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How Environmental Racism Prevails: a Case Study Of Asthma Alley

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Abstract

Asthma Alley may sound like a fictional setting in apocalyptic literature, yet it is the unofficial name of a neighborhood in the Bronx, New York. This essay examines the history of environmental racism in Mott Haven, Bronx, and the emergence of South Bronx Unite— a climate justice movement formed in response to the polluted air of Asthma Alley. For almost a century, the South Bronx has been systematically neglected, exploited, and tarnished. The legacies of redlining, urban planning and rapid industrialization continue to perpetuate the environmental health crisis in the present. This essay contributes to literatures on environmental justice which address systemic racism and its intersections with public health. By focusing on the hyper-localized case study of Mott Haven through empirical evidence and an analysis of grassroots advocacy, I argue, we can better understand how systems contribute to maintaining environmental injustice. The work of South Bronx Unite in challenging existing policy frameworks which perpetuate the Asthma Alley crisis illuminates that environmental racism is not a modern phenomenon, but rather is a result of systemic racism and neglect embedded into our institutions. Lastly, it aims to bridge the gap between academic theory, public policy, and community action within current environmental justice literature.

Author's Note

This paper aims to deconstruct the policy manifestations of environmental racism in a case study of “Asthma Alley”, by highlighting the systemic contributions of economic and urban development to public health disparities. Through an analysis of South Bronx Unite’s activism and legal battles, this study develops how current policy frameworks, such as New York’s SEQRA laws, continue to perpetuate environmental racism in marginalized communities. By situating this case within the broader discourse of urban policy, this research highlights the necessity of historical policy analysis to address gaps within current environmental and developmental legislation. Further analysis of the limitations of grassroots advocacy in overcoming

systemic marginalization should be a key component of informing policy gaps and consequentially, reforms.

Keywords: Environmental racism, Marginalization, Redlining, Urban renewal, Environmental justice, Economic development

The Marginalization of the Bronx/ Historical Background

Redlining and Segregation

The roots of the environmental racism prevalent in Mott Haven can be traced back to the Great Depression. The extensive bank foreclosures of family homes prompted President Roosevelt to pass the National Housing Act of 1934, marking the birth of the Federal Housing Administration (FHA), which was created to provide mortgage insurance to family homes. In 1935, the FHA asked the Home Owners' Loan Corporation (HOLC) to create "Residential Security Maps" of 239 cities, ranking neighborhoods from A to D, with A being the most desirable (and least risky) and D being the most undesirable (and most risky). The FHA's underwriting manuals criteria required the use of racial covenants to determine the value of new housing and access to home loans. Neighborhoods with black or latino populations were categorized as high-risk investments, even if the homes were well-maintained or the area had a stable economy (Jackson, 1980). The FHA characterized communities of color as "infiltration"s and "adverse influences" (Federal Housing Administration, 1938). These racist policies led to neighborhoods with as little as a 5-10% Black or Puerto Rican populations classified as type D (Ndiaye, 2020). This is known today as redlining, or the racial segregation of neighborhoods in the United States (Federal Housing Administration, 1938). Redlined/D-graded areas saw a distinct increase in African American and people of color populations compared to neighboring C-graded areas over the 20th century— a direct representation of the segregation that ensued (Aaronson et al., 2021). Moreover, the FHA's appraisal manuals advised banks to avoid lending in neighborhoods with "inharmonious racial groups", leading to chronic disinvestment and a plethora of socioeconomic problems related to poverty (Aalbers, 2007). The Residential Security Maps became the blueprint for urban and suburban planning, as they were used as guidelines to reconstruct American neighborhoods post-Great Depression. This planted the seeds for current-day environmental and health disparities, with research widely establishing that previously redlined neighborhoods are highly correlated with disproportionate levels of climate-related health risks (Swope et al., 2022).

Urban Renewal & White Flight

This segregation, both racial and mapped, led to the chronic disinvestment, neglect, and decline of neighborhoods like Mott Haven, as they were essentially deemed negligible. Redlining denied Black and Latino residents access to homeownership, while white families relocated to suburban areas through federal housing loans, a phenomenon known as white flight (Gibbons, 2024). The Bronx became even more of a haven for black and brown families in the mid-late 1900's, as a result of urban renewal policies (also known as 'Negro Removal') which demolished and gentrified urban neighborhoods in 'plight'(Sze, 2007). These policies displaced thousands of black and brown families, pushing them into redlined neighborhoods such as the Bronx: "In 1960, 50 percent of the [Bronx's] population was white, 10 percent black, and 40 percent Puerto Rican. By 1970, the black and Puerto Rican population was over 90 percent" (Sze, 2007). During this time the South Bronx became dangerously overcrowded, with it becoming common practice for landlords

to section single apartments for multiple families. By the 1960s the South Bronx became a literal dumpster for NYC, where blocks were cleared and NYC's waste was dumped- influenced by redlining zoning laws. In 1968 alone, fires in the South Bronx had increased by 50% (Muniz, 2024). The city took no action; in fact NYC was heading towards bankruptcy. Instead, NYC closed six fire companies in the South Bronx, and defunded many more- while simultaneously adding fire companies to a whiter and richer North Bronx (Zimmerman, 2011). By the 1980s, 80% of the housing in the South Bronx was destroyed, and over a quarter million people were displaced (PIX11 News, 2019). This came to be known as the Decade of Fire- one of the most drastic environmental racism terrors the South Bronx has endured at the hands of systemic neglect. This destruction perpetuated by a lack of funding, resources and infrastructure effectively turned the South Bronx into a large and dangerous slum, giving the Bronx the reputation that has lasted decades: dangerous, dirty, poverty stricken and crime ridden.

