

Chapter 6

Wrong Complexion for Protection: Will the “Mother of All Toxic Cleanups” in Post-Katrina New Orleans Be Fair?*

In the real world, all communities are not created equal. Some are more equal than others. If a community happens to be poor, black or located on the “wrong side of the tracks,” it receives less protection than communities inhabited largely by affluent whites in the suburbs. Generally, rich people tend to take the higher land, leaving the poor and working class more vulnerable to flooding and environmental pestilence.

Race maps closely with social vulnerability and the geography of environmental risks. We all saw this pattern unfold in real time during Hurricane Katrina and the levee breach that flooded New Orleans. The disaster in New Orleans after Katrina was unnatural and man-made.

Unnatural Man-Made Disasters

At the same time, much of the death and destruction attributed to “natural” disasters is in fact unnatural and man-made. In his book, *Acts of God: The Unnatural History of Natural Disasters in America*, Case Western University history professor Ted Steinberg says humans prefer to make “Mother Nature” or “God” the villain in catastrophic losses from tsunamis, earthquakes, droughts, floods and hurricanes, rather than placing responsibility squarely on social and political forces.¹ “There is no such thing as a ‘natural’ disaster,” according to Steinberg.² What many people often call “natural” disasters are in fact acts of social injustice perpetuated by government and business on the poor, people of color, disabled, elderly, homeless, transit dependent and non-drivers—groups least able to withstand such disasters.

Flooding in the New Orleans metropolitan area largely resulted from breached levees and flood walls.³ A May 2006 report from the Russell Sage Foundation, *In the Wake of the Storm: Environment, Disaster, and Race after Katrina*, found these same groups often experience a “second disaster” after the initial storm.⁴ Pre-storm vulnerabilities limit thousands of Gulf Coast low-income communities of color participation in the storm reconstruction, rebuilding and recovery. In these communities, days of hurt and loss are likely to become years of grief, dislocation and displacement.

Quite often the scale of a disaster’s impact, as in the case of Hurricane Katrina, has more to do with the political economy of the country, region and state than with the hurricane’s category strength.⁵ Similarly, measures to prevent or contain the effects of disaster vulnerability are not equally provided to all. Typically, flood-control investments provide location-specific benefits— with the greatest benefits going to populations who live or own assets in the protected area.

Thus, by virtue of where people live, work or own property, they may be excluded from the benefits of government-funded flood-control investments.⁶ New Orleans’ new post-Katrina levee system will not provide the same level of protection for all that city’s residents. One need not be a rocket scientist to predict who is most likely to receive the least amount of protection or which communities are likely to be left behind and left vulnerable after the flood-proofing is completed—namely, the same groups who were deserted environmentally and economically before the devastating storm.

Cleaning Up the Mess

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Hurricane Katrina laid waste to New Orleans, an American city built below sea level and whose coastal wetlands, which normally serve as a natural buffer against storm surge, had been destroyed by developers. Katrina has been described as one of the worst environmental disasters in U.S. history. A September 2005 *Business Week* commentary described the handling of the untold tons of “lethal goop” as the “mother of all toxic cleanups.”⁷ However, the billion-dollar question facing New Orleans is which neighborhoods will get cleaned up, which ones will be left contaminated and which ones will be targeted as new sites to dump storm debris and waste from flooded homes.

Hurricane Katrina left debris across a 90,000-square-foot disaster area in Louisiana, Mississippi and Alabama, compared to a 16-acre tract in New York on September 11, 2001.⁸ According to the Congressional Research Service, debris from Katrina could well top 100 million cubic yards compared to the 8.8 million cubic yards of disaster debris generated after the 9/11 terrorist attacks on New York City.



Hurricane Katrina and floodwaters leave death and destruction in New Orleans and the Gulf Coast region, 2005 (Photo by EJRC)

Ten months after the storm, FEMA had spent \$3.6 billion to remove 98.6 million cubic yards of debris from Katrina.⁹ This is enough trash to pile two miles high across five football fields. Still, an estimated 20 million cubic yards littered New Orleans and Mississippi waterways—with about 96 percent or 17.8 million cubic yards of remaining wreckage in Orleans, St. Bernard, St. Tammany, Washington and Plaquemine parishes. A federal program that reimburses states and cities for all their bills for hurricane debris removal—slated to expire at the end of June 2006—was extended through the end of the year. Louisiana parishes had already hauled away 25 times more debris

than was collected after the 9/11 terrorist attack in 2001.¹⁰ The Army Corps of Engineers estimated it would complete its debris mission, including demolitions, by the end of September 2006.¹¹

In addition to wood debris, EPA and LDEQ officials estimate that 140,000 to 160,000 homes in Louisiana may need to be demolished and disposed of.¹² More than 110,000 of New Orleans' 180,000 homes were flooded, and half sat for days or weeks in more than six feet of water.¹³ Government officials estimate that as many as 30,000 to 50,000 homes citywide may have to be demolished, while many others could be saved with extensive repairs.

