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ENGL 1010

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19 November 2022

*Carcinogenic State: Louisiana's Role in the Injustices of Cancer Alley*

As I pass by cattle farms, abandoned homes, and petrochemical refineries on drives through St. Gabriel Parish from my father's house, mushroom-like carbon emission clouds fill the skies of my journey. St. Gabriel Parish sits in a roughly 85-mile-long corridor of land bordering the Mississippi River between Baton Rouge and New Orleans known as Cancer Alley, a land defined by loss and cancer diagnoses. While I once viewed these refineries on my drives as mere sources of financial prosperity for my home state, which they most certainly are, I never understood the haunting truths behind that prosperity until now. During an interview with journalists of Propublica and The Times-Picayune, Terry Fraiser, a woman born in St. Gabriel Parish of Louisiana, stated that "out of every 10 houses [in the parish], there's a prospect of one or two people that have died of cancer" (Baurick et al.). Studies have found a substantial correlation between the carcinogenic chemicals released by Cancer Alley's over one-hundred-fifty plants and refineries and the region's abnormally high rates of cancer deaths (Keehan 344-345), deaths that have torn through communities where the majority of people are impoverished and, therefore, unable to leave. While oil and manufacturing companies automatically hold immense blame for these deaths, they are not solely responsible. These companies required a governmental authority to permit them to enter Cancer Alley, establish polluting centers, and proceed to stay, which the Louisiana state government has most certainly encouraged. Louisiana state legislators and organizations bear enormous responsibility for the

industrial presence and air pollution found in Cancer Alley. Through various actions and pieces of legislation, the state has encouraged industrial development in the region and restricted the constitutional rights to vote and protest of the communities living there.

Pieces of state legislation like tax exemptions and air permits have incentivized industrial enterprises to construct plants and refineries in Louisiana for almost a century, planting the seeds necessary for Cancer Alley to sprout. Tax exemptions grant property-owning entities the right to pay fewer property taxes than the state's standards, which state governments generally give out to encourage companies to conduct business in their state. In Louisiana, officials have granted oil and manufacturing entities tax exemptions since the 1930s. Environmental activist Rebecca O. Johnson details in her journal article "A Lot Like War" how, in 1936, "the Louisiana legislature amended the state constitution to extend property tax exemptions to any existing, expanding, or new industries" (Johnson 109), including the oil and manufacturing industries. The amendment also made applying for an exemption incredibly easy, only requiring location and construction plans from companies (Johnson 109). These tax exemptions have allowed industries to financially flourish in Louisiana, with an example being how, in the 1980s, "Shell and Exxon realized over \$175 million in tax savings" (Johnson 109) in Louisiana alone. Shell and Exxon own enormous amounts of property across the state beyond Cancer Alley. Considering the amount of money they have saved thanks to tax exemptions, it becomes clear why they conduct so much business in Louisiana. Industries like the petrochemical and manufacturing ones function solely on profit, so they are most inclined to purchase and control property where property taxes take the least of their revenue. Louisiana legislators took advantage of this to assure economic development and growth in their state and, in the process, opened the doors for

petrochemical companies to purchase, build, and later pollute on the property that borders the Mississippi River.

State-issued air permits serve as another form of incentivization for industrial expansion. Air pollution permits act as governmental permission for plants and refineries to release toxic chemicals, telling industrial companies that, in Louisiana, they will possess enormous freedom to function independently without the weight of pollution regulations restricting them. As stated in an early 2020 press release by the Center for Biological Diversity, the Louisiana Department of Environmental Quality issued Formosa Plastics an air-pollution permit that authorized them to “emit up to 13 million tons of greenhouse gasses annually. . .[and] more than 100 different chemicals” like acetaldehyde, butadiene, and benzene (Center for Biological Diversity). This permit came after the plastics company desired to expand its industrial outreach into St. James Parish. While a state judge later struck Formosa Plastics' desires down due to their potentially harmful environmental and public health implications, Louisiana's history of issuing air pollution permits alongside tax incentives demonstrates state officials' determination to facilitate industrial development at the expense of vulnerable communities' lives. State conversation on air pollution has been ongoing since 1987 when the term 'Cancer Alley' was first coined in a Times-Picayune article by journalist Lisa Martin detailing abnormal cancer rates in St. Bernard Parish (Martin). Yet, state officials have continued to grant tax exemptions and air permits for companies since then, demonstrating where their priorities still lie and, therefore, cementing their accountability for the destruction of Cancer Alley communities. However, these incentives are not solely liable for Cancer Alley's status as a pollution hub, as they have encouraged development across the entire state, not just along the Mississippi River. Cancer Alley possesses such a high plant and refinery concentration due to how Louisiana has revoked the legal autonomy of many Cancer