The Role of Urban Planning

As the South Bronx experienced the lasting plight of redlining, so did Mott Haven- through the means of urban planning. From 1934 to 1960 Robert Moses assumed the position of Commissioner of the New York City Department of Parks and Recreation and Chairman of the New York States Council of Parks (Sarachan, 2013). Despite building the New York we know today, Robert Moses earned a reputation of controversy through his career, being known to disregard perpetual public opposition to his work (Chronopoulos, 2013). Moses created numerous public authorities without ever being elected and controlled millions of dollars to fund ventures with little to no oversight. Uncoincidentally, redlined communities of color, such as Mott Haven, bore the brunt of this work. Mott Haven is encircled by the city's most concentrated network, including the Bruckner Expressway, the Sheridan Expressway, the Cross-Bronx Expressway, the Major Deegan Expressway, the Willis Avenue bridge and the Third Avenue bridge (Sze, 2007). During the construction of these highways in the 1960s, thousands of Bronx communities were destroyed, displaced, and divided (Resisting Displacement in the Southwest Bronx: Lessons from CASA's Tenant Organizing, 2017). Worse, these highways and bridges channel pollution via the highest concentrated network of diesel truck traffic in New York, laying the groundwork for the disproportionate asthma rates that would soon emerge (Butini, 2018).

This long history of racialized discriminatory policies and, consequently, governmental neglect and disinvestment set the stage for what we see today in communities like Mott Haven- disproportionately impacted by public health crises. The roots of environmental racism can be traced directly to governmental agencies and individuals in power who saw and treated Black and Latino communities as expendable, less-than, and unimportant. *As redlining disempowered communities of color such as Mott Haven, it seemingly gave a green light to policymakers to exploit and force the burden of whiter, affluent communities onto redlined ones.* Today this manifests as *Asthma Alley*

Industrial Concentration In Asthma Alley

In order to truly understand the magnitude of environmental racism in Mott Haven, it is necessary to delve into the history of the Harlem River Yard. The Harlem River Yard (The Yard) is a 106-acre industrial facility on the southern waterfront of Mott Haven. Bought by the New York State Department of Transportation (DOT) in 1982, The Yard was leased to a private developer, the Harlem River Yard Ventures Inc. (HRYV), for 99 years in 1999. The HRYV's proposed use for The Yard was approved after an Final Environmental Impact Statement by a HRYV consultant concluded that "trucks and other sources of air emissions associated with all the uses set forth in HRYV's land use plan would not have any significant adverse effect on air quality in the Bronx" (South Bronx Clean Air Coalition v. New York State Department of Transportation, 1995). Yet today The Yard is home to bus depots, tracker trailer distribution centers, numerous waste facilities, peak power plants, oil and fossil fuel facilities, a sewage-treatment plant and truck traffic from some of the busiest wholesale produce, meat and fish markets in the world. An interactive map provided by South Bronx Unite, a grassroots non-profit advocating for environmental justice in the South Bronx, shows polluting facilities along the South Bronx waterfront. Mott Haven, outlined in red, is disproportionately saturated with such facilities (orange). Though the Bronx's garbage is no longer dumped on city blocks in the South Bronx, the borough's waste transfer facility was placed in the most polluted and poor county of the city. Moreover, this high density industrialization of Mott Haven stands extremely disproportionate to NYC's median. While New York City-wide industrial land use is at a mere 3.5 percent, 21.6 percent of Mott Haven's land is used for industry (*NYC Community District Profile*, n.d. & *NYC Planning ZolA*, 2025). Respectively, the Black and Latino populations NYC-wide and within Mott Haven are 51.5 percent versus 96.6 percent (Demographic Profile -New York City Community Districts 2000 Census SF1 Bronx Community District 1, n.d.). It is not only industrial zoning which disproportionately affects Mott Haven residents, but also waterfront access. Before the 1950s period of urban planning, South Bronx residents enjoyed waterfront access to the Harlem River, fostering a vibrant riverside economy. At this point two thirds of the Bronx's population was White (Gonzalez, 2004). This waterfront access ended with the construction of the Major Deegan Expressway in 1956 (Rolston, 2012). By the end of the expressways construction, in 1960, two thirds of the Bronx was Black and Hispanic (Gonzalez, 2004). Today, along the entirety of the South Bronx, there are only two points of waterfront access- one of which is privately owned (NYC Waterfront Access Map, 2025). On the other hand, the entirety of lower Manhattan (with an exception of 5 blocks below 23rd street), has public waterfront access (NYC Waterfront Access Map, 2025). These drastic disparities portray how the early legacy

of governmental policies and city planning persisted over a century to curate one of New York City's most marginalized communities.

