

IN THE SUPREME COURT OF THE STATE OF GEORGIA

FRIENDS OF THE CHATTAHOOCHEE)
and SIERRA CLUB,)

Petitioners/Appellees,)

PETITION NO. S09C1879

LONGLEAF ENERGY ASSOCIATES,)
LLC, and DR. CAROL COUCH,)
DIRECTOR, ENVIRONMENTAL)
PROTECTION DIVISION, GEORGIA)
DEPARTMENT OF NATURAL)
RESOURCES,)

COURT OF APPEALS CASE
NOS. A09A087, A09A0388

Respondents/Appellants.)

AMICUS BRIEF OF COALITION FOR THE
PEOPLES' AGENDA IN SUPPORT OF
PETITION FOR CERTIORARI
OF SIERRA CLUB AND FRIENDS OF THE CHATTAHOOCHEE

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**BRIEF OF AMICUS CURIAE COALITION FOR THE
PEOPLES' AGENDA IN SUPPORT OF SIERRA CLUB AND FRIENDS OF
THE CHATTAHOOCHEE**

I. INTRODUCTION AND STATEMENT OF IDENTITY AND INTEREST

Amicus Curiae Coalition for the Peoples' Agenda (CPA) respectfully submits the following brief in support of the petition for certiorari submitted by Sierra Club and Friends of the Chattahoochee seeking review of the decision issued by the Georgia Court of Appeals on July 7, 2009. CPA is a group of member organizations whose mission is to improve the quality of governance in Georgia, including, among others, the following organizations:

- American Federation of Labor - Congress of Industrial Organizations
- Atlanta Black Agenda
- Concerned Black Clergy
- Friends of Sweet Auburn
- Georgia Association of Black Elected Officials
- Georgia Coalition of Black Women
- The King Center
- Laborers' International Union
- MLK March Committee
- National Association for the Advancement of Colored People
- National Council of Negro Women

- Southern Christian Leadership Council
- SCLC/W.O.M.E.N., Inc.

CPA's agenda includes political, economic, and racial concerns voiced by the people around the state. In particular, CPA maintains an Environmental Justice Committee that works to address environmental concerns impacting the quality of life in Georgia. The mission of the Environmental Justice Committee is to work with local communities and environmental organizations to help ensure a focus on environmental justice. Air quality is among the issues in which CPA has been actively participating. CPA represents numerous individuals and interest groups who recognize the importance of and wish to protect environmental justice.

Environmental injustice is a grave threat to the state of Georgia and the nation as a whole. The disproportionate siting and impact of environmental hazards in and near low-income communities and communities of color is well documented. The construction of Longleaf Energy Station (the "Longleaf Plant") in Early County will continue the trend of environmental injustice in Georgia. Therefore, the purpose of this amicus brief is to make the Court aware of the CPA's concerns regarding and the public importance of the negative impacts that construction of the proposed plant will have on environmental justice.

II. ARGUMENT AND CITATION OF AUTHORITY

- A. The Environmental Justice movement has resulted from the growing recognition that low-income communities and communities of color host polluting industries in disproportionate rates.**

Environmental injustice is an ongoing nationwide problem. The issue emerged as a critical concern in 1982 when citizens of Warren County, North Carolina, protested against the state government's decision to allow the dumping of 6,000 truckloads of soil laced with toxic polychlorinated biphenyls (PCBs) in the predominantly African American and poor county.¹ Residents and their allies, infuriated by state officials who dismissed concerns over PCBs leaching into drinking water supplies, met the trucks with six weeks of marches and nonviolent street protests.² Although toxic waste was eventually deposited in the landfill, the story of people vehemently protesting to protect their homes from a toxic assault drew national media attention.³

¹ Renee Skelton and Vernice Miller, NRDC, *The Environmental Justice Movement*, available online at: <http://www.nrdc.org/ej/history/hej.asp>.

