

The Ohio Environmental Council



The 2020 Ohio Public Interest Environmental Justice Writing Competition

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Introduction

In an effort to encourage law, graduate, and undergraduate students to engage with important environmental issues facing Ohio, the Ohio Environmental Council created the first Ohio Public Interest Environmental Justice Writing Competition. This competition highlights the high-quality academic work of individuals soon to enter the legal or policy world while simultaneously catalyzing conversation about issues facing Ohio's environment.

We are excited to share with you the writings of four students from a variety of different backgrounds and pursuing wildly different careers. They have set a high standard for future competitions that follow.

Environmental injustices strike Ohioans everywhere, yet particular environmental harms affect certain communities disproportionately. The students were tasked with exploring specific issues of environmental justice impacting Ohioans, whether legal, political, economic, or scientific in nature. They were to identify the distinct impacts (and the impacted communities) and propose possible solutions to eliminate the environmental injustices.

The 2020 Ohio Public Interest Environmental Law Conference had the following tagline: "At the Crossroads of Environmental Justice and Democracy." Therefore, we requested articles that touch on the relationships between environmental injustices, the democratic process, and community power. Those articles received special consideration.

In reviewing the students' work, our team was looking for a high caliber discussion not only engaging with a discrete, high profile issue in environmental law and environmental justice. We hoped the students would illustrate their command of language to communicate with brevity and elevate the importance of the problem explored.

Whether the author explores a problem at the federal, state, or local level, we hoped authors would encourage the minds of readers to think beyond *what the law or policy is*; they need to encourage readers to consider what *the law should be*. Their words should force readers to recognize a real problem facing Ohioans and realize why (and ideally how) the problem can be solved.

Authors should write not only as a scholar describing an issue in objective terms, they should write as advocates advancing the public interest.

We're proud to present the work of Marissa Lazaroff, our grand prize winner, and Juliana Discher, our runner-up. In addition, Younjo "John" Lee and Matthew Kline receive an honorary mention with their excellent submissions. Their work is also included below.

This year's competition was our first—it will not be our last. Stay tuned for future Environmental Justice writing competitions, all presented and designed in conjunction with our annual Ohio Public Interest Environmental Law Conference.

Without any further discussion, please enjoy the scholarly work of Marissa, Juliana, Younjo, and Matthew.

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The Crossroads of Environmental Racism and Public Housing

Marissa Lazaroff

Introduction

“Ecological inequalities in the United States result from a number of factors, including the distribution of wealth, housing and real estate practices, and land use planning. Taken together these factors give rise to what can be called ‘environmental racism’: practices that place African Americans, Latinos and Native Americans at greater health and environmental risk than the rest of society” (Bullard, 1993).

Keeping in mind the powerful words of the father of environmental justice, Dr. Robert Bullard, this paper seeks to acknowledge the racism inherently built into the public housing system, through an examination of the system from its inception to its current standing in the U.S. Special emphasis is given to public housing within Ohio. The final part of this paper recognizes current legislative solutions to solve some of the issues outlined throughout the paper.

History of Public Housing

Public housing in the United States was born out of two twentieth century movements: the Progressive movement and the Modern Public Housing movement. The former viewed public housing as a social service, desiring to improve the living conditions for the poor and eradicate urban slums. The latter framed the issue as a public utility.

The first semblance of public housing was commissioned by Congress as a response to wartime needs during World War I. Although these units were sold after the war, a precedent was set for federal involvement in affordable housing (Goetz, 2013). This led to tax incentives for affordable housing for white working class families during the Great Depression (Gross, 2017), and loans for private investors to build low-income housing under the Emergency Relief and Reconstruction Act of 1932. With little activity by private investors, the program was shifted to the Public Works Administration (PWA) and again in 1934 shifted so the government was building the housing. The PWA program built a total of 58 public housing buildings. The process generated a number of questions about the stretch of eminent domain and the racist motivations for clearing slums to build public housing.

In 1935, a U.S. District Court held in *United States v. Certain Lands in the City of Louisville* that the government could not use eminent domain for slum clearance, leading to a legislative battle over the status of public housing. While initial efforts failed (Goetz, 2013), in 1937, President Roosevelt signed the Wagner-Steagall Housing Act into law (Franklin D. Roosevelt Library & Museum, 2016). Now known as the United States Housing Act of 1937, the law established the United States Housing Authority (USHA) (Franklin D. Roosevelt Library & Museum, 2016) and set a further precedent for the government to provide federal funding to local public housing authorities (PHAs) “for the elimination of unsafe and unsanitary housing conditions, for the eradication of slums, for the provision of decent, safe, and sanitary dwellings for families of low income” (Gero, 2019). The 1939 completion of the Westlake Terrace project in Youngstown, OH, marked the USHA’s first completed project (Jenkins, 2002).

In the 83 years since the passage of the United States Housing Act of 1937, the decentralized housing system has been fraught with difficulties. The law set a strict spending limit of \$5,000 per unit, limiting the quality of the units, especially with inflation. PHAs were, and still are, especially plagued by mismanagement (Goetz, 2013). Federal intervention limiting public housing availability to the poorest has allowed for racial segregation and poverty to persist within the system (Andrews, 2020).

In 1999, President Clinton signed into law H.R. 4194: *Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1999* (H.R.4194 - 105th Congress (1997-1998), 1998). The appropriations bill included the Faircloth Amendment, capping the number of public housing units at 1999 numbers. Today, the Department of Housing and Urban Development (HUD, which replaced the USHA) is prohibited from building new public housing units except to replace existing units (Gero, 2019; HUD, n.d.). As young members of the House of Representatives, now Senators Sherrod Brown [D] and Rob Portman [R] voted for the bill (Clerk United States House of Representatives, 1998).

Since 1999, public housing has become a crisis, with over 7 million units currently needed nationwide (Ulman, 2020). The Trump administration has further fueled the crisis by slashing HUD’s budget for restoration projects, and HUD has increased minimum rent from \$50 to \$150 (Thrush, 2018).

