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An Environmental Injustice. The Columbia River Crossing would increase pollution in Portland's most highly polluted and most ethnically diverse neighborhood

TOPICS: Air Pollution Air Toxics Chevron Chromium VI
Climate Change DEQ Environmental Justice EPA Esco
Freeway Global Warming Greenwashing I-5 Interstate 5
Pollution Portland The Oregonian Traffic

POSTED BY: PAUL.KOBERSTEIN APRIL 2, 2011

This is part 5 of Cascadia Times' continuing series on the Columbia River Crossing and air pollution. Read the series [introduction](#), and articles on [induced traffic](#), [lagging traffic counts](#), [the cancer in Portland's air](#), [an environmental injustice](#), [ESCO and industrial air pollution](#), [global warming and the CRC](#), [a look to the future](#), and [the media's role](#).

You can download [maps of Portland's toxic air](#).

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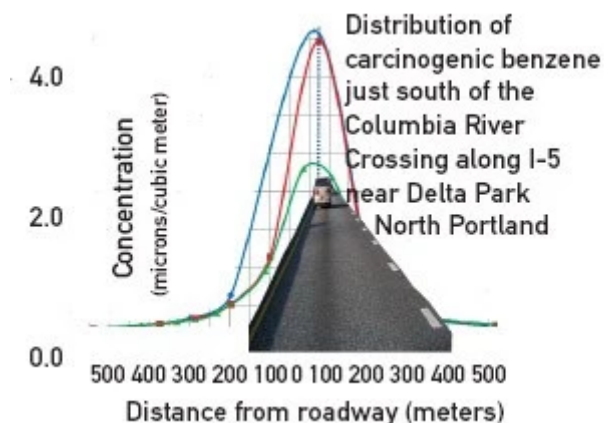
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This chart shows that air toxics like benzene spread out to about 500 meters on each side of a roadway, posing health risks for the people who live nearby. This chart is based on modeled concentrations at Delta Park in North Portland, Portland’s most toxic hot spot. The air exceeds the benzene benchmark of 0.13 microns/cubic meter, and poses a heightened cancer risk over a lifetime of 70 years. Source: DEQ

All traffic crossing the Columbia River emits toxic air pollution, which threatens the health of people living in North Portland neighborhoods — the dumping ground for much, if not most, of Portland’s pollution for several decades.

The CRC predicts traffic in the area would increase by 50,000 cars per day after the bridge is built. Any increase of traffic on I-5 would make the pollution worse.

As the EPA noted in 2008, the CRC has “the potential to exacerbate conditions that are currently affecting human health and well being.”

North Portland, a diverse, largely disadvantaged, multi-cultural, and multi-lingual neighborhood, has long been the recipient of the lion’s share of Portland’s dirty air and water, sewage, and garbage — a pattern that is typical of urban areas across the United States.

The area, which the city historically treated as a toxic sacrifice zone, is also home to one-fourth of the state’s African-American population. Studies show that non-white people are significantly more likely than white Americans to live near toxic hazards – a pattern of racism

Nuclear Power

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that spawned the “environmental justice” movement in the 1990s.

The EPA is concerned that the CRC would worsen the existing toxic cloud hovering over North Portland, which contains at least 14 different carcinogenic air pollutants (see page 10 for the list). Although there are small amounts of many more carcinogens in the air, computer calculations indicate each of the 14 carcinogens is present in Portland at elevated levels that are considered a potential danger to human health. No one knows how the carcinogens might interact with one another, but health officials are concerned that potential interactions may make the health risks worse – a phenomenon known as “synergistic” effects.

Cars are to blame for 77 percent of the health risk of the existing toxic pollution. Industrial waste is to blame for much of the rest. Nationally, the health risk from industrial air pollution alone in North Portland ranks poses the greatest risk to public health than almost anyplace else in the United States, according to an EPA computer model, known as the Risk Screening Environmental Indicators.

North Portland is also home to the highly polluted Columbia Slough, Oregon’s filthiest waterway, which has been contaminated with industrial wastes for decades. Many industrial sites in the area, known as “brownfields,” are also contaminated. Lands next to the Willamette River have been declared Superfund sites, a category reserved for the nation’s most hazardous sites.

The area’s status as an environmental sacrifice zone developed during the first century after statehood in 1859, when Oregon’s black population had little choice but to live in North Portland. Until 1959, ordinances, covenants and racist real estate practices prevented people of color from relocating to other, less polluted, neighborhoods of Portland. Dr. Karen Gibson, a sociology professor at Portland State University, said in a recent speech during a Black History Month event in downtown Portland that real estate agents could be fired or

blackballed if they sold properties in certain Portland neighborhoods to the “wrong kinds of people.”

Oregon outlawed racist real estate practices in 1959 when it adopted the state Fair Housing Act.