² *Id.*

³ *Id.*

In 1987, shortly after the Warren County protests, the United Church of Christ issued the landmark environmental justice study *Toxic Wastes and Race*. The study's comparison of the racial makeup of areas near hazardous waste facilities to those further away established that race was the most reliable predictor of proximity to such sites.⁴

Then, in 1991, the First National People of Color Environmental Leadership Summit was held in Washington, D.C. 650 national and grassroots leaders from around the world attended the Summit. Delegates broadened the mission of environmental justice advocates beyond the early anti-toxics focus to include issues of public health, worker safety, land use, transportation, housing, resource allocation, land use, and community empowerment. Delegates also adopted 17 "Principles of Environmental Justice" as a guide for grassroots organizers, non-governmental organizations, and government officials seeking to secure environmental justice.⁵

In 1992, the United States Environmental Protection Agency (EPA) also became involved in environmental justice issues. The EPA established an

⁴ Commission for Racial Justice, United Church of Christ, *Toxic Wastes and Race in the United States: A National Report on the Racial and Socio-Economic Characteristics of Communities with Hazardous Wastes Sites* (1987), available at <http://www.ucc.org/about-us/archives/pdfs/toxwrace87.pdf>.

⁵ Robert D. Bullard et al., *Toxic Wastes and Race at Twenty: 1987-2007* 3 (March 2007) (hereinafter, "*Toxic Wastes and Race at Twenty*"), available at <http://www.ejrc.cau.edu/TWART%20Final.pdf>.

Environmental Equity Workshop to study allegations of disproportionate waste siting and general environmental inequities. This workgroup confirmed the findings of earlier organizations: that racial minorities and low-income people were disproportionately exposed to lead, air pollutants, hazardous waste facilities, contaminated fish, and agricultural pesticides in the workplace.⁶ Also in 1992, as a result of the working group's findings, the EPA created the Office of Environmental Justice (OEJ) to coordinate EPA's efforts to address environmental justice issues.

The issue of environmental justice attained further salience in the executive department in 1994. In Executive Order 12,898, the President acknowledged the importance of considering environmental justice in administering federal programs and called upon agencies to take measures to address the disproportionate, adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The order states:

To the greatest extent practicable and permitted by law, ... each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental

⁶ U.S. Environmental Protection Agency, *Environmental Equity: Reducing Risk for All Communities* (1992), available at http://www.epa.gov/compliance/resources/publications/ej/annual-project-reports/reducing_risk_com_voll.pdf.

effects of its programs, policies, and activities on minority populations and low-income populations in the United States.⁷

Although executive orders are not binding, the order illustrates the growing federal cognizance of the problem.

In 2007, twenty years after the United Church of Christ released *Toxic Wastes and Race*, the same organization completed a subsequent study entitled *Toxic Wastes and Race at Twenty: 1987-2007*, which found that little progress had been made.⁸ Disproportionately large numbers of people of color still live in communities with hazardous waste sites, and people of color are not equally protected by environmental laws.⁹ As a result, Robert Bullard, the principal investigator of the study and director of the Environmental Justice Resource Center at Clark Atlanta University, stated that “[p]eople of color across the United States have learned the hard way that waiting for government to respond to toxic contamination can be hazardous to their health and the health of their communities.”¹⁰

⁷ Exec. Order No. 12,898, 59 Fed. Reg. 7629 (1994).

⁸ *Toxic Wastes and Race at Twenty*.

⁹ *Id.* at xii.

¹⁰ *Report shows minorities hurt by environmental justice: Katrina response not an anomaly*, National Council of Churches of Christ (Feb. 26, 2007), available at <http://www.nccecojustice.org/toxicwasteandrace.htm>.

B. People of color and low-income citizens are disproportionately located near and impacted by environmental hazards, including coal-fired power plants.

1. Minority and low-income neighborhoods are disproportionately located near environmental hazards, including coal-fired power plants.