Public Housing in Ohio

Ohio has the fourth highest number of public housing units in the country, with 47,497 units

(Data For Progress, 2019). The units span all 16 congressional districts, with the highest concentration in and around Cuyahoga County (Capps, 2019). Each county manages housing differently (Snyder & Elms, 2020). As of March 2019, “Ohio has 43 rentals available for every 100 extremely low-income households that need a place to live” (National Low Income Housing Coalition, 2019). Sixty-seven percent of low-income renters face severe cost burden of paying subsidized rent (National Low Income Housing Coalition, 2020).

Akron currently has over 22,000 individuals or families for every 100,000 residents on the wait list for public housing. Other major cities—Cincinnati, Dayton, Columbus, and Toledo—have more than 2,000 families for every 100,000 residents on wait lists for public housing. Columbus, which mainly utilizes a voucher system, has over 25,000 residents on the wait list for vouchers (Snyder & Elms, 2020). Many of these major cities have, at various points, established temporary moratoriums on new applicants to their public housing wait lists because the demand was too high (Snyder & Elms, 2020).

Once a unit becomes available, it can take months for the new tenant to begin renting because these units need to be rehabilitated and upgraded, which there is little money for, resulting in an increase in homelessness and financial insecurity. (Snyder & Elms, 2020). Eviction is another externality of the rising price of housing and lack of public housing. Akron, Dayton, Toledo, Cincinnati, Columbus, and Cleveland rank in the nation’s 100 “Top Evicting Areas” (Eviction Lab, 2016).

Governor DeWine [R] has responded to the crisis by seeking additional investment in the state Ohio Housing Trust Fund and urging the federal government to provide additional support (Kuhlman, 2019).

Public Housing and Environmental Justice

The system was originally meant to help low-income members of society during the depression afford housing while building towards a better future, the resulting public housing system has been built on racist schemes. White working class citizens had opportunities to leave the public-housing system, while people of color were barred from this economic opportunity through policies such as “redlining” that denied insuring loans to buy houses. Those practices pushed people of color toward urban and public housing projects (Gross, 2017). As the government continued to subsidize the units, a common association between people of color and welfare grew within the public housing system, leading to a segregated society. The policies denied people of color opportunities to choose where to live and accumulate intergeneration wealth

(Chu, 2020). These perceptions have been bolstered by HUD's actions to restrict access to racial and ethnic statistics of those living within the public housing system (HUD, 2020).

Dr. Bullard said in a recent interview with environmental justice author Catherine Flowers that "America is segregated, and so is pollution" (C. Flowers, personal communication, July 22, 2020). This is particularly evident with public housing.

Because of redlining and other racist housing policies, communities of color are often located near industrial sites, highways, and superfund sites that produce disproportionate amounts of pollution (Bell, 2016). This too is true with public housing units. As the United States Housing Act of 1937 limited the amount local housing authorities could spend on units, many public housing units were built on less expensive and less desirable land, again close to these polluted sites.

In 2004, 33 of Ohio's 88 counties were out of attainment of the Clean Air Act. Sixteen years later, seven counties—Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit—are still being continuously monitored for ground level ozone because they do not meet air quality standards (Ohio EPA, 2020). Together these seven counties contain 18,689 public housing units, around 40% of all units in the state, with another 16.6% in other urban areas associated with poor air conditions around the state (NYU Furman Center, 2020). Air pollution has been linked to adverse health impacts. The World Health Organization (WHO) attributes 4.2 million premature death to ambient air pollution as a result of lung and respiratory diseases and cancer, stroke, heart disease and pulmonary disease. The results are not felt equitably, with low income communities feeling the most severe impacts of air pollution (World Health Organization, 2020).

Climate change is expected to exacerbate air pollution as warmer temperatures can cause an increase in production of pollutants such as ground-level ozone. Cuyahoga and surrounding counties, with the most public housing units, are already out of attainment for ground-level ozone. Heat stress brought on by the increase in pollutants is also expected to rise. Cleveland has been particularly noted for heat stress due to its urban heat index and lack of central a/c in many buildings. Heat, too, can be dangerous, leading to adverse health impacts such as heat stroke and dehydration (EPA, 2016).

Placing public housing are also placed in flood-prone areas often presumed too risky for private investments. As most public housing buildings were built at times with different building codes, many are not prepared to face the impending burden of sea-level rise, flooding, extreme weather, etc. brought on by climate change. One estimate shows the U.S. will lose over 64,300 units from just sea level rise, under high emissions estimates resulting in a 10ft sea level rise.

(Fleming et al., 2019).

In Ohio, around 1,500 of the 47,497 public housing units sit within 100-year and 500-year floodplains. While this is only 3.16% of the public housing units in Ohio, breaking down the numbers by county tells a different story. Seven counties have public housing units in severe flood zones (NYU Furman Center, 2020). With limited funds, PHAs, especially in low income counties like Coshocton and Jackson, will be under extra strain to mitigate the negative impacts on tenants from flooding such as infected wounds, disease, disability, and mental health concerns (Du et al., 2010) already exacerbated by racist barriers keeping aid from low-income and communities of color.

Precipitation and flooding have already increased by 5-10% across on the Midwest over the past half century. In Ohio, rainfall on the wettest days of the year has increased by 35%, and the amount of water flowing into streams during flooding events has increased by more than 20%. Climate change will exacerbate these factors, and storms will intensify, leading to increased risk of flooding (EPA, 2016) and the likelihood of 100- and 500-year floods (EPA, 2016; NYU Furman Center, 2020).

Counties in Ohio with Public Housing Units in 100 and 500 year Floodplains					
County	Public Housing Units	100 Year Floodplain total	100 Year Floodplain percentage	500 Year Floodplain	500 Year Floodplain Percentage
Belmont	722	132	18%	524	73%
Clermont	219	219	100%	219	100%
Coshocton	131	0	0%	131	100%
Hocking	236	0	0%	93	39%
Jackson	165	165	100%	165	100%
Stark	2562	235	9%	235	9%
Summit	4601	105	2%	105	2%

Table 1: Counties in Ohio with Public Housing Units in 100- and 500-year Floodplains (NYU Furman Center, 2020)

Public housing around the country is also infamous for issues such as mold, (Smith, 2019) pests, and lack of water, (CBS New York, 2020) serious environmental and health concerns when juxtaposed against the spread of diseases including COVID-19. And climate change will exacerbate it all.

