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Voters Strongly Support Key Policies That Would Deter Oil and Gas Companies From Illegally Polluting

By **Tenneth Fairclough II, Catherine Fraser, and Grace Adcox**

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Executive Summary

After years of advocacy by environmental justice organizations calling out unchecked and egregious levels of pollution and [environmental racism](#) from oil, gas, petrochemical, and other industrial facilities, the Biden administration appeared poised to deliver some answers to communities long on the frontlines of environmental injustice. U.S. Environmental Protection Agency (EPA) Administrator Michael Regan made a high-profile [visit](#) to [Louisiana's Cancer Alley](#) in 2021 and the agency [launched](#) a series of civil rights investigations into years of alleged discrimination by Louisiana state officials and agencies, as well as other enforcement officials across the country. But then, the agency [began](#) backing away from these investigations — despite uncovering early [evidence](#) of discrimination — and later a federal court judge in Louisiana [blocked](#) EPA's civil rights investigation into Cancer Alley.

New [polling](#) from Data for Progress finds that a majority of voters disapprove of a recent federal ruling in Louisiana blocking the EPA and U.S. Department of Justice (DOJ) from investigating civil rights violations in Cancer Alley. We also find that a strong majority of voters support enforcing strong penalties on polluters and closing loopholes, like Texas' [notorious affirmative defense loophole](#), that give polluters a pass to pollute without penalty. Moreover, when asked about their attitudes toward specific policies that aim to hold polluting oil and gas facilities accountable, voters overwhelmingly support a suite of proposed actions, including raising fines for repeat permit violators, requiring companies to compensate communities for damages, improving pollution monitoring along the fence lines of facilities, and more.

Our results show strong support for the advocacy efforts of environmental justice organizations in Cancer Alley and beyond, as they continue to call for justice, dignity, and accountability, despite the failings of local, state, and federal governments to protect public health, civil rights, and the environment.

Introduction

In late January, a federal judge in Louisiana [blocked](#) the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) from enforcing provisions of the Civil Rights Act in Louisiana’s Cancer Alley. Encompassing a heavily industrialized stretch along the Mississippi River between Baton Rouge and New Orleans, Cancer Alley is home to [over 200 petrochemical](#) facilities — about 25 percent of total U.S. petrochemical production — that turn oil and natural gas feedstocks into plastics and other raw materials.

Pollution in Cancer Alley doesn’t affect all communities equally. Black communities are more likely to live close to oil, gas, and petrochemical facilities in Cancer Alley and are [most affected](#) by pollution from these facilities, turning communities into long-term “[sacrifice zones](#)” where carcinogens and leaked emissions impact generations of residents. The region’s [outsized rates](#) of cancer and other health problems have led environmental justice advocates, like [RISE St. James’ Sharon Lavigne](#), to dub the region “Death Alley.” A ProPublica investigation [found](#) Lavigne’s own St. James Parish had a cancer risk 47 times that of EPA’s acceptable risk.

Human rights advocates, including experts from the [United Nations](#) (UN) and [Amnesty International](#), have identified egregious human rights violations in the region perpetrated by petrochemical industries with the complicity of local governments. UN experts blame regulators for failing to protect people — particularly Black communities — in Cancer Alley, starkly [describing](#) the impacts of environmental racism in the region:

“This form of environmental racism poses serious and disproportionate threats to the enjoyment of several human rights of its largely African American residents, including the right to equality and non-discrimination, the right to life, the right to health, right to an adequate standard of living and cultural rights.”

Concerns about the impacts of air and water pollution, as well as climate change and extreme weather, extend beyond Cancer Alley. New [polling](#) from Data for Progress finds that a strong majority of voters are “very concerned” or “somewhat concerned” about the impacts of climate change (64%), air and water pollution (74%), and extreme weather events (68%). This includes majorities of Democrats, Independents, and Republicans, except on the issue of climate change, with which only 38% of Republicans report that they are concerned.