To contextualize the impacts of the highways and industries that encircle Mott Haven on the health of residents, it's important to note that "more than 1.8 million children per year worldwide develop asthma due to exposure to nitrogen dioxide (NO₂), a traffic-related air pollutant" (Environmental Defense Fund, 2024). Moreover, freight trucks and buses account for half of transportation related nitrogen-



oxide emissions. Mott Haven's waterfront, The Yard, is polluted by industrial factories with large trucking operations. Just one, Fresh Direct, places 2,000 trucks going in and out of Mott Haven daily. Mott Haven, encircled by highways, has the highest pediatric asthma hospitalization rate in New York City—502.7 per 10,000 children, compared to just 22.4 in Bayside-Little Neck (NYC Department of Health, 2021). Another study, which placed air pollution monitors on a group of school children with

asthma in Mott Haven and other parts of the South Bronx, found that these children were exposed to abnormally high levels of air pollutants, and were twice as likely to attend a school near a highway compared to children from other parts of the city (Goodnough, 2006). In fact, soot from truck's diesel exhaust had the worst effects on the children's asthma. The effects of this pollution is far reaching, with children in the South Bronx missing school for asthma-related complications 25 percent more than children in other neighborhoods (A Special Report on Asthma from the New York State Assembly, n.d.). For a child in Mott Haven, an simple asthma attack places heavy burden on families, as many parents/guardians can't afford to call out of work, much less afford extensive hospital bills, given that almost 50 percent of Mott Haven Residents live below the poverty line (South Bronx Unite, n.d.). The public health impact of this pollution was not a sudden development. It developed over time as the problem compounded from redlining, to urban renewal, to urban planning and disinvestment, resulting in the escalating environmental and health crisis which exists today.

South Bronx Unite

Despite decades of environmental health hardships, residents of the South Bronx community have fought back against the systemic neglect and pollution. The efforts of South Bronx Unite (SBU), a grassroots environmental conservation organization, have focused on protecting the social, environmental and economic future of Mott Haven and Port Morris. Founded in 2012, SBU emerged in response to the announcement of a deal between New York City and Fresh Direct- a grocery delivery service. Within the terms of the deal, the city offered Fresh Direct a \$120

million subsidy, under the premise that the company relocate its warehouse to The Yard (Bronx Borough President, 2012). The deal was intended to keep Fresh Direct in New York, beating out a \$100 million offer from New Jersey, after Fresh Direct announced its decision to relocate from Long Island City. The proposed move would add roughly 2,000 trucks moving in and out of the Mott Haven area daily (Weinberger, n.d.). The chosen site already housed a FedEx hub, *The New York Post* printing and distribution center, and a 5,000-ton-per-day waste transfer station- making the relocation of another pollutant heavy industry a major health concern. Fresh Direct's relocation to The Yard exemplifies historical patterns of environmental racism, in this case, industrial zoning in marginalized neighborhoods.

SBU was founded by neighborhood residents, community leaders and organizations that came together to recognize and oppose what they recognized as corporate disregard which would further devastate the health and quality of their community. Initially named South Bronx Unite Stop Fresh Direct!, the group originated as outraged residents and groups organizing protests and demonstrations against the initial plan. They demanded for the New York Industrial Development Agency (IDA) to block the deal using their vote in the decision making process- according to city law, any proposed industrial development must be approved by the IDA. Prior to the vote, Bronx Borough President Ruben Diaz Jr., the Bronx Overall Economic Development Corporation and Fresh Direct reached a “memorandum of understanding”, a verbal agreement addressing community concerns (Alexander et al., n.d.). It asserted that FreshDirect would serve new Bronx neighborhoods, accept EBT benefits, and decrease the company's reliance on fossil fuels via purchasing ‘green’ vehicles. The South Bronx, which has some of the highest unemployment rates in the city, saw no gains from the relocation. What FreshDirect did was promise to create 1,000 jobs over 10 years, and out of those, only 30 percent of them would be for South Bronx residents- maybe. That is only 300 jobs for a community with a 46.2 percent unemployment rate and 36.3 percent poverty rate (The South Bronx: An Economic Snapshot, 2023 and Explore Census Data, n.d.). Moreover, Fresh Direct did not offer its services to over 90 percent of the Bronx, including the South Bronx (Wisnieski, 2012). It only delivered to wealthier, northwestern Riverdale and Kingsbridge sections of the Bronx. However, none of these agreements were on paper, for they were nothing more than an understanding. South Bronx Unite contested that the deal with Fresh Direct was non-binding, meaning that if Fresh Direct did not deliver on its promises, it would not face penalties. On the day of the vote, locals and organizers rallied outside the Industrial Development Agency's headquarters. However, their efforts fell through, as the deal passed with an overwhelming majority.

Nonetheless, South Bronx Unite continued to oppose Fresh Direct's relocation. Members turned to social media, posters, and word of mouth to continue to rally support, raise awareness, and gain as much media attention as possible. A simple google search of “stop Fresh Direct” will provide dozens of articles and media sources covering the devastating environmental and health impacts of the move, most of which reference South Bronx Unite. Locals continued to voice their concerns and grievances. As community board member Mychal Johnson asserted, “The South Bronx is the poorest congressional district in the nation, continuously dumped on with all the worst New York City has to offer” (Alternet.org, 2012). Residents had their

problems ignored while the city continued to shower cash on corporations, a long standing struggle of governmental neglect that the South Bronx is familiar with (South Bronx Clean Air Coalition v. New York State Department of Transportation, 1995). South Bronx Unite soon turned to other methods to contest the relocation of Fresh Direct. In a last attempt to demonstrate collective community disapproval of the development, SBU organized for a citywide boycott of Fresh Direct, launching boycottfreshdirect.com, a website no longer available. Then, they sued. This paper will now explore the methods of South Bronx Unite's struggle against the relocation of Fresh Direct to highlight existing institutional frameworks allowing for environmental racism to continue to be perpetuated despite existing environmental justice frameworks.