And yet, environmental injustices continued to fester in North Portland into the 1960s as the construction of Emanuel Hospital, the Memorial Coliseum and Interstate 5 tore apart close-knit neighborhoods and introduced new health concerns. Some of the most wretched pollution discharges imaginable fouled the Slough during this period and showed few signs of abating. As late as 1970 the Pacific Meat Company was still dumping 150,000 gallons of blood and animal parts directly into the slough every day, according to a paper by Ellen Stroud published by Duke University in 1999, “Trouble Waters in Ecotopia: Environmental Racism in Portland, Oregon.”

The meat company saved \$150,000 by avoiding sewer fees over 15 years. In 1971, the Multnomah County Health Department, described the meat processing plant as “a serious public health hazard,” when the company finally connected to the sewer.

Sylvia Evans, who until recently lived in an apartment complex located just a few yards from I-5, predicted in a 2007 interview with the Portland Tribune that the Columbia River Crossing would add to the area’s air pollution. She has since moved to the Southeast section of town.

“We’re one block from Interstate 5,” Sylvia said in 2009 book published by the Urban League, *The State of Black Oregon*. Her proximity to the freeway was the significant factor in the freeway’s impact on her health. Studies show that cars and trucks cast the bulk of their toxic emissions as far as a quarter-mile from highways.

“We tested diesel emissions and learned that in some apartments the air quality was worse than outdoors — especially those closest to the freeway.

The playground registered the highest levels of toxins. The building layout made the wind trap the toxic emissions in the center of the complex, where the children played.”

Federal laws aimed at abating pollution in disadvantaged neighborhoods like North Portland are ineffectual. But policies intended to halt the practice of using such areas as the nation’s pollution dumping grounds emerged in 1994, when President Bill Clinton issued Executive Order 12898 requiring federal agencies to try to avoid creating new pollution impacts in these neighborhoods if they could help it. But the toothless policy doesn’t require agencies to take any action to clean these areas. And it doesn’t give anyone the right to sue if the federal agency violated or ignored the Executive Order. All it did was attempt to build awareness about the heightened pollution problems in disadvantaged areas.

Executive Order 12898 was based on Title VI of the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color, and national origin by recipients of federal financial assistance.

The Civil Rights Act, in turn, was written to enforce the equal protection clause of the fourteenth amendment to the Constitution, which says: “[no state shall...deny to any person within its jurisdiction the equal protection of the laws.” Courts have extended the clause to the federal government.

To comply with the order, the Federal Highway Administration, (FHWA), one of two federal partners in the Columbia River Crossing project (the other is the Federal Transit Administration), says it has integrated environmental justice into all of its activities.”

The FHWA applied the 17-year-old environmental justice policy to the Columbia River Crossing because it is defined as a federal project.

In 2006, the CRC’s federal and state partners appointed a group of Portland and Vancouver residents to a newly

formed “Community and Environmental Justice Group” (CEJG) that met 27 times from August 2006 to December 2009.

The CRC’s critics, including Jeri Sundvall-Williams, a North Portland resident, and an environmental justice activist, says, however, that the agency used the environmental justice policy as a public relations tool so that it would appear to have built support for its project within North Portland without actually earned it.

The meetings were designed to satisfy guidelines that suggest that federal highway projects like the CRC reach out to disadvantaged communities and disseminate information about “cumulative” environmental impacts. The guidelines urge agencies to give disadvantaged communities a “meaningful” opportunity to participate in decisions — a policy designed to give people a voice in projects that could affect their health and environment.

Historically in environmental justice communities such as North Portland, residents have been denied such a voice.

Minutes of the 27 meetings show that the CRC gave its environmental justice group little or no information about toxic fumes that the bridge and freeway-expansion project would emit, about the existing air pollution problems in the neighborhood or about how the CRC might exacerbate pollution problems there. Without this information, it is not clear how the neighborhood could have been expected to participate in CRC deliberations in a meaningful way.

For example, the CRC made no presentation to the group about pollution-induced asthma, a health concern associated with exposure to diesel exhaust from cars and trucks.

Asthma rates near the freeway in North Portland are double the state and national averages, according to a 2002 study by sociology Prof. Bruce Podobnik of Lewis & Clark College.

Podobnik found elevated asthma rates between the Rose Garden and Columbia Boulevard. He also found that a large number of asthma victims had no health insurance or had difficulty paying for their asthma medications.

Sundvall-Williams, a nationally recognized leader in the Environmental Justice movement, said she had urged the CRC to present the asthma data.

“I don’t believe they did,” she said, adding that CRC officials had told her that “there would be no conversation ‘on little black children with asthma,’ during the CRC process, only things that were truly transportation related.”

There is evidence that the CRC may have tried to minimize concerns about the bridge project’s health impacts to the people in North Portland. For example, according to meeting minutes, Project

Manager Doug Ficco told the environmental justice group that growth controls were “in some ways greater” in Clark County than in Portland. If true, this would have been a comforting remark to the North Portland community, which could be harmed by air pollution caused by traffic related sprawl in Clark County.

Sprawl has a widely recognized capacity to induce greater freeway travel and, consequently, greater amounts of air pollution along travel routes.

