Professor Timothy W. Collins
Professor Sara E. Grineski
Martha I. Flores

ENVIRONMENTAL INJUSTICE IN THE PASO DEL NORTE
ABSTRACT
In February 2008 American Smelting and Refining Company (ASARCO) was granted an air permit to reopen its El Paso, Texas copper smelter through the Texas Commission on Environmental Quality (TCEQ). This is a unique environmental justice case because the ASARCO smelter is located in a densely populated minority community at the junction of three states and two countries. If the facility resumes operations, it will be the only copper smelter operating within a US metropolitan area. This essay employs archival and visual methods to situate a case of transnational environmental injustice. The 16 figures present powerful representations of the situation in El Paso that contextualize the case study, and highlight the potential of images to reveal alternative perspectives and mobilize community action.
In February 2008 American Smelting and Refining Company (ASARCO) was granted an air permit to reopen its El Paso, Texas copper smelter through the Texas Commission on Environmental Quality (TCEQ) (Images 1 and 2). This is a unique environmental justice case because the ASARCO smelter is located in a densely populated minority community at the junction of three states and two countries (Figure 1). The permit entitles the multinational corporation to emit 7,000 tons of pollution annually – including 4.7 tons of lead (more than any other facility in the U.S.) – into an airshed shared by Texas, New Mexico, and Chihuahua, Mexico (TCEQ, 2007; O’Rourke, 2007; Shapleigh, 2007a). If the facility resumes operations, it will be the only copper smelter operating within a U.S. metropolitan area.

This essay employs archival and visual methods to situate a case of transnational environmental injustice. We believe visual methods are a powerful tool for environmental justice because of the
FIGURE 1. This map of the Paso del Norte region, which includes three states in two countries, shows the ASARCO facility at center; public schools and early childhood centers identified as points. Schools are of particular concern because lead is especially damaging to children’s development (Landrigan, 1975).

IMAGE 2. The ASARCO stack is visible in valley to the right in this view from El Paso’s Franklin Mountains southward to Ciudad Juárez.
unique capacity of imagery to present information in a concrete manner accessible to a wide social spectrum. Visual methods are also effective in arousing emotions, shaping opinions, and catalyzing action (Hannigan, 1995), as the ASARCO case reveals. Images have figured into this case (as they have in others), yet they remain largely unexamined in the environmental justice literature. We selected the 16 figures presented in this essay because we found them to be powerful representations of the situation in El Paso, because they demonstrate the utility of visual methods for contextualizing case study, and because they highlight the potential of images to reveal alternative perspectives and mobilize community action.

ASARCO operated the copper smelter continuously in El Paso from 1887 until 1999, when the price of copper dropped to $.60 per pound (Image 3). Until 1973, residents lived in Smeltertown, the company community located at the base of the stack. ASARCO had neglected to include this community its air pollution monitoring. In 1973, Smeltertown was razed after it was documented by non-company sources that 53% of children had lead levels considered dangerous (Landrigan et al., 1975). All that remains of Smeltertown is the cemetery (Image 4).

ASARCO has long history of toxic pollution and corporate irresponsibility in the U.S. The corporation has saddled citizens from 75 communities and 16 states across the country with at least $6 billion, perhaps as much as $20 billion, in environmental remediation and cleanup costs (Blumenthal, 2007; Milan, 2007). It is projected that remediation of soil and groundwater at the El Paso facility site will cost at least $27 million; costs could increase once the extent of contamination of surface and groundwater supplies is fully documented (El Paso Times, 2007; Johnson, 2007). Reliable sources report that more comprehensive cleanup (of current contamination) in the Paso del Norte will cost in excess of $250 million (Shapleigh, 2007b). If the smelter does reopen and pollute once again, estimates of remediation costs will surely escalate. While ASARCO’s public relations campaign incorporates a dose of green rhetoric (ASARCO, 2007a), the deleterious effects of their copper smelting on human health and the environment do not point toward a model of sustainability.