As many as 15,000 buildings are set for demolition once local authorities get permission from property owners. Getting permission has been drawn out because people are coming back slowly and spotting to damaged areas. Demolishing damaged homes in the hard-hit Lower Ninth Ward proved to be a hot political issue. In May 2006, the city had demolished only 119 of 2,100 properties on its demolition short list, many of them houses that had toppled into streets and were blocking traffic. All the demolished units were in the Lower 9th Ward. The 119 properties were basically shattered piles of rubble, the worst of the short list for demolition. Another 1,500 sites there remain to be cleared.¹⁴

An additional 350,000 automobiles must be drained of oil and gasoline and then recycled; 60,000 boats may need to be destroyed; and 300,000 underground fuel tanks and 42,000 tons of hazardous waste must be cleaned up and properly disposed at licensed facilities.¹⁵ Government officials peg the numbers of cars lost in New Orleans alone at 145,000. Ten months after Katrina flooded New Orleans, 100,000 abandoned vehicles and thousands of boats litter the streets. In July 2006, FEMA awarded a \$33 million contract to a Mobile, Alabama, disaster service company to rid the city of the abandoned vehicles and boats. The company was scheduled to complete its work by August 30—a year and a day after Katrina struck.¹⁶

The Politics of Waste Disposal

What has been cleaned up, what gets left behind and where the waste is disposed appear to be linked more to political science and sociology than to toxicology, epidemiology and hydrology. Weeks after Katrina struck, the Louisiana Department of Environmental Quality (LDEQ) allowed New Orleans to open the 200-acre Old Gentilly Landfill to dump construction and demolition waste from the storm.¹⁷ Federal regulators ordered the unlined landfill closed in the 1980s. But in December last year, more than 2,000 truckloads of debris were entering the landfill in east New Orleans every day.¹⁸

Just four months after the storm, the Old Gentilly Landfill grew about 100 feet high.¹⁹ LDEQ officials insist that the old landfill, which is still operating, meets all standards. But residents and environmentalists disagree. Even some high-ranking elected officials expressed fear that reopening the Old Gentilly Landfill could create an ecological nightmare.²⁰ In November 2005, four days after environmentalists filed a lawsuit to block the dumping, the landfill caught fire.

In April 2006, the U.S. Army Corps of Engineers and the Louisiana Department of Environmental Quality issued permits that would allow Waste Management Inc. to open and operate a construction and demolition-related material (C&D) landfill in New Orleans East. The new landfill is located on Chef Menteur Highway, which runs through much of New Orleans East, where the majority of the population is African American. Waste Management pledged to give the city 22 percent of all revenue derived from the site. Every week, Waste Management picks up an average of 45 pounds of trash from each home, 20 more pounds per home than pre-Katrina. The new landfill could accept as much as 6.5 million cubic yards of vegetation and other debris generated by Katrina—including roofing materials, sheetrock and demolition debris, which are considered less harmful than other types of waste.

But after Katrina, the state LDEQ expanded its definition of what is considered “construction debris” to include potentially contaminated material.²¹ Yet, regulators acknowledge the potential toxic contamination threat from storm-related wastes. Much of the disaster debris from flooded neighborhoods in New Orleans has been mixed to the point that separation is either very difficult or essentially impossible.²² David Romero of the U.S. EPA says it would be “lucky” if even 30 percent of the hazardous waste was removed from the waste stream. In an October interview on CNN, LDEQ Assistant Secretary Chuck Carr Brown said hazardous materials were hidden “like toxic needles in a haystack” in the hurricane debris.²³