But sprawl in Clark County may have the greater impact than in Oregon. In rural areas, Oregon limits lot sizes is 20 acres. In rural Clark County, the minimum lot size is only 5 acres. That means that in rural Clark County, developers can build up to four times as many houses in a rural subdivision than one in Oregon. There are thousands of potentially developable acres of rural land in Clark County, not far from the bridge. Those areas could generate four times as much traffic as similar areas in Oregon, and generate four times as much air pollution for the people who live along I-5. Also, a grandfathering

clause in Washington's growth-control act allows denser development to occur on certain rural lands.

If the CRC's intent was to steer the environmental justice committee toward supporting the project, it appears to have succeeded. Support for the project was demonstrated in January 2008, when two members of the CRC's environmental justice panel testified — falsely — in a hearing before Portland Mayor Sam Adams and the Portland City Council that the group had voted to support a 12-lane bridge.

In fact, at that time no such vote had been taken.

One of the two speakers even told the council that the vote had been unanimous. But even if a vote had occurred, support was far from unanimous, though a majority of the panel eventually did back a 12-lane version of the bridge, the largest of several proposals and the one likely to generate the most pollution

It is not clear how the committee represented North Portland or its environmental justice concerns.

Sundvall-Williams, now an employee of the city of Portland Office of Neighborhoods, said that she felt “bamboozled” by the CRC.

She said that the panel was told by CRC officials that environmental justice “was no longer important.

“You cannot expect a person who has not walked in your shoes to have the lens necessary to come to the table and represent you and your most passionate issues. It's not that those people are bad. They just lack this particular knowledge.”

Another member of that panel, Ed Garren, a resident of Hayden Island, voiced similar concerns. Garren said that he was told by CRC officials that the environmental justice group was “owned” by CRC and that “what CRC wants to do is what is going to happen.”

Both Sundvall-Williams and Garren claimed that the CRC demonstrated a lack of interest in environmental justice. For example, she said the CRC failed to train the group on EJ issues until at its final meeting. The meeting minutes shows that the CRC ignored repeated requests from both Garren and Sundvall-Williams that the CRC provide the training for the group so it could better understand federal environmental justice policy.

Such training was needed, Sundvall-Williams said, because environmental justice policies are not simple and the pollution and health issues facing environmental justice communities are often daunting.

“The CEJG group received the training last summer, after the process was pretty much over.”

Sundvall-Williams said the environmental justice movement is made up of “people of color and low income people who have historically been discriminated against by living in communities that are more polluted than other areas, have the least amount of resources to deal with the complications of increased health effects (like health insurance) and are not the ones generally sitting at the table where decisions are made.”

She said she can't assume that CRC co-chair Henry Hewitt (a lawyer at the Portland law firm Stoel Rives) “understands my concerns as a Native American low-income mom.”

She said Hewitt's law firm “represents many corporations that violate pollution law. He defends them. Henry doesn't go home and have to deal with kids missing school due to asthma. He doesn't have to worry about not having health insurance. I'm not him and he is not me, and yet isn't my voice and concerns as important as his?”

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2 COMMENTS

ON "AN ENVIRONMENTAL INJUSTICE. THE COLUMBIA RIVER CROSSING WOULD INCREASE POLLUTION IN PORTLAND'S MOST HIGHLY POLLUTED AND MOST ETHNICALLY DIVERSE NEIGHBORHOOD"

Jackie Calder | February 22, 2012 at 11:19 am |

Hello

Thank you for your articles and illustrating what a problem CRC brings to families.

The possibility of air pollution during the Portland Harbor Superfund clean up is possible depending on the chosen remedy. The Feasibility Study is the report where those remedies suggested by the Lower Willamette Group will be revealed.

As concerned citizens, we, the Portland Harbor Community Advisory Group would welcome folks from the EJAG community to join and render

feedback about what should be done to clean up the toxicity in the Portland Harbor Superfund. On April 11, 2012, the Lower Willamette Group will present initial information to our group and other public groups at the St. Johns Community Center, St Johns Community Center

8427 N Central St

503-823-3192

There will be additional presentation in May as well although the meeting place has not been established.

Our normal meeting time is the second wednesday at 6:00 pm at the Water Pollution Lab at 6543 N Burlington-below the St Johns Bridge although not April 2012 and probably May.

Thank you

Jackie Calder

Portland Harbor Community Advisory Group
"Striving toward a community guided Superfund"

angel_gutierrez | May 3, 2011 at 1:22 pm |

Hello Mr. Koberstein,

I am a student who has been handed an amazing opportunity by my school. I have been given the opportunity to write and create my own five minute public announcement. I have been reading your nine article series and I have been moved. I want to now focus my public announce on the environmental/human health impacts of the CRC. I would love to be able to contact you and get a little bit more information. Thank you very much, and I find your work to be a breath a fresh air...no pun intended. My e-mail is
angel_gutierrez@brown.edu