

Stewart K. McCroskey Memorial Fund
Investigating the Post-Litigation Landscape in Anniston, Alabama

Researcher: Melanie Barron

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Overview

This funding will assist with travel for research in Anniston, Alabama from November 2013-January 2014. I will travel to Anniston to observe two community meetings, conduct interviews, and conduct archival research. I am investigating the long-term consequences of a 2002 legal settlement that was intended to mitigate the social and environmental impacts of the Monsanto Corporation's decades-long illegal dumping of toxic PCBs in the town. Initial research shows deep dissatisfaction and divides between the actors involved in the ongoing cleanup process, thus this research seeks to advance understandings of the scalar and power dynamics at play in the construction and implementation of legal solutions to environmental injustices.

Research Objectives

The primary objective of this research is to conduct a pilot study that will inform a National Science Foundation Doctoral Dissertation Research Improvement Grant application that will be submitted in February 2014. This research analyzes the "The Post-Litigation Landscape" in Anniston, Alabama by evaluating the long-term impacts of a legal settlement that was meant to repair environmental and social damages caused by improper disposal of Polychlorinated Biphenyls (PCBs). I will evaluate whether the legal system's approach to achieving justice resonates with and meets the needs of the community impacted by the PCB contamination. I will investigate the roles of race, class, and legal personhood in the construction and implementation of the settlement agreement in order to examine the power dynamics at work and critically investigate who stands to benefit from such legal arrangements in the long term. This project seeks to contribute to literatures in geography and environmental justice by teasing out the multi-scalar connections between the communities impacted in Anniston, the interests of corporate entities responsible, and the legal and governing bodies charged with mending the issue.

Research Setting and Scholarly Context

Anniston, Alabama is a small town an hour northeast of Birmingham. It is the site of one of the most dangerous environmental contaminations in the United States ("Toxic Secret" 2013). From the 1930s to the 1990s, Monsanto operated a chemical company in Anniston. During that time, it disposed of PCBs (a by-product of its chemical manufacturing processes) by burying them underground and dumping them in the river. Today, the town's soil, water, and air remain contaminated (Solutia 2013). The company, renamed Solutia after Monsanto strategically divested from the venture in the late 1990s (ICIS 2002), was sued by groups of Anniston community members in the late 1990s and early 2000s on claims that the PCB contamination was causing cancer and other malignant health problems for the community.

In 2003, Anniston community groups involved in a class-action lawsuit settled out of court with Solutia in exchange for: 1) a lump sum of money divided amongst the plaintiffs, and 2) an environmental remediation plan funded by Solutia and co-executed and managed by the Environmental Protection Agency (EPA). In addition, The Community Advisory Group for the Consent Decree (CAG) was formed by court order, and it includes mostly residents from a poor, African-American neighborhood in West Anniston. These residents were most heavily impacted by the pollution, and were tasked to oversee the post-litigation process and represent the community's interests. Ten years later, the cleanup process continues. I am investigating the long-term impacts of the settlement agreement.

Based on my observations and informal conversations at a public meeting in Anniston on September 23, 2013, it is clear that relations between CAG, Solutia, and the EPA are deeply contentious. In the meeting, CAG expressed feelings of disempowerment, disappointment, and frustration with the EPA and Solutia. CAG members openly accused both entities of being misleading about the cleanup's progress and expressed suspicion that they are working together against the interests of CAG.

In contrast, the EPA and Solutia struggled to clearly communicate the cleanup progress. Both presentations were scheduled to last one hour in total, but lasted nearly three hours due to multiple interruptions from CAG to clarify a number of issues: cleanup locations, cleanup eligibility, the level of risk

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associated with current PCB levels in the environment, and more. Additionally, members of the EPA and Solutia often used technical terms and scientific jargon that were difficult for CAG members and others to understand. The representatives of the EPA and Solutia consistently showed frustration when their conclusions were questioned by CAG. One Solutia representative questioned the CAG board: "Have *you* looked at all the data?" suggesting that only those who are steeped in the research have the ability to interpret the results.

In light of these observations and additional archival research conducted in recent months, I frame this work an answer to Barkan's (2009) call for geographic scholarship that engages with the law empirically and theoretically to "help us conceptualize more rigorously the processes by which political and economic space is formulated, contested, reproduced, and transformed" (2009: 602) in a global society. The actors involved in the Anniston settlement have interests and obligations that range from the very local (the residents' concerns), to the national (the EPA's obligation to the U.S.), and to the global (Solutia's competitiveness in the global chemical market). Anniston's "post-litigation landscape" is a unique place to understand in what ways these divergent scales and interests collide to shape the town of Anniston and the lives of its residents, and to understand the consequences of engaging with the systems we have in place to mend such catastrophes. This analysis expands on Pulido's (2000) call to take seriously the relationship between environmental injustices and the structures that produce racialized, classed, and white supremacist spaces. If, as she argues, pollution and environmental hazards disproportionately impact nonwhite communities, the structures in place that shape those outcomes should be challenged.

