

**Challenging Environmental Racism for Civic Responsibility: Bean v. Southwestern Waste
Management Corp. and the Right to a Safe Environment**

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Paper

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Process Paper: 500 words

Process Paper

To stay updated on current events, I write article reflections. Based on how my article selection had gravitated towards environmental topics, I wanted to pick a topic directly related to that field. Specifically, I wanted to pick a topic that centered around a different, more unique angle of environmental justice that I had not written much about. As I explored topics using the U.S. Environmental Protection Agency's timeline on environmental justice, I learned about the "Solid Waste Sites and the Houston Black Community" study, which intrigued me most because of its environmental racism angle. After researching the study's backstory, I decided to focus on the case Bean v. Southwestern Waste Management Corp.

The primary reason I chose Bean v. Southwestern Waste Management Corp. as my topic was because it challenged my initial interpretation of environmental justice. Initially I thought that environmental justice tended to primarily correlate the location of environmental hazards with income level. However, this case and its focus on race did not align with this notion, which made it more interesting. Another reason I chose this topic is because its story reflects a life lesson that I wanted to remind myself of: the learning process is what truly matters. Learning about the struggles of the residents as they rose against what they saw as environmental racism and reading their lawyer state that the act of resistance was powerful is empowering, and I hoped sharing this topic would inspire others.

For my project, I focused on civic duty responsibilities, or standing up for what one believes is right and enduring through a learning process against injustices. For the rights component of the theme, I focused my argument on the basic civil right to a safe environment. I purposefully made the rights and responsibilities components of my project revolve around the residents of this case in order to spotlight their struggle. From research, the biggest challenge I

faced was finding multiple sources from a variety of perspectives, but I was able to find sources that showed the law, science, and residents' perspectives of the case. Learning about this case through the lens of these perspectives helped me realize the interdisciplinary nature of environmental justice, as shown by the combination of law and science that is actively involved in the field. Moreover, I had trouble finding primary source newspapers or press releases discussing the case, which undermined my ability to feature an equal amount of the landfill industry's point of view. However, I maneuvered this challenge using the court's opinion and ruling document, which included summaries of the plaintiff and defendants' arguments, which helped me immensely in including both sides' perspectives in my paper.

Bean v. Southwestern Case Management is a landmark case because of its direct relevance today. Like the lessons that the plaintiffs learned through this legal battle, focusing on one's rights and responsibilities of civic duty can help learn from mistakes. Along with the power of inquiry, that is what I hope to convey through my project.

“Environmental Justice—Once a Footnote, Now a Headline” - Dr. Robert D. Bullard¹

Zoning, Redlining, and the White Flight: Contextualizing Houston up to the 1970s

After the Great Depression, FDR established the National Housing Act of 1934, a component of the New Deal that helped lower income people who could now afford housing. Despite this benefit, concerns over possible mortgage defaults resulted in a discriminatory practice called redlining that restricted property-based financial freedoms for marginalized demographics². Meanwhile, increasing ethnic and racial diversity in urban regions led to a historic suburban white flight spurred by racism,³ shifting Northwood Manor in Houston, Texas from a majority white demographic in 1970 to a majority Black population in 1980.⁴

In response to a 1978 proposal for a landfill called Whispering Pines,⁵ residents from the majority-Black Northwood Manor community strongly protested, claiming that its siting was due to environmental racism⁶. Through Bean v. Southwestern Waste Management Corp., Northwood Manor residents claimed their civic responsibility to resist racial injustices by exercising their basic right to live in environmentally safe communities regardless of race; this ultimately

¹ Bullard, Robert D. "Introduction: Environmental Justice---Once a Footnote, Now a Headline." *Harvard Environmental Law Review* 45:243-48. Accessed January 21, 2025.

<https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2021/07/45-2-Bullard.pdf>.

² "Housing Segregation and Redlining in America: A Short History | Code Switch | NPR." Video, 06:36. YouTube. Posted by NPR, April 11, 2018. Accessed January 21, 2025.

<https://www.youtube.com/watch?v=O5FBJyqfoLM&t=247s>.

³ Pais, Jeremy F., Scott South, and Kyle Crowder. *White Flight Revisited: A Multiethnic Perspective on Neighborhood Out-Migration*. 2009. Accessed January 22, 2025. <https://doi.org/10.1007/s11113-008-9101-x>.

⁴ Bullard, Robert D. "Environmental Racism and Invisible Communities." *West Virginia University the Research Repository @ WVU* 96, no. 4 (1994).

⁵ Bullard, Robert D. *Environmental Justice and the Politics of Garbage: The Mountains of Houston*. Accessed January 21, 2025. https://offcite.rice.edu/2014/02/Cite_93_Mountains_of_Houston_Bullard.pdf.

⁶ Tan, Elena. "Environmental Justice in Law: Anderson v. Beatrice Foods Co. and Bean v. Southwestern Waste Management Corp." *The International Young Researchers' Conference*. Accessed January 22, 2025. doi.org/10.34614/iyrc0063.

contributed to residents gaining knowledge about combating environmental injustice and led to lasting changes beyond the case outcome such as tangible systemic shifts and increased awareness of environmental racism.