Solutions

There are currently more than 40 legislative solutions in Congress to address issues of public and affordable housing. Three notable pieces of legislation are:

- S.3030 the *Eviction Crisis Act of 2019*, sponsored by Senators Bennet [D-CO], Brown [D-OH], Portman [R-OH] and Young [R-IN], would mandate HUD to create an eviction database and establish emergency funds to help individuals in the short term after eviction (*Text - S.3030 - 116th Congress (2019-2020)*, 2019; Portman, 2019). While this legislation does not solve the root causes of inequalities in the public housing system, it is notable because it is co-sponsored by both Senators from Ohio both of whom played an important role in the passage of the Faircloth Amendment;
- S.2313 *Public Housing Emergency Response Act*, sponsored by Senator Warren [D-MA], appropriates \$70 million to HUD to allocate to state agencies for repairs and updates to public housing (*Text - S.3212 - 116th Congress (2019-2020)*, 2020); and
- H.R.5244 *Homes for All Act of 2019*, sponsored by Representative Omar [D-MN-5], would repeal the Faircloth Amendment and fund the construction of 9,500,000 new environmentally and climate friendly public housing units and 2,500,000 private market affordable housing units (*Text - H.R.5244 - 116th Congress (2019-2020)*, 2019).

While many progressives are skeptical to support public housing legislation that might perpetuate systemic racism through its continuation, Dr. Ibram X. Kendi, a scholar on antiracist policy, says: “when policies fail, do not blame the people. Start over and seek out new more effective antiracist treatments until they work” (Kendi, 2019). That is why a legislative solution is needed to support those who rely on the public housing system. Highlighting Dr. Kendi’s philosophy that antiracism must be weaved throughout policy, there is one piece of legislation in particular that stands out—S.2878 (identical bill H.R.5185 in the House of Representatives) *Green New Deal for Public Housing*. These bills sponsored by Senator Sanders [VT-I] and Representative Alexandria Ocasio-Cortez [D-NY-14], respectively, take the stance that public housing is national infrastructure.

These bills have five main purposes:

- (1) stimulate the workforce capacity to rehabilitate public housing;
- (2) rehabilitate public housing exposed to unsafe and unhealthy environments;
- (3) upgrade public housing units with climate-smart technology;
- (4) maximize tenant participation in the rehabilitation process; and
- (5) transition all public housing to become energy efficient. (Sanders, 2019)

From its name to its core competencies, these bills seek to reinforce the original intention of public housing—to improve living conditions for the poor. These bills also build beyond that goal to create mechanisms to help the lowest income communities, including many people of color, find solutions to overcome barriers this system has previously imposed upon them. In total, the passage of S.2878 would create 250,000 jobs specifically for low-income individuals and would streamline seven grant opportunities related to public housing into one application process, a process that previously imposed barriers to access those grants (Capps, 2019; Data For Progress, 2019; Sanders, 2019). While this legislation cannot eliminate the legacy of racist history of public housing, especially on individual housing authority levels, Sanders and Ocasio-Cortez address the intersectionality of the environment, racism and public housing to create jobs, fight climate change, and reduce racist barriers on people of color in the public housing system.

Conclusion

Meditating on the words of Dr. Bullard, there is a clear link between public housing and environmental racism in America. Ohio is not above that linkage. With over 44,000 public housing units on the frontlines, the residents of these units are likely to feel the negative impacts of rising heat, poor air quality, flooding and more that are exacerbated by climate change. There is limited time left to curb climate change, so in Ohio and around the country, it is time to recognize and act on the crossroads between public housing and environmental racism.

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Environmental Injustice Leads to Disproportionate Number of COVID-19 cases in Black Ohioans

Juliana Discher

The recent Coronavirus pandemic is unlike any disaster the United States has faced, sending ripples of shock and confusion across the nation as to what to do and how to do it. Despite the uncertainty, one fact is unfortunately not startling—people of color and people in poverty are disproportionately impacted. Black people are 13% of Ohio's population, but account for more than 25% of the COVID-19 cases (Chow 2020). This article will explain the concept of environmental justice, explore the vulnerabilities faced by many Black Ohioans, highlight recent policy efforts, and explore potential remedies and the impact of community efforts. Ultimately, the solutions recommended are: (1) expand the number of free COVID-19 testing sites in vulnerable communities; (2) continue aid packages; (3) extend water and energy shutoff moratoriums; and (5) increase education regarding environmental justice.

Environmental Justice

Environmental justice is defined by the Environmental Protection Agency as, “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (Chapman & Thiele 2020). To achieve environmental justice, we must include everyone in the conversation about protecting the environment and recognize some voices have been historically silenced. Similarly, we must not let politicians take advantage of those who lack political power.

Black people have been historically left out of the environmental conversation. They are unable to enjoy the same outdoors space as white people, as evident through anecdotal evidence like the May incident with Christian Cooper and Amy Cooper (unrelated). Christian Cooper, a Black man bird watching in Central Park, was harassed by Amy Cooper, who used her white privilege to call the police and falsely claim he threatened her. It is one of many cases where a recording documented the truth and prevented false accusations or worse, given the risk for police violence. In Ohio, from 2013 to 2019, out of the 215 Ohioans killed by the police,

80 people or 37 % were Black, a disproportionate share (Moore 2020). The implicit bias demonstrated by Ms. Cooper and the more direct example of cruelty through the murder of George Floyd by Minnesota Police are both recent examples of racism pervasive in the United States.

The COVID-19 pandemic has demonstrated that not all policymakers are willing to address systemic racism and environmental injustices. During a June 2020 committee hearing, Ohio State Senator Steve Huffman asked, “Could it just be that African Americans or the colored population do not wash their hands as well as other groups?” Racist rhetoric from politicians reinforces stereotypes of Black people as “dirty” or “less than” and fails to address the root of the problem. As a result of his appalling comments, Senator Huffman was fired from his job as an emergency room doctor, but still remains in office (Gabriel 2020). When faced with overwhelming threats like the COVID-19 pandemic, we must do better. We must delve into systemic racism and its impacts to identify potential solutions.