Lawsuit

On June 18, 2012, South Bronx Unite (SBU) filed a lawsuit against several city entities, including the New York City Industrial Development Agency (IDA), the New York State Department of Transportation (DOT), and Harlem River Yard Ventures, Inc. The lawsuit was filed under three premises. First, the lawsuit contended that the NYC Industrial Development Agency failed to conduct an adequate environmental review of Fresh Direct under the New York State Environmental Quality Review Act (SEQRA), specifically section 8-0113(1) (South Bronx Unite! V. New York City Industrial Development Agency, 2014). This provision of SEQRA requires Environmental Impact Statements (EIS) for “determining whether or not a proposed action may have a significant effect on the environment, taking into account social and economic factors to be considered in determining the significance of an environmental effect, including whether it may cause or increase a disproportionate pollution burden on a disadvantaged community” (SEQRA, Environmental Conservation Law § 8-0113(1)). The legal basis of this rests on the principle of environmental justice law, meant to prevent discriminatory practices which expose marginalized communities to harmful environmental conditions. This is a key legal framework where environmental racism can be legally challenged.

In 1993, the Dept. of Transportation (DOT) conducted and submitted an Final Environmental Impact Statements (1993 FEIS) of the Harlem River Yard Ventures' (HRYV) Land Use Plan for The Yard. However, in 2012, when FreshDirect was proposed to move to The Yard, Fresh Direct commissioned a private environmental impact review. Based on this review, the Industrial Development Agency issued what is known as a “Negative Declaration”, which asserts that if a proposed project would have no significant negative impacts, it avoids the need for a new EIS. This Negative Declaration allowed the IDA to rely on the findings of the 1993 FEIS. South Bronx Unite's lawsuit sought to annul the negative declaration under the premises that the 19 year old 1993 FEIS was drastically outdated on accounts of rezoning, the influx of new residents, and didn't account for the city's (then) current approved plans for The Yard. Moreover, SBU stipulated that the IDA's classification of Fresh Direct as a “minor modification” failed to account for the impacts of greenhouse gas emissions, which were not adequately addressed in the 1993 FEIS (South Bronx Unite! V. New York City Industrial Development Agency, 2014). Therefore, SBU sought to annul the negative declaration and compel the IDA to

conduct a new EIS, or at very least, a supplementary EIS to properly assess the environmental impacts of Fresh Directs relocation.

The second part of the lawsuit concerns the original lease of the Harlem River Yard to HRYV by the DOT. In the original lease contract (provide a date), 28 acres of The Yard were to be set aside for an intermodal rail terminal. This intermodal rail hub was intended to reduce truck traffic and pollution in Mott Haven by serving the transportation needs of the industries within The Yard. However, by 2012, it had still not been built. SBU contended that the relocation of Fresh Direct encroaches on the reserved land, thus rendering its move to be in violation of the contract. Lastly, the third and final cause of action argued that Fresh Direct's acceptance into the New York Excelsior Jobs program, which provided it \$19 million in tax credits, was illegal (South Bronx Unite! V. New York City Industrial Development Agency, 2014). The New York Excelsior Jobs program was created to support industries such as "clean-tech, broadband, informational systems, renewable energy and biotechnology." According to the statute by which the program was created, certain types of businesses were explicitly excluded from receiving tax credit. Specifically, businesses engaged in "predominantly in the retail or entertainment industry" were excluded from the program (Empire State Development, 2017). A google search of "is fresh direct a retail business" will provide that the Empire State Development Corporation overstepped its boundaries by admitting Fresh Direct into the New York Excelsior Jobs program. Thereby, SBU sought to invalidate Fresh Direct's acceptance into the program.

On May 24, 2014 the Bronx Supreme Court dismissed the lawsuit brought by South Bronx Unite, and FreshDirect was cleared to relocate to the Harlem River Yard. The court dismissed SBU's request for a new Environmental Impact Statement on the premise that Fresh Direct's commissioned review sufficiently showed that no significant environmental harm would occur. SBU's claim that FreshDirect would interfere with the intermodal terminal was dismissed due to the fact that the statute of limitations for the suit had passed. Statute of limitations refers to the legal time limit within which an entity can bring legal action. Lastly, SBU's efforts to remove Fresh Direct from New York Excelsior Jobs program was dismissed as SBU failed to name a specific officer or employee of the state responsible for illegally accepting Fresh Direct into the program. In 2014, South Bronx Unite attempted to appeal the dismissal of their lawsuit in 2013, but the appeal was unsuccessful as the court upheld the decision to not require a supplemental Environmental Impact Statement (South Bronx Unite! V. New York City Industrial Development Agency, 2014). Fresh Direct moved forward with its plans to relocate, opening in 2018.

Policy Implications

Unfortunately, the court's firm claim that the communities surrounding FreshDirect would not experience significant environmental harm would quickly be proven false. In the years following their defeat in court, South Bronx Unite partnered with Columbia University to conduct a study on the truck and vehicle flow impacts on air quality, from June 2017 to May 2020- before and after the opening of Fresh Direct's facility. The study showed a significant increase in diesel truck and vehicle traffic,

especially overnight, with the overall traffic increase being between 10 and 40 percent (Grocery Depot Brings Increased Traffic to the South Bronx, 2020). Moreover, the research showed an increase of $0.003 \mu\text{g}/\text{m}^3$ in black carbon air pollution after Fresh Direct's move (Grocery Depot Brings Increased Traffic to the South Bronx, 2020). This seemingly miniscule increase in pollution is consequential, as even the smallest increases of pollution in neighborhoods with poor air quality can tangibly exacerbate health consequences for residents (Grocery Depot Brings Increased Traffic to the South Bronx, 2020).

