

PLANNING FOR INJUSTICE: A CASE STUDY IN DISCOURSES ON
ENVIRONMENTAL JUSTICE AND STATE RATIONALE
IN THE CITY OF EUGENE

by

LOK YEE TWEETY AU

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Student: Lok Yee Tweety Au

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This thesis has been accepted and approved in partial fulfillment of the requirements for the Master of Science degree in the Environmental Studies Program and the Master of Community and Regional Planning degree in the Department of Planning, Public Policy, and Management by:

Kari Norgaard	Chairperson
Gerardo Sandoval	Member

and

Scott L. Pratt	Dean of the Graduate School
----------------	-----------------------------

Original approval signatures are on file with the University of Oregon Graduate School.

Degree awarded June 2015

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THESIS ABSTRACT

Lok Yee Tweety Au

Master of Science and
Master of Community and Regional Planning

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For years, West Eugene, Oregon residents have struggled for acknowledgment of unjust government practices in the area, while agencies have been slow to acknowledge the negative social and environmental health outcomes experienced by the neighborhood. Examining land use/zoning and air quality agencies in Eugene, this study identifies the way the “state” engages in discourses regarding inequity that are used as a means to deflect political criticism and maintain social order, effectively insulating its actions from public input or scrutiny. By examining discourses from the ‘top’, this study finds the “state” deflects criticism and insulates its actions through four processes presented by Habermas: use of scientific discourse in development of government policy, management of political demand through neocorporatist decision-making, prioritization of capital accumulation in organizational structure, and increase of decision-making power within the state. Adding to the literature, this study finds a fifth process: “homogenization” of the public.

CURRICULUM VITAE

NAME OF AUTHOR: Lok Yee Tweety Au

GRADUATE AND UNDERGRADUATE SCHOOLS ATTENDED:

University of Oregon, Eugene, Oregon
University of California San Diego, La Jolla, California

DEGREES AWARDED:

Master of Science, Environmental Studies, 2015, University of Oregon
Master of Community and Regional Planning, 2015, University of Oregon
Bachelor of Arts, Sociology, 2011, University of California San Diego

AREAS OF SPECIAL INTEREST:

Environmental Justice
Urban Planning
Social Equity
Environmental Health

PROFESSIONAL EXPERIENCE:

Board Member, Beyond Toxics, 2013-present
Graduate Teaching Fellow, University of Oregon, 2012-2015

GRANTS, AWARDS, AND HONORS:

Martin Luther King Jr. Student Essay Contest Winner, University of Oregon,
2015
Mary E. Russell Scholarship, University of Oregon, 2014-2015
Barker Foundation Research Grant, University of Oregon, 2013-2014
Graduate Teaching Fellow, University of Oregon, 2012-2015

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CHAPTER I

INTRODUCTION

The Community

On a warm spring morning we pull up to Trudy's¹ driveway. Upon exiting the car, we immediately notice an unwelcome presence in the air. "Oh yeah, that's definitely creosote," Marisa says, tilting her head up and taking a few more sniffs. Trudy lives a stone's throw away from J.H. Baxter, a wood products manufacturing plant in the West Eugene area that has been the source of many residents' complaints for the past fifteen years. We look up at the blue sky towards the plant's direction, with little ability to do much except walk away. Trudy greets us, welcoming us into the home, and we all pile in, sitting among other residents already gathered to discuss the most recent happenings in the area and the community's experiences with the air quality. This is one of the many community meetings I have attended in which members of the meeting discuss the ways they have historically dealt with issues of air quality, what is happening currently that concerns them, things they have heard from talking to other residents, and how they feel about everything. Everyone at the meeting has the same general reason for sitting in the crowded living room: the concentration and number of industrial emissions in the West Eugene neighborhoods are a nuisance, health threat, and concern for them, but government agencies refuse to listen, let alone act. Additionally, almost all the members at the meeting stated they, or someone they know, experience some health problem they believe to be attributed to the industrial emissions in the area. Lily states, "I remember one time standing out on my porch saying, '[On a scale of 1 to 10] This is like 17 ... it's the worst smell I've ever smelled in my life. I can't even breathe out here it's so bad.'"

¹ Names of neighborhood residents in this research have been replaced with pseudonyms to protect their identity.

Health Concerns

“West Eugene” is located in the 97402 zip code, and while the are of this zip code runs quite large – running westward from Jefferson St. and northward from West 11th, along the railroad tracks, the area commonly known as “West Eugene” refers to the area that consists of the Bethel, Trainsong, Industrial Corridor, and West 11th neighborhoods delineated by the city. The biggest concern for residents is the respiratory issues they, their family, children, or friends experience. According to research conducted in 2012 by Beyond Toxics, a local nonprofit organization working with neighborhood activists to fight against industrial pollution, asthma rates between Bethel and 4J school district students and the differed greatly. The Bethel School district is located in the West Eugene neighborhood (97402 zip code), and 4J School District includes students from all remaining parts of the city. It was found that students of color make up a higher percentage of enrollments in Bethel schools, as compared to 4J schools. More importantly, average asthma rates in Bethel school children were higher than citywide and nation-wide asthma averages. On average, Bethel schools had an average self-reported asthma rate of 14.3%, while 4J schools had an average self-reported asthma rate of 8.1%. According to the Centers for Disease Control and Prevention (CDC), nation-wide asthma prevalence averaged at 9.5% between 2001 and 2010.

Several meeting attendees mention their children have asthma and other respiratory problems. Marta, a Latina mother of two who lives blocks away from the J.H. Baxter plant, mentions she and her children are more likely to experience the problems as they walk home together from her children’s school in the afternoon. Teresa, another Latina woman in her 40s, states she was admitted to the hospital several times after her

throat closed up while at home. She said the doctors told her it was due to allergies, gave her a prescription, and sent her on her way. However, she notes the issue persists and the medication is not of much help. Paula notes the nosebleeds and headaches that have occurred in the past, and Jane talks about her sore throats and burning eyes. Trudy, a West Eugene resident of twenty-two years, discusses feelings of nausea, and her doctor's recent discovery of yet-to-be-identified lumps in her body. Dee, a resident of fifteen years, who has had issues of burning eyes, sore throat, and respiratory issues, recalls:

“There was a lot of health concerns. A lot of talk about asthma, about the way people's eyes, ears, throat felt, and the cancer...the big C question, you know? How many cancers are there? What kinds of cancers are there? They're always hearing stories about different employees at Baxter and they were saying...they were swearing at these hearings and information sessions that not a single person there had cancer it was like “Well, actually that's not true because one guy has testicular cancer, and the chemist had brain cancer... So... why are you lying? “Cause they didn't want to get caught.”

For many of the residents, their instinct to tie their health problems to the industrial plants nearby did not come immediately. Many have lived in the area for five, ten, twenty years, and have all slowly come to the same realization that the industrial activities were possibly at the root of their problems. For most meeting attendees and residents I interviewed for this study, they had no knowledge about the potential issues prior to moving into the neighborhood. In her interview, Shelly, a mother of four, recalls “I realized there was a smell that kept happening in this neighborhood, but I didn't know how potent or where it was coming from.” Moreover, many of those whom I spoke with mentioned the affordability of the area as one of the biggest factors for moving into the neighborhood, but this benefit is largely outweighed by the constant concerns over their health. Dee mentions, “[In buying my house] it was an affordable housing issue and the

places that I'd like to live that are not polluted I can't afford. I don't make the kind of money that would afford me that kind of housing."

Living with the Experience

During one-on-one interviews with residents, many people spoke about the strategies they deployed to deal with the smells. Many talk about waking up in the middle of the night to an overwhelmingly foul smell coming through an open window. Others speak about constantly keeping all windows and doors closed during the spring and summer seasons because of the smells. Trudy says, "You know, the J.H. Baxter stuff is just constant. In the summer time when you open up your windows at night is when it blows right in. So you wake up three or four in the morning just hacking and close the house up." For some, this task was not feasible as they did not have air conditioning, and closing windows and doors meant trapping the foul smell and hot air in the home. Dee describes driving straight into her garage to avoid the smell outside her home even for a moment. Trudy, Dee, Alexandra, and Carrie talk about neighbors who have moved away out of fear for their health and their family's health. Trudy also recalls how the economic downturn in the mid-2000s created some relief for residents, "And then when the economy went down what a *blessing* that was. Business just bottom-dropped out. And they would go weeks without doing any processing and it was just *heavenly*. It was wonderful. And then as soon as things started to pick up again..." Other neighbors echo the experience of relief when production processes slowed down, and the feelings of frustration when production processes picked up.

Local Knowledge and Action

Over the past fifteen years, residents have faced a rocky battle in their fight for accountability on the government and industrial emitters' part. While state agencies and industry representatives have met with residents to discuss the latter's concerns, most residents felt these meetings resulted in nothing more than government and industry attempts to appease the residents. Due to a large number of nuisance complaints from residents, a Best Work Practices agreement was created between J.H. Baxter and the air protection agency - LRAPA, in 2005 that provides technical and engineering fixes in relation to the odor complaints. Still, ten years later, many residents say they are still experiencing health issues and encountering odor problems in the neighborhood.

Despite this one instance of the air protection agency acting to force an industrial facility to improve, residents speak about the doubt the government and industry businesses often cast on the residents' experiences and health concerns. Many times residents are characterized as hysterical or simply causing trouble as a way delegitimize their claims: "the people are desperate and don't want to lose their jobs and really think we're all a bunch of whiners" (Carrie Interview). The attempts to deny credibility and legitimacy of residents' claims by agencies and businesses overpower the lived experiences of residents that result in important knowledge. While the residents' lived experiences provide them particular and unique insights of the situation that policymakers and agency experts cannot gain through data modeling or analysis, their knowledge does not fall within the confines of what the state considers legitimate or scientifically valid.

Take for example many residents' abilities to differentiate between smells in the air. Individually and collectively, many residents have learned to identify the difference of smells between creosote and pentachlorophenol (referred to as "penta" by residents), which are used in wood products manufacturing, treatment, and preservation processes. This ability to differentiate between the two chemicals allows the residents to then know which plant is in production. This ability often started through curiosity and uncertainty, as residents sought to find answers for themselves in the face of frustration from the lack of answers they received from the governmental agencies in charge of these issues. Lily recalls,

"It wasn't until we moved here [that we realized these problems]. And when I drive past certain industries and I really smell some strong smells. And that started to make me wonder, "What the heck is that?" *Laughter* and so, like, Baxter- we would drive past them and smell... It smelled like mothballs, like really strong and we didn't know it was Baxter – we didn't know what it was. We just drove past and we could see industry on one side and people's houses and little kids park on the other, and I'd be like "This is awful" You could smell these really strong smells but we didn't really know what it was. And that kind of got me interested and I got home and I looked up what kind of chemical it was that was that moth ball smell and found out it was naphthalene and that it's a very toxic chemical, so that... That got me kind of concerned, but it wasn't until we moved here and experienced it that we really started thinking about it."

Many people living near the facilities have contacted the Lane Regional Air Protection Agency (LRAPA) to notify the agency of particularly acute air quality problems with the hopes of having the agency force industry businesses to 'shape up'. The results of their efforts have been mixed for residents:

Katherine, a resident who has been "rained on" in multiple occasions by an industrial facility in her neighborhood describes her experience in reporting the situation multiple times to the air protection agency:

“We would get rained on by Flakeboard as we were going by and you could feel it...you know... it was disturbing and there was a strong smell and it wasn't as bad as naphthalene but it was like wood and chemicals and it was just... a very guttural disturbing experience to experience that smell next to the factory and be rained on”

She continues, discussing her efforts to tell an agency about the problem,

“I've complained to LRAPA about Flakeboard and about Baxter several times. I finally got someone to call back from LRAPA about the precipitant that comes down from Flakeboard and they were... flustered with me *Laughter* Even if it was *just* water... you're getting rained on by a factory... you know? Nobody wants to get rained on by a factory even if it's just water. And it ... it's the whole street and you know, the properties across the street so it goes quite a way so... they said “Well, he's going to look into fixing it because it's just one more thing for people to complain about.” So I guess if you keep complaining at least they'll *Laughter* do something just on that...”

While Katherine is now able to laugh about the occurrences, that does not mean she takes the issue lightly. Her frustration shows through the sarcastic laughter she presents when talking about the annoyance displayed by LRAPA's employees regarding her complaints. Moreover, sarcasm and frustration come through when she talks about how getting rained on is, for those not experiencing it, “just another thing for people to complain about”.

This presents a way in which a resident has a particular knowledge of the problem, but for LRAPA, an entity more disconnected from these experiences, this knowledge is somewhat of a nuisance. It took persistence before Katherine's concerns were actually taken seriously, and even then, the concerns were considered as a bit of a bother.

Others have reported so frequently that the agency employees remember them. Dee recalls,

“Well three quarters of the ones that I've filed were in the late evenings when they're not there... sort of the messaging complaint line, so... but the *laughter* the times that I did call in during the day time if someone was... and I say, “Hi this is [name] and they go, “Oh hi [name]” you know... they knew who I was. Cause whenever I make my call it's like “Hi this is [name] and I give my address and I give my phone number and you know the smell is from this to this on a scale of 1-

10, it smells like penta, and/or creosote coming from what I'm assuming is J.H. Baxter" I mean I had a script- it's just how I say it."

She continues,

"But yeah I mean if you do LRAPA public record you'll see ... there was one in particular... there was one time I called 47 times in one month because it was so bad. One thing I did learn was that if I call from my place and I report it from my place, anyone that's staying with me or came over to visit or something is not allowed to report that- only one complaint per place."

From these excerpts, Dee, a resident of over ten years and counting, presents the persistence it has taken for neighborhood activists involved in the struggle for a safe and healthy neighborhood. Additionally, this excerpt provides a glimpse into the ways residents have routinized their actions in response to the constant problems with industrial facilities in their neighborhood. For Dee and many other residents, filing a complaint with LRAPA has become so regular that they have a script in their heads.

Residents calling in complaints to LRAPA also have different experiences in even reaching a person to talk to. As mentioned previously, Dee talks about the large proportion of instances her calls are only received by the agency's voicemail. While Dee and some other residents have at one point talked to an agency staff, Shelly recalls her experience calling in her complaints,

"I just get the message machine – I have never spoken to a real person. I have never gotten a call back in the ten plus years we've lived here. I've called LRAPA maybe a hundred times."

Those involved also talk about the varied responses from neighbors. While some have moved out of the area, others got involved. In other cases, many were reluctant to get involved or speak up. Carrie, a resident of forty years and neighbor to Dee, states, "One of my best friends lives even closer than I do and she doesn't even want to talk about it... "It's always been like this and always will be." Lily, a mother of two, recalls,

“My immediate neighbor... they kinda just know. They’ve lived here for a very long time most of them and they’re like “Yeah it’s stinky when the wind blows that way” so they’d be like, “oh, the storm’s coming in I can smell the factory down the way.” Shelly, who also happens to be Trudy’s neighbor, adds, “ It’s a well-known smell. The neighbors all know where it’s coming from.” Dee says of her experience, “Yeah, I’ve heard several people saying that they notice the smell. At least two or three of my neighbors have said either they didn’t want to get involved or it would be really nice if we just kept our mouths shut because they wanted to sell their property and get out... and if we made a big stink we might make it worse to try to sell.” Several more involved residents interviewed for this study also mentioned having similar encounters with neighbors that were hoping the uproar produced by activists of the neighborhood would not damage property values. Lastly, Trudy notes many residents’ acceptance and frustration in attempting to deal with the issues:

“Everybody... it’s just a known thing. People have lived with it so long that there have been ... I know some people who have complained and have complained for a long time and there’s just a feeling of hopelessness cause you know, they complain and they complain and they did what they could and nothing seemed to happen and so, I guess people are kind of downtrodden about it like, eh, you know, there’s this stuff coming in my yard and the air but... it’s just the way it is and there’s nothing I can do about it.”

Between 2003 and 2012 over 3,000 complaints from the West Eugene area were filed with LRAPA. Table 1 shows the number of complaints made between these years:

Table 1. Number of LRAPA complaints filed by West Eugene residents (2003-2012)

Year	No. of Complaints	Year	No. of Complaints	West Eugene Total Complaints
2003	457	2008	225	
2004	778	2009	226	
2005	666	2010	211	
2006	310	2011	178	
2007	254	2012	145	3450

West Eugene residents' complaints to LRAPA also make up a significant portion of Lane County's total industrial complaints. Unfortunately due to missing information, only complaints filed between 2003 and 2010 were available (Table 2).

Table 2. Comparison of industrial complaints filed to LRAPA between 2003-2008

Year	West Eugene Total	Lane County Industrial Total	Eugene vs. Lane Industrial
2003	457	530	86%
2004	778	880	88%
2005	666	768	87%
2006	310	465	67%
2007	254	327	78%
2008	225	231	97%
2009	226	270	84%
2010	211	265	80%

Analyzing LRAPA's complaint log between May 2012 and May 2013, the following are excerpts of complaints filed by residents of the area regarding air quality or health problems in relation to the neighborhood's industrial emissions:

June: There is a sweet/ sharp stinky odor that caused the complainant and her children breathing troubles and gave them headaches. They were walking outside near the train tracks and smelled diesel but also the other odor as described. They were SW of the switching yard side of the tracks off River road and Chambers about a block. They went inside but are still having trouble breathing. She would like a follow-up call with findings.

July: I would like to comment on a regular occurrence that your organization may already be aware of. I live in the River Road area and am regularly confronted by a strong toxic odor of industry emissions from the Baxter Plant located in West Eugene. I experience this odor 4 out of 7 days of the week in my location. The odor is a toxin I cannot see, it occurs almost every evening around 7PM.

Aug: Both evenings our house and yard was enveloped by a strong toxic odor similar to most nights at this time. Pending the wind, the odor may be strong or faint and smells thick metallic ammonia likely from the Baxter plant.

Sept: The JH Baxter plant smells bad and his son is now having an asthma attack.

JH Baxter plant is smelling bad - I have lived here for 16 years and have noticed it off and on but it seems to be really bad in the evenings.

- Oct: Very strong smell of ammonia outside and coming in the house - had to close all the windows and can still smell it; definitely not coffee, paint fumes, diesel fumes - quite sure it's coming from Baxter. Makes my eyes burn.
- Creosote odor is the strongest it's been in 5 years. I would like it to stop. I would like a call back to discuss what happens with these types of complaints.
- Nov: As soon as I walked out my door this morning at 7:32AM I noticed the pungent odor of JH Baxter. It has a more penta smell than creosote with an underlying petroleum odor that is some type of fuel smell but not gasoline. It's an 8 - 9 on the scale.
- Dec: Strong creosote odor is nauseating - do something about it!
- Mar: McFarland Cascade really stinks and is sickening and making my head hurt and I don't feel good. I can see which way the wind is blowing and the stack smoke is blowing right toward my yard.
- May: Really bad strong odors this morning. Making caller feel sick.

These complaints present more information and insight into the types of experiences neighborhood residents have, while also highlighting the common themes of frustration and health problems that are found in residents' interview responses within this study. Additionally, some complaint excerpts also show how diligent many residents are in keeping track of when they have particular experiences with emissions in the neighborhood – they notice the time, how often the occurrences are, and even wind patterns. Several also ask for LRAPA to call them back to follow up on the complaint.

The Agencies

The following section provides a brief summary of the agencies examined in this study. All agencies included in this study were chosen because residents identified these agencies as having some responsibility in their struggle for clean and healthy air.

Eugene Planning Division, Commission, and City Council

The inclusion of the Eugene Planning Division, Eugene Planning Commission, and Eugene City Council in this research stems from the residents' observation of the

interconnected nature of land use planning, air quality, and public health. At the time of my research, the city was in the midst of the Envision Eugene project – the city’s plan for the expansion of its Urban Growth Boundary (UGB) to accommodate future employment and residential growth for the next 20 years. The Planning Division began the Envision Eugene project in 2010 as Oregon planning law requires cities to examine their future projected growth patterns every twenty years to determine the necessary amount of land to accommodate for the city’s future needs. After first taking into account development that can happen within the City, the remaining land still required to accommodate future growth is then met through an expansion of the City’s UGB.

In 2012, the Envision Eugene plan recommended the expansion of the UGB in the Clear Lake Road area to accommodate future industrial uses in the City. Located in the West Eugene area, the proposed expansion area contains a total of approximately 940 acres of land and is bounded by Clear Lake Road to the south, Highway 99 to the east, Awbrey Lane to the north, and the Eugene Airport to the west (See Figure 1). In 2012, the Eugene City Council accepted the pillars, strategies and actions of Envision Eugene and directed staff to begin preparing planning documents for adoption, including a new comprehensive plan.

Upon approving the Envision Eugene strategies and actions, one of the City Council’s specific directives was to analyze the potential environmental justice impacts on existing residents from possible UGB expansion for industrial uses in the area. In 2014, by order of the city councilors, the Planning Division began analysis of environmental justice impacts and compatibility issues due to concerns raised by residents regarding the industrial use zoning in the Clear Lake Road UGB expansion

proposal. I (the researcher of this study) was hired as an intern for the City to conduct this analysis. I produced a final report that has been circulated to city staff, planning commissioners, city council members, and interested stakeholders. Because all three entities (planning division, planning commission, and city council) have a role in the Envision Eugene UGB expansion project, they are all included in this study.

While staff planners within the Planning Division play an informational role in gathering data and providing recommendations, the City Council is the legislative body that actually passes laws, sets community goals and adopts policy. The Planning Commission is appointed by city council “to help plan for growth and development within the city.” Commissioners advise the city council and city staff on a variety of subjects by making recommendations on policy matters. As a result, the Planning Division, city councilors, and planning commissioners were observed and are discussed in this study.

Lane Regional Air Protection Agency (LRAPA)

Created in 1968, the Lane Regional Air Protection Agency’s mission statement is: “To protect public health, community well-being and the environment as a leader and advocate for the improvement and maintenance of air quality in Lane County.” The agency is given jurisdiction over Lane County air quality from the Oregon Department of Environmental Quality (DEQ), and deals with entities including Lane County, and the cities of Eugene, Springfield, Cottage Grove, Oakridge, Junction City, Veneta, and Florence. LRAPA carries out air quality maintenance and/or protection through a combination of regulatory and non-regulatory programs and activities based on federal Clean Air Act goals. Despite the agency’s mission of protecting public health and

community well-being, few residents in the affected area felt the agency has been on their side when it comes to addressing air quality and health problems caused by facilities within the agency's jurisdiction. LRAPA is examined throughout this study to look at how it deals with discussions of injustice in the West Eugene area, and how it carries out air quality protection, management, and regulatory decisions in the area during these discussions.

