

TESTIMONY OF BEVERLY WRIGHT PhD
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AND
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BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES
SEPTEMBER 29, 2005

Good morning Mr. Chairman. I am Dr. Beverly Wright, Director of the Deep South Center on Environmental Justice at Dillard University, formerly at Xavier University. Regrettably, both of these Historically Black Colleges are underwater now and temporarily closed due to Hurricane Katrina. I am also here today representing the National Black Environmental Justice Network (NBEJN), which was founded in New Orleans, LA in December 1999. People of African descent in the United States organized ourselves in response to what we know is a State of Emergency in Black America.

NBEJN members founded the organization in New Orleans because we felt then, as now, that Louisiana and the Chemical Corridor between the City and Baton Rouge are under siege from and epitomize environmental and economic assaults. These assaults are costing Black people their very lives. NBEJN believes in the sacred value of every human life regardless of race, ethnicity, religion or socioeconomic status. We see in the tragedy of Hurricane Katrina, Hurricane Rita and the aftermath a unique opportunity to shape the conversation and dialogue about rebuilding of New Orleans and the Gulf Coast region with the goals of environmental and economic justice for everyone.

Thank you for the opportunity to testify before the Subcommittee on critical issues of concern in the aftermath of the hurricanes. My professional and personal experiences of growing up, living and working in the City of New Orleans greatly influence my perspective and testimony.

Who We Are

The Deep South Center for Environmental Justice (DSCEJ), at Dillard University in New Orleans, formerly at Xavier University of Louisiana, is now temporarily relocated in Baton Rouge, Louisiana.

The Deep South Center was launched in 1992 in collaboration with community environmental groups and other universities within the southern region to address environmental justice issues. DSCEJ provides opportunities for communities, scientific researchers, and decision makers to collaborate on programs and projects that promote the rights of all people to be free from environmental harm as it impacts health, jobs, housing, education, and general quality of life. A major goal of the Center is development of minority leadership in the areas of environmental, social, and economic justice along the Mississippi River Chemical Corridor. The Deep South Center for Environmental Justice is a powerful resource for environmental justice education and training.

DSCEJ has developed and embraces a model for community partnership that is called “*communiversity*.” The essence of this approach is an acknowledgement that for effective research and policy-making, valuable community life experiences regarding environmental impacts must be integrated with the theoretical knowledge of academic educators and researchers. The Deep South Center for Environmental Justice has three components in terms of reaching our objectives: (1) research and policy studies, (2) community outreach assistance and education; and (3) primary, secondary, and university education.

Target Area and Population Served

DSCEJ is national in scope with emphasis on the Mississippi River Chemical Corridor and Gulf Coast Region and global emphasis on communities impacted by the petrochemical industry. The major populations served include people of color with special concentration on African Americans and the African Diaspora, students and faculty at Historically Black Colleges And Universities/Minority Serving Institutions (HBCU/MSI) and public school teachers in urban areas. DSCEJ has forged collaborations with other major research institutions and governmental agencies that can assist in the development and implementation of the center’s work.

Center Objectives

DSCEJ principal objectives include: (1) development of minority leadership in the field of environmental justice; (2) development of culturally sensitive training models for minority residents in at-risk communities; (3) development and distribution of culturally sensitive environmental justice education materials and training modules; (4) increasing environmental justice literacy among college students at HBCU/MSI's; (5) development of a pipeline creating a new generation of environmental justice leaders at HBCU/MSI's; (6) development and implementation of a K-12 teacher training program in environmental justice; (7) conducting research to determine the impact and extent of toxic exposure for minority communities as it affects health and the environment; (8) investigating means of addressing these problems (i.e., brownfields redevelopment, toxics use reduction, climate change, clean production and green chemistry, and economic development; and (9) creating linkages between impacted communities, scientific researchers, and government officials to address environmental justice issues as they impact health, jobs, housing, and overall quality of life.

The Katrina Aftermath

As the floodwaters recede in New Orleans and the Gulf Coast region, it is clear that the lethargic and inept emergency response immediately following this devastating storm was the real disaster that nearly overshadowed the actual storm. We were all left nearly paralyzed in front of our television sets completely unable to continue with our daily lives watching the unbelievable events unfold right before our eyes. Americans were shocked beyond belief that this could happen in America, to Americans. It also raised lingering questions and doubts about our overall security. Is government equipped to plan for, militate against, respond to, and recover from natural and manmade disasters? Can the public trust government's response to be fair? Does race matter?