Vulnerability of Black Ohioans

To recognize why Black communities are more vulnerable to COVID-19, we must consider what governmental policy and regulations have impacted health outcomes for low-income individuals and people of color. The explicitly racist policy of redlining in the 1930s drew lines on maps to separate neighborhoods and provide less services and funding, public and private, to neighborhoods of color, thus creating long-term implications of lower performing schools, lower social mobility, and more indicators of urban decline (Németh & Rowan 2020). Black people are twice as likely to be unemployed and in poverty and much less likely to own their own homes (“Editorial: Racism is a public health crisis” 2020). Also, Black people are more likely to be unable to work from home and in jobs that are public-facing during the pandemic which increases contact with others and potential COVID-19 exposure.

Additionally, redlining has led to significant environmental challenges for Black individuals. Redlining purposely placed people of color near heavily polluted and undesirable areas such as highways, refineries, and coal-burning power plants (Chapman & Thiele 2020). In fact, a 2017 study by the National Association for the Advancement of Colored People (NAACP) found Black people 75% more likely to live near facilities that produce hazardous waste (Villarosa 2020). Further, Black Americans are exposed to 1.5 times more the amount of sooty ash from burning fossil fuels than others, determined by an Environmental Protection Agency (EPA) study (Chapman & Thiele 2020). Living in a polluted or economically stymied area with lower access to health care and proper nutrition options isn’t just an inconvenience; it can also lead to

severe health detriments. Specifically, Black people are more likely to be overweight or obese, have underlying conditions like diabetes, asthma or hypertension, die of heart attack and stroke, and have greater incidence of adult diabetes and premature death (“Editorial: Racism is a public health crisis” 2020).

When Black people do seek medical treatment, there are disparities in the care for Black individuals. A study of 400 hospitals found that Black patients with heart disease were given “older, cheaper, and more conservative treatments” than white patients (Bridges 2020). These biases prevent proper care from being given which can lead to premature deaths. These health risks are not due to actions and choices by Black individuals, but the environment in which these people have been constrained with due to redlining and policies that maintain the cycle of poverty and subsequently create a lack of financial mobility.

These financial realities elevate the risk of COVID-19 exposure and the environmental challenges resulting in increased underlying health conditions, ultimately making Black Ohioans more at risk of death from COVID-19 complications (Bischoff 2020). The data demonstrates the conclusion: in Franklin County, Ohio, Black citizens make up 23% of the population, but 29% of reported COVID-19 infections and 32% of hospitalizations as of May 2020 (“Editorial: Racism is a public health crisis” 2020).

Water and Energy Shutoffs in Columbus

Water and energy shutoffs are additional environmental challenges resulting from mass unemployment caused by COVID-19. Ohio Governor Mike DeWine ordered a moratorium on water and energy shutoffs, but it ended on July 10, even as COVID-19 still rampantly affects Ohioans. Many Ohioans are still without jobs or struggling to pay off bills for essential services like water, electricity, and natural gas. With many aid packages having ended or ending soon, some citizens will be further in debt. In Columbus, there are currently 54,000 delinquent customers for their water service providers, owing the city more than \$7.6 million (“Editorial: Evictions, shutoffs make virus crisis worse” 2020).

A recent study by the ACLU found that water shutoffs disproportionately affect communities of color. During the pandemic, washing hands has been a proven preventative measure for disease spread, and water shutoffs prevent regular access to hand washing. In fact, a Michigan-based research organization found the top ten zip codes in Detroit with the most water shutoffs had the highest number of cases of COVID-19, proving this correlation, which certainly holds true in Columbus as well (“Detroit water shutoffs led to more COVID-19 Cases”, 2020).

There are 134,000 Columbia customers and 91,000 AEP customers in need of payment assistance who may be eligible for grants, payment plans and social services (“Editorial: Evictions, shutoffs make virus crisis worse” 2020). We need to help customers connect to assistance programs. The Public Utilities Commission of Ohio is working to extend energy moratoriums, but it recognizes that, eventually, customers must pay. Lacking electricity, combined with an inability to pay, can cause feelings of chronic stress, anxiety, and depression. When extreme heat waves hit during the summer, elderly or vulnerable populations can be at risk without proper cooling as well (Konisky 2020).

Political Efforts

Government officials need to carefully consider the impacts of systemic racism when crafting policy. Governor DeWine has attempted to address the disparities in COVID-19 cases for minorities by expanding testing for high risk populations and launching an outreach campaign to educate communities of color on the pandemic (Chow 2020). He has recognized Ohio needs to work on improving equitable access to housing, nutritious food, education, health care and transportation which will help with these disparities (Bischoff 2020). Many critics feel, however, that Governor DeWine’s actions do not go far enough to address the root of the issue: declaring racism a public health crisis. Based on the aforementioned data, failing to recognize the systemic racism that has led to the disproportionate number of cases for people of color—and simply increasing COVID-19 testing in vulnerable cities—is like putting only a bandage on a gunshot wound. It is worth exploring and encouraging local action.

There have been efforts to declare racism a public health crisis in Columbus. The Franklin County Board of Commissioners, Franklin County Public Health, and Mayor Andrew Ginther have all made this bold statement. Columbus City Council stated in their resolution, “racism, not race causes disproportionately higher rates of homelessness, incarceration, and economic hardships for African Americans”. Franklin County Commissioners and their staff participated in racial equity training last year, a step towards forcing people to recognize their racial biases. Notable publications like the Columbus Dispatch have also declared their allyship to Black Ohioans during this time. The actions demonstrate the power communities and organizations can have by declaring their support. It is worth pushing government agencies like the Center for Disease Control and Environmental Protection Agency to take action as well.

Exploring Solutions

With over 150,000 COVID-19 cases in Ohio thus far and new cases each day in the thousands, there is still a need for immediate short-term solutions. Local governments need to expand the number of free COVID-19 testing sites, especially in vulnerable communities. Aid packages should continue while people are still out of work, with both state and local funding. Finally, water and energy shutoff moratoriums need extended until the pandemic is finished. State regulators can help as well by blocking energy companies from charging late fees and reconnection fees. They can consider debt forgiveness for households.