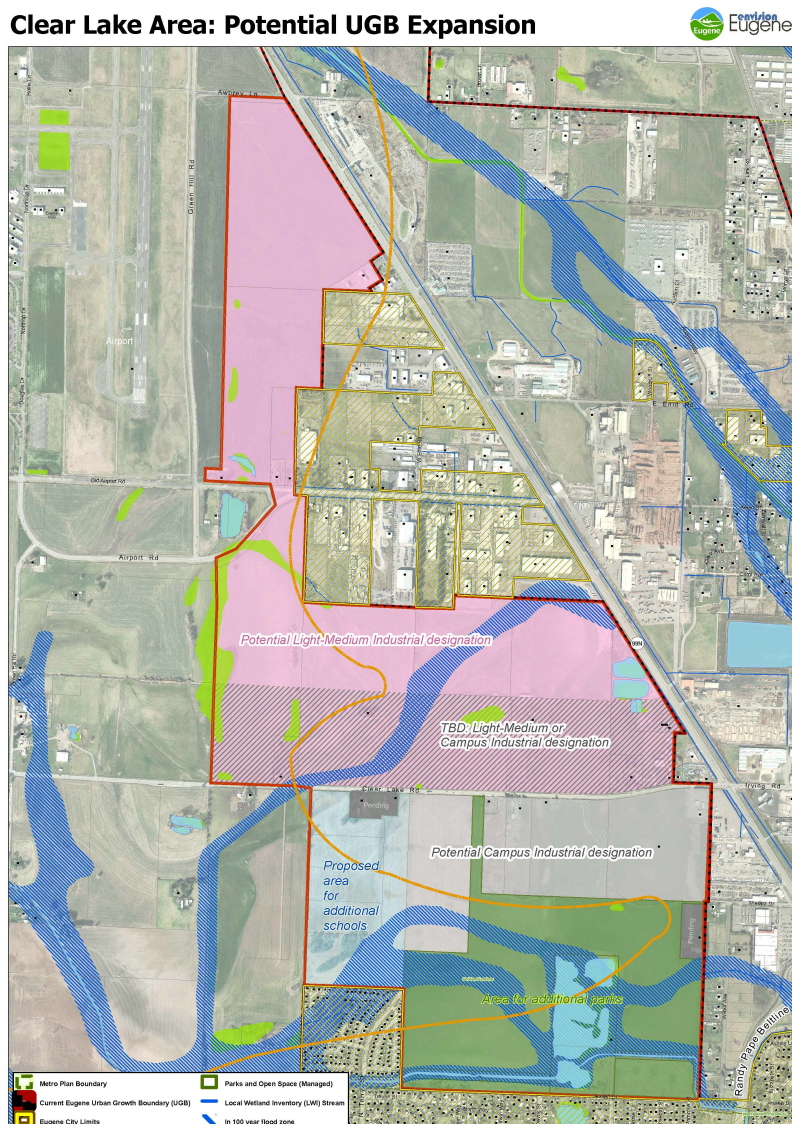


Figure 1. Clear Lake Road industrial expansion plan (2014)

Community Context

As of 2013, the City of Eugene had an estimated population of 157,318 (2013 American Community Survey). In 2011, Eugene’s Neighborhood Services program conducted a citywide ‘Neighborhood Analysis’, providing population, demographic, housing, and economic data on each of the City’s twenty-three neighborhoods. Using 2010 U.S. Census information, Table 3 presents Neighborhood Analysis of racial demographic information:

Table 3. Population demographic information from Eugene Neighborhood Analysis (2010)

	Population	% of Pop	White alone	Hispanic/Latino	All Other Groups
Eugene	157,318	100%	82%	7.8%	10%
Bethel	28,228	18%	85%	11%	5%
Trainsong	1,569	1%	78%	20%	2%
West 11th	99	<1%	88%	3%	9%

Both Bethel and Trainsong neighborhoods contain higher rates of minority populations in the area compared to the City, while the West 11th neighborhood has the highest concentration of African Americans in the city. Moreover, while the university area contains high rates of racial diversity, the university population skews the City’s total minority population rate, as minorities made up 16% of the total enrolled student population during the 2010 academic year (University of Oregon Office of Registrar).

Table 4 presents income and poverty level information for the neighborhoods in comparison with the city and state. Because the Bethel neighborhood contains a dozen census blockgroups, poverty and income information was averaged out. Unfortunately, poverty and income levels were not provided in the West Eugene Neighborhood Analysis, as only 2% of the area is zoned for residential uses.

Table 4. Income and poverty information from Eugene Neighborhood Analysis and U.S. Census (2010)

	% Households Below Poverty	Per Capita Income Average
Bethel	13%	\$18,722
Trainsong	28%	\$14,515
Eugene	23%	\$25,567
Oregon	15.5%	\$26,809

The incomes and poverty levels vary within Census blockgroups in the Bethel neighborhood due to its large size and population, with its per capita income ranging between \$14,451-\$25,250. While the highest per capita income in Bethel is slightly lower than that of the City, more notable is how quickly and significantly that number decreases – the average per capita income in Bethel is \$18,722 (Bethel Neighborhood Analysis, 2011). The Trainsong neighborhood is considered one blockgroup, and has a per capita income also significantly lower than the city’s and state’s per capita income (Trainsong Neighborhood Analysis, 2011).

The West Eugene area is home to over half of all industrial facilities holding LRAPA discharge permits within the Eugene-Springfield Metro area. In comparing discharge permits by location, the West Eugene area holds 66% of all discharge permits in Eugene (see Table 5 below). The West Eugene facilities holding LRAPA discharge permits are located primarily on major roads: West 18th Avenue, West 11th Avenue, Roosevelt Boulevard, and Highway 99. Within each permit category (there are eight total), the West Eugene area is home to at least half of the facilities permitted to discharge into the air within Eugene city limits (see Figure 2). For some permit categories such as Basic and Simple ACDP, West Eugene is home to 80% of facilities with those types of discharge permits.

Table 5. LRAPA Discharge permits within Eugene-Springfield Metro area as of 2015 based on location and type

	Basic	Title V	Standard	General 1	General 2	General 3	General 5	Simple ACDP	Total	% of all Eug-Spr permits	% of all Eug permits
West Eugene											
97402	22	7	8	11	7	9	22	19	105	51%	66%
River Road											
97404	1	-	2	1	1	1	4	-	10	5%	6%
Eugene											
97401	3	-	-	1	1	-	7	1	13	6%	8%
South Eugene											
97405	2	1	-	-	1	-	6	1	11	5%	7%
Eugene											
97403	-	1	1	3	-	-	2	1	8	4%	5%
North Eugene											
97408	-	-	1	3	3	1	4	1	13	6%	8%
Springfield											
97477	2	4	3	1	3	-	8	3	24	12%	-
Springfield											
97478	5	2	-	1	1	4	8	-	21	10%	-

Another important source of information comes from Eugene’s Toxics Right-to-Know program. This public information program requires certain manufacturers to provide information to the public concerning the use and disposal of federally listed hazardous substances (a total of 172 substances are on the list). In 2013, of the thirty-one facilities reporting to the city’s Toxics Right-to-Know Program, all but one facility was located in the 97402 zip code. A total of 15 industries in the 97402 area also report their emissions to the Environmental Protection Agency’s (EPA) Toxic Release Inventory (TRI) database.

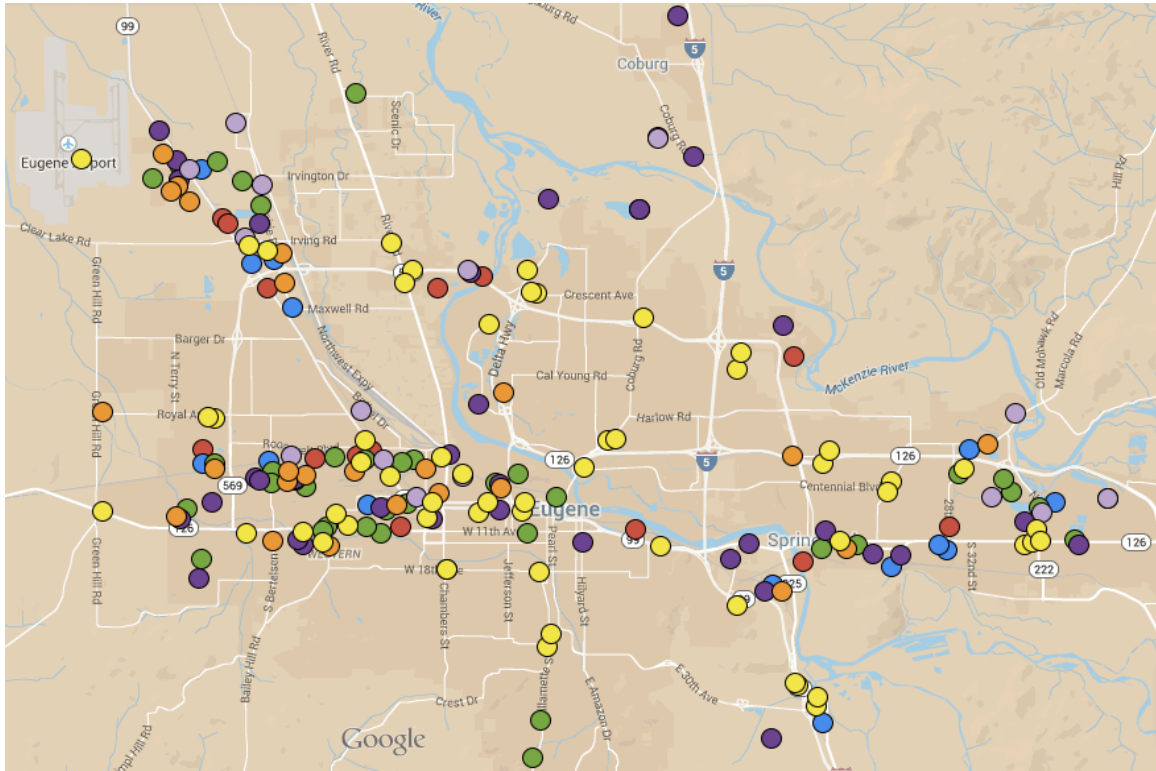


Figure 2. All facilities in the Eugene-Springfield Metro area holding LRAPA discharge permits as of 2015

The information provided by these programs differ from information gathered through LRAPA’s permitting program, as the Right-to-Know and Toxic Release Inventory databases deal specifically with federally listed hazardous substances- the majority of which LRAPA does not keep track of. However, LRAPA is the agency that grants permits to emit to all facilities listed in the databases. There is minimal overlap between businesses reporting to both the EPA and the city program: four businesses only report to the EPA. A total of 35 facilities report to the city and/or federal toxics inventories, and of the thirty-five, all but one are located in the 97402 area (see Figure 3 in the following page). Eugene’s Toxics Right-to-Know is significant as it is a public information program that contains information that allows members of the public to learn

what participating facilities are emitting, how much they are emitting, and where they are emitting.

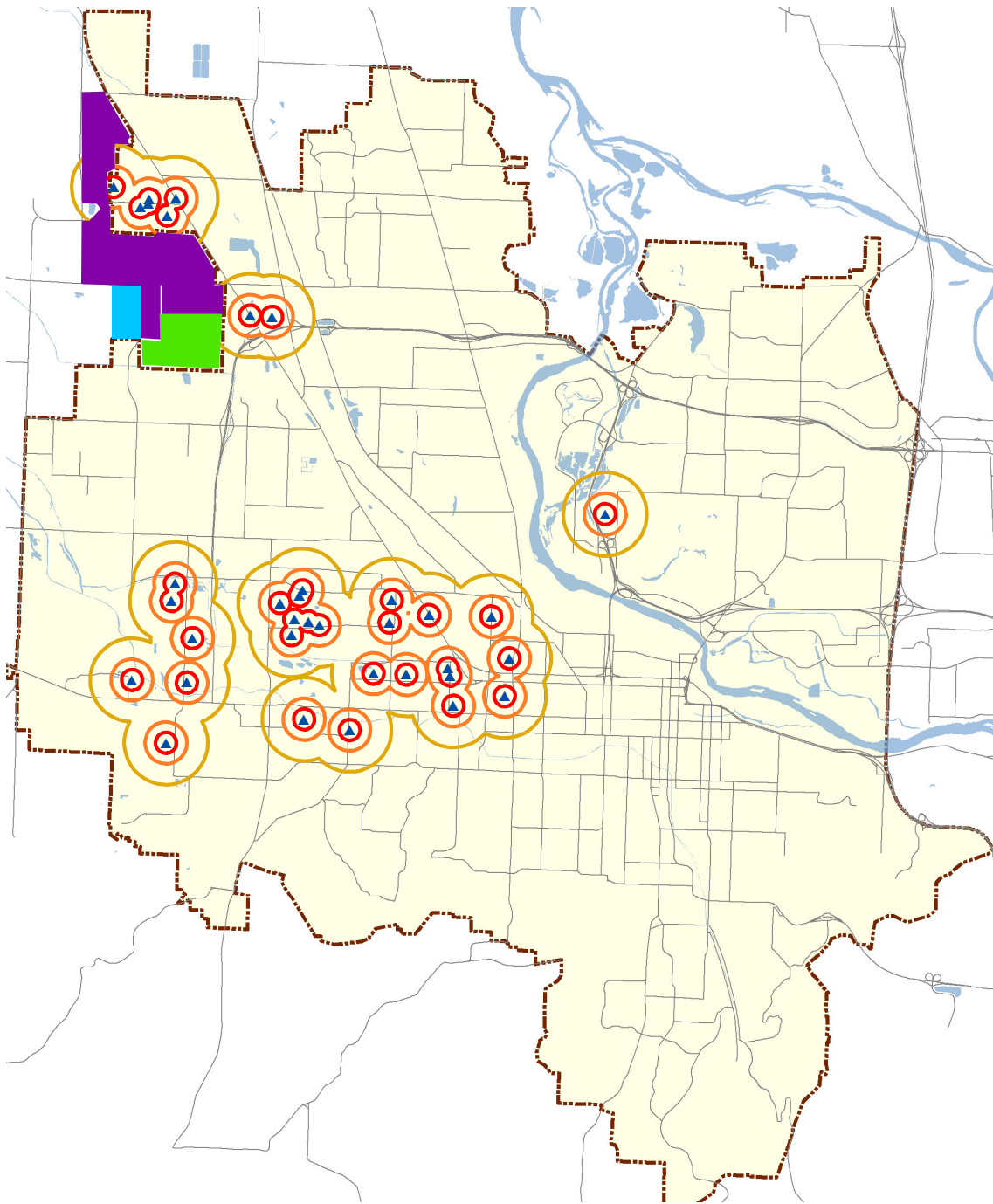


Figure 3. Facilities listed in the Right-to-Know and Toxics Release Inventory databases and proposed UGB industrial expansion lands

At the conclusion of this research, the program data for the 2014 calendar year was not yet publicly available. Figures 4 and 5 present emissions data from the Right-to-Know program during the 2013 calendar year.

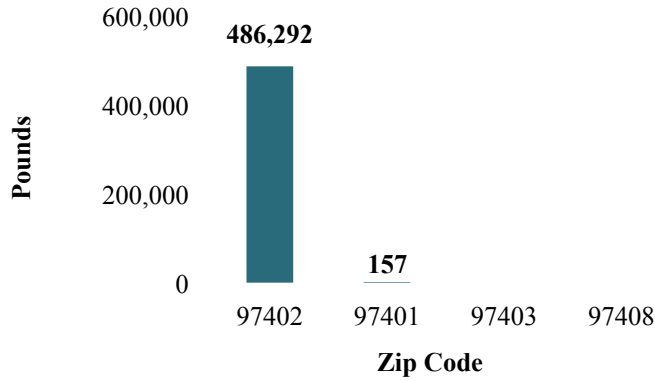


Figure 4. Total air toxic emissions in 2013

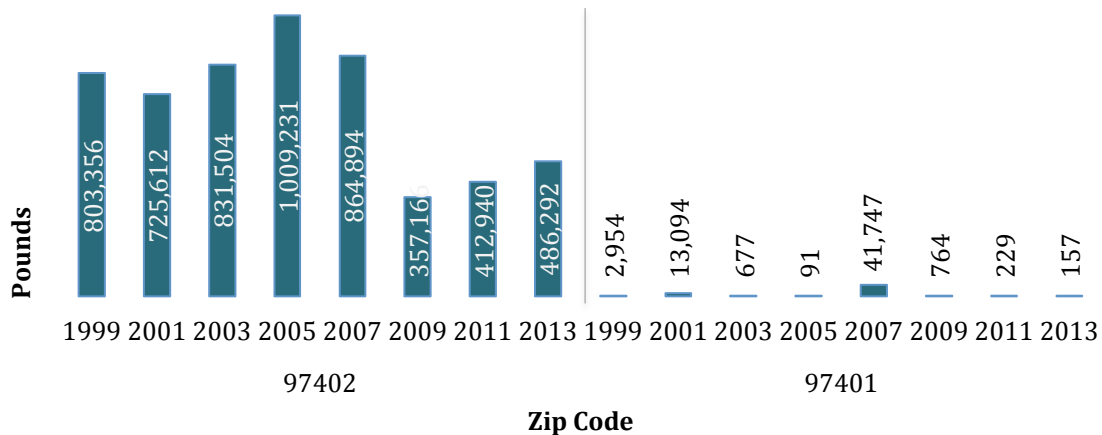


Figure 5. Total Toxic Air Emissions in zip codes 97401 and 97402 through the years (Data for 2006 emissions was not available and was thus omitted)

The data gathered through LRAPA, Eugene Toxics Right-to-Know, and EPA’s Toxics Release Inventory come together to illustrate the way West Eugene carries a much heavier burden for industrial facilities emissions in comparison to other areas of the city and metro area. More importantly, taking discharge permit, air emissions, and demographic information, a foundation is presented to acknowledge and understand how residents of this area are faced with unjust environmental health burdens.

Economic Background

While demographic information provides part of the socio-political context, the area’s economic information and history will provide the political economic context necessary to understand the issue of Environmental Justice in the city. According to the *Eugene Economic Opportunities Analysis*, employment sectors with the greatest employees [in Eugene] are presented in Table 6. These sectors accounted for 51,914 or 65% of Eugene’s jobs (59).

Table 6. Employment sectors with greatest number of employees in Eugene

Government	18%	Accommodation/ Food Service	9%
Health Care/ Social Assistance	14%	Manufacturing	9%
Retail	14%		

The *Economic Opportunities Analysis* report was conducted to look at economic trends, growth, and declines in sectors in the City of Eugene as a response to the city’s decisions to expand its Urban Growth Boundary (UGB) to accommodate particular job and population growth in the City. Manufacturing is noted as an important sector not only in the city, but also at county and state levels. As illustrated by Table 7, “The following manufacturing industries accounted for two-thirds (\$18.3 billion) of revenue from exports in Oregon in 2012 and are all present in Lane County, accounting for 75% of manufacturing employment in the County” (61):

Table 7. Top revenue-generating manufacturing industries in Oregon and Lane County

Machinery Manufacturers	Chemicals	Fabricated Metal Products	Food and Kindred Products
Transportation Equipment	Computer & Electronic Production	Wood Products	

The significance placed on manufacturing and industrial uses on the part of the government should be noted, as the economic presence and significance of this sector can

be argued as playing a large role in how the issue of environmental justice is addressed by agencies within the city. Running along the south side of the West Eugene area, more than 70% of the West Eugene Community Organization Neighborhood’s land is zoned for industrial uses (See Figure 6). The Industrial Corridor Community, running along the east side of the West Eugene area, has over 30% of its land zoned for industrial uses. Over 40% of the Trainsong neighborhood is zoned railroad, making this area the most heavily impacted by the shipping and distribution of goods manufactured in the West Eugene area.

In considering the concerns of community members, the fact that wood manufacturing is identified as a target industry to pursue within the industrial sector is significant. The economic analysis states, “Eugene’s history of logging and access to raw lumber make it attractive to wood product manufacturers...” (99). This statement provides a context for the heavy economic and political reliance on logging and timber manufacturing in the state and City, explaining the lack of action on the state’s part to act in response to the community’s history of complaints and health concerns in relation to wood products manufacturing in the area.

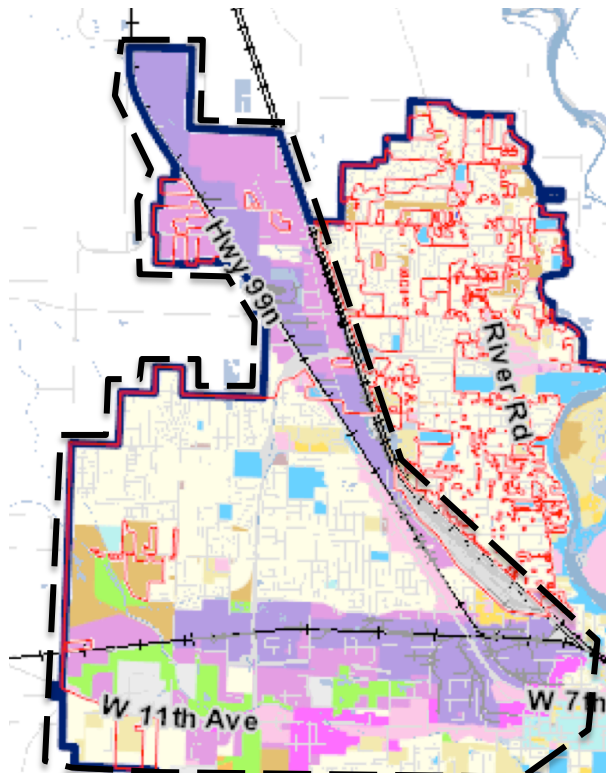


Figure 6. Eugene zoning map (Dotted line indicates neighborhood study boundary)

The state and city's economic ties to the timber and logging industry provide important context as the historic dependency on the industry as well as continued economic importance of the industry in today's economy affect how these industries, and those speaking up against them, are treated differently. Industrial facilities in the state began producing and trading lumber in the 1820's, with subsequent heavy logging documented by 1880 (Oregon Public Broadcasting). The construction of the transcontinental railroad in Oregon began in 1883 and provided a means for distributing timber goods from the state (Oregon Public Broadcasting). By 1938, Oregon was the major lumber state of the nation, with decades of heavy logging and wood manufacturing to follow (Oregon Public Broadcasting). The passage of the National Environmental Policy Act, Endangered Species Act, and the National Forest Management Act in the 1970's created disruptions in the heavy logging and clear cutting conducted by the timber industry. These acts, in conjunction with the quickly declining acres of forests and 1980's recession, created a decline in both the production of wood products and the jobs related to this production. However, Douglas County and Lane County (where Eugene is located) accounted for 25-30% of the statewide total of wood products employment for at least the past 30 years despite heavy declines in employment in the wood products industry. According to the Oregon Office of Economic Analysis, as of 2008, Lane County still held the highest number of jobs in the wood products industry within the state (see Figure 7 in the following page).

It is no coincidence that the City of Eugene houses a number of long-established wood products manufacturing companies in the industrial area, many of whom are not

only companies with longstanding ties to the area, but also companies whom community members have had a history of complaints made towards them.

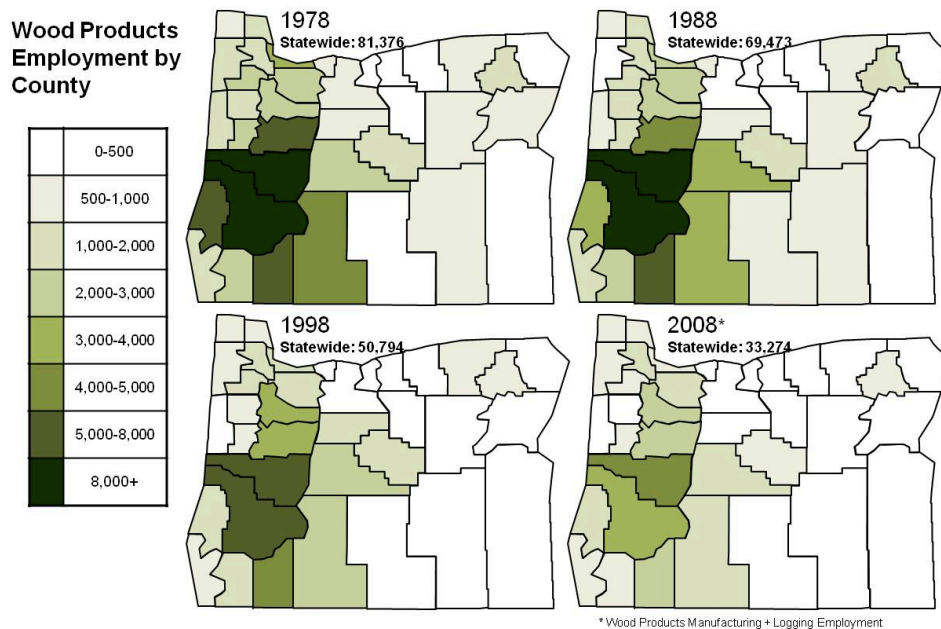


Figure 7. Wood products employment by Oregon counties (Source: Oregon Office of Economic Analysis)

Racial History of Eugene

Why aren't more people of color in Eugene, and why are more of them living closer to the industrial facilities in the West Eugene area? The State of Oregon's racial history provides a way to understand why there are not more people of color – primarily African Americans, in the state, to this date. Additionally, Oregon and Eugene's racial and economic history provide further context to understand the issue of environmental justice in the city. In its early assemblage, the state created a handful of racist and exclusionary laws to keep African Americans out of the state. While the state banned slavery in 1844, Oregon introduced the first iteration of its exclusion law, also known as a "Lash Law", which subjected "blacks found guilty of violating the law to whippings ... every six months 'until he or she shall quit the territory'" (Oregon Department of

Education). Additionally, in 1859 Oregon became the only state admitted to the union whose constitution had an exclusion law for blacks (Oregon Department of Education). While the state's banning of slavery and implementation of a lash law seem contradictory, historians noted Oregon's slavery ban had nothing to do with abolitionist principles. The banning of slavery in the state was meant precisely to keep the African American population out, as the ban would deter most white slave holders entering the state from bringing slaves with them. The combination of the slavery ban and the state's Lash Laws effectively kept the African American population low within the state, and similarly in the City of Eugene.