Nevertheless, government officials assert that the risk of hazardous materials being dumped at the Chef Menteur site is insignificant and that current sorting practices are adequate to keep hazardous waste out of the landfill. They also insist protective liners are not needed for C&D landfills because demolition debris is cleaner than other rubbish.²⁴ C&D landfills are not required under federal law to have protective liners as required for a municipal landfill, which is expected to receive a certain amount of hazardous household waste. “There’s nothing toxic, nothing hazardous,” Chuck Carr Brown told *The New York Times* in May. LDEQ had provided a permit for the landfill. “There will be no impact” on the community, Brown said.²⁵

Landfill opponents think otherwise. Many fear the government’s willingness to waive regulations will mean motor oil, batteries, electronics, ink toner, chlorine bleach, drain cleaners and other noxious material will almost certainly wind up at the unlined landfills.²⁶ “Government has done a lousy job policing what goes in landfills. When you look at the contents from gutted homes, you see all kinds of wastes mixed together that will likely end up at unlined landfills like Old Gentilly and Chef Menteur,” says Sierra Club organizer Darryl Malek-Wiley.²⁷

Community leaders beat back two other efforts, in 1990 and 1997, to locate dumps along U.S. 90 near their homes in New Orleans East. Malek-Wiley says Mayor Nagin's rezoning and the quick permits by the Louisiana Department of Environmental Quality and U.S. Army Corps of Engineers excluded public opinion from the decision-making process this time.²⁸ The Chef Highway Landfill is about four miles west of the Old Gentilly Landfill. "We have grave concern that there is no comprehensive plan for disposal of waste and storm debris," says Malek-Wiley.

Father Vien Nguyen, pastor of Mary Queen of Vietnam Catholic Church and the de facto leader of the Village de l'Est, says the Chef Menteur Highway Landfill is just 0.8 miles from the nearest apartments in a mostly Vietnamese-American community. More than a thousand Vietnamese-American families live less than two miles from the edge of the new landfill. Father Nguyen views the landfill as a roadblock to his community's recovery as residents begin rebuilding. "This will have a chilling effect on our recovery," he said in a regional newspaper article in June. "There seems to be a disregard for human safety as well as recovery."²⁹

The Mary Queen of Vietnam Parish is the headquarters for the Citizens for a Strong New Orleans East, and Father Nguyen says roughly half of his 4,000 parishioners live within a one-mile radius of the church. "Is this a deliberate effort to keep us from rebuilding?" he asked. "This is how a self-sufficient, self-reliant community is rewarded for their rebuilding efforts? We use those canals to water our gardens, and now they are filled with poison."³⁰

A "Safe" Road Home

This is not the first time New Orleans residents have heard from official sources that a place is safe, only to discover evidence to the contrary. New Orleans' Agricultural Street community—which includes the Gordon Plaza subdivision, Housing Authority of New Orleans (HANO) housing and the Press Park



Ag Street residents win their lawsuit against the City of New Orleans, 2005 (Photo by EJRC)

residential area and community center—was built in the early 1980s on top of the Agricultural Street Landfill site. The 95-acre site was used as a municipal landfill (that included debris from Hurricane Betsy in 1965) for more than 50 years prior to being developed for residential and light commercial use. It closed in 1966.

Metals, pesticides and polycyclic aromatic hydrocarbons (PAHs) were found in surface and subsurface soils in the Agricultural Street area during environmental studies in 1993. The EPA refused to declare the site eligible for the Superfund program in 1986, but, using standards that gave more weight to soil contamination, added the landfill to the National

Priorities List as a Superfund site in 1994.³¹ Residents immediately pushed for a property buy-out and relocation from the contamination. But the federal EPA disagreed, and ordered a \$20 million "clean-up," which began in 1998 and was completed in 2001. "EPA did not do a cleanup, it was more like a cover-up," says Elodia Blanco, a longtime resident of the Agricultural Street community who lost everything in the Katrina flood.³² "We were fighting an environmental justice struggle to get relocated before Katrina. None of us knew when we bought our homes that they were built on a toxic dump."

Government officials assured the Agricultural Street community residents that their neighborhood was safe after the “clean-up” in 2001. But the Concerned Citizens of Agriculture Street Landfill disagreed and filed a class-action lawsuit against the city of New Orleans for damages and relocation costs. Unfortunately, it was Katrina that accomplished the relocation—

albeit a forced one. This year, after thirteen years of litigation, Seventh District Court Judge Nadine Ramsey ruled in favor of the residents—describing them as poor minority citizens who were “promised the American dream of first-time homeownership,” though the dream “turned out to be a nightmare.”³³ Her ruling could end up costing the city, the Housing Authority of New Orleans and Orleans Parish School Board tens of millions of dollars.³⁴

The case is currently on appeal. “It was a long and hard struggle, but we won,” says Blanco. “It’s a bitter-sweet victory because we lost our community before Katrina.” A dozen or so FEMA trailers now house residents on the contaminated site, where post-Katrina government samples have turned up levels of benzo(a)pyrene exceeding EPA’s residential guidelines.