Toxic Wastes and Race at Twenty measured racial and socioeconomic disparities of the populations surrounding hazardous waste sites.¹¹ If percentages of people of color are higher in host neighborhoods than in the non-host comparison areas, then a racial disparity is said to exist.¹² Based on 2000 census data, areas with commercial hazardous waste facilities are 56% people of color whereas non-host areas are 30% people of color.¹³ In other words, percentages of people of color as a whole are 1.9 times greater in areas near hazardous waste facilities.

Likewise, socioeconomic disparities exist if poverty rates are higher, or mean household incomes and housing values are lower, in host neighborhoods than in non-host areas.¹⁴ The study found that poverty rates in host neighborhoods are in

¹¹ *Toxic Wastes and Race at Twenty* at 50.

¹² *Id.* at 51.

¹³ *Id.* at 52.

¹⁴ *Id.* at 51.

fact 1.5 times greater than in non-host areas (18% vs. 12%). Mean owner-occupied housing values are also disproportionately low in neighborhoods with hazardous waste facilities. In 2000, the mean housing value in host areas was only 85% of that in non-host areas (\$135,510 in host areas vs. \$159,536 in non-host areas).¹⁵

Coal-fired power plants in particular are among the hazards that are disproportionately sited in minority and low-income neighborhoods. In 2002, the Coalition for the Peoples' Agenda, along with other public interest groups, published the report *Air of Injustice*.¹⁶ The report chronicles how African Americans are affected by air pollution emitted by coal-fired power plants.¹⁷ Using 1990 census data, the report concluded that 68% of African Americans, contrasted with 56% of the white population, live within 30 miles of a coal-fired power plant.¹⁸ The report also noted that new power plants are more likely to be sited in African American communities than in white communities.¹⁹ The report similarly

¹⁵ *Id.* at 52.

¹⁶ Black Leadership Forum, Clear the Air, Georgia Coalition for the Peoples' Agenda, and the Southern Organization for Economic and Social Justice, *Air of Injustice* (2002), available at http://www.catf.us/publications/reports/Air_of_Injustice.pdf.

¹⁷ *Id.* at 3.

¹⁸ *Id.*

¹⁹ *Id.* at 7.

concluded that lower-income communities are the homes of a disproportionately high number of coal-fired power plants.²⁰

Several noteworthy sites in Georgia illustrate that dirty industries are often sited near minority and low-income communities. For instance, nearly all (95.29%) of the people living in the census tract containing the Woolfolk Chemical Works, Inc. hazardous waste site in Peach County—a highly-contaminated former pesticide, insecticide and herbicide production facility—are people of color.²¹ Similarly, people of color comprise 63.10 percent of the people in the census tract containing the LCP Chemicals site in Glynn County, the former home of an oil refinery, paint manufacturing company, power plant, and chlor-alkali plant, all of which contributed to its contamination with mercury, PCBs, metals, and semi-volatile compounds.²²

²⁰ *Id.*

²¹ Rena Steinzor and Margaret Clune, Center for American Progress and Center for Progressive Reform, *The Toll of Superfund Neglect: Toxic Waste Dumps and Communities at Risk* (hereafter, “*The Toll of Superfund Neglect*”) at 148-149 (2006), available at www.progressiveregulation.org/articles/Superfund_061506.pdf; Environmental Protection Agency Region 4, *NPL Site Summary: Woolfolk Chemical Works, Inc.*, available at www.epa.gov/Region4/waste/npl/nplga/wolfokga.htm.

²² *The Toll of Superfund Neglect* at 144-145; Environmental Protection Agency Region 4, *NPL Site Summary: LCP Chemicals Georgia Inc.*, available at www.epa.gov/region04/waste/npl/nplga/lcpincga.htm.

2. People of color and low-income citizens are disproportionately impacted by environmental hazards, including coal-fired power plants.