In the City of Eugene, people of color – primarily African Americans, were not allowed to live within the City limits, nor were they able to own property (Lorna Flormoe lecture, 11/23/14). More importantly, African Americans were part of the labor force within the city (Lorna Flormoe lecture) – thus, while the city did not allow them to live within its limits, it still depended on their bodies and labor for private and public economic gains. This contradiction was most prominently illustrated through the creation of Tent City during World War II. Located in north Eugene (near current-day Alton Baker park), just outside of the city's limits at that time, Tent City was the result of discriminatory and racist housing practices that denied African Americans from not just owning property within city limits, but simply from living within the city limits. Though named “Tent City” – which evokes ideas of temporariness and impoverishment, the homes these families lived in were built from mill lumber, and were anything but tents. The construction of the Ferry Street Bridge during the late 1940's Urban Renewal era displaced the families located in this area, and relocated the group to the present day

West 11th corridor in Bethel – also current home to a high concentration of industrial uses in the area (Lorna Flormoe lecture, 11/23/14). At the time of the relocation, the West 11th corridor in Bethel was not yet within Eugene’s city limits, meaning the city continued to keep African Americans out of town despite the city’s role in forcing them to move out of Tent City. Through this social production of a racialized space, the city’s forced relocation of people of color to the West Eugene area presents the ways in which the city compared people of color and industrial facilities: toxic, nuisance, and things that belonged away from (white) residents. Additionally, the forced relocation of blacks from Tent City to make room for the Ferry Street Bridge speaks to the way the city characterized people of color: removable. The city thus reproduced whiteness and white spaces (Nelson 2008) through its removal and relocation of all things considered nuisances out of the sight of (presumably white) residents.

Methodology

My research seeks to understand how the state engages in discourses regarding environmental justice, and how it functions as a result of these discussions. My research questions included: How do state agencies understand and talk about environmental justice? How do agencies use the discourse they’ve created around EJ to act or not act in addressing the injustices? How do agency actors rationalize the lack of action in response to claims of injustice? Additionally, how does the state protect itself from public scrutiny that results from its inaction in response to claims of injustice?

I began my research during the summer of 2013, conducting interviews, engaging in participant observations, and collecting documents and transcriptions for analysis. For the purposes of this study, I define the “state” as the governmental institution as a whole,

and “state agencies” as specific entities within the governmental institution. This is in comparison to non-profit organizations, which are as non-governmental entities providing some form of services to the public.

Areas of Focus

I began my research with a focus on community activism and resident experiences, but found an increased need to examine the issue at the ‘top’ in conjunction with those at the ‘bottom’. For years, resident activists have told their stories of inequitable treatment regarding land use and air quality in their neighborhood. However, much less was done to examine how the state comes to make land use and air quality decisions upon hearing or engaging in discussions surrounding residents’ experiences and neighborhood claims of injustice. I chose these land use/zoning and air quality as my areas of focus because they have been identified as the primary areas that affect how the residents of the area experience injustice when it comes to environmental health and wellbeing, and the community’s concerns with air toxic emissions from industrial uses. The City of Eugene Planning Division, Lane Regional Air Protection Agency (LRAPA), Eugene Planning Commission, and Eugene City were the main agencies examined in this research due to their role in discussing and acting on environmental justice issues. While LRAPA holds decision-making and regulatory power, the Planning Division holds an informational and regulatory role. The Eugene City Council and the Eugene Planning Commission were also examined, as they are the ones with the ability to shape the discourse, and have the decision-making power at a larger scale.

Sample

In order to understand the concerns over environmental health, residents' experiences, agency action and inaction, and what the state and its actors are confined by, I gathered a mix of primary and secondary sources for this research. Primary sources included interviews and participant observations. A total of fifteen interviews were conducted with residents and state employees whose work is related to the issues at hand. Community interviewees were identified through their activism and residence in the subject area. I also engaged in snowball sampling in which I asked interviewees for recommendations for others to interview at the end of each interview. I then would attempt to make contact with those suggested by interviewees, or the interviewees themselves would ask for me. State employee interviewees were identified through their affiliation with agencies that conduct work related to the issues in the subject area or issues identified by community members. All interviewees were over the age of 18 and verbal consent was given at the beginning of each interview. Interviews lasted between one to two hours, depending on the amount of time interviewees had available.

To capture rhetoric made by state actors regarding injustice as it relates to the West Eugene area, as well as include a larger pool of resident sentiment regarding air toxics issues in the area, participant observations were conducted. Between June 2013 and February 2015, I spent approximately fifty hours observing and taking notes at community meetings, LRAPA public hearings and board meetings, Planning Commission public meetings and hearings, City Council work sessions, and Toxics Right-to-Know program meetings. When possible or necessary, I recorded and transcribed participant observations. All meetings I attended for participant observation

were open to the public – City meetings are also recorded and available online, and I viewed several of such meetings online rather than in person. I found these meetings through public notices, email listserves I subscribed to, the media, or word of mouth. The time duration of participant observations varied depending on the nature of the event. Public meetings generally last 90 minutes or longer, and public hearings lasted at least two hours.

For background information regarding industrial emissions, agency regulations, and other items that were related to industrial facilities emission and/or industrial zoning in the West Eugene area, secondary sources in the form of public agency documents and public meeting or hearing transcriptions were accessed through websites and archives. I focused my search primarily on meeting minutes, public hearing transcriptions and minutes, agency emails, agency mission statements, agency presentation slides, and research produced by agencies that discuss environmental justice, air toxics, and land use/zoning in the subject area. All documents were publicly available – there were a few that were sent to me after I made a public request for such documents, such as a compilation of all complaints made to LRAPA between 2003 and 2011.

Researcher Background, Affiliations, and Study Limitations

My position as a young, college educated woman of color held both positives and negatives for this study. On the one hand, I was able to build rapport with interviewees because of my ties and background knowledge of the issues in the community. I was able to enter into community spaces with relative ease due to my ties with Beyond Toxics, and agency spaces due to my ties with the Planning department. Neither of these ties could have been created without my position as a master's student. On the other hand, I do not

live in the study area, and thus have not gone through similar lived experiences residents I interviewed have. I not only recognize the environmental privilege I have, being able to afford living in an area away from the study area, but also the class privilege I hold compared to interviewees. Community members and residents interviewed spoke of social and economic constraints related to housing (un)affordability in the City, inability to attend public meetings and hearings held during work, difficulty finding transportation to such meetings, and caretaking duties affected by the issues that also prohibit some from engaging in the issues.

In conducting and writing about this research I feel it is also crucial to acknowledge several ties to the city and the community that gave some insider status that others without such ties may or not have been given. Not surprisingly, holding insider status within both the community and the city put me in a position that required me to constantly question my assumptions and my impacts. My priority with this research is to advocate for the community and step in as an ally whenever possible. However, my position within the city challenged my ability to do so in certain cases – especially because I was ultimately never in a position to make decisions within the state. Despite this, I was still able to provide crucial information to decision makers regarding the issues expanding the city’s UGB for industrial uses presented for residents. Lastly, with these ties I gained access to people that provided me the opportunity to build trust and familiarity to access knowledge and/or information that may have otherwise been unavailable or overlooked.

I began working for Beyond Toxics as a volunteer in December of 2012 and then as an intern during the summer of 2013. In October of 2013 I was voted in as a member

of the Board of Directors for Beyond Toxics. My work with Beyond Toxics gave me the access to a primary group of people to potentially interview for this research. Through my affiliation with Beyond Toxics I also gained the background knowledge of the initial problem and agency stakeholders that shaped the beginnings of this study. My affiliation with Beyond Toxics ultimately provided me rapport and trust among community members involved in the activism in the area, giving me easier access to ask residents to describe their experiences of health problems, air and environmental quality concerns, and land use/zoning concerns.

In the spring and summer of 2014 I held an internship with the City of Eugene Planning Division as their Environmental Justice Planning Intern. This position introduced me to the efforts the City had been engaging in to expand the UGB, and increase the industrial zoned land in the West Eugene area. This position allowed me to increase my interview size, number of participant observations (through hearing about meetings that were to take place regarding the UGB expansion), and secondary sources such as meeting minutes, agendas, transcriptions, and agency-produced research. My affiliation with the City Planning Division gave me access and rapport with agencies and employees, and helped me better see and understand the institutional logic from the state's standpoint.

Theoretical Frameworks

Critical Communicative Planning Theory

The ideas of communicative rationality presented by Habermas create the foundation for the use of the critical communicative planning theory within this study. Habermas's work is based on critical theory, in which he critiques contemporary Western society for

upholding an idea of rationality that is inherently destructive due to its impulse for domination. While Enlightenment thinking has been long critiqued – especially for authors such as Merchant and Plumwood regarding its impulse toward binary thinking and domination of science over nature, Habermas argued there were parts of Enlightenment thinking that were useful. According to Habermas, reality is hidden under socially constructed meanings, theories, and assumptions, and languages. The obstruction of reality reflects and reinforces power relationships, which in turn shapes and distorts knowledge (Innes and Booher 2010: 23). In his theory of communicative action, Habermas took what he considered as important parts of Enlightenment thinking – creation of solutions based on rational thinking and logic, and created a model of communicative rationality that takes into account the effect power has on the situation of discourse and opposes the traditional idea of an objective reason. Based on this theory, Habermas argued that if communicative processes meet certain conditions, then the outcome of those processes could be considered rational. The four processes include:

1. Face to face dialogue
2. Four speech conditions: all utterances must be comprehensible among participants; statements must be true in the positivist sense, using adequate logic and evidence; speakers must be sincere; and each speaker must have legitimacy to make the statements they make – they have to be able to develop sufficient intersubjective understanding to put themselves in one another's place and be mutually understood
3. There can be no coercion or domination by a participant, and all must be treated equally and listened to equally

4. All participants must have equal access to information (Brulle 2000).

Actions with strong communicative processes, therefore, involves communication patterns that are oriented maximally toward mutual understanding of the speaker's knowledge of the facts of a situation as well as a speaker's convictions about what is right in that situation and toward mutual agreement on the three claims to truth, sincerity, and normative rightness (Ingram 2010).

Forester (1989) builds upon Habermas' communicative theory with the notion of praxis – examining how to implement such a theory into the planning field. More importantly, Forester argues that information is a source of power within the planning process. While he recognizes planners do not have the ability to determine who owns and uses power, Forester argues that planners can influence the conditions that make the public able or unable, to participate, act, and organize effectively. In this sense, planners can recognize imbalances in power, and provide members of the public the conditions and information to increase the public's power in situations. Thus, for Forester, information control, misinformation counteractions, public participation and organization, are ways for planners to address the “distorted communications” Habermas writes about - the obstruction of reality that reflects and reinforces power relationships, which in turn shapes and distorts knowledge. Ultimately, Forrester argues that planners' power lies in the production and dissemination of, and ability to provide the public access to accurate information.

A critique of the communicative planning theory (the use of genuine and accurate communication and information, knowledge is socially constructed, and that planners are actors within a socially constructed reality) is that this theory is a reinforcement of

existing power relations rather than their transformation, and thus more likely support than resist the neoliberal agenda (Purcell 2009). Purcell argues that communicative planning only reinforces the power structures despite the theory's goal of engaging in processes that shift the power to members of the public through more genuine and accurate information. This critique undermines Forester's assertions of planners being able to "face" power structures through the mediation of information, as critics argue this act of mediating information only seeks to reinforce the present power structures that are guided by neoliberalism. Moreover, this theory is critiqued as occupying an extremely hegemonic position in planning (Purcell 2009; Yiftachel 2010). The theory's assumption that simply engaging in the communicative conditions results in consensus of legitimate outcomes ignores the power structures and assumes rational communication trumps biases, ideology, and interests.

Critiques of how communicative planning theory reinforces dominant power structures despite its goal of shifting power structures through communication are significant and must be acknowledged. However, for the purposes of this study, the communicative theoretical framework proved to be crucial in analysis of planning discourses surrounding justice. That does not omit the flaws critics argued this theory presents, but this theory does in fact provide the tools for this study's purpose of analyzing how the state creates discourses and acts to avoid public scrutiny or input.

Environmental Justice (EJ)

The principles of Environmental Justice provide the foundation to understand the intersection of communicative planning and justice, and allow for better integration of the critiques of state discourse with transformative practices demanded by the movement.

Sociologist Robert Bullard, one of the leaders and prominent scholars of the Environmental Justice movement, defines EJ as one which

“... embraces the principle that all people and communities are entitled to equal protection of our environmental laws. It means fair treatment, and it means all people — regardless of race, color or national origin — are involved when it comes to implementing and enforcing environmental laws, regulations and policies.” (2014 Bullard interview)

The Environmental Justice framework and movement stems from the Civil Rights movement, as the United Church of Christ published their landmark report finding “residents of poor communities and in communities of color in the United States bear a "disproportionate" burden of toxic contamination, both through the generation and release of hazardous chemicals in their neighborhoods, and via the location of waste management facilities” (1987). Through this report, the term “Environmental Racism” was born, effectively identifying the intersection of racism and environmental degradation. The understanding is that unequal environmental protections and decision making occur frequently in poor communities and communities of color. Pellow states, “Environmental justice studies emphasize the unequal outcomes of market-based and state economic and environmental policy making on people of color, indigenous populations, and the working class or poor... [They suffer] a high burden of environmental harm and [are] excluded from environmental decisions affecting their communities (2009: 49). Schlosberg adds, “The bottom line here is that environmental justice activists often see their identities devalued and make a direct connection between the defense of their communities and the demand for respect” (2007: 51). According to Bullard, the five principles of environmental justice include:

1. Guaranteeing the right to environmental protection

2. Preventing harm before it occurs
3. Shifting the burden of proof to the polluters
4. Obviating proof of intent to discriminate, and
5. Redressing inequities.

State discourse and action that do not fall under these principles run the risk of producing the inequities they were supposedly created to address. The five principles of environmental justice are intertwined with a mixture of literature focused on the idea of “justice.” Schlosberg’s work synthesizes discourses surrounding justice into four main components:

Distributive Recognition
Procedural Capabilities

Distributive justice requires the examination of how both environmental “goods” and “bads” are distributed among groups, while Recognition builds on distributive justice by calling additionally for a critique of the roots of ‘maldistribution’ or injustice – where the ‘bads’ more often locate (Shrader-Frechette 2005, Young 1990). Procedural justice refers to the fair and equitable institutional processes of a state, with a specific focus on the institutional and political processes that enact injustice. Connecting distributive, recognition, and procedural justice, Schlosberg argues, “The point is to focus on the direct link between a lack of respect and recognition and a decline in a person’s membership and participation in the greater community, including the political and institutional order” (2007: 25). Lastly, the capabilities approach to justice argues to not simply critique just arrangements based on distributive terms, but also specifically how the distributions affect community wellbeing and how individuals and communities

function. For Sen, the argument for capabilities is the need to move from a concern with material goods received, to the examination of what the goods do for the communities (30).

These principles of justice are crucial in this study's analysis of how the state and its actors talk about and address residents' claims of injustice in the area. Not only are we able to get a sense for what the state considers is "just", but we are also given the ability to analyze how the state rationalizes its actions that residents consider are unjust. Additionally, Bullard's five principles of environmental justice are significant as they illustrate the desired outcomes and critiques that residents and members of the public have voiced either through interviews, meetings, complaints, or testimony. On top of that, these principles of environmental justice are found throughout the literature included within this study.

Conceptual Framework

So how do these theories work together in this study? Taking basic principles of both theoretical frameworks, this study examines the discourses used by state agencies to discuss issues regarding environmental justice in the City of Eugene. This is important because throughout my time observing and researching residents' experiences and state activity, there seemed to be a disconnect between what state actors are saying they desire in regards to justice and equity in the area in comparison to what actions are ultimately carried out after these discussions. From interviews and participant observations, it seemed residents and members of the public were also aware of this disconnect. So while it may be that conversations to address inequitable treatment and practices in the area are occurring, something happens within the state's process that results in the perpetuation of

the status quo. More specifically, this study examines the way the state engages in discourses regarding inequity that are used as a means to deflect political criticism, maintain social order, and not engage in fundamental problems, effectively insulating its actions from public input or scrutiny. How does this happen? Surely, this is not to claim all state actors have evil intentions, as there are people working within the state that actively fight for marginalized communities. What this study aims to do is discuss how the state's institutional structure creates a logic that its actors are confined to, and that by confining actors to the four process laid out by Habermas, the state is able to insulate its actions from scrutiny and claims of oppression. This also presents the bind state actors often find themselves in – being stuck to the rules and processes set out for their position or agency, yet still implicated in the system that produces the inequity. The four processes laid out by Habermas include:

1. Scientific discourse in development and analysis of government policy;
2. Political demand managed through neocorporatist decision making;
3. Organizational structure; and
4. Increase the decision-making power of the executive agencies of the state.

Adding to the literature, this research finds a fifth process:

5. Homogenization of the “public”, in which the state seeks to avoid explicitly acknowledging the institutional racism and classism within issues of environmental justice in the city to deflect scrutiny and justify inaction.

CHAPTER II

HOMOGENIZATION OF THE “PUBLIC”

Through this study, it has become abundantly clear that when it comes to state’s discussions and actions regarding environmental justice, the state engages in a process not identified by Habermas as a mechanism to insulate its actions from scrutiny. The four processes initially laid out by Habermas include: Scientific discourse in development and analysis of government policy; Political demand managed through neocorporatist decision making; Organizational structure; and Increase the decision-making power of the executive agencies of the state. While all four processes are crucial when considering how the state rationalizes its discussions and actions in response to claims of injustice, a fifth process – homogenization and universalization of the public, is necessary when examining this study through an environmental justice lens. As environmental justice principles stem from the understanding that the poor and people of color are more likely to experience environmental harm, less likely to have the resources to fight this harm, and also less likely to receive fair compensation, the focus on institutional oppressions (including racism and classism) is key in this study’s analysis of state rationale in response to claims of environmental injustice.

The process of homogenization and universalization of the public is enacted by the state precisely to undermine or avoid the critiques of inequitable treatment based on group identity. Moreover, in this process, the state actively avoids touching on topics of racism, classism, sexism, and other forms of oppressions. Such a process not only seeks to present its treatment of the public as equal or the same, but it functions through coded language to ignore socioeconomic and political contexts of groups to hide the ultimately

inequitable treatment of groups. Equally important is the difference between intention and outcomes. While some may argue the intention of the state or its actors are not to perpetuate inequality, ultimately the outcome is such that inequality in health risks is in fact created. As Bonilla-Silva argues, “Racism is a problem of power. Therefore, the intentions of individual actors are largely irrelevant to the explanation of social outcomes”. Lastly, such discussions of oppression are personal and emotion ones, and keeping in mind Bonilla-Silva’s assertion “The analysis of people’s racial accounts is not akin to an analysis of people’s character or morality” (2014: 102) is important, as many of the individuals discussed in this chapter, as well as those in other chapters, are part of the social structures that perpetuate different forms of oppression. The critique of rhetoric included in this study is not meant to paint commenters as bad people, but to recognize how those working within the state are implicated in the system of oppression.

The universalization of the public as one homogenous group is a product of, among many things – neoliberalism, which as Harvey and Bonilla-Silva argue, includes assumptions of meritocracy, (healthy economic) competition, individualism, and egalitarianism. The logic of universalism made by the state assumes that everyone is ‘equal’, thus baseline conditions are equal for everyone, and with the input of similar policy or treatment, the outcomes will be equal and similar for everyone. Despite such assumptions of neoliberal ideology, Beck argues that within a risk society, risks adhere inversely to class patterns – wealth accumulates at the top, risks at the bottom. “To that extent, risks seem to *strengthen*, not to abolish, the class society. Poverty attracts an unfortunate abundance of risk. By contrast, the wealthy (in income, power or education) can *purchase* safety and freedom from risk... The possibilities and abilities to deal with

risks, avoid them or compensate for them are probably unequally divided among the various occupational and educational strata” (1992: 35). Norgaard adds, “When differences in risk result in part from relative chances of exposure, and when those who face exposure are members of poor or racial minorities, issues of risk perception fall into the broader issues of environmental justice” (2007: 454). Moreover, as discussed more in-depth in the next chapter- Scientific Discourse, policy and research are mired with biases that benefit the white, male, and middle class majority. Within discussions of misinformation and public participation, Forester also recognizes the inequities and exclusion marginalized groups face in state processes (1982: 69).

Taken together, the rhetoric of egalitarianism and universalism under the neoliberal state willfully ignores the disproportional inequity along racial and class lines that are caused and perpetuated by the state. This willful ignorance then adds to further burden marginalized groups while the state functions under assumptions of equal opportunity and burden. It is important to note that the discussion of the state’s avoidance of rhetoric specific to racism, classism, sexism, and other forms of oppression is one that is structurally and individually perpetuated. In providing examples of comments made by individuals within the state, it is necessary for the audience to recognize that such comments present a pattern in systemic oppression, and therefore we must resist in assuming such comments are isolated incidents or unique comments (and therefore do not reflect overt systemic oppressions such as racism or classism). By acknowledging comments stem from institutional oppressions, it is also important to recognize that state actors function within a system that perpetuates institutional oppression, but that actors

can also carry out actions or discourses that add to the perpetuation of institutional oppression as well.

Take for example planning staff's explanation of using the term justice rather than racism when discussing the issues of inequity in the area:

“I think if we use more uncomfortable types of language like environmental racism we get into more heated discussions and defensiveness. I didn't feel that so much with the Planning Commission – not so much defensiveness as it was more like just this sense of... the gravity of the obligations that the government in general is kind of expected to perform and then feeling like ‘how can you make this work?’ it's a big question...there's definitely a long held tension around low income and minority communities in this city and disparate distribution of all kind of things – dollars for parks, or community centers and pools and that sort of thing.” (Interview, September 2014)

The staff member highlights the discomfort or unease that comes with speaking about racism or classism in a neoliberal colorblind society. Despite the fact that environmental injustice in this area manifests itself in disparate racial and class outcomes, agents of the state are less willing or comfortable in speaking about race specifically. Rather, substituting the term race with the term “justice” makes agents of the state feel as if they are doing good, rather than being told their decisions enact harm on others. Doing so allows the actors to absolve themselves from the blame or guilt that comes from recognizing disparate outcomes. Moreover, the use of the term justice allows the state to avoid discussing exactly what type of injustice is perpetuated by the state, thus in some regards the use of the term justice acts as a mechanism to homogenize the public so the state can avoid discussing race and class specific inequities. Discussing it in these terms also allows the state to avoid addressing the specific contexts in which the state has historically and currently enacts harm to groups based on racial and class identity.

Treatment “Regardless of...”

One of the ways the homogenization of the public presents itself is through agency statements of ‘equal treatment regardless of race, gender, class...’ in the face of claims of inequity by the public. Often, agency response to concerns of racial and class injustices in relation to industrial uses and health burdens in the subject area revolves around assertions of colorblindness or nondiscrimination through practices that treat everyone the same. Why is this important? Bullard asserts, “Government has been slow to ask the questions of who gets help and who does not, who can afford help and who can not, why some contaminated communities get studied while others get left off the research agenda, why industry poisons some communities and not others, why some contaminated communities get cleaned up while others are not...” (1997: 70). The dangers of how slowly the government has been to ask these questions of where, why, and how disparate treatment is created is largely related to the danger Forester finds in treating all groups in a similar manner. He states, “In a world of severe inequalities, planning strategies that treat all parties ‘equally’ end up ironically reproducing the very inequalities with which they began” (1989: 8). How is this so? If everyone is treated equally, how is it possible to generate unequal results? For Winant, within our neoliberal colorblind society, not only do racially based social structures (of inequality and exclusion, and of resistance and autonomy) persist, “but their legitimacy is questioned far more strongly than it was in the past” (2006: 987). Due to the shift from overt to covert forms of racism, the contemporary colorblind society assumes racism has been ‘eradicated’, and thus claims of racism are contested much more now than they were decades ago.

In discussing the intersection of environmental racism and public policy, Bullard argues these two practices, in combination with industry practices, work to provide benefits for whites while shifting costs to people of color. “Environmental racism is reinforced by government, legal, economic, political, and military institutions. Environmental decision-making and its policies often mirror the power arrangements of the dominant society and its institutions” (2001: 160-161). Moreover, in discussing the ‘nonracialist’ or ‘colourblind’ argument (in which race is less important in determining life chances), Winant asserts, “At the same time social organization continues to function along racial lines; ‘race consciousness’ operates in the allocation of resources, the dynamics of social control, and the organization of movements for equality and social justice” (2006: 989). Therefore, whether or not a government entity admits it, the fact of the matter is that decisions made regarding the environment, and low income residents and residents of color within those environments more often than not reflect the power imbalances present between the state, industries, the rich, poor, white residents, residents of color, among others. Similarly, Young argues policy issues are often defined by the assumptions and priorities of the privileged – those with the materials, personal, and organizational resources to avoid or enact environmental harm (1990: 95). Taken altogether, the authors highlight exactly how crucial it is for the state to address issues of injustice along racial and class lines. The lack of state responses to the racial and economic inequality faced by the residents when it comes to the degradation of their environmental health is just as potent as the health risks themselves.