In March 2006, seven months after the storm slammed ashore, organizers of “A Safe Way Back Home” initiative, the Deep South Center for Environmental Justice at Dillard University (DSCEJ) and the United Steel Workers (USW) undertook a proactive pilot neighborhood clean-up project—the first of its kind in New Orleans.³⁵ The clean-up project, located in the 8100 block of Aberdeen Road in New Orleans East, removed several inches of tainted soil from the front and back yards, replacing the soil with new sod and disposing the contaminated dirt in a safe manner. Residents who choose to remove the top soil from their yards—which contains sediments left by flooding—find themselves in a “Catch-22” situation with the LDEQ and EPA insisting the soil in their yards is not contaminated and the local landfill operators refusing to dispose of the soil because they expect it is contaminated. This bottleneck of what to do with the topsoil was unresolved a year and a half after the devastating flood.

Although government officials insist the dirt in residents’ yards is safe, Church Downs Inc., the owners of New Orleans’ Fair Grounds, felt it was not safe for its million dollar thoroughbred horses to race on. The Fair Grounds is the nation’s third-oldest track. The owners hauled off soil tainted by Hurricane Katrina’s floodwaters and rebuilt a grandstand roof ripped off by the storm’s wind.³⁶ The Fair Grounds opened on Thanksgiving Day 2006. Certainly, if tainted soil is not safe for horses, surely it is not safe for people—especially children who play and dig in the dirt.

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The Safe Way Back Home demonstration project serves as a catalyst for a series of activities that will attempt to reclaim the New Orleans East community following the devastation caused by hurricane Katrina. It is the government’s responsibility to provide the resources required to address areas of environmental concern and to ensure the workforce is protected. However, residents are not waiting for the government to ride in on a white horse to rescue us and clean up our neighborhoods.

“FEMA should replicate this demonstration project on thousands of blocks in hundreds of neighborhoods across the City of New Orleans and the Gulf Coast region,” United Steelworkers President Leo W. Gerard said in a press release. “Only the federal government has the resources and authority to lead such a massive undertaking. But it has to be done. The human dignity and economic security of the people of the Gulf Coast depends on it.”³⁷

The DSCEJ/USW coalition received dozens of requests and inquiries from New Orleans East homeowners associations to help clean up their neighborhoods block by block. State and federal officials labeled the voluntary clean-up efforts as “scaremongering.”³⁸ EPA and LDEQ officials said that they tested soil samples from the neighborhood in December and that there was no immediate cause for concern. According to Tom Harris, administrator of LDEQ’s environmental technology division, and state toxicologist, the government originally sampled 800 locations in New Orleans and found cause for

concern in only 46 samples. Generally, the soil in New Orleans is consistent with “what we saw before Katrina,” says Harris. He called the “A Safe Way Back Home” program “completely unnecessary.”³⁹



A “Safe Way Back Home” pilot neighborhood initiative to cleanup contamination left by Hurricane Katrina, New Orleans, 2006 (Photo by EJRC)

A week after the voluntary cleanup project began, an LDEQ staffer ate a spoonful of dirt scraped from the Aberdeen Road pilot project. The dirt-eating publicity stunt was clearly an attempt to disparage the proactive neighborhood clean-up initiative. LDEQ officials later apologized.

Despite barriers and red tape, a few Katrina evacuees are slowly moving back into New Orleans’ damaged homes or setting up travel trailers in their yards. Homeowners are gutting their houses, treating the mold, fixing roofs and siding, and slowly getting their lives back in order.

One of the main questions

returning residents have is: Is this place safe? They’re getting mixed signals from government agencies. In December, the LDEQ announced, “There is no unacceptable long-term health risk directly attributable to environmental contamination resulting from the storm.” Two months later, in February, the Natural Resources Defense Council (NRDC) test results came out with different conclusions.⁴⁰ NRDC’s analyses of soil and air quality after Hurricane Katrina revealed dangerously high levels of diesel fuel, lead and other contaminants in Gentilly, Bywater, Orleans Parish and other New Orleans neighborhoods (see Table 6.1).