Examination of historical data reveals that emergency response reflects the pre-existing socioeconomic and political structures of a disaster area and is based on race and class differentials. Generally communities of color receive less priority in response time than do their white counterparts where emergency response is required.

Before Hurricane Katrina – Pre Existing Vulnerabilities

Katrina struck a region that is disproportionately African American and poor. For example African Americans make up twelve percent of the United States population. New Orleans is nearly 68 percent black. The African American population in the Coastal Mississippi counties where Katrina struck ranged from 25 percent to 87 percent black. Some 28 percent of New Orleans residents live below the poverty level and more than 80 percent of those are black. 50 percent of all New Orleans children live in poverty. The poverty rate was 17.7 percent in Gulfport, Ms. And 21.2 percent in Mobile, Al. in 2000. Nationally, 11.3 percent of Americans and 22.1 percent of African Americans live below the poverty line in 2000.

New Orleans is prototypical of environmental justice issues in the Gulf Coast region. Before Katrina, the City of New Orleans was struggling with a wide range of environmental justice issues and concerns. Its location along the Mississippi River Chemical Corridor increased its vulnerability to environmental threats. The City had an extremely high childhood environmental lead poisoning problem. There were ongoing air quality impacts and resulting high asthma and respiratory disease rates and frequent visits to emergency rooms for treatment by both children and adults. Environmental health problems and issues related to environmental exposure was a grave issue of concern for New Orleans residents.

The African American community in New Orleans was already grappling with the nationally identified health disparities for minorities reported by the National Institutes of Health (NIH). These conditions were exacerbated by environmental conditions triggering asthma and exposing children to lead. High blood pressure, diabetes and cancer were also prevalent in the African American community.

Displacement Post Katrina

Residents in the Gulf Coast region fled the hurricane zone. More than a million Louisiana residents fled Hurricane Katrina. An estimated 100,000 to 300,000 Louisiana residents alone could end up permanently displaced. Nearly 100,000 Katrina evacuees are in 1,042 shelters scattered in 26 states and the District of Columbia. Katrina has left environmental contamination in Gulf Coast neighborhoods that will have to be cleaned up before residents can move back. An estimated 150,000 houses may be lost as a result of standing in water from Katrina. We are still grappling with understanding the full impacts of both Hurricanes Katrina and Rita.

Thousands of hurricane survivors along the Gulf Coast must now cope with the loss of relatives and friends, homes, and businesses and, what we term, loss of community. Katrina displaced just under 350,000 school children in the Gulf Coast. An estimated 187,000 school children have been displaced in Louisiana, 160,000 in Mississippi and 3,118 in Alabama. Katrina closed the entire New Orleans school system indefinitely. One hundred and twenty-five thousand New Orleans children alone are attending schools elsewhere. Over 93 percent of New Orleans schools students are African American. Evacuees' children are being enrolled in schools from Arizona to Pennsylvania, including almost 19,000 who will be attending schools in Texas.

For the survivors who lost everything, it involves coping with the stress of starting all over. Two weeks after Katrina struck, more than 2,500 children were still separated from their families. One can only imagine the mental anguish these families are going through. On the heels of this disaster, Hurricane Rita struck the coastal areas again.

Environmental Damage

New Orleans and outlying areas suffered severe environmental damage during Katrina, the extent to which has yet to be determined. The post-Katrina New Orleans has been described as a “cesspool” of toxic chemicals, human waste, decomposing flesh and surprises that remain to be uncovered in the sediments. Massive amounts of toxic chemicals were used and stored along the Gulf Coast before the storm. Literally thousands of sites in the storms path used or stored hazardous chemicals, from the local dry cleaner and auto repair shops to Superfund sites and oil refineries in Chalmette and Meraux, La, where there are enormous stores of ultra-hazardous hydrofluoric acid. In the aftermath of the storm some sites were damaged and leaked. Residents across the Gulf Coast and the media reported, “oil spills, obvious leaks from plants, storage tankards turned on end and massive fumes.”

