



AS YOU SOW

DUTCHTOWN COMMUNITY HARMED BY TOXIC EMISSIONS FROM KINDER MORGAN PLANT

2016–2020: Dutchtown community reaches out to Kinder Morgan to express concerns.

2020: Dutchtown South Community Corporation and Great Rivers Environmental Law fight local pollution through legal action.



2021: As You Sow contacted by community to assist with shareholder action.



July 2021: As You Sow engages the company in dialogue. “Kinder Morgan had concerning low scores on environmental justice.”

–Olivia Knight, As You Sow Racial Justice Initiative Manager

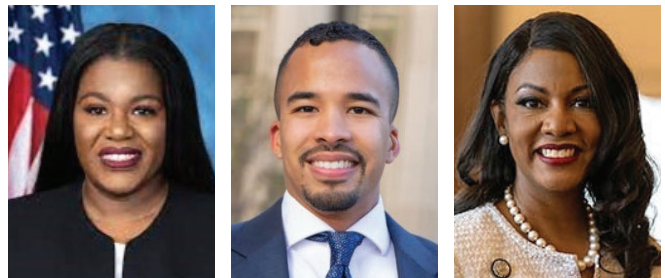
November 2021: As You Sow escalates by filing a shareholder resolution requesting a “Report on Negative Impacts on Facility Adjacent Communities of Color.”



December 2021: Company agrees to meet.

February 2022: Company agrees to take action.

September 2022: Company brings together St Louis Mayor, local Congressperson, and State Senator to discuss issues of emissions effects on public health.



Left to right: Congresswoman Cori Bush, Missouri State Senator Steven Roberts and St. Louis Mayor Tishaura Jones

November 2022: Kinder Morgan meets with community and makes donation to “Green Schoolyard” initiative allowing the initiative to reach its fundraising goal.



ONGOING: By filing the Climate Justice shareholder resolution, As You Sow’s Racial Justice team brought Dutchtown’s story to senior management. The withdrawal terms opened a channel of communication between community groups, elected representatives, and Kinder Morgan. By leveraging As You Sow’s power as shareholder advocates, we are able to motivate companies to transition toward an environmentally just business model.

Environmental and Climate Justice: Introduction to Our Work, Case Study, and the Year Ahead

Racial and Environmental Justice Work at As You Sow

As You Sow is the nation's non-profit leader in shareholder advocacy. Founded in 1992, we harness shareholder power to create lasting change and aligning investments with values.

As You Sow created the [Racial Justice Initiative \(RJI\)](#) in June 2020 following George Floyd's murder. RJI immediately formed an [Advisory Committee](#) to assist with the creation of strategic goals, and began the development of the Racial Justice Scorecard to track and monitor corporate progress on racial equity. RJI released the first iteration of the Racial Justice Scorecard in November of 2020 on the S&P250, and has since expanded our coverage to the 1000 largest public companies updated quarterly.

In August of 2021, *As You Sow* added four key performance indicators (KPIs) on environmental justice which monitor corporate public recognition of environmental justice, environmental fines, violations and adverse effects to BIPOC communities through a sector analysis. The incorporation of these KPIs and an Environmental Justice Framework for our research began a new focus at *As You Sow*, and led directly to our shareholder work on related issues.

Our Racial Justice Scorecards are an educational tool, which allows diverse stakeholders to easily identify which companies are performing well on racial equity issues, including but not limited to DEI disclosure, community engagement, and environmental justice. The Scorecards are used by *As You Sow* to directly engage companies, and to file related resolutions on racial equity.

In addition, we are actively seeking corporate engagements with strong potential for "inside/outside" campaigns – that is, engagements that specifically benefit from using our investor voice inside the company to amplify frontline "outside" voices and concerns. We understand that it takes time to form respectful, in-depth partnerships with frontline communities and we seek to build long-term trusting relationships that will allow our team to support their mission and uplift their voice.