Alley's people for decades through various methods. Unsurprisingly, this has provided the added incentives needed for oil companies to construct and pollute there over other regions.

Through historical, segregation-era voter suppression laws, modern zoning practices, and new legislation that silences resistance, the state government has denied Cancer Alley's impoverished people the constitutional rights to vote and protest, allowing companies to assemble industrial centers with minimal local outcry. One trait that historically and currently defines most neighborhoods closest to industrial centers is poverty. According to history professors David Rosner and Gerald Markowitz, the average household in 1950 in the refinery-abundant St. James Parish carried a yearly income of "\$713 per year, one-fifth of the amount of. . .the poverty level in the New Orleans area." (Rosner and Markowitz 239) As detailed in E.A. Wright's 1950 pamphlet entitled *What A Colored Man Should Do To Vote*, Louisiana required voters to pay poll taxes and "own \$300 worth of property" (Wright 2) if they failed a literacy test. Thus, these requirements disenfranchised the majority of indigent Cancer Alley residents. This state-induced voter suppression gave chemical companies like Dow Chemical the perfect opportunity to industrially exploit the lands of communities who could not vote to restrict that exploitation. After facing a series of worker strikes in outer regions, Dow Chemical decided to build a petrochemical complex in the Mississippi River-bordering Iberville Parish in 1956, believing that, with the parish's voter restrictions and poverty, the company would not experience the worker resistance it saw elsewhere (Rosner and Markowitz 240). Dow's construction in Iberville Parish perfectly represents how Louisiana's segregation and voter suppression laws permitted petrochemical companies to pollute in Cancer Alley, as those laws assured companies that they could freely assemble plants along the Mississippi River without fears of local, disenfranchised people sabotaging their plans.

Once these voter suppression laws ceased to exist after the Civil Rights Movement, the state government still found methods to keep the power of these communities confined. Most of the predominantly black communities in Cancer Alley remain unincorporated in their parishes, meaning they cannot elect their own parish legislators or control how their neighborhoods are zoned. Zoning adjustments fall in the hands of the parish governments, the majority of which are predominantly white (McCoy 599). This lack of autonomy in zoning decisions, as J.D. Candidate Bridgett Cecilia McCoy of Columbia Law School highlights, has led to many black communities “[being] rezoned from residential to industrial use” (McCoy 600) by their parish governments, opening the door for petrochemical industrialization. In the fifth district of St. James Parish, for example, residential to industrial rezoning occurred in 2011, letting Formosa Plastics construct a plant and pipelines around and on top of a cemetery of the district’s enslaved ancestors (McCoy 600). On a democratic level, consent comes in the form of votes for locally elected officials. By leaving the poor communities of Cancer Alley unincorporated, the Louisiana state government has authorized the industrialization of these communities without residents’ consent. By removing local consent from negotiations with oil and manufacturing corporations, Louisiana has made industrial development easier for those corporations in Cancer Alley, further solidifying their role in Cancer Alley’s emergence as a hub of air pollution.