The numbers of people of color and low-income families near power plants are not mere statistics; they correlate directly to numerous health issues. Power plants are major sources of some of the most common and harmful air pollutants.²³ In particular, the Longleaf Plant would annually emit 8 to 9 million tons of carbon dioxide; thousands of tons of sulfur dioxide, nitrogen oxides (which lead to the formation of ground-level ozone), particulate matter, and sulfuric acid mist; and a host of other hazardous air pollutants, including mercury.²⁴ The pollutants emitted by power plants contribute to numerous health effects, including asthma, spread of infectious disease, coughing, shortness of breath, and others.²⁵

The best-known and most-studied of these health effects is asthma, which is aggravated, and may even be caused, by exposure to sulfur dioxide, ozone, and particulate matter. Asthma disproportionately affects African Americans. A recent national study found that African Americans are four times more likely to be hospitalized and five times more likely to die from asthma than non-African

²³ *Air of Injustice* at 7-8.

²⁴ 36-R-18000-18001.

²⁵ *Air of Injustice* at 9.

Americans.²⁶ Various studies cite exposure to air pollution, poor access to health care, and poverty as contributing to this problem.²⁷

The mercury that is emitted by coal-fired power plants and makes its way into the flesh of fish is a potent neurotoxin that can severely and permanently damage the human nervous system and kidneys when ingested, resulting in health effects including lowered intelligence, learning disabilities, increased risk for cardiovascular disease, and infertility.²⁸ Mercury contamination has reached such high levels in many waters that fish tissue samples routinely violate health-based limits, resulting in issuance of numerous fish consumption advisories in at least 45 states.²⁹ However, fish advisory systems are often ineffective at adequately

²⁶ See American Academy of Allergy, Asthma and Immunology, "Asthma Disparity Research Highlighted in February JACI" (Feb. 9, 2006), *available at* www.newswise.com/p/articles/view/517942.

²⁷ *Air of Injustice* at 10; see also R.C. Gwynn and G.D. Thurston, *The Burden of Air Pollution: Impacts Among Racial Minorities*, 109 *Environmental Health Perspectives* 501-506 (2001); Jonathan I. Levy, Susan L. Greco, and John D. Spengler, *The Importance of Population Susceptibility for Air Pollution Risk Assessment: A Case Study of Power Plants Near Washington, DC*, 110 *Environmental Health Perspectives* 1253-1260 (2002).

²⁸ E.g., EPA, 65 Fed. Reg. 79825, 79827 (Dec. 20, 2000); Luanne K. Williams, *Health Effects of Methylmercury and North Carolina's Advice on Eating Fish* (March 2004), *available at* <http://dig.abclocal.go.com/wtvd/healthyfish.pdf>.

²⁹ State and Territorial Air Pollution Program Administrators (STAPPA)/Association of Local Air Pollution Control Officials (ALAPCO), *Regulating Mercury from Power Plants: A Model Rule for States and Localities* 10

protecting public health. For example, the United States Department of Health and Human Services conducted a 1995 study that found that most subsistence fishermen in the Florida Everglades were unaware of or did not change consumption patterns in response to mercury consumption advisories.³⁰ The public health impacts of mercury contamination are especially pronounced in communities of color and low-income communities, simply because those populations tend to have higher rates of subsistence fishing and lower opportunities for education about the impacts of mercury.³¹

In Georgia, the trends are similar. Statewide, the death rate from asthma for African Americans is 3 times that of whites, and African Americans are 2.1 times more likely to be hospitalized with asthma.³² The effects of mercury are also widespread in Georgia: The Environmental Protection Division has estimated that

(November 2005), available at <http://www.4cleanair.org/FinalMercuryModelRule-111405.pdf>.

³⁰ United States Department of Health and Human Services, *Health Study to Assess the Human Health Effects of Mercury Exposure to Fish Consumed from the Everglades* (1995).

³¹ *Air of Injustice* at 12.

³² Angela D. Blackwell et al., Georgia Department of Human Resources; Division of Public Health; Chronic Disease, Injury, and Environmental Epidemiology Section, *The Burden of Asthma in Georgia 2003* 10, 11 (2003).

more than 20,000 children within Georgia may be born each year with blood levels “at or greater than the level of concern related to subtle neurological effects.”³³

For low-income Georgians, exposure to air pollution can be exacerbated by inadequate access to health care. Without proper care, asthma and other respiratory problems, and mercury poisoning, can lead to terrible and sometimes fatal consequences. Thus, while air pollution poses a threat to all of us, communities of color and lower income communities often face a greater risk of exposure to the negative environmental and public health effects of decreased air quality.