However, while this pandemic may end in 2021 with a vaccine, we face a systemic issue. We need long-term solutions. As a white person, I (and others like me) must first admit white privilege and a lack of understanding of the unique challenges Black people undergo. Second, we must present a willingness to listen to and work with the Black community. It does not mean speaking for Black people without consulting them nor creating task forces simply for the appearance of taking action. House Minority Leader Emilia Strong Sykes, who has been leading the conversation at the Statehouse, has condemned the use of task forces and study groups as scapegoats for government officials to avoid the issue, describing such measures as “willful ignorance” (Tebben 2020).

Education for politicians and in our schools is a key first step. We need to educate our youth about environmental justice. Sharing stories of environmental champions of color and teaching about the history of issues like redlining can teach the next generation about the government's mistakes. Educating medical providers by mandating implicit biases training and about Black specific illnesses is necessary.

Finally, environmental groups can focus on embracing environmental justice, equity, diversity, and inclusion as pillars of their organization. A 2018 survey conducted by a professor at University of Michigan found that 85 percent of the staff and 80 percent of the boards of 2,057 environmental nonprofits were white (Villarosa 2020). These statistics demonstrate the need to consult and amplify Black voices. Environmental groups can also declare their support for groups like the NAACP and movements like Black Lives Matter. They can fund grassroots organizations, especially those primarily representing communities of color. We have a lot of work to do if we are to create an equitable future and environmental protection for all people. COVID-19 is not the first case highlighting environment injustice and will not be the last unless we supplement concrete solutions and frequently measure results against success criteria while jointly embracing Black leaders to ensure that progress is made.

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Ohioan Solutions to the Climate Crisis

Youngjo “John” Lee

Introduction

According to a 2016 report of the United States Environmental Protection Agency (EPA), the climate crisis affects Ohio’s residential environment, natural resources, economy, and health.¹ The First Industrial Revolution brought convenience to humans. However, it came with an unwanted global crisis. Since the start of industrialization in the late 1700s, human activities have increased the amount of carbon dioxide in the air by 40 percent. Humans have emitted other heat-trapping greenhouse gases as well, including methane. As a result, during the last century, most of Ohio warmed by about one degree (F).

Ramifications of a one-degree-change in temperature are appalling. The warmed atmosphere increases evaporation, intensifying extreme weather events. It makes many places more humid and increases the likelihood of heavy rainstorms. At the same time, it contributes to drought of other areas. Although the climate crisis is harming Ohio lives in many ways, there are solutions to the problem. The solutions are sustainable energy innovations and government policies. Those solutions will promote environmental justice for Ohioans already severely affected by the climate crisis.

The Climate Crisis in Ohio

The global climate crisis affects Ohio too.² The climate crisis is likely to make Ohioan floods more frequent. Over the last half century, precipitation during the four wettest days of the year in the Midwest has increased about 35 percent. Also, the water flow of most streams during the worst flood of the year has increased by more than 20 percent. These factors are likely to intensify, increasing the risk of flooding. In March 2015, heavy rains and melting snow made the Ohio River flood Cincinnati and Anderson Township. While climate change is likely to make Ohioan springtime wetter, it is also likely to make Ohioan summer droughts more severe. The

¹ The United States Environmental Protection Agency (EPA), *What Climate Change Means for Ohio* (Aug. 2016), <https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-oh.pdf>, (accessed July 31, 2020).

² Ibid.

EPA expects higher evaporation and lower summer rainfall to reduce river flows. In 2005, the lower parts of Ohio River were closed to commercial navigation due to a drought. It caused delays in transporting crops and other products to and from upper parts of the river, like Ohio.

The climate crisis also affects an essential aspect of Ohioan lives.³ The EPA is concerned about water quality in Lake Erie. According to the EPA, warmer water due to the climate crisis might help harmful algae in a number of ways.⁴ In 2014, toxic algae of western Lake Erie led to the City of Toledo's drinking water shutoff.⁵ 400,000 people around Ohio's fourth-largest city lost access to clean water.⁶ When people ingest microcystin, a toxin created by algae, it can cause multiple illnesses, including liver damage. Boiling the water can make it more toxic. The EPA explained that increasingly severe storms, due to the climate crisis, would exacerbate pollutant runoff from land to water.⁷ Severe rainstorms could also increase the frequency of sewer overflows into the Great Lakes.

The climate crisis is threatening Ohioan agriculture as well.⁸ The EPA expected that increasingly hot summers are likely to disturb corn production and possibly soybean production. According to a report of The Ohio State University Climate Change Outreach Team, "if climate change continues as predicted, corn and soybean yields in Great Lakes states like Ohio and Indiana could decrease 20-30% by 2049 and 40-80% by 2090."⁹ One of Ohio's major industries is agriculture. Corn and soybeans are among Ohio's top agricultural products in terms of annual cash receipts generated.¹⁰

The EPA is concerned that the climate crisis can worsen air quality and existing threats to human health.¹¹ Rising temperatures can help the production of ground-level ozone.

³ Ibid.

⁴ The United States Environmental Protection Agency (EPA), *Climate Change and Harmful Algal Blooms* (Last updated on Dec. 17, 2019), <https://www.epa.gov/nutrientpollution/climate-change-and-harmful-algal-blooms>, (accessed July 31, 2020).

⁵ Adam Rissien, *Everything You Need to Know About the Toledo Water Crisis, One Year Later*, Ohio Environmental Council (July 28, 2015), <https://theoec.org/blog/everything-you-need-to-know-about-the-toledo-water-crisis-one-year-later/>, (accessed July 31, 2020).

⁶ CBS/AP, *Toledo water crisis in second day, but problems long coming* (Aug. 3, 2014), <https://www.cbsnews.com/news/toledo-water-crisis-in-second-day-but-problems-long-coming/>, (accessed July 31, 2020).

⁷ The United States Environmental Protection Agency (EPA), *What Climate Change Means for Ohio* (Aug. 2016), <https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-oh.pdf>, (accessed July 31, 2020).

⁸ Ibid.

⁹ Christina Dierkes, *Investigating the Impacts of Climate Change on Ohio Agriculture and Forests*, The Ohio State University Climate Change Outreach Team (Last updated on June 02, 2011), <https://changingclimate.osu.edu/features/climate-and-ohio-farms>, (accessed July 31, 2020).