Despite the importance of explicitly addressing the residents’ experiences as ones that result from their racial, class, and gendered positions, state agencies in this study

provide rhetoric that homogenizes the residents of the area. The following response was given by LRAPA when confronted with questions of racial and class inequity in their decisions regarding their air discharge permitting process:

Hough (LRAPA Director): "... our approach has been much more comprehensive than just evaluating the impact of proposed air emission sources on minority communities. Our vision is "Community partners working together to ensure clean air for everyone" so our primary focus has been to ensure healthful air quality for all Lane County citizens regardless of demographics (e.g., minorities, low-income, handicapped, children, elderly, etc.)."

In this case, the agency willfully denies the significance of racial and class identities in determining how much harm or risk would be placed onto the community that houses the industrial facility seeking emissions increase permit. To do so, LRAPA argues that calculating risk on 'all' residents of Lane County is a 'more comprehensive' analysis. However, by grouping the public into one entity, the agency actually actively erases the racial and class positions that largely place certain residents at higher risks of industrial pollution than others. In her work analyzing the ways in which Enlightenment thinking created dichotomous thinking that justified the domination of nature and people of color by science and whites, Plumwood describes the role homogenization plays in the domination of 'subordinate' groups, "The dominated class must appear suitably homogeneous if it is to be able to conform to and confirm its 'nature'. In homogenisation, differences among the inferiorised group are disregarded" (1993: 53). In this case, homogenizing identities thus serves to allow for the blatant disregard of issues based on identity precisely as a mechanism of management or domination by the state.

Another example can be found in LRAPA's response to public comments submitted to the agency regarding the agency's plans to allow for a biomass plant's emissions increase due to emissions testing results that found the facility was emitting

close to or beyond its allowable amount. The comment as summarized by the agency's transcriber read:

"LRAPA received several comments regarding environmental justice issues. Commenters stated that the proposed project will impact areas in West Eugene with low- income and minority residents, and claimed that the project disparately places environmental burdens on such residents. Commenters stated this would be an additional public health burden on top of disproportionate air impacts caused by other permitted facilities." (Public commenter, LRAPA Public Hearing, July 2009)

In response to the comment, LRAPA responded with this following statement:

"LRAPA's conclusion that there would be no disproportionate impacts on any environmental justice community was not based on an assumption of no environmental justice communities near the project site; it was based on LRAPA's assessment that there would be no significant adverse impacts to any community, regardless of demographic makeup." (LRAPA Public Hearing Comment Response, July 2009)

While the agency's statement does not outright deny or accept the possible existence of an 'environmental justice community', it does avoid discussing potential localized impacts for the community. Through rhetoric that is centered on an explicit rejection of providing some form of "partial" treatment to a group, for LRAPA, racial, class, or any other identity do not matter precisely because for the agency, no one would be harmed in allowing the emissions increase. What this does not take into consideration is the fact that in denying any outright partial treatment, the way in which LRAPA determines harm is also through 'colorblind' measures. Thus, arguing no significant impact to any community will occur is not the same as arguing that no significant impact to a particular racial or class community will occur.

How does this fit in the scope of homogenization and the state's use of this strategy to manage and avoid public scrutiny? As Winant states, it has been easier in a 'colorblind' society to presume meritocracy and egalitarianism in ways that do not make

its commenters assume explicitly racist or classist positions. The agency's reason for denying localized assessment of risk related to race and class were not done so just because the agency or its employees are all racist and classist; the denial was done so under the presumption that all residents of the city experience their environment equally. The importance of examining this presumption is discussed in the next chapter. Bonilla-Silva adds, the assumption of liberal humanism – that we are all the same and that equal treatment should be given “is rooted in ideas of individualism, universalism, egalitarianism, and meliorism” (2014: 74). These concepts are not only the foundation of modernity, but they are based on the concept of European humanism (read: white, male) that suggests meritocracy and sameness while ignoring identity-based differences that fuel systemic and institutional oppression. Discussing the problematic nature of scientists and experts claiming objectivity or impartiality, Brown and Mikkelsen add, “Scientists, however, do not usually place their efforts in an adequate social context. They believe that scientific knowledge and practice are separate from social factors or that social factors play minimal roles” (1997: 178). Scientific impartiality, along with structural inequalities in the real world, then, fuels the systemic oppression exactly because only the contexts of the most privileged are given thought. LRAPA's process of separating social factors in their analysis of risks, are in some ways the structural confines in which the agency must work with. The agency must conduct particular risk assessments when considering permitting. However, in other ways, the agency is not structurally confined to separating social factors from their assessments or decisions. LRAPA consistently rejects the need to conduct localized impact assessments in the neighborhood despite some leeway and ability to do so.

Seemingly unbeknownst to the agency, the denial of social, political, and economic contexts acts to further the cycle of racial and class inequity. However, that is not to say that the agency and its decision makers are not implicated in the system that creates and perpetuates oppression, or to absolve them from the fact that they are in actuality enacting oppression through their decisions. LRAPA's decision to conclude it is protecting its most marginalized groups on the ground that its policies protect everyone explicitly ignores social contexts that place certain racial and class groups more often in direct harm, and its refusal to analyze specific issues related to racial or class groups actually perpetuates racially and class driven inequities in its decision making. Young states, "This ideal of the impartial transcendental subject denies or represses differences in three ways: It denies the particularity of situations; [it] seeks to master or eliminate heterogeneity in the form of feeling; and the most important way that the ideal of impartiality reduces particularity to unity is in reducing the plurality of moral subjects to one subjectivity" (1990: 99-100). These acts deny heterogeneity, deny context, and reduce the public to a homogenous subjectivity, when in actuality there are very significant differences in race and class positions among residents of the city. This act allows the state to avoid blame in carrying out actions that perpetuate racial and class injustice, as well as legitimate its decisions that do perpetuate injustice in the form of impartial, rational policy decision-making. The state disconnects its actions from race and class specifically to retain the legitimacy of its decisions that result in racial and class inequities without simultaneously holding the responsibility of addressing the inequities of its actions.

In an interview, LRAPA staff argues that assessments of the whole region are more realistic and informative than localized or specific assessments:

“...but by asking those questions, are you looking at it holistically enough or are you just looking at a part? Because I think you can make a better assessment if you look at it holistically rather than focusing on a single part. For example, the modeling of air toxics does not show West Eugene as the highest area of air toxics... from a holistic standpoint, we tend to look at the entire airshed.”
(Interview, July 2013)

The use of the code “holistic” as a means to justify aggregating data and ignoring potential localized “hotspots” of air toxics also gives the agency the ability to ignore the disparate outcomes of their policies that are directed at the entire airshed. In doing so, “holistic” processes function to give the agency a way to deny any responsibility in a situation where disparate outcomes are identified, thus effectively denying the community even a potential to gather data and other means for potential research on their risk. This act of aggregating data in a “holistic” manner has repercussions for future decision-making considerations – if the agency responsible for air protection and management refuses to conduct localized analysis to determine whether or not actual disproportionate harm is present, then its future permitting actions and risk assessments will continue to mirror a situation in which racial and class identities are assumed to have no effect on how residents of particular areas experience their environment.

In an interview, a public health expert and environmental justice activist responds to statements similar to the one given by LRAPA in relation to their refusal to give ‘preference’ or attention to marginalized groups:

Ben: “I think this outlines what are the biggest challenges to government and I say that because there’s a lack of understanding about social justice. You have to focus on the most marginalized – those who are most disparately impacted. By doing that you actually benefit everyone with universal outcomes. And it’s challenging. I think what we’ve been able to do here is have committed racial and

ethnic folk with experience in public health saying that when we look at the data, the data says communities of color – specifically African American, Latino, and Native Americans... that says this is an obligation... not just moral, but economic and social obligation that does serve everybody. *In some ways, if it were anything else... If we were going to fix the roads, we would target where we see the most risk, the most harm, the most challenge, the most prevalent issues. And for some reason, when it comes to race, we can't do that. But it's the same logical argument you would make for any infrastructure work.*"
(Interview, September 2014; Emphasis added)

This response echoes arguments presented by Winant, in which the state is able to claim nondiscrimination on the basis of not directly considering positionality at all. Moreover, the interviewee's response echoes Young's claim, "...where social group differences exist and some groups are privileged while others are oppressed, social justice requires explicitly acknowledging and attending to those group differences in order to undermine the oppression" (1990). The active avoidance of racial or class considerations then functions to perpetuate the power arrangements that dominate society. The state logic of assuming equal baseline conditions, combined with equal input for everyone, fuels the agency's assumption that there would then be no significant adverse impacts to anyone. Targeted responses, when it comes to race, somehow becomes difficult to grasp particularly because the responses prioritize marginalized groups, and as a result, no longer mirror the dominant power arrangements.

Take the next statement given by LRAPA as a response to assertions of racial and class injustice for its allowance of emissions increases despite public health concerns:

"LRAPA has not adopted a position on the precise racial, ethnic, or economic characteristics of the surrounding neighborhoods, other than to recognize that, as a general matter, the community is made up of a larger share of racial and ethnic minorities and is more economically depressed than some other communities in Lane County. LRAPA shares the commenters' concerns regarding disparate adverse impacts on any community, as explained above."
(LRAPA Public Hearing Comment Response, July 2009)

Even when conceding to the fact that the neighborhood has “a larger share of racial and ethnic minorities and is more economically depressed than some other communities in Lane County”, it has not “adopted a position” on the community’s precise characteristics. The agency’s inaction towards adopting a position is an attempt to avoid partiality and potential responsibility, and in doing so, the agency is in fact supporting the dominant social structure and perpetuating the status quo. As Collins argues, “No standpoint is neutral because no individual or group exists unembedded in the world” (1990: 33). Thus while the agency may acknowledge that specific racial and class groups are located in the area of concern, it still denies the link between the industrial emissions it permits with environmental injustice, and racial and class identity. Moreover, the agency’s excuse of its limited power and regulatory authority, in combination with the denial of outright unequal outcomes, creates a safety net the agency falls into to avoid scrutiny, as well as manage public sentiment. Consider the argument Young makes against statements of ‘impartiality’, a term that characterizes LRAPA’s responses to racial and class inequities in its policy and decision making: “...the ideal of impartiality serves ideological functions. It masks the ways in which the particular perspectives of dominant groups claim universality, and helps justify hierarchical decision-making structures” (1990: 97).

Through its narrative, the agency also perpetuates the idea that if LRAPA permits the emissions in the neighborhood, then it must be safe, or at least legally allowed. The agency creates a narrative of safety to imply it follows guidelines to protect “everyone” through methods such as data aggregation, permitting rules, and rejection of disparate outcomes based on racial and class identity. These actions have implications that reach beyond the agency’s own regulatory realm. The following excerpts are taken from a

Planning Commission meeting to discuss the potential impacts of expanding the city's UGB and zoning over 900 acres of land north of the West Eugene neighborhood as industrial land. While several comments of concern were expressed by planning commissioners during the Planning Commission meeting in response to the statics and health information related to placing additional industrial manufacturing in the subject area, such as, "I'm really concerned about the whole health issue" and "I am concerned about the disproportionate impact to this area if in fact this data is accurate and reflects that disproportionate impact to this area. I appreciate you having us looking at EJ issue just because of the disproportionate socioeconomic differences between the areas" (Commissioners Jaworski and Taylor, Planning Commission meeting, August 2014), the 'concern' does not extend far enough to coax commissioners to recognize systemic oppression and that agency process is a driving factor in the disparate outcomes. Consider the comments presented by a commissioner in response to the inequitable health outcomes as they relate to industrial air toxic emissions:

Jaworski: "What I'm saying is... to me what is normalization? What I initially said basically was, well if these emissions are going in and they're hurting the people then why isn't... Is it LRAPA? Well, why are they not shutting it down? Well it must be because they are meeting emission standards if they're allowed. Which then says to me, well then, maybe what's happening in this area is permissible. And if it's permissible and allowed, then why is it written in a negative tone rather than this is what's going to happen when we have these kind of industries in this area... And is the emissions really *that* bad or is it normal and any time you have these kinds of emissions you're going to expect that kind of repercussions because it's permissible?" (Planning Commission meeting, August 2014).

Even when given statistics of disproportional burden to marginalized racial and class groups, the planning commissioner diverts the questions from "who is being harmed?" to "how much harm is permitted?" Moreover, asking "how much harm is permitted?"

presents an assumption of acceptance that disproportional harm is happening and allowable by the governing or regulatory bodies. Despite the statistics showing marginalized groups in the area have the greater potential of experiencing harm in this situation, the question of ‘what is allowed’ becomes a mechanism for the state to perpetuate racial and class inequity without accountability. More importantly, the commissioners’ questions turn a question of harm toward marginalized groups into one that does not even keep race or class in the picture. Of most concern with this situation is the flippant nature of some responses toward statements that identify disparate outcomes based on race and class lines, while implying the inevitability in health outcomes as one that should be unsurprising given the nature of the industrial uses. These assumptions of inevitable health risks then points to the agency’s assumption of inevitability in unequal health burdens based on race and class without explicitly saying, or even perhaps thinking, so. Ultimately, local residents’ claims of racial and class injustice are undermined by agency’s rhetoric that assumes the permission and inevitability of disproportionate health burdens and outcomes along racial and class lines.

Equal Benefits / Equal Burdens

Agencies’ use of terms such as “community” and “public good” within public discourse in this case study also function to erase the public’s heterogeneous identity, and thus fundamentally erases oppressed groups out of the processes that may benefit them. Within Envision Eugene discussions for the UGB expansion to include industrial lands located adjacent to the subject area, common discussions fall within the lines of utilitarianism, neoliberalism, and nonracial rhetoric. Take for example the generalization of decisions made during the UGB expansion discussions as decisions for “the

community.” The March 2012 recommendation notes the decisions came from, "a broad spectrum of community members. Together they helped form the vision for Eugene and create the framework for a 20-year plan; the heart of our community is reflected through this work. The seven pillars of Envision Eugene reflect the values of the community and are the foundation from which the draft recommendation emerged” (2012: i). According to the document, the Envision Eugene project began in May 2010 with a series of meetings and a year of ‘collaborative and in-depth conversations with a wide variety of thoughtful and knowledgeable community members – the Community Resource Group” (2012: 1-1). While the document language describes the Community Resource Group – those engaged in the visioning process and development of the Envisions Eugene project, with phrases that evokes sense of community and wide-spanning engagement, an analysis of the professional positions held by those within the Community Resource Group presents a different situation. Taking a list of Community Resource Group participants in November 2010, I searched the names and profession and/or affiliations of the individuals and compiled them into Tables 8 in the following page². Taking this information, I broke down the affiliations into three categories: Resident, Business, and Government (See Table 9). Some categories are further divided – for example I divided the government positions between appointed/elected (city councilors, commissioners), and hired (non-appointed/elected such as Chamber of Commerce).

² I omitted the names of the individuals within the chart, however the list of names follow the same order as presented in the original list that is publically available online.

Table 8. Profession and/or affiliation of members of the Community Resource Group listed in November 2010

Profession/Affiliation	Profession/Affiliation
1 Anslow & DeGeneault, Inc. (A & D) - Full service design and construction firm	34 Home Builders Association of Lane County
2 South University Neighborhood Association co-chair	35 Summit Bank CEO
3 PIVOT Architecture	36 1000 Friends of Oregon Director
Former Planning Commissioner	
4 River Road Community Organization (neighborhood association) Better Eugene-Springfield Transit	37 Resident
5 Realtor	38 Forest Supervisor for the Willamette National Forest
6 Sustainability Commission	39 1000 Friends of Oregon Willamette Valley Advocate
7 Commercial Real Estate Brokers EWEB Board member	40 City Councilor
8 City Councilor	41 former Historic Review Board member
9 Resident	42 LTD General Manager
10 Planning Commission, real estate appraiser	43 EWEB Community and Local Government Outreach Coordinator
Associate Vice President for Student Affairs	
11 Executive Director of the University Health Center at the University of Oregon	44 Santa Clara resident & farmer
12 Lane County Board of Commissioners	45 President and General Manager of Hult & Associates, LLC
13 Santa Clara Community Organization	46 City Mayor
14 Eugene Historic Review Board - board member	47 Poticha Architects
15 EWEB manager	48 Eugene Chamber of Commerce
16 Bureau of Land Management, Eugene District Manager	49 Prichard Partners; Downtown Eugene Board of Directors
17 Eugene YMCA Associate Executive Director	50 River Road neighborhood resident
18 Lane County Commissioner	51 River Road neighborhood resident
19 Eugene Chamber of Commerce Director	52 Co-President Rexius company
20 Wildish (construction business) Director	53 UO community relations director
21 PIVOT Architecture	54 Executive Director of Lane Metro Partnerships

- 22 South University Neighborhood Association co-chair
- 23 RiverRidge Golf Complex co-owner
- 24 attorney
- 25 Bureau of Land Management
- 26 Register Guard columnist
- 27 Real Estate and Development Director McKay Investment Co
- 28 Real Estate Developer
- 29 Friendly Area Neighborhood Association
- 30 Eugene Chamber of Commerce
- 31 ran for East Lane County Commissioner position
- 32 St. Vincent de Paul Executive Director
- 33 Bethel School District Community Relations
- 55 CEO GeorgeRussell & Associates: education/management consulting firm
- 56 cofounder Good Company, former Sustainability Commissioner
- 57 Slattery-Johnson & Associates: Building Systems Specialists
- 58 EWEB Assistant General Manager
- 59 East Lane Commissioner
- 60 4J School District Board of Directors, former Mayor
- 61 Vox Public Relations company founder
- 62 Santa Clara Neighborhood Association
- 63 LTD Board of Directors, former Wildish Land Company vice president
- 64 Sustainable Cities Initiative Research Associate
- 65 City Councilor

Table 9. Breakdown of profession/affiliation of Community Resource Group members

Profession/Affiliation	#	%	Group %
Eugene Residents	14	22%	22%
Realtor/Developers	6	9%	
Building Businesses/Architecture Businesses	8	12%	
	12	18%	
Community-service organizations/businesses	5	8%	48%
Government: elected and appointed members	10	15%	
Government: hired; non-elected or appointed	10	15%	31%

Of the 65 individuals listed as Community Resource Group members, 14 individuals (22% of the group) had ties that would not be considered business or government related – I classify this group as the “residents”. In calculating the “residents” of this group, included individuals that were affiliated with their neighborhood association, and

individuals whom I could not find any information that would result in their holding business or government related professions or affiliations. 20 individuals (31% of the group) on that list that held government positions (whether elected, appointed, or hired). 10 individuals with government affiliations were elected or appointed (such as historic review board or planning commission), and the other 10 were non-elected or appointed (such as Chamber of Commerce or school district). The remaining 31 individuals fell under the ‘business’ category. This included a number of realtors, developers, architects, construction businesses, community-oriented organizations such as the YMCA, and well-known entities such as the University of Oregon and Eugene Water and Electric Board (EWEB).

Based on this information, the questions must be asked: Whose community is represented in the Envision Eugene project recommendations? How broad of a spectrum do group members actually belong to? How reflective of the ‘heart of the community’ are these recommendations when the majority of those involved in the development process hold more resources and power? Based on the breakdown of professions/affiliations of Community Resource Group members, why does the agency deploy rhetoric to talk about this group and its final product (Envision Eugene draft recommendations) as one built from community consensus? Decisions to locate industrial uses in the area are presented as a “community vision” developed within Envision Eugene workshops, but the agency’s use of terms such as community “vision” or “decision” function to hide the fact that these final recommendations and decisions are made by those already with the power and resources to do so. More importantly, those making the recommendations most likely have the resources to avoid experiencing the environmental and public health harms their

decisions will create. Having roughly 20% of individuals as members of a Community Resource Group does not mean the final product is necessarily reflective of the goals or needs of the residents of the city, let alone the needs of the most marginalized residents. A group whose majority comprises of business people and government employees cannot effectively plan for a public or community interest, and to say their decisions reflect the community's values undermines the heterogeneity of the city and effectively leaves marginalized groups out of the vision for the city's future.

Moreover, if state actors see this group as one that is in actuality representative of the community at large, then it is abundantly clear that people of color and the poor are not considered as part of this community, and that any incidental damages that come from the resource group's recommendations onto the poor and people of color are not a priority. As Fainstein et al state, "Planners and policy makers are public servants. Their job, broadly conceived, is to serve the public interest... By what process do we determine what the public interest is? Planning and policy making have historically been the province of white upper middle classmen, and the decisions that have been made reflect the interest and experiences of this group" (2005: 2). Young adds, "Where some groups are materially privileged and exercise cultural imperialism, formally democratic processes often elevate the particular experiences and perspective of the privileged groups, silencing or denigrating those of oppressed groups" (1990: 94)." The assimilation and erasure of identities in the Envision Eugene rhetoric by using terms such as "community vision" also function to reaffirm the privileged and exclude the oppressed – the city uses this language also as a means of hiding the fact that it did not necessarily thoroughly engage the actual 'community' within democratic processes that are supposed

to encourage resident engagement. Additionally, the use of ‘democratic processes’ such as community workshops and groups such as the Community Resource Group, also act to elevate the perspective of those with more power – as evidenced in the fact that 48% of members had business affiliations and 31% had government positions or affiliations. In their discussion of the commodification of land and urban spaces in the U.S., and the government’s role in exacerbating the displacement of people from their spaces, Logan and Molotch state, “Both planning and home rule have been used to benefit affluent communities, and to benefit especially the local elites- of any community –who can manipulate municipal policy to their entrepreneurial advantage” (1987: 199). In this case, through the city’s process of generalizing its decisions as one for the “community”, it actually engages in furthering the dominant power structures and benefitting the elites while leaving out those most burdened and marginalized from decision-making processes.

Additionally, the problem of the nonracial and utilitarian discussions of the UGB expansion is the fact that the expansion is described as an economic benefit that will require some tradeoffs. For the state, the benefits and tradeoffs are equal, and the concessions made to provide industrial land will work out as it benefits the city with taxes, jobs, and economic growth. Both the costs and the benefits are, for the state, equally distributed to everyone. The industrial expansion in the subject area is described as “Land for Jobs”, and discussions of the economic benefits the city will receive through the process’s creation of jobs sidesteps the fact that sacrifices are necessary largely from the neighborhood’s part:

Staff: “Main thing we can do is provide enough land for local businesses to grow onto, and new businesses to join our community. We have the opportunity now to

provide the needed supply of sites for job growth in line with our vision and community goals... This recommendation strives to balance the tradeoff inherent in managing growth in a way that supports our seven pillars” (City Council Work Session, January 2015)

Councilor Pryor: “How this is an attempt to find a balance between what in many respects for me is livability and growth? Something that we’ve been hearing a lot and we’ve been hearing about is neighborhood livability. The desire to expand is a reflection of that balance between density, livability, and growth.” (City Council Work Session, December 2014)

Inequitable public health outcomes based on race and class are then justified by the city council and planning commission through nonracialized and utilitarian lenses. Using such a nonracialized lens, the state is more able to justify and legitimate its actions as it claims equal harm and benefit to all by explicitly ignoring the disproportionate harm placed onto certain racial and class groups in the subject area. In his work examining the links between environmental health and social justice, Corburn writes about such concerns, stating, “While risk implies that the chance of harm in question is accepted willingly in the expectation of gain, many environmental justice activists are concerned about whether they will actually receive any of the ‘gains’” (2002: 457). While Eugene city councilors use the term “balance” and rhetoric of “everyone benefits” as a means of justifying the tradeoffs between jobs, economic benefit, and public health, the rhetoric in fact further perpetuates the inequitable racial and class health outcomes of their actions, while placating the majority into believing such sacrifices were necessary and inevitable for the greater good.

If the arguments are flawed, then why does the state use these neoliberal utilitarian arguments of public good? Harvey and other authors are opposed to the neoliberal utilitarian argument of economic good as beneficial for everyone. He reasons, “To turn the neoliberal rhetoric against itself, we may reasonably ask, ‘In whose

particular interests is it that the state take a neoliberal stance and in what ways have those interests used neoliberalism to benefit themselves rather than, as is claimed, everyone, everywhere?” (2007: 24). For Harvey, the state engages in this rhetoric to legitimize its actions that further capital accumulation through the mirroring of dominant power structures, which in turn perpetuate the systems of oppressions that the neoliberal utilitarian actions were supposed to relieve – even for the most marginalized. However, despite its promises of ‘public good’ or ‘general welfare’, the actions never benefit those most marginalized, because as Fainstein argues, “Within utilitarianism equity means benefiting the majority” (2010: 38). Young adds, “...this norm of the homogenous public is oppressive. Not only does it put unassimilated persons and groups at a severe disadvantage in the competition for scarce positions and resources, but it requires that persons transform their sense of identity in order to assimilate.” (1990: 90). For the state, equity is derived from utilitarian ideology - the greatest good for the greatest number. In reality, however, this ideology results in the greatest good for those most privileged without consideration for those facing the biggest burdens. For social justice activists, equity means prioritizing the most marginalized and flipping the dominant power structure to engage and provide for those with the least privilege.