Voters Are Concerned About the Impacts of Air and Water Pollution on Their Local Communities

How concerned, if at all, are you about the impacts of each of the following on your community?

Survey respondents who selected: *Very concerned or Somewhat concerned*

	All likely voters	Democrat	Independent / Third party	Republican
Climate change	64%	88%	66%	38%
Air and water pollution	74%	87%	77%	57%
Extreme weather events	68%	83%	69%	52%

February 2–4, 2024 survey of 1,210 U.S. likely voters

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Cancer Alley Advocates Spur Civil Rights Investigation Into the State of Louisiana

After years of effort from environmental justice advocates like [Lavigne](#) and a high-profile [visit](#) to Cancer Alley by EPA Administrator Michael Regan in 2021, the EPA [launched](#) a series of civil rights investigations into Louisiana state environmental regulators in April 2022. The landmark investigations aimed to determine whether state agencies had violated the civil rights of Black residents of Cancer Alley by granting permits to polluting facilities in the region. One investigation [scrutinized](#) the Louisiana Department of Environmental Quality (LDEQ) over permits approved for petrochemical facilities in Lavigne’s [St. James Parish](#) as well as nearby [St. John the Baptist Parish](#), where industrial air pollution plagues predominantly Black communities. Another [examined](#) whether Louisiana’s Department of Health failed to protect Black residents and schoolchildren in St. John the Baptist Parish who lived and attended school near a neoprene facility.

During its investigation, the EPA found [evidence](#) that Black residents of Cancer Alley face an elevated risk of cancer and that Louisiana state environmental agencies and officials knowingly downplayed the threats posed by high levels of air pollution. With the early findings from their investigation, the EPA [began pressuring](#) state agencies to strengthen oversight of polluting facilities, with some state officials signaling openness to doing so.

Yet, despite finding evidence of racial discrimination and making some headway on stronger regulation with state officials, the EPA [closed](#) its investigation in June 2023, five weeks after Jeff Landry, Louisiana’s then-attorney general and current governor, [sued](#) the EPA to end its probe. Even after the EPA dropped its investigation, however, Landry continued his lawsuit, which — if ultimately successful — could pose a significant [threat](#) to the strength and enforceability of key pieces of the Civil Rights Act.

In January, a Louisiana federal judge [issued](#) a preliminary injunction siding with Landry and the state of Louisiana, blocking the EPA's now-defunct investigation into civil rights violations in Cancer Alley and any future civil rights investigations the agency would like to carry out in the state.

In response to EPA's dropped investigation and Louisiana's federal court ruling, RISE St. James' Founder and Director Sharon Lavigne said:

"Hearing about Cancer Alley is one thing, seeing it is another. I started telling the EPA about all the people who were dying. They were overwhelmed with all the information I was giving them.

"We went to EPA because LDEQ isn't helping us at all. In fact, LDEQ is fighting to put this plant two miles from our home. They should be helping us, we're citizens. We are the people, we should be protected. And Louisiana is not protecting us and that's why we went to the EPA.

"They dump everything in Cancer Alley. I think they want us to die. I think they want us to give up our land or just die. They want to come in here, take over St. James Parish, and build industry all along here. But they don't realize that people live here.

"I blame our local leaders. I blame our state leaders for poisoning us and trying to take our lives. EPA doesn't live here. We live here. State and local leaders should stand up for us, but they're in the pocket of industry."