The *As You Sow* shareholder advocacy experts will work with community groups to understand their stories and assemble related evidence of environmental injustice and the resultant harm. We will amplify the community messages with concrete evidence and present our findings directly to company management. Combining communities' stories with hard evidence of negative health and financial outcomes to specific people is a potent recipe that defines "material risk" to the company.

The programmatic goal for our Racial and Environmental Justice work is to elevate community voices to C-suite management and boards of directors at public companies throughout the U.S. and inspire these companies to change their unjust environmental practices and policies, thereby reducing systemic harm overall. We will exert inside pressure on corporate management through shareholder advocacy framed by compelling community stories and, where possible, informed by community health-outcome data.

Often, companies have no "business-case rationale" to listen to the communities negatively impacted by their operations and no incentives to take action. As shareholders, we have legal standing to engage executives and boards of these public companies. We will carry the community message to management, reframe company inaction as a material business risk, and drive rapid change through direct engagement, escalating to formal shareholder resolutions as needed.



Climate Justice Case Study: Kinder Morgan and the Dutchtown Community

The 2022 proxy season marked an escalation in *As You Sow's* shareholder engagements combining our climate work and racial justice work to create climate justice working directly with local impacted communities.

The Racial Justice team, led by Racial Justice Initiative Manager [Olivia Knight](#), overlaid its [Racial Justice](#) and [Diversity, Equity, & Inclusion](#) scorecards with *As You Sow's* climate work to find fossil fuel companies that were scoring poorly on environmental justice and having a direct negative impact on BIPOC communities. Our research led us to engage with Kinder Morgan, the largest U.S. pipeline company; and file and successfully withdraw our first [Climate Justice resolution](#).

Throughout the fall of 2021, our Racial Justice Initiative (RJI) team met directly with Dutchtown South Community Corporation (DSCC), a nonprofit working to advance their neighborhood through community empowerment in Dutchtown, St. Louis. The residents of Dutchtown have long been [plagued by adverse health effects from a nearby Kinder Morgan facility](#). Community representatives informed *As You Sow* and our allies at Great Rivers Environmental Law that they had been unable to get a meeting with Kinder Morgan representatives, despite constant efforts over several years.

In September 2021, *As You Sow* conducted an in-depth research profile on Kinder Morgan's environmental justice track record to prepare for meeting with Dutchtown South and Great Rivers Environmental Law. Our research concluded that Kinder Morgan had concerning low scores on environmental justice key performance indicators due to their repeatedly flawed engagements with communities that had been adversely influenced by their work. Based on this framework, we set out to engage with the company.

Our initial engagement took the form of an outreach email in early October 2021. Kinder Morgan representatives responded at the end of October to learn more about our research process, but refused to set a time to speak with us. We filed our Climate Justice shareholder resolution in November and the company immediately became proactive, conducting multiple meetings with *As You Sow* in December and January. During the calls, Kinder Morgan refused to take direct responsibility for the pollution in

Dutchtown, although they acknowledged the importance of direct community engagement in relation to environmental injustice issues.

RESULTS

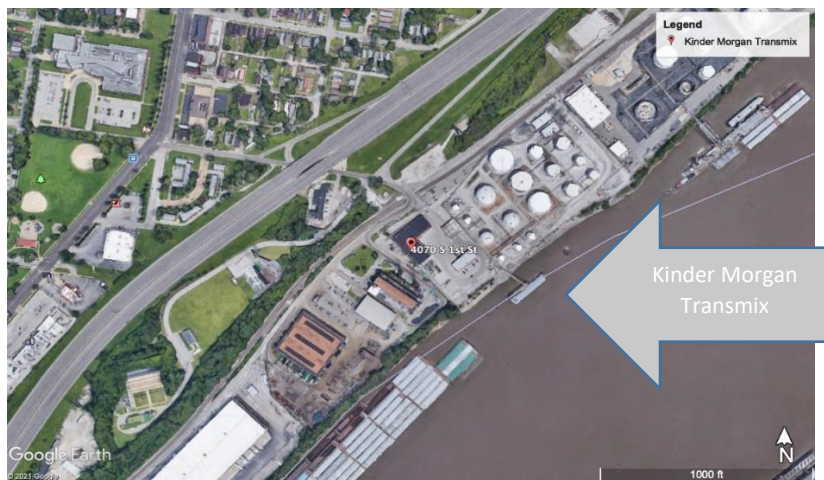
After months of discussions, *As You Sow* was able to negotiate a successful withdrawal agreement in February 2022. The withdrawal terms stated that Kinder Morgan would conduct ongoing meetings with Dutchtown South to discuss the environmental injustice risks to the community, and Kinder Morgan would create an [updated webpage](#) on its corporate website devoted to providing accessible and direct resources to communities in similar situations, thereby creating a more cohesive form of public community engagement and outreach.