Two questions arise. First, why has ASARCO sought to open a facility that will release 7,000 tons of pollutants known to produce adverse health effects in the middle of a metropolis of 3 million people? After all, ASARCO has decommissioned urban smelters in Tacoma and Omaha. While the push to get back in the smelting business has surely been increased by spiking copper prices, which are currently $2.70 per pound (ASARCO, 2007b), ASARCO’s desire to resume operations in the Paso del Norte is undeniably connected with the characteristics of the people in the region. The vast majority of nearby U.S. residents in the City of El Paso (El Paso County, Texas) and Sunland Park (Dona Ana County, New Mexico) are Hispanic (77% and 98%, respectively, compared with 13% for the U.S. and 32% for Texas). El Paso and Sunland Park have considerably lower median household incomes ($32,124 and $20,164, respectively) than Texas ($39,927) and national levels ($41,994), and poverty rates (22% and 39%, respectively) well above the U.S. rate (12%) (U.S. Bureau of the Census, 2000) (Images 5 and 6). In addition, the portion of Ciudad Juárez abutting the facility is home to this Mexican metropolis’ most socially marginal colonias (i.e. neighborhoods) (Ward, 1999; Frontera NorteSur, 2005).

To be sure, ASARCO’s public relations staff has attempted to seize on El Paso’s relatively depressed economic conditions by packaging the reopening of the smelter in terms of job creation and economic growth (in part through the use of images, see ASARCO, 2007c), and a recent ASARCO-funded economic impact analysis has endowed the company’s economic promises with aura of legitimacy (ASARCO, 2007d). A recent public opinion poll suggests that ASARCO’s campaign has been
IMAGE 3. The ASARCO copper smelter in El Paso, 1899. Source: Aultman Collection, B198, El Paso Public Library

IMAGE 4. All that remains of ASARCO’s company town is the Smeltertown Cemetery.
Low income residents also live in single family housing near the ASARCO facility; this neighborhood is located near Sunland Park, New Mexico.
IMAGE 7. Socially marginal Ciudad Juárez colonias are proximate to the ASARCO facility.

IMAGE 8. When standing on the US side of the international border, Ciudad Juárez dwellings are visible adjacent to the ASARCO facility.
successful: 50 percent of registered voters responded “yes” to the question of whether ASARCO should be allowed to re-open (Meritz, 2007). Results from a pilot survey (conducted by the authors) of four El Paso neighborhoods reveal that the majority of residents believe that ASARCO will harm health; findings also indicate that public support for ASARCO hinges on the belief that it will create jobs, regardless of corresponding beliefs about negative health effects.

Now the second question: Why did the TCEQ grant ASARCO a permit to pollute? A simple response
is that the TCEQ has never denied an air permit. The commission is viewed by many as a regulatory body designed to facilitate the profit motives of big industry. It must also be realized that El Paso is marginal in relation to the Texas’ centralized political engine, located over 500 miles away in Austin, which means that local voices are less likely to be listened to if heard.

Local opponents of ASARCO realize that they must be loud, and residents and elected officials from the State of New Mexico and nearby cities (including Ciudad Juárez) have voiced clear opposition to ASARCO’s reopening (see City of El Paso, 2007). Civil society groups on both sides of the border – including the Association of Community Organizations for Reform Now (ACORN), Get The Lead Out Coalition (GTLO), and the Sierra Club – have collaborated in protest against ASARCO’s proposed reopening (Images 9 and 10) (see GTLO, 2007; Sierra Club, 2007; ACORN, 2007). In March 2007, ACORN and GTLO activists took direct action in Austin by storming the Capitol and demanding inclusion in the air permitting process (Image 11). Over the summer, ACORN canvassed local neighborhoods to inform residents of the imminent threat of the smelter and to enlist people in their petition drive.
IMAGE 12. More than 1,000 Paso del Norte residents gathered in protest for the community photo “Faces Against ASARCO.” Source: GTLO 2007

IMAGE 13. Residents raise their hands to show opposition against the renewal of the ASARCO air permit at the “Faces Against ASARCO” event.
to deliver local voices of opposition to Austin. During the public comment period for ASARCO’s air permit (which ended in June 2007), over 10,480 letters were submitted to the TCEQ; 9,600 letters were in opposition to, and only 880 in support of, the proposed reopening of the facility (City of El Paso, 2007). In September 2007, local groups organized a community photo entitled “Faces Against ASARCO” as part of their mobilization effort (Image 12). The event further catalyzed opposition against ASARCO in the Paso del Norte by bringing together a diverse range of residents, opening channels of communication, and reaffirming shared values (Byrd, 2007) (Image 13). Vociferous opposition proved to be an unsuccessful influence in the permitting process as the decision to approve the air permit was ultimately made by three governor-appointed TCEQ commissioners. This provides another example of how “current environmental decision-making practices have not been effective in providing meaningful participation opportunities for those most burdened by environmental decisions” (Cole and Foster, 2001, p. 16).