Preparation for Legal Battle

The residents' strong opposition and frustration⁷ regarding the landfill site included concern over declining health, land value, tax bases, and job opportunities from its construction.⁸ Several years earlier in 1976, Congress had passed the Resource Conservation and Recovery Act (RCRA) after the federal government realized the dangers posed by hazardous wastes disposal methods, introducing regulations over hazardous waste disposals by the federal and state government. Conditions under the RCRA included a hazardous wastes list with guidelines on how to handle them more safely, with the goal of mitigating the detrimental effects solid waste remaining on land could have on communities across the nation.⁹ Given this increasing awareness of the possible dangers land-deposited solid wastes could have on human health, the residents' reactions reflected the nation's inclination to perceive any proposed landfills—a potential source of hazardous waste—with wariness. Demonstrations¹⁰ and funds collections for anticipated legal costs followed¹¹ into 1979. Such opposition to the landfill led to the formation

⁷ Bullard, Robert D. *Environmental Justice and the Politics of Garbage: The Mountains of Houston*. Accessed January 21, 2025. https://offcite.rice.edu/2014/02/Cite_93_Mountains_of_Houston_Bullard.pdf.

⁸ Tan, Elena. "Environmental Justice in Law: Anderson v. Beatrice Foods Co. and Bean v. Southwestern Waste Management Corp." *The International Young Researchers' Conference*. Accessed January 22, 2025. doi.org/10.34614/iyrc0063.

⁹ U.S. Environmental Protection Agency. "New Law to Control Hazardous Wastes, End Open Dumping, Promote Conservation of Resources." News release. December 13, 1976. Accessed January 21, 2025. <https://www.epa.gov/archive/epa/aboutepa/new-law-control-hazardous-wastes-end-open-dumping-promote-conservation-resources.html>.

¹⁰ *40-Northeast-Houston-residents-hold-protest-at-Whispering-Pines-Landfill-1979*. Photograph. Dr. Robert D. Bullard: Father of Environmental Justice. Accessed January 21, 2025. <https://drrobertbullard.com/photos/>.

¹¹ Popescu, Mihaela, and Oscar H. Gandy, Jr. "Whose Environmental Justice? Social Identity and Institutional Rationality." *Journal of Environmental Law and Litigation* 19 (2004): 144-94.

of the Northeast Community Action Group (NECAG)¹², whose primary goal was to halt and prevent construction of the Whispering Pines landfill¹³ by demanding a court order to take back the Texas Department of Health's decision¹⁴ to grant a permit. These tensions culminated to a federal case to the United States District Court between Southwestern Waste Management Corp., the named defendant, and the residents who stood as the plaintiffs, represented by attorney Linda McKeever Bullard.¹⁵

For Bullard, the case represented a struggle beyond a preliminary injunction requested—in fact, the process behind the residents' efforts against environmental injustice was the primary goal. As she stated in an interview with the journal *Race, Poverty & the Environment*, “[w]hether we won or not wasn't important, but not rolling over as other neighborhoods had done—or been forced to do—that was important. So I was willing to take the chance.”¹⁶ It was with this belief that she resolved to take on this case in the first place; fully aware that this lawsuit and the subsequent legal battle would be a big struggle for the residents, she felt that her responsibility through this case was standing up against the landfill industry in an effort of resistance, not submission.

Building a Research Foundation Through Mapping and Sociology: Applying Science to Law

¹² U.S. Environmental Protection Agency. "Environmental Justice Timeline." EPA: United States Environmental Protection Agency. Last modified June 6, 2024. Accessed January 21, 2025. <https://www.epa.gov/environmentaljustice/environmental-justice-timeline>.

¹³ Tan, Elena. "Environmental Justice in Law: Anderson v. Beatrice Foods Co. and Bean v. Southwestern Waste Management Corp." *The International Young Researchers' Conference*. Accessed January 22, 2025. doi.org/10.34614/iyrc0063.

¹⁴ Bean v. Southwestern Waste Management Corp. Accessed January 22, 2025. <https://law.justia.com/cases/federal/district-courts/FSupp/482/673/2095959/>.

¹⁵ Ibid.

¹⁶ Bullard, Linda McKeever, and Luke Cole. "A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard." *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

To gather quantitative evidence for the case, Bullard requested the help of her husband, Dr. Robert D. Bullard, who was studying residential segregation¹⁷ as a sociologist¹⁸ at Texas Southern University at the time.¹⁹ The research process for the case was arduous; the absence of modern-day mapping technology²⁰ such as GIS²¹ forced Dr. Robert D. Bullard to resort to a long data collection process despite the help of his ten research methods students.²² However, with mapping and multiple drives to confirm waste facility addresses,²³ a trend²⁴ that correlated the waste sites with Black communities surfaced. Spanning from the 1920s to 1979,²⁵ the research suggested the presence of environmental racism as the majority of the landfills and incinerators in Houston were actually situated in communities with a majority Black population. Specifically, this included six out of eight city-owned incinerators and five of five city-owned landfills. This trend extended beyond public landfills to private-owned landfills, with three out of four sites in

¹⁷ Bullard, Linda McKeever, and Luke Cole. "A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard." *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

¹⁸ Bullard, Robert D. *Environmental Justice and the Politics of Garbage: The Mountains of Houston*. Accessed January 21, 2025. https://offcite.rice.edu/2014/02/Cite_93_Mountains_of_Houston_Bullard.pdf.

¹⁹ Bullard, Linda McKeever, and Luke Cole. "A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard." *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

²⁰ Bullard, Robert D. "Environmental Racism with Dr. Robert Bullard." Interview by Ethan Elkind. Berkeley Law: Center for Law, Energy, & the Environment. Accessed January 21, 2025. <https://climatebreak.org/environmental-racism-with-dr-robert-bullard/>.

²¹ "Robert Bullard: The Father of Environmental Justice Speaks." Video, 1:36:46. YouTube. Posted by The Earth Commons, May 2, 2023. Accessed January 21, 2025. <https://www.youtube.com/watch?v=pDCx2NaMw5o&t=2591s>.