Throughout 2022, Kinder Morgan provided quarterly progress check-ins to the Racial Justice team. The Racial Justice team kept in contact with Dutchtown South representatives and Great Rivers Environmental Law to gain perspective on Kinder Morgan's progress. In a November 2022 report the Company described its focus on creating channels for community outreach related to their South St.

Louis Transmix Terminal in St. Louis, Missouri. Kinder Morgan representatives have met with local community groups as well as elected officials, including [St. Louis Mayor Tishaura Jones](#), and the office of [Congresswoman Cori Bush](#) and [Missouri State Senator Steven Roberts](#).

Dutchtown South Community Corporation connected Kinder Morgan with St. Louis Public Schools and their [“Green Schoolyard” initiative](#), a pilot program created in partnership with DSCC, the Nature Conservancy, the Missouri Department of Conservation, and other local stakeholder groups, which utilizes environmental justice principles to develop high-impact green spaces and playgrounds. Kinder Morgan provided a \$10,000 [donation](#), allowing the initiative to reach its fundraising goal to construct its first green schoolyard at Froebel Literacy Academy, which serves the Gravois Park and Dutchtown South neighborhoods.

By filing the Climate Justice shareholder resolution, *As You Sow’s* Racial Justice team brought Dutchtown’s story into the light. The withdrawal terms opened a channel of communication between community groups, elected representatives and Kinder Morgan. The resolution demonstrated to the company that issues of environmental injustice are a material risk to its brand reputation, and that the public is paying attention to its corporate response to cases across the country. By leveraging *As You Sow’s* power as shareholder advocates, we are able to motivate companies to transition toward an environmentally just business model.



Kinder Morgan’s facility on the banks of the Mississippi in Dutchtown St. Louis



The Year Ahead

We will continue to monitor corporate progress, and we acknowledge that there is more work to do to create equitable, healthy, and justice environments. *As You Sow* pledges to:

- Continue emphasizing in *every* corporate engagement that environmental justice is part and parcel of racial justice and must be explicitly addressed. *As You Sow* now is leading the discussion on the importance of including environmental justice when addressing racial equity in the corporate world;
- Actively seek corporate engagements with strong potential for “inside/outside” campaigns – that is, engagements that specifically benefit from using our investor voice inside the company to amplify frontline “outside” voices and concerns;
- Using the Racial Justice Scorecard results, continue to identify and engage with a set of strategic, high profile “leader” and “laggard” companies, seeking to compel best practices, where possible in conjunction with frontline communities of color and/or other *As You Sow* initiatives;
- Pursue the linkages newly revealed by our original data on racial justice for all of the 1000 companies we score and the environmental justice framework that focuses on bringing an interdisciplinary and intersectional lens to our methodology -- continue seeking ways to connect our racial justice corporate engagements with our climate change, plastic waste, and pesticides initiatives, likely beginning with climate change and Big Ag overlaps
- Continue to push for and compel corporate change through our earned media and publicity, competitive pressure, and investor and consumer concerns about risk
- Maintain, update quarterly, and expand where appropriate our Racial Justice Scorecard
- Continue to license the Racial Justice Scorecards -- we make our data actionable through our [licensing relationship with Xponance](#), an African American, woman, 100% employee-owned investment company (with over \$13 billion AUM) that has created a new investment fund based entirely on our Racial Justice and DEI data, the first such investment opportunity.