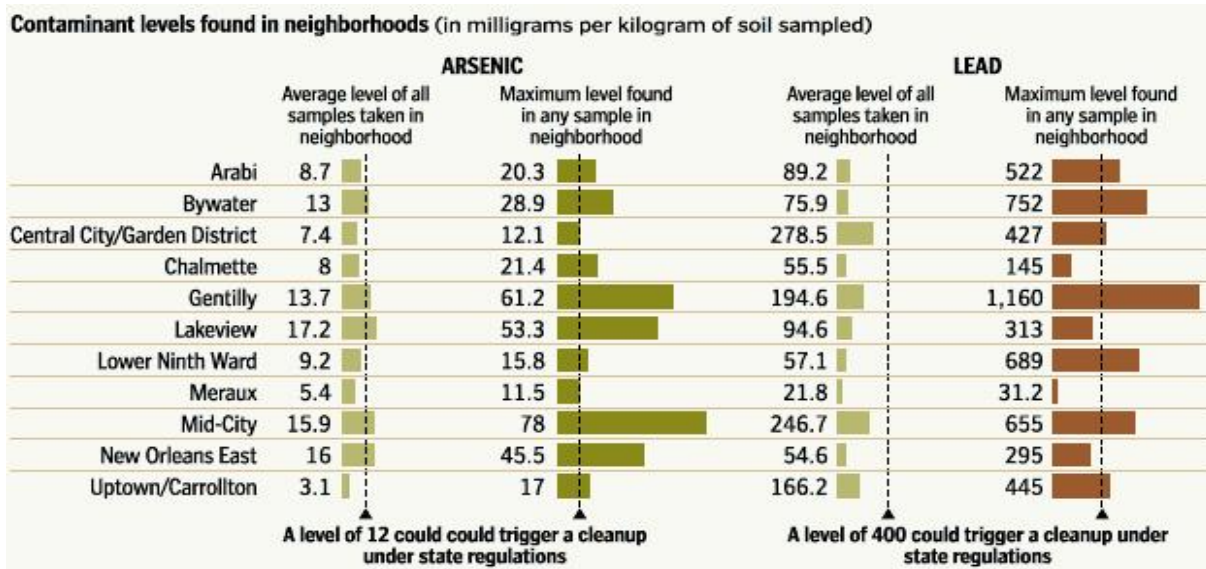
Although many government scientists insist the soil is safe, an April 2006 multi-agency task force press release distributed by the EPA raises some questions.⁴¹ Though it claimed that the levels of lead and other contaminants in New Orleans soil was “similar” to soil contaminant levels in other cities, it also cautioned residents to “keep children from playing in bare dirt. Cover bare dirt with grass, bushes or 4-6 inches of lead-free wood chips, mulch, soil or sand.”

Surely, if the federal government can pay for debris removal, blue tarp roofs, and temporary trailer housing (which have already cost an estimated \$4.5 billion), it can make funds available to address the “silent killer” of childhood lead poisoning. Making \$2,000-\$3,000 government grants available to homeowners to test and clean up contamination in their yards would be a bargain given the millions of hurricane relief dollars wasted on profiteering, no-bid contracts and material markups.⁴² The “band-aid” approach of, for example, covering bare dirt with grass and wood chips, stops short of addressing the root problem—environmental hazards found inside and outside homes in older neighborhoods.

Now, instead of cleaning up the mess that existed before the storm, government officials are allowing dirty neighborhoods to stay dirty forever. Just because lead and other heavy metals existed in some New Orleans neighborhoods before Katrina doesn’t mean that they are safe, or that there isn’t a moral or legal obligation to remediate any and all contamination uncovered. Government scientists have assured New Orleanians—including gardeners—that they do not need to worry about soil salinity and heavy metal

content. They also say residents need not worry about digging or planting in the soil. But given the uncertainties built into quantitative risk assessments, how certain are these government officials that all New Orleans neighborhoods are safe?