²² Bullard, Robert D. "Environmental Racism with Dr. Robert Bullard." Interview by Ethan Elkind. Berkeley Law: Center for Law, Energy, & the Environment. Accessed January 21, 2025. <https://climatebreak.org/environmental-racism-with-dr-robert-bullard/>.

²³ Petersen, Laura. "Welcome to the Front Lines of Environmental Justice with Robert Bullard." *American Association for the Advancement of Science* (blog), April 30, 2021. Accessed January 21, 2025. <https://www.aaas.org/membership/member-spotlight/welcome-front-lines-environmental-justice-robert-bullard>.

²⁴ Bullard, Robert D. "Environmental Racism with Dr. Robert Bullard." Interview by Ethan Elkind. Berkeley Law: Center for Law, Energy, & the Environment. Accessed January 21, 2025. <https://climatebreak.org/environmental-racism-with-dr-robert-bullard/>.

²⁵ Bullard, Robert D. "The Father of Environmental Justice Exposes the Geography of Inequity." Interview by Yessenia Funes. *Scientific American*. Springer Nature. Last modified September 19, 2023. Accessed January 21, 2025. <https://www.scientificamerican.com/article/the-father-of-environmental-justice-exposes-the-geography-of-inequity/>.

regions with majority Black populations.²⁶ Dr. Bullard's findings became the foundation for the residents' argument that Southwestern Waste Management Corp. was situating the landfills based on racial discrimination. Through his research, the plaintiffs were able to give evidence to fight for their right to a safe environment, which consisted of basic conditions such as clean air where students in nearby schools would not have to suffer from the potent odor of trash during sweltering Houston summers.²⁷

Discovering Responsibility Through a Fight for the Right to a Safe Environment

By the time of the lawsuit, the corporation had already informed residents in advance about landfill construction and Linda McKeever Bullard had to admit that arguing from the technical angle of landfill siting would put the residents at a disadvantage. As a result, Linda McKeever Bullard purposefully avoided environmental laws in her argument.²⁸ She claimed instead that the construction was, through racial discrimination, violating basic rights²⁹ granted under Title VI of the Civil Rights Act of 1964.³⁰ This portion of the Civil Rights Act barred race or ethnicity-based discrimination when receiving resources or participating in activities or

²⁶ Bullard, Robert D. "Environmental Racism with Dr. Robert Bullard." Interview by Ethan Elkind. Berkeley Law: Center for Law, Energy, & the Environment. Accessed January 21, 2025. <https://climatebreak.org/environmental-racism-with-dr-robert-bullard/>.

²⁷ "The Quest for Environmental Justice: Human Rights." Video, 52:00. YouTube. Posted by University of California Television (UCTV), February 7, 2008. Accessed January 21, 2025. <https://www.youtube.com/watch?v=SYVvbs6XsNw>.

²⁸ Bullard, Linda McKeever, and Luke Cole. "A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard." *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

²⁹ Bean v. Southwestern Waste Management Corp. Accessed January 22, 2025. <https://law.justia.com/cases/federal/district-courts/FSupp/482/673/2095959/>.

³⁰ Tan, Elena. "Environmental Justice in Law: Anderson v. Beatrice Foods Co. and Bean v. Southwestern Waste Management Corp." *The International Young Researchers' Conference*. Accessed January 22, 2025. doi.org/10.34614/iyrc0063.

programs backed by federal funds.³¹ The plaintiffs' argument was also based on the Equal Protection Clause under the Fourteenth Amendment, which was by law supposed to defend residents' right to "life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."³² By citing the Civil Rights Act of 1964 and the Equal Protection Clause, the plaintiffs asserted there was environmental racism, which they believed was evidenced by Dr. Robert D. Bullard's research. Plaintiffs believed that Southwestern Waste Management Corp.'s landfill site violated the foundational right to a safe environment that federal law was supposed to guarantee to the Black community. The aforementioned concerns over health and the future of Northwood Manor after the construction of the landfill continued as a growing worry that drove community members to defend their rights to the safe environment they sought.

With the accumulating evidence from Dr. Bullard's research, the plaintiffs gained confidence in their argument with increasing hope for a temporary restraining order (TRO) verdict.³³ Amid this hope, however, Linda McKeever Bullard still doubted a verdict that would favor the residents; consequently she was not surprised by the denied TRO verdict as so many had expressed doubt about the feasibility in the battle against the landfill corporation. Adopting their current failure to obtain the TRO into the Northwood Manor community as a learning opportunity, she further emphasized to other residents that the purpose of the legal battle was to stand up against environmental injustices and see what components of their argument were or

³¹ Civil Rights Division US Department of Justice. "Title VI of the Civil Rights Act of 1964." Civil Rights Division US Department of Justice. Last modified September 14, 2024. Accessed January 21, 2025. <https://www.justice.gov/crt/fcs>TitleVI>.

³² National Archives. "14th Amendment to the U.S. Constitution: Civil Rights (1868)." National Archives. Last modified March 6, 2024. Accessed January 22, 2025. <https://www.archives.gov/milestone-documents/14th-amendment#:~:text=No%20State%20shall%20make%20or,equal%20protection%20of%20the%20laws>.