C. The proposed Longleaf Plant will have disproportionate impacts upon low income citizens, people of color, and the undereducated in Early County.

The disproportionate percentage of underprivileged people in Early County that will suffer from the proposed Longleaf plant’s harmful pollutants evidences the gravity and concern arising from the construction of the plant and necessitating review of the Court of Appeal’s July 7, 2009 Order. Compared to the rest of Georgia and the nation as a whole, Early County has a higher percentage of

³³ Letter from Carol Couch, Director, Georgia Environmental Protection Division, to EPA Docket Center, Re: EPA Comments: EPA’s Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Proposed Rule and the National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units; Proposed Rule, Docket ID No. OAR 2002-0056 (June 29, 2004).

impoverished individuals, people of color, and adults who have less education.³⁴ These factors illustrate the dire environmental justice impacts of the Longleaf Plant.

- 1. Average income and home values in Early County are significantly lower, and the poverty rate higher, than in Georgia and the U.S. as a whole.**

Early County is significantly more impoverished than the rest of Georgia and the nation as a whole. As seen in Table 1, reported income in Early County is substantially less than in the state of Georgia and the U.S. While the Georgia figures are somewhat lower than the U.S. figures, they are still almost twice as high as the Early County figures.

³⁴ This analysis uses 2006 figures where available; however, some figures for 2006 were not available, so earlier figures have been used as noted.

Table 1. Incomes in the U.S., Georgia and Early County (2005)³⁵

	U.S.	Georgia	Early County
Median income	\$55,832	\$45,604	\$27,841
Average income	\$72,585	\$60,849	\$36,339

In addition to the lower median and average income of Early County, home prices in Early County are substantially less than those of Georgia and the U.S.

The 2000 Census reported that the median home value in Early County was \$58,600, whereas for Georgia as a whole it was \$111,200 and for the U.S. it was \$119,600.³⁶ Though the U.S. Census Bureau does not report median housing value data within the last few years for the whole of Early County, Zip Demographics³⁷ for three major towns within Early County reports comparably low housing values

³⁵ U.S. Census Bureau: United States – Selected Economic Characteristics: 2005, http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2005_EST_G00_DP3&-ds_name=ACS_2005_EST_G00&-_lang=en&-redoLog=false (U.S.); U.S. Census Bureau: Georgia- Selected Economic Characteristics: 2005, http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=04000US13&-qr_name=ACS_2005_EST_G00_DP3&-context=adp&-ds_name=ACS_2005_EST_G00&-tree_id=306&-_lang=en&-redoLog=false&-format= (Georgia); Point2Homes: Early County Demographics- Neighborhood Demographics, <http://homes.point2.com/Neighborhood/US/Georgia/Early-County-Demographics.aspx> (Early County).

³⁶ U.S. Census Bureau: Early County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/13000.html> (Georgia and U.S.); <http://quickfacts.census.gov/qfd/states/13/13099.html> (Early County).

³⁷ Available on Lexis-Nexis as ZIP Rezone, published by Claritas. Search path: Legal > Area of Law - By Topic > Class Actions > Investigate Person, Property & Business > ZIP Demographics. Zip codes for Blakely, Damascus and Jakin are 39823, 39841, and 39861, respectively.

for 2006. For the towns of Blakely, Damascus, and Jakin in Early County, median home values for 2006 were \$63,743, \$69,848, and \$55,682, respectively.³⁸ The 2006 median housing value for Georgia was well over twice as high at \$156,800; the national median housing value was even greater at \$185,200.³⁹ Furthermore, power plants such as the Longleaf Plant have often been considered a nuisance that depress neighboring home values,⁴⁰ so this trend will likely be exacerbated by the construction of the Longleaf Plant.