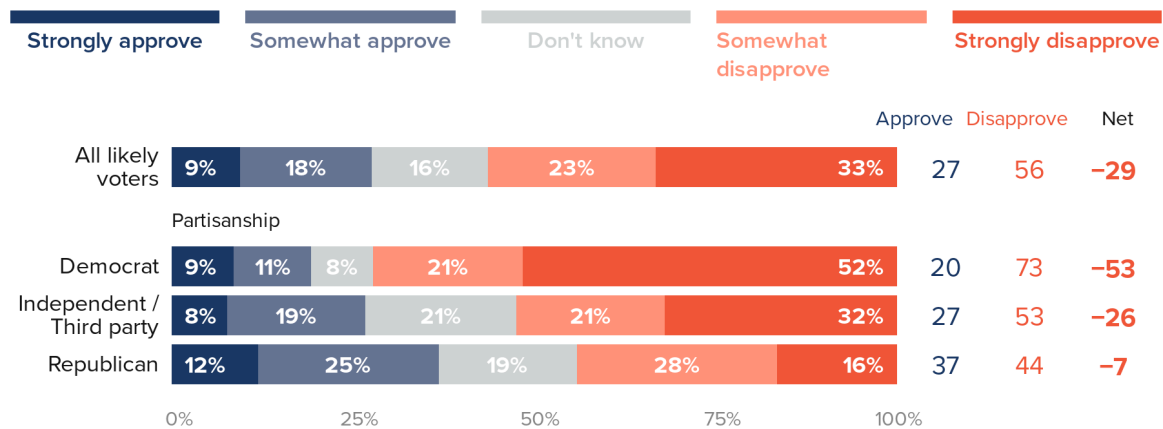
After reading information on the federal ruling to block the EPA and DOJ's investigations, a majority of voters (56%) disapprove of the ruling. This includes a strong majority of Democrats (73%), as well as a majority of Independents (53%). Notably, a plurality of Republicans (44%) also disapprove of the decision to block these investigations — compared with only 37% who approve of the decision.

Voters Disapprove of a Federal Ruling That Blocks the EPA and DOJ From Investigating Civil Rights Violations in Louisiana

A federal judge in Louisiana recently **blocked** the Environmental Protection Agency (EPA) and the Department of Justice (DOJ) from continuing their investigations into whether state agencies in Louisiana had violated the civil rights of residents in St. James Parish.

Their investigations were seeking to determine whether state agencies allowed oil and gas companies to discriminate against Black residents in this parish by permitting them to build their facilities primarily in historically Black communities for years.

Do you approve or disapprove of the federal judge's decision to **block** the EPA and DOJ from investigating state agencies in Louisiana for civil rights violations?



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Regulatory Loopholes Across the Country Continue to Let Polluters Off the Hook

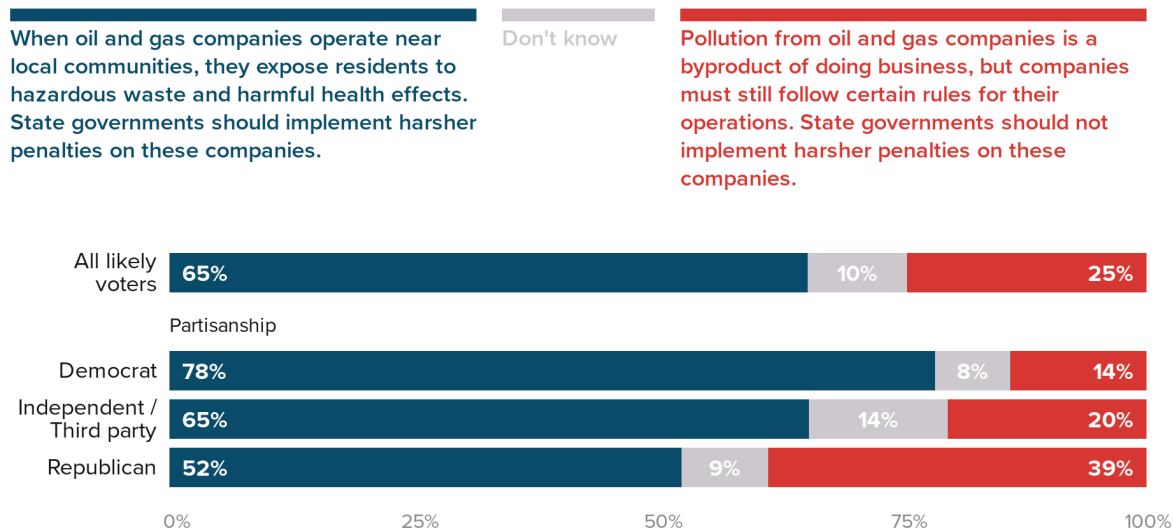
Beyond Louisiana, environmental justice advocates in other states have sounded the alarm about the [disproportionate impacts](#) of oil, gas, and petrochemical facilities on Black and brown communities. In its recent report, Amnesty International [laid bare](#) the human rights violations and implications of the buildout of petrochemical facilities in Texas and Louisiana, and lax enforcement of environmental, human health, and civil rights law. [Research](#) from the Environmental Integrity Project (EIP) highlights just how rarely state agencies penalize companies for air pollution violations. EIP found that petrochemical and other industrial facilities in Texas emitted nearly half a million tons of illegal air pollution between 2016 and 2022, with the state taking enforcement actions on just 0.5% of all emissions events.