Short-term rebuilding objectives must not outweigh long-term public health protection for all Americans and the environment they depend upon. Some of the legislative proposals now under consideration in the aftermath of Katrina do not adhere to this principle. Congress must act now to protect our most vulnerable populations and preserve our most unique and irreplaceable resources. It is imperative that Congress responds quickly and effectively to the devastating aftermath of Hurricanes Katrina and Rita. It is also important, to

temper our haste to rebuild with balance in our response to ensure appropriate respect for public health and the environment. Moreover, the public has a right to clean air and water and it must be protected.

There is much speculation about what the new New Orleans will look like: whether the Mississippi Gulf Coast should now consider land-based Casinos versus riverboats; the social economic and political structure of “New” New Orleans; rebuilding a green and sustainable Gulf Coast region that embraces innovative green building technologies and principles; construction of a levee system that will protect New Orleans; and development of environmentally and economically sustainable communities must all be explored simultaneously. None of these concepts are relevant unless the cleanup in the region is properly conducted and completed. This conclusion is not based on speculation. The community of Agriculture Street Landfill in the City of New Orleans has lived the nightmare of discovering that their homes were built on top of a landfill that was reopened to dispose of the tons of debris resulting from Hurricane Betsy.

Hurricane Betsy – New Orleans, Louisiana

Hurricane Betsy struck the State of Louisiana and the City of New Orleans in 1965. Betsy was then the “most destructive hurricane on record to strike the Louisiana coast.”ⁱ The damage and flooding throughout the State covered 4,800 square miles, killed 81 persons, caused the evacuation of 250,000 persons, and disrupted transportation, communication, and utilities services throughout the eastern coastal area of Louisiana for weeks. Betsy hit the mostly Black and poor New Orleans Lower Ninth Ward especially hard. This is the same neighborhood that was inundated by floodwaters from Katrina and then suffered the indignity of a second flooding by Rita. Over 98 percent of the Lower Ninth Ward residents are Black and a third live below the poverty level.

Many Black New Orleans residents still believe that white officials intentionally broke the levee and flooded the Lower Ninth Ward to save mostly white neighborhoods and white business districts. In 1965, a disproportionately large share of Lower Ninth Ward residents did not receive adequate post-disaster financial assistance in the form of loans and other support to revitalize the area. Betsy accelerated the decline of the neighborhood and out-migration of many of its longtime residents. Debris from Betsy was buried in the Agricultural Street Landfill—located in a predominately Black New Orleans neighborhood. Over 390 homes were built on the northern portion of the site from 1976-1986. The Agricultural Street Landfill neighborhood was added to the National Priorities List as a Superfund site in 1994.ⁱⁱ

New Orleans Agriculture Street Landfill Community

Dozens of toxic time bombs along Louisiana's Mississippi River petrochemical corridor, the 85-mile stretch from Baton Rouge to New Orleans, make the region a major environmental justice battleground. The corridor is commonly referred to as Cancer Alley. Black communities all along the corridor have been fighting against environmental racism and demanding relocation to areas away from polluting facilities.ⁱⁱⁱ

Two largely Black New Orleans subdivisions, Gordon Plaza and Press Park, have special significance in terms of environmental justice and emergency response. Both subdivisions are built on a portion of land that was used as a municipal landfill for more than 50 years. The Agriculture Street Landfill, covering approximately 190 acres, was used as a city dump as early as 1910. Municipal records indicate that after 1950, the landfill was mostly used to discard large solid objects, including trees and lumber, and it was a major source for dumping debris from the very destructive 1965 Hurricane Betsy. It is important to note that the landfill was classified as a solid waste site and not a hazardous waste site.

In 1969, the federal government created a home ownership program to encourage lower income families to purchase their first home. Press Park was the first subsidized housing project of this program in New Orleans. The federal program allowed tenants to apply 30 percent of their monthly rental payments toward the purchase of a family home. In 1987, seventeen years later, the first sale was completed. In 1977, construction began on a second subdivision, Gordon Plaza. This development was planned, controlled, and constructed by the U.S. Department of Housing and Urban Development (HUD) and the Housing Authority of New Orleans (HANO). Gordon Plaza consists of approximately 67 single-family homes.