³³ Bullard, Linda McKeever, and Luke Cole. "A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard." *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

were not effective in court³⁴. After all, the case “was a battle and not the war”³⁵ for the plaintiffs, who likely viewed this legal conflict as a comparably smaller component of all the environmental justice cases that may follow in the future. This view of the case as a learning process that extended beyond the TRO verdict showed the intention of the plaintiffs through Bean v. Southwestern Waste Management Corp.: an acknowledgement of the status quo with a strong, underlying desire to exercise their civic responsibility. The civic responsibility to defend their own people by standing up against the landfill industry to seek safer environments for their futures further reflected the residents’ resolve to support the Civil Rights Act and Fourteenth Amendment as the foundational justification for their argument.

Following the TRO rejection, the legal battle proceeded into the plaintiffs’ request for preliminary injunction. In order for the plaintiffs to be granted a preliminary injunction, four primary requirements included “(1) a sub substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury, ‘(3) that the threatened injury to the plaintiff[s] outweighs the threatened harm the injunction may do to defendant[s], and (4) that granting the preliminary injunction will not disserve the public interest.’” Although the court concluded that a “substantial threat of irreparable injury” to the residents were clearly evident, its opinion emphasized that the main weakness in the plaintiffs’ argument was a lack of concrete evidence backing their assertion that the location of the landfill was based on race. According to the court, qualitative evidence could also be used to support the plaintiffs’ claim about racial discrimination; however, the court said that despite how unreasonable the department’s decision to grant a landfill permit may be, there was a lack of evidence that prevented the court from granting a preliminary injunction. The court also specified that its responsibility was assessing whether a preliminary

³⁴ Ibid.

³⁵ Ibid.

injunction should be granted, not to assess if the proposed Whispering Pines landfill should receive a permit in the first place.³⁶ Further assessments of the plaintiffs' quantitative evidence brought the presiding court to the conclusion that the statistics presented before the court were insufficient as “46.2 to 50% were located in census tracts with less than 25% minority population at the time they opened” under the Texas Department of Health’s approval. As a result, the preliminary injunction was denied to the corporation’s benefit, a result that Linda saw as unfair as “the only way they could win was to cheat.” After an appeal for the court’s decision was denied, sealing the possibility of the preliminary injunction, the plaintiff side’s reaction was filled with disappointment.³⁷ However, despite the loss, Bean v. Southwestern Waste Management Corp.’s facilitated discussion on environmental racism, contributing to the environmental justice movement through its influence on other US cases.³⁸ By 1987, Whispering Pines sanitary landfill was on its way to construction.³⁹

An overarching struggle throughout this legal battle against the landfill’s establishment concerned the definition of “class.” Toward the beginning of this case, the defendants used the plaintiffs’ definition of class to frame them as an overgeneralizing party who did not represent the Northwood Manor residents who were not Black. As a result, the residents revised their complaint by addressing themselves through a broader, looser lens, which reflected not only their drive to win the case but also their resolve to glean as much knowledge as possible from the

³⁶ Bean v. Southwestern Waste Management Corp. Accessed January 22, 2025. <https://law.justia.com/cases/federal/district-courts/FSupp/482/673/2095959/>.

³⁷ Bullard, Linda McKeever, and Luke Cole. “A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard.” *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

³⁸ U.S. Environmental Protection Agency. "Environmental Justice Timeline." EPA: United States Environmental Protection Agency. Last modified June 6, 2024. Accessed January 21, 2025. <https://www.epa.gov/environmentaljustice/environmental-justice-timeline>.

³⁹ *Britannica School*, s.v. "Robert D. Bullard," accessed January 21, 2025, <https://school.eb.com/levels/high/article/Robert-D-Bullard/641737>.

process.⁴⁰ The motive behind learning in the process rather than solely winning the battle conveys the plaintiffs' heightened responsibility from this case: to learn from mistakes and set a precedent for future environmental justice cases.

Consequences of Taking Civic Responsibility

Although the Northwood Manor residents did not succeed in obtaining a TRO or preliminary injunction, and despite the Whispering Pines landfill that stands today, Bean v. Southwestern Waste Management Corp. led to smaller tangible successes while contributing to the larger environmental justice movement. The case's contribution to the larger environmental justice movement was in part due to the unprecedented nature of challenging environmental racism with civil rights legislation. The relatively smaller gains included a city ban on Houston dump trucks using the Whispering Pines landfill and a ban on landfill construction in regions that were two or less miles away from schools.⁴¹ Notably, there were systematic changes of additional requirements for landfill permit applications, including a more thorough impact assessment.⁴² Through this systemic change, the residents were able to set concrete accomplishments as precedents for future cases on environmental racism, which was possible primarily through their willingness to take civic responsibility to rise against racial injustices. An additional tangible change was the establishment of the Robert D. Bullard Center for Environmental and Climate

⁴⁰ Popescu, Mihaela, and Oscar H. Gandy, Jr. "Whose Environmental Justice? Social Identity and Institutional Rationality." *Journal of Environmental Law and Litigation* 19 (2004): 144-94.

⁴¹ Petersen, Laura. "Welcome to the Front Lines of Environmental Justice with Robert Bullard." *American Association for the Advancement of Science* (blog), April 30, 2021. Accessed January 21, 2025. <https://www.aaas.org/membership/member-spotlight/welcome-front-lines-environmental-justice-robert-bullard>.

⁴² Bullard, Robert D. "Anatomy of Environmental Racism and the Environmental Justice Movement." In *Confronting Environmental Racism: Voices from the Grassroots*, 15-39. South End Press, 1993. Accessed January 22, 2025.

https://books.google.com/books?id=yVr9lhrrTVwC&pg=PP3&dq=confronting+environmental+racism+voices+fro+m+the+grassroots&source=gb_selected_pages&cad=1#v=onepage&q=confronting%20environmental%20racism%20voices%20from%20the%20grassroots&f=false.

