Fighting for Environmental Health and Justice: A Case Study of Exide Technologies in Southeast Los Angeles, California

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I. Introduction

Saturday mornings were always very special to me. I would spend countless hours sitting next to my mom in a sweatshop where I would help her cut ribbons, read, or talk to her while she created beautiful dresses in front of a sewing machine. Little did I know then about the circumstances that shaped my experience. My mother and father immigrated to the United States with a couple of dollars and the clothes and shoes they could fit in a small bag. They traveled to the United States with the hope they could fulfill the “American Dream” and left their relatives and lives they had established because they were determined to overcome the poverty they were born into. My mother found a job as a seamstress, an occupation that required no English and no more than a middle school education. My father became a sales associate at a small clothing store.

Although they escaped the harsh poverty they experienced in Mexico, we have not escaped poverty in the United States. After 25 years, my mother still works as a seamstress and my father is self-employed. My parents, my brother, and I lived in a garage in Southeast Los Angeles for many years before we were able to move into government housing in Boyle Heights. My brother, sister, and I were born and raised in the “ghetto”. Seeing graffiti behind my house, hearing gun shots nearby, and being afraid to go outside at night became normal to me and my family. But I never noticed the bad things because I had the love, care, and support from my family. My mother and father’s determination and hard work motivated me to do well in school and go to college, because the education and good job I get, I have been told, will help my family move out of the “projects”. But living in the “projects” has also made me realize that my family not only deals with poverty, but also with the environmental injustice that comes with it.

I realized that living in close vicinity to facilities that have high smoke stacks and emit unpleasant odors is not normal. I realized that the lack of green spaces, high obesity, cancer, and
asthma rates are not a coincidence; they are caused by the residential segregation and zoning laws that promote industries to move into my community. This realization came to me during my “Gender, Health, and the Environment” class at Wellesley and have since then started to become part of the environmental justice movement in my community. I want to help bring change to the communities I was born and raised in because being of color and living in poverty does not mean we have to live in unhealthy and unsafe environments.

II. My Approach

Although I have lived in Boyle Heights and Southeast Los Angeles all my life, I have only recently become a part of the environmental justice movement. I am aware that I know very little of environmental justice in my own community compared to community members who have been a part of this struggle for longer than I have been alive. Although I come from a disadvantaged background, I know that I attend a highly privileged institution that will inevitably change my position in my community. Writing this paper has given me the opportunity to learn more about my community, while also informing others about what is happening in my community. I hope that this paper will help expose and reflect the experiences and stories of the people who live with and have been affected by the environmental injustices in my community.

I believe that using the community-generated information, or community knowledge, can help improve the knowledge and ideas I present. Using a framework of environmental health justice that incorporates local insights with professional techniques, in other words “street science”, reevaluates the forms of knowledge that are valued. No one should have the power to

2 Ibid.
tell community members what they are experiencing or prescribing solutions for the hazards they face without their opinions. I believe that using local knowledge can help improve the environmental assessment and decisions that impact disenfranchised communities and will allow for a better understanding and solutions to the problems they face. I hope to use my community’s local knowledge to reveal their experiences and advocate for their vision of change to the environmental injustice they face in Southeast Los Angeles.

III. Importance of Southeast Los Angeles, California

Besides my personal connection, Southeast Los Angeles (SELA) is an important region to study because it has an extensive history of environmental injustice and demographic significance. I use “Southeast Los Angeles” as an umbrella term to encompass the cities of: Bell, Bell Gardens, Downey, Maywood, Huntington Park, South Gate, Lynwood, Compton, and Vernon, California. Although Boyle Heights and East Los Angeles is part of an unincorporated region in the City of Los Angeles and are not technically considered part of SELA, I will incorporate these communities in the term “Southeast Los Angeles” because they are geographically connected to the SELA region and also share similar environmental degradation and pollution concerns.

There are several reasons why Southern California, and more specifically, why Southeast Los Angeles is an important region to examine. First, the region has a complicated regulatory history of trying to promote economic growth while having some of the worst air pollution problems in the country. Second, changing demographics have led to a majority of people of color to reside in Southeast Los Angeles. Third, marginalized and low-income communities have become more aware and concerned about their disproportionate burden of pollution and their
related health risks. These reasons have led many scholars, from fields in human geography, environmental health, and sociology, to examine environmental racism and the environmental justice struggle in SELA. Additionally, I would argue that this regional focus on SELA is an important because the industrial clusters, transportation planning, and pressure of economic development have been historically rooted in this area and have created a disproportionate burden for many decades.

A. Demographics of California
People of color have become the majority population in California. In 2003, approximately 53% of the 33.8 million residents in California were African-American, Latino, Asian, Pacific Islander, and other non-white groups and this percentage significantly increased according to the 2010 U.S Census data. As of 2013, Latinos (38.4%) and Asians (14.1%) make up the largest racial groups and the fastest growing populations in California. Los Angeles County has the highest concentration of poverty among the three most populous metropolitan areas, which include San Francisco and San Diego. In 2001, a study conducted by University of California, Los Angeles found that although Latinos represented 40% of the total population in Los Angeles County, more than 60% live adjacent to the most highly polluting facilities in the county. Other studies have also suggested that working-class communities of color in Los Angeles are the most affected by the siting of hazardous waste treatment, storage, and disposal

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3 Morello-Frosch, R., M. Pastor, Jr., et al. (2002). “Environmental justice and regional inequality in Southern California: implications for future research.” Environmental Health Perspectives. 110 Suppl 2: 149-154.


6 Ibid.

7 California Environmental Justice Alliance.
facilities (TSDFs), with Latinos being the most affected.\(^8\) Unfortunately, communities of color in California bare a disproportionate burden in the siting of TSDF facilities, also known as Toxic Release Inventory facilities, which translates into serious health risks and consequences.

Nearly 3 million people in California suffered from symptoms of asthma in 2001. In 2002, the cancer risk in California was 25\% higher than the national average of 250 per million with Latinos, African-Americans, and Asians having higher cancer risks than whites across all income levels. Additionally, cancer rates are higher for people of color than for whites. Unfortunately, these environmental hazards and health risks also affect the social and economic well-being of these communities. Studies conducted in the Los Angeles Unified School District in 1999, suggest that schools within a one-mile radius of a TRI facility have significantly lower Academic Performance Index (API) scores than schools with no TRI facilities within one mile.\(^9\) This finding suggests that the need for environmental justice extends beyond public health impacts and have implications on the children’s health, the formation of positive human capital, and ultimately the potential for participation in the economy. The information presented reveals the importance of environmental justice in Los Angeles, and more broadly in California, and helps understand why there is such a strong history of environmental justice in this state.

\section*{IV. History of Environmental Justice}

\subsection*{A. Significant Case Studies of Latinos in Environmental Justice in California}

Although the environmental justice movement was born from the civil rights movement and has therefore been mostly associated with the African-American population in the United States, the disproportionate burden faced by Latinos in California highlights the need for environmental justice. This is evident from the study by Boer, T. J., M. Pastor, et al. (1997) which found that "Is there environmental racism? The demographics of hazardous waste in Los Angeles County.” Social Science Quarterly 78(4): 793-810.\(^8\) The higher cancer risks and asthma symptoms among Latinos, African-Americans, and Asians in California further emphasize the need for action to address these environmental injustices.


\footnote{Ibid.}
States, Latinos have also participated and had important contributions to this movement. One of the earliest cases of Latinos in the environmental justice movement is the United Farm Workers (UFW) pesticide campaign, which was led by Dolores Huerta and César E. Chavez during the 1980s. Although this campaign has been mainly portrayed as an occupational struggle, with the effort to increase farmers’ rights and demand for union recognition, it cannot be separated from its environmental struggle to regulate pesticide use and ban the use DDT.\textsuperscript{10} The successful outcomes of this campaign included: 1) having the ability to determine entry periods after pesticides are sprayed to reduce harmful exposure 2) giving workers the right to refuse dangerous work 3) giving unions the right to ban future pesticides and their ability to decide the types of pesticides that could be used and 4) overall increased farm workers’ rights and protection from pesticides.\textsuperscript{11} The UFW campaign improved the conditions of farm workers, the majority of whom were Mexican, and allowed them to gain a greater control of their lives—socially, economically, and environmentally.