This measured polluting consequences of Fresh Direct's move to The Yard directly refutes the Bronx Supreme Court's claim that Fresh Direct's independent review sufficiently showed no significant harm would occur. The disproportionate environmental degradation and consequential health risks in Mott Haven had been well documented and established prior to the announcement of Fresh Direct's relocation (Sze, 2007). Moreover, the significant impact of diesel vehicles on such degradation had been widely proven, through the history of urban planning, research, and even hospitalization rates. Nonetheless, Mott Haven saw a prioritization of economic development over public health and quality of life once again. However, the plight of South Bronx Unite's efforts highlighted the specific legal and institutional frameworks preventing environmental justice from succeeding. In this sense, the failure of SBU's efforts provides us with the ability to pinpoint the exact measures needed to protect communities of color from further marginalization and neglect. Next, this paper will discuss these key frameworks and patterns within them, in the case of SBU's efforts, and then within the context of broader environmental racism crises.

SEQRA Frameworks

The dismissal of South Bronx Unite's request to conduct a new Environmental Impact Statement highlights a longstanding history of disregarding the public concerns of marginalized communities. Economic development has historically and systemically been prioritized over the livelihood of communities of color, such that inequalities grow proportionally to urban growth and development (Nicoletti et al., 2022). To start with, the governmental framework to allow and rely on the findings of corporate-funded (essentially) self-evaluations is inherently flawed, as seen by the case of Fresh Direct. Section 8-0105 of SEQRA stipulates that the Industrial Development Agency may require an applicant to submit an environmental report to aid the agency in determining if an Environmental Impact Statement is needed. Fresh Direct's self-funded findings proved (by Columbia University's study) to downplay the severity of the situation- as is often the case with corporate ventures (Margolis & Walsh, 2003).

Moreover, the lawsuit's dismissal of conducting an Environmental Impact Statement, highlights the ineffectiveness of such systems meant to protect at-risk communities. The premise on which the suit was dismissed was that Fresh Direct's independent review did not indicate significant environmental damage. Yet according to New York State law, such reports are only meant to "assist" the Industrial Development Agency IDA's findings, which must be "their own independent judgement". Given that this judgement was solely based on Fresh Direct's review, it is

accurate to conclude that the independent review determined, not assisted, Industrial Development Agency's findings. This goes to say that even when environmental/social justice laws do provide rather 'rigid' instructions within legislation, they aren't strictly followed in the face of corporate interests. By allowing Fresh Direct to relocate without an Environmental Impact Statement, the credible public concerns about health and environmental justice- which such laws are meant to validate- were treated as expendable by the Industrial Development Agency. The Industrial Development Agency was founded to promote economic development- a principle that has historically taken precedence over the autonomy of communities of color such as Mott Haven (Margolis & Walsh, 2003). By having entities that are founded upon the principles which have caused harm to marginalized communities, to in turn protect them, creates systems that are intrinsically contradictory and ineffective. It does not come as a surprise that an economic agency dismissed valid community concerns at the word of a corporation, circumventing proper enforcement of the SEQRA laws it is bound by. Though in the past couple decades America has seen an influx of restorative justice policies and systems, the validity, credibility, and effectiveness of them is questionable. This case of Fresh Direct exposes such systems to be simply performative in nature: asserting a commitment to environmental justice while allowing for the same patterns of harm to persist.

Here, three main flaws within NYS's SEQRA laws are presented: allowing for corporate self-evaluations, lack of proper enforcement, and enforcement by an economic agency.

Bureaucratic Frameworks

A clearer form of institutional neglect is seen in the legal framework of the court's dismissal of removing Fresh Direct from the New York Excelsior Jobs Program. In the court's Amicus Curiae brief, the judge stipulated that under state finance law, SBU needed to name a specific individual(s) responsible and clearly trace the state's improper expenditures. Here, the nuances of bureaucracy were used to avoid government accountability. By preventing marginalized communities from holding decision-makers accountable, the ruling highlights a critical flaw. This verdict legally renders substantiated claims and concerns irrelevant, in effect facilitating environmental racism. In the case of Mott Haven, such nuances contributed to the health disparities that resulted in disproportionate death rates during the COVID-19 pandemic (New York State Comptroller , 2023).

Policy Standards

The initial decision to relocate Fresh Direct to The Yard also highlights faults in our current policy standards. The inability of strong, local, organized opposition to block the initial relocation decision is a testament to the lack of public voice and accountability in the SEQRA and land use planning process. A recurring theme highlighted throughout this movement was the lack of accessibility community members had to the politics that were shaping their lives. SBU and many other critics of the deal spoke out about its lack of transparency, but more importantly, its lack of democratic process. No elected official had a vote on the \$120 million subsidy deal,