West Eugene Area as a “Sacrifice Zone”

The experiences laid out by residents of the West Eugene area are all too similar to other authors’ descriptions of environmental injustice – their environment (where people live, eat, play, and pray) is treated as a sacrifice zone. Lerner defines this term as “the result of many deeply rooted inequities in our society. One of these inequities takes the form of unwise (or biased) land use decisions dictated by local or state officials intent

on attracting big industries to their town in an effort to create jobs and raise tax revenues (2009: 6). Katherine, the resident who spoke earlier about being ‘rained’ on by an industrial facility, describes the way their neighborhood is often treated as a ‘sacrifice zone’, in which their health is sacrificed for economic growth:

“‘Oh we want to extend the urban growth boundary a little bit and we need a little more room for industry... I know we’ll just put it out in Bethel because they won’t care’ *Laughter* And they’re so... because they can... So we’re kind of like... we get the leftovers that other neighborhoods don’t want.” *Laughter* (Katherine, July 2013)

Katherine’s observations echo sentiments held by many other residents interviewed for this research. Residents point out the way they get the “leftovers” that other neighborhoods don’t want, and how their neighborhood is the one consistently looked to when industry needs more room. While residents see these actions as deliberate, agencies are less inclined to think so. Why not? Consider planning commissioner Jaworksi’s previous comments asking, “are the emissions really *that* bad or is it normal and any time you have these kinds of emissions you’re going to expect that kind of repercussions because it’s permissible?” This comment is similar to Lerner’s observations where decision makers act based on their desire to attract growth and economic development, and the cost seems minimal in comparison to the benefit of placing big industries in an area. However, for residents of the neighborhoods that house these developments, the sacrifice is their health and their families’ health. The differences in perceived sacrifices are obvious in considering the resident’s comments with the following planning commissioners’ comments in response to the environmental justice analysis I conducted for the City of Eugene that presented information on the disproportionate industrial

facilities in the area, along with the higher rates of lower income households, households of color, and respiratory issues:

Commissioner Duncan: "...we pushed all the old industry into the south locations. There really almost isn't anywhere else to go. This became the default. So let's not penalize good new employees that aren't like the ones sixty years ago."

Commissioner Jaworksi: "I don't see how this area can be changed because it's the way the air is flowing and it's already happening and I can't see it getting any better."

(Planning Commission meeting, August 2014)

For Commissioner Duncan, these issues of public health emanate from older businesses that did not have technological controls, and the of public health risks are a result of old technology and the fact that industry were simply located there by 'default'. He speaks about his hesitation in using regulations to 'penalize' the new businesses that would locate in the UGB expansion area. His statement that old industry locating in that area became the default rings similar to Katherine's statement about industrial facility placement in the neighborhood. However, note the way in which Katherine sees it as a deliberate and calculated action, whereas Duncan characterizes it as something that just happened – there was no collusion or ill intent. In addition, the act of placing industry is seen as deliberate only in the sense that for decision makers it makes most sense to be placed adjacent to other industrial uses. For Commissioner Jaworksi, the recommendation of placing regulatory controls on future industrial businesses in the expansion area seems like overkill – if the area is already experiencing this pollution and these health effects, then how would placing more regulatory controls on these businesses change much? After all, if state rhetoric argues emissions are permitted, industries have always located in this area, health risks are to be expected when industries are located in proximity to residences, and low-income and minority populations are more likely to locate in this

area, then how could it be argued that the placement of more industrial uses in the area would result in the deliberate perpetuation of racial and class injustice? Forester asserts, “If they relax the assumption that the decision-making situation can be characterized by equality of resources or power, decision-makers might rather expect actors to occupy positions in historical, social, and political-economic structures...” (1989: 60). For agencies, many of the conditions that led to public health concerns in the area were created coincidentally or unintentionally, leading to agents of the state to assume measures to address the unequal risk as overwhelming or unnecessary. Such differences highlight the ways the state justifies its actions that result in racial and class disparities through the rhetoric of colorblindness and egalitarianism in its policies, allowing it to ignore the contexts in which this area came to hold so much industrial use and public health risk, as well as house higher rates of low income and minority populations.

CHAPTER III

SCIENTIFIC DISCOURSE

Environmental movements have historically held a conflicting relationship with science – the tools, the scientists, and the information. On the one hand, the movement needs scientific evidence to make and support claims of harm such as contamination or pollution, while on the other hand, the scientific process is oftentimes top-down, centralized, and subject to manipulation according to corporate and political interests. Moreover, as examined by a number of authors, science has been specifically used as a means of colonization, capitalization, exploitation, and destruction of the land (Plumwood, 1993; Merchant 1980). The Environmental Justice movement, in response to this conflicting relationship, attempts to ‘take back’ science from those at the ‘top’ – those with the resources and privilege to benefit and manipulate it, and use it in the service of those at the ‘bottom’ – the people most affected and burdened by actions from the ‘top’. By integrating science with local knowledge, Akaba argues, science is a “double-edged sword” and recognizes the flaws of the process, but also sees how it can be a powerful tool to equalize the metaphorical playing field for burdened communities. Similarly, Pierce and Larson both question the usefulness of science within the Environmental Justice movement as both have found the scientific methods and means of assessing health risks have been used by the state against community concerns. York, however, cautions against the outright rejection of the logic and methods of science, as such rejection has been a strategy used oftentimes to undermine environmental protection (2009: 90). Fischer adds, “...science and technology have been identified closely with the major causes of environmental degradation; on the other hand, they have served as the

primary methods of both detecting environmental problems and searching for effective solutions” (2000: 89).

The questions we must then ask are: How does the state use scientific discourses to maintain order, manage public input, and avoid public scrutiny? How does the state use science for its own sociopolitical and economic interests in relation to public health concerns related to industrial emissions in the neighborhood? Within this analysis, it is also important to recognize the bind the state is in – as both the protector of the public and economic interests. The dual nature of science and society are best described by Beck, in which “scientific rationality without social rationality remains empty, but social rationality without scientific rationality remains blind” (1992: 30). Rice et al. recognize the hegemonic nature of scientific discourse in the consideration of climate change issues, how it “not only limits the actors and actions deemed legitimate in climate politics but also silences vulnerable communities and reinforces historical patterns of cultural and political marginalization”. Understanding this contentious relationship between science, politics, the state, and affected communities, similar considerations can and should be made when considering how scientific discourse is used in government policy as a means of avoiding action and scrutiny. Considerations should also be made regarding problematic use of science by the state as a means of perpetuating the status quo and its actions supporting democratic public input and involvement only to the extent such input does not interrupt the state’s ultimate interest in political economic growth.

Risk Society and Contested Illnesses

The concept of the Risk Society was created by Ulrich Beck, and has been used widely within environmental justice literature. For Beck, the risk society is one that “in

advanced modernity the social production of wealth is systematically accompanied by the social production of risks. Accordingly the problems and conflicts relating to distribution in a society of scarcity overlap with the problems and conflicts that arise from the production, definition, and distribution of techno-scientifically produced risks” (1992: 19). For Beck and other environmental justice authors, the issue is not just the fact that modern society has created an ungraspable amount of risks, but that such risks more often fall onto those most marginalized: “... sooner or later in the continuity of modernization the social positions and conflicts of a ‘wealth-distributing’ society begin to be joined by those of a ‘risk distributing society’” (1992: 20). Pellow argues, risk society creates “benefits toxic systems of production produced for the privileged, and the externalization of the costs of that process to those spaces occupied by devalued and marginal others: people of color, the poor, indigenous persons, and even entire nations and regions of the globe” (2007: 23). What are risks? Beck states, “...[Risks] induce systematic and often *irreversible* harm, generally remain *invisible*, are based on *causal interpretations*, and thus initially only exist in terms of the (scientific or anti-scientific) *knowledge* about them” (1992: 23). Because risks can be altered and are open to social definition and construction, the state, technical and scientific experts, and politicians all play a key role in the social and political perceptions of risks. The risk society, then, is one that justifies the negative effects of risks for progress and modernity, one that assumes the normalcy of poisoning through terms such as ‘acceptable values, and one that focuses not only on the exploitation of nature, but also how to deal with the issues that result from techno-economic development with more technology (1992).

The risk society perpetuates what Cable describes as “contested illnesses” within state discourses and processes. For Cable, the state and its political economic interests play a vital role in the contestation of illnesses through the use of science. “The claims of the environmentally ill are contested by the social institutions that most benefit from the economic system – the institutions that possess the power to both control scientific knowledge and define the risks posed by production technologies” (2008: 381). The underlying pragmatism of the state’s economic interests and their potential motivation for contesting environmental illness is further explained: “the state supports increased corporate wealth to retain national prestige as a global economic power and to sustain revenues that secure acceptable standards of living and fund programs that preserve the public trust” (384). In this case, the state creates the risk and functions under the risk society paradigm, legitimating its actions and avoiding responsibility or scrutiny by disputing illnesses pointed out by the residents of the area. Once again, consider the statements made by Planning Commissioner Jaworski regarding potential Environmental Justice impacts to the community as a result of industrial land designation in the Clear Lake Area in the West Eugene area:

Commissioner Jaworski: “But I’m saying, what is normal? And is the emissions really *that* bad or is it normal and any time you have these kinds of emissions you’re going to expect that kind of repercussions because it’s permissible.” (Participant Observation, August 2014).

These questions raised by Commissioner Jaworski illustrate the way risk society functions and it bolsters the state’s contestation of the legitimacy of community concerns. The premise of the question asked by the commissioner is: “If this agency is allowing the industry certain amounts of emissions, why is it considered bad?” and “Are these health issues mentioned inevitable no matter what?” The commissioner’s questions assume the

inevitability of risks, and more importantly, health problems, as the basis for understanding the injustice residents are identifying. Moreover, the inevitability of risks and health problems then are assumed as ‘normal’ within the parameters set by the air protection agency, thus providing the state and the agents a way to avoid responsibility or culpability in allowing these risks and actual problems to take place to begin with. This statement also presents how state agents often use science to ‘contest’ the illnesses of laypeople through their position of power. Popular epidemiologists, Brown and Mikkeslon argue, “Indeed government agencies often make political decisions couched in scientific terms. In some cases government bodies obstruct citizens by being uninformed users of scientific knowledge” (1997: 142). Moreover, Beck argues, “Those who point out risks are defamed as ‘alarmists’ and risk producers. Their presentation of the hazards is considered ‘unproven’” (1992: 45).

To illustrate this, take the example of the exchange that occurred after Beyond Toxics, a local nonprofit organization connected to many of the residents in this study, made a presentation to LRAPA in 2011. Beyond Toxics’s “West Eugene Environmental Health Project” study presents survey data gathered in 2010 from over 300 homes in the Bethel neighborhood, which found that over 40% of homes surveyed reported some form of impact to their daily lives from air pollution. In response to this presentation, a board member stated the “study was just anecdotal and was not supported by any medical information. Where people complained about asthma or some other respiratory problems, it could possibly be from allergies.” (LRAPA Board of Directors Meeting Transcript, June 2011). In this case, by stating the survey lacked medical information and is thus “purely anecdotal”, the state actor is contesting the survey findings as ‘not scientific

enough.’ In this sense, using science as a tool, the state presents the public as one that does not have the ability to adequately oppose state actions because they lack the proper knowledge to do so, or that risk society science accepts and justifies some form of risk to be placed onto the public.

More importantly, risk society science often colludes with political and economic interests so that the science used to determine risk also determines the acceptability of risk, rather than letting the public determine acceptability and amount of risk. Marcuse recognizes the way in which the application of scientific management to labor resulted in increased productivity, but this increase also produced a behavioral and ideological pattern that justified and absolved the most destructive and oppressive features of the enterprise. “Scientific-technical rationality are welded together into new forms of social control” (Marcuse 1964:146). Residents identify the way in which the state’s function within the risk society and economic development ideology leads to the state’s contestation of their risks and illnesses:

“I think business is worried about business. And I think LRAPA is worried about their business as a business. And I think DEQ is worried about their business as a business. And ... I guess... if any one of those stakeholders would’ve fined them... then I would’ve felt like the public maybe meant something.” (Dee, July 2013)

“The powers that be- they’re making money that’s supplying the jobs get the support of the people desperate and don’t want to lose their jobs and really think we’re all a bunch of whiners.” (Carrie, August 2013)

In both instances, interviewees describe the way their illness or risk perception is contested due to state political-economic interests, acknowledging their understanding that economic wellbeing plays a role in why the state may deny or doubt community health issues. For Dee, the disconnect between LRAPA’s stated mission and the agency’s

action to not fine permit violators reflects the way the agency is run as more of a business that colludes with the state's socioeconomic and political interests.

Another instance of the state's act in contesting residents' illnesses occurred when an LRAPA staff member invited a few residents on a drive through the West Eugene neighborhood so that the staff member could "verify" that residents knew what they were talking about when calling in a complaint. Residents invited were those that had been diligent in calling in complaints whenever a noxious smell permeated the air in the neighborhood. During this drive, LRAPA staff asked the community members, all women, to distinguish the smells they came across during the car ride. This act of questioning and then legitimating residents' complaints illustrates the way in which the risk society paradigm creates the context for states to contest illnesses of the residents, the way it legitimates the power and expertise of the state while devaluing residents' local knowledge, and also allows the state to present itself as open to scrutiny while in fact it only includes residents to placate the public. One of the women involved in the trip discusses the limited results after the ride:

"Other than he noted that we had verifiable... that we had a higher ranking or whatever he wanted to call it... because we had verified that we knew the difference between the smells. But I don't know that it had anything. I mean, it didn't give us anything, it didn't make the teeth sharper, it didn't cause any fines to happen. So I don't know what happened with that data and what they did with it." (Dee, July 2013)

This example of state contestation of illnesses exemplifies the way in which the state and its agents work to either verify or de-legitimate residents' concerns of risks and burdens. This allows the agency to still maintain control and power over residents to maintain their elevated position as experts and regulatory agents. More importantly, even after verifying the risks identified by residents the agency had little action, as it simply characterized the

select residents' accounts as more legitimate for its own record keeping purposes. Thus, in this way, the agency avoids scrutiny of the public and maintains order through its exertion of power over residents and their claims. Even when results side with the residents, the agency has the ability to control the situation according to its needs – in this case, the agency has the ability to not act according to the residents' requests and thus avoid further scrutiny from the public.

Agency Obstruction of Data

In cases where the public explicitly requests scientific data to prove their point to the state, there are barriers to overcome. Consider the situation in 2003, when the Superfund Health Investigation and Education (SHINE) of Oregon Department of Human Services conducted a consultation to address the community's concerns surrounding potential health problems and air contaminants near the J.H. Baxter wood manufacturing plant. The consultation found that the site was an indeterminable health hazard because the air sampling data is simply unavailable. The document reads, "The lack of air monitoring data is considered a fundamental data gap. The lack of data prevents SHINE from conducting an exposure assessment for the community" (SHINE Health Consultation, 4). Since LRAPA is in charge of air monitoring, one of the recommendations that came out of the consultation was for the agency to "develop and implement a comprehensive air-sampling program in cooperation with interested and involved stakeholders" (SHINE Health Consultation, 7). One resident notes that despite this consultation from SHINE, LRAPA still did not act sufficiently to obtain the proper data to connect health issues:

"... the biggest thing we needed from them was we needed the right kind of air sampling because we just didn't have a way to connect the air pollution with

health effects without those samples and they're expensive so we just don't have resources to do it. And they never did it.

And instead of doing the fence line test that they were supposed to, they put one meter over at Peterson Barn and said "Well that's good. That's representative of your entire neighborhood." *Laughter* And uh, "That's good enough." And uh, we tried to make the case that it wasn't and they said "Well, we don't have the funding, so..." That's kind of the most I got out of them. *Laughter* "(Lily, July 2013)

In response to the SHINE report and a Beyond Toxics presentation to the LRAPA Board of Directors in June 2011, the discussion was recorded on LRAPA meeting transcription as such:

"Regarding air monitoring in the neighborhoods surrounding J. H. Baxter, Brommelsiek said staff had agreed to put that on a "wish list" for the Air Toxics Program Development Committee, when and if funding becomes available" (LRAPA Board of Directors Meeting Transcript, June 2011).

Moreover, during a 2014 meeting of the LRAPA Air Toxic Program committee to discuss data and budgetary decisions, a staff mentioned the SHINE consultation during discussions over data regarding cancer risks. The staff noted the SHINE report was "inconclusive... unsurprisingly" (Participant Observation, September 2014). While this statement is seemingly innocuous on its own, taken into context, it presents the way LRAPA has used the scientific process as a means of evading action to address community concerns. On the one hand, SHINE cannot show a health hazard due to the lack of air quality data, and on the other hand, LRAPA is using the indeterminate study to suggest hazard risk may not necessarily be a priority. Also important is the fact that this meeting focused on determining which areas to continue monitoring, how often they should be monitored, and items to potentially discontinue monitoring to cut costs. The agency's inability to provide proper scientific data monitoring is significant, as Brown and Mikkelson assert, "A cardinal assumption of scientific research is that the truth and

validity of science are affirmed through open access to data, yet lay inquiry into environmental health risks is often obstructed by secret scientific data and analysis” (1997: 140). In this context, the public sees the ways in which the state engages in obstructing access to data – data that is key for the community to prove potential correlations between industrial emissions and health problems, through justifications of lack of funding, and more secret data analysis in situations such as board meetings.

Scientific Uncertainty

Throughout considerations of injustice in the area, the agencies observed have also engaged in scientific discourses as a means of constructing arguments of scientific uncertainty to avoid action or responsibility. This is a deflection tactic, as Opatow states, “Science can also be used as a tactic to block change or gain strategic advantage. Stating ‘we need more time to study the problem’ not only utilizes science as a stumbling block but implicitly denies that harm can accrue from inaction” (2000: 483). Freudenburg adds that the most important factors for agents in charge of carrying out regulatory actions generally have little to do with scientific certainty than with the ability of actors who construct and perpetuate the belief that science must mean absolute certainty. For these actors, any lack of scientific certainty means no regulations should be put in place (2008: 5). Through responses of ‘uncertainty,’ the state can effectively keep public requests for action at bay, while avoiding the disruption of economic interests. For Auyero and Swinstun, “In the production of toxic uncertainty, the relational anchoring of risk perceptions meets the labor of confusion performed by influential actors” (2009: 144). For these researchers, the production of uncertainty, then, comes as a result of political and economic concerns, and the state’s use of science and technical expertise as means of

acting within its duty to protect the public masks its sociopolitical and economic interests. In essence, the consideration of scientific certainty, or lack thereof, when making decisions is a strategy deployed by the state to avoid the public's scrutiny of state actions that are specifically economically and politically based.

In discussing scientific uncertainty, take for example the concern over high rates of asthma that have been brought up in public hearings regarding the issuing of a permit for industrial manufacturer in the subject area, and the approval of an increase in emissions by a plant in the area. In response to concerns raised by the public regarding the alarmingly high rates of asthma in schoolchildren in the Bethel area, LRAPA has responded with, "asthma is a complicated problem". While it is no doubt true that asthma is complicated, in this case the phrase is used by the agency as a means of avoiding responsibility and culpability, as well as deferring to uncertainty. In this instance they claim their scientific expertise and data is needed in these discussions, but then defer to the claim of complexity to avoid actual action on the problem. Freudenburg discusses the way policy decision have little to do with actual science, stating, "we see evidence that a significant fraction of actual policy decisions may have less to do with either the quality or the social status of the scientific search for "proof" than with the question of *which side "wins" in the absence of proof.*" (2008: 6). In fact, what makes LRAPA's inaction significant is not simply the way it uses uncertainty as justification, but the fact that it relies on the absence of proof to assume to some degree of certainty that nothing bad will come out of the agency's inaction.

Moreover, consider Freudenburg's discussion of "trans-scientific" agency discussions, in "which questions can be *asked* in scientific language, but where the

questions simply cannot be *answered* with anything like certainty, at least not in advance” (2008: 4). This issue is highlighted in the LRAPA director’s response to a LRAPA public hearing participant’s question regarding asthma rate increases in the area:

Hough (LRAPA director): “But it is an area I’m very interested in, I’m very concerned about. The dilemma for me, because I’m very close to the improving air quality trends. We can show ozone has steadily improved over the years. Carbon monoxide, air toxics of various types have improved, particulate matter has improved. Yet asthma- those numbers I see going up, and that for me illustrates that asthma is a concern and it’s also more complicated than just... How can that be, and this be at the same time? Within my family, we have variable sensitivity to that, so I’m concerned as a parent about those issues. And we’ve had conversations with county health departments, state health departments, American Lung Association to better understand those issues. So, area I’m very interested in, very concerned about, but you know, this is not the all for those questions.”
(Public Hearing Participant Observation, October 2013)

In this sense, the agency uses its role as the scientific and technical expert to exert power and authority, even when it cannot provide a strictly ‘scientific’ answer to questions posed by the public. In the interaction presented, the director uses scientific uncertainty, but also fuels the uncertainty despite the answer given is not couched specifically in science.

Risk Assessments

Several authors have long critiqued the use of risk assessments as the sole means of identifying problems and potential hazards to public health (Tesh 2001; Brown and Mikkeslon 1997; Corburn 2002; Beck 1992). The use of risk assessments to determine hazards to health assumes that a certain level of risk is inevitable, and acceptable. Take for example the Environmental Protection Agency’s (EPA) use of the National Air Toxics Assessment (NATA). Within this assessment, risk is determined by cancers per million, and for the agency, a certain number of cancers as a result or correlation to

particular air toxics is acceptable. For Bullard and many other environmental justice authors, the assignment of "acceptable" risk and "averages" often result from value judgments that serve to legitimate existing inequities (1994). For the state, the use of acceptable risks and averages serve to both ignore and legitimize the fact that minority and low-income groups are likely to be the ones placed with the risks. Moreover, As Tesh, Brown, Corburn, and others mention, risk assessments rarely yield results that support community health concerns. Tesh asks the question, "...the new knowledge so infrequently shows that exposure to pollution causes health problems. Why should this be? The link between environmental pollution and a community's diseases seems so obvious to people in the community and to community activists and their supporters. Why can't scientists find it?" (2001: 25). Because of the differences in results, Corburn argues for the use of participatory action research, in which affected community members are incorporated in the technical and scientific process of identifying and analyzing data (2002). Similarly, Brown and Mikkelsen argue for the need to engage in popular epidemiology as a means of addressing the inherent flaws of risk assessments. Beck argues, "There is no expert on risk... But at the center of their work they continue to be reliant on social and thus prescribed expectations and values" (1992: 29). Within the risk society paradigm, the state's prescription of values is one that assumes some will receive the burden of the risk while others benefit off those burdens – all for the 'public good'. More importantly, the risk society works to legitimate the fact that risks fall along race and class lines without explicitly saying so. The inevitability of a racial minority or low-income group being placed with the burden of industrial risk is masked through the language of science, technical knowledge, economic benefit, and chance.

Moreover, Tesh argues, “Although community groups worry about a whole range of health problems that could be caused by pollution, most risk assessments are about cancer... The focus on cancer has two pragmatic explanations... but highlighting cancer makes the first two steps in risk assessment, hazard identification and dose-response assessment problematic because there is no straightforward way to know whether a substance causes cancer in human beings short of deliberately experimenting on them” (2001: 26). This problem rings true for the community in this area – while cancer is used as LRAPA’s tool of determining risk, residents do not only worry about cancer, though it is of huge concern. Most are concerned about the nausea, respiratory problems, bodily irritations, and the foul, toxic smells that permeate the air. Moreover, the use of cancer to determine risk assumes that cancer is the only type of risk that exists in industrial emissions. Not only is this a fundamental flaw in how the state determines risk, but it also exposes the ways scientific processes are based on state values and interests. In agreement with Beck, Brown and Mikkelsen argue, “Thus the competing paradigms of risk are not merely clinical and epidemiological, but also intensely political” Brown and Mikkelsen (1997: 137). Corburn adds, stating issues of risk assessment involve the “white male bias” and ignore socioeconomic status, in which risk determinations are based on white males and therefore do not reflect the contexts in which minority or low-income populations experience different rates of risk (2003: 422). Because risk itself is created and determined based on social, political, and economic values, the paradigm of risk assessment as it stands currently is one that reflects the systemic oppressions that result from a neoliberal, techno-scientific state.