The percentage of individuals who meet the criteria for poverty in Early County is also substantially greater than in the state of Georgia and the nation as a whole. The percentage of people below the poverty level for 2004 in Georgia was 14.8%, while the national average was 13.1%.⁴¹ For that same year, the poverty level for Early County was 23.9%, almost double the Georgia and national levels.⁴²

³⁸ *Id.*

³⁹ U.S. Census Bureau: United States and States- R2510. Median Housing Value of Owner-Occupied Housing Units. http://factfinder.census.gov/servlet/GRTTable?_lang=en&-redoLog=false&-format=US-30&-mt_name=ACS_2006_EST_G00_R1701_US30&-sse=on

⁴⁰ *E.g., Boomer v. Atlantic Cement Co.*, 72 Misc. 2d 834 (N.Y. Sup. Ct. 1972) (seminal case holding that industrial plant is a nuisance for present, past and future damages or economic losses to neighboring home).

⁴¹ U.S. Census Bureau: United States and States- R1701. Percent of People Below Poverty Level, http://factfinder.census.gov/servlet/GRTTable?_lang=en&-redoLog=false&-format=US-30&-mt_name=ACS_2006_EST_G00_R1701_US30&-sse=on

2. The percentage of “Black or African American” individuals in Early County is significantly greater than the Georgia or national average.

In addition to having a disproportionate percentage of low-income individuals, Early County has a substantially greater percentage of citizens identified in the census as “Black or African American” than Georgia or the U.S (other races within Georgia constitute a very minor percentage), as seen in Table 2.

Table 2. Percentage of “Black or African American” individuals in the U.S., Georgia and Early County in 2006⁴³

	U.S.	Georgia	Early County
Percent Black or African American	12.8%	29.9%	49.8%

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⁴² U.S. Census Bureau: Early County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/13/13099.html>.

⁴³ U.S. Census Bureau: United States – DP-1. General Demographic Characteristics, http://factfinder.census.gov/servlet/QTTable?_ds_name=PEP_2006_EST&-qr_name=PEP_2006_EST_DP1&-geo_id=01000US (U.S.); U.S. Census Bureau: Georgia – DP-1. General Demographic Characteristics, http://factfinder.census.gov/servlet/QTTable?_ds_name=PEP_2006_EST&-qr_name=PEP_2006_EST_DP1&-geo_id=04000US13 (Georgia); U.S. Census Bureau: Early County, Georgia – DP-1. General Demographic Characteristics, http://factfinder.census.gov/servlet/QTTable?_ds_name=PEP_2006_EST&-qr_name=PEP_2006_EST_DP1&-geo_id=05000US13099 (Early County).

In contrast, neighboring Miller and Seminole Counties are comparable to the Georgia average for Black or African American individuals at 29.0%⁴⁴ and 33.4%,⁴⁵ respectively.

3. The educational levels of adults in Early County are substantially lower than the national and Georgia averages.

Compared to the national and state averages, the percentage of Early County adults who have completed high school or college is significantly lower, as shown below in Table 3.

Table 3a. Percentage of individuals who completed high school or college (2000)⁴⁶

	U.S.	Georgia	Early County
High School or higher	81.6%	78.6%	68.4%
Bachelor’s degree or higher	25.0%	24.3%	12.6%

⁴⁴ U.S. Census Bureau: Miller County, Georgia – DP-1. General Demographic Characteristics, http://factfinder.census.gov/servlet/QTTTable?ds_name=PEP_2006_EST&-qr_name=PEP_2006_EST_DP1&-geo_id=05000US13201.

⁴⁵ U.S. Census Bureau: Seminole County, Georgia – DP-1. General Demographic Characteristics, http://factfinder.census.gov/servlet/QTTTable?ds_name=PEP_2006_EST&-qr_name=PEP_2006_EST_DP1&-geo_id=05000US13253.