nor did local community boards hear of the deal until it was announced (Brooklynites Share Development Fight Lessons with Boogie down Brethren, 2012). Moreover, the only public meeting that did occur was two days after the proposal was announced, and in the Financial District- a district with the highest income rates in NYC, and one an hour away from Mott Haven (Alternet.org, 2012). Tactics to keep marginalized communities uninformed of harmful agendas have a long history in aiding environmental racism crises (Sze, 2007). Evenmore, when locals and community activists strongly voiced their opposition to the relocation of Fresh Direct, the government's response was strongly aimed towards appeasing community concerns instead of reciprocating and addressing them. The 'memorandum of understanding', brought by the then Bronx Borough President, reached agreements with Fresh Direct regarding environmental, job, and accessibility concerns prior to its relocation. The last clause within this agreement pertains to the details of liability if the agreements are not met: "No officer, agent, or employee of any of the parties hereto shall be charged with any liability" (Bronx Borough President, 2012). By listening to the concerns of community members and then announcing that an understanding was reached between the government (on behalf of the community) and Fresh Direct, Bronx Borough President Diaz misled that these concerns would be met. However, they were not- at most they were simply relayed. For instance, one of the many 'agreements' made by Fresh Direct was a 5-year plan to convert to a fully electric fleet of trucks. Today, 12 years later, Fresh Direct's fleet still utilizes diesel fuel(Campaign against Fresh Direct, n.d.). Public agreements like the memorandum of understanding are only effective in deceiving the public and/or dismissing their concerns. Ensuring that public opinion is voiced in policy making is a fundamental tenet of American politics, and its importance is only furthered by the fact that Fresh Direct's relocation was funded by taxpayer dollars. Essentially, residents of Mott Haven were forced to pay for an industry which they widely opposed. This case emphasizes institutional patterns dating back to redlining: a lack of transparency, access, and acknowledgement of concerns.

Implications

These systemic frameworks highlight the need to deconstruct and analyze current policies in order to implement reforms which are actually effective. This case study effectively pinpoints systemic frameworks in New York that continue to perpetuate the Asthma Alley crisis. Currently, the New York State Department of Environmental Conservation (DEC) is responsible for the oversight of SEQRA laws, while implementation is handled by local agencies. First, this research calls for SEQRA laws to ensure that the environmental review process is solely conducted by an agency dedicated to conservation measures (DEC), independent of conflicting goals (such as in the case of the IDA), instead of delegating responsibility to locally selected departments. Moreover, it demonstrates the need for a more rigid EIS conduction process- one that does not hold place for self-funded corporate reviews. While current SEQRA laws encourage public participation in the EIS process, this case study demonstrates the lack of effectiveness in this commitment and asserts that the legislation must require a vote before a development is approved, which includes a local governmental body (community boards) and at least one locally elected official. Second, it recognizes the ability of bureaucratic nuances to circumvent government

accountability and calls for reform of such bureaucratic frameworks when pertaining to high risk policy. Lastly, this research calls for an independent (government contracted) agency specific to handling public participation in SEQRA laws, such that the public is effectively provided notice of proposed developments, public hearings are adequately accessible, and public comments and concerns are documented, ensuring engagement and transparency throughout the whole process.

Conclusion

This paper is a critical, detailed examination of how environmental justice movements struggle not because of a lack of merit but because of structural barriers embedded in governance and policy. This paper delves deep into the history and roots of environmental racism in Mott Haven, and shows how policy decisions made the neighborhood into what it classified it as- hazardous. The legacy of racism in communities like the South Bronx manifests in more ways than just one, creating- health, socioeconomic, civil liberty- barriers to the livelihood of communities of color. In order to dismantle these barriers, the full scope of how our institutions have adopted them must be better understood. This research zooms into environmental racism- establishing that environmental justice policy must be bulletproof in order to protect lives.

South Bronx Unite's struggle against Fresh Direct illustrates the ongoing environmental racism in Mott Haven and the (some of the) varying systems of institutional neglect which perpetuate it. From its foundation, South Bronx Unite's efforts were hindered by seemingly invisible systems which revealed themselves as the marginalization of Mott Haven was threatened and tested. These failures specific to SBU highlight broader trends of governmental neglect in communities of color. From performative environmental justice laws to governmental lack of transparency- recognizing and analyzing the systems which hinder justice movements is crucial to dismantling them. There are clear patterns within such ineffective and harmful systems that are crucial to recognize in order to safeguard our communities. South Bronx Unite's efforts revealed a large network of discriminatory policies which inhibited its original goal. These issues highlight a broader crisis: not all Americans are fairly represented in the policy-making process. This is well documented in academic literature, where the policy-making is disproportionately responsive to the preferences of socioeconomically affluent constituents and businesses (Inequality and American Democracy, 2025). This results in whiter, more affluent communities, having a more effective voice in policy than disadvantaged communities. This is exemplified through the bureaucratic nuances used to dismiss government accountability in SBU's suit, the lack of government transparency surrounding Fresh Direct's relocation and Borough President Diaz's memorandum of understanding. This paper's proposed solutions- public stake (vote) in the decision making process, an independent agency tasked with public engagement, elimination of corporate self evaluations, and enforcement by means of the DEC- allow for marginalized communities to have a streamlined and tangible voice in the policies which impact them. The methodology of this paper- examining the failures of justice movements- precisely pinpoints systemic barriers to institutional reform. Moreover, this method to dismantle systemic failures can be employed among broader policy reform efforts. This study calls for a shift in the way

current literature examines institutional failures, and in turn, reforming the way policy is informed by academics. Lastly, it calls for citizens to recognize the patterns which often accompany and aid governmental neglect, namely, an institutional lack of transparency, access and acknowledgement of concerns.