A common struggle within the environmental justice movement is preventing the siting of hazardous waste facilities. This has also affected the Latino communities in California, in the case of Chemical Waste Management (CWM) in Kettleman County during the 1980s. Although CMW already has a hazardous waste landfill in Kettleman County, a rural community with a 95\% Latino, immigrant, working-class, Spanish-speaking population, the company also wanted to build an incinerator. CWM deliberately targeted Kettleman County because they were aware that the community had little political participation and power to prevent the siting of their new


\textsuperscript{11} Ibid.
facility. After community members heard about CWM’s plans, they formed El pueblo para el aire y agua limpia. This group successfully increased the community’s political participation, obligated CWM to provide Spanish materials to Spanish-speakers, and in the end, prevented the siting of CWM’s new facility. ¹² This example shows how companies try to benefit from institutionalize racism and how they intentionally discriminate against Latinos and Spanish-speakers because they have been perceived to lack political participation.

B. Significant Case Studies of Latinos in Environmental Justice in Southeast Los Angeles

The environmental justice movement also has a strong history in Southeast Los Angeles that dates back to the 1980s with the creation of Madres de este de Los Angeles (MELA), a group of Latina mothers. Although MELA was created in a religious setting with a majority of women constituents, it was able to work across all religious and gender boundaries to advocate for their community. MELA was formed in efforts to protest the proposed siting of a prison in East Los Angeles, which they successfully prevented. They were also able to mobilize community members and prevent the construction of a state prison in their community, which would have been placed in a heavily populated area with about 26 schools in a one-mile radius. The lack of information and public awareness had MELA members outraged at the Department of Corrections because they violated its own policy to ask for community input in the process of selecting a prison site.¹³ Thereafter, MELA also prevented plans to build a pipeline that would run adjacent to an elementary school and a proposal to build a hazardous waste incinerator in 1987.¹⁴ MELA’s ability to prevent a prison, pipeline, and incinerator shows how the

¹³ Ibid.
¹⁴ Ibid.
determination and activism in East Los Angeles can make a significant difference a community’s future and how it should never be taken for granted.

Concerned Citizens of South Central Los Angeles is another example of how race and gender play an important role in the environmental justice movement in SELA. Local residents, most of whom were African-American women, formed Concerned Citizens of South Central Los Angeles after they learned that the city was trying to build a solid waste incinerator in SELA. Concerned Citizens were able to attract support from outside the community by forming alliances with other international, national, and grassroots organizations such as Greenpeace, the National Health Law Program, and Communities for a Better Environment (formally known as Citizens for a Better Environment). The also targeted various levels of the government and their role in the decision-making, which eventually led the Mayor Tom Bradley to asked the city council to kill the project.\textsuperscript{15} This example shows the power the women of color have and the how their voices and dedication to environmental justice can help change their communities.

\textbf{C. History of Vernon, California}

The fight for environmental justice is not over in Southeast Los Angeles and environmental concerns continue to arise from our proximity to the City of Vernon. Another important piece of environmental justice in Southeast Los Angeles is looking at the history of the state’s most toxic zip code region, Vernon,\textsuperscript{16} which is where the lead-acid battery recycling facility that is discussed in this case study is placed. Vernon is wedged between the communities of Southeast Los Angeles and East Los Angeles and the magnitude of the emission, proximity to

\begin{itemize}
  \item \textsuperscript{15} Ibid.
  \item \textsuperscript{16} Ibid.
\end{itemize}
freeways, and prevailing wind patterns make Southeast Los Angeles one of the most polluted places in Southern California.\textsuperscript{17}

The creation of Vernon cannot be explained without a deeper understanding of the original pueblo of Los Angeles. Since the 1850s, the pueblo served as an entry point for Mexican immigrants and as it became more urban and industrialized, Mexicans were displaced eastwards into what is now known as East Los Angeles.\textsuperscript{18} As city and transportation planners began laying the foundation for intensive industrial development in and around East Los Angeles, Mexican immigrants were attracted by the employment opportunities and lack of strict enforcement of housing codes, which made home ownership possible for some. Moreover, the construction of railroad yards, pottery, clay, and brick industries led to a boom in the materials industry in Vernon, even though these limited the occupational mobility of Chicanos and Mexicans.

At different periods, East Los Angeles has been home to Jewish, Armenian, and Russian communities, but by the 1940s there was a larger migration of Chicano and Mexicans attracted by the employment opportunities and a relatively affordable housing market. Consequently, Boyle Heights and East Los Angeles became negatively racialization\textsuperscript{19} and the industrial landscape made it an undesirable community. The reindustrialization of Vernon after the 1980s later made them more closely associated with hazardous and polluting industries- two-thirds of the present reporting Toxic Release Inventory facilities have been located in Vernon within the


\textsuperscript{18} Ibid.

\textsuperscript{19} In 1960, Police Chief Parker explained the crime in Boyle Heights as: “Some of the people have been here since before we were, but some are not so far removed from the wild tribes of Mexico” (qtd. in Puildo, Sidawi, Vos).
past 30 years.\textsuperscript{20} Today, Vernon continues to be a source of pollution to Southeast Los Angeles and has specifically been home to one of Exide Technologies’ lead-acid battery recycling facilities.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{map.png}
\caption{This is a map of the density of Toxic Release Inventory facilities in Southeast Los Angeles. The dark blue represents a higher percentage of Latino population and the dark red represents a higher density of TRI facilities. The green point represents where I live. The large area in the middle of the map is SELA.}
\end{figure}

V. Lead-Acid Battery and Secondary Lead Recycling Industry\textsuperscript{21}

A. Global Perspective

In order to comprehend the implications that the lead-acid battery recycling industry has on communities like Vernon, it is imperative to examine the larger consequences that the industry has on a global scale. The growth of the lead-based battery recycling industry outside of the United States is due to 1) neoliberal agendas and 2) stricter domestic environmental

\textsuperscript{20} Ibid.

\textsuperscript{21} Lead-acid batteries are recycled by: first, crushing and separating the plastic casing from the main components, which include lead oxide and lead metal; then, melting the lead-containing components; and lastly, recycling the waste battery acid and the water that is used in the process on an onsite water treatment plant.
regulations. Since the implementation of the North American Free Trade Agreement in 1994, trade patterns for lead products have changed among the United States, Canada, and Mexico. While the amount of lead-based batteries exported to Canada has decreased, the amount exported to Mexico from the United States has increased. Additionally, the Environmental Protection Agency’s stricter National Ambient Air Quality Standards revised lead emission standards at battery recycling facilities in 2011 also significantly increased exports of used lead-acid batteries from the U.S to Mexico. Just in 2010, exports of used lead batteries from the United States to Mexico increased 112% from the previous year. Although U.S companies, such as Johnson Controls, have the capability of implementing pollution control technology in their lead battery recycling facility in Mexico, the majority of the facilities in Mexico are small and do not have the capital to implement the technology needed. The lack of strict environmental regulations, worker health regulations, and the economic incentives and that make recycling less energy intensive have increased the industry’s interest to move to Mexico to increase their profits.

Although the export of used lead batteries to Mexico for final disposal in a landfill is illegal, companies are only required to notify the US and Mexican governments of their intent to export. There is no system to monitor the final destination of the used lead batteries that enter Mexico, which ultimately makes the existing notification system useless. Ultimately, this means that more lead-acid batteries are moving across the border to escape the stricter

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24 Ibid.

25 Ibid.
regulations and prevent investing in more advanced pollution control technology and maintain their business profitable at any cost.

Unfortunately, inefficiencies in the process and less regulation in pollution control technology make recycling plants Mexico prone to negative impacts on public health and their environment. Lead emissions are about 20 times higher from lead battery recycling plants in Mexico than a plant of a similar size in the U.S and the average blood lead levels in plant workers in Mexico are five times higher.\textsuperscript{26} Unfortunately, there have already been at least two major widespread lead poisoning and contamination instances in Mexico from battery recyclers. More recent exposure tests have shown that children ages 2-17 have blood lead levels five times higher than levels of children in the U.S.\textsuperscript{27} The lack of environmental and worker health regulation have increased bioaccessibility of lead that leave children, workers, and the communities surrounding the recycling plants more vulnerable to lead poisoning and its related health consequences. Although the lead battery recycling industry is moving away from the U.S to increase their profits, they should not be putting other marginalized communities that do not have the political clout to change environmental regulations at risk.

