Stone’s Throw Landfill was 74% White. Even if they could not rely on the state, ABSCO members were still hopeful that the federal government would intervene and provide them with equal protection of the law.
“We thought EPA was there to protect our civil rights,” says Phyllis Gosa, one of ABSCO’s leaders, and a landowner whose family legacy in the community stretches back 146 years to slavery.

Yet, the African-American community was mistaken. EPA took two years to accept ABSCO’s civil rights complaint for investigation. Despite a legal requirement that EPA investigate and issue preliminary findings within 180-days, EPA dragged its heels for over a decade. After a ten-year delay, in 2015, ABSCO joined four other community organizations in a lawsuit against the EPA, asking a federal court to require the EPA to investigate their complaints. It turns out, though, that in response, EPA seems to have only conducted a “paper record” investigation—as far as anyone knows, EPA never went to Tallassee to see the landfill or do any scientific testing on the ground. Then, fourteen years later, without ever having been to the Ashurst Bar/Smith community, EPA issued a response—there was “insufficient evidence,” they said, to support a finding of racial discrimination.

“What do we have to experience before EPA will call this discrimination?” asks Gosa. “What more do we have to go through?”

For the Black residents in Ashurst Bar/Smith, this is clearly about race. The Ashurst Bar/Smith community is a neighborhood made up almost entirely of black landowners. They pay the same taxes, yet their land is devalued by the dump’s presence. Truckloads of waste whizz by their homes every day, taking fast turns on roads that were never meant to serve as a route to a large landfill. Neither local, state, nor federal government is enforcing the community’s civil rights. Instead, Black residents are pushed out of the community by the putrid effects of living in the place where everyone else’s garbage goes. “Vultures live on top of my house,” says Ron Smith, another ABSCO leader, “because the Landfill won’t cover the garbage. I can’t go outside because it smells so bad.”

There’s something painfully ironic about Alabama dumping tons of garbage majority non-black neighborhoods produce on a community of Black people whose ancestors tilled the land with dreams of justice. There is also something pernicious about EPA refusing to call racism racist. ADEM has publicly stated that landfills across Alabama are placed in Africana American neighborhoods because the land there is cheap. But to be black and poor does not mean you deserve to bear the burden of Alabama’s waste. African-Americans in the Ashurst/Bar Smith community know this—and they will keep fighting for their civil rights until their local, state and federal government know it as well.