References

- Aaronson, D., Hartley, D., & Mazumder, B. (2021). The Effects of the 1930s HOLC “Redlining” Maps. *American Economic Journal: Economic Policy*, 13(4), 355–392. JSTOR. <https://doi.org/10.2307/27087218>
- Alexander, S., Balicer, S., Bender, R., Cohen, A., Contant, B., Creaney, A., Durham, T., Fanuzzi, R., Feldmeier, A., Fettman, B., Friedman, P., Froot, S., Ginty, R., Goodman, M., Graham, N., Heller, M., Khury, M., Ladimer, I., Lowe, R., & Marquez, S. (2012). *BRONX COMMUNITY BOARD NO. 8 MINUTES OF MEETING HELD ON FEBRUARY 14, 2012 AT MANHATTAN COLLEGE SCHOOL OF ENGINEERING, 3825 CORLEAR AVENUE PRESENT*. https://www.nyc.gov/html/bxcb8/downloads/pdf/board_minutes_021412.pdf
- Alternet.org. (2012, March 5). *How FreshDirect Delivers Misery Along With Your Groceries--And How Workers and the Community are Fighting Back*. Alternet.org. https://www.alternet.org/2012/03/how_freshdirect_delivers_misery_along_with_your_groceries--and_how_workers_and_the_community_are_fighting_back#
- Benedict, M. (2020, May 12). FreshDirect depot traffic in South Bronx significantly impacts air quality. Phys.org. <https://phys.org/news/2020-05-freshdirect-depot-traffic-south-bronx.html>
- Bronx Climate Justice North. (n.d.). Campaigns: Bronx united against FreshDirect. <https://bronxclimatejusticenorth.wordpress.com/campaigns/bronx-united-against-freshdirect/>
- The Bronx Times. (2014, March 22). Nine protesters arrested at Harlem River Yard. <https://www.mothavenherald.com/2014/03/22/nine-protestors-arrested-at-harlem-river-yard/>
- Brooklynites Share Development Fight Lessons with Boogie Down Brethren*. (2012, March 12). Bronx Matters. <https://bronxmatters.com/2012/03/12/brooklynites-share-development-fight-lessons-with-boogie-down-brethren/>
- Butini, C. (2018, January 30). *Asthma By The Numbers*. Medium. <https://medium.com/asthma-in-the-south-bronx/asthma-by-the-numbers-73553b2c9621>
- Diaz, R. (2012, February 14). Memorandum Of Understanding. <https://bronxboropres.nyc.gov/pdf/mou-bronxbp-boedc-freshdirect.pdf>
- Empire State Development. (2017, January 10). Excelsior Jobs Program | Empire State Development. [esd.ny.gov](https://esd.ny.gov/excelsior-jobs-program)

Environmental Defense Fund. (2024). EDF mapping reveals where traffic pollution harms children's lungs. Global Clean Air. <https://globalcleanair.org/traffic-pollution-harms-childrens-lungs/>

Explore *Census* *Data.* (n.d.). Data.census.gov.
https://data.census.gov/profile/Bronx_County

Federal Housing Administration. (1938). *FEDERAL HOUSING ADMINISTRATION· NATIONAL HOUSING ACT OF THE UNDERWRITING AND VALUATION PROCEDURE UNDER TITLE II UNDERWRITING MANUAL.*
<https://www.huduser.gov/portal/sites/default/files/pdf/Federal-Housing-Administration-Underwriting-Manual.pdf>

Gibbons, J. (2024). Linking U.S. government-sponsored redlining to early-stage white flight, 1940–1950. *Urban Geography*, 1–22.
<https://doi.org/10.1080/02723638.2024.2305591>

Gonzalez, E. (2004). *The Bronx*. Columbia University Press.

Grocery Depot Brings Increased Traffic to the South Bronx. (2020, May 12). Columbia University Mailman School of Public Health.
<https://www.publichealth.columbia.edu/news/grocery-depot-brings-increased-traffic-south-bronx>

The Guardian. (2015, March 9). FreshDirect and environmental racism in the South Bronx. <https://www.theguardian.com/us-news/2015/mar/09/fresh-direct-south-bronx-clean-air-environmental-racism>

ICIS NYU. (n.d.). Waste transfer stations in the South Bronx.
https://icisnyu.org/south_bronx/wastetransferstations_000.html

In the Matter of South Bronx Clean Air Coalition, and S.P.M. Environmental, Inc., Intervenor-Respondent v. New York State Department of Transportation, and Bronx Community Paper Company, Intervenor-Appellant, (Appellate Division of the Supreme Court of the State of New York August 10, 1995).
<https://www.courtlistener.com/opinion/6127481/south-bronx-clean-air-coalition-v-new-york-state-department-of/>

Jackson, K. T. (1980). Race, Ethnicity, and Real Estate Appraisal. *Journal of Urban History*, 6(4), 419–452. <https://doi.org/10.1177/009614428000600404>

Jacobs, L. R., & Skocpol, T. (2007). *Inequality and American democracy : what we know and what we need to learn*. Russell Sage Foundation.

