



CENTER ON
RACE, POVERTY
& THE ENVIRONMENT

PRESS RELEASE

For Immediate Release
July 5, 2011

Contact: Rosa Solorio-Garcia, Padres (661) 342-5377
Maricela Mares Alatorre, El Pueblo (559) 816-9298
Brent Newell, CRPE (661) 586-3724

EPA FAILS TO ENFORCE CIVIL RIGHTS ACT Environmental Justice Lawsuit Filed to Compel EPA Action

FRESNO, CALIFORNIA - After patiently waiting more than fifteen years for the U.S. Environmental Protection Agency to resolve civil rights violations, Buttonwillow and Kettleman City residents have asked a federal court to compel Lisa Jackson, the EPA Administrator, to enforce the Civil Rights Act.

Title VI of the Civil Rights Act of 1964 prohibits any recipient of federal funding from discriminating on the basis of race or national origin.

In 1994, California grassroots community groups El Pueblo para el Aire y Agua Limpio of Kettleman City and Padres Hacia una Vida Mejor of Buttonwillow filed an administrative Title VI complaint with the EPA. The administrative complaint alleged that all three of California's toxic waste dumps were located in low-income, rural, Latino communities and that the California Department of Toxic Substances Control permitted toxic waste dumps, and enforced permit requirements, in a manner that violated Title VI. At that time, DTSC had just allowed the Buttonwillow toxic waste dump to expand.

Today, the same three toxic waste dumps are still in the same three low-income, rural, and Latino communities. Only now, the DTSC is poised to issue a permit to allow the Kettleman City toxic waste dump, owned by Waste Management, Inc., to expand.

"We demand that Lisa Jackson honor her promises and finally protect us, as EPA should," said Rosa Solorio-Garcia, President of Padres Hacia una Vida Mejor.

EPA regulations require EPA to make findings and propose a remedy within six months after EPA accepts a Title VI Complaint, or in January 1996 for Buttonwillow and Kettleman City residents.

Unfortunately, their plight is not alone. Presently, there are 32 other Title VI complaints that were filed before President Obama took office and Jackson became EPA Administrator. Three other complaints, which include two filed against California, have been pending since the 1990s.

EPA recently commissioned Deloitte Consulting, LLP to evaluate the performance of EPA's office of Civil Rights. On March 21, 2011, Deloitte released its report, finding that the Office of Civil Rights has not adequately adjudicated Title VI Complaints. Deloitte found that pervasive delays in accepting and investigating complaints are the result of (1) the complexity in determining whether a complaint falls within EPA's jurisdiction; (2) a lack of EPA methods to conduct needed analyses; (3) a lack of standard operating procedures; and (4) a lack of supporting resources from EPA program and regional staff who have no incentive to prioritize

Title VI investigations above their own program and region-related work.

“Lisa Jackson and the Obama Administration have failed to deliver on their promise to protect the civil rights of America’s low-income and communities of color who suffer environmental injustice,” said Maricela Mares Alatorre, a member of El Pueblo para el Aire y Agua Limpio. “Despite her claims that environmental justice is one of her top priorities, her agency’s conduct and record on civil rights is pathetic, embarrassing, and against the law.”

The Center on Race, Poverty & the Environment (CRPE) and the Crag Law Center represent Padres and El Pueblo.

Facts about EPA’s Civil Rights Program

- Title VI of the Civil Rights Act prohibits recipients of federal funding from discriminating on the basis of race or national origin;
- EPA’s Title VI regulations allow citizens to file administrative complaints alleging discrimination in the use of the EPA funding, and EPA’s Office of Civil Rights administers its Title VI program;
- Within 20 days of a civil rights complaints being filed, EPA is required to either accept or deny the complaint for investigation;
- Within 180 days of accepting a civil rights complaint for investigation, EPA is required to issue preliminary findings from its investigation.
- EPA has a long and well-documented history of failing to process civil rights complaints in a timely manner, with some complaints languishing for 15 years or more without any agency response.
- In 1996, the U.S. Commission on Human Rights found that EPA did not have an effective complaint investigation system, noting the growing backlog of complaints.
- The backlog continued throughout the next decade. By 2007, EPA had a backlog of at least 27 Title VI complaints that had not been accepted or rejected within 20 days.
- EPA failed to meet its timelines with respect to every single one of the 24 complaints filed in 2006 and 2007.
- In 2009, the Ninth Circuit Court of Appeals ruled against EPA in the first case related to the backlog of Title VI complaints. The Court noted a “consistent pattern of delay by the EPA” and that the delays in that case “appear, sadly and unfortunately, typical of those who appeal to [EPA] to remedy civil rights violations.” *Rosemere Neighborhood Association v. EPA*.
- In July of 2009, the Administrator made the following comments to the National Environmental Justice Advisory Council.

My friends, the EPA is once again guided by a broad vision of public health protection and environmental preservation. Environmental justice is central to that vision. I look forward to making real progress in the months and years ahead, and continuing this important partnership.

- In 2011, Deloitte Consulting, LLP released a report on EPA’s Title VI program, finding that the backlog of complaints continues.