Fieldwork Plans

Interviews

Participants will be asked to engage in approximately 1 hour long semi-structured interviews. I will ask questions based on a number of themes, including but not limited to: impacts of the settlement on the community, the progress and efficacy of the cleanup, perceptions of justice and how they align or do not align with the ongoing settlement agreement, and if there are any problems they feel are important to address to overcome PCB contamination in their community. Each interview will be driven by the participants' willingness/ability to discuss each topic. Once each topic has been discussed, participants may be asked follow-up questions for clarification and/or expansion. In accordance with IRB procedures, participants' confidentiality will be protected through pseudonyms and other approved means to protect their identity.

Observation

I will attend 2 meetings hosted by CAG, held on November 18th, 2013, and January 20th, 2014. These meetings, open to the public, are held to inform CAG and the broader community of the EPA's and Solutia's progress in the cleanup. I will attend to: 1) observe and document the communications about cleanup process, 2) identify stakeholders who are actively participating and engaged in the process, 3) discuss the project with and recruit potential interview participants directly at the meeting.

Archives

The Anniston Public Library maintains a collection of documents related specifically to the PCB contamination, related litigation, and settlement, including documents from the EPA, Solutia, and Alabama's federal court system. It is important to use this location because this is the only place where many of these documents, particularly the court records, are available to view without incurring prohibitive document retrieval costs.

Budget

Fuel ¹ :	Approximately \$60.00 per trip x 2:	\$120.00
Food:	Government Per Diem rates (\$46/day x 2):	\$ 92.00
Lodging:	Government Reimbursement rate (\$83/day x 2):	\$166.00
Archives:	Copy rate (\$.25/page) x 200 pages (rough estimate):	<u>\$ 50.00</u>
	Total:	\$428.00

¹ Based on an online calculator, which accounts for make/model of vehicle and current gas prices. Used because UT reimbursement rates (0.47/mile) vastly overestimate the cost of the trip. Calculation details attached.

References:

Barkan, Joshua. 2011. "Law and the Geographic Analysis of Economic Globalization." *Progress in Human Geography* 35 (5) (October 1): 589–607. doi:10.1177/0309132510389221.

ICIS. 2002. "Solutia Sued over Pollution Allegations." *ICIS Chemical Business*, March 4. <http://www.icis.com/Articles/2002/03/04/158467/solutia-sued-over-pollution-allegations.html>.

Pulido, Laura. 2000. "Rethinking Environmental Racism: White Privilege and Urban Development in Southern California." *Annals of the Association of American Geographers* 90 (1): 12–40. doi:10.1111/0004-5608.00182.

Solutia. 2013. "Anniston, PCB Site: Status of OU-1/OU-2 Activities" presented at the Community Advisory Group for the Consent Decree Community Meeting, September 23, Anniston, Alabama.

"Toxic Secret." 2013. *CBS News*. Accessed May 2. http://www.cbsnews.com/8301-18560_162-528581.html.

Additional Fuel Calculation Information:

This is the website I used to calculate the fuel costs. The fuel cost I requested is 60.00 per trip. This additional money (~16.00) is requested to cover the expense of in-town driving to interview locations, the library, and other unanticipated locations.

The screenshot shows the GasBuddy.com website interface. At the top, there is a navigation bar with links for Home, Blog, Gas Prices, Price Charts, Gas Price Maps, Points & Prizes, Mobile Apps, Media, and Contact. Below this is a promotional banner for Bank of America Cash Rewards credit card, offering 1% cash back everywhere, 2% at grocery stores, and 3% on gas. The main content area is titled "Bank of America Trip cost calculator". It includes a "Plan My Route" section with input fields for Start (Knoxville, TN) and End (Anniston, AL), and options for One Way or Return Trip. The "Vehicle Information" section shows a 2013 Subaru XV Crosstrek (Auto 2.0L, AWD) with a city mpg of 25, highway mpg of 33, tank size of 15.9 gal, and fuel type of Regular. The "Trip Summary" section displays the route from Knoxville, TN to Anniston, AL to Knoxville, TN, with a total trip cost of \$43.80 and a price of gas at \$3.128 (Area Average). At the bottom, three summary boxes show: Distance of 458.4 mi, Fuel Used of 14 gal, and Carbon Footprint of 336.06 lbs.