\textbf{B. Domestic Perspective}

Although stricter environmental regulations have encouraged the transition of the lead battery recycling industry abroad, some companies have continued to operate in the United States. After the last primary lead smelter in the United States closed in 2013, the secondary lead industry became the sole source of domestic lead production. The restructuring of the secondary lead industry and the increased costs of environmental regulations have led to the closure of most small recyclers, consolidation, and increased capacities of larger companies. Today, there are

\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid.
only four major North American battery manufacturers which have vertically-integrated operations in the United States and/or Mexico includes: East Penn Manufacturing Company, Manufacturing Company, Grupo Gonher de Mexico, Johnson Controls, and Exide Technologies.

Prior to the 1960s, the secondary lead industry drew little regulatory attention. Although there were cases of severe child lead poisoning, public health officials quickly addressed acute exposure, but yet ignored the potential consequences of chronic exposure. Although environmental regulations phased out two of the biggest uses of lead in gasoline and paint by the end of the 1970s, the use of lead in the battery industry remained unchanged. By the end of the 1980s, the secondary lead industry underwent major restructuring because there were major changes to the use of lead and enforcement of stricter federal regulations by the Occupational Safety and Health Administration and EPA. Starting in 1983, OSHA required monthly blood lead testing for workers and by 1987 the EPA required new pollution control technologies to meet Clean Air Act standards. This was, surprisingly, the first time workers’ exposure to lead was considered. After the 1980s, many of the small-scale battery recyclers that closed as a result became Superfund sites. By 2010, the domestic secondary lead industry had reduced lead emissions to 23 tons, a 95% reduction compared to levels in 1998. Yet regardless of stricter environmental regulations and an overall reduction of ambient air emissions, Exide Technologies has been notorious for not meeting environmental standards and putting communities at risk.


29 Ibid.
30 Ibid.
31 Occupational Knowledge International and Fronteras Comunes
Besides Exide Technologies in Vernon, there is only one other lead-acid battery recycling facility west of the Rockies. Quemetco which is located only a few miles away from Vernon, in the City of Industry, has been held as an example of one of the responsible companies in the industry. Although they have been able to implement the pollution control technology that Exide has been hesitated to invest, they have had some violations. In 2013, testing revealed that the plant was spewing elevated levels of arsenic into the air and was ordered to perform an extensive health assessment.\textsuperscript{32} Even though Quemetco has had some violations and should not be trivialized, this is a good example of a company that has been able to quickly address hazards and meet environmental regulations.

VI. History of Environmental Justice in Vernon, California

A. Exide Technologies’ Corporate Structure
Exide Technologies is a secondary lead battery recycling multi-national corporation that has over 120 years in the business. Their headquarters are located in Milton, Georgia and operate in more than 80 countries. Exide provides batteries for vehicle transportation and systems for stored electric energy that reduce the risk of temporary interruptions of power supplies required for satellite and telecommunication. Their corporate structure is divided into four components: Transportation Americas, Transportation Europe and Rest of World, Industrial Energy Americas, and Industrial Energy Europe and Rest of World. They have seven positions in their executive management and eight members in their board of trustees. Robert M. Caruso has been the Chief Executive Office and President of the Board of Trustees since August 2013.\textsuperscript{33} It is important to note that there is only one woman in a management position, no woman in the board of trustees, and no people of color in either.

B. Vernon, California facility

Exide’s Vernon plant is a lead-acid battery recycling facility, which has the full capacity of recycling over 25,000 batteries per day.\textsuperscript{34} At the facility, batteries are shredded or disassembled to separate the lead, casing, and acid fractions. Exide converts sulfuric acid to sodium sulfate reusing, neutralizing, and discharging it as clean water. Shredded polypropylene cases are washed, sized, classified, melted, and extruded to manufactured new battery cases. The lead is recovered in furnaces and reused for the manufacture of lead-acid batteries or as a raw material in other processes.\textsuperscript{35} According to Exide, the company has spent a total of $35 million on environmental, health, and safety investments on the Vernon facility since 2010, which has led to a 95\% reduction in arsenic emissions.\textsuperscript{36} When fully operational, the facility employs approximately 130 people, most of whom are area residents and union jobs.\textsuperscript{37}

C. Exide’s History in Vernon, California

The history of lead contamination from lead recycling in Vernon began even before Exide arrived. In 1981, Gould National Battery (formerly Gould Inc.) was issued an “interim status document” for a lead recycling plant in Vernon, the current site of Exide’s plant. In 1999, the Department of Toxic Substances Control (DTSC) found lead in the sediment at the bottom of a storm water retention pond and required the plant operators to clean it up. The plant became Exide Technologies’ property in 2000 after acquiring GNB and its assets.\textsuperscript{38} That same year Exide was found responsible for storing hazardous waste at different locations in Southeast Los Angeles without authorization from DTSC\textsuperscript{39}, deliberately exposing various neighborhoods to

\textsuperscript{34} Exide Technologies. (2014). Enhancing the Vernon Battery Recycling Facility. \\
\textsuperscript{35} Exide Technologies. (2014) Recycling Material Identification Guide. \\
\textsuperscript{36} Exide Technologies. Enhancing the Vernon Battery Recycling Facility. \\
\textsuperscript{37} Ibid. \\
\textsuperscript{38} Staff. (2014). Timeline: Exide’s run-ins with regulators. 89.3 KPCC. \\
lead outside the immediate vicinity of the plant. Exide was fined $40,000 for this case three years later, which was treated as a claim since Exide filed Chapter 11 Bankruptcy in 2002.\textsuperscript{40} In 2004, DTSC took emergency measures to force Exide to cleanup lead-contaminated drainage channels, and public areas and neighboring roofs and was also the first year the South Coast Air Quality Management District (AQMD) fined Exide $3,000 to settle two air quality violations\textsuperscript{41}, demands that do not reinforce corrective action.

Six years after Exide obtained ownership of the facility, DTSC circulated a draft permit for public comment that would have allowed Exide to operate with a full permit.\textsuperscript{42} This has been the closest Exide has been to receiving a full permit that would allow them to handle hazardous waste. Not long after circulating this draft, DTSC fined Exide $25,000 for failing to operate the facility to minimize the possibility of the release of hazardous waste.\textsuperscript{43} In 2008, AQMD fined Exide $5,000 to settle air quality violations. During an annual inspection in 2009, DTSC officials found lead sludge in the storm water retention basin, \textsuperscript{44} which led to enforcement orders in 2010.\textsuperscript{45,46} That same year, Exide settled two separate violations with AQMD: one in May for $7,500 and the second in July for $400,000 for air quality violations and to reimburse enforcement costs.\textsuperscript{47} In 2010, DTSC fined Exide $100,000 and later that year AQMD tighten emissions rules to require more monitoring of lead battery facilities, which were applicable to

\textsuperscript{40} Ibid.
\textsuperscript{41} Staff. Timeline: Exide’s run-ins with regulators.
\textsuperscript{42} Ibid.
\textsuperscript{44} State of California Environmental Protection Agency, Department of Toxic Substances Control. (2010). DTSC’s 2010 enforcement order for Exide’s Vernon plant.
\textsuperscript{45} Staff. Timeline: Exide’s run-ins with regulators.
\textsuperscript{47} Ibid.
Exide and Quemetco. In 2011, Exide admitted that it exceeded air quality standards that were implemented the prior year and paid $119,000 in 2012 to settle seven air quality violations. Exide has a history of violations that would have already resulted in the closure of the plant in other communities, but instead Exide is allowed to stay open and continue operations without any concern to SELA’s health.