Scientific Expertise

Throughout the course of my research, I found ways in which professionals or experts in the agencies observed have implicitly or explicitly used the title of ‘expert’ as a means of asserting knowledge, power, and authority over presiding problems. For the state, the use of this title creates dichotomies of expert/non-expert, scientific/non-scientific, knowledgeable/unknowledgeable, etc. as a way to bestow and justify power given to the state to regulate and control actions that affect the public. In her work exploring theories of justice and how political structures support environmental inequalities, Harrison discusses the ways regulatory officials treat residents who raise concerns about pesticides reveals different means of marginalization or oppression of non-‘experts’ and of people who generally do not embrace the pesticide paradigm of pest management (2014: 661). Additionally, Rice et al. discuss the problematic results of the utilization of science and scientific expertise within discussions of climate change “This reification of technoscientific expertise often marginalizes nonscientific ways of knowing climate change that are meaningful to non-experts” (2015: 3). To add nuance to the issue, Corburn argues much of the literature surrounding expert-lay dialogues are focused on problematizing the dichotomy, yet not many of these discussions also include how laypublic offer political, technical, and scientific insights (2003: 422).

The issue of marginalizing non-scientific ways of knowing within this case study can be found through examples of formats of public hearings that relegate public members to the receptors of (scientific) information, and the rejection of insights members of the public may have if given the opportunity to have their knowledge vocalized. The following is a question a woman attending a public meeting asked

LRAPA staff:

“What kinds of comments form the public- written comments that are applicable, that you would take into consideration? Not just our emotional feelings or health problems, but what kinds of comments should we spend our time to bother to write and send in?” (LRAPA Public Hearing, October 2013)

In this case, the woman’s question highlights how members of the public have identified the agency’s acts of rejecting comments or insights residents have as unscientific or irrelevant. Even when the public commenting process is often times the only opportunity residents and members of the public have to provide their concerns, insights, and recommendations for action, questions such as the one asked by this woman illustrate the way public commenting processes function more to appease rather than incorporate the public. Furthermore, questions such as this illustrate the way the agency engages the public, but only in ways that allow the state and agencies to avoid public scrutiny.

In another instance, a community member discusses observations they made whenever discussing public health concerns related to industrial emissions to public officials. In these situations, community members are often marginalized or appeased superficially, but many, such as this resident, see that often their words have little effect on the state’s final actions or decisions. Such incongruences act to reinforce the power structures that privilege the state while marginalizing non-scientific perspectives of the laypublic:

“But I can see it in their eyes... ‘We have to humor these little idiots. We have to say what they want us to say, what they want us to hear... anything to get them to just lay down quietly and go back to sleep. And we see that going on ... it’s like, why am I wasting my breath?’” (Trudy, September 2013)

In this sense, the agency uses its role as knowledgeable ‘experts’ as a way to control the discourse surrounding environmental justice in the subject area to force residents and

laypeople to conform to the state's epistemologies, while the public lacks the ability to compel agencies to conform to or even acknowledge their knowledge. The public member's question is significant as it exposes a common sentiment expressed in public hearings with the air protection agency – they receive comments of concerns, note the items, and continue moving along in their regulatory process. Members of the public then must search for other means of relaying their concern in ways that the agency finds useful and easy to integrate within their technoscientific conversations. The sense of marginalization through the agency's reliance on technical and scientific expertise is expressed during an interview with a resident of the area:

“They're very polite and they're very knowledgeable about what's going on. They know all the statistics... they thank you for calling, but when it comes right down to it, they don't really have any solutions.” (Dee, July 2013)

Here, Dee expresses the way LRAPA agents position themselves as the entity that holds all the information and ability to act, but despite all the statistical and scientific information, they do not have the ability (or perhaps desire) to find solutions that align with residents' concerns about environmental health.

Additionally, consider the way the agency also uses the title of expert as a means of avoiding scrutiny or confrontation during the public information hearing:

Public: “Why is there an increase in (HCl) Hydrogen Chloride [after the new changes]? What health effects does Hydrogen Chloride have?”

Staff: “Well, I'm not a public health expert...” *Laughter*

(LRAPA Public Information Hearing Participant Observation, July 17 2013)

This staff member's response to the public's question about health effects of increases in certain chemicals is significant. The deflection tactic used by the staff is to narrowly define their expertise as a permit writer, yet ignore the fact that LRAPA's stated mission is to protect and manage air quality and public health. Thus, a disconnect exists between

what the agency's stated mission is, what the staff's job is, and what exactly is the purpose of a permit for emissions. Considering the fact that the agency does engage in studies such as risk assessments and does talk about ways in which other permits they've written 'protect everyone in Lane County', it is interesting to see how in this situation the agency and its staff are suddenly in no position to talk about public health and the effects of the facility's proposed increase in Hydrogen Chloride emissions. In this way, by stating they are not public health experts, the agency and its staff avoid the public scrutiny that may come from explaining the potential health effects of Hydrogen Chloride emissions. Moreover, explaining potential health effects of Hydrogen Chloride would perhaps provide the exact information needed by the public to identify the agency's contradictory actions and rhetoric of safety.

Additionally, a community member expresses the frustration felt as a result of LRAPA's consistent use of 'scientific expertise' as a means of avoiding action in response to the community's concerns:

"I don't... maybe health really isn't in their area- and that's okay. But because you're also the authority for this, fine... don't stop trying to fix it. Help us get the right group in here to make it work. Do what you're supposed to be doing- giving permits and when they're not doing it, fine them. *[Exasperated and emphasized]* Do what you're supposed to do! *Laughter.* And stop being afraid of business- just *do* what you're *supposed* to do"
(Carrie, July 2013; Emphasis added)

Carrie explicitly highlights the fact that the agency and its staff consistently deflect public concerns and potential scrutiny by avoiding speaking about health effects of particular emissions. Despite the fact that the answers could feasibly be provided in scientific terms, the agency avoids engaging in these discussions, and ultimately (from the residents' standpoint) fails to act and fix the root of residents' concerns. In this way, the agency

denies members of the public answers to their questions regarding public health precisely because those answers would require the agency to discuss risk and potential health threats as a result of their actions, thereby holding the agency accountable for the problems to a certain extent.

Neutrality and Objectivity

Limiting discourses to science also allows the agency to avoid the ethical and moral questions related to the issues of air quality. Beck argues, “The actions of the bourgeois and the spheres of techno-economic pursuit of interest, by contrast, are considered non-politics” (1992: 184). In this case, limiting the actions of the state and its agencies within the technological, scientific, and economic realm is considered as an apolitical act. In fact, the state’s power lies in its ability to claim objectivity through science as a reason for its power, while it denies the moral and ethical values inherently found within their scientific rationality, and failing to acknowledge how science and technological expertise is used to further state interests. In discussing the significance of popular epidemiology, Brown and Mikkelsen further argue this method opposes the belief that epidemiology is value neutral, can be conducted in a vacuum, and that “proper” epidemiological work can only be conducted by experts. (1997: 132). Opatow adds, “Proponents of a particular course of action can selectively use scientific findings to support their own beliefs and goals while denying the importance of underlying values and interests shaping their interpretation of scientific findings” (2000: 483). In her critique of risk assessments and agencies’ focus on absolute scientific certainty as a means of avoiding regulatory actions and punitive measures for polluters, Tesh discusses the way scientific processes are a reflection of the culture in which scientists live (2001:

2). Continuing, Tesh states that scientific communities are governed by paradigms, and “beyond beliefs and values of the scientific community, they are also the beliefs and values of the general society. As long as those beliefs and values are uncontested, few people notice their effects on science.” (2001: 63). This is exactly the nature and root of the state and its agencies’ power – it has the ability to uphold values it holds beneficial for its own political and economic interests, and also has the ability to makes sure those values are uncontested in a significant manner. The dependence on scientific processes created to answer the question “how much of a bad is acceptable” or “just how detrimental is this hazard” reflects the presumption of inevitability within our society – health risks are inevitable. However, this assertion of inevitability ignores the social and moral consequences of *who* is most likely to experience such inevitabilities. Not only does this ignore who is more likely to be inevitably affected by such injustices, but the process itself is one which preferences this claim – that people will be harmed, and such inevitability is a neutral, normal fact.

In writing about disproportionate burden of polluting industries in communities of color and their justification through neutrality and apolitical nature of industrial siting, Bullard asserts, “Noxious facility siting and cleanup decisions involve very little science and a lot of politics. Institutional discrimination exists in every social arena, including environmental decision-making. Burdens and benefits are not randomly distributed. Reliance solely on "objective" science for environmental decision-making – in a world shaped largely by power politics and special interest- often masks institutional racism” (1994: 43). Akaba adds, “In this capacity, I learned that modern science is not neutral. It often produces results skewed by the vested interests of the funders of science and

research” (2004: 10). Beck supports this notion, claiming “In dealing with civilization’s risks, the sciences have always abandoned their foundation of experimental logic and made a polygamous marriage with business, politics and ethics – or more precisely, they live with the latter in a sort of ‘permanent marriage without a license’” (1992: 29). The state then uses science in ways to mask its social, political and economic interests and values to avoid public scrutiny and claims of injustice.

The use of objectivity as a means to mask sociopolitical and economic interests are highlighted in a statement made by a Planning Commissioner when presented with data and background information regarding environmental justice issues in the West Eugene area:

Commissioner Duncan: “As an example, the executive summary doesn’t need to talk about all the bad stuff that’s gone on. But what we’re trying to do is tell people why we want to have them be good stewards of our industrial land. Again, looking forward from here. **I mean I think this could be supportive data as to why it’s important to us- maybe more as sort of an addendum of information...** And I think we want to change the way we write documents to say, “Hey we support good stuff in our community and here’s...” and write it in such a way that’s more moving forward from here not telling them the reason we’re going to penalize them is “because they’ve been bad up till now” (Participant Observation, August 29 2014; Emphasis added)

In this example, the ‘bad stuff’ the commissioner refers to is the data gathered through the Eugene Toxics-Right-to-Know program (found in Figures 4 and 5 of this study’s introduction) that details chemical emissions in the city. The information presents the pounds of toxic emissions by location, and while the commissioner does not necessarily reject the numbers themselves, they state the problem they have with the data is that it is used to talk about the “bad stuff that’s gone on.” Moreover, note the way in which the commissioner is asking for the report to be written in a ‘positive’ manner that, while containing data that presents ‘negative’ information, is placed in a location within the

report that does not highlight the issues – the appendix. This presents the ways in which the state’s economic and political interests interact with claims of objectivity, allowing the state to still claim technical expertise and objectivity despite making decisions that are based on economic interests in the area.

Another example of the way scientific information and agency values and interests collude is presented in LRAPA Air Toxics Board meeting, in which a board member was unhappy with the way the air quality data found by staff painted Lane County air quality as subpar. More specifically, it provided air quality data and compared the parts per million with EPA-determined “acceptable” levels of risk. In reviewing the National Air Toxics Assessment (NATA) data compiled by staff, a board member stated,

“In my view we have clean air. We have good air quality – no one denies that. I don’t trust these numbers. They’re making it look like we have dirty air”
(Participant observation, September 16 2014)

In this instance, despite the staff’s compilation of scientific data, a board member of the agency inserts their own values and judgments of risk. More importantly, the way they question and contest the “negative” information has repercussions, as they are the ones in charge of making decisions related to the agency – its data compilation, methods, and budget. A board member’s refusal to ‘believe’ numbers that paint the agency as failing or paint the local airshed as ‘bad’ is similar to planning commissioner Duncan’s concern regarding painting industry emissions as ‘bad’. The source of inequities, for both these individuals, needs to be discussed, but only as an addendum or appendix – therefore, illustrating the way agency values or interests can largely affect how scientific data is discussed or even provided.

Regarding a chart showing the annual averages of particular air toxics in neighborhoods, the same LRAPA board member asks, “What does this really mean? Are we doing this to scare people? There’s no way it’s possible to reduce [these numbers to below the benchmark].” These remarks present a contradiction between LRAPA’s function as an agency with a mission to protect human health and improve air quality, its assertion of scientific expertise that gives it the power to make decisions, and moments such as this one in which the interests and opinions of an individual within this institution explicitly clashes with the agency’s claims of expertise and objectivity. Moreover, this instance presents the ways in which the state rejects interests and lay opinions of those not within the institution, but individuals in the ‘in group’, have the power to discuss such issues and are able to insert their interests, values, and opinions into what is explained as a scientific objective process.

Moral Implications of Claiming Neutrality and Objectivity

When discussing the implications of agencies’ claims of neutrality, Brulle states, “By creating a technocratic, value-neutral discourse, it removes moral considerations from public policy and limits public input. ‘The scientization of politics,’ writes Habermas, ‘reduces the process of democratic decision-making to a regulated acclamation procedure for elites alternatively appointed to exercise power’” (2000: 36). Such claims of objectivity not only allow the state to reasonably deny the ‘lived experiences’ often described by residents or laypeople, but also ignore the moral implications of state decisions. This act of making decisions objective also give agencies the ability to justify their actions as based on process or logic, rather than residents’ concerns and experiences. Marshall and Goldstein argue, “Although applied science is

not overtly politicized, strict adherence to the canons of science does have policy and social implications” (2008: 235). Through the assertion of objectivity, agencies are able to carry their values through the planning and decision making process, while claiming neutrality and avoiding moral and political culpability for the implications of their actions. Moreover, Akaba adds an important point regarding the ways identity politics and agency privileges that allow the state to more easily ignore those experiencing structural inequity. He argues, “Scientists tend to hold class privileges that often prevent them from identifying problems from a sociopolitical viewpoint. All too often, they see political action as detracting from their role as an objective scientist, resulting in a lack of accountability” (2004: 10). For Akaba, the combination of scientists’ class and race privileges, as well as their desire to act objectively, create situations where their values and privileges are inserted in their methods and analysis. Beck adds that scientific debates over distribution of pollutants have remained technocratic and naturalistic in nature, and social, cultural political meanings of such debates are lost, creating a “discussion of nature without people, and without asking about matters of social and cultural significance” (1992: 24). Ultimately, the diminishment of health studies and communities’ health concerns to science and statistical information allows the state to avoid addressing the social and moral implications of their actions, as well as avoiding accountability to fix the health concerns.

As studies conducted by agencies depend on quantifiable, objective data, comments made by residents that express concern over health do not receive as much attention due to their inability to explain such experiences in a way that aligns with agencies’ scientific beliefs. Residents’ claims of air quality issues are deflected by

LRAPA through their rejection of comments about residents' experiences, claims of residents' lack of knowledge on the issues, and the contradiction found between LRAPA's study findings and residents' claims. While residents adamantly claim their respiratory issues are related to, and exacerbated by, living in the vicinity of industrial manufacturing emissions, LRAPA staff continually assert that the biggest air quality problem for concern in the area is Benzene (Interview, July 19 2014; Participant Observation, August 29 2014), as that is what their air monitoring studies have shown them. The conflict between agencies' reliance on objective and scientific studies are used not only to deny residents' realities, but also to justify agency inaction towards such problems. LRAPA claims their air monitoring studies justify their decisions surrounding air permitting and their inaction towards air toxics issues in the neighborhood (Participant observation, September 2014). However, the gaping hole in using a method such as air monitoring to understand the air quality problems in the neighborhood stem from the fact that the air monitors only collect data on a limited group of air pollutants, and do not monitor the majority of industrial toxics emissions in the area. Thus, the agency's use of air monitoring studies as a means of justifying inaction toward permits for air toxics displays a way in which the agency supports its actions through scientific and objective 'data', yet engage in actions despite incompleteness of information and the assertions of injustice from residents.

There are further moral implications of simply considering the technical and technocratic expertise within the planning field as neutral. While the state and professionals or technicians hold to the idea that their research and knowledge as objective, Logan and Molotch, and Wachs argue otherwise. Logan and Molotch assert the

planning process is inherently political, and that “This faith in a technocracy of urban expertise has been widely accepted, with planning and local government efficiency accepted as neutral forces leading to public betterment. This view omits several considerations. Planning, virtually from its inception in the United States, has primarily been at the service of the growth machine” (2007: 153). Wachs articulates the ethical dilemma planners and forecasters experience as they rely on assumptions, judgmental procedures, and the advocacy of certain courses of action that result in the adjustment of forecast reports to meet their political demands. The dilemma presents itself as forecasters consider themselves technical, apolitical, and objective experts rather than politicians. Wachs notes, “Public policy heightens this dilemma by requiring through laws and regulations forecasts which are supposedly technically objective and politically neutral, while distributing political rewards to those whose forecasts prove their positions most emphatically” (1982: 563). Wachs’ point is significant when considering discussions surrounding the UGB expansion in the Clear Lake Area. Within these discussions, objective data and ‘expert’ knowledge are used as a means to claim moral and ethical neutrality focused on the public good, while the underlying value of such discussions are ultimately politically and economically-based.

Additionally, the discussion and understanding of expansion plans are presented by planning staff, planning commissioners, and city councilors as one that is based on legality and the numbers produced by forecasters. According to Oregon state law, every twenty years the City must forecast its population and employment growth and plan accordingly for such growth through the taking in of contiguous land if necessary for predicted growth (Oregon Statewide Goal 14). The discussions surrounding Envision

Eugene at the staff, commission, and council level all revolve around the same issues: the state law requires cities present how much growth will occur through population and employment numbers, and we must show that certain number to meet such requirements. This focus on percentage of growth for land expansion ignores the social implications of only basing decisions on quantitative measures, as presented in the City's goal of finding land for the forecasted three thousand industrial jobs in the West Eugene area. The City justifies the placement of industrial jobs in the West Eugene area despite the area's current higher burden of industrial emissions all because the state law requires them to find some place to put it. While it is fair to argue it is the City's function and best interest to comply with the law, a question of what it means to comply with a law by putting a marginalized population in harm's way must also be asked.

Opatow also makes a crucial point regarding how 'facts' are taken and the effects underlying moral values have on how one assesses the problem: "Fundamental justice beliefs, underlying moral issues, and denial shape the course of environmental conflicts and influence the analysis of 'facts' in the controversy, the allocation of blame, the assessment of one's own contributions to the issue, and the evaluation of trade-offs that can resolve the conflict" (2000: 487). This point is highlighted through a participant observation of a Planning Commission meeting discussing environmental justice issues surrounding the UGB expansion of industrial uses in Clear Lake area. In two instances, commissioners discuss the need to strategize to deal with the report that highlights potential issues related to industrial emissions in the West Eugene area, and how such problems may be exacerbated with the suggested addition of industrial uses in the area:

Commissioner Barofsky: "If I'm commissioner [councilor] Evans or Syrett, and I read this? There's no way that I'm going to vote for it [adding more industrial

uses in the West Eugene area], cause they're taking their constituents and saying, "Yeah we know you got it shitty, but it's going to stay that way because we don't want to look at other areas."

Commissioner Taylor: "I still have the concern when I read it with that lens of "oh, we have to figure out a way to present this so it doesn't look like we're taking a bad situation and making it worse in terms of environmental justice issues." So that is just why I would encourage maybe the Planning Commission becoming a little bit more educated in staff's process in order to help facilitate kind of the presentation when it comes to council and also the public."
(Participant Observation, August 29 2014)

In both situations, commissioners are concerned about the way the West Eugene industrial emissions and demographic data present a political conundrum for both the commission and the city council. For Commissioner Barofsky, his concern was that the report would lead Eugene city councilors to not vote for the proposed expansion of industrial land in the West Eugene area. For Commissioner Taylor, the concern lay in the fact that she sees the need for planning commissioners to figure out how to talk about the report and the data showing a disproportionate industrial and health burden in the area so that it is not just talking about the 'bad stuff'. Thus for both commissioners, the task at hand is to determine how to talk about the disproportionate health burden of the area in a way that does not make city councilors look like they are willingly or intentionally furthering harm to residents in the area. More importantly, this report presented a dilemma for the planning staff and commission, as the placement of industrial lands was already decided prior to the environmental justice analysis I conducted as an intern. By acknowledging that the area does experience environmental injustice, planning commissioners see a conflict between their economic goals of adding employment and revenue to the city, and the potential harm that could occur if this plan moves forward. As a result, the economic interests of the commission and the council overshadow the moral

and ethical values surrounding the issues of injustice experienced in the area, and the problem becomes how to address the ‘facts’ of the problem in a manner that does not affect economic vitality and/or create unwanted political ramifications. The issue then from this situation is what results from the collusion of the state to manipulate facts as a means of furthering its economic and political interests while simultaneously claiming objectivity.

CHAPTER IV

POLITICAL DEMAND MANAGED THROUGH NEOCORPORATISM

The inclusion of the public within political decision making activities is generally heralded as an effective means of gathering public input for state consideration. Despite this, many are critical of the process of public participation, including its intentions, effectiveness, and whether or not it has the ability to increase social equity. Lee et al recognize the rise of inequality despite an observed increase in participatory efforts. Fainstein adds, “The contemporary concern with deliberative processes and public participation both stimulates and reflects a move toward greater openness in policy making. Yet, even though public decision-making has become more participatory than in the past and authority is increasingly decentralized, we have seen inequality grow, at least in part as a consequence of governmental actions” (2010: 35). Morell adds, more and more members of the public are providing input not only provide feedback on the projects, but also use the platform to comment on the inadequacy of democratic decision-making in public participation strategies carried out by the state (2013: 95). Critiques of the public comment and participation process include the reactionary nature of the comment process – the public is only offered a chance to react to plans already in the making, rather than prevent them; the devaluation or misinterpretation of comments and knowledge that do not conform to the technical scientific perspectives; the insufficient time and resources afforded to public for commenting; and the legal ability for agencies to go against public input (Morell 2013: 94-95; Shepherd and Bowler 1997: 726). Forester asserts, “Nowhere is this paradox of equal opportunity more obvious and poignant than in apparently democratic, participatory planning processes in which initial

inequalities of time, resources, expertise and information threaten to render the actual democratic character of these processes problematic, if not altogether illusory" (Forester 1989: 8-9). This is the problem neocorporatism presents – the state gives members of the public ways to get involved, and even criticize the system, but within the process of the state “allowing” the public to do so, the state actually shapes all facets of the public participation and critique. Thus, neocorporatism is a mechanism for the state to only superficially engage in processes that are seemingly democratic, but in actuality function to maintain order and control public sentiment while providing the façade of larger public control over decisions.

Despite the allowing of public scrutiny regarding actions and the state agencies, the state is still able to maintain the status quo in its functions. “Public recognition of the limits of participation in transforming the social order has produced widespread cynicism and skepticism... the current participatory moment has been shaped by neoliberal authorities, progressive critiques of power, public resistance to managed participation, and authorities’ attempts to respond to those critiques” (Polletta 2015: 249). How is this so? The problematically contradictory nature of public participation is, as Brulle, Young, and Polletta argue, not unintentional. Schmitter states, “Neocorporatist arrangements are well entrenched – much more so in some polities than in others – and, at least at the level of popular consciousness, they have yet to be rejected as manifestly undemocratic” (1983: 887). Within processes that incorporate neocorporatist ideology, in order to maintain legitimacy, manage political demand, and avoid scrutiny, the state involves particular groups – even those that are oppositional to the state’s ultimate interests. Oppositional groups are then forced to adopt “reasonable positions” and members must

engage in predictable and orderly behaviors. This results in the limited demands as the outcome from these types of negotiations, thus creating a form of top-down manipulation of interest groups” Brulle (2000: 36-37). For Schmitter, neocorporatism allows for the acquisition of a form of democratic legitimation while undermining the others. Moreover, Lee et al. argue that many settings of participation are used as tools of management, not a means of democratizing processes. (2015: 13). Logan and Molotch explain the way the state manages participation, scrutiny, and dissent as that of a longer scheme. Longer-term interests can be better served, as the authors observed, through the state and its elites’ granting of concessions to those in opposition. They note the way public agents are in positions best suited to grant these concessions, and that growth machine needs can be facilitated by government planning and programs that “pacify, co-opt, and placate oppositions” (2007: 35).

