

**Resolved:** Shareholders request Southern Company (Southern) issue a report on environmental justice, updated annually, describing its efforts, above and beyond legal and regulatory matters, to identify and reduce heightened environmental and health impacts from its operations on communities of color and low-income communities. The report should be prepared at a reasonable cost and omit confidential or legally privileged information, including litigation strategy, and should be published on Southern’s website. Such a report should consider:

- Past, present, and potential future disparate environmental and health impacts from its operations;
- How responsibilities are allocated within the company regarding governance and management of environmental justice issues;
- Types and extent of stakeholder consultation with impacted communities;
- Quantitative and qualitative metrics on how environmental justice impacts inform business decisions; and
- Whether and how Southern intends to improve its policies and practices in the future.

**Whereas:** Environmental racism is a systemic risk that exacerbates the climate crisis and racial inequities.<sup>1</sup> Failure to adequately assess and mitigate impacts on communities often results in litigation, project delays, and significant fines. A 2021 EPA study found that “nearly all emission sectors cause disproportionate exposures for people of color.”<sup>2</sup> Southern and its subsidiaries’ operations, discharges, and leaks have disproportionately burdened environmental justice communities with pollution and health impacts that expose the Company to material risk.

For example, Southern’s coal facilities have produced millions of tons of coal ash, a toxic waste byproduct that often contains harmful metals such as lead, mercury, and chromium. EPA data shows that residents living near coal ash dumps have a 1 in 50 chance of getting cancer from contaminated drinking water.<sup>3</sup> At least 15 of Southern’s coal ash units may be in contact with groundwater, as determined by the EPA.<sup>4</sup> Many of Southern’s coal ash ponds disparately impact low-income and communities of color. For instance, Plant Barry Electric Generating Plant is located in Mobile, AL, a majority-Black city.<sup>5</sup> Plant Barry stores 21 million tons of coal ash in an unlined pit within 5 feet of groundwater.<sup>6</sup> A 2021 CNN investigation reported that a coal ash spill at Plant Barry could eclipse the volume of oil spilled in the 2010 BP Oil Disaster.<sup>7</sup> Southern plans to cap the pollution in place despite community requests to remove and transfer coal ash to lined landfills or to be recycled, as is done in other states.<sup>8</sup>

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<sup>1</sup> <https://www.ohchr.org/en/press-releases/2021/10/confronting-climate-crisis-requires-confronting-systemic-racism-say-un>

<sup>2</sup> <https://www.epa.gov/sciencematters/study-finds-exposure-air-pollution-higher-people-color-regardless-region-or-income>

<sup>3</sup> <https://earthjustice.org/news/press/2009/epa-data-show-higher-cancer-risks-for-those-who-live-near-coal-ash-dumps>

<sup>4</sup> <https://environmentalintegrity.org/wp-content/uploads/2022/10/Poisonous-Coverup-11.03.22.pdf>

<sup>5</sup> <https://www.sierraclub.org/alabama/blog/2021/01/justice>

<sup>6</sup> <https://www.mobilebaykeeper.org/coalash> ; <https://environmentalintegrity.org/wp-content/uploads/2022/10/Poisonous-Coverup-11.03.22.pdf>

<sup>7</sup> <https://www.cnn.com/interactive/2021/12/us/coal-ash-ponds-plant-barry/>

<sup>8</sup> <https://www.mobilebaykeeper.org/coalash>

Other Southern facilities present similar environmental justice concerns. A 2020 lawsuit alleges that Plant Scherer is contaminating groundwater.<sup>9</sup> Fenceline residents near Plant Vogtle claim that toxins on Southern's site are "poisoning Black communities." Studies have cataloged increased cancer rates for Black residents surrounding the facility.<sup>10</sup>

Southern asserts that environmental justice is "central" to its commitments but provides no meaningful reporting on how it implements this commitment beyond philanthropy initiatives.<sup>11</sup> Southern additionally provides no disclosure on how it engages with communities on environmental justice concerns.

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<sup>9</sup> <https://www.gpb.org/news/2020/07/29/lawsuit-says-plant-scherer-poisoning-locals>

<sup>10</sup> <https://scalawagmagazine.org/2018/03/the-29-billion-nuclear-boondoggle-thats-poisoning-black-communities/>

<sup>11</sup> <https://www.southerncompany.com/sustainability/diversity-equity-inclusion/environmental-justice.html>