Justice (CECJ), which Most importantly, Bean v. Southwestern Waste Management Corp. helped further the cause and initiative against environmental disadvantages near marginalized ethnicities, races, and communities by raising discussion and awareness about the idea of environmental racism. In fact, Dr. Bullard's research for the case would build up into an extensive report by 1983 called "Solid Waste Sites and the Houston Black Community," which became the first thorough environmental assessment focused on environmental racism. With this unprecedented research and the lessons learned from this legal challenge, the residents were able to further practice their civic responsibility by not only rising against the landfill industry in the first place but spreading awareness about the environmental justice movement by encouraging scientific inquiry.⁴³

By setting precedence as the first case challenging environmental racism through a civil rights lens, Bean v. Southwestern Waste Management Corp. became a key case that provided learning curves for both Northwood Manor residents and those facing similar struggles and uncertainties in their own communities. Specifically by setting national precedent as the first legal challenge against environmental racism based on civil rights, plaintiffs were able to theorize⁴⁴ and experience first-hand the challenges and main obstacles that would follow when using civil rights law to pursue environmental justice. Providing experiences and an opportunity to learn to improve contributed to marginalized communities' collective effort to resist the industrial authorities in order to defend their right to a safe environment—regardless of what degree of form.

⁴³ Bullard, Robert D. "Introduction: Environmental Justice---Once a Footnote, Now a Headline." *Harvard Environmental Law Review* 45:243-48. Accessed January 21, 2025.

<https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2021/07/45-2-Bullard.pdf>.

⁴⁴ Alabama A&M University. "AAMU Alumnus Addresses Students during Urban Planning Conference." *AAMU News*, February 27, 2024. Accessed January 21, 2025.

<https://www.aamu.edu/about/inside-aamu/news/dr-robert-bullard-addressed-students-at-aamu-urban-planning-conference.html>.

Bean v. Southwestern Waste Management Corp. was also unique not only because of how it contributed to a new theory in uncharted legal territory, but also in how it highlighted race over income levels. Decades after the preliminary injunction was denied, a study found that African Americans with \$50,000 to \$60,000 income tend to face greater pollution compared to white families who have below \$10,000 income⁴⁵—a stark disparity nodding to the nation’s past of institutionalized slavery and the need for effective reform. As a result of the case’s highlighted feature of race over income level, Bean v. Southwestern Waste Management Corp. was a landmark case that challenged the generalization that proximity to environmental hazards was primarily dictated by income level in the 1970s. To this day, there is a clear correlation between lower-income financially disadvantaged communities and race or ethnicity,⁴⁶ with the median wealth of Black households at \$27,000 compared to whites’ \$250,400 as of December 2021. However, as Bean v. Southwestern Waste Management Corp. shows, there is still racism—in one form or another—that consequently affects those who do have higher incomes, like the Northwood Manor residents. Through the residents’ decision to take up civic responsibility as a priority in their initiative against environmental injustices, the topic of environmental justice is widely discussed today compared to previous decades, with its application extending beyond sociology and into a variety of fields including law, medicine, urban planning, education, and child development.⁴⁷ Bean v. Southwestern Waste Management Corp. highlighted the need for

⁴⁵ Bullard, Robert D. "Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States." Review of *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States*, by Steve Lerner. EHP Publishing. Last modified June 1, 2011. Accessed January 21, 2025. <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.119-a266>.

⁴⁶ Kochhar, Rakesh, and Mohamad Moslimani. 2. *Wealth gaps across racial and ethnic groups*. 2023. Accessed January 22, 2025. <https://www.pewresearch.org/2023/12/04/wealth-gaps-across-racial-and-ethnic-groups/>.

⁴⁷ Petersen, Laura. "Welcome to the Front Lines of Environmental Justice with Robert Bullard." *American Association for the Advancement of Science* (blog), April 30, 2021. Accessed February 12, 2025. <https://www.aaas.org/membership/member-spotlight/welcome-front-lines-environmental-justice-robert-bullard>.

assessing potential environmental injustices with various considerations by applying knowledge from other fields, including science.

Annotated Bibliography

Primary Sources

Book

Bullard, Robert D. "Anatomy of Environmental Racism and the Environmental Justice Movement."

In *Confronting Environmental Racism: Voices from the Grassroots*, 15-39. South End Press, 1993. Accessed January 22, 2025.

https://books.google.com/books?id=yVr9lhrrTVwC&pg=PP3&dq=confronting+environmental+racism+voices+from+the+grassroots&source=gb_selected_pages&cad=1#v=onepage&q=confronting%20environmental%20racism%20voices%20from%20the%20grassroots&f=false.

The first chapter of this book is written by Dr. Bullard and details the rise of the environmental justice movement and the different types of groups that have come together to fight for environmental safety; it also discusses case studies like Bean v. Southwestern Waste Management Corp. I used the information about the direct consequences of the court case to emphasize on the case's significance in the conclusion of my paper.

Book Review

Bullard, Robert D. "Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United

States." Review of *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States*, by Steve Lerner. EHP Publishing. Last modified June 1, 2011. Accessed January 21, 2025. <https://ehp.niehs.nih.gov/doi/full/10.1289/ehp.119-a266>.

This review on a book about environmental justice was written by Dr. Bullard and includes statistics about how Bean v. Southwestern Waste Management Corp. was not a conflict revolving around income, but rather race. To further emphasize the unique nature of this case, I used a statistic on environmental hazards' proximity to marginalized communities in order to emphasize how environmental hazards were not necessarily located solely based on poverty levels.

