

Mossville, Louisiana: A Community's Fight for the Human Right to a Healthy Environment

by Michele Roberts

Mossville is not located on most U.S. maps. Yet some of America's largest industrial corporations have found this unincorporated African-American community and exploit its natural resources and proximity to the Gulf of Mexico. Near Mossville, homes, churches and playgrounds, there are 14 industrial facilities and an extensive network of underground and elevated pipelines that carry flammable and hazardous materials. The fact that African Americans have lived in Mossville for the last three centuries is of no moment to the industrial corporations. Nor is it relevant to our government, which has approved environmental permitting, zoning and significant tax subsidies that allow millions of pounds of toxic pollution to engulf Mossville residents. More egregious is that our government has enacted environmental laws that deny Mossville residents the legal right to a remedy.

Mossville residents suffer, and some have died from severe health problems associated with industrial pollution that includes elevated levels of dioxins in their blood. The fertile land and rich biodiversity in Mossville have been replaced with contaminated soil, fish kills, as well as unhealthy levels of carcinogenic chemicals in the

air and water. However, there is no court in the United States where Mossville residents can go to find a remedy. The significant industrial pollution in Mossville is not prohibited by the Constitution or federal and state law. It is legal for the environmental-permitted industrial facilities to harm the Mossville community.

"We have been told over and over again by the Environmental Protec-

No U.S. court can provide a remedy.

tion Agency that the facilities have a right to the environmental permits. But what about our rights?," asked Dorothy Felix, a resident of Mossville, who along with her neighbors organized Mossville Environmental Action Now.

Petitioning the OAS

On behalf of the Mossville group and residents, Advocates for Environmental Human Rights filed a petition with the Inter-American Commission on Human Rights of the Organization of American States (OAS). The petition seeks non-monetary remedies—healthcare, residential relocation, environmental restoration and regulatory reform—from the U.S. government for establishing a deeply flawed system for environmental protection that violates the human rights of Mossville residents. As a member of the OAS, the United States has the legal obligation to protect human rights.

In March 2010, the Inter-American Commission on Human Rights issued a ruling that the Mossville pe-

tion is admissible for a review on the merits, which marked the first time for an international human rights body to take jurisdiction over a case of environmental racism in the United States. The admissibility ruling is based on the finding that the U.S. legal system provides no remedy for the racially disproportionate pollution burdens and unequal environmental protection suffered by Mossville residents. The Commission's decision opens the door to a human rights trial of the U.S. environmental regulatory system that not only condemns the historic African-American community of Mossville to industrial hazards, but systematically subjects people of color and poor communities across the country to unhealthy and unsafe environmental conditions.

For years, environmental justice communities have advocated for remedies. Governmental agencies have responded inadequately by issuing vague guidelines that do not have the force of law and by hosting dialogue sessions with community advocates, science and health experts, as well as representatives of industrial companies. The governmental response, however well-intentioned, shifts the focus away from developing a legal remedy for the injustice of racially disparate toxic health threats and recognizing a legal right to a healthy environment.

The Mossville human rights case compels a departure from the inadequate governmental response to environmental racism and injustice. This one community that is omitted from most U.S. maps is the place where people are pushing our country toward embracing a new vision for environmental protection that is based on human rights. □

Michele Roberts (mroberts@ehumanrights.org) is Campaign & Policy Coordinator for Advocates for Environmental Human Rights, a public interest law firm dedicated to upholding our human right to live in a healthy environment.

More information about the Mossville human rights case is available at www.ehumanrights.org.