With that in mind, we find that voters want state governments to step up enforcement. When asked, nearly two-thirds (65%) of voters believe oil and gas companies should face harsher penalties when operating near communities, compared with only 25% who say state

governments should not implement harsher penalties and keep existing rules around pollution as they are. Proponents of harsher penalties include majorities of Democrats (78%), Independents (65%), and Republicans (52%).

Close to Two-Thirds of Voters Believe State Governments Should Enforce Harsher Penalties on Oil and Gas Companies

When thinking about how state governments regulate oil and gas companies, which of the following statements comes closest to your view, even if neither is exactly right?



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Texas’ environmental agency, the Texas Commission on Environmental Quality (TCEQ), frequently lets industrial polluters off the hook through a loophole called the “[affirmative defense](#),” which allows polluters to claim that illegal emissions were “unavoidable,” and thus ask TCEQ to waive any penalties. One study [found](#) that the loophole is widely used and abused, with polluters claiming the affirmative defense for 97% of all reported illegal air pollution events in 2019. In other words, polluters claimed it almost every single time they illegally emitted air pollution.

John Beard, Jr., Founder and CEO of Port Arthur Community Action Network, described the loophole in stark terms:

“Texas’s affirmative defense sacrifices people for the profit of Big Oil and Gas. This policy is nothing more than a ‘pass’ that allows the petrochemical industry to pollute without regard or consequence.

“The policy is further enabled by allowing companies to avoid making improvements costing millions of dollars that would reduce millions of tons of toxic air emissions.

“It’s past time for Texas to do more to save lives and improve the health and air quality of Texans. We must end the affirmative defense NOW and end this senseless sacrifice of people.”

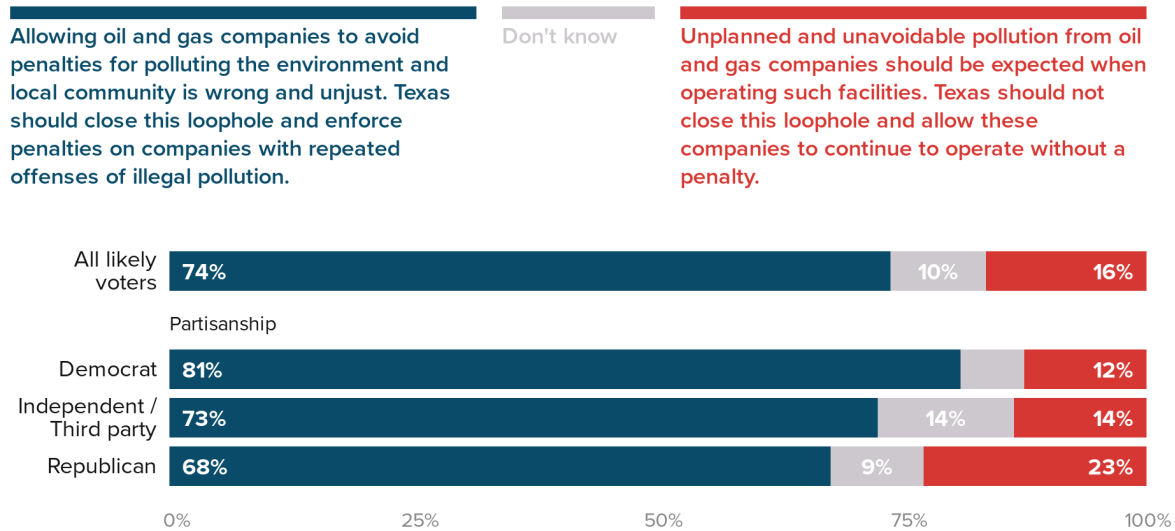
We find that a strong majority of voters (74%) support Texas closing its affirmative defense loophole, including an overwhelming majority of Democrats (81%), Independents (73%), and Republicans (68%).