Court Document

Bean v. Southwestern Waste Management Corp. Accessed January 22, 2025.

<https://law.justia.com/cases/federal/district-courts/FSupp/482/673/2095959/>.

This ruling includes the court opinion on Bean v. Southwestern Waste Management Corp. and summarizes the defendant and plaintiffs argued in the preliminary injunction part of this case. This document helped enormously with understanding the court's decision to deny the preliminary injunction and highlighted the complex nature of the case as there were many challenges that each side had to confront.

Interviews

Bullard, Linda McKeever, and Luke Cole. "A Pioneer in Environmental Justice Lawyering: A Conversation with Linda McKeever Bullard." *Race, Poverty & the Environment* 5, no. 2/3 (1994): 17–20. <http://www.jstor.org/stable/44709274>.

This interview with Linda McKeever Bullard, the lawyer who defended the residents in Bean v. Southwestern Waste Management Corp., provides a detailed account of the case from the TRO request to the preliminary injunction denial. Specifically, the clarity in her emotions in this interview helped me understand the plaintiff perspective of the case; surprisingly, the interview also helped me understand the landfill corporations' point of view as Linda directly discussed their claims from the case as well.

Bullard, Robert D. "Environmental Racism with Dr. Robert Bullard." Interview by Ethan Elkind. Berkeley Law: Center for Law, Energy, & the Environment. Accessed January 21, 2025. <https://climatebreak.org/environmental-racism-with-dr-robert-bullard/>.

In this interview, Dr. Bullard discusses environmental justice and explains the data collection process behind the Bean v. Southwestern Waste Management Corp. case. The information about the tedious data collection process contributed to further argument by conveying how significant this case was as evidenced by the sheer scale of it.

Bullard, Robert D. "'Pollution is Segregated' Says the Father of Environmental Justice | Amanpour and Company." Interview. Video. YouTube. Posted by Amanpour and Company, March 3, 2020. Accessed January 21, 2025. <https://www.youtube.com/watch?v=gU-D3YkOe-w>.

Dr. Bullard gives an overview of the current demographic state in Northwood Manor at the time and connects what is, in his view, greedy capitalism with Houston's lack of zoning. This critical point of view helped me understand the bigger picture of the factors that set up the conditions that would lead to the debate over environmental racism in Houston.

Bullard, Robert D. "The Father of Environmental Justice Exposes the Geography of Inequity." Interview by Yessenia Funes. Scientific American. Springer Nature. Last modified September 19, 2023. Accessed January 21, 2025. <https://www.scientificamerican.com/article/the-father-of-environmental-justice-exposes-the-geography-of-inequity/>.

This interview transcript with Dr. Bullard provides his personal account of Bean v. Southwestern Waste Management Corp. that directed my whole NHD project towards the case rather than the 1983 study, which had been my initial plan. As a result, this source was integral to my research process as it helped me understand the connection between

the 1983 study—which I had known to be significant research for the environmental justice movement—to the court case.

Panel Discussion

"Dr. Robert Bullard talks about Environmental Racism." Video, 04:57. YouTube. Posted by Mothers & Others For Clean Air, September 14, 2021. Accessed January 21, 2025.
<https://www.youtube.com/watch?v=Pdp4MvLXF4A>.

In this panel discussion, Dr. Bullard discusses the significance of geographic indicators in how they can convey so much about the way of life across different regions, specifically referring to zip codes as a key example; most notably, he discusses how environmental racism is not based on poverty. By learning of how environmental racism is not solely about poverty but rather more heavily depends on race, I gained a deeper understanding of how unique this case was and emphasized on that quality throughout my paper.

Presentations

"Environmental Justice Today - Robert D. Bullard, PhD." Video, 22:55. YouTube. Posted by Mount Sinai Exposomics, February 27, 2024. Accessed January 21, 2025.
<https://www.youtube.com/watch?v=P0SKjUqV2M0>.

In this video presentation, Dr. Bullard provides an overview of this history of the battle against environmental racism and injustices. Through this presentation I was able to learn about the significance of the Bean v. Southwestern Waste Management Corp. case.

"Robert Bullard: The Father of Environmental Justice Speaks." Video, 1:36:46. YouTube. Posted by The Earth Commons, May 2, 2023. Accessed January 21, 2025.
<https://www.youtube.com/watch?v=pDCx2NaMw5o&t=2591s>.

In this presentation at Georgetown University, Dr. Bullard discusses environmental justice and elaborates on the Bean v. Southwestern Waste Management Corp. case as a prominent example from his career in environmental justice. This presentation, combined with the information from the other presentations, provided a more detailed account of the case from a sociologist point of view for my project.

"The Quest for Environmental Justice: Human Rights." Video, 52:00. YouTube. Posted by University of California Television (UCTV), February 7, 2008. Accessed January 21, 2025.
<https://www.youtube.com/watch?v=SYVvbs6XsNw>.

This presentation by Dr. Bullard to the University of California Santa Barbara provides information on the Northwood Manor community's geographic layout specifically regarding the schools in the region. This information about the schools helped me understand the serious nature of the residents' situation, especially through what Dr.

Bullard said about the school's proximity to another landfill, as shown by a photo he took himself.

Papers

Bullard, Robert D. "Environmental Racism and Invisible Communities." *West Virginia University the Research Repository @ WVU* 96, no. 4 (1994).

This paper discusses environmental racism with Bean v. Southwestern Waste Management Corp. as a case study and how the company had previously been unable to build a landfill too close to a school when the community was majority white instead of Black. This resource helped me gauge the large extent to which demographic patterns held a huge role in this fight against environmental racism; consequently, I also emphasized on demographic patterns in my paper.