The state’s means of avoiding scrutiny or shallowly engaging in scrutiny, in this sense, requires that it provide some form of opportunity for opposition. However, the opposition must play by the state’s rules through the public participation process – act as a receptacle for technical information, scrutinize under a limited scope of topic and relevancy, and adhere to the procedures and processes set by the state. For Brulle, “the price of being allowed to engage in such negotiations is the adoption of ‘reasonable positions’ and predictable and orderly behavior by group members” (2000). Polletta expands on the idea of ‘reasonableness’ in situations of deliberation or public participation, discussing the ways the state controls what is deemed ‘reasonable’ to begin with, but still claiming its openness to input. The author discusses how the structure of discourse set out by the state is actually structured in a way that is meant to leave out

certain possibilities, and that even when discussing issues and critiques, only a limited range of solutions are given thought or allowed to be given thought. All of these things occur exactly as a means for the state to present itself as open to scrutiny and change, but in actuality, the state has created the structures for public provision of scrutiny that manages to allow the state to manage the scrutiny and avoid opposition that requires the state to transform its functions (2015: 224).

In the following passages below taken from interviews with residents, consider the ways they describe their interactions with agencies, and how their means of participating is still limited and structured according the state's terms. Moreover, note the methods residents observe the state engaging in to allow potentially oppositional public involvement specifically as a means of placating or demanding 'reasonableness'. While the state allows for their involvement, they ultimately defer to state structured process as a means of dictating how the public can be involved. The following passages come from resident interviews that describe the way meetings were carried out during air quality and permitting discussions held between LRAPA, residents, and industrial representatives:

Yeah... for the most part it was more like "We'll allow them to talk, we'll allow you to talk, but we don't want arguments." (Lily, July 2013)

"So there were... we made public comments and stuff you know, 'Please don't renew their title without a fine' *laughter* you know? "Please put some teeth into it.' And you know, nothing really ever happened with that so..." (Dee, July 2013)

"They tell us to keep calling because the number of calls gives them leverage to get Baxter to toe the line. However, I heard from someone who's there that the last time Baxter asked for a permit LRAPA told them well if you exceed the permit we'll fine you. Why don't we just raise the acceptable dumping quantities to the highest- most you've ever dumped before. And they give them a more expensive permit... Cause that seems to be the rate at which they operate..." (Trudy, September 2013)

Through these examples, members of the community interviewed illustrate their concerns over the contradictory nature of the public participation process as it relates to actual decision-making. Residents observed ways the agency engaged in merely placating the public through involvement, without any intent to seemingly act based on the information given by the public. Additionally, they astutely observe the ways the agency encourages participation of the public through the complaint system, meetings, or hearings, but ultimately does not incorporate the public's largest concerns – increase in emissions, lack of industrial accountability, and health of the community, into their final decision. Dee, a resident who has been involved in the struggle for industrial accountability and healthier air for over ten years recalls the feelings of frustration and exhaustion that comes from participating and never feeling their thoughts, experiences, or desired outcomes were given consideration:

“You can really wear a person out and I mean I think that’s the hope. I think that’s kind of LRAPA’s hope- that we just kind of quietly go away cause then that doesn’t mess with their statistics and their funding. And I think that Baxter’s hoping that we’ll go away and I think that... DEQ would... you know, ‘As long as people aren’t complaining, we won’t have to do [anything]’ you know?” (Dee, July 2013)

The sentiment described by this interviewee is found among many other residents interviewed for this study. Due to lack of transparency and punitive action on the agency’s part, residents often feel the agency is only acting to placate the public. The lack of punitive measures enacted by the agency is significant in fostering the sentiment of public placation, as many members of the community assume this lack of action is a result of the agency colluding with the industrial businesses. Despite industrial businesses’ violation of terms of their permits or acts that result in nuisance or public health issues, LRAPA’s hesitancy in fining the violators leads members of the

community feeling unheard and unimportant. Despite this sentiment on the public's end, LRAPA considers otherwise, stating:

“Public participation and comment is an important part of the permitting process and some comments resulted in changes to the permit,” said Hough, “We also participated in a number of stakeholder meetings so we could hear all points of view” (2009 LRAPA Press Release)

Additionally, a Eugene Weekly article published in 2006 discusses the fight amongst residents, the J.H. Baxter plant, and LRAPA regarding the nuisance the plant has created. In mediating the issue, LRAPA and J.H. Baxter worked together to develop a Best Work Practices Agreement to set out a work plan for the plant to take in order to curb the odor issues residents largely complained about. This work agreement, however, provides the plant impunity and protects the plant from receiving nuisance violations during the terms of the agreement. The news story is as follows:

“Wishing to pursue a cooperative rather than punitive approach, in February 2005 the LRAPA board negotiated a Best Work Practices Agreement with Baxter, planning engineering fixes to quell the stench. Baxter, in return, got temporary impunity; LRAPA can't cite the company for nuisance rule violations while the agreement is in effect. LRAPA Director Merlyn Hough said that if neighbors continue to complain about the plant's emissions, the agency will likely addend and extend the agreement with Baxter, a move that could further reduce the odors but would also protect the company from nuisance fines...

[In response to residents' claims of LRAPA working to defend violating plants] "I'm not concerned about shielding [Baxter] from fines," Hough said. "In my mind, it's more effective to negotiate solutions rather than pushing it toward litigation." (Abraham, February 2006)

As discussed in the article, LRAPA's process of handling residents' complaints and claims of injustice are to negotiate rather than litigate. In the process of their negotiations, however, the plant violating its permit terms is able to avoid fines or citations. For residents, they have engaged in negotiations for too long with little to no avail. Thus, LRAPA's actions to engage in negotiations with a plant that has been a

“nuisance” for residents for years prior to the Best Work Practices Agreement is seen by residents as a collusion between the air protection agency and sociopolitical interests with the plant.

Despite providing the public with some forms of opportunities to participate in the process, ultimately, the public feels LRAPA privileges industry businesses over public concerns. Moreover, the agency is both confined by the regulatory process, but also addresses claims of their laxness by citing the structure of the regulatory process – the regulatory nature of the agency requires it follow a set process and issue permits so long as the business applying for the permit meets the set requirements. However, when called out by the public, the agency uses its regulatory nature as a means to justify issuing the permits; their hands are tied and permits must be issued as long as the business shows it is following the rules set forth by the Clean Air Act.

The state’s captivity of scientists and agents through the confining of these entities through state structure and processes can be observed in a public hearing observation from October 2013. The hearing was held in regards to the agency’s issuance of an increase in emissions for the Seneca biomass plant located in the West Eugene area:

Public: Is this a done deal? Who makes the final decision?

LRAPA official: Yeah uh... I guess fortunately or unfortunately, public sentiment really doesn’t have much bearing on our decisions as regulators. We have to follow the rules we have in place which come from the Clean Air Act and the “powers that be” where we are here. Certainly we can address public concern for certain things in the permitting process and provide more information. We do have the ability to adjust testing frequency, reporting frequencies, monitoring frequencies... but we don’t get to tell them at what level or what type of emissions they can emit. If they do choose to emit at that level, then we just... there are certain legal requirements they have to meet.

Public: And so, basically, they meet the requirements, right?

LRAPA: that's right. More than meet the requirements.

Public: So, why are we here? But I'm saying, what's the purpose then? It's already essentially a done deal.

LRAPA: Well, there may be things that we haven't considered. There's always the possibility we've overlooked one aspect of our regulations that would change the outcome of this permit. Usually it doesn't happen because we've done our homework and the applicants have done their homework ahead of time.

Public: So you just have to grin and take our criticism? [Audience laughter]

LRAPA: Well, I guess... to get a little philosophical here. I was just chosen for jury duty not too long ago and in the video before you begin, in the video they point out that even if you're not selected as a juror, even if the trial doesn't go to jury, it's an important part of the process that you're here and show up and as Mark Twain says, "90% of everything is showing up", so...

In this interaction the agency uses its regulatory nature to justify the permit issuance as well as the potentially undemocratic nature of the decision making process. Its hands are tied to the regulations and rules it must follow, but the result is that "public sentiment really doesn't have much bearing on [LRAPA's] decisions as regulators". This interaction illustrates the public frustration with the observably undemocratic and placating nature of the process, as well as the agency's stated reasons for not having as democratic of a process for this issue. It is also significant to note the agency official's response to the public scrutiny regarding the seemingly empty participation process – there may be things they haven't considered, but that usually doesn't happen, and "90% of everything is showing up." As Schmitter argues, "So far, neocorporatism has privileged interests organized along functional lines of production within a capitalist economy- classes, sectors, and professions. Its relative success has depended on restricting the number and identity of participants and passing on the costs to those not directly represented in its deliberations..." (917). The state's inclusion of these oppositional participants is a means of privileging those that benefit the capitalist

economy, and therefore the state itself, as the agencies acting as regulators must take in public comment, but do not have the regulatory or organizational capacity to address comments outside the scope of the power given to them.

The interaction sums up issues relating to the state's intentional inclusion of oppositional forces as a means of co-opting and diluting opposition, as well as the use of participation as a management tool rather than a democratic one. For the frustrated members of the public attending the hearing, the inclusion of the public is not genuine – they are included so the agency can say they have done so, so the public can verbalize their concerns, and so the agency can then move along with a process that was seemingly never created to incorporate public input to begin with.

Consider the questioning from another member of the public after the previous question was posed:

Public: If it's a done deal, why are we here? What kinds of comments from the public- written comments that are applicable, that you WOULD take into consideration? Not just our emotional feelings or health problems, but what kinds of comments should we spend our time to bother to write and send in?

LRAPA: Second question I'll answer first: one thing we have discretion or the ability to address public sentiment is the frequency of test methods. One thing... we could be doing annual testing using method 5-202 with their NOx controls turned off. That would be... if the public overwhelmingly suggested that would be a good idea to have more frequent testing but with their NOx controls turned off, that would be something we would consider.

Public: But don't you understand that the public isn't as sophisticated in knowledge as you in things and so, the public doesn't want to be ignored saying, "NOx levels or us", you know. I see that that's what makes sense to you, but is there anything else that we have?

This interaction illustrates the way in which the opposition is required to play by agency rules – the frustration and concern is expressed through the public asking what types of comments would be taken into consideration, and that the agency must realize what

makes sense to them may not make sense to the public. More importantly, the types of comments the agency asks for are still regulatory and scientific ones, and the public may not have the ability to provide such comments as that is not their area of ‘expertise’. In this case, the public also identifies the narrow scope of input they can make to actually affect decision-making processes that then results in the privileging of industry businesses.

Consider also a comment made by an LRAPA-affiliated member in an interview in response to their observations of public meetings and agency process:

“... one of the things that agencies often fall back on is “well we have these rules in place to abide by the law of how we’re supposed to take comments and whatever” but I think there definitely needs to be more flexibility in that to have more people’s voices heard. Because if they took the time to go to that meeting they were hoping to have their voices heard there and that they weren’t just going to get information. They probably already knew everything that was being told to them...”

This observation speaks to the way agency processes are structured- incorporating public participation only within rigid processes, and one that often treats members of the public as receptacles of information rather than holders of legitimate knowledge. Additionally, the interviewee’s observations legitimate critiques of LRAPA’s processes that have been voiced by members of the public. The interviewee also comments on observations made regarding the way LRAPA uses ‘rules’ as a mechanism for justifying such rigid and undemocratic participation methods. However, it also serves to highlight the way agencies of the state may be confined by larger structures not within their reach. LRAPA has power to issue permits, but their power is limited when it comes to setting more stringent rules or denying permits as their power comes from the Clean Air Act.

CHAPTER V

ORGANIZATIONAL STRUCTURE

Brulle states, “On the one hand, the state depends on economic growth to provide it with the funds necessary to accomplish its tasks. The legitimacy of the government rests on maintaining economic prosperity and the state’s flow of funds. On the other hand, state power is legitimized and maintained through the formal rules of political democracy” (2000: 35). Authors argue the state conflates economic growth with public good as a means of shaping the public’s and agencies’ understanding of economic growth as a benefit rather than potential social negative. Brulle reasons, “The requirement to facilitate capital accumulation is incorporated into the normal organizational routine through establishing the agencies’ objectives and range of legal authority, controlling the size and content of its budget, and establishing lines of authority and accountability” (2000: 37). How are the state, and its agencies and actors, able to maintain enough control to both increase its economic growth as well as placate the public in response to the externalities the public experiences?

The significance of market mechanisms and economic capital accumulation is written into the way agencies and the state organization and processes are structured. As authors such as Logan and Molotch (2007: 33), Harvey (2007: 8), and Barbosa (2009:38) contend, the rhetoric of market economic growth as the basis for social wellbeing is perpetuated exactly to keep the significance of economic growth within the structure of agencies and their processes. Thus in this case, the state manages the political demand and opposition, and legitimizes its decisions regarding potentially unsafe conditions surrounding air quality and land use through justifications of market opportunity and

economic development supposedly good for everyone. Fainstein adds, discussing how agencies increasingly only focus on economic growth as their objective and claiming policies that promote growth will result in greatest benefits for the greatest number. However, with this rhetoric, “decisions concerning where to locate facilities become warped by considerations of their economic, as opposed to their social, impacts.” Wolfe adds to this, stating that the state’s challenge is to connect civic pride to its growth goals, effectively tying economic and social benefits of growth to growth in the local area (Wolfe, 1981).

As a result, not only is growth good, but as a “good resident” growth should be consistently sought and supported. More importantly, to support the state’s goal of capital accumulation, growth must be considered an interest of the public. To do so, the state argues that unfettered economic growth as a public good results in the entire population of the city benefitting. Logan and Molotch argue against this assumption, asserting benefits of activities are internalized within the state and the market, while costs are externalized. As such, “people who share control of places try to trap growth. They join together in order to shift internal costs of activities to other areas or to others in their own area, and to capture the benefits of those activities for themselves” (2007: 34).

Underneath such assumptions of widespread, potentially equal distribution of wealth and benefits, the state engages in rhetoric that assumes the inevitability and necessity of growth. Such rhetoric is then reinforced through the actual organizational structure and practices set out by the state, and the narrow confines under which the public can become involved or provide input, as mentioned in the previous discussion regarding the management of political demand through neocorporatist decision making.

Economic Good as Public Good

One method illustrating the state's strategies to justify and legitimate the conflation of economic growth and public good to "represent the interest of capital accumulation as being in the general interest" is through the concept of "highest and best use." Logan and Molotch argue, "Highest and best use' is the conveniently vague phrase so often invoked by planning professionals as a rationale for their recommendations. Because 'highest and best use' means whatever the market circumstance dictates – if it means anything at all – the phrase serves to align the work of planning officials with the needs of local growth machines" (2007: 156). In accordance with neoliberal economic strategies, highest and best use is a way for the state to prioritize market needs under the justification that market forces will ultimately provide benefits to the entire population.

Take for example discussions regarding the UGB expansion and the placement of five hundred acres of industrial lands in the subject area. Throughout the discussions, the message given consistently revolves around the argument that land in the subject area is 'best suited' for industrial use, and that is where placement of industrial lands will allow the state to obtain the highest amount of return as well.

Councilor Clark: You know - growth is going to happen whether we want it to or not. The best thing that we could do is try to manage that growth and based on what was given to work with I think the recommended areas of expansion are the only choices we have. As far as the farmlands out there I've lived in this community for thirty-eight years now and I've never seen anything in those farmlands in those thirty-eight years other than grass seed and hay. To me that either indicates that the farmland is not that good, or people aren't interested in providing food for the community in those acres that we're looking at. You know, without expanding and increasing areas for new jobs we're actually doing the city a disservice by not helping increase our tax base. And if the jobs aren't here they're going to go to other cities, which in the long run is not beneficial to our environment because that's going to force people to travel farther to get to work. I think we're on the right path here ...

City Council Work Session, December 2014

Here, the city councilor illustrates several points: inevitability and necessity of growth, and the prioritization of market forces. In justifying the ‘necessity’ for growth, the councilor references the disservice that would be done if this area did not contain industrial uses that could increase the tax base. Additionally, the councilor uses the argument that if the farmland, under his observations, are not growing anything of substance, then it clearly indicates the market does not want that area for farming. This argument is utilized as a means of justifying the development of the farmland in this area despite some councilor and resident concerns regarding the paving over of good farming soil to make way for industrial uses. Moreover, commenting on the inevitability of growth also works to use economic development as a means of justifying potential negative human health impacts with the industrial development of the area. This is not to say that a tax base is useless or that ensuring an adequate tax base exists to make sure social services are provided is unimportant. The critique focuses on the state’s narrow focus of economic growth and its creation of rhetoric that paints economic growth as the *only* means of achieving social benefits.

Also consider the public comment provided by the Eugene Chamber of Commerce during an LRAPA public hearing meeting for the proposed emissions increase of the Seneca Biomass plant:

“I work for the Eugene Chamber of Commerce and our chamber is in support of the Seneca Sustainable Energy standard air contaminant discharge air permit. Our support’s based on several things. We care about our local companies. 80% of all new jobs come from companies that are here in our community and Seneca Sustainable Energy’s parent company Seneca has been a part of our economic landscape for sixty years, and you’re not around for sixty years if you don’t care about the community in which you’re located. If you think about it, back in 2009 in the midst of the worst recession in a very long time and in the process of losing seventeen thousand jobs here in Lane County, Seneca agreed to invest in this facility sixty million dollars to create a number of short term and long-term jobs.”

The Chamber of Commerce, an agency whose sole focus is economic development and capital accumulation, voices its support of allowing for the increase in Seneca's emissions because it is a local company that has contributed to the economic good of the city. The idea that providing jobs and revenue for the city means the company cares about the community is one that perpetuates the conflation of economic good with public good. The chamber member's avoidance of the concerns regarding public health signals the prioritization of capital accumulation over all other aspects of costs or benefits given to the community. Moreover, the avoidance of public health concerns presents the way in which agencies with capital accumulation written into its organizational structure assert such 'aggregate' or general economic development is a benefit that helps everyone equally and potential costs are minimal and equally distributed, and thus of lesser concern.

“Good Business Climate”

More importantly, this use of inevitability as a means of justifying growth functions to in some ways absolve the city councilors of the responsibility to act in the interest of the community and their health. For Logan and Molotch, growth proponents are not as concerned about what goes on within production processes, for the actual use value of the products made locally or for spillover consequences in the lives of residents (for example, pollution). Additionally, they tend to oppose interventions that might regulate development on behalf of those affected (2007: 35). The state's interest is, as Harvey argues, to “create a ‘good business climate’ and therefore to optimize conditions for capital accumulation no matter what the consequences for employment or social well-being...” (8). Comments made by the Planning Commission surrounding members’

hesitance in implementing regulatory or ‘prohibitive’ measures for industrial uses in the area illustrate the state’s neoliberal growth logic. One of the recommendations presented to the Planning Commission is the exclusion of I-3 Heavy Industrial zoning in the Clear Lake UGB expansion area as the adjacent community already experiences a disproportionate burden of industrial emissions. At the meeting, several Planning Commissioners were displeased with this recommendation, and presented the following responses:

Commissioner Mills: “And I think the potential exists that if they’re big enough and have enough money, then they can help improve the environment. But by eliminating I-3 from that equation, you’re taking out about 90%. You really need to keep I-3 in the picture because that’s where the money is at and they can put in the VOC control for another plant given the dollar investment they’re making and have a great impact on a neighborhood. I think you need to be careful about exclusionary language like “This is bad, it’s always been bad, and we don’t want it.” Because I think the future is going to be different from the past.”

Commissioner Duncan: “It’s important to recognize what constraints they might have and what they might add to the environment. So let’s not penalize good new employees that aren’t like the ones sixty years ago. And I guess realize that we’re not the only community trying to go for these clusters. We don’t want to give away everything, but recognize that we also have to compete.”
Planning Commission meeting, August 2014

These responses to the recommendation highlight the ways in which the state rationalizes the placement of potentially unsafe or unhealthy uses in an area through neoliberal and utilitarian considerations. For Commissioner Mills, the exclusion of I-3 Heavy Industrial zoning in the area is inconceivable because “that’s where the money is.” For the commissioner, the inclusion of this zoning is necessary because of the potential revenue they assume the city can generate. It is also notable how the commissioner argues the potential wealth of I-3 Heavy Industrial zoning is important because it can be used as a means to put in technological fixes or mitigation controls and have a “great impact on the

neighborhood”. Such a comment relates to the questions created from a risk society standpoint, asking what technological fixes can be implemented to address the risks produced by the original technology: “How can the risks and hazards systematically produced as part of modernization be prevented, minimized, dramatized or channeled?” (19). Also found within this statement is the growth machine rhetoric, in which an aggregate good can occur with the placement of a wealth-generating industrial use. Lastly, consider Commissioner Duncan’s comment, “We don’t want to give away everything, but recognize that we also have to compete.” Aligned with neoliberal notions of competition and growth, the exclusion of I-3 is not desirable precisely because doing so decreases the competitiveness of the city. In other words, the exclusion of I-3, along with other prohibitive measures, decreases the conditions that make the city one with a ‘good business climate’ through the potential decrease in use values of the land.

In addition to the state’s hesitancy in implementing prohibitive or regulatory measures, it also manipulates the techno-scientific and policy processes to ensure a ‘good business climate’. This type of logic is not unique to Eugene. In their study of popular epidemiology in Woburn Massachusetts, Brown and Mikkelsen describe how, “Officials sometimes withhold information on the basis that it will alarm the public, that the public does not understand risks, or that it will harm the business climate” (140). Take the two following statements as an example:

Commissioner Duncan: “As an example, the executive summary doesn’t need to talk about all the bad stuff that’s gone on. But what we’re trying to do is tell people why we want to have them be good stewards of our industrial land. Again, looking forward from here. I mean I think this could be supportive data as to why it’s important to us- maybe more as sort of an addendum of information... (Planning Commission meeting, August 2014).

LRAPA Board Member: “What does this really mean? Are we doing this to scare people? There’s no way it’s possible to reduce [these numbers to below the benchmark]” (Participant observation, September 16 2014).

In both examples, the desire to withhold information comes from the fear of creating or fueling the fear that may result in the degradation of a good business climate. Both situations involve individuals of power perceiving quantitative data on disproportional industrial emissions and health problems and air toxics emissions as undesirable and bad for the state or business interests. For the planning commissioner in the first quote, the inclusion of ‘bad’ or negative information is seen as potentially harming the business climate, and thus should be placed in the addendum. As noted before in an analysis of this quote, the ‘bads’ presented in the report to the city identified the pounds of air toxics emissions by zip code used as a means of identifying and comparing toxics emissions data found from the Eugene Toxics-Right-to-Know program database. For the second instance, an LRAPA board member voices their displeasure with the risk analysis conducted in accordance with federal air quality standards, asserting numbers are untrustworthy and serves to potentially scare people.

Tradeoffs

Throughout discussions of economic growth as leading to public good or aggregate benefit, the state’s assumption of the inevitability and necessity of growth function to discount public health risks and concerns for the ‘greater good’, ignore the larger costs placed onto groups suffering from such health risks, as well as absolve the state of responsibility for the tradeoffs. This process is commonplace within a risk society, as Beck finds, “... sooner or later in the continuity of modernization the social positions and conflicts of a ‘wealth-distributing’ society begin to be joined by those of a

‘risk distributing society’” (20). Thus, the state plays a key part in the distribution of goods and bads as such a process is embedded within its structures. In addition, the state internally distributes “goods” – economic, political, social, while it simultaneously distributes the “bads” externally, largely under racial, gender, and class lines. Thus, when considering ‘growth’ as a “good” to be distributed among everyone, Logan and Molotch argue, “Although growth is often portrayed as beneficial to all residents of all places, in reality the advantages and disadvantages of growth are unevenly distributed” (2007: 13). Thus, while the externalization of “bads” and the internalization of “goods” occur, the state rhetoric to combat scrutiny is through the justification of compromise and utilitarian values that result in perpetual harm to certain groups- people of color, women, low-income populations, among others.

In considering discourses that justify ‘trade-offs’ that may occur, agents of the state have depended on the phrase “balance” when discussing the potential negative impacts of the UGB expansion for industrial uses in the Clear Lake Area:

Commissioner Randall: “...[We’ve been discussing the] concept of ‘balance’ in our community. How does the recommendation serve the needs of our entire community, how do we accommodate the growth in our community that’s coming in the next twenty years in an orderly way, and how will the recommendation address all three aspects of the TBL for our community?” (Eugene City Council Work Session, January 28 2014).

Councilor Pryor: “One thing that resonated with me is the word ‘balance.’ How this is an attempt to find a balance between what in many respects for me is livability and growth. Something that we’ve been hearing a lot and we’ve been hearing about is neighborhood livability. The desire to expand is a reflection of that balance between density, livability, and growth” (Eugene City Council Work Session, December 10 2014).