In 1983, a portion of the Agriculture Street Landfill site was purchased by the Orleans Parish School Board as a site for a school. The fact that this site had previously been used as a municipal dump prompted concerns about the suitability of the site for a school. The school board contracted engineering firms to survey the site and assess it for contamination and hazardous materials. Heavy metals and organics were detected.

Despite the warnings, Moton Elementary School, an \$8 million state-of-the-art public school opened with 421 students in 1989. In May 1986, EPA performed a site inspection (SI) in the Agriculture Street Landfill community. Although lead, zinc, mercury, cadmium, and arsenic were found at the site, based on the Hazard Ranking System (HRS) model used at that time, the score of 3 was not high enough to place them on the National Priority List (NPL).

On December 14, 1990, EPA published a revised HRS model in response to the Superfund Amendments and Reauthorization Act (SARA) of 1986. At the request of community leaders, in September 1993, an Expanded Site Inspection (ESI) was conducted. On December 16, 1994, the Agriculture Street Landfill community was placed on the NPL with a new score of 50.

The Agriculture Street Landfill community was home to approximately 900 African American residents. The average family income is \$25,000 and the educational level is high school graduate and above. The community pushed for a buy-out of their property and to be relocated. However, this was not the resolution of choice by EPA. A cleanup was ordered at a cost of \$20 million, the community buy-out would have cost only \$14 million. The actual cleanup began in 1998 and was completed in 2001.^{iv}

The Concerned Citizens of Agriculture Street Landfill filed a class action suit against the City of New Orleans for damages and relocation costs. It took nine years to bring this case to court.^v The case was still pending before Katrina struck. It is ironic that the environmental damage wrought by Katrina may force the cleanup and relocation of the Agriculture Street Landfill community. But nothing can give them back their health and well being, or replace the family members and friends who might still be with them were it not for the health effects of living on a landfill.

Have we learned anything over the last 40 years, since Hurricane Betsy struck, that should guide our decisions after Hurricanes Katrina and Rita? Much of the proposed legislation concerning rebuilding the Gulf Coast region strongly suggests that we have not. In fact, it seems that some are using the crisis of Hurricane Katrina to advance their political and policy agenda, including **weakening, waiving and rolling back public health, environmental justice and environmental laws and regulations.**

It is ironic that the tragedy of Hurricane Katrina is being used to justify sweeping waivers of public health, safety and environmental laws. S. 1711 would confer on the U.S. Environmental Protection Agency (EPA) sole and absolute authority to waive federal or state laws anywhere in the country for up to one and a half years. In addition, the waiver authority would extend well beyond environmental laws. EPA need only claim such waiver is in the public interest and is somehow linked to Hurricane Katrina. The Agency need not demonstrate that waivers are required to protect public health and safety, and there is no requirement that EPA provide any public health protection in exchange for granting waivers.

Foremost, Senate Bill 1711 and other legislation of this ilk threatens the most vulnerable communities in the Gulf Coast, and those living in the shadows of oil refineries, by authorizing the elimination of protection that ensures that residents have clean water to drink, clean air to breathe, and the right to live in a toxic-free community. With the hurricane devastation disproportionately hurting poor and minority residents already, this bill adds insult to injury by allowing private industry to operate above the law and risks more suffering on the part of people most affected by the hurricane. **Remember the lessons of Betsy and remember the Agriculture Street Landfill community.**

EPA Administrator Stephen Johnson told Congress on September 13, 2005 that the Agency has all the authority needed under existing law to respond to Hurricane Katrina and has already used that authority to relax some environmental programs. Granting EPA unlimited waiver authority and opening the door to risking the health and safety of millions of Americans is not the way to help Gulf Coast states recover from Hurricane Katrina.

According to EPA tests, the biological threats from the flood include elevated levels of E coli bacteria and toxic mold. Contamination from industrial facilities pose a more troubling long-term concern with more than 40 oil spills recently reported in Louisiana by the Coast Guard and thousands of chemical containers spotted bubbling in the region's flood water. The oozing sediments that coat flood impacted areas may yield an even greater danger in the coming months as the ground dries, releasing airborne contaminants like harmful organic gases such as the highly toxic methane and fuel vapors. The potential health effects range from allergic reaction to organic damage.