Bullard, Robert D. "Introduction: Environmental Justice---Once a Footnote, Now a Headline." *Harvard Environmental Law Review* 45:243-48. Accessed January 21, 2025.
<https://journals.law.harvard.edu/elr/wp-content/uploads/sites/79/2021/07/45-2-Bullard.pdf>.

This paper from Dr. Bullard broadly explains the environmental justice movement's development over time. However, the title of this paper is what caught my eye the most and supported me throughout the process of writing my paper: it shows the full-circle nature of environmental justice and truly inspired me to try to contribute to that cause—the cause of spotlighting environmental justice in literature—in my own small way.

Photograph

40-Northeast-Houston-residents-hold-protest-at-Whispering-Pines-Landfill-1979. Photograph. Dr. Robert D. Bullard: Father of Environmental Justice. Accessed January 21, 2025.
<https://drrobertbullard.com/photos/>.

In this 1979 photograph, Northwood Manor residents are demonstrating against the construction of the Whispering Pines sanitary landfill, holding up signs. Utilizing this photograph as a reference in my paper provided a visual element that more directly showed the residents' civic engagement through demonstration.

Press Release

U.S. Environmental Protection Agency. "New Law to Control Hazardous Wastes, End Open Dumping, Promote Conservation of Resources." News release. December 13, 1976. Accessed January 21, 2025.

<https://www.epa.gov/archive/epa/aboutepa/new-law-control-hazardous-wastes-end-open-dumping-promote-conservation-resources.html>.

This EPA press release on the passage of the RCRA provides an overview of the reason behind the national regulation to combat the dangers of solid waste sites on land. I used the information from this press release as context for the sentiments that led to the Bean v. Southwestern Waste Management Corp. lawsuit to convey how the residents' worried reaction and wariness reflected the entire nation's caution towards hazardous waste site disposals at the time.

Report

Bullard, Robert D. *Environmental Justice and the Politics of Garbage: The Mountains of Houston*. Accessed January 21, 2025.
https://offcrite.rice.edu/2014/02/Cite_93_Mountains_of_Houston_Bullard.pdf.

This report from Dr. Bullard details the data collected for the Bean v. Southwestern Waste Management Corp. case while providing an overview of the immediate context leading up to the preliminary injunction request. Specific details including the residents' reactions to the landfill proposal helped me write about the residents' perspective from a more understanding lens.

Research Study

Bullard, Robert D. "Solid Waste Sites and the Black Houston Community." *Sociological Inquiry: The Quarterly Journal of the International Sociology Honor Society* 53 (Spring 1983): 273-88. Accessed January 21, 2025.
https://drrobertbullard.com/wp-content/uploads/2014/07/Bullard-Solid-Waste-and-Houston-Black-Community_Sociological-Inquiry-Vol-53-Spring-1983_4-7-14.pdf.

This study from Dr. Bullard was published in 1983, but the data stemmed from his research findings dating back to the late 1970s with the Bean v. Southwestern Waste Management Corp. case. These findings, which had a lasting impact on not only the case process but the environmental justice movement against racial discrimination, helped justify the Bullards' strong support of their plaintiff stance.

Webpage

National Archives. "14th Amendment to the U.S. Constitution: Civil Rights (1868)." National Archives. Last modified March 6, 2024. Accessed January 22, 2025.
<https://www.archives.gov/milestone-documents/14th-amendment#:~:text=No%20State%20shall%20make%20or,equal%20protection%20of%20the%20laws>.

This website provides context for the 14th Amendment, which was a key part of the plaintiff argument for the Bean v. Southwestern Waste Management Corp. case. Through this context I was able to gain a deeper understanding of the reasons why the 14th Amendment became a focus during this case.

Secondary Sources

Articles

Alabama A&M University. "AAMU Alumnus Addresses Students during Urban Planning Conference." *AAMU News*, February 27, 2024. Accessed January 21, 2025.
<https://www.aamu.edu/about/inside-aamu/news/dr-robert-bullard-addressed-students-at-aamu-urban-planning-conference.html>.

This article provides news coverage on Dr. Bullard's keynote from a school conference at Alabama A&M University where he discussed environmental racism with Bean v. Southwestern Waste Management Corp. as a key example; most notably the article discusses how the Northwood Manor residents were able to create an unprecedented legal theory. Learning about the legal theory and its unprecedented nature helped me grasp the large scale of the Bean v. Southwestern Waste Management Corp. case, which was a point that I used throughout the paper to convey the event's significance.

Britannica School, s.v. "Robert D. Bullard," accessed January 21, 2025,
<https://school.eb.com/levels/high/article/Robert-D-Bullard/641737>.

This article, though focused on Dr. Bullard, has a substantial amount of information specifically about the Bean v. Southwestern Waste Management Corp. case as it was a landmark legal battle over environmental racism. The article was a solid reference source that I could revisit throughout my research project to make sure that the information I had collected so far was chronologically comprehensible.

Clean Air Council. "Dr. Robert Bullard, Father of Environmental Justice." *Clean Air Council* (blog). Accessed January 21, 2025.
<https://cleanair.org/dr-robert-bullard-father-of-environmental-justice/>.

This article from the environment advocate organization Clean Air Council discusses the significance of Dr. Bullard's achievements over the past decades, including his research from the Bean v. Southwestern Waste Management Corp. case. The detail about the unprecedented nature of Bullard's research helped me understand the broad significance of this case and how its impact extended to the environmental justice movement as a whole.