Councilor Syrett: “It is a balancing act and sometimes you make the least worse choice in terms of where you end up with these things” (Eugene City Council Work Session, January 28 2015)

In the above comments, the use of the term “balance” works to give the state a means of justifying the ‘tradeoffs’ in health and wellness of the community for economic growth and political interests the state desires to further. Moreover, the use of the term is leveraged by the state as a means of feigning compromise – the council may recognize that there may be negative impacts associated with the expansion and placement of industrial uses in the area, but the resolution, or upside, of such an impact is the potential economic gains to be made. Additionally, in Brown and Mikkelson’s research, they have observed how government officials often demand nebulous personal sacrifice for some undefined larger good when dealing with hazardous waste issues. Similarly, in Harrison’s observations in how the state handles concerns over pesticide poisoning, she finds that scientific uncertainty around health risks, evidence of pesticides’ utility, and the need to facilitate economic growth all work to move and keep pesticides on the market rather than restricted for public health considerations (2014: 653). Thus for the state, the potential tradeoffs necessary to foster economic development with the potential for the utilitarian outcome of ‘public good’ is an easy one to make. The state’s organizational structure of economic growth justifies tradeoffs of public health, and also absolves the state from observed laxness given to industrial uses that cause public health concerns or risks.

Why Don’t You Just Move?

One premise of neoliberalism is that consumers are rational individuals that will make certain choices if given proper information. As noted in almost every interview with residents of the area, a similar argument of personal choice had been presented to them during their struggles with the state agencies and industrial manufacturers in the

area. Common rhetoric from agency employees and industrial employees in response to residents' concerns and complaints centered on the question of 'why don't you leave?' Such a question is reinforced by neoliberal assumptions of personal choice- if people are unhappy with their current place of residence, or in this case, if residents are experiencing health and lifestyle problems related to industrial emissions, they have the ability to choose to leave this situation as a dissatisfied 'consumer'. This line of questioning fails to consider potential regulatory reform regarding industrial emissions, and ignores the sociopolitical context in which most residents lack the resources and ability to leave the situation. Interviewees' responses to the question vary, but almost all touch upon issues of housing affordability. Concurrently, regardless of residents' desires to leave the situation, many note the ethical conundrum they find themselves in, when thinking about the consequences of selling their property to others.

"I would have to say that almost everyone at the meetings had some sort of argument phase to it. Either the employees saying "How dare you try to ruin our jobs?" or LRAPA board members back then... the at large people in Cottage Grove and stuff saying "Well why didn't you just sell your house?"

[In response to the question] "And go where? I guess the part of the thing is that it was an affordable housing issue and the places that I'd like to live that are not polluted I can't afford. I don't make the kind of money that would afford me the kind of housing."

"Just go somewhere else. I'm like yeah it doesn't exactly work that way. And you know one of my bigger fears has been ... there's a catch 22 with this - if you complain too much, property values go down; I can't sell my house. But at the same time I don't want to sacrifice my life... maybe on the chance that I can get cancer from the very place that I ... and I really like my house. It's like...if I could just pick it up and move it somewhere else, I would."

"And I've heard people say "Well, why don't they just move if they don't like it?" There are twenty eight thousand people in my neighborhood *Laughter*. Where are they going to go? You know? And they can't afford to move if they wanted to... and they shouldn't have to - it's their home."

“... but you know, what do you do? How could I with a clear conscience sell my home to someone without telling them about Baxter? I couldn't do it. And when Baxter finally closes down and it is declared a Superfund site, my house is going to be value-less.”

While the residents interviewed have been active in filing complaints against industrial emitters, not all residents of the area are happy about it. Several interviewees noted neighbors fearful of property value decreases as a result of the complaints, investigations, and public meetings in the area:

“At least two or three of my neighbors have said either they didn't want to get involved or it would be really nice if we just kept our mouths shut because they wanted to sell their property and get out... and if we made a big stink we might make it worse to try to sell.”

Thus while questions such as “why don't you just leave” are presented in a manner that assumes all residents of the area have the ability and privilege of leaving as a dissatisfied consumer, interviewees all spoke to the complexity of the issue at hand as more than just one of personal choice. In fact, many agree residents in this area have fewer choices precisely because of the position they're in. In this case, neoliberal ideology permeates not only the structure in which the state and its agencies function in, but also its internal logic of rationalizing capital accumulation, and risk prevention as one of personal, rational choice.

Jobs versus Environment?

Oftentimes public fights against the pollution of their neighborhoods are characterized as antithetical to jobs, such that the argument becomes a one-dimensional issue of ‘jobs versus the environment’. Founded upon neoliberal prioritization of market forces and economic development, the desire to regulate or prohibit business actions is seen as one that gets in the way of growth, and thus, anti-jobs (Goodstein, 1994). In spite

of this argument, residents interviewed all recognize the complexity of the issue as more than a simple ‘us versus them’. When discussing the reactions they received from industrial manufacturers and their employees, many acknowledge the importance of economic stability within the neighborhood. Most also sympathize with employees concerned about the potential of economic stability disappearing as a result of residential complaints about the industrial emissions in the area. Moreover, many recognized the concerns of industry employees as a result of the decline in industrial and manufacturing jobs in the area in the past several decades. As mentioned earlier, most residents also recognize the dilemma of this conflict particularly because they too identify with a working class background.

“I don’t want to like stick it to industry because... that’s people’s bread and butter out here – it’s an important part of the economy and we need the manufacturing and industry, so...” (July 2013)

“I said, “Hey, I’m all for union jobs. I’m the president of my local. But when you put me and my family and my friends and my neighbors and everybody at risk... and yourselves at risk... you should be scared for yourselves. That’s... a union job is great, but if you’re killing everybody or making everyone sick, that’s not okay either. There’s got to be a good neighbor kind of thing happening here- for everybody. Not just me, but for you guys too.” But they were trying to defend their living wage jobs and I get that. I said, “Yes, we need living wage jobs, but we need safe ones too.” (July 2013)

“I suspect they were going to other places in the neighborhood making their presence felt and their wish to keep their jobs. In the neighborhood association, I went to a couple of meetings a year or so ago, and this woman who lives over by one of the stinky places to the south of us. It’s one of those smelly factories. And her husband works there, and she... you know... wants to protect his job. And that really complicates the whole thing so much... always, always that aspect of it. It’s a hard world.” (August 2013)

“I mean that’s the oldest rhetoric in the book. Okay, those are people’s jobs... These people that live here- these are people’s lives. And so I understand there are people’s jobs out there. Okay I understand that. But there’s no need for you (industries) to expand your permits. Is it going to cost a person’s job if you don’t expand their permits? I don’t think so... So if you really cared about jobs you

wouldn't want your workers to be sick and miss a day of work. You would want your workers to be healthy if you really cared about jobs. To me it's a lazy argument and it's disrespectful to any other types of concerns out there. And it's tough because [employees] ... that's their food on their table, and that's their livelihood. So even if something is going wrong there, they're not going to say anything, and I understand why." (August 2013)

Within these statements, residents identify the interconnected nature of economic, social and environmental wellbeing. As Mascarenhas states, "For environmental justice scholars and activists, environmental problems are social problems; the two are often inseparable. This is because 'toxics victims are, typically, poor or working people of modest means. [Thus] [t]heir environmental problems are inseparable from their economic conditions'" (2009: 134). Thus, it is not surprising residents have a nuanced understanding of the issue and present the issue more than the simple question of jobs or the environment. Through one interviewee's response, "But when you put me and my family and my friends and my neighbors and everybody at risk... and yourselves at risk... you should be scared for yourselves", there is an understanding that not only are residents at risk, but so are the employees dependent on the industrial businesses for economic stability. For the state however, the separation of environment and jobs is easier made as such an idea functions precisely to justify structure and processes that further capital accumulation.

CHAPTER VI

INCREASE STATE DECISIONMAKING POWER

According to Brulle, the state's characterization of its decisions as administrative rather than political ones allow it to increase the decision-making power it holds while escaping public scrutiny, as rationale behind decisions are made within the less-visible arena of bureaucracy. The result is that political questions are defined as technical or administrative ones that require experts for solutions, which then insulates the political interests involved from public scrutiny (2000: 37). Flyvbjerg adds, "What emerges is a picture of technical expertise used as a rationalization of policy, of rationality as the legitimation of power" (1998: 26). While such issues have been presented in some manner in the previous three chapters of this research, this chapter brings together the first three processes the state engages in to avoid public scrutiny while furthering its own interests. The state's characterization of political and economic decisions as technical or administrative ones does several things:

- It allows the state to avoid scrutiny as it is structurally confined to particular bureaucratic processes;
- It effectively hides the state's economic and political interests by legitimating capital accumulation through the rationale of scientific, technical, and objective information;
- It provides state with the authority and power regardless of public sentiment and knowledge; and
- It allows public to participate and provide critique without holding state responsible for engaging in decisions that potentially harm the public.

Structural Confines

In his characterization of a risk society, Beck argues, “Risk societies are characterized by multiple contradictions and by a lopsided concentration of power. They produce unprecedented wealth but pose known unique hazards. They rely on the logic of science yet hold scientists captive to organizational and production goals” (212). While the state uses and often needs the logic of science to rationalize and legitimize its decisions, science and scientists (in this case, the technical staff in the planning division and LRAPA staff) are also captive to the state’s interest and values. While guidelines of the Clean Air Act, as discussed in the following statement, are scientifically sound, the use of science and the way in which science is confined to the state’s powers and interests are shown:

“For permit applications for new projects, such as the proposed power plant, LRAPA staff performs a technical review of equipment and processes with potential to emit pollutants. Emission estimates and supporting documentation are verified and permittee must show an ability to meet and demonstrate compliance with all applicable requirements. If this is satisfied, LRAPA develops a permit to ensure the proposed facility will operate consistent with this review on a continuous/ongoing basis.”
(LRAPA Response to Public Comments July 2009)

Thus, for the agency, as long as industrial emitters follow within the guidelines set through the regulatory process set by the state, the agency must provide the emitter with a permit. This ignores the power held by industrial businesses that shape the way regulatory agencies’ rules and guidelines are created. Moreover, through the use of science, the question, “how much can a business emit according to rules set by a state that is focused on capital accumulation?” is asked. Public sentiment, as discussed in the following statement, does not have any bearing on the regulatory process of permitting –

as long as the business meets the criteria, no matter how much public opposition occurs, the agency must provide a permit to the business to emit:

LRAPA Staff: “Yeah uh... I guess fortunately or unfortunately, public sentiment really doesn’t have much bearing on our decisions as regulators. We have to follow the rules we have in place which come from the Clean Air Act and the “powers that be” where we are here. Certainly we can address public concern for certain things in the permitting process and provide more information...If they do choose to emit at that level, then we just... there are certain legal requirements they have to meet.”

(LRAPA Public Hearing October 2013)

In an interview with an LRAPA-affiliated member, the observation regarding the agency’s use of administrative and regulatory policy as a means of legitimating decisions while hiding behind the bureaucratic nature of the decision is presented:

“I feel like what I’ve seen is... “Well policy says... the law says you can pollute up to X amount. The permit asks to pollute this amount. Okay it passes.” And it’s like... well I understand as an agency you have to be governed by these policies or what have you. But it seems in a sense more bureaucratic... a bureaucratic action rather than ... “How are the people over there right now? Will this further impact them?” (Interview, August 2013)

Furthermore, the staff’s limitation from structural confines allows the agency to continue making decisions that are potentially harmful to residents of the neighborhood while justifying such decisions as beyond their scope or authority. The LRAPA interviewee presents this dilemma:

“So if you work within an agency, in a sense you are caught up in the rules. And if the rules are already written in favor of one side, then what can you do?”

When the rules set by the state are made with the intention of furthering state political and economic interests, the agencies of the state are implicated and confined in the system. The question of “*what can you do*” becomes a difficult one to answer, and one that agencies themselves must consider. When asked precisely such a question at a public hearing, LRAPA staff still struggled to provide a straightforward answer:

Public: LRAPA's authorized under Title 13.13-005.2d and it says that you shall establish by rules standards for the entire territory or any area of the territory which set forth the maximum amount of air contaminants permissible. Such standards may be changed following public hearings. Does this imply that if we want to make standards for pollution more rigid and reduce, lower the standards for pollution, the maximum pollution, can we do that? Can we set a hearing with ten of us asking for that, and go over that process?

Hough (LRAPA Director): That part of our rules is one area that we need to be at least as stringent as federal and state requirements and as practical matter, at the current time I believe in Oregon and in LRAPA the federal standards are identical, our rules are identical to state rules identical to the federal ambient air quality standards. There is the possibility for reviewing and doing something that is more stringent, but recognize at the federal level that the process it goes through. There's a group of non-EPA people appointed by Congress called the Clean Air Scientific Advisory Committee and these are national leaders in their science fields or medical fields that advise EPA on what those standards should be. So, these are like Harvard medical school type of people. That would be difficult to duplicate at state level or a local level, that same level of expertise. But that's possible under state and local rules...
(LRAPA Public Hearing, July 2009)

In this example, even when presented with the precise rule that provides the agency with the authority to do more in response to the bureaucratic and lax nature of the rules, the agency struggles with agreeing or completely engaging with the suggestion that the agency can be more stringent if necessary or desired. The rules themselves, as the LRAPA interviewee stated, were written in favor of the state, thus asking an agency of the state to engage in tighter regulations that may decrease its capital accumulation often receives pushback or rejection.

Science, Rationality, and Power

As discussed earlier in within the Scientific Discourse chapter, scientific and technical expertise has afforded and consolidated agencies of the state with the power to make decisions, while simultaneously avoid public scrutiny. Specifically because agencies characterize their decisions as ones that are technical, objective, and scientific, they are able to avoid public scrutiny through the justification of bureaucracy.

For LRAPA, their knowledge comes in the form of air monitoring, toxics monitoring, risk assessment, emissions tests, among other sources. Their emphasis on the importance of data and scientific knowledge flow through their conversations internally with staff and Board members, and externally with the public at hearings and meetings. The agency's reliance on scientific knowledge and data is one way in which it enforces power and authority over the public.

To highlight the way agencies can enforce power over the public through their scientific/technical expertise, consider an exchange between a public participant and an LRAPA staff during a public information hearing regarding the agency's plans to allow an emissions increase for a biomass plant in the West Eugene area:

Dave, the public participant, mentions his health problems from living in the West Eugene area- mostly talking about his asthma, asking who's going to pay for his health bills. After the question, LRAPA director Merlyn grabs the microphone from agency staffer Max and asks for the next question. The following interaction then occurs:

Dave: "So you're not going to answer me?"

Merlyn: "No, because it is irrelevant." He continues, saying this is not the time to discuss this issue and that public comments will come later for consideration.

Dave: "At the start of the permit process I provided comments about health concerns but they were never addressed."

Merlyn: "LRAPA looks through all the concerns and finds the prevalent and most important ones."

With that, Merlyn asks for the next question and reminds the attendees that this portion is meant for clarifications related to the permit revision.

(LRAPA Public Information Hearing Participant Observation, July 17 2013)

Within this exchange, the state's ability to use bureaucratic rules, as well as 'scientific expertise' insulates the agency itself from handling public scrutiny beyond stating issues of relevancy. Moreover, the agency is the one determining what is considered relevant or irrelevant regardless of the fact that residents of the area consider asthma as highly

relevant. In this situation, the agency enforces its power over the public through its ability to determine what is or is not knowledge and reality based on their relation to scientific data that was used by the agency to understand the problem. Put simply, information provided by the public that is not ‘scientific’ enough – either in terms of method, data, or explanation of information, is considered either irrelevant, invalid, or both. As Flyvbjerg states, “Power defines what counts as knowledge and rationality, and ultimately, as we shall see, what counts as reality” (1998: 27). For this situation, LRAPA’s power defines asthma as separate from the residents’ reality by stating Dave’s health concerns were not one of the ‘most important ones.’ A hierarchy is created, in which scientific knowledge is given more power, but as well as the dichotomy of scientific/non-scientific that relegates the public to the role of the non-scientific, non-expert that is afforded less power. More importantly, the use of lived experiences by residents are quickly doubted or contested by the agency exactly because they do not conform to the type of knowledge the agency dictates as credible knowledge. Also significant is the fact that the public commenting process, including the one Dave engaged in, is a process that was precisely created as a means of giving members of the public *more* power and a *more* democratic process.

Conversations and actions based solely in scientific data and processes consolidate power in LRAPA’s hands, allowing the agency to claim expertise in the issue of air quality, justify their use of data to determine actions, and to control conversations to stay within the question of science and data. This allows the agency to dictate the boundaries within which they discuss air quality issues, citing data or policy whenever possible, but rejecting information that does not fit in the agency’s characterization of “relevancy” within the discussion. Giddens discussed the rise in prominence of experts as

complex production processes become more prevalent, and the subsequent restriction of citizen access to information as the result of the incomprehensibility of abstract complex knowledge to most people (1991). This assumes an unintentional act on the part of the experts, and in many ways the agents and experts within the state are themselves caught in a bind between the need to address public concern and the structural processes they're confined within. However, the act of limiting conversations to scientific or technical data and processes, combined with an outright refusal to acknowledge the relevancy of health concerns brought up is in many ways a deliberate act to restrict the residents' ability to direct the course of the conversation based on what they know. Moreover, the power of the state lies in the fact that its decisions and means of exerting power to further state economic and political interests ultimately places the largest burden on groups that are more marginalized.

Once again, take the response LRAPA made to the question of how much weight public comments have on the final permit:

*Merlyn: The most relevant, useful comments are things that address, are we appropriately applying LRAPA rules to this proposed facility. If there's other things that you don't... like the tightening of the ambient air quality standard, you know, that's something that we can't address in this hearing but I'm glad that question came up so we could talk about what the process would be having that interest brought up officially... **So if your comments are addressing that first category and you're showing us something we didn't consider, didn't see, or an error that's been made or that's the sort of thing we're very open to adjusting as necessary to those comments.***
(LRAPA Public Hearing July 2009; Emphasis Added)

Responses from LRAPA such as the one provided illustrates the way the agency controls how information is spread and received, and how narrow of a scope a comment must be given to the agency for it to be accepted and considered 'relevant'. The only form of relevant information accepted by the agency is one that is requested by the agency,

through a narrow pre-defined frame of the problem at hand. Such limits not only ignore, but also intentionally function to displace resident critiques of political decisions made by the state.

Avoiding Public Scrutiny

A method of protection from public scrutiny despite public participation is also characterized in the statements made in the previous section by LRAPA. Not only does the state have the ability to use scientific and technical expertise as a means of limiting the scope of public comments to fit their characterization of relevant comment, but in doing so, the state actually avoids critiques of the fundamental flaw of the decisions.

Sandra: I expect that we'll make some revisions to the report and to the permit. The most useful comments for us would be on control technology, on the compliance provisions, and the air quality analysis.
(LRAPA Public Hearing, July 30, 2009)

For LRAPA permit hearings, the public comments most relevant are those that are limited to the scope of technical and scientific information that the agency may have missed or gotten incorrect. Nowhere is it particularly 'relevant' to critique the process of public participation itself, or the potential harm being done to residents by the provision of permits to industrial emitters. The process is only 'open' as far as it allows the state to show it has allowed for a democratic process of public participation without providing meaningful ways to address the larger structural and political functions that perpetuate unequal risks in issues such as air emissions.

CHAPTER VII

CONCLUSION

At the conclusion of this case study in February 2015, the city council voted 6-2 in favor of the recommendation to incorporate industrial uses into the UGB in the Clear Lake area. The industrial expansion of this area will include some form of overlay zone, with details yet to be determined, to address the environmental justice concerns raised. One of the two councilors opposed to the expansion noted his concerns and explained his 'no' vote:

Brown: "... Also I think there's a pretty big time social equity factor here in terms of putting industrial use in an area that's already has much more of its fair share of dangerous emissions- industrial emissions. To increase that it's unconscionable. It's the wrong thing to do. You're adding to an already polluted air shed and the wind moves it all around and brings it into the neighborhood. This is an area where we say, "Okay this is the only area we can do this." But what we could tell the DLCDC is "we're not going to do it"...but this is an unsuitable expansion in my view and so I won't support that part of it."
(City Council Work Session, January 2015)

Justice Versus Oppression

There is a disconnect between the agencies' desire for some form of justice or equity, and their unwillingness to concede to the fact that in order to provide justice, the roots of injustices must be identified and addressed. Agencies state they find the concepts of justice and equity agreeable terms. Moreover, they say they are interested, as well as invested, in creating this justice 'for all.' What agents are hesitant to do is identify the root causes that create barriers to justice for everyone. Additionally, the state functions under a neoliberal nonracial ideology that makes it difficult for agents to understand or act on the potential root causes of injustice. Also important to point out is the way the state uses the idea of justice or equity 'for all' through the rhetoric of 'public interest' or

‘good’, which as discussed, comes from neoliberal assumptions of meritocracy and egalitarianism that seeks to actually mirror the dominant power arrangements of society. As discussed previously, the use of language such as ‘public interest’ or ‘community values’ actually work to create results through the same processes that reflect hierarchical power imbalances and disparate outcomes based on group identities. Moreover, this language perpetuates a false sense of homogeneity, which ultimately allows the state to avoid scrutiny or responsibility in addressing unequal outcomes by claiming such outcomes are unintentional consequences of their decisions.

As discussed in Chapter One, the discussion of racism, classism, and other forms of oppression are personal, emotional, and oftentimes uncomfortable to both discuss and hear due to the neoliberal ideology that permeates society. The homogenization of the community also serves to provide comfort for those with power and privilege in the system. Take the comment made by a staff regarding while discussing the planning commission’s strong reaction towards the environmental justice I analysis conducted regarding the Clear Lake UGB expansion:

“Like I said, justice is a great word, right. I work for the government. Of course I’m happy to talk about justice, yes. That term I think people are comfortable using.” (Interview, September 2014)

For the state to address environmental injustice, it has to examine the impacts to marginalized groups, not to look at the population as one homogenous or equal entity. As a response to states’ actions of homogenizing the public, Young asserts that the idea of plurality and difference is key to addressing injustice that stems from systemic oppression. The agencies’ strategies to agree to the idea of ‘justice’ without the requisite understanding of what injustice is, or where it stems from, in the community allows the

state and its agents to dictate processes and participate without ever being held accountable for addressing the problem. This contradiction is a significant one to consider: on the one hand, agencies agree that equality and justice are important to their actions and decision-making; on the other hand, they are unwilling to pinpoint the root of and perpetrators of injustice.

Instead, much of the state's discourses and actions surrounding environmental justice involve the downplaying of systemic oppressions and heightened health burdens. This downplaying comes in the form of contesting legitimacy of residents' concerns, enacting colorblind policies, justifying public health tradeoffs for economic benefit, rejecting regulatory or exclusionary tools, and the defensiveness in response to the claims of racial and class inequities. Ultimately, the state acts to distance itself and the agencies from blame and responsibility for the problems in the research area.

Community's Desires

The majority of ideal outcomes discussed by interviewees involve having LRAPA enact punishment onto businesses when they violate their permits or engage in production activity that poses public health issues. Additionally, most talked about their desire to be more than just placated – many note the futility of public participation in meetings and public comments because their health concerns are given lip service without resulting in punishment, meaningful investigation, or meaningful examination of how air emissions permits hurt the community's health. As one interviewee states:

“To maybe have people of Lane County look at it- maybe the mayor or whatever and say, “Enough's enough,” you know? We've got to come up with a different solution than just “Oh this is the industrial area so just let them be there and we won't do anything and we won't fine them and we'll talk about it but we won't do anything.”

Others talk about the need for transparency, not just during public meetings where attendees are treated as receptacles of information – information that most members of the public do not have the ability to comprehend as quickly compared to agency staff. The residents’ desire for transparency asks for the agencies to provide meaningful information and conduct investigations with adequate data and consideration to address public health concerns that have lingered in the community for decades. One method of transparency and meaningful listening proposed by residents are good neighbor agreements:

“I would like to have a formal kind of, like a neighbor agreement or something or... some sort of mediated thing between the neighborhood association and some representatives from the industries just to talk... cause I don’t want to single out any one industry.”

For residents of the area, their health, their families’ health, and the health of the neighborhood are their priority. While they may not have specific scientific or legislative knowledge, they do have equally important local knowledge that can compliment technical knowledge produced by the state. Because environmental justice demands the taking back of science and agency decision making processes for the communities most affected, agencies that claim interest or investment in these issues must recognize the need to tear down barriers set up to insulate the state from public scrutiny that also obstructs meaningful engagement of the residents. Recognizing the privileged and biased values that underlie state policy, fueled by neoliberal nonracial ideology, the positions and assumptions of the state processes and those working within the state must be examined. A socioeconomic and political understanding of state and agency interest must be created for there to be understanding of how those interests collude with the racial and class inequity experienced by residents of the area.

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