Figure 6.1 –Contamination Levels Left Behind by Hurricane Katrina



GRAPHICS: Seth Hamblin, Laris Karklis and Cristina Rivero, *The Washington Post*, February 23, 2006

If conditions are so safe, are these government officials willing to move their own families into environmental “hot-spot” neighborhoods while the debates rage about remediation strategy? Will they commit to enrolling their children in New Orleans neighborhood schools and allow them to play at neighborhood parks and playgrounds? Will they agree to eat a “Katrina salad” (tomatoes, cucumbers and lettuce grown in the neighborhood gardens) each night for ten years? In August 2006, nearly a year after Katrina struck, the federal EPA gave New Orleans and surrounding communities a clean bill of health, while pledging to monitor a handful of toxic hot spots.⁴³ EPA and LDEQ officials concluded that Katrina did not cause any appreciable contamination that was not already there. Although EPA tests confirmed widespread lead in the soil – a pre-storm problem in 40 percent of New Orleans – EPA dismissed residents’ calls to address this problem as outside the agency’s mission.

Some eighteen months after Katrina, half of New Orleans’ residents had not made it back home. The road home for many Katrina survivors has been a bumpy one, largely due to slow government actions to distribute the \$7.5 billion in federal aid to residents to rebuild. As of February 5, 2007, Governor’ Blanco’s Road Home program had accepted 105,739 applications and resolved only 532 cases, granting \$33.8 million. At the current rate the program is moving, the Road Home would take more than 13 years to complete.⁴⁴ City, state and federal officials are playing the blame game over the slow distribution of relief aid. The federal government has set aside about \$750 million for infrastructure projects. The state homeland security department, the agency charged with distributing the money, has only distributed about half that. The governor points the finger at the city as slow in completing the paperwork.

Conclusion

As the waters began to recede, and the light of day was cast on the enormous, even unbelievable, extent of the damage to New Orleans and the Gulf Coast, speculations on the city’s recovery or its demise began to echo across the media. How extensive was the environmental contamination? Has New Orleans become a Superfund site? Is it safe to return? The inability of both federal and state agencies (EPA, LDEQ, CDC, ATSDR) to effectively and accurately answer these questions created a quandary that both slowed the recovery and paralyzed the ability of citizens to make a decision on returning. To date, the information on the environmental safety of residents in New Orleans is nothing short of “double talk.” On the other hand, EPA tells citizens that the city is safe, although their own test sampling says otherwise and is refuted by credible environmental scientists. Furthermore, after giving the city a clean bill of health, EPA then provides instructions for parents to follow in order to keep their children safe when they play outside. Finally, LDEQ then attempts to discredit citizen actions to organize their community to work with labor unions, nonprofit organizations and volunteers to clean up their own neighborhoods. This schizophrenic response by government to what has been described as the largest environmental disaster this country has ever seen and the “mother of all toxic clean-ups” bares some of the responsibility for the slow recovery of the city of New Orleans.

We can only speculate on what progress could have been made toward rebuilding New Orleans with the return of most of its citizens if the environmental clean-up that we deserved would have been done. What if the same priority for clean-up and safety given to the French Quarter, the Central Business District and the race track for horses had been given to the Lower Ninth Ward, New Orleans East and other hard-hit sections of the city?

Just after the storm, a story appeared in the *Dallas Morning News* citing the Army Corps of Engineers as saying that it would take them three months to scrape the city clean of all contaminated soil and sediment. This, of course, did not happen. What did occur was politics as usual, and the losers were the citizens of New Orleans with African-Americans taking the biggest hit.

Residents of devastated New Orleans neighborhoods do not need government agencies debating the “chicken or egg” contamination argument (“which came first, the contamination or Katrina?”). They need the government to clean up the mess. All levels of government have a golden opportunity to get it right this time. Cleanup and reconstruction efforts in New Orleans’ have been shamefully sluggish and patchy, and environmental injustice may be compounded by rebuilding on poisoned ground.

The opportunities are only fading as Katrina slowly slips off the political radar. It is no accident that not one word about Katrina and the Gulf Coast reconstruction was mentioned in President Bush's State of the Union address in January 2007—some seventeen months after the devastating storm. Displaced residents need a "road home" program that is not only fair but is also safe. It is immoral—and should be illegal—to unnecessarily subject Katrina survivors to contamination—whether the pollution was there before or after the storm. Clearly, prevention and precaution should be the driving force behind the environmental cleanup in post-Katrina New Orleans. Either we all pay now or we pay later. It will cost more in terms of dollars and ill health if we wait. The nation cannot allow another immoral, unethical and illegal "human experiment" to occur in New Orleans and the Gulf Coast. The solution is prevention.

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