¹⁰ Hannah Patterson, *Ohio's Top 10 Agricultural Products*, FARM FLAVOR (March 28, 2018), <https://www.farmflavor.com/ohio/ohios-top-10-agricultural-products/>, (accessed July 31, 2020).

¹¹ The United States Environmental Protection Agency (EPA), *What Climate Change Means for Ohio* (Aug. 2016),

Ground-level-ozone is a pollutant that harms the lungs and heart. High ozone concentrations harm plants too. Ozone levels of rural Ohio have been high enough to slash yields of soybeans and winter wheat. Northern cities like Cleveland should be prepared for heat waves. Many low-income families in the urban settings do not have air conditioning. Also, the urban heat island (UHI) effect makes cities warmer than their rural surroundings. Hundreds of people in the Midwest have lost their lives due to severe heat waves in recent decades.¹²

Sustainable Energy Innovations

Since the start of industrialization, humans have taken advantage of fossil fuels. However, the aftermath of enjoying fossil fuels has disproportionately affected marginalized people. Traditional manufacturing and transportation industries have contributed to the global climate crisis by emitting heat-trapping greenhouse gases. The U.S. transportation sector emits 1.9 billion tons of CO₂ annually, based on 2017 numbers.¹³ Therefore, now is the time to turn to new and renewable energy. There should be more technological innovations to replace fossil fuels. One hopeful example is advancing electric vehicles.

In the past, batteries of electric vehicles had to be charged frequently for a long time compared to putting fuel in a car. However, LG Chem's recent battery innovation made possible long-distance driving and fast charging for zero-emission vehicles.¹⁴ The electric vehicles use pure electric energy of the battery for driving. According to the LG Chem's timeline, in 2010, the first-generation automotive batteries had limited capacity. They allowed less than 200 kilometers of driving distance after a rapid charging time of 60 minutes. In 2020, LG Chem succeeded in commercializing the third-generation automotive batteries. The groundbreaking progress allows more than 500 kilometers of driving distance after a rapid charging time of 30 minutes. If this development continues, maintaining an electric vehicle can be more convenient and less burdensome than maintaining a fossil-fueled vehicle in the near future.

<https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-oh.pdf>, (accessed July 31, 2020).

¹² Ibid.

¹³ YaleEnvironment360, *Transportation Replaces Power in U.S. as Top Source of CO₂ Emissions* (Dec. 4, 2017), <https://e360.yale.edu/digest/transportation-replaces-power-in-u-s-as-top-source-of-co2-emissions>, (accessed July 31, 2020).

¹⁴ *Automotive Battery*, LGCHEM.COM, <https://www.lgchem.com/product/PD00000148>, (accessed July 31, 2020).

Government Policies

Democratic processes and community power can facilitate above-mentioned technological innovations in new and renewable energy. If voters pay attention to the climate crisis and raise their voices about the environmental injustice, politicians will be motivated to work for new and renewable energy. When governments make policies to support companies or people advocating clean energy, we can shift the long-standing status quo of fossil fuel use.

Ohioan statewide approach to electric vehicle charging has the potential to combat the climate crisis.¹⁵ The DeWine-Husted Administration set forth principles of collaboration, innovation, and economic growth. DriveOhio is an initiative of the Ohio Department of Transportation (ODOT) aligned with the principles. It has finalized a study to expand electric vehicles (EV) access throughout the state. The study outlines a new state-wide strategy. A main point of the plan is to have EV charging stations available and installed at least every 50 miles at important locations along corridors throughout the state.

The strategy also calls for collaboration among various state agencies to realize the goal to lead the way in the changing landscape of transportation. In coordination with DriveOhio's study, the Ohio EPA recently opened "the application process for \$3.5 million in grant funds to install publicly accessible 'Level 2' chargers in counties that Ohio EPA has identified as eligible to receive funds from the grant program."¹⁶ "Another \$5 million in grant funding will be released for 'Direct Current Fast' (DC Fast) chargers in early 2021."¹⁷

However, at the same time, the disproportionate electric vehicle tax unfairly burdens Ohioan electric vehicle (EV) owners.¹⁸ The tax as an annual fee of \$200 on EV owners was enacted in 2019.¹⁹ It was intended to make Ohioan EV owners contribute to road repair funding.²⁰ While gasoline-only car drivers pay gas tax for road maintenance, they pay much less than EV drivers. It is "\$79.20 over 365 days between Oct 2019 and Oct 2020, rising to \$92.88 over

¹⁵ *Ohio announces statewide approach to electric vehicle charging*, RICHLANDSOURCE.COM (Jul 5, 2020), https://www.richlandsource.com/news/ohio-announces-statewide-approach-to-electric-vehicle-charging/article_d9599c54-bef9-11ea-90ff-7f742c78cd84.html (accessed July 31, 2020).

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Mark Nabong, *Reducing Unfair EV Fees Helps Ohio Workers*, The Natural Resources Defense Council (March 12, 2020), <https://www.nrdc.org/experts/mark-nabong/reducing-unfair-ev-fees-helps-ohio-workers>, (accessed October 5, 2020).

¹⁹ *Ibid.*

²⁰ Mark Nabong, *High Electric Car Fees in Ohio: Unfair & Counterproductive*, The Natural Resources Defense Council (March 11, 2019), <https://www.nrdc.org/experts/mark-nabong/printers-old-printers-new-electric-cars-me-and-you>, (accessed October 5, 2020).

365 days between Oct 2020 to Oct 2021” for “an average driver in the most fuel-efficient gasoline-only car (12k miles/year, \$2.31 per gallon, 50mpg, non-plug in).”²¹ Due to this unreasonable situation, HB546 was introduced and referred to the Transportation and Public Safety Committee at the Ohio House of Representatives in 2020.²² “If HB546 passes, the registration fee would go down by half to \$100 for drivers of battery electric vehicles (BEVs) and to \$50 for drivers of plug-in hybrid vehicles.”²³

Conclusion

Ohio has a great history of innovation and leadership. Ohio is called “the mother” of Thomas Edison, the Wright brothers, and eight U.S. presidents. Ohioans have been pioneers, trailblazers, and champions of democracy and community power. Connecting the dots leads to a reasonable cause for optimism. Ohioan sustainable energy innovations and government policies can prevent the climate crisis from disproportionately harming marginalized Ohioans. Ohio organizations advocating environmental justice and voting rights will help Ohioans drive the change.