More violations arose in 2013 and the eminent threat of Exide’s pollution increased the community’s involvement. In January 2013, a Health Risk Assessment submitted by Exide indicated that the facility poses a maximum individual cancer risk of 156 per million and a maximum chronic hazard index of 63 for the respiratory system. These theoretical risks were calculated using results from facility-wide emissions testing conducted in late 2010-early 2011. AQMD responded to this study in March and ordered a risk reduction plan for air emissions and orders to hold public meetings. The tangible health threat that this study exposed was, surprisingly, not enough to make AQMD shut down Exide. This should make us question how much information must be presented before AQMD starts protecting the community. Additionally, DTSC found breaches in Exide’s underground pipelines which contained elevated levels of lead, arsenic, and cadmium that could lead to seepage into the surrounding soil. By April, DTSC ordered a temporary shutdown of the plant, citing an imminent danger to the public health based on the findings of the study earlier that year. Thirteen years after Exide was first cited for a violation, DTSC finally decided to close down the plant showing the inadequate regulatory response in this community.

48 Ibid.
49 Ibid.
51 Peterson, Molly. (2013) Battery recycler Exide to stay open, as toxic regulators announce cleanup deal.
52 State of California Environmental Protection Agency, Department of Toxic Substances Control. (2013). DTSC’s Suspension Order for Exide Technologies.
By May, Exide publicly rejects the findings of its own study and contested the shutdown. A judge then allowed Exide to remain open while it fought the closure order. The judge also stated that the public interest would not suffer by allowing Exide to remain open and Exide would be impaired by slow administrative response given that they entered Chapter 11 bankruptcy.\(^{53}\) Favoritism towards corporate’s interest allowed Exide to remain open completely ignored the community’s strong opposition.\(^{54}\) This shows how environmental racism is manifested today because Exide, which is controlled by affluent white men, is continuously protected by regulatory agencies who take no responsibility in low-income communities of color.

In an AQMD board hearing, the mayor of Maywood, Oscar Magana argued that DTSC and AQMD would have already closed the facility Exide if it was placed in Beverly Hills, or any other affluent community. There is a racial dimension and language barrier that explains the pattern of violations by Exide and the environmental racism perpetuated by regulatory agencies that protect the interest of Exide.

Finally in October 2013, DTSC announced that it reached a deal with Exide that would allow the company to remain open. As part of their deal, Exide was forced to clean up leaky storm water pipes, monitor lead emissions on a daily basis, and offer lead screening tests.\(^{55}\) Under this deal, Exide was forced to allocate $7.7 million to pay for cleanup of its prior violations and cover the costs of the blood lead testing for workers and the community.\(^{56}\) This brought little satisfaction to the nearly 200 community members who attended a meeting at Resurrection Catholic Church in Boyle Heights who urged for the closure of the plant. Many

\(^{53}\) Ibid.

\(^{54}\) Peterson, Molly. (2013). State nears a deal to keep Exide open; cleanup assurance sought. 89.3 KPCC.

\(^{55}\) Peterson, Molly. (2013) Battery recycler Exide to stay open, as toxic regulators announce cleanup deal. 89.3 KPCC.

\(^{56}\) Ibid.
local politicians, including assembly speaker John Perez and the State senators Dianne Feinstein and Barbara Boxer, started to get involved in this matter in support of the community’s efforts to shut down the plant. Yet, the political support these communities received during this time was not enough to encourage legislature from their offices and put in little effort to help the community after the attention died down.

By January 2014, AQMD voted to lower the allowable limits for arsenic emissions, which gave Exide 60 days to comply and install new equipment costing nearly $2 million. Even though Exide purchased a new storm water runoff system and made additional improvements in accordance to the settlement from their prior violations, DTSC still found arsenic and lead in soil and dust near homes in the area. DTSC gave Exide less than 30 days to clean up the contamination. One week later, AQMD filed a lawsuit for $40 million- that carried penalties between $10,000 and $40,000 for each day violations occurred. In response, Exide filed a lawsuit to block enforcement of the new limits on arsenic emissions, claiming regulators were “arbitrary” and the rule “infeasible”. According to Exide, they opposed the requirement to install negative pressure system, which would help control lead emissions, claiming the requirement was unnecessary and unfeasible to implement on time. In April 2014, Exide was denied more time to implement negative pressure at their facility and was forced to stop operations in order to install pollution controls. As a result, Exide laid off more than 120 employees, without stating whether it was planning to meet environmental regulations or re-open. Exide’s negligence to implement new protective measures is unjust to its workers, who are mostly Latino men, who are being exposed first-hand to the toxic chemicals they have to handle. This shows Exide’s effort to

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57 Peterson, Molly. (2013) Town hall meeting offers little statusfaction for people living near Exide’s Vernon plant. 89.3 KPCC
58 Peterson, Molly. (2014). Regulators tighten emission limits for arsenic, other toxics from Exide. 89.3 KPCC
59 Kim, Jed. (2014). Exide denied more time to reduce arsenic pollution. 89.3 KPCC.
fight against reasonable pollution controls that are already in place in Quemetco. They have avoided following public health and environmental regulations, which makes furthers the community’s mistrust on Exide. During this time, State Senator Kevin De Leon became involved and has since then, introduced a bill aimed at shutting Exide down.  

In March 2014, DTSC testing revealed levels of lead in soils in 39 homes and two schools near Exide, which again showed Exide’s inability to operate without putting the community’s health at risk. Exide was ordered to address any lead contamination above acceptable levels, especially for houses with pregnant women and children. Exide then proposed a second round of testing for lead three times deeper down into the soil and with more homes north and south of the plant, but gave no timeline for completing these tests. The results of the first round of tests made raised concern among community members, especially after finding that there was lead-contaminated soil in a preschool’s playground in East Los Angeles. After showing a strong record of violations, the US EPA finally became involved in this issue. In May 2014, the EPA released information that revealed that Exide had more than 30 violations of the Clean Air Act.

It took over six months for public health county officials to begin blood lead level screenings, after Exide’s agreement with DTSC to pay for the community’s blood tests over five months ago. Anyone living within two miles of Exide, in communities like Boyle Heights and

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60 Peterson, Molly. (2014) Exide sues AQMD regulators, not to block role, it says, but to ask for more time. 89.3 KPCC.
62 Peterson, Molly. (2014). Lead found in soil around Exide in Vernon; DTSC regulators order more tests. 89.3 KPCC.
63 Peterson, M. (2014). Exide proposes testing more houses, deeper soil in second round of testing for lead. 89.3 KPCC.
64 Kim, Jed. (2014). EPA tells Exide its lead emission violated federal law. 89.3 KPCC.
Huntington Park was advised to get a free blood testing. Unfortunately, the little public education and awareness about this program, extensive paperwork, and invasive nature of the testing have deterred community members from obtaining their blood testing. This tactic shifts Exide’s responsibility of the contamination they have created and deflects from the actual problem of closing the facility. Rather than having a reactionary response to the issue and trying to prove that people are lead poisoned, public health and regulatory officials should move to prevent further contamination from the known source. This also shows how Exide is green washing the community by making it seem like they are doing something good for the communities, when in reality they continue to do more harm to the communities. As of August 2014, nearly five months into the six month program, participation remained low. Only 160 people have been tested and 45 people have requested the paperwork needed for these tests. Since then only one person’s tests have returned with elevated blood lead results. This effort has not been well received by community organizations, like Communities for a Better Environment, because the public health department in charge of the blood testing program does not connect the need for blood tests with Exide’s pollution.

Also as of August 2014, Exide paid to remove lead-contaminated soil from two homes north of its Vernon plant. DTSC has also expanded the test are to include at least 144 homes in a two-square mile area in East Los Angeles and Maywood, which would be conducted over a two month period from August to October. Priority is given to homes with the highest lead levels and DTSC has directed Exide to prepare a plan to remove contaminated soil at 37 other locations with lead above the screening level. Exide argues that there is no link between its plant and the

66 Florido, Adrian. (2014). Participation still low in blood testing program for Exide neighbors. 98.3 KPCC.
lead found in the yards of the homes tested, but agreed to pay for remediation costs. As of this date Exide remains closed, after being unable to meet air pollution control system requirements since March 2014. Unfortunately, this does not eliminate the damage Exide has done to the surrounding communities’ health and the environment; the lead and arsenic contamination are permanent.