Lamont-Doherty Earth Observatory. (n.d.). Asthma Alley: Green spaces field trip with South Bronx Unite. <https://lamont.columbia.edu/news/asthma-alley-green-spaces-field-trip-south-bronx-unite>

- Margolis, J. D., & Walsh, J. P. (2003). *Corporate Social Responsibility: A Case Study Approach*. Pearson Education.
- Moses, R. (n.d.). Robert Moses. Wikipedia. https://en.wikipedia.org/wiki/Robert_Moses
- Muniz, I. (2024). *Ashes of the Past: The Story of the South Bronx Fires*. The Science Survey. <https://thesciencesurvey.com/features/2024/11/07/ashes-of-the-past-the-story-of-the-south-bronx-fires/>
- Ndiaye, D. (2020, September 14). *How the Bronx Burned*. Bronx River Alliance. <https://bronxriver.org/post/greenway/how-the-bronx-burned>
- New York City Department of City Planning. (2000). *Demographic Profile -New York City Community Districts 2000 Census SF1 Bronx Community District 1*. <https://www.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2000/59cdprof.pdf>
- New York City Department of City Planning. (n.d.). *Bronx Community District 1*. New York Department of City Planning. <https://communityprofiles.planning.nyc.gov/bronx/1#main>
- New York City Department of Health. (2021). Epi Data Brief: Asthma in New York City. <https://www.nyc.gov/assets/doh/downloads/pdf/epi/databrief126.pdf>
- New York State Comptroller . (2023). DiNapoli: The South Bronx Sees Economic Growth Despite Pandemic Challenges. Office of the New York State Comptroller. <https://www.osc.ny.gov/press/releases/2023/11/dinapoli-south-bronx-sees-economic-growth-despite-pandemic-challenges>
- Nicoletti, L., Sirenko, M., & Verma, T. (2022). Disadvantaged communities have lower access to urban infrastructure. *Environment and Planning B: Urban Analytics and City Science*, 50(3), 239980832211310. <https://doi.org/10.1177/23998083221131044>
- NYC Community District Profile. (n.d.). [Communityprofiles.planning.nyc.gov/bronx/1#indicators](https://communityprofiles.planning.nyc.gov/bronx/1#indicators)
- NYC Planning ZoLa. (2025). Nyc.gov. <https://zola.planning.nyc.gov/1/zoning-district/M1-5%2FR8A?layer-groups=%5B%22neighborhood-tabulation-areas%22%2C%22street-centerlines%22%2C%22zoning-districts%22%5D&search=false&selectedCouncilDistricts=%5B%5D&selectedOverlays=%5B%5D&selectedZoning=%5B%5D>
- NYC Waterfront Access Map. (2025). Nyc.gov. <https://waterfrontaccess.planning.nyc.gov/profiles/2010004?visibleLayerGroups=%5B%22waterfront-access--entry-points%22%2C%22waterfront->

access--publicly-owned%22%2C%22waterfront-access--
wpaas%22%5D#17.08/40.808649/-73.931785

NYU Study on Trucks and Asthma. (2006, October 29). Asthma and trucks in the South Bronx. The New York Times. <https://www.nytimes.com/2006/10/29/nyregion/29asthma.html>

PIX11 News. (2019). “Decade of Fire” doc examines infamous Bronx blazes of 1970s. In *You Tube*. <https://www.youtube.com/watch?v=-TiaUeRT1m0>

Resisting Displacement in the Southwest Bronx: Lessons from CASA’s Tenant Organizing. (2017, May 18). Issuelab.org. <https://search.issuelab.org/resource/resisting-displacement-in-the-southwest-bronx-lessons-from-casa-s-tenant-organizing.html>

Rolston, L. E. (2012). A New Bronx Tale: Gateway Center and Modern Urban Redevelopment. *Focus on Geography*, 55(2), 63–74. <https://doi.org/10.1111/j.1949-8535.2012.00045.x>

The South Bronx: An Economic Snapshot. (2023). <https://www.osc.ny.gov/files/reports/osdc/pdf/report-13-2024.pdf>

South Bronx Unite. (n.d.). About us. South Bronx Unite. <https://www.southbronxunite.org/about-us/>

South Bronx Unite. (n.d.). Air pollution and public health. <https://www.southbronxunite.org/air-pollution-and-public-health>

South Bronx Unite. (n.d.). *Campaign Against Fresh Direct*. SOUTH BRONX UNITE. <https://www.southbronxunite.org/campaign-against-fresh-direct>

South Bronx Unite. (n.d.). Map of South Bronx waterfront polluting facilities. <https://www.southbronxunite.org/map-of-south-bronx-waterfront-polluting-facilities>

A Special Report on Asthma from the New York State Assembly. (n.d.). Nyassembly.gov. https://nyassembly.gov/write/upload/comm/postings/2001/20010907_0002136/

Swope, C. B., Hernández, D., & Cushing, L. J. (2022). The Relationship of Historical Redlining with Present-Day Neighborhood Environmental and Health Outcomes: a Scoping Review and Conceptual Model. *Journal of Urban Health*, 99(6). <https://doi.org/10.1007/s11524-022-00665-z>

Sze, J. (2007). *Noxious New York : the racial politics of urban health and environmental justice*. Mit Press.

Weinberger, D. (2012). For the People, by the People Environmental Justice, Community Engagement, and the Need for a Form- Based Code in New York

City. <https://www.roosevelthouse.hunter.cuny.edu/devdev/wp-content/uploads/2012/04/2012.05.15-PUPOL-400-Spitzer-Weinberger.pdf>

What types of neighbourhoods are redlined? on JSTOR. (2024). *Jstor.org*. <https://doi.org/10.2307/41107379>

Wikipedia. (n.d.). Redlining. <https://en.wikipedia.org/wiki/Redlining>

Wisnieski, A. (2012, February 15). Under the Wire. The Riverdale Press. <https://www.riverdalepress.com/stories/under-the-wire,49920>

Zimmerman, R. (2011). Book Review of *The Fires: How a Computer Formula, Big Ideas, and the Best of Intentions Burned Down New York City—and Determined the Future of Cities*, by Joe Flood, New York: Riverhead Books, The Penguin Group, 2010, 352 pages. *Journal of the American Planning Association*, 77(4), 12–13.\