⁴⁶ U.S. Census Bureau: United States- Selected Social Characteristics: 2000 - 2002, http://factfinder.census.gov/servlet/MYPTable?_bm=y&-qr_name=ACS_2002_EST_G00_MYP22_1&-geo_id=01000US&-ds_name=&-lang=en (U.S.); U.S. Census Bureau: Early County QuickFacts from the U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/13/13099.html> (Georgia and Early County).

Again, though the US Census Bureau does not report this data within the last few years for the whole of Early County, Zip Demographics reports the levels of education completion for the Early County towns of Blakely, Damascus and Jakin in 2006, as shown in Table 3b.

Table 3b. Percentage of individuals who completed high school or college in the U.S., Georgia, and the Early County towns of Blakely, Damascus, and Jakin (2006)⁴⁷

	U.S.	Georgia	Blakely	Damascus	Jakin
High School or higher	84.1%	82.2%	67.8%	72.1%	70.5%
Bachelor's degree or higher	27.0%	26.6%	13.7%	12.5%	10.2%

Thus, the percentage of individuals who completed a bachelor's degree or higher in Early County is about half the state and national average, while the percentage of individuals who completed a high school degree or higher is at least 10% less than the state and national average.

Together, these indicators—high poverty levels, low incomes and home values, low education levels, and high proportions of people of color—demonstrate the impact, gravity, and public importance of locating a coal-fired power plant in Early County due to the substantial environmental justice concerns raised thereby.

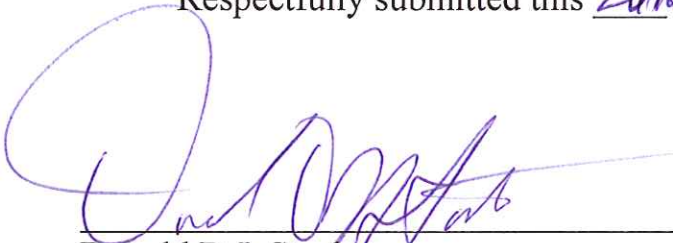
⁴⁷ U.S. Census Bureau: 2006 American Community Survey Data Profile Highlights, Georgia, http://factfinder.census.gov/servlet/ACSSAFFacts?_event=Search&geo_id=&geoContext=&street=&county=&cityTown=&state=04000US13&zip=&lang=en&sse=on&pctxt=fph&pgsl=010 (U.S. and Georgia); ZIP Rezone, *supra* note 37 (Blakely, Damascus, and Jakin). Education percentages are for adults over 25.

Therefore, the purpose of this amicus brief is to make the Court aware of the CPA's concerns about this plant and the impact that it will have on Georgia's citizens. The public importance of this case cannot be understated, and we urge the Court to grant certiorari.

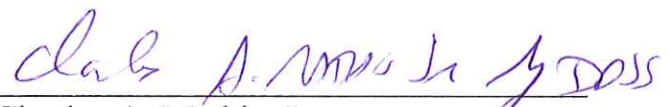
III. CONCLUSION

For the above-stated reasons, Amicus Curiae Coalition for the Peoples' Agenda respectfully urges the court to grant the Sierra Club and Friends of the Chattahoochee's petition for certiorari based on the importance to the public, concern, and gravity of the issue of the proposed Longleaf Energy Station, which is demonstrated by the environmental justice implications discussed herein.

Respectfully submitted this 26th day of August, 2009.



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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a copy of *Brief of Amicus Curiae Coalition for the Peoples' Agenda in Support of Sierra Club and Friends of the Chattahoochee* by depositing a copy thereof, postage prepaid, in the United States Mail, first class, properly addressed upon:

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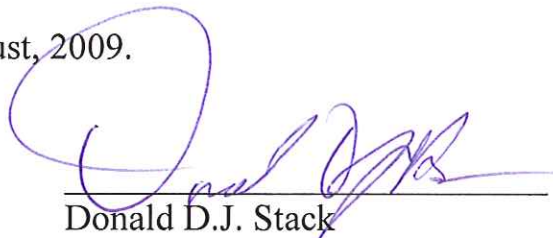
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