

PROGRAM REPORT



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

January, 1998

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IMPORTANT VICTORIES IN THE FIGHT FOR ENVIRONMENTAL JUSTICE

The past several months have been notable in the history of the Public Interest Law Center's environmental work.

A LANDMARK DECISION

The national fight for environmental justice took a giant step forward, thanks to a landmark decision from the Third Circuit Court of Appeals in the lawsuit filed by the Public Interest Law Center on behalf of the Chester Residents Concerned for Quality Living.

For the first time, a federal court has recognized that the law allows minority communities to stop the proliferation of waste facilities in their neighborhoods, *and* that they can do this *without* needing to prove that the government *intended* to discriminate against them.

This is a significant victory, because intentional discrimination is usually very difficult to prove. This decision makes it easier for minority communities to get relief from discriminatory environmental practices under the federal civil rights laws.

It also means that states can no longer ignore the impact that proposed facilities will have on minority communities when reviewing permit applications. This decision is expected to drastically change the way environmental permit applications are handled across the country.

This ruling clears the way for the Chester Residents to proceed with their civil rights lawsuit against the Pennsylvania Department of Environmental Protection.

This case has focused national attention on the battle for environmental justice in

poor and minority communities and we look forward to keeping you posted on its progress.

INNOVATIVE AGREEMENTS

After three long years of legal wrangling, Jerry Balter and the Chester Residents Concerned for Quality Living entered into an innovative agreement with the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection and the DELCORA Municipal Sewage Treatment Plant in Chester, Delaware County which will result in a healthier environment for the community.

In addition to agreeing to lower emissions, DELCORA gave our clients over \$200,000 to establish a childhood lead poisoning prevention project. This pioneer project is designed to protect newborns from becoming poisoned by lead paint by educating and helping parents before the children are exposed. According to Jerry Balter, this project will serve as a model for communities like Chester across the country.

A recent grant from the Philadelphia Foundation will enable the Law Center to provide the community with technical and legal services to help the program succeed.

MORE GOOD NEWS

Finally, an agreement was concluded after two years of negotiation with Sun Refining which requires \$5 million in plant improvements to reduce air emissions and gave our clients \$350,000 to improve environmental problems in the South Philadelphia neighborhood.

We are proud to say that seven years of work with the citizens of Chester has had a profound impact on the quality of environment, and on community morale.

City Council passed an ordinance drafted by the Law Center which restricts the construction of additional waste facilities. The Department of Environmental Protection recently denied a permit application for a hazardous waste processing facility. One developer actually withdrew its permit application after a strong wave of opposition from the community. An infectious waste facility closed, and there have been major improvements in the operations of the municipal sewage treatment plan.

Perhaps even more important, the citizens in the community have been effectively organized as environmental activists and are now investigating other sources of pollution that threaten the community.

LAW CENTER UPDATES

FAREWELL TO FRANK: After twenty two years, Frank Laski is leaving the Law Center to head up a disabilities advocacy agency in Massachusetts.

When Frank joined the Law Center in 1975 as head of the Disabilities Project, he was already an accomplished expert in the field of disabilities rights. While at the Law Center Frank litigated many nationally prominent cases, including *PARC II*, which established the right of people with disabilities to a quality education, and the *Pennhurst* case, which began the national movement toward independent living and community-based services

for people with developmental disabilities.

Frank is recognized across the country for his leadership in the disabilities rights field. He served for two years as president of TASH, the largest association of disabilities professionals in the country, and with Tom Gilhool, Judy Gran and Barbara Ransom, Frank built the Law Center into the country's leading advocate for the enforcement of the rights of developmentally disabled persons.

BAR FOUNDATION CHALLENGE: The Philadelphia Bar Foundation has challenged us to raise \$50,000 by January 31, 1998, which it will match with an additional \$25,000. Thanks to this, and to a letter of support from the Mayor, the Superintendent and the Bar Association Chancellor, contributions have been pouring in. Law firm contributions are up from last year. Individuals contributions are up from last year. The Board of Directors has been enormously supportive; many Board members increased or even doubled their gifts. Perhaps the most astounding gift was an \$11,000 anonymous donation, *the second largest in the firm's history.*

We appreciate your generous support and are proud to report to you the good use to which your gifts have been put. We hope that we can continue to count on your generous support in the coming months, because a deficit carried over from 1997 strains our already limited resources.



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***NEXT MONTH: We introduce
our 1998 Board of Directors***