Petersen, Laura. "Welcome to the Front Lines of Environmental Justice with Robert Bullard." *American Association for the Advancement of Science* (blog), April 30, 2021. Accessed January 21, 2025. <https://www.aaas.org/membership/member-spotlight/welcome-front-lines-environmental-justice-robert-bullard>.

This article discusses the positive changes made on behalf of the city as a result of the Bean v. Southwestern Waste Management Corp. case. Through this information, I was able to highlight some of the systemic changes that, despite the preliminary injunction denial, still resulted from the case.

Papers

Kaiman, Catherine Millas. "Environmental Justice and Community-Based Reparations." *Seattle University Law Review* 39:1327-74. Accessed January 21, 2025. <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2351&context=sulr>.

This paper provides a comprehensive review of the relationship between environmental justice and the Equal Protection Clause under the Fourteenth Amendment while discussing both subjects' connection to Bean v. Southwestern Waste Management Corp. The connection between the Fourteenth Amendment with the court case helped corroborate on what factors were the specific contested laws from this battle.

Popescu, Mihaela, and Oscar H. Gandy, Jr. "Whose Environmental Justice? Social Identity and Institutional Rationality." *Journal of Environmental Law and Litigation* 19 (2004): 144-94.

This paper examines environmental justice from a social lens and uses Bean v. Southwestern Waste Management Corp. as a main example; specifically, it provides information on the conflict over the definition of "class" that further complicated the case. The conflict over the definition of class supported my argument because it showed how the residents were experiencing the need to adapt their word choice and classifications based on the defendant's reaction—a part of their purpose or responsibility through this case.

Tan, Elena. "Environmental Justice in Law: Anderson v. Beatrice Foods Co. and Bean v. Southwestern Waste Management Corp." *The International Young Researchers' Conference*. Accessed January 22, 2025. doi.org/10.34614/iyrc0063.

This paper compares Bean v. Southwestern Waste Management Corp. with Anderson v. Beatrice Foods Co, which came a decade after the Whispering Pines, in 1989; the research includes information about the residents' specific concerns over the landfill. Due to the lacking variety of public accounts on Bean v. Southwestern Waste Management Corp., the information about the worries helped me understand the motives, which I used

in my paper through emphasizing on how residents were fighting for basic rights more than anything else.

Research Studies

Kochhar, Rakesh, and Mohamad Moslimani. 2. *Wealth gaps across racial and ethnic groups*. 2023. Accessed January 22, 2025.
<https://www.pewresearch.org/2023/12/04/wealth-gaps-across-racial-and-ethnic-groups/>.

This source shows a trend in the relationship between socioeconomic social status compared to ethnicity. I used this source to connect Bean v. Southwestern Waste Management Corp. to the modern world.

Pais, Jeremy F., Scott South, and Kyle Crowder. *White Flight Revisited: A Multiethnic Perspective on Neighborhood Out-Migration*. 2009. Accessed January 22, 2025.
<https://doi.org/10.1007/s11113-008-9101-x>.

This source discusses the history of the white flight. Through this source, I was able to provide more context about the demographic shifts in Texas as I introduced my topic towards the beginning of my paper.

Videos

"Housing Segregation and Redlining in America: A Short History | Code Switch | NPR." Video, 06:36. YouTube. Posted by NPR, April 11, 2018. Accessed January 21, 2025.
<https://www.youtube.com/watch?v=O5FBJyqfoLM&t=247s>.

I first saw this video in my human geography class sophomore year and it provides an overview of the discriminatory practices related to zoning and redlining along with its history. Understanding the history of housing segregation was key for me to fully understand how residential and demographic patterns ended up the way they were in 1970s Houston.

"The Father of Environmental Justice (2020: Race to Save the Planet | Environmental Justice)." Video, 02:13. YouTube. Posted by The Weather Channel, February 4, 2020. Accessed January 21, 2025. <https://www.youtube.com/watch?v=YUIJfWGZAhI>.

This video explicitly connects the environmental justice movement to the civil rights movement. This is a relationship that helped me establish the “rights” component of my project more confidently because I was able to build my argument on the idea that the residents were fighting for foundational civil rights.

Website

Civil Rights Division US Department of Justice. "Title VI of the Civil Rights Act of 1964." Civil Rights Division US Department of Justice. Last modified September 14, 2024. Accessed January 21, 2025. <https://www.justice.gov/crt/fcs/TitleVI>.

This webpage provides an overview of Title VI of the Civil Rights Act, including a quote from the law itself. Since Title VI was one of the main justifications for the plaintiffs in Bean v. Southwestern Waste Management Corp., learning about the law's significance helped me expand on the residents' perspective in my paper.

Legal Information Institute. "preliminary injunction." Cornell Law School Legal Information Institute. Accessed January 21, 2025. https://www.law.cornell.edu/wex/preliminary_injunction.

The webpage provides the specific definition of a preliminary injunction. With this definition, I was able to further my understanding of why the residents decided to request a preliminary injunction, which helped me understand their perspectives as I wrote my paper.

U.S. Environmental Protection Agency. "Environmental Justice Timeline." EPA: United States Environmental Protection Agency. Last modified June 6, 2024. Accessed January 21, 2025. <https://www.epa.gov/environmentaljustice/environmental-justice-timeline>.

This EPA timeline provides a history of the environmental justice movement from the 1960s to the 21st century, including information about the Bean v. Southwestern Waste Management Corp. case. This timeline was a crucial component in my project because it helped me understand the broader context of the environmental justice movement through the events before and after the case which helped me also understand how my NHD topic fell into history.