The U.S. Environmental Protection Agency has released test results for toxic chemicals in floodwaters for less than 30 sampling sites, all in downtown New Orleans, far from hot spots in outlying areas. Even these "limited results were weeks old despite" ever-increasing numbers of clean-up crews and residents pouring into surrounding parishes. EPA's Response to Katrina web page indicates only a "few hazardous" chemicals having been found in quantities over their acceptable limits none of which present a substantial risk to the public.

Also, risk to human health posed by hazardous chemicals likely to be present in flood-ravaged areas is conspicuously absent from publicly available information. EPA's website provides no information that would help someone identify symptoms of potentially life threatening or debilitating exposures to hazardous chemicals as they do for bacterial contaminant exposures such as E coli.

In closing, and speaking as a life long resident of the City of New Orleans, for the last fifteen years, I have fought for a better quality of life for New Orleans citizens and those living along the Mississippi River Chemical Corridor, infamously known as Cancer Alley. I have worked with government to ensure environmental protection for communities. I have fought against environmental racism and for environmental justice for all, and I am greatly concerned about what I have seen in response to Katrina. What local communities in the Gulf coast region need now from government agencies is the truth even if it hurts. **Please level with the American people** before we return to our homes or send our children back to school, so that we can make the best possible choices under these circumstances.

The right thing to do is to **expand chemical testing, provide more timely and forthcoming test results, and engage stakeholders**, especially those from the impacted region. Under this approach, EPA and other government agencies might be successful this time in carrying out their charge of protecting the public. If Katrina has taught us nothing else, it has shown us how essential access to information is to our ability to deal with crises. By not being forthcoming with information and not providing transparency in the process, agencies endanger American lives and further tarnish their own credibility.

In the wake of Katrina, there should be:

- Timely and accurate information about risk and a coherent plan to address hazards;
- EPA and Congress should provide enhanced air and water quality monitoring to both inform the clean-up process and to give confidence to citizens and businesses returning and rebuilding New Orleans and the Gulf Coast;
- Citizens should know that their health is being protected by EPA and government agencies; and
- Citizens should be given clear and accurate instruction on procedures for reentering the City and other areas in the Gulf Coast region to protect their health.

I have attached for your consideration a Resolution issued by the National Black Environmental Justice Network which outlines the full range of issues and recommendations that should be addressed in this post-hurricane cleanup and rebuilding process. We urge Congress to oversee federal agencies responding to the hurricanes in terms of: (1) prohibiting discrimination based on race, income, religion and national origin; (2) compliance with the Executive Order 12898 on Environmental Justice; and (3) compliance with Title VI of the 1964 Civil Rights Act which, in general, prohibits discrimination in programs funded by federal dollars.

Finally, I to draw your attention to the many vulnerable communities of color that exist in the shadow of chemical and petro chemical facilities along the Alabama, Mississippi, Louisiana, and Texas Gulf Coast, who

are especially in harms way at this time. Don't forget those places in assessing the devastating impacts of both Hurricanes Katrina and Rita. Too much focus is on the structural integrity of chemical plants, oil refineries, and oil rigs and insufficient attention is focused on the devastating impact that communities have suffered as a result of proximity to these facilities. These people may never be able to return to their homes. These communities warrant our attention, our resources, and the full efforts of all branches of government to ensure their survival and protection in the future.

ⁱ Craig E. Colten and John Welch. "Hurricane Betsy and Its Effects on the Architecture Integrity of the Bywater Neighborhood: Summary." May 2003.

ⁱⁱ See Agency for Toxic Substances and Disease Registry, [Public Health Assessment - Agriculture Street Landfill, New Orleans, Orleans Parish, Louisiana](#), Atlanta, GA: ATSDR (June, 1999); Alicia Lyttle, [Agriculture Street Landfill Environmental Justice Case Study](#), University of Michigan School of Natural Resources, Ann Arbor, Michigan (January 2003).

ⁱⁱⁱ Robert D. Bullard, [The Quest For Environmental Justice: Human Rights and the Politics of Pollution](#) (San Francisco: Sierra Club Books, 2005).

^{iv} Alcia Lyttle, "Agricultural Street Landfill Environmental Justice Case Study," University of Michigan School of Natural Resource and Environment found at <http://www.umich.edu/~snre492/Jones/agstreet.htm>. (Accessed on October 6, 2004).

^v Robert D. Bullard, [The Quest For Environmental Justice: Human Rights and the Politics of Pollution](#).