D. Exide’s Negative Impact on other Communities in the United States

Unfortunately, Vernon’s case is not unique. Exide’s presence in Frisco, Texas, Baton Rouge, Louisiana, Munice, Indiana, Salina, Kansas, North Reading, Pennsylvania, and Bristol, Tennessee has exposed these communities to dangerous levels of lead. In 2011, Exide owned six out of the 21 facilities that did not meet safe air quality levels, according to the EPA’s list of

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68 Healy, Patrick. (2014). Removal begins of lead-contaminated soil from homes near Exide plant. NBC Southern California.

69 Get the Lead out of Frisco: A Community Partnership for a Lead-Free Frisco
Lead National Ambient Air Quality Standards Non-Attainment Designations. Exide has the most plants in violation of air safety standards for lead emissions than any other company and five out of its six remaining U.S recycling plants remain in non-attainment status. In August 2013, the company closed its battery manufacturing facility in Bristol, Tennessee after it received $34.3 million in federal funding under the American Recovery and Reinvestment Act in 2009 for its proposal to make batteries with advanced carbon technology. The closure left 170 workers without jobs, who were also unrepresented in a collective bargaining agreement. Not only were the workers obligated to work these dangerous jobs, they were fired and left unprotected in a very desperate situation. This shows the complex nature of oppression that Exide creates by not protecting their workers who have had to work in dangerous conditions. Exide’s history of violations in every community it operates demonstrates the company’s complete negligence that should not be ignored. In particular, the histories of Exide’s recycling facilities in Frisco, Texas and Baton Rouge, Louisiana reveal commonalities with the issue happening in Vernon.

The Frisco Recycling Center was operated by Exide until November 30th, 2012. The Texas Commission on Environmental Quality (TCEQ) found 27 violations at the plant that occurred between March 31, 2009 and June 30, 2010 and in violation for 562 days. The TCEQ listed 12 alleged violations, some of which included soil and water contamination and evidence of toxic discharges that raised concerns about effects on downstream waters. Between May and June 2011, the TCEQ conducted four separate investigations on Exide’s Frisco facility and found

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71 Get the Lead out of Frisco: A Community Partnership for a Lead-Free Frisco
72 Ibid.
74 Ibid.
dangerous levels of lead and cadmium. Levels that qualify the facility for Superfund site status.\textsuperscript{75}

In June 2012, Exide notified the TCEQ its intent to end operations at and begin decontamination and the demolition of its facility.\textsuperscript{76} Since then, Exide entered into an agreement with the City of Frisco to close the plant and sell certain parts to the city and its development corporations. Exide would be required to perform any necessary cleanup of the property to be sold and use cleanup levels as stringent as standards residential cleanup requirements.\textsuperscript{77}

Unfortunately, Exide has been unwilling to cooperate with the City of Frisco. Evidence has shown that Exide has been downplaying the amount of lead and other pollutants on its site in order to minimize the about of remediation that is required for the site closure.\textsuperscript{78} In addition, Frisco’s spokesperson Dana Baird, said that the city’s estimated $20 million allocated for remediation would not be enough to for the cleanup cost. Exide has not yet agreed to its existing written agreement with the Frisco, much less offer money to Frisco.\textsuperscript{79} Exide continues to be a source of frustration for community members, lacking any obligation to provide adequate cleanup. They fail to consider the extent of the pollution and health threats they have created.

In 2013, after 14 years of operation, Exide was forced to shut down their recycling facility in Baton Rouge, Louisiana. A total of three extensions were granted by Department of Environmental Quality (DEQ) of Louisiana in 2009, 2010, and 2011, which allowed Exide to continue operating while waiting for economic conditions to improve under it was denied a fourth extension because it was unable to prove that the market would favor their business.\textsuperscript{80}

\begin{itemize}
\item \textsuperscript{75} Get the Lead out of Frisco: A Community Partnership for a Lead-Free Frisco
\item \textsuperscript{76} Texas Commission on Environmental Quality. (2014). Exide Frisco Battery Recycling Center.
\item \textsuperscript{77} Ibid.
\item \textsuperscript{78} Silverstein, Amy. (2014). Frisco Says Exide is Being Cheap about Potential Superfund Site Cleanup. Dallas Observer.
\item \textsuperscript{79} Ibid.
\item \textsuperscript{80} Wold, Amy. (2013). Closure of battery recycling plant in north BR a cause of concern. The Advocate.
After the company submitted their final closure plan, environmental justice groups and politicians urged DEQ to monitor the process and ensure no contamination is left in the site, given it has several solid waste and hazardous waste disposal areas. They were particularly concerned with the need to test for legacy contamination given the decade of lead recycling done on this site and make sure the caps on the landfills keep out the groundwater system. Another area of concern is the soil contamination, found with high levels of lead, arsenic, and cadmium where an outfall from the facility drains into Baton Rouge Bayou. As of March 2014, DEQ has conducted daily inspections at the site and is expected to include 30 years of follow-up monitoring the site. The community’s concern is legitimized by Exide’s violations in Frisco and their notorious record of pollution in its facilities. In summary, there is ample evidence of Exide’s continuous pattern of violations that reveal many parallels with the case study in Vernon.

**VII. Health Implications**

The environmental contamination by Exide poses negative health threats to the communities of Southeast Los Angeles. Community members, especially parents, who are aware of what Exide is doing in our community, are concerned of how the pollution will impact children’s health. I fear that our excessive exposure to lead will increase the probability that my 7-year old sister will develop learning disabilities and will be unable to play outside, like any other child, and live a healthy life because of the contamination in their environment. Dolores Mejia, a woman of color with physical disabilities who lives in SELA, has testified several times accusing Exide’s pollution for the illness she lives with. Mejia states, “This is a matter of environmental genocide, where they have predominately chosen to pollute our communities,

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81 Ibid.
mostly people of color.” 83 Another activist also testified at a town hall meeting in October 2013, “Exide is gassing our children, our people.” 84

Photograph 1: Diana del Pozo-Mora puts a gas mask on her 7-year old daughter during a town hall meeting about Exide at Resurrection Church in Boyle Heights.
Retrieved from: Maya Sugarman/KPCC

Lead poisoning is a serious issue in SELA. From 2006-2010, 292 out of a total of 535 cases of lead poisoning were reported in SELA alone. The regions surrounding the Exide plant have the most reported cases of lead poisoning in the entire Los Angeles County. 85 Although lead-based paint was found as the main source of lead poisoning in these cases, Exide has been found responsible numerous times for emitting lead into these communities, and the effects are reflected in the high number of lead poisoning cases. Work and take-home of lead, dust and soil were found as the next sources of lead poisoning, with soil responsible for about 50 cases. Latinos, males, and children ages 0-2 were the groups of the population most affected. 86

Although this data was collected by the LA County Public Health Department, it is important to note that they do not have a category of industry as a source of lead poisoning, which affects the accuracy of their data and increase the possibility that the number of lead poisoning cases that result from the industrial contamination of Exide.

Figure 3: This is a map that shows the number of reported lead poisoning cases in the Los Angeles County. SELA is the area with the most cases of lead poisoning as represented by the red region in the middle of the map. Retrieved from: Los Angeles County Department of Public Health

A. What is Lead?

Lead (Pb) is a metal found naturally in the environment. Current emissions include industrial activities such as primary and secondary Pb smelters. Lead is generally emitted in the form of particles, which end up being deposited in water, soil, and dust. The most acute

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exposure of lead in soil occurs at lead battery recycling sites.\textsuperscript{88} The main exposure pathways of Pb for humans is through inhaling and ingesting lead-contaminated food, water, soil, and dust. Once Pb enters the body, it is quickly absorbed into the bloodstream and can result in adverse health effects.\textsuperscript{89} In 1997, both the U.S Agency for Toxic Substance and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) ranked lead as the number one hazardous substance in America\textsuperscript{90} and has been ranked as the second substance on the ATSDR’s priority substances since 2011.\textsuperscript{91} This shows that lead poses one of the most significant threats to human health and continues to be high urgency to prevent exposure to this substance. The immobile and non-degradable nature of lead requires active remediation at lead battery recycling sites because natural processes will not reduce lead concentrations.\textsuperscript{92}

In May 2012, the CDC adopted a 5µg/dL lead poisoning benchmark, as a way to demonstrate the importance of preventing lead exposure and poisoning in humans. There is also a growing consensus that permanent damage from lead exposure can occur at blood lead levels lower than 10 µg/dL and that there is no safe level of lead exposure.\textsuperscript{93} This has serious implications on society’s ability and obligation to reduce and prevent excessive lead exposure especially in vulnerable populations.