²¹ Ibid.

²² *OH HB546 | 2019-2020 | 133rd General Assembly*, LEGISCAN.COM, <https://legiscan.com/OH/bill/HB546/2019>, (accessed October 5, 2020).

²³ Mark Nabong, *Reducing Unfair EV Fees Helps Ohio Workers*, The Natural Resources Defense Council (March 12, 2020), <https://www.nrdc.org/experts/mark-nabong/reducing-unfair-ev-fees-helps-ohio-workers>, (accessed October 5, 2020).

Bribing Injustice

Matthew Kline

With the recent arrest of Former Ohio House Speaker Larry Householder, Ohioans have gotten a firsthand look at unethical practices in state government, and how this attribute continues to fuel environmental injustice within the state. The issue of environmental justice is a far-reaching concept that impacts people across the country, but due to the complexities of the issue it is often difficult to explain the underlying causes in layman's terms. Each state or governmental polity affords varying levels of resources and support to such initiatives. The degree of implementation of a particular program varies depending on the state or community, resulting in deep economic divides among groups in the country.

Ohio is no stranger to this dynamic; the state's communities include a wide range of economic makeup, ranging from highly affluent suburbs such as Dublin and Avon, old industry cities such as Canton and Youngstown, and the Appalachian mining towns like Glouster. While it is often difficult to proper debate and pass legislation to perfectly serve all of these different regions in the state, citizens are at least expected a decent effort from their public officials to make a good faith effort at governing with an eye toward equity.

One piece of government legislation recently passed by the Ohio Legislature effectively encapsulates all of the issues associated with economic injustice and illustrates how lawmakers failed to an ethic of justice: the government energy bailout known as Ohio's House Bill 6. This controversial piece of legislation, passed after a flurry of financial and advertisement backing, proved to be one of the heatedly debated items of 2019. While the ultimate passage of the bill and the emergence of more pressing matters - such as the COVID-19 pandemic - have pushed the legislation out of the news, the policies pushed in this piece of legislation has wide ranging effects for Ohioans across the state and illustrates the damage that can be caused when environmental justice isn't adhered to.

What is Environmental Justice?

To first understand the impacts House Bill 6 has on environmental justice for Ohioans, we first need to outline the definition of the concept. As stated from the website of the United States Environmental Protection Agency, environmental justice "is the fair treatment and meaningful

involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” When working towards achieving environmental justice, policy makers look to systemic racism and economic discrimination, and work toward alleviating those problems. Examples of these racial or economic signs include placing waste disposal sites in majority minority communities, providing favored communities access to industry resources, or deciding the fate of major development projects without providing local citizens a chance to discuss it.

Background

House Bill 6, known by its title “Creates Ohio Clean Air Program,” was introduced by State Representatives Jamie Callender and Shane Wilkin (Ohio General Assembly). It was passed after 14 weeks of intense legislative debate and accompanied by a flurry of advertising spearheaded by energy companies throughout the state of Ohio for the purpose of propping up the bill (Pelzer). The bill, signed by Governor Mike DeWine on July 23rd, 2019, gives wide-ranging initiative to major energy producers to subsidize nuclear and coal power plants with taxpayer dollars (Pelzer). Under the bill, from 2021 until 2027, every Ohio electricity customer has an additional monthly surcharge that ranges from 85 cents for residential customers to \$2,400 for large industrial plants (Pelzer). The bill sponsors justified the bill on the position that saving the plants in the state saved countless jobs that would’ve otherwise been lost, as well as making energy prices cheaper across the state (Tomich).

In addition to the taxpayer subsidization of major commercial coal and nuclear power plants, the bill has significant renewable energy cutbacks. Despite its recent governing history, Ohio is notable for having one of the oldest renewable portfolio standards in the country, which required the utilities operating in the state to get 12.5% of their power from renewables by 2027 (Roberts). This legislation cripples Ohio’s renewable energy endeavors by reducing the amount of renewable energy utilities are required to get their power from, going from a standard of 12.5% of their power to 8.5%, with a complete exemption from large industrial customers (Roberts). In brief, House Bill 6 undermines the growth of the renewable energy sector in Ohio. This limits impact customer choice, undermines Ohio’s ability to be an economic leader in a growth sector.

It commits Ohio to a fossil fuel-dependent future.

Coupled with all of the bill’s initiatives listed above, the bailout further entrenches the energy companies who tacitly backed the bill and entrenches and solidifies the monopoly power

of a small handful of already powerful conventional energy companies. Along with FirstEnergy, the bill also benefits other big Ohio distribution utilities such as American Electric Power Co., Duke Energy Corporation, and Dayton Power & Light Company (Tomich). With strong financial backing as a result of Ohio ratepayers, along with strong support in the state government, these companies now have almost an unchallenged monopoly on energy production in the state. This dynamic has already been visible when the New York-based company LS Power decided that it would abandon its planned \$500 million expansion of its natural-gas power plant in Troy, Ohio, as a result of the passage of House Bill 6 (Pelzer).

Negative Impact

House Bill 6 is innately harmful to Ohioans' interest and fails to adhere to the confines of environmental justice. There are several categories that feature prominently in this bill that perfectly illustrate the environmental injustice evident.

1. Unequal Rewards

Fair and meaningful participation is critical to advancing environmental justice. The passage of HB 6 was characterized by corruption, and ultimately, the absence of fair and meaningful participation by Ohio's citizenry. As recently revealed, the bill was underwritten and enabled through political corruption, namely through the heavy financial backing of key Ohio lawmakers by FirstEnergy, which had the most to gain from this piece of legislation (Buchanan).

Many of the politicians that supported the bill, including Governor DeWine and House Speaker Larry Householder, received thousands of dollars in campaign contributions from companies like aforementioned FirstEnergy - and Murray Energy, another company that stood to substantially profit from HB 6 (Roberts).

Even more backbencher legislators received kickbacks, as state representatives and state senators who voted for the bill from both parties received thousands of dollars from FirstEnergy's PAC in 2018 (Buchanan). In addition to providing financial backing to these lawmaker's campaign accounts, these same companies threw various sweeteners in as well, such as FirstEnergy loaning Speaker Householder and his son one of their private corporate jets to fly to President Trump's inauguration (Roberts).