Now that the air permit has been granted, opposition must rely on litigation in which claims of transnational inequity, environmental degradation, and environmental racism should figure prominently. Since ASARCO’s El Paso facility is located within a kilometer of Mexico and New Mexico, transboundary pollution would negatively affect the primarily lower income Hispanic populations in these jurisdictions. The transnational movement of toxic pollution from the Global North to the South has received attention in the environmental justice literature (Adeola, 2000, Frey, 2003, Pellow, 2007); the ASARCO case provides an example of this trend. The fact that the air permit has been authorized in Austin, Texas and the facility would acutely impact adjacent state and national jurisdictions – without consent of appropriate territorial governing bodies – may provide a fulcrum of legal leverage for ASARCO’s opponents.

In addition, the TCEQ permit pertains to air, but ASARCO’s pollution has already affected, and will further impact, water and soil resources to the detriment of human and ecological health. ASARCO’s facility is located within meters of the Rio Grande/Bravo, which provides irrigation water used by the region’s farmers and between 40 to 50 percent of El Paso’s drinking water (Images 14 and 15). It must be noted that ASARCO filed for Chapter 11 Bankruptcy in 2005 and is now enmeshed in an extremely complex court case. The U.S. International Boundary and Water Commission (USIBWC) recently filed a pre-trial brief in the bankruptcy case, which states “continuing contamination from the ASARCO property has forced USIBWC to address the dangers of lead and arsenic in carrying out its responsibility to regulate and conserve the waters of the Rio Grande...due to the high contaminant levels that exist” (U.S. Bankruptcy Court, 2007, p. 2).

Finally, it is difficult to contemplate this case without seriously considering the role of environmental racism, particularly in its institutional guise, as a factor. A predominantly working class, dark-skinned metropolitan community is now engaged in a seemingly rational public debate about the prospect of opening one of the U.S.’s single most noxious facilities in its midst, a fact that generates a sense of surrealism among visitors from other parts of the country. Residents of wealthier and whiter communities are spared the experience of being forced to engage in such debates.

The environmental injustices related to El Paso’s ASARCO smelter are many. The lead emissions will be most damaging to young children and pregnant women. El Paso is one of the poorest cities in the U.S. with a majority minority population that lacks power within the state of Texas and is socially marginal within the American context. Located on the edge of Global North, residents of semi peripheral Mexico will be unfairly impacted by ASARCO without receiving a single benefit.
IMAGE 14. View of Texas in foreground, Mount Cristo Rey in New Mexico (behind lower stack), the Rio Grande/Bravo (lower left), and Ciudad Juárez (far left).

IMAGE 16. The Rio Grande/Bravo just upstream of the ASARCO facility.
AUTHORS’ BIOGRAPHIES
Timothy W. Collins is an Assistant Professor in the Department of Sociology & Anthropology at the University of Texas at El Paso. His research interests include human risk to environmental hazards, issues of social vulnerability and environmental justice, and urban governance. Direct correspondence to Timothy W. Collins, Department of Sociology & Anthropology, University of Texas at El Paso, 500 West University Avenue, El Paso TX 79968; Phone: 915-747-6526; e-mail: twcollins@utep.edu.

Professor Sara E. Grineksi is an Assistant Professor in the Department of Sociology & Anthropology at the University of Texas at El Paso. Her research centers on the topics of environmental justice and environmental health. Phone: 915-747-8471; e-mail: segrineski@utep.edu.

Martha I. Flores graduated from the Sociology Master’s program at the University of Texas at El Paso in May 2008. Her research interests include environmental justice and visual sociology. Her thesis focuses on the use of images in the social construction of environmental problems, specifically the debate surrounding the reopening of the ASARCO copper smelter described in this paper. E-mail: marthaisabel. ores@gmail.com.

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REFERENCES