\textsuperscript{89} U.S Environmental Protection Agency. Federal Register: Rules and Regulations.

\textsuperscript{90} Nedwed, T.& Clifford, D.A. A survey of lead battery recycling sites and soil remediation processes.


\textsuperscript{92} Nedwed, T.& Clifford, D.A. A survey of lead battery recycling sites and soil remediation processes.

B. Effects on Children’s Health

Lead poisoning can occur to adults, but the portion of ingested Pb that bioaccumilates in children are significantly higher. Children are more susceptible to lead poisoning because they have less-developed gastrointestinal pathways, which make lead absorption easier. Children, particularly those who are from minority, urban, and low-income families, have a higher disposition for lead poisoning. The potential for pica behavior (a subconscious desire to consume soil to overcome nutritional deficiencies), inadequate pediatric medical care, poor home maintenance with a high percentage of rental urban housing place children of this specific background at a higher risk of lead poisoning. In 1991, childhood lead poisoning was considered “the number one environmental health hazard facing American children”. The CDC’s previous benchmark of blood lead levels of 10 µg/dL meant that less than 1% of the United States’ children ages 1-5 years were considered to have lead poisoning. Given the CDC’s new benchmark reduction, the number of children considered to have lead poisoning will definitely increase.

Exposure to lead can have significant long-term permanent health effects on children. Pb can cause permanent neural effects that result in mental retardation, learning disorders, and attention deficit hyperactivity disorder (ADHD). Lead’s high ingestion efficiency affects early brain and nervous system development. When Pb is incorporated in bone material, the bone becomes a long-term source of Pb in the human system and can leak additional Pb into the

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96 Handler, P., & Brabander, D. Increased Incidence and Altered Risk Demographics of Childhood Lead Poisoning: Predicting the Impacts of the CDC's 5 µg/dL Reference Value in Massachusetts (USA).
Depending on the extent and duration of exposure can cause symptoms ranging loss of neurological function to death. Moderate lead exposure has been linked to lower IQ scores, attention span, increased aggression, and violent behavior. This results in irreversible mental impairments that affect poor academic achievement, long-term learning disabilities, and the ability to learn and is associated with a loss of lifetime income.

There are also studies that suggest a link between childhood lead exposure from leaded gasoline from the 1940s-1950s and juvenile delinquency and violent crimes in the 1960s-80s. This shows the large timescale and on the monetary value of reducing lead exposure now, even if the source of lead contamination is different. Not only does lead exposure have a direct effect on individuals in their adulthood behavior, it also creates an added burden on the larger population through public safety and prisons. Unfortunately, these studies do not take into account a macro-analysis of the social issues that also contribute to criminal activity. It is important to look at how poverty, socioeconomic status, and racism as larger processes increase the criminal activity in low-income communities of color. These studies reduce an institutional problem to the individual and resort to “blaming the victim” without critically analyzing how lead exposure only exasperates criminal behavior. Lead exposure is socioeconomically connected because low-income people are more likely to live in old houses with deteriorating conditions. There are also lower chances that people have lack health insurance and struggle to pay medical bills related to lead poisoning, which also may result in criminal activity to obtain money. It is important to note


Drum, Kevin. (2013). “America’s real Criminal Element: Lead”. Mother Jones. -
how lead poisoning is only part of larger social problems. Reducing lead exposure, especially in low-income communities of color, is just one of the many pieces that can help reduce crime in communities that already face high criminal and gang violence.

Exide’s history of emitting lead into our communities will have long-term consequences on the health and well-being of children. The lead contamination Exide has created will affect the social cohesion and reduce public safety in communities that continue to struggle to reduce violence and create environments for their families. It would helpful to examine the number of children diagnosed with lead poisoning and the prevalence of developmental disabilities. Another important area of future research would be examining how poverty, the lack of opportunities, and degraded environments impact criminal activity in SELA and multiple the effects of Exide’s pollution.

C. Health Implications for Workers

It was only after the 1970s that workers’ health in secondary lead-acid battery industry started to emerge as an important public health issue. Between 1975 and 1986, the Occupational Safety and Health Administration reduced the allowable ambient level of lead in the workplace from 200 µg/dL to 50 µg/dL, which became a challenge for the battery recycling industry. In 1983, OSHA also started to require monthly blood lead level monitoring for workers and established a threshold of 50 µg/dL of lead in blood. Exide was forced by AQMD to monitor workers’ blood lead levels after the plant was tested for excessive lead emissions, which shows workers’ increased health effects in a job that already exposes them to potential risk. By 1987, the EPA also began to require lead smelters and battery manufactures to implement the best

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available pollution control technology and capped lead emissions at 1.5 µg/m$^3$, in accordance to the Clean Water Act.$^{101}$ Exide has yet to implement adequate pollution control measures under new regulations and has continued to put workers’ health at risk given their close proximity to sources of lead. These federal measures were vital in reducing the permissible amount of lead workers could be exposed to and monitor potential exposure and lead poisoning.

The most significant piece of legislature that changed workers’ health and safety in the lead battery industry was the Resource Recovery and Conservation Act (RCRA). Under RCRA, spent lead-acid batteries were classified as hazardous material, which required permits, ground water monitoring, and liability insurance for facilities.$^{102}$ This placed scrutiny on an industry that had gone unregulated since the 1920s and began to increase safety and protection for workers.

D. Remediation

Unfortunately, the Southeast Los Angeles communities have been forced to continue to put their health at risk because of Exide’s irresponsible actions. Only after a decade of trying to fight for the facility’s closure have community members been able to obtain some kind of

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$^{101}$ Ibid.
$^{102}$ Ibid.
remediation that could reduce their excess exposure to lead. AQMD has forced Exide to pay for remediation of homes in close vicinity of the plant, which includes removing the top 5 inches of soil in yards. This remediation technique is highly expensive and although it immediately reduces lead levels outside these houses, it is not a permanent solution to the problem. This technique does not address the lead contamination inside the homes, which is a significant issue given that lead particles can travel through wind and with humans. This increases lead exposure inside homes and have remained unaddressed in this situation. Additionally, this remediation technique would pose another problem for the community that has to live near the contaminated soil that is collected from this process. The technique is also a “Band-Aid” to the real problem because cross-contamination will continue to recontamination the homes that have already been remediated and Exide will continue to emit lead if they are not forced to shut down or implement stricter pollution control technology.

Recent studies suggest that urban compost reduces bioaccessibility of lead in soil for human, which could be beneficial to urban agriculture. Instead of using topsoil removal as the remediation technique, adding a urban compost layer to topsoil can provide a cheap and faster alternative, which could increase the amount of yards that could get remediated in less time. This would also prevent lead-contaminated soil from being placed in another community and the lead in the soil would pose a smaller risk to human health. This overview provides a scientific basis for the urgency and importance of stopping Exide from continuing to pollute our communities. Although the community would see the current remediation as a step towards making their environments safe and clean again, this does not reduce future lead exposure and does not solve the problem at hand.

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VIII. Environmental Justice Organizing

A. My Experience

I first learned about the campaign to close down Exide Technologies’ Vernon plant during the summer of 2014, as an intern at Communities for a Better Environment (CBE)’s office in Huntington Park, California. I was astonished and scared to discover that the Exide plant was less than 2 miles away from my house. Even more frightening was the fact that the Exide Technologies plant has been continuously allowed to operate and release toxic chemicals with an interim status permit since 2000 and community members have since then organized to close down this facility, yet without seeing any permanent changes. Although the community has struggled to obtain the political clout to change the status quo, I was able to see how the community empowerment and activism have produced a difference in an often marginalized group. In this section, I will discuss some of the most important outcomes that occurred during my internship using my notes from participating in CBE’s weekly Southeast Los Angeles (SELA) meetings and the media coverage of certain events.