In many historical instances where voter suppression has occurred, oppressed peoples have used their First Amendment right to protest to ensure their right to vote is secure. With Cancer Alley, state legislators made conscious efforts to restrict protests with the passing of the Critical Infrastructure Law in 2018. This law limits local opposition to petrochemical and manufacturing pollution, “rendering protest on or near [Cancer Alley’s] ubiquitous industrial infrastructure law a felony.” (McCoy 582) Its definition of industrial infrastructure includes

ports, manufacturing factories, refineries, and, most importantly, pipelines. While one may argue that prohibiting protests on critical infrastructure fails to sufficiently limit the right to protest industrial air pollution, as Cancer Alley residents can simply protest elsewhere, the inclusion of pipelines as critical infrastructure discredits that claim. Since pipelines are omnipresent in underground Louisiana, the law “[makes] it nearly impossible for anyone walking or protesting in Louisiana to avoid breaking the law[,]” (McCoy 595) as they could be standing above or adjacent to a pipeline and, therefore, in the zone the law establishes as unlawful for protest. Since so many pipelines run underneath Cancer Alley, the law has almost completely eradicated the freedom to protest toxic emissions for those living there. While other methods of protest exist for those affected by air pollution, their inability to protest in the heart of their communities gives the refineries and factories a greater ability to stay and pollute, further contributing to the high rates of cancer deaths.

Combining all of these instances of the state denying constitutional rights, the Louisiana state government has demonstrated its loyalty to industrial companies over its loyalty to residents. This loyalty has allowed for the over one-hundred-fifty Cancer Alley plants and refineries to remain in the region without fear that protest or legislation from a local, pollution-vulnerable community will disrupt their economic prosperity. In the process, the state has let the contamination of Cancer Alley’s air continue, leading many Cancer Alley residents who are financially unable to leave to see death by cancer as their ultimate fate. Though, one must consider the federal government’s role in this allowance of pollution, as, due to the federalist United States giving the federal government the most power in almost all matters, they are the only force able to thwart the state’s industrial interests effectively.

If one were to oppose the argument that Louisiana holds primary responsibility for the environmental injustice in Cancer Alley, blaming the federal government instead, the insufficiencies of the federally-enacted Clean Air Act would provide great support for their claim. The Clean Air Act attempted to establish regulatory standards for plant and refinery emissions by setting National Ambient Air Quality Standards (NAAQSs) to protect the public health of Americans (Keehan 350-351), but a major flaw lies in its fine print. Despite the passing of the act by the Environmental Protection Agency (EPA) in 1970, petrochemical companies have continued to release toxic chemicals into the air in Cancer Alley with little regulation. According to University of Colorado J.D. Candidate Courtney J. Keehan, the act specifically “prohibits the EPA to base NAAQSs. . . upon economic costs of compliance” (Keehan 356). However, it fails to restrict cost consideration in terms of how oil companies will implement Clean Air Standards. This key defect in the act has permitted the EPA to evaluate potential financial burdens on oil companies caused by stricter clean air regulations and, therefore, lower clean air standards to appease these companies (Keehan 356). In the process, industrial organizations have possessed more power over their ability to pollute. This can be seen most clearly when, in 2008, EPA leaders reduced the revised standard of pollution levels in the ozone layer from sixty parts per billion (ppb) to seventy-five ppb after industrial leaders claimed that the sixty ppb standard was too costly for them (Keehan 356-357). By conceding to the desires of oil and manufacturing companies, the federal government has played an integral part in the success of plants and refineries in Cancer Alley. While the state government’s accountability cannot be understated, one must understand that, without ineffective federal regulations of air pollution, industrial corporations would not have been able to release toxic chemicals into the region to the extent they have. If the federal government strictly enforced emission restrictions,

then the cancer death rates in Cancer Alley may not have grown to where they stand now. Both the federal and governments bear significant responsibility for the lives and communities lost to cancer along the Mississippi River in southeastern Louisiana.

By encouraging industrial expansion along the Mississippi River and revoking key constitutional rights of the communities that lived in the region long before plants and refineries arrived, Louisiana state legislators have allowed industrial corporations to contaminate the air with harmful substances at the expense of poor, vulnerable communities. To put it plainly, the Louisiana state government is at fault for the deaths of innocent cancer victims, victims engulfed in a cycle of generational poverty that the infiltration of oil companies further exacerbated. While the corporate activity that oil and manufacturing corporations have brought to Louisiana cannot be denied, one cannot allow that activity to blind them from the truth. All it takes is one drive through St. Gabriel Parish for that truth to come into full focus. The abandoned homes one will drive past if they venture into the parish embody the loss of human rights, the loss of innocent life, and the loss of a state that values its citizens over monetary gain.



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