These inordinate benefits sadly don't extend in the same significance to the rest of the state. Notwithstanding the incentives provided to lawmakers who passed the bill, incentives

which aren't provided to Ohio citizens, much of the environmental harm resulting from these rescued energy plants are felt by said lawmakers. Many of these legislators reside in residential areas that are generally unaffected the facilities which produce the energy. In particular, the close proximity of coal plants led to increased air pollution in the area and exposed nearby community members to toxic substances which could often lead to respiratory and heart diseases (Patterson).

Compounding these issues is the fact that these plants tend to be located in lower socioeconomic areas; communities that are below the median household income and have lower rates of individuals who've achieved a high school education (Krieger, 61-62). With a high likelihood of not having to deal with the various pollutants these facilities pump into the environment firsthand, these lawmakers far more likely to not see any issues with the environmental impact of the bill. The sheer level of the partnership of the state legislators and the companies in passing the bill, despite widespread opposition to the merits of the legislation, illustrates a divide between those involved in the policy and those most affected by it.

2. Unequal Costs Attributed to Ratepayers

Despite the blatant attempt to bailout certain Ohio energy companies, one of the major justifications for this bill was the money it would save ratepayers in the long run, the sad truth is that this legislation forces Ohio ratepayers to foot the bill for the gross mismanagement of nuclear and coal facilities across the state. House Bill 6 would collect \$50 million per year from Ohioans through 2030 to subsidize the coal fired power plants listed in the legislation, one of which is located in Indiana (Pelzer). In addition, \$150 million of the new surcharge will go to FirstEnergy Solutions (now rebranded as Energy Harbor) to bail out its two nuclear power plants in Ohio. Supporters of HB6 have argued that removal of the mandates balances the increased rate cost, saving money for Ohioans (Roberts). However, the removal of incentives for energy companies to develop a more efficient product will ultimately cost ratepayers much more down the line, as evidenced by the cheaper rates needed to produce renewable energy (Lewis).

There has been precedence for energy companies facing bankruptcy to use taxpayers as a safety valve to help mitigate damages. The California Resources Corporation (CRC), which is the largest oil and natural gas exploration and production company in the state, filed for Chapter 11 bankruptcy this year, on account of almost half of their oil wells failing to produce any of the substance for the past two years (Bacher). The bankruptcy leaves California taxpayers with a huge mess to clean up; namely funds to clean up the abandoned oil wells and dealing

with the fallout of thousands of workers left unemployed (Bacher). The wealthy oil executives who ran the country into the ground meanwhile walk off with their finances mostly intact. Scenarios like only serve the showcase the blatant injustice in the field of energy development, and why government sponsored bailouts of the former are harmful in more ways than just one.

3. Disparate Impact on Communities Based on Geographic Location

Limiting the drive for renewable energy development in the state ultimately results in unfair advantages offered to some communities across the state while limiting those same advantages to others. With the funding of these coal and nuclear power plants, the communities in which these facilities are located gain immense economic benefits in the form of jobs and investments. These benefits were heavily touted by the local officials and labor unions that supported this legislation (Pelzer). These short-term job gains would ultimately be offset though by the aforementioned environmental pollution such plants would distribute and result in far greater economic damage in the form of health and environmental issues than those jobs could make up financially.

At the same time, other communities are forced to not only pay for the bailout of these facilities, they are limited by House Bill 6's established monopoly for the chance to have an energy company come in and set up a facility in their own municipality. The bill's components also disincentivizes distributed forms of energy generation such as roof top solar or behind the meter wind turbines for larger companies, resulting in numerous businesses and energy groups who partake in this emerging industry testifying against the legislation (Roberts). Sadly, with the disruption of the renewable energy incentives, there will be even less development in this highly profitable field, which has consistently been becoming more financially efficient and environmentally efficient compared to traditional energy sources such as oil and coal (Lewis). This will ultimately hurt Ohioans in the long run as many states begin to surpass them due to the economic advantages a diversified energy industry provides. Let alone exacerbate an already fragile eco-system due to a continuing reliance on fossil fuels, which will contribute to even greater levels of climate change and the consequences that go along with that.

Moving Forward

While this legislation has only recently been enacted and passed, any attempts by opponents to mitigate the bill's damage will likely be an uphill battle. Unfortunately for House Bill 6's

detractors, the failure of the statewide referendum to overturn the bill earlier this year largely means that the legislation will be in place for the long run (Ludlow). Due to the heavily gerrymandered nature of the Ohio legislative districts, any attempt by unhappy voters to unseat their representatives will also similarly be likely doomed to fail. Finally, empowered with the recent legislative giftwrapping, the energy company beneficiaries will not only be free to ignore development of alternative energy sources but be in a stronger position to deter any intrastate competition from other companies looking to expand in such areas.

While this current political environment may illustrate that any counteraction is difficult, it is imperative that the general public hold these parties accountable. With recent developments, it may be easier than ever to hold bad actors to account. Since the article was started, Ohio House Speaker Larry Householder was arrested by the FBI on quid pro quo charges pertaining to a \$60 million-dollar bribe case (Wamsley). The bribe in question was provided by FirstEnergy as part of their lobbying efforts with HB 6, thus confirming the problem of lawmakers pushing this bill due to corporate support and not through honest governance.

This high-profile arrest could likely spur more intrusive looks at FirstEnergy and their unethical lobbying process for HB 6, along with the legislators who took the former's funding. Further scandal coming to light would make it that much easier for law enforcement to arrest the perpetrators or for voters to vote throw them out of office, although it will likely be a few more weeks before that phenomenon is evident. New efforts spearheaded by the General Assembly as a result of the scandal surrounding ex-House Speaker Larry Householder to repeal House Bill 6 could bear different results than the aforementioned failed referendum, but at this point it is still too early to tell. Finally, voters will have a chance themselves to bear a greater influence on the political process when Ohio is redistricted next year, giving the possibility of districts more representative of the population. Despite these many obstacles that currently exist in the state of Ohio, proponents of environmental justice should not give up the fight.

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