Photograph 3: I took this photo while the Youth Action Club of CBE was giving a toxic tour across from the Exide plant. Members were informing new youth members about the injustices that Exide has created for such a long time.
The Exide campaign had been on halt for several months, ever since the Vernon plant was forced to temporarily ceased operations in March 2014. Milton Nimatuj, the Youth Program Coordinator and community organizer at CBE, attributed this to Exide’s effort to prevent further oversight from AQMD and DTSC and avoid getting more media attention after several months of bad publicity. Although AQMD has fined and forced Exide to temporarily shut down, there are no signs that suggest this would actually lead to permanent closure of the plant. I also learned that there were rising tensions between community members who have been pushing for the closure of the Vernon facility and Exide workers who also lived in the community. Closing the plant would result in the termination of 120 employees, some who are low-income people of color, but community members agreed that the community and workers’ health should not be compromised or prioritized over jobs. For this reason, community members are also committed to fight for a just and adequate job transition for Exide workers. CBE was also been aware that Exide’s workers that have been laid off during this closure were still being compensated, which reduced the chance that workers would speak against the company’s failure to adhere to regulations or support the community’s pleads.

In early July, CBE’s SELA team learned that AQMD was considering settling two orders of abatement against Exide and Exide’s lawsuit against AQMD for arguing there is no cause for the agency’s abatement order. On July 9th, I went to an AQMD hearing board meeting where both parties were planning to reach a compromise and determine conditions that Exide would be allowed to operate. This was my first time attending one of these events and I was surprised to see an entire auditorium filled with community members, organizations, and politicians urging the closure of the Vernon plant. Over 25 youth and adult members from CBE along with

community members from East Yard Communities for Environmental Justice, East Side Coalition and local religious groups attended this meeting. Many voiced their distrust against Exide, their fear of living in highly toxic and polluted areas, and many claimed Exide’s pollution is to blame for the illnesses they face. Decisions were reached the day after and we learned that both parties reached an agreement, which meant that AQMD would cancel their two orders of abatement and Exide would drop their lawsuit. Even though the settlement was an effort to increase the safety and health of the community, the settlement was bad news for community members because AQMD was not willing to pursue further legal action, would not settle terms that the community was fighting for, but most importantly, a settlement would allow the Vernon facility to continue operating. In many ways, AQMD would be able to save itself from going through any trouble, act like they addressed the community’s concerns, and be able to walk away from this problem.

Two days later, I had the opportunity to participate in CBE’s Exide campaign planning retreat along with community organizers Roberto Cabrales and Milton Nimatuj, research and policy director Barham Fazeli, Southern California program director Darryl Molina-Sarmiento, and staff attorneys Maya Golden-Krasner and Yana Garcia. During these meeting members decided that regardless of AQMD’s settlement with Exide, CBE would still pursue their efforts on trying to shut down the Vernon plant, while also advocate for clean-up and just transition of workers. Community organizers shared how community members like to be involved in this campaign because members have seen results and have been able to see how their involvement have generated change. Another interesting observation Milton Nimatuj pointed out was the way in which media coverage on this campaign has legitimized CBE’s involvement and increased the

105 The information from this meeting comes from my personal notes and notes that were taken by Darryl Molina-Sarmiento and shared with me.
organization’s clout. Additionally, community organizers also brainstormed about non-legal methods to pressure Exide, through grassroots organizing and supporting forthcoming legislation.

On the legal side of the planning process, Yana Garcia informed us that the one of the Order of Abatement that was settled earlier that week gave Exide 21 days to comply with the negative pressure requirement and reduce the amount of toxic chemicals leaving the closed-space facility. This aspect was included in the settlement, which was considered a significant win for CBE and the community. The second Order of Abatement targeted a reduction in lead emissions and compliance to remediation activities. We were informed that under the settlement AQMD would be able to hire an independent consultant to monitor lead emissions and create a community oversight committee, all which would be paid by Exide and considered important wins for the CBE. Unfortunately, the most important goal that was not accomplished from this settlement was the potential of closing the Vernon plant that community members were urging for.

In terms of policy actions, CBE will continue to work with local politicians and their legislative offices to push for bills that would target and prohibit Exide’s current practices. Fazeli and other members in this meeting agreed that this bill would be a feasible way to target Exide since the bill would require Exide’s Vernon plant to apply for a full permit to operate and commit to further remediation, given that they have been allowed to operate on an interim permit for over 30 years\textsuperscript{106}, regardless of its repeated violations. Everyone at the meeting agreed that policy would be the most effective way to target polluters, like Exide, and leverage more power.

\textsuperscript{106} The facility was owned and operated by Gould National Battery (GNB) on an interim status document since 1981. GNB sold the plant to Exide Technologies in 2000 and has still continued to operate under an interim status (KPCC 2014).
to enforce stricter regulations. The policy director and lawyers agreed to work together with the respective legislative offices to ensure that policy is written with aggressive and detailed language that would make the bills more likely to force Exide to comply or shut down.

During the same time, media started to increase attention on the six month free blood lead testing program for those living near the Exide plant. The Los Angeles County Department of Public Health had been offering free blood testing to over 30,000 homes within a two mile radius of the plant, but only about 150 had been tested since July 7, 2014. Exide has agreed to pay for these tests for a six month period only after reached a deal with DTSC public health officials made the accountable after it. In early July, I was interviewed by a reporter from the local public radio to offer reasons why I thought community members in the community were not taking advantage of this free program. I argued that although community members were outreached, many do not know why they should get their blood tested. One of the main reasons why community members are not taking advantage of this program is because most are unaware of the Exide plant nearby and the public health department has not do enough to connect the fact that these blood tests are happening because Exide has been polluting their environment. It was very obvious that CBE was not interested in advocating for the blood lead testing program and they did very little to increase community participation because they believed that this would not solve the root cause that is increasing blood lead levels in people. CBE already knew that Exide was the culprit of the lead pollution in their environment and they argued that this program would not to result in shutting down Exide and need to use their resources and time to help advance their agenda. As of August, nearly five months into this program, participation has

108 Ibid.
remained low and only one person was found to have an elevated blood lead level.\textsuperscript{109} Lack of awareness and education from the public health department, a complicated application process, and the fact that working-class individuals can not commit to this long process are more reasons why I believe this program has not been as effective. The Los Angeles County Department of Public Health should have been more aware of the communities they were trying to outreach and tailored the program more appropriately to fit the needs of predominately working-class, Spanish-speaking communities.

By mid-August, we were informed that DTSC was beginning the remediation process in Boyle Heights. The topsoil was being removed from the backyards of two houses in Boyle Heights.\textsuperscript{110} Out of 37 homes that were found to have high levels of lead, only the two homes with the highest levels were being prioritized. Although Exide is paying for the cleanup, they maintain there is no evidence of a direct link between its facility and the lead found in these yards. We also learned that a third house was tested with 400 parts per million.\textsuperscript{111} On August 13, East Yard Communities for Environmental Justice and other community members held a press conference to push for more regulation by DTSC and accelerate the remediation process for the houses tested. This event made me realize how community organizations have little confidence in agencies, like DTSC and AQMD, because they feel like they protect industry more than they protect the public. The expanded test included at least 144 homes in a two-square area of

\textsuperscript{111} Healy, Patrick. (2014). Removal begins of lead-contaminated soil from homes near Exide plant. NBC Southern California.
Southeast Los Angeles County. It is also very upsetting to see how the community to constantly push these agencies to do their work and are often ignored or marginalized until it is too late.