Voters Strongly Believe Texas Should Close a Loophole That Helps Oil and Gas Companies Avoid Penalties When They Pollute Illegally

In Texas, state law requires oil and gas companies to pay penalties when there is evidence that their facilities have caused irreparable damage and harm to the local environment and community in which they operate.

However, these companies can avoid being penalized by claiming that the pollution their facilities may have caused was "unplanned and unavoidable."

When thinking about this, which of the following statements comes closest to your view, even if neither is exactly right?



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Voters Want Lawmakers to Ramp Up Enforcement Efforts

When asked about their attitudes toward policies to hold polluting oil and gas facilities accountable, voters overwhelmingly support a suite of proposed actions. This includes mandating

automatic inspections of oil and gas facilities after an intentional emissions leakage is identified (87%), enforcing increasingly higher fines on oil and gas companies that operate facilities that frequently break local pollution rules (86%), and requiring oil and gas companies to compensate for the damage they may have caused to the environment or local communities (85%). Voters also support improving pollution monitoring at fence lines of facilities to better identify plants that are illegally polluting (84%), prosecuting managers of facilities that have been repeat offenders of illegal polluting (79%), and permanently shutting down facilities that have been repeat offenders of illegal polluting and revoking their permits to operate in the state (76%).

Voters Overwhelmingly Support Various Policies That Would Deter Oil and Gas Companies From Polluting Illegally

Some state lawmakers are considering implementing policies to deter oil and gas companies from illegally polluting the environment or local community in which they operate.

Please indicate whether you support or oppose each of the following policy proposals

Survey respondents who selected: *Strongly support or Somewhat support*

	All likely voters	Democrat	Independent / Third party	Republican
Mandating automatic inspections of oil and gas facilities after an intentional emissions leakage is identified	87%	88%	88%	84%
Permanently shutting down facilities that have been repeat offenders of illegal polluting and revoking their permits to operate in the state	76%	85%	77%	67%
Improving pollution monitoring at fence lines of facilities to better identify plants that are illegally polluting	84%	87%	85%	80%
Enforcing increasingly higher fines on oil and gas companies that operate facilities that frequently break local pollution rules	86%	89%	88%	83%
Requiring oil and gas companies to compensate for the damage they may have caused to the environment or local communities	85%	90%	85%	80%
Prosecuting managers of facilities that have been repeat offenders of illegal polluting	79%	83%	80%	72%

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Conclusion

Despite recent court actions in Louisiana to block investigations of egregious polluting and civil rights violations from petrochemical industries, voters overwhelmingly support stronger regulation of oil, gas, petrochemical, and other polluting facilities, including mandating automatic inspections on oil and gas facilities after an intentional emissions leakage is identified. These results demonstrate high levels of concern from voters over the impacts of air and water pollution, as well as climate change and extreme weather events, on their communities. They also highlight a strong preference for Texas to close its “affirmative defense” loophole that allows illegal polluters to avoid penalties.

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Survey Methodology

From February 2 to 4, 2024, Data for Progress conducted a survey of 1,210 U.S. likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, geography, and voting history. The survey was conducted in English. The margin of error is ± 3 percentage points.