IX. Future Implications of this Environmental Justice Concern

A. Policy

After several years of the constant battle with Exide, Southeast Los Angeles communities are now pressuring their elected officials to take leadership in this fight through policy. In early 2013, two bills were presented in California State Senate and Assembly by two Latino politicians that represent predominately Latino communities. The Los Angeles County Board of Supervisors also became involved in this issue during the second half of 2014. Although most of the workers that are most exposed to harmful contaminants are Latino and live in surrounding communities, they have not been involved or have participated in local environmental justice efforts. They have been painted by community members as unsupportive and mostly view local efforts to close the facility down as a threat to their jobs. The majority of workers belong to the United Steelworkers Union, which has established that the closure of Exide’s facility would be detrimental to its members.\textsuperscript{112}

B. Senate Bill 712

Ricardo Lara (D-Bell Gardens) is a member of the California State Senate who represents the 33\textsuperscript{rd} district, that include the cities of Bell, Bell Gardens, Cudahy, Huntington Park, Lynwood, Maywood, South Gate, and Vernon\textsuperscript{113}. Lara introduced Senate Bill (SB) 712, which has been passed to change the permitting process of hazardous waste facilities, using


\textsuperscript{113} Wikipedia. (2014). California’s 33\textsuperscript{rd} state Senate district. Retrieved from: http://en.wikipedia.org/wiki/California%27s_33rd_State_Senate_district
Exide as a specific target. On September 29, 2014, Governor Jerry Brown signed SB 712 into law. The new law would require DTSC to issue a final permit decision by December 31, 2015 on the application of a hazardous waste facility permit that is submitted by a facility that has been operating under an interim status on or before January 1, 1986. Under this law, Exide would be required to apply for a full permit since they have been operating the Vernon facility under an interim since 1981. The bill would terminate Exide’s interim status permit and will be forced to shut down if they are denied a final permit on December 31, 2015 or on the date DTSC issues a decision. The law would also set a non-negotiable timeline that would require facilities with interim status to obtain a final permit within five years, which would try to prevent another situation similar to Exide.\textsuperscript{114}

This bill was mainly supported by environmental justice organizations like CBE, East Yard Communities for Environmental Justice, and the Natural Resources Defense Council. EYCEJ’s director, Mark Lopez states, “SB 712 gets us one step closer to holding hazardous waste facilities accountable to meeting public health standards and safety requirements.”\textsuperscript{115} This new law will be beneficial to Southeast Los Angeles and other environmental justice communities by ensuring that hazardous waste facilities comply with health and safety requirements before they are allowed to operate for more than five years.

C. Senate Bill 812

Kevin de Leon, current President pro tempore of the California State Senate, serves Los Angeles’s County 22\textsuperscript{nd} district, which include Downtown Los Angeles, South East Los Angeles, 


and unincorporated portions of Los Angeles County."\textsuperscript{116} De Leon introduced SB 812, which aimed to give DTSC the authority to enforce limits on facilities operating under expired permits, increase transparency between DTSC and the public by create a community oversight committee, and strengthening financial resources to ensure that violators are responsible for clean-up costs.\textsuperscript{117} Ingrid Brostrom, a Senior Attorney from the Center on Race, Poverty, and the Environment stated, “California’s most vulnerable communities deserve a future free from toxic exposures and SB 812 paves the way.”\textsuperscript{118} There were high hopes for environmental justice organizations and communities to see significant changes with SB 812.

Unfortunately, SB 812 was vetoed by Governor Brown on September 29, 2014, even though DTSC has been criticized for its inability to regulate Exide and other polluters. This bill was opposed by the California Manufacturers and Technology Association, which stated that the bill would make it very hard for facilities to obtain permits and affect operations.\textsuperscript{119} Although Governor Brown agreed that DTSC required more transparency and accountability, he said that parts of the bill would have unintentionally delayed the department’s plans to make changes.\textsuperscript{120} This is a significant loss to Southeast Los Angeles and other communities suffering from toxic exposure from hazardous waste facilities and clean-up sites. This bill would have been a vital piece of legislature that would have forced DTSC to increased transparency, accountability, and

public input by communities affected by Exide. It is necessary to reintroduce a similar legislative piece that addresses how DTSC will work with the delays expected from the changes required.

D. Los Angeles Board of Supervisors

Given the dissatisfaction with DTSC and AQMD’s handling of Exide’s case, the Los Angeles County Board of Supervisors have recently begun to explore legal ways to prevent the plant from resuming operations. In early November 2014, Exide announced it had reached an agreement with DTSC. Shortly after, Supervisor Gloria Molina introduced a motion to explore legal action against Exide, criticized DTSC’s failure to permanently close down the facility and excluding community members from negotiations with Exide. The Board of Supervisors voted to give its top lawyer the authority to file a lawsuit against Exide.\textsuperscript{121} Although Exide agreed to set aside $9 million for contamination removal, enough to remediate all 215 homes in the two areas affected, this is not sufficient for community members who already do not trust both entities.\textsuperscript{122} A lawsuit to shut down Exide’s plant could be expensive and take a long time to resolve, but would definitively close the plant and set a precedent for similar environmental justice cases. Community members have been in support of Supervisor Molina and the Board of Supervisors’ effort to file a lawsuit against Exide.

In early 2014, Supervisor Molina also proposed the creation of a toxic pollution “strike team” in an effort to try to shut down Exide and other toxic facilities that DTSC has been unable to close. Although DTSC is the only entity that has the authority to close facilities, Molina attempts to get county lawyers to “coordinate” with state regulators to proceed in cases were the


public’s health is put at risk. The strike team would also work under an environmental justice agenda by collecting state data to identify the communities overburdened by TRI facilities. In March 2014, the Board of Supervisors voted to create this “strike team”, but as of December 2014 has not provided any updates of its whereabouts. The enactment of the “strike team” is an additional avenue that community members could use to force Exide to shut down, which has also been supported by the community.

E. Keeping Exide Accountable

Although Exide has reached an agreement with DTSC, it is not a completely binding arrangement. Besides the $9 million it is required to pay, Exide has also been required to set aside $34 million, regardless of its bankruptcy status, for clean-up costs. Although this seems substantial, it is highly improbable to predict beforehand the total cost of remediation and clean-up in the future. Exide filed for Chapter 11 bankruptcy in 2014 and is currently in the process of corporate restructuring, which could reduce its responsibility and accountability to pay for clean-up in the future. DTSC and AQMD should impose stricter binding agreements to ensure that Exide will continue to pay for clean-up and remediation in the future. Exide should be forced to pay for all cost related to clean-up regardless of its bankruptcy status.

F. Community Efforts

Community members are tired of attending meetings and still seeing no significant changes and results from their efforts. They are tired of being ignored and omitted from participating in the decision-making that directly affect them. Although community members have fought against Exide for several years, they will not stop now. Elected officials at the state

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124 Ibid.
125 Ibid.
and local level are now being pressured to address their constituents’ concerns and should be
guided by their input to make the changes they wish to see. Although there are a few politicians
that are supporting the community’s effort, community members will need to build stronger
political support from more politicians in order to create a bigger clout to make significant policy
changes. Long-term changes will only occur when policy makers systematically reorient DTSC
and AQMD’s purpose to ensure their primarily goal is to protect public health, not corporate
interest.

X. Concluding Statement

Exide’s history of environmental destruction in Southeast Los Angeles will not end until
their facility is shut down and they clean-up the pollution they have produced. Exposure to lead
is dangerous and will have long-term impacts to the well-being of Southeast Los Angeles
communities. My experience working at Communities for a Better Environment during the
summer of 2014 allowed me to examine how environmental injustice is manifested in my
community and how this affects me. I was introduced to this environmental justice problem that
has quickly become very personal to me. My family and my own lack of awareness of this issue
made me realize the importance of raising more awareness and advocating for my community.
Exide’s history in Vernon and other communities clearly show the criminality of this
corporation, given their extensive pattern of polluting low-income communities of color. Exide
has been capable of getting away with polluting SELA for decades and has perpetuated the
environmental racism we face. SELA is tired of being treated as second-class citizens. Our fight
for environmental justice and the communities’ mobilization against Exide will soon allow us to
obtain justice.
Community members have been able to gain more political traction over the past few years and have been successful at holding Exide responsible for the pollution they have created. Unfortunately, communities have been continuously ignored by state regulators and Exide, which have made it increasingly difficult to hold Exide more accountable and force the closure of the plant. The communities’ voices matter and should be taken into account. The health of these communities need to be prioritized and protected from any more pollution from Exide and other environmental injustices. The community’s power and resilience will prevail and environmental justice will be served to Southeast Los Angeles.